

# HOUSE BILL REPORT

## HB 2301

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### As Reported by House Committee On:

Environment & Energy  
Appropriations

**Title:** An act relating to improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

**Brief Description:** Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

**Sponsors:** Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt and Kloba.

### Brief History:

#### Committee Activity:

Environment & Energy: 1/23/24, 1/30/24 [DPS];  
Appropriations: 2/3/24, 2/5/24 [DP2S(w/o sub ENVI)].

#### Brief Summary of Second Substitute Bill

- Establishes new grant programs related to food waste reduction and organic material management policy implementation.
- Amends organic material collection service requirements for local governments, residents, and businesses.
- Establishes color requirements for garbage, recycling, and organic material disposal bins.
- Amends labeling requirements related to the degradability of plastic or nonplastic products.
- Amends compost procurement programs and requirements.
- Authorizes cities and counties to amend the solid waste storage State Building Code requirements applicable to multifamily residential

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

buildings.

- Establishes a work group to study food donation by businesses.

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## HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Doglio, Chair; Mena, Vice Chair; Ybarra, Assistant Ranking Minority Member; Barnard, Berry, Duerr, Fey, Lekanoff, Ramel, Slatter and Street.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives Dye, Ranking Minority Member; Abbarno, Goehner and Sandlin.

**Staff:** Jacob Lipson (786-7196).

### **Background:**

#### Solid Waste, Organic Materials, and Food Waste Management.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws. Ecology is responsible for working cooperatively with local governments as they develop their local solid waste management plans. Ecology also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element. This element must include waste reduction strategies, recycling strategies, and source separation strategies.

Since 2019 Washington has had an established goal to reduce the annual generation of food waste by 50 percent by 2030. A subset of the goal includes a prevention goal related to edible food waste. In order to achieve the 2030 food waste reduction goal, Ecology, working with other state agencies, adopted the Use Food Well Washington plan in December 2021. The Use Food Well Washington plan contained 30 federal and state policy recommendations.

In 2022 the Legislature enacted House Bill 1799 (HB 1799), which established a variety of new requirements related to organic material management. Organic materials are specified to include manure, yard waste, food waste, food processing wastes, wood wastes, and garden waste. Organic materials do not include chemically or biologically contaminated

materials that would render the finished product of an organic material management process, such as composting or anaerobic digestion, unsuitable for general public or agricultural use. House Bill 1799 established goals for organic material management (state organics goals), including a goal for the landfill disposal of organic materials at a level in 2030 that is 75 percent less than in 2015, and a goal that at least 20 percent of the volume of edible food disposed of as of 2015 be recovered for human consumption by 2025. The state organics goals are in addition to the food waste reduction goals established in 2019.

#### Washington Center for Sustainable Food Management.

The Washington Center for Sustainable Food Management (Center) was established in Ecology by HB 1799 with the purpose of helping coordinate statewide food waste reduction. The Center is authorized to perform 13 specified categories of activities, including:

- measuring progress towards state organics goals;
- coordinating implementation of food waste reduction plans;
- maintaining a website with food waste reduction guidance;
- coordinating public-private and nonprofit partnerships, and collaborating with federal, state, and local government partners;
- developing maps or lists of locations of food systems in Washington;
- collecting and maintaining data on food waste and wasted food and measurement methodologies for tracking food donation, food waste, and climate impact data;
- distributing and monitoring grants related to food waste prevention, rescue, and recovery;
- supporting the adoption of local government solid waste ordinances or policies that establish a financial disincentive for organic waste generation and for the disposal of organic materials in landfills; and
- developing food waste reduction and food waste contamination reduction campaigns and promotional materials for destruction.

Ecology may enter into interagency agreements with other state agencies to fulfill the Center's responsibilities. Ecology may adopt rules pertaining to the Center. In order to obtain data to support the Center's goals, Ecology may establish a voluntary reporting protocol for the receipt of information regarding food donations. Ecology may request that a donating business or food recipient provide information regarding the volume, types, and timing of food managed by the donating facility. Ecology must seek to obtain this information in a manner that is compatible with any similar information reported to the Department of Agriculture (Agriculture), and Agriculture must coordinate with Ecology to ensure that the food donation information receipt practices it implements are consistent with the Center's practices.

#### Organic Materials Management Requirements for Businesses.

Under HB 1799, beginning July 1, 2023, Ecology must determine which counties and cities

preparing solid waste plans provide for businesses to be serviced by providers that collect food waste and organic waste for delivery to solid waste facilities that provide for composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies to manage those collected organic wastes (organic materials management). Ecology must determine that organic material collection service requirements apply to certain businesses within a local jurisdiction unless Ecology determines that businesses in some or all portions of the county have no available organic materials collection services that deliver organic materials for organic materials management, or there is no available capacity at solid waste facilities to which organic materials could feasibly and economically be delivered.

In jurisdictions or portions of jurisdictions subject to these organic material collection and management requirements, the requirements are phased-in to apply:

- beginning January 1, 2024, to businesses that generate at least 8 cubic yards of organic waste per week;
- beginning January 1, 2025, to businesses that generate at least 4 cubic yards of organic waste per week; and
- beginning January 1, 2026, to businesses that generate at least 4 cubic yards of solid waste per week. However, Ecology may determine by rule that additional reductions in the landfilling of organic materials would be more effectively achieved at reasonable cost to businesses by establishing a different volumetric threshold than 4 cubic yards per week of solid waste.

#### Local Government Organic Material Collection and Management Requirements.

Under HB 1799, beginning January 1, 2027, each county or city that implements a local solid waste plan must provide source-separated organic solid waste collection services at least either biweekly or 26 weeks annually to all residents and to nonresidential customers that generate at least 0.25 cubic yards of organic materials per week, and must provide for organic materials management of collected organic materials. Cities and counties may charge and collect fees or rates for these services, consistent with their general authority to impose fees and rates for solid waste collection services. The organic material collection service and management requirements do not apply:

- in counties and cities implementing a solid waste plan that have a population of less than 25,000;
- in counties and cities implementing a solid waste plan that have a population of between 25,000 and 50,000, and that did not offer curbside organic materials collection services anywhere in the county as of July 1, 2022;
- in counties and cities implementing a solid waste plan that disposed of less than 5,000 tons of solid waste in the most recent year such data were available;
- in counties not planning under the Growth Management Act (GMA), in portions of a city or county implementing a solid waste plan that have a population density of less than 75 people per square mile and are located in an unincorporated portion of a county;
- in counties planning under the GMA, outside of designated urban growth areas; or

- in counties and cities implementing a solid waste plan that receive a renewable waiver from Ecology applicable to all or part of a jurisdiction. Waivers may be issued for up to five years and based on consideration of the distance to organic materials management facilities, the sufficiency of capacity at local organic materials management facilities to manage additional materials, and pest control restrictions established by Agriculture. Ecology may adopt rules to establish the waiver process and criteria.

Any cities that newly begin implementing an independent solid waste plan after July 1, 2022, must meet organic material collection requirements.

Ecology may adopt a rule beginning January 1, 2030, that applies organic materials collection service and management requirements to jurisdictions exempted from requirements on the basis of population density or an Ecology-issued waiver, but only if Ecology determines that the state goals for the disposal of organic material in landfills for 2030 have not or will not be achieved. When newly developing, updating, or amending solid waste management plans after July 1, 2024, each local solid waste plan must consider the transition to providing organic materials collection services to certain residents and businesses in 2027.

#### Local Government Compost Procurement Requirements, Plans, and Ordinances.

Under HB 1799, by January 1, 2023, cities and counties with a population of at least 25,000, or in which organic material collection services are provided, must adopt a compost procurement ordinance to implement the 2020 requirement for local governments to consider the use of compost products in projects and to use compost products in a project except when availability, health, quality, safety, or price-competitive criteria are not met. In developing a compost procurement ordinance, cities and counties must consider four specified categories of compost uses, including landscaping projects and soil amendments. Cities and counties with a compost procurement ordinance must develop strategies to inform residents regarding the jurisdiction's use of compost and the value of compost. Local governments must give priority to purchasing compost products that produce compost locally, are certified by a nationally recognized organization, that produce products derived from municipal solid waste compost programs, and that meet quality standards. Local governments may enter into collective purchasing agreements if cost-effective or efficient to do so. Contracts by governmental units must require the use of compost products to the maximum extent economically feasible to meet local government compost use requirements. Every two years beginning in 2024, cities and counties with a compost procurement ordinance must submit a report to Ecology.

Local governments may allow for the preferential purchase of compost in order to meet the requirements for local governments to use compost products where products are available, reasonably priced, and meet purchasing and safety standards.

### Department of Agriculture Compost Reimbursement Program.

Under HB 1799, Agriculture was required to establish a compost reimbursement program for farming operations in Washington for the purchase and use of compost products that were not generated by the farming operation. Costs covered by the compost reimbursement program must include transportation, spreading equipment, and labor, fuel, and maintenance costs associated with spreading equipment. Grant reimbursements under the compost reimbursement program began July 1, 2023. Prior to carrying out activities for which compost reimbursement program reimbursement is sought, farming operations must complete an eligibility review with Agriculture. Agriculture must review proposed transport and application of compost materials for compliance with state pest control rules. Soil sampling by Agriculture must be allowed by compost reimbursement program participants. Compost reimbursement program applicants may not seek reimbursement for purchase or labor costs for its own compost products, from compost products transferred to another individual or entity, or from compost products that were not purchased from a facility with a solid waste handling permit. Farming operations are eligible to receive reimbursement for up to 50 percent of their costs incurred each fiscal year, in an amount up to \$10,000 per fiscal year. Agriculture must submit report to the Legislature each year.

### Waste Not Washington Awards.

Ecology, in consultation with the Office of Superintendent of Public Instruction, administers an awards program to achieve waste reduction and recycling in schools. Awards under the program are capped at \$5,000.

### Product Degradability Labeling Requirements.

Since 2019 state law has established a variety of requirements related to how the degradability of plastic or nonplastic products is communicated by labels, tinting, and coloring. Products that are labeled as compostable and sold, offered for sale, or distributed for use in Washington by a manufacturer or supplier, must use green, brown, or beige labeling, color striping, or other marks that help differentiate compostable items from noncompostable materials. Manufacturers or suppliers of food service products and film products, other than film bags, that meet ASTM composting standards for plastics or plastic-coated substrates, must ensure that the items are readily and easily identifiable. Readily and easily identifiable film wrap and food service products must be labeled with a logo indicating the product has met ASTM standards, and labeled with the word "compostable," where possible. Compostable products must be considered compliant if they have green or brown labeling, are labeled as compostable, and use other distinguishing colors or marks. Specified additional characteristics, such as color and graphic elements, are encouraged for compostable film wrap and food packaging and food service ware.

Food service products and film products, including film bags, that do not meet ASTM standards for composability, are prohibited from using tinting, labeling, and terms that are

required of products that meet ASTM standards, and are discouraged from using coloration, labeling, images, and terms that confuse customers into mistakenly identifying noncompostable products as compostable.

Ecology may adopt rules pertaining to product degradability labeling requirements, and must begin enforcing requirements by July 1, 2024. Enforcement by Ecology and cities and counties must be based primarily on complaints, and Ecology must establish a forum to receive complaints. Producers of compostable products, including bags, film products, and food service products, must submit at least one compliance declaration to Ecology beginning in 2024 upon a product being sold or distributed into Washington, and again prior to any change in a product's method of compliance with compost labeling requirements. Ecology, in collaboration with cities and counties, must provide education and outreach to retail establishments, consumers, and suppliers, about product degradability labeling requirements. Ecology-issued penalties are appealable to the Pollution Control Hearings Board (PCHB), and Ecology-issued penalties must be imposed consistent with standard protocols for penalties that are appealable to the PCHB.

#### State Building Code Requirements for Solid Waste.

The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code comprises a number of model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act (Act). Model codes and standards adopted in the Act include the International Building Code, the International Residential Code, and the Energy Code. Cities and counties are authorized to amend the Code as it applies within the jurisdiction of the city or county. Under the Code, local jurisdictions must require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings. The storage area must be designed to meet the needs of the occupants of the building, efficiency of pickup, and must be available to occupants and haulers.

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#### **Summary of Substitute Bill:**

##### Funding Programs for Food Waste Prevention Priorities and Organic Materials Management.

The Department of Ecology's (Ecology) Center for Sustainable Food Management (Center) must develop and administer the following grant programs related to the diversion of organic materials, food waste prevention, and recovery:

- projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize food donation operating procedures;
- projects to improve and reduce the transportation of donated foods and cold chain

- management across the donated food supply chain;
- the establishment and expansion of wasted food reduction programs to benefit vulnerable communities; and
- food waste tracking and analytics pilot project grants.

Grant programs must be developed in consultation with the Department of Agriculture (Agriculture), and must be focused on achieving the following priorities:

- maximizing greenhouse gas emission reductions;
- eliminating barriers to edible food rescue;
- development of stable funding programs; and
- managing food in a manner that prioritizes the prevention of wasted food as the highest priority, with food donation, animal feed, and compost or anaerobic digestion as lower priority management options above landfilling or incineration.

For each grant program, eligible applicants and uses of funds are specified. Grants may be awarded by Ecology on a competitive or noncompetitive basis. Grants must prioritize applications that benefit overburdened communities identified by Ecology consistent with their community engagement plan under the 2021 Healthy Environment for All Act.

In addition to these grant programs, Ecology must develop and administer a grant program to support the implementation of House Bill 1799 of 2022 and the new requirements of this act, with priority to support implementation of organic material collection requirements from businesses and the residential organic material management service requirements applicable in local jurisdictions. Local governments, federally recognized Indian tribes, nonprofit organizations, businesses subject to organic material management collection obligations, and organic material management facilities are all eligible for funding. Ecology may not require a local government to provide matching funds.

The \$5,000 limit on the amount of Waste Not Washington Awards is increased to \$10,000 per award. It is declared to be the Legislature's intent to allocate at least \$1 million per biennium to the Waste Not Washington Awards.

Agriculture must implement a new Washington commodities grant program to procure Washington-grown protein, produce, and grains for use in Washington that would otherwise be at risk of ending up as food waste. Specific criteria for the program are prescribed, including relying on existing infrastructure to maximize short-term beneficial impacts, being designed to achieve efficiencies of scale, and providing priority to recipient organizations that have at least five years of experience coordinating similar activities to those required under the grant program. Funds may be used for pick and pack out costs incurred associated with the production of a food product, including food product input and harvest costs and marginal post-harvest logistical and administrative costs. It is declared to be the Legislature's intent to allocate at least \$25 million per biennium to this program.

#### Organic Material Collection Service and Management Requirements.



The organic material management service requirements applicable to nonresidential customers generating at least 0.25 cubic yards of solid waste and residential customers in jurisdictions implementing a local solid waste plan are amended, including by:

- requiring, beginning in 2027, source-separated organic solid waste collection services to be provided year round;
- authorizing Ecology to reduce collection frequency requirements in a jurisdiction for the collection of dehydrated food waste or to address food waste collection circumstances or technologies that reduce the volume or odor of collected food;
- requiring, beginning in 2030, source-separated organic solid waste collection services to be provided to customers on a nonelective basis unless a customer manages organic material wastes on-site or self-hauls organic material waste;
- requiring, beginning in 2030, all jurisdictions' source-separated organic solid waste collection services to include the acceptance of food waste, either separate from other organic materials or commingled;
- requiring, beginning in 2030, all persons, when using curbside collection for disposal, to use source-separated organic solid waste collection services when discarding unwanted organic materials, with Ecology required to adopt standards for exemptions; and
- amending the geographic and population considerations under which a jurisdiction is exempt from providing organic material management collection service requirements.

The requirements applicable to the organic material management requirements for businesses are amended, including the following changes:

- beginning in 2026, businesses must arrange for organic material management services if they generate at least 96 gallons per week of organic material waste, rather than 4 cubic yards of solid waste;
- wastes generated as the result of a food safety event due to a foreign material or adverse biological activity that requires landfill destruction are exempt from organic material management requirements;
- Ecology must confirm a local government's determination that a business is not serviced by an organic material management facility with year-round capacity, in order for businesses in the jurisdiction to be exempt from organic material management requirements; and
- businesses are not prohibited from disposing of nonfood organic materials that are not commingled with food waste by using the services of an organic materials management facility that does not accept food waste.

Organic material waste likely to be contaminated with clopyralid, aminopyralid, or similar herbicides in the picolinic acid family, as identified by Ecology rule, may not be provided to an organic material management facility, or used by an organic material management facility as an input or feedstock.

Ecology must amend its rule-adopted training requirements for operators of compost and

anaerobic digestion facilities to require:

- at least 10 hours of annual training for compost facility managers and supervisors from training providers other than the facility operator; and
- at least 10 hours of training every two years for anaerobic digester facility managers and operators from training providers other than the facility operator.

These training requirements may be satisfied by trainings in a virtual format.

#### Solid Waste Collection Bin Color and Label Requirements.

Bin colors for solid waste collection services must be standardized across local governments implementing solid waste plans, including for indoor and outdoor collection containers offered at curbside, multifamily, commercial, government, public place, and institutional collection bins. Collection containers must have a body that is:

- black or gray, including unpainted galvanized gray or silver metal, for solid waste that is not source-separated recyclable or organic material;
- blue for source-separated recyclable materials; and
- brown or green for source-separated organic materials.

For containers of at least 1 cubic yard of capacity, a 2 square foot area on one side of the container may display a name, logo, or branding of the container owner, solid waste collection company, or government entity in any color, unless a local government implementing a solid waste plan requires uniform coloring on the container.

Lid colors must use one of the acceptable colors for the body of the container in containers of less than 1 cubic yard. Lid colors must be black or use one of the acceptable colors for the body of the container for containers of at least 1 cubic yard in capacity.

Ecology may adopt rules related to the appropriate containers in which to place materials that could conceivably be placed in multiple containers. Carpets, noncompostable paper, and hazardous wood waste may not be collected in green or brown containers.

Color standardization requirements apply to containers purchased after July 1, 2024, except that:

- jurisdictions and solid waste collection companies are not required to replace functional containers of 1 cubic yard or less capacity purchased prior to January 1, 2024 until the end of the useful life of the container or January 1, 2036; and
- jurisdictions and solid waste collection companies are not required to replace functional containers with volume of greater than 1 cubic yard in service as of July 1, 2024, but those containers must be repainted consistent with coloring requirements the next time the container is painted or by January 1, 2030.

By January 1, 2025, all containers for collection services must bear a clear and conspicuous label specifying what materials may be placed in each container. Ecology may provide

model labeling text and graphic images to satisfy this labeling requirement.

### Product Degradability Labeling.

Product degradability labeling laws are amended, including by:

- authorizing products to be labeled as compostable if they meet an ASTM standard for cellulosic product degradability or if they have a fiber-based substrate of at least 99 percent fiber, and no plastic or polymer additives or coatings;
- defining the types of tinting of plastic film products that are prohibited, and prohibiting the use of botanical motifs, such as brown, green, or beige vines or leaves, on noncompostable plastic film products;
- authorizing products to be labeled as "home compostable" if the product meets ASTM industrial composting standards, has been verified by a third-party certifier, and is backed by valid and reproducible scientific evidence to support a claim of home compostability, is labeled in a manner otherwise consistent with labeling requirements for compostable products, and is not labeled as "home compostable only;" and
- specifying protocols for the concurrent enforcement of product degradability labeling requirements in the event that cities and counties choose to enforce labeling requirements, including requiring notification to Ecology.

### Compost Procurement Requirements.

Agriculture's compost reimbursement program is expanded to allow for the purchase of compost from facilities that are not required to have a solid waste handling permit. Eligible compost may only be purchased from compost facilities that accept food waste feedstocks. Compost must meet applicable requirements for compost established by rule by Ecology under solid waste management laws. The \$10,000 per fiscal year limit on compost reimbursement per farming operation is increased to \$20,000 for large farms, and Agriculture must attempt to achieve fair distribution of funding across different farm size categories.

Cities and counties required to adopt compost procurement ordinances and report to Ecology must report annually on March 31, rather than every 2 years on December 31. The report must specify the facility or facilities used for processing organic material, in addition to the tons of organic material diverted.

### Other.

Cities or counties may amend State Building Code requirements that apply to providing for the storage of solid waste, by requiring multifamily residential buildings to:

- provide adequate space for colocation of organic material waste and recycling collection containers with garbage containers, or in the absence of colocation, the posting of signage directing residents to organic material waste and recycling

- containers;
- identify organic material waste collection containers with appropriate signage and color to differentiate organic material waste, recycling, and garbage collection containers; and
- distribute annual waste sorting educational materials to all residents.

Ecology must, in consultation with Agriculture, study and submit to the Legislature a status report on the compostability, performance, printability, and cost of produce sticker technologies by September 1, 2025.

Ecology's Center must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service and retail establishments. Ecology must select membership of the work group from specified types of state and local government and advocacy and associations. The work group must consider logistics to phase in edible food donation programs and incentives, food recovery networks, asset gaps and food infrastructure development needs, and lessons learned from other jurisdictions. Ecology must submit a report to the Legislature by September 1, 2025, containing the work group's recommendations, including notation of varied opinions where stakeholder consensus has not been reached.

In implementing the act, including provisions of existing law amended by the act, it is declared to be the Legislature's intent to manage food in a manner that prioritizes the prevention of wasted food as the highest priority, with food donation, animal feed, and compost or anaerobic digestion as lower priority management options above landfilling or incineration.

A severability clause is included.

### **Substitute Bill Compared to Original Bill:**

Compared to the original bill, the substitute bill:

- adds Legislative intent to establish food management preferences for the implementation of the act prioritizing the prevention of wasted food as the most preferred of six management categories and landfilling, drain disposal, and incineration of food as the lowest of the six management preference categories;
- specifies that references to Indian tribes as grant recipients apply only to federally recognized Indian tribes;
- specifies that the Washington Commodities Donation Grant program must procure food for use in Washington, and is open to nonprofit organizations that are not food cooperatives;
- eliminates the requirement that source-separated organic collection must be provided weekly in certain jurisdictions where food waste is collected unless granted a waiver by the Department of Ecology (Ecology), and instead provides that those jurisdictions must provide year-round service;

- specifies that a customer may receive an exemption from a local jurisdiction from the 2030 requirement to use nonelective organic material management collection services for on-site management or self-hauling;
- clarifies that the 2030 requirement to only use source separated organic solid waste collection services applies only when using curbside collection for disposal;
- requires Ecology by January 1, 2026, rather than authorizes Ecology, to adopt standards for persons to be exempt from organic material disposal service requirements when using alternative mechanisms that provide equal or better environmental outcomes;
- clarifies that organic material management requirements do not affect the Department of Agriculture's (Agriculture) noxious weed control and quarantine duties and authorities;
- reduces the training requirement applicable to anaerobic digesters to 10 hours every two years, and authorizes anaerobic digester and composter training to be completed virtually;
- authorizes businesses to dispose of wastes generated from food safety events involving foreign material or biological activity through landfill destruction;
- amends bin color requirements—blue for recycling, green or brown for organics, and black or gray for solid waste—including by:
  - requiring existing containers of at least 1 cubic yard to be repainted by 2030 to match coloring requirements;
  - requiring containers of at least 1 cubic yard to have color-coordinated bodies rather than color-coordinated lids, but authorizing a two square foot area of any color to display a logo, branding, or name unless a local government does not allow such display; and
  - specifying that unpainted galvanized metal containers qualify as gray containers that may be used for solid waste collection other than recycling or organics;
- eliminates prohibitions on plastic produce stickers, and requires Ecology, in consultation with Agriculture to study and submit to the Legislature a status report on sticker technology compostability, performance, printability, and cost by September 1, 2025;
- eliminates date labeling requirements related to food;
- restores the existing definition of "producer" for purposes of product degradability labeling laws;
- authorizes products to be labeled as compostable if they meet the ASTM standard for cellulosic fiber packaging materials, or otherwise requiring fiber-based products labeled as compostable to be 99 percent, rather than 98 percent compostable;
- requires solid waste facilities that generate compost to accept food waste in order to be eligible for Agriculture's compost reimbursement program;
- amends the maximum per-farmer reimbursement formula for the Agriculture's compost reimbursement program; and
- eliminates references to food donation requirements to be studied by the business food donation work group, and requires a food processor organization to be part of

the workgroup.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Food waste is a significant contributor to worldwide greenhouse gas (GHG) emissions. The Washington Legislature has enacted several laws in recent years to begin to reduce wasted food and improve organic waste management. Organic material sent to landfills produces methane, and energy investments that go into every stage of the food supply chain are wasted when food goes unused. Reducing methane emissions can have significant short-term reductions in global warming, because methane is a short-lived GHG. Standardizing date labels is a key solution to reduce food waste by reducing consumer confusion. Increasing the capacity of food rescue networks through investments will reduce wasted food by helping deliver food to those that need it. Investments in food banks will fulfill the Legislature's promise to reduce wasted food. Pilot projects with cities and grocers have achieved significant wasted food reductions. Plastic stickers and pesticide residues threaten to reduce compost quality. Quality alternatives to plastic produce stickers and adhesives exist and are made in Washington, and are available on the market. Other countries are banning plastic produce stickers, and Washington exports produce to those countries. Standardizing bin colors reduces compost contamination by reducing consumer confusion regarding which materials should go into which bins. Compost facilities need to have certainty that feedstock will be coming in order to raise capital and plan future investments. Weekly compost collection should be the default assumption for cities and other dense areas. Mandating weekly composting service may not be worth the financial or environmental costs. Local governments should decide collection frequency for organic materials. The Department of Agriculture's compost reimbursement program needs to support markets for food waste compost, and ensure that purchased compost is a quality product. Products should achieve high degradability standards in order to be eligible to enter compost streams. The smell and mess of composting turns people off from responsibly managing their waste, and can be reduced by dehydrating food waste at home. Compost facilities and anaerobic digesters should be equally incentivized and treated by state laws and rules. Anaerobic digester facilities do not need 10 hours per year of training for employees. Biodegradable plant-based straws should be allowed to be sold, but with different labeling requirements.

(Opposed) This bill contains a large number of different elements, and while businesses support many of those changes, some changes threaten to impose costs on businesses, such

as the task to study mandatory food donations, which has already been adequately studied, discussed, and not recommended. Food labeling standards need to be established at the federal level, not state-by-state. Compostable produce stickers are the right thing to do, but don't yet meet efficiency and cost concerns. The exemption for wood and fiber-based labels could introduce toxic elements into compost. International trade and consistency in standards and requirements are important for food product providers.

(Other) Many grocers are already using third-party processing facilities to donate unwanted food or manage it appropriately with good environmental outcomes. Date labeling standards are difficult to establish at the state level, with so much food being distributed in international or interstate commerce. The designation of producers responsible for complying with product laws should be standardized across programs. New grant programs will help fund activities to improve organic material management outcomes. Grant programs should be open to a variety of recipients that prevent wasted food. Requiring mandatory local government collection of organic materials could lead to increased compost contamination. Biweekly organic material collections should be allowed to be continued. Cities should be given time to update waste collection container colors. The state should perform a statewide needs assessment to determine what investments are needed in order to improve organic material management. Restrictions on plastic produce stickers would be problematic to implement for food manufacturers and retailers without adequate alternatives. Composting standards for products need to be technically precise in order to ensure positive environmental results from products included in composting streams.

**Persons Testifying:** (In support) Representative Beth Doglio, prime sponsor; Jay Blazey, Cedar Grove; Andrea Collins, Natural Resources Defense Council; Tori Oto, Food Law and Policy Clinic, Harvard Law School; Heather Trim, Zero Waste Washington; Aaron Czyzewski, Food Lifeline; Tom French, Northwest Food Alliance; Janet Thoman, Compost Manufacturing Alliance LLC; Troy Lautenbach, Skagit Soils; Kate Kurtz, City of Seattle; Jim Holbery, Nvirovate Materials, Incorporated; Liv Johansson, Washington Organic Recycling Council; Scott Smithline, Mill Industries; Jay Kang, Thurston County Food Bank; David Richey, Divert; Ezra Eickmeyer, Association of Western Hemp Professionals; and Travis Dutton, Washington State Association of Counties.

(Opposed) Katie Beeson, Washington Food Industry Association; Scott Howarth, Sinclair; Samantha Louderback, Washington Hospitality Association; and Peter Godlewski, Association of Washington Business.

(Other) Rose Gundersen, Washington Retail Association; Peter Lyon, Department of Ecology; Lewis Griffith, City of Tacoma; Vicki Christophersen, Washington Refuse and Recycling Association; Trish Twomey, Washington Food Coalition; Chris Cary, Food Northwest; Alex Truelove, Biodegradable Products Institute; Carl Schroeder, Association of Washington Cities; Diana Carlen, Washington Potato and Onion Association; and Rick Vahl, Waste Connections.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Callan, Chopp, Davis, Fitzgibbon, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

**Minority Report:** Without recommendation. Signed by 11 members: Representatives Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dye, Harris, Rude, Sandlin, Schmick, Stokesbary and Wilcox.

**Staff:** Dan Jones (786-7118).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Environment & Energy:**

The second substitute bill:

- eliminates the role of the Department of Agriculture (WSDA) in the development and implementation of the new food waste and waste food reduction grant programs administered by the Department of Ecology's (Ecology) Center for Sustainable Food Management (Center);
- delays the increase in the limit of Waste Not Washington awards, from \$5,000 to \$10,000 per award until 2026;
- eliminates changes to compost facility and anaerobic digester facility training requirements;
- eliminates prohibitions on the use of organic material feedstocks containing certain chemicals at organic material management facilities;
- amends solid waste collection container coloring requirements, including by: (1) delaying the effective date of restrictions on new containers from July 1, 2024 until July 1, 2026; (2) providing that all plastic containers must be replaced to match bin coloring requirements regardless of size by 2036, rather than requiring large plastic containers to be repainted; (3) providing that larger nonplastic containers owned by a local government undertaking solid waste collection are exempt from the 2030 repainting requirement if sufficient funds have not been distributed to the local government through grants from the Center; and (4) exempting certain large containers used on a temporary basis by multiple customers and for multiple types of solid waste from coloring requirements;
- eliminates the changes to the types of ASTM standards that a product may meet while being labeled as compostable;
- clarifies that facilities with a solid waste handling permit must accept food waste



- feedstocks in order for the compost to be eligible for the WSDA's compost purchase reimbursement program for farmers;
- requires work group meetings about edible food rescue from businesses to be conducted in a virtual format; and
  - adds a null and void clause.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 5, 2024.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:**

(In support) The bill would help reduce methane gas generated from organic matter. The bill would increase composting and get edible food to hungry people. The regulations on bin colors would help keep compost clean. The bill has been slimmed down to reduce the fiscal note. Food insecurity was bad before the pandemic, but is worse now. Food waste is an issue. The bill would help increase food donations and scale up what is working. The changes to the composting and labeling requirements and the work group are appreciated.

(Opposed) None.

(Other) There are cost concerns around the need to change bin colors. The bin color requirements for local governments should only go into effect if funding is provided. One-time hauling or construction projects should be exempted.

**Persons Testifying:** (In support) Heather Trim, Zero Waste Washington; Aaron Czyzewski, Food Lifeline; and Katie Beeson, Washington Food Industry Association

(Other) Briahna Murray, City of Tacoma.

**Persons Signed In To Testify But Not Testifying:** None.