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**SECOND SUBSTITUTE HOUSE BILL 1497**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Doglio, Reeves, Berry, Reed, Parshley, Ramel, Pollet, Hill, and Scott)

1 AN ACT Relating to improving outcomes associated with waste  
2 material management systems, including organic materials management  
3 systems; amending RCW 70A.207.050, 70A.205.540, 70A.205.545,  
4 15.64.060, and 28A.235.180; reenacting and amending RCW 43.21B.110;  
5 adding new sections to chapter 70A.205 RCW; adding a new section to  
6 chapter 19.27 RCW; adding new sections to chapter 28A.235 RCW; adding  
7 a new section to chapter 70A.455 RCW; creating new sections; and  
8 prescribing penalties.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** The legislature finds that the state has  
11 established goals for the reduction of food waste and wasted food,  
12 and management of organic materials. The legislature also finds that  
13 it has enacted significant policies in recent years that are already  
14 showing promise in helping the state to achieve its food waste,  
15 wasted food, and organic materials management goals. More work,  
16 however, remains to be done in the organic materials management  
17 space, including the refinement of policies enacted in recent years  
18 to make the envisioned programs more efficient, implementable,  
19 comprehensive, and effective. Therefore, it is the intent of the  
20 legislature to take another step forward on the path toward more  
21 environmentally and economically sustainable food and organic

1 materials management systems by enacting additional incremental  
2 policy changes to this end.

3 **ORGANICS GRANT PROGRAM ELIGIBILITY**

4 **Sec. 2.** RCW 70A.207.050 and 2024 c 341 s 202 are each amended to  
5 read as follows:

6 (1) The department, through the center, must develop and  
7 administer grant programs to support the implementation of the  
8 requirements of this act, including the requirements of section 3 of  
9 this act, chapter 341, Laws of 2024, and chapter 180, Laws of 2022,  
10 with priority given to grants that support the implementation of RCW  
11 70A.205.540 and 70A.205.545. Eligible recipients of grants under this  
12 section may include businesses that are subject to organic material  
13 management requirements, local governments, federally recognized  
14 Indian tribes and federally recognized Indian tribal government  
15 entities, nonprofit organizations, or organic material management  
16 facilities. Eligible expenses by grant recipients include education,  
17 outreach, technical assistance, indoor and outdoor infrastructure,  
18 transportation and processing infrastructure, and enforcement costs.

19 (2) The department may not require, as a condition of financial  
20 assistance under this section, that matching funds be made available  
21 by a local government recipient. The department must provide  
22 assistance to each local government that demonstrates eligibility for  
23 grant assistance under this section.

24 (3) An entity that is not in compliance with the requirements of  
25 section 3 of this act is not eligible to receive funding under this  
26 section.

27 **COLLECTION BINS, LIDS, AND LABELS**

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.205  
29 RCW to read as follows:

30 (1)(a) Beginning January 1, 2028, in each jurisdiction planning  
31 under this chapter, the indoor or outdoor containers, including lids,  
32 smaller than 101 gallons provided to customers for collection  
33 services, including multifamily, commercial, government, and other  
34 public places, institutional, and curbside residential collection  
35 services, must be provided in a color-coded manner consistent with

1 the requirements of subsection (2) of this section in order to reduce  
2 contamination.

3 A jurisdiction or solid waste collection company is not required  
4 to replace a functional container or lid to match the coloring  
5 requirements in subsection (2) of this section. The requirements of  
6 this subsection apply only to solid waste collection containers  
7 purchased on or after August 1, 2025, and do not apply to solid waste  
8 collection containers purchased by a jurisdiction prior to August 1,  
9 2025.

10 (b) Jurisdictions and solid waste collection companies are  
11 encouraged, prior to January 1, 2028, to provide solid waste  
12 collection containers, including lids, that are consistent with  
13 subsection (2) of this section.

14 (c) A jurisdiction planning under this chapter may petition the  
15 department for an exemption from the requirements of subsection (2)  
16 of this section.

17 (i) The department must grant a petition from a jurisdiction  
18 allowing the jurisdiction to use a color inconsistent with subsection  
19 (2) of this section for the purposes of a charitable program  
20 implemented by the jurisdiction, such as for purposes of fundraising  
21 for a nonprofit organization.

22 (ii) The department may grant an exemption in response to a  
23 petition from a jurisdiction that demonstrates that the provision of  
24 color-coded containers consistent with subsection (2) of this section  
25 is not feasible, and the jurisdiction proposes an alternative plan to  
26 reduce contamination in the jurisdiction.

27 (2) (a) (i) In a jurisdiction where source-separated recyclable  
28 materials and source-separated organic materials are collected  
29 separately, a gray or black container may be used only for the  
30 collection of solid waste that is not a source-separated recyclable  
31 material or a source-separated organic material;

32 (ii) In a jurisdiction where source-separated recyclable  
33 materials or organic materials are not collected separately, a gray  
34 or black container may be used for any solid waste, including organic  
35 material or recyclable material that is not separately collected in  
36 the jurisdiction.

37 (b) A blue container may be used only for source-separated  
38 recyclable materials. The contents of the blue container must be  
39 intended for transport, directly or indirectly, to a facility that

1 recovers the materials designated for collection in the blue  
2 container.

3 (c) A green or brown container may be used only for source-  
4 separated organic materials and the contents of green or brown-lidded  
5 containers must be intended for transport, directly or indirectly, to  
6 an organic materials management facility.

7 (d) (i) A color other than green, brown, blue, black, or gray may  
8 be used only in accordance with any statewide standards that the  
9 department elects to develop.

10 (ii) A jurisdiction may petition the department to continue the  
11 use of a dark green color for solid waste other than source-separated  
12 recyclable materials, and the department must grant the petition upon  
13 determining that the dark green color is easily distinguishable from  
14 a light green or brown color used by the jurisdiction for source-  
15 separated organic materials.

16 (e) The department may determine the appropriate container color  
17 to be used for materials that could conceivably be placed in multiple  
18 types of containers specified in (a) through (d) of this subsection.

19 (3) (a) By January 1, 2028, each container for curbside,  
20 commercial, or public place waste collection must bear a clear and  
21 conspicuous label on each container and lid, using background colors  
22 or a font that matches the coloring arrangement for containers and  
23 lids specified in subsection (2) of this section, specifying the  
24 categories of materials that are allowed to be placed in the  
25 container. The requirements of this subsection (3) may be satisfied  
26 by:

27 (i) A label placed on a container that includes either written  
28 text or graphic images, or both, that indicate the primary categories  
29 of materials accepted in that container; or

30 (ii) Imprinted text or graphic images that indicate the primary  
31 categories of materials accepted in that container.

32 (b) A container with a volume of at least one cubic yard must  
33 feature an area with a minimum of one foot by one foot area that  
34 contains the label required in (a) of this subsection, and label text  
35 with a font height of at least 5 inches.

36 (c) A container that is located indoors and does not have a lid  
37 or that contains multiple compartments must feature a visible label  
38 placed in proximity to the location in which solid waste is intended  
39 to be deposited.

1 (d) The requirements of this subsection (3) do not apply to a  
2 solid waste collection container that a jurisdiction plans to remove  
3 from service prior to January 1, 2030, in order to be consistent with  
4 the color-coding provisions of subsection (2) of this section.

5 (e) Local jurisdictions planning under this chapter are  
6 encouraged to provide labels under this subsection:

7 (i) In multiple languages; and

8 (ii) That specify the individual types of materials within each  
9 category of material that may be placed in each type of solid waste  
10 collection container.

11 (4) Carpets, noncompostable paper, and hazardous wood waste may  
12 not be collected in a green or brown container. The department may  
13 adopt rules to prohibit additional waste stream contaminants from  
14 being placed in a green or brown container or a blue container.

15 (5) Notwithstanding the applicability of an exemption under  
16 subsections (1) through (3) of this section, the contents of  
17 containers used for the collection of source-separated recyclable  
18 materials must be intended for transport to a facility that recovers  
19 the corresponding materials, and the contents of containers used for  
20 the collection of organic materials must be intended for transport,  
21 directly or indirectly, to an organic materials management facility.

22 (6) The definitions in this subsection apply throughout this  
23 section unless the context clearly requires otherwise.

24 (a) (i) "Blue container" means a container where the body of the  
25 container is blue and the lid is blue or black in color.

26 (ii) Hardware, such as hinges and wheels on a blue-lidded  
27 container, may be any color.

28 (b) (i) "Green or brown container" means a container where the  
29 body of the container is green or brown and the lid is green, brown,  
30 or black in color.

31 (ii) Hardware, such as hinges and wheels on a green or brown-  
32 lidded container, may be any color.

33 (c) (i) "Gray or black container" means a container where the body  
34 of the container is gray or black and the lid is gray or black in  
35 color.

36 (ii) Hardware, such as hinges and wheels on a gray or black-  
37 lidded container, may be any color.

38 (iii) A galvanized metal container or lid that is unpainted and  
39 gray or silver in appearance is considered to be a gray container or  
40 lid for purposes of this section.

1 **MULTIFAMILY SERVICE OBLIGATIONS**

2 **Sec. 4.** RCW 70A.205.540 and 2024 c 341 s 301 are each amended to  
3 read as follows:

4 (1) Except as provided in subsection (3) of this section, in each  
5 jurisdiction that implements a local solid waste plan under RCW  
6 70A.205.040:

7 (a) Beginning April 1, 2027, source-separated organic solid waste  
8 collection services are required to be provided year-round to:

9 (i) All single-family residents; and

10 (ii) Nonresidential customers that generate more than .25 cubic  
11 yards per week of organic materials for management;

12 (b)(i) The department may, by waiver, reduce the collection  
13 frequency requirements in (a) of this subsection for the collection  
14 of dehydrated food waste or to address food waste managed through  
15 other circumstances or technologies that will reduce the volume or  
16 odor, or both, of collected food waste.

17 (ii) All organic solid waste collected from single-family  
18 residents and businesses under this subsection must be managed  
19 through organic materials management;

20 (c) Beginning April 1, 2030, the source-separated organic solid  
21 waste collection services specified in (a) of this subsection must be  
22 provided (~~to customers~~) on a nonelective basis to customers that  
23 receive other curbside solid waste services, except that a  
24 jurisdiction may grant an exemption to a customer that certifies to  
25 the jurisdiction that the customer is managing organic material waste  
26 on-site or self-hauling its own organic material waste for organic  
27 materials management;

28 (d) Beginning April 1, 2030, each jurisdiction's source-separated  
29 organic solid waste collection service must include the acceptance of  
30 food waste year-round. The jurisdiction may choose to collect food  
31 waste source-separated from other organic materials or may collect  
32 food waste commingled with other organic materials; and

33 (e) Beginning April 1, 2030, all persons, when using curbside  
34 collection for disposal, may use only source-separated organic solid  
35 waste collection services to discard unwanted organic materials. By  
36 January 1, 2027, the department must develop guidance under which  
37 local jurisdictions may exempt persons from this requirement if  
38 organic materials will be managed through an alternative mechanism  
39 that provides equal or better environmental outcomes. Nothing in this

1 section precludes the ability of a person to use on-site composting,  
2 the diversion of organic materials to animal feed, self-haul organic  
3 materials to a facility, or other means of beneficially managing  
4 unwanted organic materials. For the purposes of this subsection  
5 (1)(e), "person" or "persons" does not include multifamily  
6 residences, who are instead subject to the provisions of subsection  
7 (5) of this section.

8 (2) A jurisdiction may charge and collect fees or rates for the  
9 services provided under subsection (1) of this section, consistent  
10 with the jurisdiction's authority to impose fees and rates under  
11 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

12 (3)(a) Except as provided in (e) of this subsection, the  
13 requirements of this section do not apply in a jurisdiction if the  
14 department determines that the following apply:

15 (i) The jurisdiction disposed of less than 5,000 tons of solid  
16 waste in the most recent year for which data is available; or

17 (ii) The jurisdiction has a total population of less than 25,000  
18 people.

19 (b) The requirements of this section do not apply:

20 (i) In census tracts that have a population density of less than  
21 75 people per square mile that are serviced by the jurisdiction and  
22 located in unincorporated portions of a county, as determined by the  
23 department, in counties not planning under chapter 36.70A RCW;

24 (ii) In census tracts that have a population density of greater  
25 than 75 people per square mile, where the census tract includes  
26 jurisdictions that meet any of the conditions in (a)(i) and (ii) of  
27 this subsection, that are serviced by the jurisdiction and located in  
28 unincorporated portions of a county, as determined by the department,  
29 in counties not planning under chapter 36.70A RCW;

30 (iii) Outside of urban growth areas designated pursuant to RCW  
31 36.70A.110 in unincorporated portions of a county planning under  
32 chapter 36.70A RCW;

33 (iv) Inside of unincorporated urban growth areas for  
34 jurisdictions planning under chapter 36.70A RCW that meet any of the  
35 conditions in (a)(i) and (ii) of this subsection; and

36 (v) In unincorporated urban growth areas in counties with an  
37 unincorporated population of less than 25,000 people.

38 (c) A jurisdiction that collects organic materials, but that does  
39 not collect organic materials on a year-round basis as of January 1,  
40 2024, is not required to provide year-round organic solid waste

1 collection services if it provides those services at least 26 weeks  
2 annually.

3 (d) In addition to the exemptions in (a) through (c) of this  
4 subsection, the department may issue a renewable waiver to  
5 jurisdictions or portions of a jurisdiction under this subsection for  
6 up to five years, based on consideration of factors including the  
7 distance to organic materials management facilities, the sufficiency  
8 of the capacity to manage organic materials at facilities to which  
9 organic materials could feasibly and economically be delivered from  
10 the jurisdiction, and restrictions in the transport of organic  
11 materials under chapter 17.24 RCW. The department may adopt rules to  
12 specify the type of information that a waiver applicant must submit  
13 to the department and to specify the department's process for  
14 reviewing and approving waiver applications.

15 (e) Beginning January 1, 2030, the department may adopt a rule to  
16 require that the provisions of this section apply in the  
17 jurisdictions identified in (b) through (d) of this subsection, but  
18 only if the department determines that the goals established in RCW  
19 70A.205.007(1) have not or will not be achieved.

20 (4) Any city that newly begins implementing an independent solid  
21 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the  
22 requirements of subsection (1) of this section.

23 (5)(a) Jurisdictions planning together or independently that  
24 submit a preliminary draft solid waste management plan to the  
25 department under RCW 70A.205.040 and 70A.205.055(1) after July 1,  
26 2026, must include programs and establish a timeline to implement a  
27 phase-in to require collection of source-separated organic materials  
28 from multifamily residences in areas subject to the organic materials  
29 management requirements of subsections (1) and (3) of this section.  
30 The programs and phase-in established under this subsection must  
31 include required collection of source-separated organic materials  
32 from all newly constructed or substantially remodeled multifamily  
33 residential buildings certified for occupancy after the local solid  
34 waste plan update takes effect.

35 (b) Programs established under this subsection may allow for  
36 waivers from the requirements for source-separated organic materials  
37 for an existing multifamily structure if it is determined that the  
38 structure does not have adequate storage space for collection of  
39 source-separated organic materials. In cases where space constraints  
40 are determined to exist, the feasibility of shared containers by



1 contiguous multifamily structures or between multifamily structures  
2 and adjacent businesses shall also be evaluated before a waiver is  
3 granted.

4 (c) For purposes of this subsection (5), "substantially  
5 remodeled" means a remodeled building for which the total cost  
6 exceeds one-half of the assessed value of the building for property  
7 tax purposes at the time the contract for the remodel work was made.

8 (6) Nothing in this section affects the authority or duties of  
9 the department of agriculture related to pest and noxious weed  
10 control and quarantine measures under chapter 17.24 RCW.

11 ~~((+6))~~ (7) No penalty may be assessed on an individual or  
12 resident for the improper disposal of organic materials under  
13 subsection (1) of this section in a noncommercial or residential  
14 setting.

15 ~~((+7))~~ (8) The department must adopt new rules or amend existing  
16 rules adopted under this chapter establishing permit requirements for  
17 organic materials management facilities requiring a solid waste  
18 handling permit addressing contamination associated with incoming  
19 food waste feedstocks and finished products, for environmental  
20 benefit.

## 21 **STATE BUILDING CODE OBLIGATIONS**

22 NEW SECTION. Sec. 5. A new section is added to chapter 19.27  
23 RCW to read as follows:

24 The state building code must facilitate the collection of source-  
25 separated organic materials from new multifamily residential and  
26 commercial buildings, consistent with the requirements of RCW  
27 70A.205.540 and the goals of RCW 70A.205.007, by ensuring that  
28 sufficient space is allocated for solid waste storage, including  
29 source-separated organic materials. A city or county may modify or  
30 amend the requirements established under this section in order to  
31 maintain consistency with requirements established by the city or  
32 county under section 6 of this act.

## 33 **BUILDING OWNER/OPERATOR OBLIGATIONS**

34 NEW SECTION. Sec. 6. A new section is added to chapter 70A.205  
35 RCW to read as follows:

1 The governing body of each county or city may require the owners  
2 or operators of new or existing multifamily residential buildings to  
3 do any combination of the following:

4 (1) Provide adequate space for the collocation of organic  
5 materials waste and recycling collection containers with garbage  
6 containers, or if collocation is not possible, requiring the posting  
7 of signage notifying residents of where organic materials waste and  
8 recycling containers are located;

9 (2) Identify organic materials waste collection containers with  
10 appropriate and accurate signage and color to differentiate between  
11 organic materials waste, recycling, and garbage collection  
12 containers; or

13 (3) Annually provide waste sorting educational material to  
14 building residents.

#### 15 **BUSINESS ORGANIC MANAGEMENT**

16 **Sec. 7.** RCW 70A.205.545 and 2024 c 341 s 302 are each amended to  
17 read as follows:

18 (1)(a) Beginning July 1, 2023, and each July 1st thereafter, the  
19 department must determine which counties and any cities preparing  
20 independent solid waste management plans:

21 (i) Provide for businesses to be serviced by providers that  
22 collect food waste and organic material waste for delivery to solid  
23 waste facilities that provide for the organic materials management of  
24 organic material waste and food waste; and

25 (ii) Are serviced by solid waste facilities that provide for the  
26 organic materials management of organic material waste and food waste  
27 and have year-round capacity to process and are willing to accept  
28 increased volumes of organic materials deliveries.

29 (b)(i) The department must determine and designate that the  
30 restrictions of this section apply to businesses in a jurisdiction  
31 unless the department determines that the businesses in some or all  
32 portions of the city or county have:

33 (A) No available businesses that collect and deliver organic  
34 materials to solid waste facilities that provide for the organic  
35 materials management of organic material waste and food waste; or

36 (B) No available capacity at the solid waste facilities to which  
37 businesses that collect and deliver organic materials could feasibly  
38 and economically deliver organic materials from the jurisdiction.

1 (ii)(A) In the event that a county or city provides a written  
2 request and supporting evidence to the department determining that  
3 the criteria of (b)(i)(A) of this subsection are met, and the  
4 department confirms this determination, then the restrictions of this  
5 section apply only in those portions of the jurisdiction that have  
6 available service-providing businesses.

7 (B) In the event that a county or city provides a written request  
8 and supporting evidence to the department determining that the  
9 criteria of (b)(i)(B) of this subsection are met, and the department  
10 confirms this determination, then the restrictions of this section do  
11 not apply to the jurisdiction.

12 (c) The department must make the result of the annual  
13 determinations required under this section available on its website.

14 (d) The requirements of this section may be enforced by  
15 jurisdictional health departments (~~(consistent with this chapter)~~) or  
16 a jurisdiction implementing a plan under this chapter, except that:

17 (i) A jurisdictional health department may not charge a fee to  
18 permit holders to cover the costs of the jurisdictional health  
19 department's administration or enforcement of the requirements of  
20 this section; and

21 (ii) Prior to issuing a penalty under this section, a  
22 jurisdictional health department or a jurisdiction implementing a  
23 plan under this chapter must provide at least two written notices of  
24 noncompliance with the requirements of this section to the owner or  
25 operator of a business subject to the requirements of this section.

26 (2)(a)(i) Beginning January 1, 2024, a business that generates at  
27 least eight cubic yards of organic material waste per week must  
28 arrange for organic materials management services specifically for  
29 organic material waste;

30 (ii) Beginning January 1, 2025, a business that generates at  
31 least four cubic yards of organic material waste per week must  
32 arrange for organic materials management services specifically for  
33 organic material waste; and

34 (iii) Beginning January 1, 2026, a business that generates at  
35 least 96 gallons of organic material waste per week shall arrange for  
36 organic materials management services specifically for organic  
37 material waste, unless the department determines, by rule, that  
38 additional reductions in the landfilling of organic materials would  
39 be more appropriately and effectively achieved, at reasonable cost to  
40 regulated businesses, through the establishment of a different

1 volumetric threshold of organic waste material than the threshold of  
2 96 gallons of organic material waste per week.

3 (b) The following wastes do not count for purposes of determining  
4 waste volumes in (a) of this subsection:

5 (i) Wastes that are managed on-site by the generating business;

6 (ii) Wastes generated from the growth and harvest of food or  
7 fiber that are managed off-site by another business engaged in the  
8 growth and harvest of food or fiber;

9 (iii) Wastes that are managed by a business that enters into a  
10 voluntary agreement to sell or donate organic materials to another  
11 business for off-site use;

12 (iv) Wastes generated in exceptional volumes as a result of a  
13 natural disaster or other infrequent and unpreventable event; and

14 (v) Wastes generated as a result of a food safety event, such as  
15 a product recall, that is due to foreign material or adverse  
16 biological activity that requires landfill destruction rather than  
17 organic material management.

18 (3) A business may fulfill the requirements of this section by:

19 (a) Source separating organic material waste from other waste,  
20 subscribing to a service that includes organic material waste  
21 collection and organic materials management, and using such a service  
22 for organic material waste generated by the business;

23 (b) Managing its organic material waste on-site or self-hauling  
24 its own organic material waste for organic materials management;

25 (c) Qualifying for exclusion from the requirements of this  
26 section consistent with subsection (1)(b) of this section; or

27 (d) For a business engaged in the growth, harvest, or processing  
28 of food or fiber, entering into a voluntary agreement to sell or  
29 donate organic materials to another business for off-site use.

30 (4)(a) A business generating organic material waste shall arrange  
31 for any services required by this section in a manner that is  
32 consistent with state and local laws and requirements applicable to  
33 the collection, handling, or recycling of solid and organic material  
34 waste.

35 (b) Nothing in this section requires a business to dispose of  
36 materials in a manner that conflicts with federal or state public  
37 health or safety requirements. Nothing in this section requires  
38 businesses to dispose of wastes generated in exceptional volumes as a  
39 result of a natural disaster or other infrequent and unpreventable  
40 event through the options established in subsection (3) of this

1 section. Nothing in this section prohibits a business from disposing  
2 of nonfood organic materials that are not commingled with food waste  
3 by using the services of an organic materials management facility  
4 that does not accept food waste.

5 (5) When arranging for gardening or landscaping services, the  
6 contract or work agreement between a business subject to this section  
7 and a gardening or landscaping service must require that the organic  
8 material waste generated by those services be managed in compliance  
9 with this chapter.

10 (6) (a) This section does not limit the authority of a local  
11 governmental agency to adopt, implement, or enforce a local organic  
12 material waste recycling requirement, or a condition imposed upon a  
13 self-hauler, that is more stringent or comprehensive than the  
14 requirements of this chapter.

15 (b) This section does not modify, limit, or abrogate in any  
16 manner any of the following:

17 (i) A franchise granted or extended by a city, county, city and  
18 county, or other local governmental agency;

19 (ii) A contract, license, certificate, or permit to collect solid  
20 waste previously granted or extended by a city, county, city and  
21 county, or other local governmental agency;

22 (iii) The right of a business to sell or donate its organic  
23 materials; and

24 (iv) A certificate of convenience and necessity issued to a solid  
25 waste collection company under chapter 81.77 RCW.

26 (c) Nothing in this section modifies, limits, or abrogates the  
27 authority of a local jurisdiction with respect to land use, zoning,  
28 or facility siting decisions by or within that local jurisdiction.

29 (d) Nothing in this section changes or limits the authority of  
30 the Washington utilities and transportation commission to regulate  
31 collection of solid waste, including curbside collection of  
32 residential recyclable materials, nor does this section change or  
33 limit the authority of a city or town to provide the service itself  
34 or by contract under RCW 81.77.020.

35 (7) (a) The department must create and publish on its website:

36 (i) The methodology used to determine the businesses that are  
37 required to manage organic materials in a manner consistent with the  
38 requirements of this section; and

39 (ii) A list of businesses that are likely to be required to  
40 manage organic materials in a manner consistent with the requirements

1 of this section. This list is for purposes of outreach assistance but  
2 need not represent a complete or determinative list of businesses  
3 required to comply with the requirements of this section.

4 (b) The department may hire an independent third party to support  
5 the implementation of the responsibilities described in (a) of this  
6 subsection.

7 (c) The list created and published under (a) of this subsection  
8 must be designed in a manner that facilitates:

9 (i) Education and outreach by solid waste collection companies,  
10 jurisdictional health departments, and local governments; and

11 (ii) Enforcement by jurisdictional health departments and  
12 jurisdictions implementing a plan under this chapter.

13 (d)(i) In support of the creation of this list, the department  
14 may require a solid waste collection company to furnish information  
15 that will assist the department in determining the applicability of  
16 the requirements of this section to businesses that are currently  
17 receiving collection services for organic materials management from  
18 the solid waste collection company.

19 (ii) A solid waste collection company that submits information or  
20 records to the department under this section may request that the  
21 information or records be made available only for the confidential  
22 use of the department, the director, or the appropriate division of  
23 the department. The director shall give consideration to the request  
24 and if this action is not detrimental to the public interest and is  
25 otherwise within accord with the policies and purposes of chapter  
26 43.21A RCW, the director must grant the request for the information  
27 to remain confidential as authorized in RCW 43.21A.160.

28 (8)(a) Prior to imposing a civil penalty under (b) of this  
29 subsection when a business has been determined to be in violation of  
30 the requirements of this section, a jurisdictional health department  
31 or jurisdiction implementing a plan under this chapter must issue at  
32 least:

33 (i) One notification letter to a business informing them of the  
34 requirements of this chapter by certified mail; and

35 (ii) One notice of violation by certified mail subsequent to the  
36 notification letter in (a)(i) of this subsection.

37 (b) After being issued at least the notification letter and at  
38 least one notice of violation without the imposition of a penalty  
39 under (a) of this subsection, beginning July 1, 2026, a business in  
40 violation of the requirements of this section is subject to a minimum

1 civil penalty, imposed by a jurisdiction implementing a plan under  
2 this chapter or a jurisdictional health department, in an amount of:

3 (i) \$500 for each day of violation for a first violation by a  
4 business that results in a penalty under this section;

5 (ii) \$750 for each day of violation for a second violation by a  
6 business that results in a penalty under this section;

7 (iii) \$1,000 for each day of violation for a third or subsequent  
8 violation by a business that results in a penalty under this section.

9 (c) Except as provided in (d) of this subsection, a  
10 jurisdictional health department or jurisdiction enforcing the  
11 requirements of this section may adopt civil penalties that exceed  
12 the minimum penalties specified in (b) of this subsection.

13 (d) A small business, as defined in RCW 19.85.020, may not be  
14 assessed more than \$10,000 in penalties under this section in a  
15 single calendar year.

16 (e) The department may not impose a penalty on a solid waste  
17 collection company related to their obligation to disclose  
18 information to the department under subsection (7)(d) of this  
19 section.

20 (f) A penalty imposed under this section may be appealed to the  
21 pollution control hearings board created in chapter 43.21B RCW.

22 (9) The definitions in this subsection apply throughout this  
23 section unless the context clearly indicates otherwise.

24 (a) (i) "Business" means a commercial or public entity including,  
25 but not limited to, a firm, partnership, proprietorship, joint stock  
26 company, corporation, or association that is organized as a for-  
27 profit or nonprofit entity.

28 (ii) "Business" does not include a multifamily residential  
29 entity.

30 (b) "Food waste" has the same meaning as defined in RCW  
31 70A.205.715.

## 32 **SCHOOL FOOD WASTE I**

33 NEW SECTION. Sec. 8. A new section is added to chapter 28A.235  
34 RCW to read as follows:

35 The office of the superintendent of public instruction shall  
36 identify or develop open educational resources for use by schools to  
37 integrate mathematics, science, social-emotional, environmental and

1 sustainability, and social studies content standards to help support  
2 and prioritize food waste reduction in schools.

3 **SCHOOL FOOD WASTE II**

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235  
5 RCW to read as follows:

6 By January 1, 2027, the office of the superintendent of public  
7 instruction must leverage existing programs to identify food waste  
8 reduction educational best practices and ways to overcome food waste  
9 reduction barriers in schools.

10 **SCHOOL FOOD WASTE III**

11 **Sec. 10.** RCW 15.64.060 and 2015 c 225 s 9 are each amended to  
12 read as follows:

13 (1) A farm-to-school program is created within the department to  
14 facilitate increased procurement of Washington grown food by schools.

15 (2) The department, in consultation with the department of  
16 health, the office of the superintendent of public instruction, the  
17 department of enterprise services, and Washington State University,  
18 shall, in order of priority:

19 (a) Identify and develop policies and procedures to implement and  
20 evaluate the farm-to-school program, including coordinating with  
21 school procurement officials, buying cooperatives, and other  
22 appropriate organizations to develop uniform procurement procedures  
23 and materials, and practical recommendations to facilitate the  
24 purchase of Washington grown food by the common schools. These  
25 policies, procedures, and recommendations shall be made available to  
26 school districts to adopt at their discretion;

27 (b) Assist food producers, distributors, and food brokers to  
28 market Washington grown food to schools by informing them of food  
29 procurement opportunities, bid procedures, school purchasing  
30 criteria, and other requirements;

31 (c) Assist schools in connecting with local producers by  
32 informing them of the sources and availability of Washington grown  
33 food, including food that might be going to waste including, but not  
34 limited to, grade B produce, as allowed by federal regulations and  
35 local requirements, as well as the nutritional, environmental, and  
36 economic benefits of purchasing Washington grown food;



1 (d) Identify and recommend mechanisms that will increase the  
2 predictability of sales for producers and the adequacy of supply for  
3 purchasers;

4 (e) Identify and make available existing curricula, programs and  
5 publications that educate students on the nutritional, environmental,  
6 and economic benefits of preparing and consuming locally grown food;

7 (f) Support efforts to advance other farm-to-school connections  
8 such as school gardens or farms and farm visits; and

9 (g) As resources allow, seek additional funds to leverage state  
10 expenditures.

11 (3) The department in cooperation with the office of the  
12 superintendent of public instruction shall collect data on the  
13 activities conducted pursuant to chapter 215, Laws of 2008 and  
14 communicate such data biennially to the appropriate committees of the  
15 legislature beginning November 15, 2009. Data collected may include  
16 the numbers of schools and farms participating and any increases in  
17 the procurement of Washington grown food by the common schools.

18 (4) As used in this section, RCW 28A.335.190, and 28A.235.170,  
19 "Washington grown" means grown and packed or processed in Washington.

#### 20 **SCHOOL FOOD WASTE IV**

21 **Sec. 11.** RCW 28A.235.180 and 2018 c 8 s 8 are each amended to  
22 read as follows:

23 (1) Subject to the availability of amounts appropriated for this  
24 specific purpose, the office of the superintendent of public  
25 instruction may coordinate with the department of agriculture to  
26 promote and facilitate new and existing regional markets programs,  
27 including farm-to-school initiatives established in accordance with  
28 RCW 15.64.060, and small farm direct marketing assistance in  
29 accordance with RCW 15.64.050. In coordinating with the department of  
30 agriculture, the office of the superintendent of public instruction  
31 is encouraged to provide technical assistance, including outreach and  
32 best practices strategies, to school districts with farm-to-school  
33 initiatives.

34 (2) Subject to the availability of amounts appropriated for this  
35 specific purpose, the regional markets programs of the department of  
36 agriculture must be a centralized connection point for schools and  
37 other institutions for accessing and sharing information, tools,  
38 ideas, and best practices for purchasing Washington-grown food.

1 (a) In accordance with this subsection (2), program staff from  
2 the department of agriculture may provide:

3 (i) Scale-appropriate information and resources to farms to help  
4 them respond to the growing demand for local and direct marketed  
5 products; and

6 (ii) Targeted technical assistance to farmers, food businesses,  
7 and buyers, including schools, about business planning, access to  
8 markets, product development, distribution infrastructure, and  
9 sourcing, procuring, and promoting Washington-grown foods, including  
10 food that might be going to waste.

11 (b) In accordance with this subsection (2), program staff from  
12 the department of agriculture may provide technical assistance to:

13 (i) Support new and existing farm businesses;

14 (ii) Maintain the economic viability of farms;

15 (iii) Support compliance with applicable federal, state, and  
16 local requirements; and

17 (iv) Support access and preparation efforts for competing in  
18 markets that are a good fit for their scale and products, including  
19 schools and public institutions, and direct-to-consumer markets that  
20 include, but are not limited to, farmers markets, local retailers,  
21 restaurants, value-added product developments, and agritourism  
22 opportunities.

23 (3) Subject to the availability of amounts appropriated for this  
24 specific purpose, the regional markets programs of the department of  
25 agriculture may support school districts in establishing or expanding  
26 farm-to-school initiatives by providing information and guidance to  
27 overcome barriers to purchasing Washington-grown food, including food  
28 that might be going to waste. In accordance with this subsection (3),  
29 regional markets program activities may include, but are not limited  
30 to:

31 (a) Connecting schools and other institutions with farmers and  
32 distribution chains;

33 (b) Overcoming seasonality constraints;

34 (c) Providing budgeting assistance;

35 (d) Navigating procurement requirements; (~~and~~)

36 (e) Reducing food waste through the purchase of Washington-grown  
37 food, consistent with the goals of RCW 70A.205.007 and 70A.205.715;  
38 and

39 (f) Developing educational materials that can be used in  
40 cafeterias, classrooms, and in other educational environments.

1 (4) Subject to the availability of amounts appropriated for this  
2 specific purpose, school districts and other institutions may  
3 coordinate with the department of agriculture to promote and  
4 facilitate new and existing farm-to-school initiatives. School  
5 district representatives involved in these initiatives may include,  
6 but (~~(fare)~~) are not limited to, school nutrition staff, purchasing  
7 staff, student representatives, and parent organizations.

8 (5) Subject to the availability of amounts appropriated for this  
9 specific purpose, the office of the superintendent of public  
10 instruction may award grants to school districts to collaborate with  
11 community-based organizations, food banks, and farms or gardens for  
12 reducing high school dropout occurrences through farm engagement  
13 projects. Projects established by school districts that receive  
14 grants in accordance with this section must:

15 (a) Primarily target low-income and disengaged youth who have  
16 dropped out or who are at risk of dropping out of high school; and

17 (b) Provide participating youth with opportunities for:

18 (i) Performing community service, including, but not limited to,  
19 building food gardens for low-income families, and work-based  
20 learning and employment during the school year and summer through  
21 farm or garden programs;

22 (ii) Earning core and elective credits applied toward high school  
23 graduation, including but not limited to, science, health, and career  
24 and technical education credits;

25 (iii) Receiving development support and services, including  
26 social and emotional learning, counseling, leadership training, and  
27 career and college guidance; and

28 (iv) Improving food security for themselves and their community  
29 through the project.

### 30 COMPOSTABLE PRODUCT LABELING

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 70A.455  
32 RCW to read as follows:

33 The on-product marking requirements under this chapter, including  
34 the logo, coloring, and wording requirements of RCW  
35 70A.455.040(2)(b), do not apply to paper-based sheets that are  
36 intended for use in the cooking process. The exemption from the  
37 requirements of this chapter does not apply to requirements other  
38 than marking requirements. Labeling consistent with the requirements

1 of RCW 70A.455.020(2)(b) must be included on the packaging for any  
2 paper-based sheets that are exempted under this section.

3 **Sec. 13.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and  
4 2024 c 339 s 16 are each reenacted and amended to read as follows:

5 (1) The hearings board shall only have jurisdiction to hear and  
6 decide appeals from the following decisions of the department, the  
7 director, local conservation districts, the air pollution control  
8 boards or authorities as established pursuant to chapter 70A.15 RCW,  
9 local health departments, the department of natural resources, the  
10 department of fish and wildlife, the parks and recreation commission,  
11 and authorized public entities described in chapter 79.100 RCW:

12 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and  
13 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,  
14 70A.205.280, 70A.205.545, 70A.355.070, 70A.430.070, 70A.500.260,  
15 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060,  
16 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130,  
17 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110,  
18 70A.560.020, 70A.565.030, 76.09.170, 77.55.440, 78.44.250, 88.46.090,  
19 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

20 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
21 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,  
22 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,  
23 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,  
24 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,  
25 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

26 (c) Except as provided in RCW 90.03.210(2), the issuance,  
27 modification, or termination of any permit, certificate, or license  
28 by the department or any air authority in the exercise of its  
29 jurisdiction, including the issuance or termination of a waste  
30 disposal permit, the denial of an application for a waste disposal  
31 permit, the modification of the conditions or the terms of a waste  
32 disposal permit, a decision to approve or deny a solid waste  
33 management plan under RCW 70A.205.055, approval or denial of an  
34 application for a beneficial use determination under RCW 70A.205.260,  
35 an application for a change under RCW 90.03.383, or a permit to  
36 distribute reclaimed water under RCW 90.46.220.

37 (d) Decisions of local health departments regarding the granting  
38 or denial of solid waste permits pursuant to chapter 70A.205 RCW,  
39 including appeals by the department as provided in RCW 70A.205.130.

1 (e) Decisions of local health departments regarding the issuance  
2 and enforcement of permits to use or dispose of biosolids under RCW  
3 70A.226.090.

4 (f) Decisions of the department regarding waste-derived  
5 fertilizer or micronutrient fertilizer under RCW 15.54.820.

6 (g) Decisions of local conservation districts related to the  
7 denial of approval or denial of certification of a dairy nutrient  
8 management plan; conditions contained in a plan; application of any  
9 dairy nutrient management practices, standards, methods, and  
10 technologies to a particular dairy farm; and failure to adhere to the  
11 plan review and approval timelines in RCW 90.64.026 as provided in  
12 RCW 90.64.028.

13 (h) Any other decision by the department or an air authority  
14 which pursuant to law must be decided as an adjudicative proceeding  
15 under chapter 34.05 RCW.

16 (i) Decisions of the department of natural resources, the  
17 department of fish and wildlife, and the department that are  
18 reviewable under chapter 76.09 RCW, and the department of natural  
19 resources' appeals of county, city, or town objections under RCW  
20 76.09.050(7).

21 (j) Forest health hazard orders issued by the commissioner of  
22 public lands under RCW 76.06.180.

23 (k) Decisions of the department of fish and wildlife to issue,  
24 deny, condition, or modify a hydraulic project approval permit under  
25 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
26 comply, to issue a civil penalty, or to issue a notice of intent to  
27 disapprove applications.

28 (l) Decisions of the department of natural resources that are  
29 reviewable under RCW 78.44.270.

30 (m) Decisions of an authorized public entity under RCW 79.100.010  
31 to take temporary possession or custody of a vessel or to contest the  
32 amount of reimbursement owed that are reviewable by the hearings  
33 board under RCW 79.100.120.

34 (n) Decisions of the department of ecology that are appealable  
35 under RCW 70A.245.020 to set recycled minimum postconsumer content  
36 for covered products or to temporarily exclude types of covered  
37 products in plastic containers from minimum postconsumer recycled  
38 content requirements.

39 (o) Orders by the department of ecology under RCW 70A.455.080.

1 (2) The following hearings shall not be conducted by the hearings  
2 board:

3 (a) Hearings required by law to be conducted by the shorelines  
4 hearings board pursuant to chapter 90.58 RCW, except where appeals to  
5 the pollution control hearings board and appeals to the shorelines  
6 hearings board have been consolidated pursuant to RCW 43.21B.340.

7 (b) Hearings conducted by the department pursuant to RCW  
8 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
9 70A.15.3110, and 90.44.180.

10 (c) Appeals of decisions by the department under RCW 90.03.110  
11 and 90.44.220.

12 (d) Hearings conducted by the department to adopt, modify, or  
13 repeal rules.

14 (3) Review of rules and regulations adopted by the hearings board  
15 shall be subject to review in accordance with the provisions of the  
16 administrative procedure act, chapter 34.05 RCW.

17 NEW SECTION. **Sec. 14.** If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2025, in the omnibus appropriations act, this  
20 act is null and void.

21 NEW SECTION. **Sec. 15.** If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

--- END ---