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2 harvesting, and processing of crops; and the farming or ranching of  
3 any plant or animal species in a controlled salt, brackish, or  
4 freshwater environment.

5 (2) To be eligible to participate in the reimbursement program, a  
6 farming operation must complete an eligibility review with the  
7 department prior to transporting or applying any compost products for  
8 which reimbursement is sought under this section. The purpose of the  
9 review is for the department to ensure that the proposed transport  
10 and application of compost products is consistent with the  
11 department's agricultural pest control rules established under  
12 chapter 17.24 RCW. A farming operation must also verify that it will  
13 allow soil sampling to be conducted by the department upon request  
14 before compost application and until at least 10 years after the last  
15 grant funding is used by the farming operation, as necessary to  
16 establish a baseline of soil quality and carbon storage and for  
17 subsequent department evaluations to assist the department's  
18 reporting requirements under subsection (8) of this section.

19 (3) The department must create a form for eligible farming  
20 operations to apply for cost reimbursement for costs from purchasing  
21 and using compost from facilities with solid waste handling permits,  
22 including transportation, equipment, spreading, and labor costs. All  
23 applications for cost reimbursement must be submitted on the form  
24 along with invoices, receipts, or other documentation acceptable to  
25 the department of the costs of purchasing and using compost products  
26 for which the applicant is requesting reimbursement, as well as a  
27 brief description of what each purchased item will be used for. The  
28 department may request that an applicant provide information to  
29 verify the source, size, sale weight, or amount of compost products  
30 purchased and the cost of transportation, equipment, spreading, and  
31 labor. The applicant must also declare that it is not seeking  
32 reimbursement for purchase or labor costs for:

33 (a) Its own compost products; or

34 (b) Compost products that it has transferred, or intends to  
35 transfer, to another individual or entity, whether or not for  
36 compensation.

37 (4) A farming operation may submit only one application per  
38 fiscal year in which the program is in effect for purchases made and  
39 usage costs incurred during the fiscal year that begins on July 1st  
40 and ends on June 30th. Applications for reimbursement must be filed

1 before the end of the fiscal year in which purchases were made and  
2 usage costs incurred.

3 (5) The department must distribute reimbursement funds, subject  
4 to the following limitations:

5 (a) A farming operation is not eligible to receive reimbursement  
6 if the farming operation's application was not found eligible for  
7 reimbursement by the department under subsection (2) of this section  
8 prior to the transport or use of compost;

9 (b) A farming operation is not eligible to receive reimbursement  
10 for more than 50 percent of the costs it incurs each fiscal year for  
11 the purchase and use of compost products, including transportation,  
12 equipment, spreading, and labor costs;

13 (c) A farming operation is not eligible to receive more than  
14 \$10,000 per fiscal year;

15 (d) A farming operation is not eligible to receive reimbursement  
16 for its own compost products or compost products that it has  
17 transferred, or intends to transfer, to another individual or entity,  
18 whether or not for compensation; and

19 (e) A farming operation is not eligible to receive reimbursement  
20 for compost products that were not purchased from a facility with a  
21 solid waste handling permit.

22 (6) The applicant shall indemnify and hold harmless the state and  
23 its officers, agents, and employees from all claims arising out of or  
24 resulting from the compost products purchased that are subject to the  
25 compost reimbursement program under this section.

26 (7) There is established within the department a compost  
27 reimbursement program manager position. The compost reimbursement  
28 program manager must possess knowledge and expertise in the area of  
29 program management necessary to carry out the duties of the position,  
30 which are to:

31 (a) Facilitate the division and distribution of available costs  
32 for reimbursement; and

33 (b) Manage the day-to-day coordination of the compost  
34 reimbursement program.

35 (8) In compliance with RCW 43.01.036, the department must submit  
36 an annual report to the appropriate committees of the legislature by  
37 January 15th of each year of the program in which grants have been  
38 issued or completed. The report must include:

39 (a) The amount of compost for which reimbursement was sought  
40 under the program;

1 (b) The qualitative or quantitative effects of the program on  
2 soil quality and carbon storage; and

3 (c) A periodically updated evaluation of the benefits and costs  
4 to the state of expanding or furthering the strategies promoted in  
5 the program.

6 **Sec. 503.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each  
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Board" means the public works board created in RCW  
11 43.155.030.

12 (2) "Capital facility plan" means a capital facility plan  
13 required by the growth management act under chapter 36.70A RCW or,  
14 for local governments not fully planning under the growth management  
15 act, a plan required by the public works board.

16 (3) "Department" means the department of commerce.

17 (4) "Financing guarantees" means the pledge of money in the  
18 public works assistance account, or money to be received by the  
19 public works assistance account, to the repayment of all or a portion  
20 of the principal of or interest on obligations issued by local  
21 governments to finance public works projects.

22 (5) "Local governments" means cities, towns, counties, special  
23 purpose districts, and any other municipal corporations or quasi-  
24 municipal corporations in the state excluding school districts and  
25 port districts.

26 (6) "Public works project" means a project of a local government  
27 for the planning, acquisition, construction, repair, reconstruction,  
28 replacement, rehabilitation, or improvement of streets and roads,  
29 bridges, water systems, or storm and sanitary sewage systems, lead  
30 remediation of drinking water systems, and solid waste facilities,  
31 including recycling facilities and composting and other organic  
32 materials management facilities. A planning project may include the  
33 compilation of biological, hydrological, or other data on a county,  
34 drainage basin, or region necessary to develop a base of information  
35 for a capital facility plan.

36 (7) "Solid waste or recycling project" means remedial actions  
37 necessary to bring abandoned or closed landfills into compliance with  
38 regulatory requirements and the repair, restoration, and replacement  
39 of existing solid waste transfer, recycling facilities, and landfill

1 projects limited to the opening of landfill cells that are in  
2 existing and permitted landfills.

3 (8) "Technical assistance" means training and other services  
4 provided to local governments to: (a) Help such local governments  
5 plan, apply, and qualify for loans, grants, and financing guarantees  
6 from the board, and (b) help local governments improve their ability  
7 to plan for, finance, acquire, construct, repair, replace,  
8 rehabilitate, and maintain public facilities.

9 (9) "Value planning" means a uniform approach to assist in  
10 decision making through systematic evaluation of potential  
11 alternatives to solving an identified problem.

## 12 PART 6

### 13 Organic Materials Management Facility Siting

14 **Sec. 601.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to  
15 read as follows:

16 The comprehensive plan shall consist of a map or maps, and  
17 descriptive text covering objectives, principles and standards used  
18 to develop it, and shall include each of the following elements:

19 (1) A land use element which designates the proposed general  
20 distribution and general location and extent of the uses of land for  
21 agriculture, housing, commerce, industry, recreation, education,  
22 public buildings and lands, and other categories of public and  
23 private use of land, including a statement of the standards of  
24 population density and building intensity recommended for the various  
25 areas in the jurisdiction and estimates of future population growth  
26 in the area covered by the comprehensive plan, all correlated with  
27 the land use element of the comprehensive plan. The land use element  
28 shall also provide for protection of the quality and quantity of  
29 groundwater used for public water supplies and shall review drainage,  
30 flooding, and stormwater runoff in the area and nearby jurisdictions  
31 and provide guidance for corrective actions to mitigate or cleanse  
32 those discharges that pollute Puget Sound or waters entering Puget  
33 Sound. Development regulations to implement comprehensive plans under  
34 this chapter that are newly developed, updated, or amended after  
35 January 1, 2025, must allow for the siting of organic materials  
36 management facilities in the areas identified in RCW  
37 70A.205.040(3)(a)(i) to the extent necessary to provide for the

1 establishment of the organic materials management volumetric capacity  
2 identified under RCW 70A.205.040(3)(a)(ii);

3 (2) A circulation element consisting of the general location,  
4 alignment and extent of major thoroughfares, major transportation  
5 routes, trunk utility lines, and major terminal facilities, all of  
6 which shall be correlated with the land use element of the  
7 comprehensive plan;

8 (3) Any supporting maps, diagrams, charts, descriptive material  
9 and reports necessary to explain and supplement the above elements.

10 NEW SECTION. Sec. 602. A new section is added to chapter 36.70A  
11 RCW to read as follows:

12 Development regulations to implement comprehensive plans under  
13 this chapter that are newly developed, updated, or amended after  
14 January 1, 2025, must allow for the siting of organic materials  
15 management facilities in the areas identified in RCW  
16 70A.205.040(3)(a)(i) to the extent necessary to provide for the  
17 establishment of the organic materials management volumetric capacity  
18 identified under RCW 70A.205.040(3)(a)(ii).

19 NEW SECTION. Sec. 603. A new section is added to chapter 35.63  
20 RCW to read as follows:

21 For cities not planning under RCW 36.70A.040, development  
22 regulations to implement comprehensive plans under RCW 35.63.100 that  
23 are newly developed, updated, or amended after January 1, 2025, must  
24 allow for the siting of organic materials management facilities in  
25 the areas identified by the county in which the city is located under  
26 RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the  
27 establishment of the organic materials management volumetric capacity  
28 identified under RCW 70A.205.040(3)(a)(ii).

29 NEW SECTION. Sec. 604. A new section is added to chapter 35A.63  
30 RCW to read as follows:

31 For cities not planning under RCW 36.70A.040, development  
32 regulations to implement comprehensive plans required under RCW  
33 35A.63.060 that are newly developed, updated, or amended after  
34 January 1, 2025, must allow for the siting of organic materials  
35 management facilities in the areas identified by the county in which  
36 the city is located under RCW 70A.205.040(3)(a)(i) to the extent  
37 necessary to provide for the establishment of the organic materials

1 management volumetric capacity identified under RCW  
2 70A.205.040(3)(a)(ii).

3 **PART 7**

4 **Organic Materials Procurement**

5 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.19A  
6 RCW to read as follows:

7 (1) By January 1, 2023, the following cities or counties shall  
8 adopt a compost procurement ordinance to implement RCW 43.19A.120:

9 (a) Each city or county with a population greater than 25,000  
10 residents as measured by the office of financial management using the  
11 most recent population data available; and

12 (b) Each city or county in which organic material collection  
13 services are provided under chapter 70A.205 RCW.

14 (2) A city or county that newly exceeds a population of 25,000  
15 residents after January 1, 2023, as measured by the office of  
16 financial management, must adopt an ordinance under this subsection  
17 no later than 12 months after the office of financial management's  
18 determination that the local government's population has exceeded  
19 25,000.

20 (3) In developing a compost procurement ordinance, each city and  
21 county shall plan for the use of compost in the following categories:

22 (a) Landscaping projects;

23 (b) Construction and postconstruction soil amendments;

24 (c) Applications to prevent erosion, filter stormwater runoff,  
25 promote vegetation growth, or improve the stability and longevity of  
26 roadways; and

27 (d) Low-impact development and green infrastructure to filter  
28 pollutants or keep water on-site, or both.

29 (4) Each city or county that adopts an ordinance under subsection  
30 (1) or (2) of this section must develop strategies to inform  
31 residents about the value of compost and how the jurisdiction uses  
32 compost in its operations in the jurisdiction's comprehensive solid  
33 waste management plan pursuant to RCW 70A.205.045.

34 (5) By December 31, 2024, and each December 31st of even-numbered  
35 years thereafter, each city or county that adopts an ordinance under  
36 subsection (1) or (2) of this section must submit a report covering  
37 the previous year's compost procurement activities to the department  
38 of ecology that contains the following information:

1 (a) The total tons of organic material diverted throughout the  
2 year;

3 (b) The volume and cost of compost purchased throughout the year;  
4 and

5 (c) The source or sources of the compost.

6 (6) Cities and counties that are required to adopt an ordinance  
7 under subsection (1) or (2) of this section shall give priority to  
8 purchasing compost products from companies that produce compost  
9 products locally, are certified by a nationally recognized  
10 organization, and produce compost products that are derived from  
11 municipal solid waste compost programs and meet quality standards  
12 comparable to standards adopted by the department of transportation  
13 or adopted by rule by the department of ecology.

14 (7) Cities and counties may enter into collective purchasing  
15 agreements if doing so is more cost-effective or efficient.

16 (8) Nothing in this section requires a compost processor to:

17 (a) Enter into a purchasing agreement with a city or county;

18 (b) Sell finished compost to meet this requirement; or

19 (c) Accept or process food waste or compostable products.

20 **Sec. 702.** RCW 39.30.040 and 2013 c 24 s 1 are each amended to  
21 read as follows:

22 (1) Whenever a unit of local government is required to make  
23 purchases from the lowest bidder or from the supplier offering the  
24 lowest price for the items desired to be purchased, the unit of local  
25 government may, at its option when awarding a purchase contract, take  
26 into consideration tax revenue it would receive from purchasing the  
27 supplies, materials, or equipment from a supplier located within its  
28 boundaries. The unit of local government must award the purchase  
29 contract to the lowest bidder after such tax revenue has been  
30 considered. However, any local government may allow for preferential  
31 purchase of products made from recycled materials or products that  
32 may be recycled or reused. Any local government may allow for  
33 preferential purchase of compost to meet the requirements of RCW  
34 43.19A.120. Any unit of local government which considers tax revenue  
35 it would receive from the imposition of taxes upon a supplier located  
36 within its boundaries must also consider tax revenue it would receive  
37 from taxes it imposes upon a supplier located outside its boundaries.

38 (2) A unit of local government may award a contract to a bidder  
39 submitting the lowest bid before taxes are applied. The unit of local

1 government must provide notice of its intent to award a contract  
2 based on this method prior to bids being submitted. For the purposes  
3 of this subsection (2), "taxes" means only those taxes that are  
4 included in "tax revenue" as defined in this section.

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

7 (a) "Tax revenue" means sales taxes that units of local  
8 government impose upon the sale of supplies, materials, or equipment  
9 from the supplier to units of local government, and business and  
10 occupation taxes that units of local government impose upon the  
11 supplier that are measured by the gross receipts of the supplier from  
12 the sale.

13 (b) "Unit of local government" means any county, city, town,  
14 metropolitan municipal corporation, public transit benefit area,  
15 county transportation authority, or other municipal or quasi-  
16 municipal corporation authorized to impose sales and use taxes or  
17 business and occupation taxes.

18 NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A  
19 RCW to read as follows:

20 A contract by a local government or state agency must require the  
21 use of compost products to the maximum extent economically feasible  
22 to meet the requirements established in RCW 43.19A.120.

## 23 **PART 8**

### 24 **Product Degradability Labeling**

25 **Sec. 801.** RCW 70A.455.010 and 2019 c 265 s 1 are each amended to  
26 read as follows:

27 (1) The legislature finds and declares that it is the public  
28 policy of the state that:

29 (a) Environmental marketing claims for plastic products, whether  
30 implicit or implied, should adhere to uniform and recognized  
31 standards for "compostability" and "biodegradability," since  
32 misleading, confusing, and deceptive labeling can negatively impact  
33 local composting programs and compost processors. Plastic products  
34 marketed as being "compostable" should be readily and easily  
35 identifiable as meeting these standards;

36 (b) Legitimate and responsible packaging and plastic product  
37 manufacturers are already properly labeling their compostable



1 products, but many manufacturers are not. Not all compost facilities  
2 and their associated processing technologies accept or are required  
3 to accept compostable packaging as feedstocks. However, implementing  
4 a standardized system and test methods may create the ability for  
5 them to take these products in the future.

6 (2) Therefore, it is the intent of the legislature to authorize  
7 the (~~state's attorney general and local governments~~) department of  
8 ecology, cities, and counties to pursue false or misleading  
9 environmental claims and "greenwashing" for plastic products claiming  
10 to be "compostable" or "biodegradable" when in fact they are not.

11 **Sec. 802.** RCW 70A.455.020 and 2019 c 265 s 2 are each amended to  
12 read as follows:

13 The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

15 (1) "ASTM" means the American society for testing and materials.

16 (2) "Biodegradable mulch film" means film plastic used as a  
17 technical tool in commercial farming applications that biodegrades in  
18 soil after being used, and:

19 (a) The film product fulfills plant growth and regulated metals  
20 requirements of ASTM D6400; and

21 (b)(i) Meets the requirements of Vincotte's "OK Biodegradable  
22 Soil" certification scheme, as that certification existed as of  
23 January 1, 2019;

24 (ii) At ambient temperatures and in soil, shows at least  
25 (~~ninety~~) 90 percent biodegradation absolute or relative to  
26 microcrystalline cellulose in less than two years' time, tested  
27 according to ISO 17556 or ASTM 5988 standard test methods, as those  
28 test methods existed as of January 1, 2019; or

29 (iii) Meets the requirements of EN 17033 "plastics-biodegradable  
30 mulch films for use in agriculture and horticulture" as it existed on  
31 January 1, 2019.

32 (3) "Federal trade commission guides" means the United States  
33 federal trade commission's guides for the use of environmental  
34 marketing claims (Part 260, commencing at section 260.1),  
35 compostability claims, including section 260.8, and degradation  
36 claims (subchapter B of chapter I of Title 16 of the Code of Federal  
37 Regulations), as those guides existed as of January 1, 2019.

38 (4) "Film product" means a bag, sack, wrap, or other sheet film  
39 product.

1 (5) "Food service product" (~~means a product including, but not~~  
2 ~~limited to, containers, plates, bowls, cups, lids, meat trays,~~  
3 ~~straws, deli rounds, cocktail picks, splash sticks, condiment~~  
4 ~~packaging, clam shells and other hinged or lidded containers,~~  
5 ~~sandwich wrap, utensils, sachets, portion cups, and other food~~  
6 ~~service products that are intended for one-time use and used for food~~  
7 ~~or drink offered for sale or use)) has the same meaning as defined in  
8 RCW 70A.245.010.~~

9 (~~"Manufacturer" means a person, firm, association,~~  
10 ~~partnership, or corporation that produces a product.~~

11 ~~(7))~~ "Person" means individual, firm, association,  
12 copartnership, political subdivision, government agency,  
13 municipality, industry, public or private corporation, or any other  
14 entity whatsoever.

15 ~~((8))~~ (7) "Plastic food packaging and food service products"  
16 means food packaging and food service products that is composed of:

17 (a) Plastic; or

18 (b) Fiber or paper with a plastic coating, window, component, or  
19 additive.

20 ~~((9))~~ (8) "Plastic product" means a product made of plastic,  
21 whether alone or in combination with another material including, but  
22 not limited to, paperboard. A plastic product includes, but is not  
23 limited to, any of the following:

24 (a) A product or part of a product that is used, bought, or  
25 leased for use by a person for any purpose;

26 (b) A package or a packaging component including, but not limited  
27 to, packaging peanuts;

28 (c) A film product; or

29 (d) Plastic food packaging and food service products.

30 ~~((10))~~ (9) "Standard specification" means either:

31 (a) ASTM D6400 - standard specification labeling of plastics  
32 designed to be aerobically composted in municipal or industrial  
33 facilities, as it existed as of January 1, 2019; or

34 (b) ASTM D6868 - standard specification for labeling of end items  
35 that incorporate plastics and polymers as coatings or additives with  
36 paper and other substrates designed to be aerobically composted in  
37 municipal or industrial facilities, as it existed as of January 1,  
38 2019.

1       ~~((11) (a))~~ "Supplier" means a person, firm, association,  
2 partnership, company, or corporation that sells, offers for sale,  
3 offers for promotional purposes, or takes title to a product.

4       ~~(b)~~ "Supplier" does not include a person, firm, association,  
5 partnership, company, or corporation that sells products to end users  
6 as a retailer.

7       ~~(12))~~ (10) "Utensil" means a product designed to be used by a  
8 consumer to facilitate the consumption of food or beverages,  
9 including knives, forks, spoons, cocktail picks, chopsticks, splash  
10 sticks, and stirrers.

11       (11) "Department" means the department of ecology.

12       (12) "Producer" means the following person responsible for  
13 compliance under this chapter for a product sold, offered for sale,  
14 or distributed in or into this state:

15       (a) If the product is sold under the manufacturer's own brand or  
16 lacks identification of a brand, the producer is the person who  
17 manufactures the product;

18       (b) If the product is manufactured by a person other than the  
19 brand owner, the producer is the person that is the licensee of a  
20 brand or trademark under which a product is used in a commercial  
21 enterprise, sold, offered for sale, or distributed in or into this  
22 state, whether or not the trademark is registered in this state,  
23 unless the manufacturer or brand owner of the product has agreed to  
24 accept responsibility under this chapter; or

25       (c) If there is no person described in (a) and (b) of this  
26 subsection over whom the state can constitutionally exercise  
27 jurisdiction, the producer is the person who imports or distributes  
28 the product in or into the state.

29       **Sec. 803.** RCW 70A.455.040 and 2019 c 265 s 4 are each amended to  
30 read as follows:

31       ~~(1) ((a))~~ A product labeled as "compostable" that is sold,  
32 offered for sale, or distributed for use in Washington by a  
33 ~~((supplier or manufacturer))~~ producer must:

34       ~~((i))~~ (a) Meet ASTM standard specification D6400;

35       ~~((ii))~~ (b) Meet ASTM standard specification D6868; or

36       ~~((iii))~~ (c) Be comprised of wood, which includes renewable  
37 wood, or fiber-based substrate only;

38       ~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this))~~  
39 subsection (1)(a) or (b) of this section must:

1       ~~((i))~~ (a) Meet labeling requirements established under the  
2 United States federal trade commission's guides; and  
3       ~~((ii))~~ (b) Feature labeling that:  
4       ~~((A))~~ (i) Meets industry standards for being distinguishable  
5 upon quick inspection in both public sorting areas and in processing  
6 facilities;  
7       ~~((B))~~ (ii) Uses a logo indicating the product has been  
8 certified by a recognized third-party independent verification body  
9 as meeting the ASTM standard specification; ~~(and~~  
10 ~~(C))~~ (iii) Displays the word "compostable," where possible,  
11 indicating the product has been tested by a recognized third-party  
12 independent body and meets the ASTM standard specification; and  
13 (iv) Uses green, beige, or brown labeling, color striping, or  
14 other green, beige, or brown symbols, colors, tinting, marks, or  
15 design patterns that help differentiate compostable items from  
16 noncompostable items.  
17       ~~((2) A compostable product described in subsection (1)(a)(i) or~~  
18 ~~(ii) of this section must be considered compliant with the~~  
19 ~~requirements of this section if it:~~  
20       ~~(a) Has green or brown labeling;~~  
21       ~~(b) Is labeled as compostable; and~~  
22       ~~(c) Uses distinctive color schemes, green or brown color~~  
23 ~~striping, or other adopted symbols, colors, marks, or design patterns~~  
24 ~~that help differentiate compostable items from noncompostable~~  
25 ~~materials.))~~

26       **Sec. 804.** RCW 70A.455.050 and 2019 c 265 s 5 are each amended to  
27 read as follows:

28       (1) A ~~((manufacturer or supplier))~~ producer of a film bag that  
29 meets ASTM standard specification D6400 and is distributed or sold by  
30 retailers must ensure that the film bag is readily and easily  
31 identifiable from other film bags in a manner that is consistent with  
32 the federal trade commission guides.

33       (2) For purposes of this section, "readily and easily  
34 identifiable" products must meet the following requirements:

35       (a) Be labeled with a certification logo indicating the bag meets  
36 the ASTM D6400 standard specification if the bag has been certified  
37 as meeting that standard by a recognized third-party independent  
38 verification body;

39       (b) Be labeled in accordance with one of the following:

1 (i) The bag is tinted or made of a uniform color of green, beige,  
2 or brown and labeled with the word "compostable" on one side of the  
3 bag and the label must be at least one inch in height; or

4 (ii) Be labeled with the word "compostable" on both sides of the  
5 bag and the label must be one of the following:

6 (A) Green, beige, or brown color lettering at least one inch in  
7 height; or

8 (B) Within a contrasting green, beige, or brown color band of at  
9 least one inch in height on both sides of the bag with color  
10 contrasting lettering of at least one-half inch in height; and

11 (c) Meet industry standards for being distinguishable upon quick  
12 inspection in both public sorting areas and in processing facilities.

13 (3) If a bag is smaller than (~~fourteen~~) 14 inches by  
14 (~~fourteen~~) 14 inches, the lettering and stripe required under  
15 subsection (2)(b)(ii) of this section must be in proportion to the  
16 size of the bag.

17 (4) A film bag that meets ASTM standard specification D6400 that  
18 is sold or distributed in this state may not display a chasing arrow  
19 resin identification code or recycling type of symbol in any form.

20 (5) A (~~manufacturer or supplier~~) producer is required to comply  
21 with this section only to the extent that the labeling requirements  
22 do not conflict with the federal trade commission guides.

23 **Sec. 805.** RCW 70A.455.060 and 2020 c 20 s 1446 are each amended  
24 to read as follows:

25 (1)(a) A (~~manufacturer or supplier~~) producer of plastic food  
26 service products or film products that meet ASTM standard  
27 specification D6400 or ASTM standard specification D6868 must ensure  
28 that the items are readily and easily identifiable from other plastic  
29 food service products or plastic film products in a manner that is  
30 consistent with the federal trade commission guides.

31 (b) Film bags are exempt from the requirements of this section,  
32 and are instead subject to the requirements of RCW 70A.455.050.

33 (2) For the purposes of this section, "readily and easily  
34 identifiable" products must:

35 (a) Be labeled with a logo indicating the product has been  
36 certified by a recognized third-party independent verification body  
37 as meeting the ASTM standard specification;

38 (b) Be labeled with the word "compostable," where possible,  
39 indicating the food packaging or film product has been tested by a

1 recognized third-party independent body and meets the ASTM standard  
2 specification; (~~and~~)

3 (c) Meet industry standards for being distinguishable upon quick  
4 inspection in both public sorting areas and in processing facilities;

5 (d) If the product is a plastic food service product or food  
6 contact film product, be at least partially colored or partially  
7 tinted green, beige, or brown, or have a green, beige, or brown  
8 stripe or band at least .25 inches wide; and

9 (e) If the product is a nonfood contact film product, be at least  
10 partially colored or partially tinted green or have a green stripe or  
11 band at least .25 inches wide and display the word "compostable".

12 (~~(3) ((A compostable product described in subsection (1) of this~~  
13 ~~section must be considered compliant with the requirements of this~~  
14 ~~section if it:~~

15 ~~(a) Has green or brown labeling;~~

16 ~~(b) Is labeled as compostable; and~~

17 ~~(c) Uses distinctive color schemes, green or brown color~~  
18 ~~striping, or other adopted symbols, colors, marks, or design patterns~~  
19 ~~that help differentiate compostable items from noncompostable~~  
20 ~~materials.~~

21 ~~(4)) It is encouraged that each product described in subsection~~  
22 ~~(1) of this section(~~

23 ~~(a) Display)) display labeling language via printing, embossing,~~  
24 ~~or compostable adhesive stickers using, when possible, either the~~  
25 ~~colors green, beige, or brown that contrast with background product~~  
26 ~~color for easy identification(~~

27 ~~(b) Be tinted green or brown)).~~

28 ~~((5)) (4) Graphic elements are encouraged to increase~~  
29 ~~legibility of the word "compostable" and overall product distinction~~  
30 ~~that may include text boxes, stripes, bands, or a green, beige, or~~  
31 ~~brown tint of the product.~~

32 ~~((6)) (5) A ((~~manufacturer or supplier~~)) producer is required~~  
33 ~~to comply with this section only to the extent that the labeling~~  
34 ~~requirements do not conflict with the federal trade commission~~  
35 ~~guides.~~

36 **Sec. 806.** RCW 70A.455.070 and 2020 c 20 s 1447 are each amended  
37 to read as follows:

38 (1) A ((~~manufacturer or supplier of film products or food service~~  
39 ~~products~~)) producer of plastic film bags sold, offered for sale, or

1 distributed for use in Washington that does not meet the applicable  
2 ASTM standard specifications provided in RCW 70A.455.050 ~~((and~~  
3 ~~70A.455.060))~~ is:

4 ~~((1))~~ (a) Prohibited from using tinting, color schemes,  
5 labeling, ~~((and))~~ or terms that are required of products that meet  
6 the applicable ASTM standard specifications under RCW 70A.455.050  
7 ~~((and 70A.455.060))~~;

8 ~~((2))~~ (b) Discouraged from using ~~((coloration,))~~ labeling,  
9 images, and terms that may reasonably be anticipated to confuse  
10 consumers into believing that noncompostable ~~((bags and food service~~  
11 ~~packaging))~~ products are compostable; and

12 ~~((3))~~ (c) Encouraged to use ~~((coloration,))~~ labeling, images,  
13 and terms to help consumers identify noncompostable bags ~~((and food~~  
14 ~~service packaging))~~ as either: ~~((a))~~ (i) Suitable for recycling; or  
15 ~~((b))~~ (ii) necessary to dispose as waste.

16 (2) A producer of food service products, or plastic film products  
17 other than plastic film bags subject to subsection (1) of this  
18 section, sold, offered for sale, or distributed for use in Washington  
19 that does not meet the applicable ASTM standard specifications  
20 provided in RCW 70A.455.060 is:

21 (a) Prohibited from using labeling, or terms that are required of  
22 products that meet the applicable ASTM standard specifications under  
23 RCW 70A.455.060;

24 (b) Discouraged from using labeling, images, and terms that may  
25 reasonably be anticipated to confuse consumers into believing that  
26 noncompostable products are compostable; and

27 (c) Encouraged to use tinting, coloration, labeling, images, and  
28 terms to help consumers identify film products and food service  
29 packaging as either: (i) Suitable for recycling; or (ii) necessary to  
30 dispose as waste.

31 **Sec. 807.** RCW 70A.455.080 and 2019 c 265 s 8 are each amended to  
32 read as follows:

33 (1) Upon the request by a person, including the department, a  
34 ~~((manufacturer or supplier))~~ producer shall submit to that person or  
35 the department, within ~~((ninety))~~ 90 days of the request,  
36 nonconfidential business information and documentation demonstrating  
37 compliance with this chapter, in a format that is easy to understand  
38 and scientifically accurate.

1 (2) Upon request by a commercial compost processing facility,  
2 (~~manufacturers~~) producers of compostable products are encouraged to  
3 provide the facility with information regarding the technical aspects  
4 of a commercial composting environment, such as heat or moisture, in  
5 which the (~~manufacturer's~~) producer's product has been field tested  
6 and found to degrade.

7 **Sec. 808.** RCW 70A.455.090 and 2020 c 20 s 1448 are each amended  
8 to read as follows:

9 (1) (a) The (~~state, acting through the attorney general,~~)  
10 department and cities and counties have concurrent authority to  
11 enforce this chapter and to issue and collect civil penalties for a  
12 violation of this chapter, subject to the conditions in this section  
13 and RCW 70A.455.100. An enforcing government entity may impose a  
14 civil penalty in the amount of up to (~~two thousand dollars~~) \$2,000  
15 for the first violation of this chapter, up to (~~five thousand~~  
16 ~~dollars~~) \$5,000 for the second violation of this chapter, and up to  
17 (~~ten thousand dollars~~) \$10,000 for the third and any subsequent  
18 violation of this chapter. If a (~~manufacturer or supplier~~) producer  
19 has paid a prior penalty for the same violation to a different  
20 government entity with enforcement authority under this subsection,  
21 the penalty imposed by a government entity is reduced by the amount  
22 of the payment.

23 (b) The enforcement of this chapter must be based primarily on  
24 complaints filed with the department and cities and counties. The  
25 department must establish a forum for the filing of complaints.  
26 Cities, counties, or any person may file complaints with the  
27 department using the forum, and cities and counties may review  
28 complaints filed with the department via the forum. The forum  
29 established by the department may include a complaint form on the  
30 department's website, a telephone hotline, or a public outreach  
31 strategy relying upon electronic social media to receive complaints  
32 that allege violations. The department, in collaboration with the  
33 cities and counties, must provide education and outreach activities  
34 to inform retail establishments, consumers, and producers about the  
35 requirements of this chapter.

36 (2) (~~Any civil penalties collected pursuant to this section must~~  
37 ~~be paid to the office of the city attorney, city prosecutor, district~~  
38 ~~attorney, or attorney general, whichever office brought the action.~~  
39 ~~Penalties collected by the attorney general on behalf of the state~~



1 ~~must be deposited in the compostable products revolving account~~  
2 ~~created in RCW 70A.455.110))~~ Penalties issued by the department are  
3 appealable to the pollution control hearings board established in  
4 chapter 43.21B RCW.

5 (3) The remedies provided by this section are not exclusive and  
6 are in addition to the remedies that may be available pursuant to  
7 chapter 19.86 RCW or other consumer protection laws, if applicable.

8 (4) In addition to penalties recovered under this section, the  
9 enforcing (~~government entity~~) city or county may recover reasonable  
10 enforcement costs and attorneys' fees from the liable (~~manufacturer~~  
11 ~~or supplier~~) producer.

12 **Sec. 809.** RCW 70A.455.100 and 2020 c 20 s 1449 are each amended  
13 to read as follows:

14 (~~Manufacturers and suppliers~~) (1) Producers who violate the  
15 requirements of this chapter are subject to civil penalties described  
16 in RCW 70A.455.090. A specific violation is deemed to have occurred  
17 upon the sale of noncompliant product by stock-keeping unit number or  
18 unique item number. The repeated sale of the same noncompliant  
19 product by stock-keeping unit number or unique item number is  
20 considered a single violation. (~~A city, county, or the state~~)

21 (2) (a) A city or county enforcing a requirement of this chapter  
22 must send a written notice and a copy of the requirements to a  
23 noncompliant (~~manufacturer or supplier~~) producer of an alleged  
24 violation, who will have (~~ninety~~) 90 days to become compliant. (~~A~~  
25 city, county, or the state may assess a first penalty if the  
26 manufacturer or supplier has not met the requirements ninety days  
27 following the date the notification was sent. A city, county, or the  
28 state))

29 (b) A city or county enforcing a requirement of this chapter may  
30 assess a first penalty if the producer has not met the requirements  
31 90 days following the date the notification was sent. A city or  
32 county may impose second, third, and subsequent penalties on a  
33 (~~manufacturer or supplier~~) producer that remains noncompliant with  
34 the requirements of this chapter for every month of noncompliance.

35 (3) The department may only impose penalties under this chapter  
36 consistent with the standards established in RCW 43.21B.300.

37 NEW SECTION. **Sec. 810.** A new section is added to chapter  
38 70A.455 RCW to read as follows:

1 (1) The department may adopt rules as necessary for the purpose  
2 of implementing, administering, and enforcing this chapter.

3 (2) Producers of a product subject to RCW 70A.455.040,  
4 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a  
5 declaration that the product meets the standards established under  
6 those sections of this chapter for the product. This declaration must  
7 be submitted to the department:

8 (a) By January 1, 2024, for a product that is or will be sold or  
9 distributed into Washington beginning January 1, 2024;

10 (b) Prior to the sale or distribution of a product newly sold or  
11 distributed into Washington after January 1, 2024; and

12 (c) Prior to the sale or distribution of a product whose method  
13 of compliance with the standards established in RCW 70A.455.040,  
14 70A.455.050, or 70A.455.060 is materially changed from the method of  
15 compliance used at the last declaration submission under this  
16 section.

17 (3) The department must begin enforcing the requirements of this  
18 chapter by July 1, 2024.

19 **Sec. 811.** RCW 70A.455.030 and 2019 c 265 s 3 are each amended to  
20 read as follows:

21 (1) Except as provided in this chapter, no (~~manufacturer or~~  
22 ~~supplier~~) producer may sell, offer for sale, or distribute for use  
23 in this state a plastic product that is labeled with the term  
24 "biodegradable," "degradable," "decomposable," "oxo-degradable," or  
25 any similar form of those terms, or in any way imply that the plastic  
26 product will break down, fragment, biodegrade, or decompose in a  
27 landfill or other environment.

28 (2) This section does not apply to biodegradable mulch film that  
29 meets the required testing and has the appropriate third-party  
30 certifications.

31 **Sec. 812.** RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16  
32 are each reenacted and amended to read as follows:

33 (1) The hearings board shall only have jurisdiction to hear and  
34 decide appeals from the following decisions of the department, the  
35 director, local conservation districts, the air pollution control  
36 boards or authorities as established pursuant to chapter 70A.15 RCW,  
37 local health departments, the department of natural resources, the

1 department of fish and wildlife, the parks and recreation commission,  
2 and authorized public entities described in chapter 79.100 RCW:

3 (a) Civil penalties imposed pursuant to RCW 18.104.155,  
4 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,  
5 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,  
6 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090,  
7 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

8 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
9 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,  
10 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250,  
11 90.48.120, and 90.56.330.

12 (c) Except as provided in RCW 90.03.210(2), the issuance,  
13 modification, or termination of any permit, certificate, or license  
14 by the department or any air authority in the exercise of its  
15 jurisdiction, including the issuance or termination of a waste  
16 disposal permit, the denial of an application for a waste disposal  
17 permit, the modification of the conditions or the terms of a waste  
18 disposal permit, or a decision to approve or deny an application for  
19 a solid waste permit exemption under RCW 70A.205.260.

20 (d) Decisions of local health departments regarding the grant or  
21 denial of solid waste permits pursuant to chapter 70A.205 RCW.

22 (e) Decisions of local health departments regarding the issuance  
23 and enforcement of permits to use or dispose of biosolids under RCW  
24 70A.226.090.

25 (f) Decisions of the department regarding waste-derived  
26 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
27 decisions of the department regarding waste-derived soil amendments  
28 under RCW 70A.205.145.

29 (g) Decisions of local conservation districts related to the  
30 denial of approval or denial of certification of a dairy nutrient  
31 management plan; conditions contained in a plan; application of any  
32 dairy nutrient management practices, standards, methods, and  
33 technologies to a particular dairy farm; and failure to adhere to the  
34 plan review and approval timelines in RCW 90.64.026.

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

38 (i) Decisions of the department of natural resources, the  
39 department of fish and wildlife, and the department that are  
40 reviewable under chapter 76.09 RCW, and the department of natural

1 resources' appeals of county, city, or town objections under RCW  
2 76.09.050(7).

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

5 (k) Decisions of the department of fish and wildlife to issue,  
6 deny, condition, or modify a hydraulic project approval permit under  
7 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
8 comply, to issue a civil penalty, or to issue a notice of intent to  
9 disapprove applications.

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

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

16 (n) Decisions of the department of ecology that are appealable  
17 under RCW 70A.245.020 to set recycled minimum postconsumer content  
18 for covered products or to temporarily exclude types of covered  
19 products in plastic containers from minimum postconsumer recycled  
20 content requirements.

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

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

24 (a) Hearings required by law to be conducted by the shorelines  
25 hearings board pursuant to chapter 90.58 RCW.

26 (b) Hearings conducted by the department pursuant to RCW  
27 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
28 70A.15.3110, and 90.44.180.

29 (c) Appeals of decisions by the department under RCW 90.03.110  
30 and 90.44.220.

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

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

36 **Sec. 813.** RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17  
37 are each reenacted and amended to read as follows:

38 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
39 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050,

1 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090,  
2 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102  
3 and chapter 70A.355 RCW shall be imposed by a notice in writing,  
4 either by certified mail with return receipt requested or by personal  
5 service, to the person incurring the penalty from the department or  
6 the local air authority, describing the violation with reasonable  
7 particularity. For penalties issued by local air authorities, within  
8 (~~thirty~~) 30 days after the notice is received, the person incurring  
9 the penalty may apply in writing to the authority for the remission  
10 or mitigation of the penalty. Upon receipt of the application, the  
11 authority may remit or mitigate the penalty upon whatever terms the  
12 authority in its discretion deems proper. The authority may ascertain  
13 the facts regarding all such applications in such reasonable manner  
14 and under such rules as it may deem proper and shall remit or  
15 mitigate the penalty only upon a demonstration of extraordinary  
16 circumstances such as the presence of information or factors not  
17 considered in setting the original penalty.

18 (2) Any penalty imposed under this section may be appealed to the  
19 pollution control hearings board in accordance with this chapter if  
20 the appeal is filed with the hearings board and served on the  
21 department or authority (~~thirty~~) 30 days after the date of receipt  
22 by the person penalized of the notice imposing the penalty or  
23 (~~thirty~~) 30 days after the date of receipt of the notice of  
24 disposition by a local air authority of the application for relief  
25 from penalty.

26 (3) A penalty shall become due and payable on the later of:

27 (a) Thirty days after receipt of the notice imposing the penalty;

28 (b) Thirty days after receipt of the notice of disposition by a  
29 local air authority on application for relief from penalty, if such  
30 an application is made; or

31 (c) Thirty days after receipt of the notice of decision of the  
32 hearings board if the penalty is appealed.

33 (4) If the amount of any penalty is not paid to the department  
34 within (~~thirty~~) 30 days after it becomes due and payable, the  
35 attorney general, upon request of the department, shall bring an  
36 action in the name of the state of Washington in the superior court  
37 of Thurston county, or of any county in which the violator does  
38 business, to recover the penalty. If the amount of the penalty is not  
39 paid to the authority within (~~thirty~~) 30 days after it becomes due  
40 and payable, the authority may bring an action to recover the penalty

1 in the superior court of the county of the authority's main office or  
2 of any county in which the violator does business. In these actions,  
3 the procedures and rules of evidence shall be the same as in an  
4 ordinary civil action.

5 (5) All penalties recovered shall be paid into the state treasury  
6 and credited to the general fund except those penalties imposed  
7 pursuant to RCW 18.104.155, which shall be credited to the  
8 reclamation account as provided in RCW 18.104.155(7), RCW  
9 70A.15.3160, the disposition of which shall be governed by that  
10 provision, RCW 70A.245.040 and 70A.245.050, which shall be credited  
11 to the recycling enhancement account created in RCW 70A.245.100, RCW  
12 70A.300.090, which shall be credited to the model toxics control  
13 operating account created in RCW 70A.305.180, RCW 70A.65.200, which  
14 shall be credited to the climate investment account created in RCW  
15 70A.65.250, RCW 90.56.330, which shall be credited to the coastal  
16 protection fund created by RCW 90.48.390, and RCW 70A.355.070, which  
17 shall be credited to the underground storage tank account created by  
18 RCW 70A.355.090.

## 19 **PART 9**

### 20 **Miscellaneous**

21 NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act  
22 constitute a new chapter in Title 70A RCW.

23 NEW SECTION. **Sec. 902.** Nothing in this act changes or limits  
24 the authority of the Washington utilities and transportation  
25 commission to regulate the collection of solid waste, including  
26 curbside collection of residential recyclable materials, nor does  
27 this section change or limit the authority of a city or town to  
28 provide the service itself or by contract under RCW 81.77.020.

29 NEW SECTION. **Sec. 903.** The following acts or parts of acts are  
30 each repealed:

31 (1) RCW 70A.455.110 (Compostable products revolving account) and  
32 2020 c 20 s 1450 & 2019 c 265 s 11; and

33 (2) RCW 70A.455.900 (Effective date—2019 c 265) and 2019 c 265 s  
34 13.

1        NEW SECTION.    **Sec. 904.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 905.**    If specific funding for the purposes of  
6 this act, referencing this act by bill or chapter number, is not  
7 provided by June 30, 2022, in the omnibus appropriations act, this  
8 act is null and void.

--- END ---