

# Organics Management to Reduce Methane and Combat Climate Change Workgroup

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**Meeting #11**  
**December 15, 2021**



# Housekeeping

- Please mute your lines if not speaking
- If you are having technical difficulties, chat Sam Kwok
- Presentation portion of today's meeting is being recorded
- All our presenters will present and then we will have time for Q&A
- Please raise your hand by clicking on the “participants” button and clicking on the hand by your name if you have a question
  - I will call on people
- You can also put questions in the chat at anytime and we will answer them during the Q&A portion

# Meeting #11 Agenda

Welcome and Agenda Overview

Share draft policy language

**Topic #9: Legislation – at January meeting**

- Big picture discussion
- Research needs for 2023

# Work Group Structure and Role

**Purpose:** Improve organics management system in Washington in order to reduce methane and combat climate change.

**Role:** Using California SB1383 Law as a starting point, gather stakeholder input to inform policy tailored for Washington.

# Work Group Structure

- Made up of a diverse set of stakeholder organizations
- Each organization gets one seat at the table
- Others can join as observers (there will be a spot on each agenda for observers to comment or ask a question)
- Two meetings per month through end of year
- Meeting content will include:
  - Presentations of background info
  - Discussion of topics included in possible legislation:
    - If there is agreement on a topic, that will be noted
    - If there is not agreement, issues/concerns will be identified
- Copies of information from each meeting will be posted at: [organicsworkgroup.org/](http://organicsworkgroup.org/)

## Agenda Committee

- Local Gov't: Andy Smith
- Environmental: Heather Trim
- Waste Management: Brad Lovaas
- Composter: Majken Ryherd
- Any other interested sectors?

# Topics (revised per agenda committee input)

1. Food waste source reduction/diversion/rescue/rescue groups (8/5 & 8/19)
2. Sources (Yard/Food/Wood/Dairies/Ag) & Sectors (Business/Commercial/Industrial sources/Multi-family/single family) (8/19 & 9/16)
3. Financials/end-markets/purchasing, Soil health/ nitrogen cycling, Regenerative agriculture (9/16 & 10/7)
4. Energy generation/Credits/Carbon sequestration/Nutrient recovery/Incentives Equity (10/7 & 10/21)
5. Permitting/Air/Water/Odors/Monitoring (include siting and current facilities) (10/21 & 11/4)
6. Local governments/UTC (funding, financing, collection, rates, etc., collection approaches, embedded rates; disposal rates/tipping fees; infrastructure/new technologies, geographic issues/Apple maggot/Localized/Rail (11/4 & 11/18)
7. Education/Generator behavior change/Source reduction/Technical assistance/Contamination/Labeling (11/18 & 12/2)
9. Targets/Performance standards and reporting (12/2) & Legislation
10. Legislation (12/15 & 1/6)

# Policy Discussion

# State Targets and Organic Waste Collection Requirements

Sec. 2. (1) (a) The state establishes a limit for the landfill disposal of organic materials at a level representing a **seventy-five percent reduction** by 20XX in the statewide disposal of organic waste, relative to 2015 levels;

(b) The state establishes a requirement that no less than **twenty percent of the volume of edible food** that was disposed of as of 2015 be recovered for human consumption by 2025.

(2) The **department may adopt rules** and develop guidelines and best management practices with respect to the management of organic waste as necessary to facilitate the achievement of the provisions of (1) of this section.

...

(4) For purposes of this section, "**organic materials**" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing wastes, wood waste, and garden wastes.



# Organic Waste Collection Requirements

Sec. 3. ...

(1) Beginning January 1, 2027, each jurisdiction that implements a local solid waste plan under RCW 70A.205.040 must:

(a) provide organic solid waste collection services to **all residents and businesses** within the jurisdiction; and

(b) **Provide for the organic material management** of all organic solid waste collected from residents and businesses under (a) of this subsection.

(2) A jurisdiction **may charge and collect fees or rates** for the services provided under (1) .....

# Organic Waste Collection Requirements (exceptions)

Sec. 3. (3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if department determines that the following apply:

- (i) The jurisdiction disposed of **less than 5,000 tons of solid waste** in the most recent year for which such data are available; or
- (ii) The jurisdiction has a total population of **less than 7,500 people**.

(b) The requirements of this section do not apply in **census tracts** that have a population density of **less than 75 people per square mile** that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department.

(c) In addition to the exemptions in (b) of this section, **the department may issue a waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years**, based on consideration of factors including the **distance to organic materials management facilities and restrictions in the transport of organic materials** under RCW chapter 17.24. The department may adopt rules to specify the type of information ....

(d) Beginning January 1, 2027, the department may adopt a **rule to require** that the provisions of this section apply in the jurisdictions identified in (b) and (c) ...if the department determines that the **requirements of section 2 of this act have not or will not be achieved**.

# Updating solid waste management plans

Sec. 4. RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, **comprehensive solid waste management plan**. ...

....

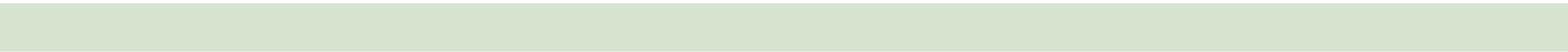
(3)

(a) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after July 1, 2022, each local comprehensive plan must consider the **transition** to the requirements of section 3 of this act; and

(b) When newly developing, updating, or amending a solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive plan must be **consistent with** the requirements of section 3 of this act;

# Input: State Targets and Organic Waste Collection Requirements

**Strengths/Concerns/Issues/Questions**



# Good Samaritan law (amending RCW 69.80.031): definitions

Sec. 3. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:...

(2) As used in this section:

- (a) "Apparently fit grocery product" means a grocery product that meets (~~(all quality and labeling)~~) **safety and safety-related labeling** standards imposed by federal, state, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, **passage of a date on a date label other than a safety or safety-related labeling of a date**, or other conditions.
- (b) "Apparently wholesome food" means food that meets (~~(all quality and)~~) **safety and safety-related** labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, **passage of a date on a date label other than a safety or safety-related labeling of a date**, or other conditions.
- (c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value **or is charged only a good Samaritan reduced price**.
- (d) **(f) "Good Samaritan Reduced Price"** means the price of an apparently wholesome food or an apparently fit grocery product that is an amount not greater than the cost of handling, administering, and distributing the apparently wholesome food or apparently fit grocery product.

# Good Samaritan law (amending RCW 69.80.031): definitions

Sec. 3. RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:...

(2) As used in this section:

(k) **"Qualified Direct Donor"** means any person required to obtain a food establishment permit under chapter 246-215 of the Washington Administrative Code, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(l) **"Safety and safety-related labeling"** means a marking intended communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking which federal or state law requires to be affixed to a food product, including but not limited to or markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021. "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300, or a "best by", "best if used by" "use by", or "sell by" date or similarly-phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

# Good Samaritan law (amending RCW 69.80.031)

(3)

(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith **or sells at a good Samaritan reduced price** to a nonprofit organization for ultimate **sale at a good Samaritan reduced price, donation or other** distribution to needy individuals, except that this subsection does not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may **donate food directly to end recipients for consumption**. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith or sells at a good Samaritan reduced price to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section. The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

# Good Samaritan law (amending RCW 69.80.031)

(5) If some or all of the donated food and grocery products do not meet (~~all quality and labeling~~) **safety and safety-related labeling** standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the (~~quality and labeling~~) **safety and safety-related labeling** standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.



Input: Good Samaritan law

Strengths/Concerns/Issues/Questions

# Requirements for Organics Management by Businesses

((1)(a) Beginning July 1, 2025, and each July 1 thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) **provide for businesses to be serviced by providers that collect food waste and organic waste ...** and (ii) **are serviced by solid waste facilities that provide for the organic material management** of organic waste and food waste and **have capacity** to accept increased volumes of organic material deliveries.

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

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

(ii)(A) In the event that a county or city provides written notification ....

(c) The department must make the result of the annual determinations required under this section available on its **web site**.

(d) In addition to enforcement of the requirements of this section by a jurisdictional health department as provided in this chapter, the **department may enforce** the requirements of this section, including by issuing penalties as authorized under RCW 70A.205.280.

# Requirements for Organics Management by Businesses

(2) Counting only wastes that **are not composted on-site** by a businesses for purposes of determining waste volumes:

- (a) Beginning January 1, 2024, a business that generates at least **8 cubic yards of organic waste per week** must arrange for organic material management services specifically for organic waste;
- (b) Beginning January 1, 2025, a business that generates at least **4 cubic yards of organic waste per week** must arrange for organic material management services specifically for organic waste;
- (c) Beginning January 1, 2026, a business that generates at least **4 cubic yards of solid waste per week** shall arrange for organic material management services specifically for organic waste, unless the department determines that this requirement will not result in significant additional reductions of organics disposal;
- (d) Beginning January 1, 2027, if the department determines that the organic material requirements established in section 2 of this act have not been achieved, a business that generates **at least 2 cubic yards of solid waste per week** shall arrange for organic material management services specifically for organic waste; unless the department determines that this requirement will not result in significant additional reductions of organics disposal.

# Requirements for Organics Management by Businesses

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

(a) source separating organic waste from other waste and **subscribing to a service** that includes organic waste collection and organic materials management;

(b) Managing its organic waste **onsite or self-haul** its own organic waste for organic material management;  
or

(c) **Qualifying for exclusion** from the requirements of this section consistent with subsection (1)(b) of this section.

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

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

# Input: Requirements for Organics Management by Businesses

**Strengths/Concerns/Issues/Questions**

# WA Center for Sustainable Food Management: activities

- (1) The Washington Center for Sustainable Food Management is established within the department, to begin operations no later than January 1, 2024.
- (2) The **purpose** of the center is to help coordinate statewide food waste reduction.
- (3) The center may perform the following activities:
  - (a) Coordinate the **implementation of the plan**;
  - (b) Draft plan updates and measure progress towards actions, strategies, and the requirements of **section 2 of this act** and the statewide goals established in **RCW 70A.205.715(1)**;
  - (c) Maintain a **website** with current food waste reduction ...;
  - (d) Provide staff support to **multi-state food waste reduction** initiatives ... and (e) Maintain consistency ...with work WA SCC **food policy forum**;
  - (f) Facilitate and coordinate public-private and non-profit **partnerships**...
  - (g) Collaborate with federal, state, and local government partners on **food waste reduction initiatives**;
  - (h) Develop and maintain **maps** or lists of locations ...that identify food flows, where waste occurs...
  - (i) Collect and maintain **data** on food waste and wasted food
  - (j) Research and develop emerging organics and food waste reduction **markets**;
  - (k) (i) Develop and maintain statewide food waste reduction and food waste **contamination reduction campaigns**..  
(ii) Develop guidance in support of distribution of **promotional materials**, including: (A) by **local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments**; and (B) by **state agencies**, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems; and
  - (l) Distribute and monitor **grants** dedicated to food waste prevention, rescue, and recovery.

# WA Center for Sustainable Food Management: model ordinances

(1) The center created in section B of this act must, by X date and in consultation with the office of the attorney general, research and adopt several **model ordinances for optional use** by counties and cities that provides for model mechanisms for **commercial solid waste collection and disposal** are designed, in part, to establish a **financial disincentive or other disincentives** for the generation of organic waste and for the ultimate disposal of organic material in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must **review the model ordinances** created in this section under the provisions of chapter 43.21C RCW; **[SEPA]**

(b) A county or city that adopts a model ordinance created by the center under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is **not required to review** the ordinance under the provisions of Chapter 43.21C RCW.

# WA Center for Sustainable Food Management: data

(1) In order to obtain such data as necessary to support the goals of the Washington Center for Sustainable Food Management (created in part III) and to achieve the goals of 70A.205.715(1),

**The department may adopt rules to establish periodic reporting requirements applicable to businesses that donate food under RCW 69.80.031 and recipients of such donated food, or may order that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the facility, and food waste and wasted food generated by the facility.**

To the extent practicable, the department must seek to obtain information under this section in a manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients. Upon receipt of such an order, the recipient must provide the ordered information within 90 days.



# WA Center for Sustainable Food Management: Coord w/Ag

Sec. (F) RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. **The department must coordinate with the department of ecology to ensure that the information and referral service** required under this section is implemented in a manner consistent with activities of section B and E of this act.

# Input: WA Center for Sustainable Food Management

**Strengths/Concerns/Issues/Questions**

# Funding and Incentives for Various Organic Methane Emission Reduction Activities

# Climate Commitment Account (Cap & Invest Revenues): amend

Sec. A RCW 70A.65.260 and 2021 c 316 s 29 are each amended to read as follows:

(1) The **climate commitment account** is created in the state treasury. The account must receive moneys distributed to the account from the climate investment account created in RCW 70A.65.250. Moneys in the account may be spent only after appropriation. Projects, activities, and programs eligible for funding from the account must be physically located in Washington state and include, but are not limited to, the following:

.....

(k) Programs, activities, or projects that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials, methane capture or conversion strategies, or other means, including technical assistance and education programs implemented by state or local governments or special purpose districts;

# Sustainable farms and fields program (amend)

Sec. B RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program ....

(6) Allowable uses of grant funds include:....

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase **compost spreading equipment**, for the annual use of volumes of compost determined by the department to be significant from facilities with solid waste handling permits for at least three years;

# Public works assistance account

**Sec. D.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows  
(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities **and composting and other organic materials management facilities.** A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

# Input: Funding and Incentives for Various Organic Methane Emission Reduction Activities

**Strengths/Concerns/Issues/Questions**

## Compost pilot Program (Updated from Vetoed Provision from HB 2713; 2020)

(1) Subject to amounts appropriated for this specific purpose, the department of agriculture must establish and implement a **three-year compost reimbursement pilot** program to reimburse farming operations in the state for purchasing and using compost products from facilities with solid waste handling permits, including **transportation, equipment, spreading, and labor costs.**

....

(4) A farming operation may submit only **one application** per fiscal year for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th of each fiscal year in which the pilot program is in effect.

....

- **50%** of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;
- **\$10,000** per fiscal year;
- not eligible to receive reimbursement for its **own compost products**



# Input: Compost pilot Program

**Strengths/Concerns/Issues/Questions**

# Compost Facility Siting

Sec. Alpha RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

- (1) A land use element ..... Comprehensive plans that are newly developed, updated, or amended after January 1, 2022 **must not prohibit or restrict uses that would allow for the siting of organic materials management facilities** described in sections 3 and 7 of his act to the extent necessary for the state to achieve the organic materials management requirements of section 2 of this act, **taking into consideration the locations of overburdened communities identified by the department of health** under chapter RCW 70A.02 RCW;

etc.

# Input: Compost Facility Siting

**Strengths/Concerns/Issues/Questions**

# Compost Procurement Ordinance and Plan

(1) By January 1, 2023, each local government, where **curbside organics collection** service is available to residents within the jurisdiction, shall:

- (a) Adopt a **compost procurement ordinance** to implement RCW 43.19A.120: and
- (b) Develop a **compost procurement plan** to meet the requirements of subsection (2) of this section and RCW 43.19A.120.

(2) Local governments shall implement the compost procurement plan in subsection (1)(b) of this section with **reasonable efforts**, where **compost is locally available in sufficient volumes from compost processing facilities**, to annually purchase amounts of finished compost product by the following dates:

- (a) By January 1, 2024, **twenty five percent of the amount of organic materials** collected through the curbside organics collection service and delivered to the compost processor;
- (b) By January 1, 2026, **fifty percent of the amount of organic materials** collected through the curbside organics collection service and delivered to the compost processor; and
- (c) By January 1, 2028, **seventy percent of the amount of organic materials** collected through the curbside organics collection service and delivered to the compost processor.

# Compost Procurement priority purchasing

- (3) Local governments shall give **priority to purchasing** compost products from companies that produce **compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs** and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.
- (4) Local governments may enter into **collective purchasing agreements** if doing so is more cost-effective or efficient.
- (5) Nothing in this section **requires** a compost processor:
  - (a) to enter into a **purchasing agreement** with a local government;
  - (b) **to sell finished** compost to meet this requirement, or
  - (c) **to accept or process food waste or compostable products.**

# Compost preferential bidding

## RCW [39.30.040](#) Purchases—Competitive bidding—Consideration of tax revenues—Purchase of recycled or reused materials or products—Definitions.

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. **Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120.**

Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

# Compost preferential bidding and contract requirement

**RCW [39.30.040](#) Purchases—Competitive bidding—Consideration of tax revenues—Purchase of recycled or reused materials or products—Definitions.**

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

**Sec 3.** A new section is added to 43.19A to read as follows: **Contracts to require use of compost products subject to conditions.**

**Any contract by a governmental unit shall require the use of compost products to the maximum extent economically feasible to meet the requirements established by RCW 43.19A.120.**

# Input: Compost Procurement

**Strengths/Concerns/Issues/Questions**



# Compostability Labeling (amending 70A.455)

- Transfers enforcement from the AGO to Ecology;
- Gives Ecology rulemaking authority;
- Establishing new reporting requirements for suppliers or distributors of plastic AND compostable food service products and trash bags (covered under 70A.455.070) related to certification of their compliance with requirements;
- Authorizes Ecology to require reporting by other product manufacturers;
- Providing for penalties, appealable to the PCHB, in a manner similar to is done under other environmental laws regulating the content of consumer products that Ecology enforces;
- Amends the standards in the existing law, in terms of what green/brown colors that must go onto products, or may not go onto products;
- Restricts the use of non-compostable produce stickers.

# Input: Compostability Labeling

Strengths/Concerns/Issues/Questions