

## Organics Management to Reduce Methane and Climate Change Workgroup

### Meeting #11 Notes (December 15, 12:30-2:30pm)

- I. Welcome and Agenda Overview
- II. Share draft policy language

#### **a. State Targets and Organic Waste Collection Requirements**

##### **Strengths/Concerns/Issues/Questions**

- Kent K.: Is there a definition of jurisdiction for 7,500 population?
  - Jacob L.: There isn't a specific definition because it is specific to each jurisdiction that implements a solid waste plan (so counties and some cities).
  - Kent K.: There may be 2 counties with less than 7,500 population?
- Samantha L.: Where did the 75% target come from? How many composting facilities does CA have?
  - Heather T.: It comes from the CA bill. The wording is based on CA 1383. And yes, CA is short the number of needed facilities.
  - Neil E.: CA currently has 160 green waste only facilities – 35 fully permitted than can take food scrapes (need to double this capacity). Currently 6M tons going through – need capacity for 12M tons.
- Ketsiri DB.: Will the organic materials include bones and carcasses?
  - Heather T.: Yes, it looks like it's in the definition.
  - Logan H.: Typically, they will accept bones and not full carcasses. This might change.
- Brad L.: Agree and understand the goals are somewhat soft at this point and will change. Want to make sure diversion requirements and goals get lined up with the facility capacities available and would grow overtime as capacity increases. Want to make sure there is demand for the product and there is not oversupply. Want to ensure quality product and permitted facilities. Diversion needs to line up with permitted facility capacity.
- Kate K.: Composting animal carcasses is an existing practice in WA state (e.g., on farm mortalities, road kill, etc.)
- Jody S.: Concerned with composting facilities feedstocks – limit to those things that are edible in terms of keeping quality high. Will want specifications of what can be accepted.
- Mary H.: Concerns about the diversion target and the lack of capacity in the state to manage organics.

#### **b. Good Samaritan law**

##### **Strengths/Concerns/Issues/Questions**

- Laurie D.: What will be most beneficial on Good Samaritan law is national standards rather than a state-by-state approach because it makes it difficult to push recommendations.

- Mary H.: Other problem with state-by-state process vs. national standard is it makes it difficult for businesses with a national presence to adjust their labels state by state.
- Charlie B.: It is likely that multi-state retailers will have similar concerns about state-by-state standards.
- Heather T.: This does not change labeling requirements. This is a statute in CA and has been in place for several years. This state language is a recommendation of a national think tank: ReFed.
- Samantha L.: Great about Good Samaritan reduced price. Curious about reduced price with donation.
  - Jacob L.: Subsection C – reduced price is defined as donation.
  - CA law was AB1219 from 2017.

### c. Requirements for Organics Management by Businesses

#### Strengths/Concerns/Issues/Questions

- Logan H.: It's hard for haulers/cities to track amount of organic waste in garbage stream. Question for businesses: does that include multifamily? In 1383, multifamily is included – the question is when – and there are lots of contamination concerns. CA did include landscaping for MF in previous bill AB1826 (not food scraps though).
  - Jacob L.: The definition of business does not include multifamily in early action section. Multifamily is included in the program overall.
  - Derek R.: Lots of opportunity as well to divert from multifamily.
  - Heather T.: Multifamily will be included when all other businesses go (potentially 2027?)
- Dawn MM.: Ecology is concerned about roll out dates in terms of existing facilities and volumes expected. Farms as businesses is a concern as well with such short timelines. Enforcement authorities for Ecology – have some legal questions about exempt facilities – whether language included would be sufficient to give the authority.
- Jody S.: Echoes concerns in multifamily with contamination rates. Non-resident managers are an issue, and it is hard to meet those dates without contamination.
- Samantha L.: Hospitality Association has concerns about mandating collection before the facilities are there. Businesses will not know when they need to comply. How will one understand the waste and compliance? Residential has the most food waste. Focusing on businesses first feels unfair.
- Derek R.: 2% of multifamily recycling food today and 30% of garbage in multifamily is edible/inedible food. Multifamily is the most significant opportunity. Programs like WasteXperts are focused on decontamination. There is a potential solution but has not been widely scaled yet.
- Neil E.: Will not get infrastructure in place if there isn't a requirement for jurisdictions to establish contracts by a certain time. Don't want much lag time between business and residential. Contracts need to be in place to get facilities on the ground.
- Logan H.: Is this for all businesses (e.g., small law offices)? Could small businesses be exempt – would get rid of the empty bin issue for small businesses? This can be an additional cost burden – worried about very small businesses with minimal organic waste.
- Heather T.: Question for Neil: Is the timing adequate here for section 1 and tiering – does it give enough certainty around the lag time issue?
  - Neil E.: Would have to look further to answer more clearly. Don't want lengthy lag time on regulation development that they had – 5 years is too long and there's too much uncertainty. This made implementation more difficult.

- Heather T.: Question for Logan: Starts with 8 cubic yards – that is not small biz?
  - Logan H.: Making exempt businesses that produce less than half a yard of organic waste. Or less than 32 gallons of edible organic waste? Fine with 1383 language, but concern is part 1 section 3 (all business by 2027).
  - Jacob L.: Suggesting a consistent exemption under both provisions?

#### **d. WA Center for Sustainable Food Management**

##### **Strengths/Concerns/Issues/Questions**

- Laurie D.: Don't think that a model ordinance with SEPA done on a statewide basis will supplant a SEPA review in a local facility.
  - Jacob L.: This isn't about facility siting. This is about the structures local governments have in place. This would exempt adoption of local policies or ordinance that match the state ordinance.
  - Laurie D.: It's a little murky. Don't know that having a model ordinance will take care of all the SEPA concerns local governments may have. Local governments can speak to that.
  - Shannon M.: There needs to be express SEPA exemption for any actions by local gov's on this issue. But I haven't read the language in detail.
    - Jacob L.: Shannon, the SEPA exemption in "section C" of this part is also duplicated in a 43.21C amendment in "Section D" of this part of the bill. Just to point you to the potentially-relevant language for review.
- Samantha L.: Gives authority to department to establish rules that require food donation to businesses to give data to the department. Feel it is burdensome to do it again on the donating business. Concerned this might make it harder for businesses – would like to remove duplication. Recipients have to report source of food.
  - Heather T.: At this time, recipients don't have adequate reporting in. This could be an easy online thing for recipients.
  - Mary H.: If they do have to report where it comes from, that is one thing versus how much. How much food is what we're looking for.
- Rod W.: Focusing on edible food gives the most benefit. It helps with diversion, environmental outcomes, and gets food to people that need it. For that reason, the center's work should focus on edible food. Around 50% of our food waste might be edible. The new language that requires the center to work on boarder organics waste goals diverts focus from food waste/edible food where the most progress can be made.

#### **e. Funding and Incentives for Various Organic Methane Emission Reduction Activities**

##### **Strengths/Concerns/Issues/Questions**

- Dawn MM.: In Ecology, there are categories of commercial compost producers that do not have to have a permit – unlevel playing field (e.g., commercial dairy composter – not required to have a permit would be ineligible). Dairy digesters could also be land applied and would preclude those from being used. There are facilities handling municipal green waste that are also exempt from permits. Requiring a permit will exclude those folks. Dawn will follow up with Jacob.
  - Heather T.: This is not a level-playing field. This is specifically to give an incentive for the use of commercial compost from permitted facilities. Intent is to sync with the other components of the bill and to promote the use of municipal green and food waste.
- Jody S.: Echoes what Dawn has to say. Also need more information on this section. Seen operators with different levels of concern.
- Neil E.: Any facility types that are a solution should be able to acquire some funding or incentives depending on the type of through-put they can take. If they are following existing regulations and are part of the solution, they need to be eligible and included. Leveling playing fields are a noble goal. If taking off-site materials, it's not just composting onsite materials.
- Michael S.: Did I miss including AD as a food waste solution?
  - Heather T.: It is sprinkled through the bill. This item is for composting.
- Dawn MM.: Reinforce that WA also has exemptions for farms that take green/yard waste from offsite. There are exemptions for these. Perfectly scalable for small communities and farms that don't trigger permitting requirements.

## f. Compost Pilot Program

### Strengths/Concerns/Issues/Questions

- Brad L.: Strongly agree with this. The mandates will help drive facilities, but it doesn't necessarily help with demand. This is a demand pull. Want to avoid some of the lessons from recycling where supply was pushed. Mandates will help, but the markets will be what's sustainable for demand. Anything that will help pull demand will also pull capital.
- Jay B.: Cedar Grove was a prime supporter of this program. Don't sell a lot of compost to agriculture as they could. This is a good opportunity to help this and good results with using compost on farms.
- Michael S.: Can digestate (liquid plant food) be included? It is a challenge and an opportunity to help with viability of ADs.
- Troy L.: I like the permit required element. The majority of materials are going to be pushed toward facilities that are going to need a permit. Keeps some controls in order.
  - Brad L.: Agree with Troy's comment. Have not had great experiences with exempt facilities.
- Kent K.: Put some form of language that says compost was purchased in local "air shed" and want to avoid transportation challenges.
- Emily C.: How could this be aligned with the HEAL act?
  - Heather T.: For example, give priority to farms that are burdened populations?
- Neil E.: We have had some inroads into agricultural use through demo projects funded by CalRecycle (e.g., wine grape pilots). Healthy soil program in CA gives out money from implementing healthy soil practices – many involve compost use. Variety of research projects that are demo projects and farmer-led tours. Helps get new markets sectors to understand value. Farmers see net benefits of applying compost (water and fertilizer reduction, improved productivity, etc.).

- Dawn MM.: WSU has done some demo projects that Neil mentioned with good outcomes. In general, farmers have zero tolerance for contamination in finished product. Incentives for good clean compost would be great for farmers.

## **g. Compost Facility Siting**

### **Strengths/Concerns/Issues/Questions**

- Logan H.: Just expressing general support for anything that will make the siting of additional compost facilities easier. Would support additional language that makes siting these facilities easier. We need the capacity.
- Neil E.: - USCC has been working on model zoning ordinances for a couple of years. Expect to be out by end of January.
  - Heather T.: this would dovetail with that.
- Brad L.: There needs to be annual inspections after the fact on all facilities. Ensure that permitted facilities are being regularly inspected and mirrors what happens with bigger facilities. Avoids burden of cleanups on local jurisdictions and helps with the industry overall.

## **h. Compost Procurement**

### **Strengths/Concerns/Issues/Questions**

- Neil E.: Part of the concern from local government in CA is procurement requires direct purchase from jurisdiction. They must come up with a “use” and most of them don’t have the ability to use the amount prescribed by Cal Recycle. CA procurement language allows for direct use by a third party so if jurisdiction is buying compost or a third party is buying/using compost on their behalf, that meets the procurement requirement. It can be having a contract with local farmers – anything that closes the loop to get materials used. Any incentives to complete transportation that allows compost to get back into soil. Part of feedback loop is wanting local governments tied to the amount of materials they’re required to procure. Need local government invested in end product to ensure quality needs are met. The ultimate goal has to be preserving the integrity of the system.
- Michael S.: Digestate procurement - if digesters are processing food waste they too need help with increasing demand for the digestate.
  - Neil E.: This has not worked in CA. Requirements helped local government understand the process.
- Brad L.: RCW 43.19A.120 already directs local governments to use compost wherever possible. This legislation builds on current requirements and directs local governments to adopt a compost procurement ordinance and plan to ensure a conversation takes place at the local elected and staff level.
- Heather T.: Does not go far enough. Make it a requirement instead of a “reasonable effort” – or maybe phase in requirement at a later date. Also, allow local governments to count local purchases so that it counts towards local governments’ procurement requirements. Ultimately, include other products that use the processing of organics materials (gas, soldier fly casts, etc.).
  - Mary H.: Soldier fly larva and frass (the poop) are not considered compost.
- Michael S.: We have educating to do and could use help with that. We have received WSDA approval for our digestate as a soil amendment.

- Shannon M.: Believe the current law is sufficient and prefer approach that pushes the demand side (i.e., farms) before overwhelming the system with both supply and demand. From local government perspective, it seems we are being singlehandedly responsible for the compost business model. This goes too far.
- Neil E.: AD not singled out in 1383. It is already covered elsewhere (AD are a form of composting). Digestate was not called out as a procurement option.
- Dawn MM.: AD is NOT considered composting in WA.
- Brad L.: State and local governments and their residents want organics collection and composting. However, not all the compost produced by every composter is currently sold. These provisions will help ensure local governments evaluate compost use in projects instead of more expensive alternatives, such as beauty bark for landscaping products, where compost can and should be used. Also allows government contracts, mirroring existing preferences for recycled paper.

## i. Compostability Labeling

### Strengths/Concerns/Issues/Questions

- Charlie B.: Flagging that Biosphere Plastic is working on a proposal to allow for certain statutes to be amended that if the plastic includes an additive that allows for biodegrading – that might be a place to add modification. Not interested in foodware but other durable products that could then be degradable.
- Samantha L.: Can't support a proposal that doesn't allow a company to pick a color in labeling their products.
- Brad L.: WRRRA supports the creation of, and an on-going dedicated enforcement program at DOE to enforce Washington's existing law for items labeled compostable. This will help reduce consumer confusion and contamination in the organics we collect.
  - Rod W.: Building on Brad's comment: With these changes DOE has more authority for rules and to register producers and concurrent jurisdiction with cities and counties. What we would really hope to see is clear direction to establish an active enforcement program to investigate violations/consumer complaints.
- Janet T.: Addressing a couple of technical points in draft re: ASTM. ASTM standards get updated periodically – 19 is not most recent. On produce stickers, 6400 and 6868 should be referenced.
- Laure D.: Still evaluating enforcement portion of the bill. Point of compliance is where we need to look. The point of compliance – when sold into state. Not enforcing on retailers that got product in appropriately. Point of compliance and reporting structure.
- Kate K.: I suggest adding definitions for coloring and tinting.
- Jeanette H.: Coloring across the board is going to be really challenging. Ecology, city, and county structures enforcing? Funding and counties. What we really hope to see is clear direction to establish an active enforcement program to investigate violations/consumer complaints.
- Samantha L.: How does packaging fit into conversation about reducing methane?
  - Heather T.: This is part of contamination discussion that is critical for compost to be used.
- Jody S.: Concerned about contamination and quality of feedstocks. We need to look a product that is compostable, but in what system? Can't lengthen times due to capacity.

- Brad L.: I appreciate Laurie's and Sam's concern, but WE need to focus on truth in labeling to reduce contamination and the quality of our feedstock on the supply side for those facilities that take compostable products.
- Jay B.: Tinting and color marking is helpful, so it is easily identifiable for operators.
- Sego J.: Along with Kate's suggestion on adding needed definitions, SPU is still compiling some initial suggestions that we will provide.
- Heather T.: This section (i.e., the bill it is amending) does not dictate that the products be used. or accepted at compost facilities. It just focuses on labeling.
- Neil E.: In CA, new legislation requires producers to be 3<sup>rd</sup> party certified. Only associated with desired organics. Looked at green and brown identification – but gave that up in bill negotiations – instead it will be determined in rulemaking. Effective Jan. 2024, [Bill AB 1201](#).
- Ketsiri DB.: Do we have any research that back up that compostability labeling is really reducing the contaminations?

III. Final meeting: January 6

IV. Meeting notes and presentations will be posted on [www.OrganicsWorkgroup.org](http://www.OrganicsWorkgroup.org)