

Organics Management to Reduce Methane and Combat Climate Change Workgroup (2023)

Meeting #12
December 13, 2023



Meeting #12 Agenda: Policy Language

Welcome and Overview of Agenda

Overview of Workgroup Logistics, Purpose

Policy Feedback: Draft Bill

- Workgroup Input: Strengths & Concerns/Issues

Next steps and adjourn

- Next meeting: **Wednesday, January 3, 12-2pm**

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

Workgroup Purpose

Purpose: Divert organic material and improve the organic material management system in Washington in order to reduce methane and combat climate change.

Role: Gather stakeholder input to inform policy tailored for Washington about mandating composting and other organic waste diversion from landfill, waste and food donation, contamination, facility siting, and waste reduction, among other topics. This policy builds on HB1799, which set policies in motion, so that Washington can more fully develop its own version of California's SB 1383 and provide certainty for our residents, government agencies, and businesses to prepare for future actions.

Workgroup Structure

- Made up of a diverse set of stakeholder organizations
- Two meetings per month through end of year
 - 1st and 3rd Wednesdays
 - Exceptions include an additional meeting on December 13
- Meeting content will include:
 - Presentations of background info (recorded)
 - Discussion of topics included in possible legislation (not recorded):
 - 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

Workgroup Facilitation

Agenda Committee: We have formed an agenda committee that will meet before each meeting to help chose topic areas and speakers for each meeting's agenda.

- Committee members include:
 - Heather Trim, Zero Waste Washington
 - Alli Kingfisher, Ecology
 - Brad Lovaas, WRRRA
 - Hannah Scholes, King County
 - Jay Blazey, Cedar Grove Composting
 - Kate Kurtz, City of Seattle
 - Travis Dutton, WSAC
 - Aaron Czyzewski, Food Lifeline

Facilitation: Julie Colehour and Sam Kwok of C+C have been hired by a group of stakeholders to facilitate this process. Funders include: King County, Zero Waste Washington, Food Lifeline, Lautenbach Recycling, Cedar Grove and Compost Manufacturing Alliance.

- Facilitation goal: Gather and accurately document all stakeholder feedback by topic area.

Meeting Topic Areas

- PAST:
 - Overview of HB1799 (Mtg #1, July 5)
 - Implementation of SB1383 in California (Mtg #2, July 18)
 - Local Perspective on Organics Program Implementation (Mtg #3, August 2)
 - HB1799 Implementation (State Perspective) (Mtg. #4, August 16)
 - Food Waste Prevention/Food Rescue (Mtg. #5, September 6)
 - Energy Generation/Credits/Carbon Sequestration in Soil (Mtg. #6, September 20)
 - Sources and targets (different materials); Geographic issues, including rates, collection approaches, apple maggot, etc.
 - Facility Siting, Zoning, Permitting & Infrastructure
 - Contamination, Education, and Schools
 - End Markets, Purchasing, and Procurement
 - Funding/Financing/Rates
- TODAY (MTG #12):
 - Policy Language Feedback
- FUTURE:
 - Policy Language Feedback

Policy Feedback



Draft Bill Summary

Sec. 101 Intent Section Placeholder.

Part II: Funding for Sustainable Food Management Priorities

- Sec. 201 Center for Sustainable Food Management Grants.
- Sec. 202 Sustainable Food Management Policy Implementation Grants
- Sec. 203 Center for Sustainable Food Management Duties
- Sec. 204 70A.65 Account edit
- Sec. 205 Washington Commodities Donation Grant Program
- Sec. 206 Waste Not Washington Awards Edits

Part III: Amendments to Solid Waste Laws

- Sec. 301 Mandated Residential curbside compost
- Sec. 302 Compost Facility Operator Training
- Sec. 303 Business diversion
- Sec. 304 Bin colors
- Sec. 305 Clopyralid and Aminopyralid banned as compost feedstocks

Part IV: Date labeling standardization

- Sec. 401 Date Labeling Standardization
- Sec. 402 Date labeling standardization
- Sec. 403 Date labeling standardization

Part V: Product Restrictions

- Sec. 501-- Stickers- Definitions
- Sec. 502. Prohibition on plastic produce stickers.

Part VI: Compost Purchases

- Sec 601.Funding as an alternative to compost purchases
- Sec 602. Compost Reimbursement Program Eligibility Amendment
- Sec. 603 Compost Procurement Reporting Amendment
- Sec. 604. Compost Purchase Reimbursement Account

Part VII: Miscellaneous

- Sec. 701- State Building code council amendments
- Sec. 702- Work group to study food donation by businesses.

Placeholders and Housekeeping in parts VIII and IX.

Input: Part II: Funding for Sustainable Food Management

*What criteria should be considered?

*Desired details about the process for applying to Ecology, the timing and duration of grants, etc.?

*Additional criteria that should go into prioritization for grant applications?

Strengths/Concerns/Issues/Questions

- Liz F.: Re: question about what criteria should be considered; One that I didn't see was that ideally, the funding criteria has prioritization that aligns with EPA and Ecology's Use Food Well WA plan where food waste prevention is at the top of the priority, then food rescue, then recovery in its various forms, then composting, etc. It's fantastic to see projects that standardize and improve the operating procedures with food donations. That's something that Seattle wants to see more of. Our pilots show that that is really an essential ingredient in all this work, but would like to see projects that prevent the surplus of unsold and eaten food from food businesses in the first place. Happy to provide examples if needed; The Pacific Coast food waste commitment has plenty of case studies that I can point to. Support that under eligibility that food generators of unwanted food are eligible because there are plenty of prevention projects that needs to start with them – they need funding and support. Under the application process – projects to improve transportation of donated foods – I would suggest not just improve but reduce the transportation of donated foods. The less food travels, the less it will be wasted during that passage of time and the handling. Innovation could look at not moving it. Finally – under eligibility that cannot include the purchase or lease of equipment that relies on a fuel source other than electricity – understand the direction, but concerned about affordability of EV vehicles. Wondered how affordable are those vehicles and another way of looking at funding vehicles like that is to have them shared/pooled together so that the vehicle just doesn't benefit one, but the vehicle is optimized through food rescue operations and serving many entities instead of each one buying their own vehicle. Under Food Waste Tracking section, seeing food waste tracking for food rescue data, but could we also include funding for businesses to track their food waste and that aligns with Ecology's Use Food Well WA plan?
- Chery S.: It takes about 6-9 months to stand up a new grant program at Ecology.
 - Julie G.: Does that include the application process? If not, is there a general window of time after the grant is propped up to the implementation and receiving funds or reimbursement for funds?
 - Chery S.: The 6-9 months is to establish the bones of the grant program. It has nothing to do with putting out RFPs or preview of applications. Don't have a great estimation, but 6-9 months is just for the program, not to issue grants.
- Paul J.: Appreciate and support the Sub 2 section that creates a prohibition for the Department requiring matching funds as part of the grant program. That's important to us.

Input: Part II: Funding for Sustainable Food Management

*What criteria should be considered?

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Strengths/Concerns/Issues/Questions

- Ron J.: Line 15 and 16 mentions standardizing collection bins, but it's surrounded by food donation. I find this confusing because when I think of collection bins, I think of curbside and I don't think that's the intent. Can you add clarity to this reference of collection bins?
- Chris C.: In general Sustainable Food Management is a vastly broad topic. This law focuses on Food waste, Food donations which are a subset of of overall Sustainable Food Management. Perhaps a more focused title to represent this work would be more appropriate.
- Carl S.: We noted that curbside infrastructure does not appear to be eligible under the grant program
- Brad L.: Have the sponsors considered or are they still considering separating "wasted food" from "food waste" issues into separate bills?
 - "Thumbs Up" from Chris C. and Jody S.
- Chris C.: Section 205, expand eligibility to cover addition types of food sourcing, Limiting to produce, grain, protein, may have some rationale, but leaves out many food segments.
 - Aaron C.: This section envisions large volume sourcing - truckload size. Would that apply to other segments your thinking about?
- Hannah S.: On the schools piece, it would be helpful to have Resource Conservation Managers in each district and additional funding for Student Green Team leaders in each school that are funded by CCA funds or some other funding
- Elizabeth K.: Sec 205 c) Give priority to recipient organizations that have at least five years of experience coordinating - I would like to see at least 3 years of experience rather than 5. Sec 205 - (3) The department must issue grants under this section to one or more nonprofit food cooperative organizations to acquire food directly from food producers located in Washington. I would like to remove the designation of "food cooperative" rather say "nonprofit organization".
- Carl S.: Re: Ron's comment about the costs and the dialogue with Jacob about Section 202 prioritizing grants for implementation of Part 3, we would prefer that those not be a competitive grant application sort of thing. It should be a direct distribution based on costs associated with implementation of the bill. Seems like that would be simpler from an administration standpoint as well in the interest of covering the costs associated with this.

Input: Part III: Amendments to Solid Waste Laws

Strengths/Concerns/Issues/Questions

- Carl S.: About Sec. 301, is this effectively banning putting any sort of food waste into traditional garbage streams? Does the bill talk about who will enforce and educate the public about that requirement? Our concern is the extent to which that is a local government responsibility because it's put into the statute that we would need to ensure the costs and expectations were covered and laid out in a understandable way. Not identifying that as a concern yet, but just flagging that issue is one that we want to understand a little better. looks like 1e might prohibit home composting and we might need to give the home composters a nod.
 - Jacob L.: Not explicitly by codifying it. entirely. Nothing in the draft that talks about public education or obligations. These requirements will be one of the activities that would get priority funding.
 - Chris T.: Following up on the last comment made by Carl. If you remove the term "curbside collection" from that Section 301 reference (item e) then it would ensure other services such as composting or what we are doing at Divert for our retail customers are not inadvertently impacted.
- Kent K.: Question about mandatory 52 weeks annually – would like to see a bit more on local jurisdiction on this or have a little more control. If you look at the cities that just currently stop their collection for winter months, their program looks completely different in the winter than the City of Tacoma because outside is probably going to be colder. I'm not really sure going out 52 weeks a year is going to be real beneficial. It's good in theory, but it's kind of upside down with what we're actually trying to achieve. My other question is when we talk about containers, are we talking the 96 gallon carts? Are we also talking the metal containers that take more load?
- Rod W.: Echo concerns about enforcement and local control. Also clarifying that the meaning of the language right now makes organics service mandatory but doesn't make actual waste or recycling service mandatory. Another concern is coming online January 1, 2030, but later in the section, the Department of Ecology also has as rule authority to expand the areas that are covered by that collection at the same date. It seems like having both those things come online at the same time may be challenging for implementation.

Input: Part III: Amendments to Solid Waste Laws

Strengths/Concerns/Issues/Questions

- Chery S.: If we're given the opportunity, if the statute is being opened up, there are actually a couple of things to address from the original language in 1799 or that's currently in statute that aren't addressed right now so that's a placeholder for additional comments. Instead of striking businesses that do not include multifamily residential entities, (Sec 303) – that's one of the most frequent questions that we get: are multifamilies considered businesses – make it clear the intent that businesses include multifamily entities. Sec 305 – clopyralid and aminopyralid – the title is clear, but the body of text notes that those contaminated materials are banned from use by any organics management facility. We're concerned because the definition of organics management facility is broad and we would not want to restrict necessarily some of those contaminated materials from going to other eligible organics management facilities. A suggestion would be to replace in a text "organics management facility" with "composting facility" if that's the intent to keep them out of compost facilities.
 - Ron J.: Will need to clean up that bit about multifamily. I would be cautious to say it's business. It is when talking multifamily in residential type waste? Sometimes, you're collecting it in large containers that are commercial containers, but it's really residential waste. A number of households have a small amount of a bunch of different things. If we start to mandate multifamily, I would caution that I would go slow to fast here. If you mandate multifamily, you might end up with a real contamination mess so I think multifamily shouldn't be called out specifically. Within this bill, you have business and you have residential. For multifamily, I think you just need to do it differently because you also have another convoluted complicated thing which is mixed use which has this combination. They are usually under one billing. I would be careful to lump those together.
- Ron J.: 301 basically clarifies what was in 1799 or as an extension of it is organics will be required. In other words, if you're a municipality where you provide solid waste collection, your customers will be required to have organic service by 2030 or 2029. Is that correct? Is this mandating organics? In Olympia, we have 60-67% subscribed to voluntary services. This automatically means that a 100% would have to be on service. We have to give everyone a card and then we have to enforce that because this has cost implications for utilities, service providers, haulers, and customers. Is there funding with it within this bill?
 - Jacob L.: Don't think Olympia, which is a city of above 50,000, would qualify for the subsection 3 carveouts. That existed in the underlying law so you're interpreting that correctly. Priority coming is included in 202.

Input: Part III: Amendments to Solid Waste Laws

Strengths/Concerns/Issues/Questions

- Kate K.: Generally, City of Seattle is in support of all Section 3. Regarding Section 301, Seattle supports this; it is a powerful strategy to reduce climate pollution. Section 302 regarding training requirements – generally supportive of the sentiment of that. The details will need to be reviewed, but I think we should consider requiring Ecology to create a compost or operator certification program similar to the Wastewater Operator Certification Program. Section 303 – Seattle supports. Section 304 – Seattle would support standardizing the bin colors, but have questions about the definitions of blue bin and why it said that the lid could be either blue, black, or gray? One thing to consider is that large dumpsters we see for multifamily and commercial customers have a black lid and there should be an exception for those because it's easy to see the dumpster color. Section 305 – Wording needs a bit of clarification, but Seattle is in support of banning materials that have been treated with clopyralid and aminopyralid.
 - Jacob L.: Re: color; that was probably how it was originally drafted and then it was the idea of matching lids and containers.
- Meara H.: Comment on Section 301 and about the timing of the rollout of mandatory service. January is a really hard time to deliver carts and containers to people if they've never had organic service before. Trucks may not even be able to do normal garbage service that week so I'd recommend moving the dates later on in the year when there are no weather issues, something like April.
- Heather T.: Would support the idea that the multifamily would tee up with the single family residential that those 2 things would be teed up. I believe the mixed buildings that Ron refer to are already considered business so those are already included in the current 1799.
 - Ron J.: I don't think they are.
- Rod W.: Section 301 1e says that all persons may use the only sort of separated organics solid waste services to discard online organic material via curbside collection. Just to clarify, the intent of that is that it effectively bans food waste organics in the waste bin. If so, it brings it back to enforcement. How do you enforce that and who enforces that? There are big constitutional questions about that in Washington because unlike a lot of states you have a right to privacy and what goes in your waste bin and there was a case involving the city of Seattle that it didn't get out of the local court level but the bone steel case that dealt with this and it was found to be unconstitutional there. And just another question or another comment on not necessarily what's here but what's missing by expanding organics collection this widely by 2030 you're going to need a lot more facilities and capacity or places for that material and I didn't turn up anything in the bill on that too. Seems like an outstanding issue is dealing with the infrastructure piece. A needs assessment would be helpful here to deter, you know, at a state level and also county by county level needs assessment of what's going to be needed to implement these services by 2030 and every given jurisdiction would be helpful as well.

Input: Part III: Amendments to Solid Waste Laws

Strengths/Concerns/Issues/Questions

- Jay B.: Cedar Grove generally supports providing the service to all esp in densely populated areas with capacity. We understand there some valid issues to work through on this.
- Rodd P.: Need to clarify - language appears to stipulate service at least every other week, year-round (ie, 52 weeks). Some programs in the past suspended organics pick-ups during the winter. It does NOT appear to require weekly collection, but the wording should be clearer.
- Chris C.: Section 305. A more general statement about toxins present due to pesticide or other contamination may be appropriate. The wide range of human and animal toxins may prohibit use in composting and certainly ineligible for food donation.
- Chris T.: Section 303 Business Diversion 6(b) (b) This section does not modify, limit, or abrogate in any manner any of the following: We should add to the right of a business (item iii): to choose a service provider to improve its waste reduction practices, through source reduction, increased donations, or energy creation
- Rebecca K.: Will there be financial assistance for residents who have trouble paying for the mandatory service?
- Brent L.: Pacific Topsoils would like to express support for comments regarding expanding composting capacity and easier permitting for existing composters in the law.
- Rick V.: Sec 304 Bin colors - thinking of capital outlay and operational needs. Would like to consider the option of having only lids be the color required for each material type. Body can be one color or match the lid.
- Carl S.: The bin issue supports the need for direct investment not grants/competitive. It seems that it would be a knowable universe of necessary bins to be provided for households who would be obligated to subscribe to organics services. It seems that it would be much more efficient to purchase and distribute those at a state level rather than routing that through local governments.

Input: Part IV: Date Labeling Standardization

Strengths/Concerns/Issues/Questions

- Chris C.: Re: date labeling provisions being consistent across all states. It would be best that the standard be established at the federal level. There is a bill in place going through Congress as part of the farm bill. My only ask is that the Washington law be consistent with the federal law that is expected to be established. Manufacturers do not sell product just into Washington. They sell nationally and internationally so one set of labeling systems should be consistent.
- Katie B.: Concerns with this section. Echoing Chris – needs to be standardized at the federal level and not at the state level. It would be relatively difficult for our stores to comply with this as they have food coming in from different states. We also have concerns about the request for signage. That's in this section saying that we need to have pretty large signs somewhere in our store that talk about what these and dates and labels look like. I just think that's a very interesting mandate and I don't know what that would actually look like in store. Of all the sections, this brings the most concern.
 - Rose G.: Concur with Katie. Also have members who are grocers who carry food. The national standard and sourcing of food varies too much that it's practically impossible to implement when the standard is different from the rest of the country.
- Heather T.: Would like to add the opposite argument. ReFED has a special policy unit on food. They have said that this is one of the most important ways to reduce food waste at the consumer level in their homes.
 - Chris C.: Not disagreeing but asking for consistent overlook of programs that would not be unique to Washington.
 - Gracyna M.: For context, Californians Against Waste is one of the cosponsors of the date labeling bill. Echoing Heather, this is an important issue. This is a completely important issue and looking at all different levels of supply chain, most of the food waste is coming from the household and consumer level and there's a ton of literature to back up the fact that people are throwing food out over misunderstandings of what these date labels actually mean. They're throwing out food that's still good, so this is I think that really important measure and also just to touch on the point of standardizing at the federal level the terminology. In this bill, as well as the California bill and the federal bill is all the same phrases best if used by or used by.
- Thu B.: Wondering how this will affect food banks receiving donated foods that is still wholesome but maybe past a certain quality date?
 - Emily M.: Wondering this myself as well. Part IV Section 2 (d) states: "Prohibits the sale, donation, or use of food after the food's quality date under subsection (1) of this section has passed;"
 - Aaron C.: Good point. Food banks provide food safety inspections for all donations to ensure only quality, safe foods move into hunger relief. Will look into this further.

Input: Part IV: Date Labeling Standardization

Strengths/Concerns/Issues/Questions

- Katie B.: We understand the reasoning behind why we want to make these changes. Would love to see a shift in consumer behavior, but to put the onus on the grocers to make sure that the packaging of their products is really difficult and I would love to see a stronger component or opportunity in this bill to do more consumer education versus adding mandates to businesses. It's hard, especially when we're representing small independent grocers that likely are going to struggle with compliance more than larger box stores.
 - Michael W.: Re: Katie's comments, maybe regulations should only apply for large stores?
 - Brandon H.: Haha - no!
 - Katie B.: We would agree with Brandon, we don't need to separate compliance, just stating it's even more difficult for smaller stores.
 - Chris C.: Is there a way currently to identify stickers as compostable or not?
- Michael W.: Just standardizing across whole West Coast may be more realistic for standardizations. Maybe just WA and Oregon.
- Carl S.: The bin issue supports the need for direct investment not grants/competitive. It seems that it would be a knowable universe of necessary bins to be provided for households who would be obligated to subscribe to organics services. It seems that it would be much more efficient to purchase and distribute those at a state level rather than routing that through local governments.
- Emily M.: Part IV Section 2 (d) states: "Prohibits the sale, donation, or use of food after the food's quality date under subsection (1) of this section has passed". My concern is that this could lead to edible food being wasted rather than able to be donated to hunger relief. As we know, even with standardized systems of dating, variations in storage and transportation conditions (seasonal weather, etc) can impact the quality and safety of food. I worry that prohibiting donations entirely will just create new food waste challenges.
 - Thu B.: Yes, agree.
 - Jeremy V.: Agree with you 100%. I think it also conflicts with current donation Good Samaritan food law RCW 69.80.031

Input: Part V: Product Restrictions

Strengths/Concerns/Issues/Questions

- Kate K.: City of Seattle supports this section. Unreasonable to think that plastic produce stickers would not be contaminating compost unless they are certified compostable.
 - Alex T.: Echoing Kate. Also support this. Unclear how this works with labeling law considering how small the produce stickers are. Mostly I'm asking because if there's a couple years between domestic and international if there's going to be a way to tell the difference if that makes sense because I know other places that have done this are kind of moving all at one time such that there is no opportunity for confusion between compostable and non-compostable stickers. I think at some point it says that produce stickers that would in theory be entirely fiber would be exempt for having to be certified compostable, which I understand for other products, but in this case, stickers have to have quite a bit of adhesive and I would just suggest that that adhesive which is something that BPI also test for should be compostable and so I'm not sure if I necessarily I think that fiber-based product should get a free pass given that they have other materials needed to adhere it to a piece of produce.
 - Jacob L.: Directing you to definition of a protein sticker to include the means of fixing a label or marking to an item so you wouldn't be able to use non-compostable adhesives either.
- Katie B.: Would want to make sure we had time as retailers to sell through any produce that have the plastic stickers on it so that there's time for manufacturing requirement. Also make sure there's no responsibility on retailers in this section, but doesn't look like there is. Retailers are affixing stickers to produce so don't want to be held liable if there isn't compliance for a produce on the shelf.
- Chery S.: Echoing some of the comments already made in that implementing the produce sticker requirements in domestic/international time frame leaves a lot of confusion. Also suggest requiring compostable labeling standard for produce stickers, such as making the produce stickers green or branding them somehow so that it's clear that they are compostable similar to other labeling requirements. Question on 502 – the section puts responsibility for compliance on person that sells the sticker or the produce – would like some clarity around who is responsible for compliance on that piece.
- Janet T.: Re produce stickers. We will provide written comments but there are some nuances regarding fiber stickers, adhesive feasibility, and performance that could create unintended consequences and on which there may be significant push back.

Input: Part VI: Compost Purchases

*What formula should be used?

Strengths/Concerns/Issues/Questions

- Rodd P.: We have offered every other week year-round organics collection for yard waste and food scraps to tens of thousands of Whatcom County residences for well over a decade with no service issues or community concerns. Requiring weekly organics collection would increase carbon and climate impacts. Our experience is that a successful and growing program can be operated every other week.
 - “Thumbs Upped” by Rick V., Chris C.
- Carl S.: Significant concerns with this approach and model. This will effectively require 46 cities over 25K and 39 counties with significantly varying capacities and sizes to be required to purchase compost that they don’t have the demand for yet and store it presumably. If the state is going to mandate this curbside collection, the state should purchase the product and provide it our for used source sale. It doesn’t make sense to involve local governments on that. The other challenge is that organics processors are pretty much reliant on 2 funding sources – the tipping fee and the sale of the product itself. With this model, we’re requiring local governments to be responsible for funding the entire business model of the organics processing industry. If that’s the outcome, perhaps the state should just get into that business and run it on behalf of the public as they have significantly more opportunity to leverage purchasing power and resources to get a better deal than expecting 85ish local governments to collectively achieve that beneficial outcome.
- Paul J.: We have been consistently in opposition to this policy. Disappointed, but not surprise to see it in the bill. Was originally in 1799 with very similar language other than the alternative which is to pay some sort of per capita fee, which is a bit of a head scratcher as well and that was really negotiated out of that bill in favor of the procurement ordinances. Seems counterproductive to require local governments to buy an arbitrary amount of compost material regardless of whether they have a demand or use for it. The procurement ordinances basically defined how and when they would use that materials and created a system where local governments could prioritize using utilizing that, but that materials instead of other materials when it was appropriate. We much prefer that system. The way this is written transfers a substantial portion – if not most – of the risk for the entire program to local governments, which is unacceptable to us. This represents a significant unfounded mandate. It likely violates existing RCW because of that. As far as counties go, we are some of the least funded per capita and least financially diverse governments out there in Washington state where regional governments were highly dependent on property taxes. Property taxes are limited to 1% growth annually and we don’t have additional resources that are sitting around to become the major customer for a market that needs to be created in order to justify the existence of this program. We will oppose this bill if it continues to include this section.
- Hannah S.: King County echoes concerns that Carl and Paul shared on Part VI.

Input: Part VI: Compost Purchases

*What formula should be used?

Strengths/Concerns/Issues/Questions

- Amy C.: The Department of Agriculture will be providing written comment on the bill by December 28 because it impacts multiple divisions and requires coordination across the agency.
- Dan C.: Acknowledge with Carl's comments as well as Paul's comments for the City of Tacoma. The other thing we're concerned about is we don't have a lot of need for compost. We use TAGRO, a biosolid product. This seems to punish cities for being innovative and forward thinking, and already recycling a product. While I recognize that compost and TAGRO are not the same and/or performing the exact same functions, it is widely used along with arborist chips that are harvested from power line trimmings. There isn't a need and we're going to be purchasing products that we don't really need and being fined for it. If this is the model we're going to be using, consider the money could be better spent in food waste reduction education instead of going back to composters to sell the compost and doing the marketing for them. This creates a lot of concern.
- Rebecca K.: Joining cities in saying this is going to be a significant burden. We do not have a use for compost above and beyond what we already supplement with the work we do in the city. Saying we have to buy a certain amount or be fined \$10,000 means we'll have bags of compost sitting around doing nothing. We don't have the space for it or the capacity to use it. We are very selective in what we do use because of our concern for the wetlands and waterways that run through the city and to the best of my knowledge, there isn't a testing that goes on statewide to say yes, it's an acceptable product for ecologically fragile areas. Without that, you're asking us to put stuff into our ecosystem that we can't be 100% sure will not have a deleterious effect.
- Heather T.: In favor, but we can modify from the California version. This is coming from HB 1383 and coming from the perspective of needing to do market pull. In California, the formula is .8. Here, we need a much lower percentage that would be required because we've heard from California that that was too high of a number. Disagree a little with Paul about this being negotiated out. The way I look at it, the way 1799 was framed with those first steps. Those were getting pieces in place for the future based on things like mandates, which is what this is. With regard to the concern Rebecca has about environmentally sensitive areas, the idea is to help get a circular economy going where we do have a lot of the compost going back to ag and growing new crops and getting back to that fuller system. Thus, having this innovation here that California didn't have of being able to have this fund for farmers for purchasing is really trying to get at that.
 - Rebecca K.: So cities are being asked to fund farming operations? We don't have any in the city, so this is burdening our residents for the benefits of places they don't live.

Input: Part VI: Compost Purchases

*What formula should be used?

Strengths/Concerns/Issues/Questions

- Carl S.: It doesn't really matter how we characterized what happened in 1799. Our concern is the mandatory purchasing requirement proposed here. If this is an approach that moves forward, we need to have significant protections for the taxpayer/ratepayer because we're in a situation now where we're sort of mandated to generate material for a facility and then mandated to purchase it back. What are the protections from price gouging and that sort of thing in that arena? Maybe we could look at something like a UTC type approach to ensure that those costs are rational and based on actual costs and some reasonable profit margin and not just open to anything that puts you as a captive audience at this point in the proposal. We will look for that if this continues to be an approach that's in the bill.
- Rod W.: This program will significantly expand organics collection which will result in much more compost produced in Washington. Regardless of what the end market is, having end markets for compost will be crucial for policy success and implementation.
- Kate K.: Appreciate the either/or approach of having the mandatory buybacks or being able to fund this other market because like folks from other cities have said, we don't have a lot of capacity or need for huge amounts of compost in our cities. We also know from lots of research that the highest and best use for compost is often on agricultural land. The barriers to using agricultural land are the cost of applying. Like the approach of paying into compost reimbursement program. Another thing I would like to voice support is changing the composting reimbursement program into a tiered approach on how much funds the farmers can apply for based on acreage of the farm. Removing the requirement that the compost must be produced at a facility with a solid waste permit =.
 - Jenna M.: Support Kate's comments.
- Brent L.: Make it a voluntary system and the residents get organic compost in return for their participation.
 - "Thumbs Upped" by Rebecca K.
- Ron J.: Olympia echoes Carl (AWC) Paul (Assoc of Counties), King County, Tacoma concerns on Part VI. We have no space. The cost will be born by ratepayers, which impacts or can impact rate affordability and equity. Also -every compost facility we've toured, has all their material sold - sometimes years in advance.
- Lorrie R.: Comment regarding Title for Part VI: Consider revising to "Recovered Organic Waste Products Purchases" as it includes compost, mulch, biogas among other organic materials.
 - "Thumbs Upped" by Chris C.

Input: Part VII: Miscellaneous

Strengths/Concerns/Issues/Questions

- Rodd P.: Regarding language in Sec. 701, this effectively duplicates existing WAC 51-50-009, which includes multi-family buildings, has been on the books for decades, and was already updated by the Legislature to include storage and access for compost collection.
- Holly Y.: Section 702 is a great idea! It would be great to ensure that this study group:
 - 1) Assesses assets gaps and needed development of food rescue infrastructure;
 - 2) Facilitate the creation of networks and partnership to address gaps and needs and to develop innovative partnerships and models where appropriate;
 - 3) provide grant recommendations for food rescue related infrastructure, staffing, and communication functions.
- Ron J.: State and building codes is something that we rely on in our own development standards. It does actually specifically say in that code, and I think this could be an opportunity to strengthen it. It's about new construction, but really where you're going to need this is not just new construction, but you're going to need it in to have improvements and remodels so that could be a way to enforce it. Also getting it so it really gives us that adequate capacity. Oftentimes, in the building code, it's almost too late. Frankly, needs to be a land use issue, but it's not a land use issue. That kind of planning needs to happen before you get to the building permit.
- Samantha L.: Concerns with Section 702, which we've voiced over the last 6 months. Calling this as a study is misleading because it points and targets the group to come up with future plans for this to happen in Washington state, which we have been opposed to and voiced that concern, especially seeing what's happened in California. Having a hard time seeing how this bill was drafted using the feedback and conversations from stakeholders. Disappointing seeing a bill draft in this manner that has not taken stakeholder feedback into consideration after the discussion process.
 - Heather T.: Doing a study first as requested by stakeholders as was suggested in meetings.
 - Samantha L.: One person might have suggested a study, but not the full subgroup. Also missing the bill is the public education campaign suggested from all sides.
- Chris C.: My concern is with Section 702: the use of the term mandate for food donation from businesses implies that there aren't current practices in place that are voluntary in nature. Support a workgroup to study and improve practices, but to describe it as a mandate seems overly prescriptive in my opinion.

Input: Part VII: Miscellaneous

Strengths/Concerns/Issues/Questions

- Kate K.: Section 701: Regarding MF bin location. Seattle is generally supportive. Consider adding requirements for adequate resident and staff access to each container within these rooms/areas. Also, adequate door width and corridors for drivers and staff to move containers from the storage area out of the building to the truck collection location.
- Katie B.: 1) In the Workgroup, there is a representative requested from grocery. We ask that the representative be expanded to small and large grocer or make sure that small grocer voice is captured. We have many things in common, but not everything. It's important when we're added to workgroups, we're separated or both of us are included. 2) Would like to echo Samantha's concerns that overall bill draft includes so many provisions that we talked about from state standardizations to the produce stickers that we've all raise concerns about and there are a lot of potentially good things in this bill, but overall, the bill is a little unexpected given the work that we've done in the summer.
- Brad L.: Regulation & Enforcement: Expanded organics collection must be consistent with Washington's regulatory structure, involving the Utilities and Transportation Commission, cities, and counties. Enforcement will be critical to policy success. Local Health Departments will need resources and strong enforcement tools. Both commercial businesses and residents will require education.
- Chris C.: If you're greater than 4 cubic yards per week, there are certain provisions. Many members that are in that category and compost or divert to animal feed food waste from manufacturing which the definition of waste food and food waste, I agree, needs to be clarified because those are 2 different things. Regardless, one of those categories is not identified. To be required, it requires all food waste or wasted food to be diverted from landfill. There are circumstances in food manufacturing and in food distribution where products that are contaminated either by bacterial means or metals or other foreign materials where the food is not safe that it needs to be destroyed and diverted to landfill, and that's in compliance with food safety regulations and that all manufacturers follow. We believe there needs to be a provision in the law that acknowledges that those types of food waste or products are allowed to be disposed of in the landfill.

Strengths/Concerns/Issues/Questions

1. Ensure that the Work Group to Study Food Donation focuses on finding opportunities to expand donation programs at the state and jurisdictional level rather than requiring generators come up with their own programs of "mandated" donation. The focus of study in this group should:
 1. Asses assets gaps and needed development of food rescue infrastructure;
 2. Facilitate the creation of networks and partnerships to address gaps and needs and to develop innovative partnerships and models where appropriate; and
 3. Provides grant recommendations for food rescue related infrastructure, staffing, and communication functions
2. Ensure that businesses utilizing reverse logistics or backhauling are not inadvertently cut out of the market through the use of language favoring curbside collection.
 1. In the section mandating residential curbside compost, there is language mandating curbside collection. By using this language, the legislature runs the risk of inadvertently creating a franchise focused waste landscape in the state of Washington, which would inhibit the number of organic waste solutions that could prosper and scale within the state.
3. If procurement requirements for jurisdictions are put in place, ensure the development of a truly open marketplace aimed at allowing jurisdictions to choose from a suite of organics management solutions beyond just compost to ensure they find a solution that works best for them. By ensuring the addition of these other recovered organics materials, the Legislature will also be incorporating recommendations from the recent EPA Report, "From Field to Bin, The environmental Impacts of Food Waste Management Pathways" that indicate that application of non-biosolid digestate can help to create a truly circular pathway to divert food waste from the landfill and recover nutrients. Instead of creating a marketplace for only procurement, allow jurisdictions to procure from a variety of recovered organic waste products, including:
 1. Compost that is produced at a composable material handling operation or permitted facility and meets specific purity standards to avoid land application of microplastics and harmful pollutants.
 2. Non-Biosolid Digestate that is produced at large volume in-vessel food waste digestion facilities that are permitted and meets specific purity standards to avoid land application of microplastics and harmful pollutants.
 3. Renewable gas used for fuel for transportation, electricity, or heating applications.
 4. Electricity from biomass conversion.
 5. Mulch that meets certain requirements and purity standards to avoid land application of microplastics and harmful pollutants.

Input: Bill Draft from Divert Inc.

Strengths/Concerns/Issues/Questions

1. Ensure that parameters are put in place to reduce contamination in recovered organic waste products such as composting and digestate.
 1. While contamination will consistently be an issue as generators seek to improve their source separation efforts, there are ways to mitigate contamination in every step of the process. As more jurisdictions utilize recovered organic waste products it is crucial that purity standards be applied to recovered organic waste products so that products contaminated with microplastics and heavy metals are not introduced into the agricultural stream through land application. Ensuring these parameters are put in place early on will support the suggestions from EPA's Report "From Field to Bin: The Environmental Impacts of U.S. Food Waste Management Pathways" indicating that digestate utilized in land application is considered one of the most beneficial applications for organic waste management under its circularity report. We are urging lawmakers to consider placing a regulation on the amount of microplastics / contaminants that should be allowed in finished compost, biosolids, or digestate being used for soil amendment or agricultural purposes .
2. Ensure that the lifecycle of plastic recycling bins is given consideration and courtesy when mandating the use of color-specific recycling bins
 1. While Divert remains committed to minimizing contamination, we believe that an exemption from the color requirements need to be made for recycling bins that are recyclable in and of themselves. Our proprietary bins utilize specific materials to aid in the streamlined cleaning processes of our reusable bins and we have worked to source recyclable bins to ensure that we are maintaining circularity in all of our operations. By completely changing the color requirements, we would be forced to re-source all of our bins that may not be offered in certain colors. The sleeve materials that we utilize are fairly translucent and are not a color block scenario that would create confusion. We would instead be more than happy to re-source the lid and the base because these are made of a different material where more color options are available. We feel it is important to instead add labels highlighting the material that goes into the bin to prevent a possible scenario where other waste processors may end up landfilling bins that are perfectly good just because they do not comply with color requirements.