

Meeting #2 Agenda (August 21, 3-4:30pm)

**I. Welcome and Overview of Agenda**

**II. Anthony Myint, Executive Director, Zero Foodprint + Q&A**

- a. What type of facilities in Washington state would be looking to provide the funding options to consumers or customers? Would grocery stores be included in this?
  - i. It would be optional. It would be opt-in or opt-out at a grocery or restaurant depending on the local appetite for each mechanism. From our work with 75 business, less than 1 out of 1,000 customers opt out in any case.
- b. A large part of the goal is to drive the market for compost. In projects done so far, what percentage of farmers have bought compost for their lands versus other tools they can use?
  - i. About 75% of projects. With carbon sequestration modeling, it's modeled to have a high sequestration per dollar. It has been effective. The current funding is about 10 cents per acre, which is inefficient. What we're proposing is one of many potential solutions.
- c. Do you have statutory authorization in the states you're operating in? If so, do you need it? It sounds voluntary unless you do the opt out approach.
  - i. We don't. What we're doing is the optional food style could be considered a commercial co-venture. The optionality, as long as it's clearly stated upfront, is allowed.
  - ii. This would take the Farm and Field program and add.
- d. How are businesses bringing awareness to their customers about the 1% to decide opt-in or opt-out?
  - i. Every business is doing it in a different way. Some are pricing it in, some are eating the costs. It's up to each staff. We give each business what they need to communicate it themselves.
- e. Many local places are doing this for many different types of projects. Do we know, at the state level, how many you can take on? How are we going to control that for our individuals?
  - i. Can't speak for every measure. It's allowing the economy to internalize the externalities.
- f. Now this is an optional for the restaurant correct? No one has to do this program?
  - i. In our current program, it's informal and voluntary.
- g. Here's the link to the 2021 CA Dept of Food and Ag grant awards. Out of 940 projects it seems like ~900 involve compost application. This is before SB1383, so producer demand is immense.  
<https://www.cdffa.ca.gov/oefi/healthsoils/docs/2021-HSPIncentive-SelectedProjects.pdf>
- h. Get in touch with Anthony ([anthony@zerofoodprint.org](mailto:anthony@zerofoodprint.org)) for any help facilitating anything at the state, local or business level.

**III. Policy Feedback: Carbon sequestration project incentives**

- a. Model Ordinance: SECTION XXX. A new section is added to RCW 70A.207 to read as follows:
- i. (1) By January 1, 2027, and in consultation with the attorney general, the department must research and adopt a model ordinance for optional use by counties and cities that provide a mechanism for food service businesses to provide customers an option (optional “opt-in” or “opt-out”), on food and drink bills, to apply a one percent surcharge and for solid waste collection service providers to apply an optional one dollar surcharge to curbside service bills. The model ordinance may not require food service businesses or solid waste collection companies to apply a surcharge, and may not require customers to pay a surcharge if a business elects to provide a customer payment option on a bill. The optional surcharge, where collected, must be remitted by a collecting food service business or solid waste collection service provider for use by the Washington state conservation commission consistent with section YYY of this act and 89.08.615(13).
  - ii. (2) for purposes of this section, "food service business" has the same meaning as in RCW 70A.245.010.

**Input: Model Ordinance**

- **Carl S.:** Not sure seeing the value of having local government create an ordinance to have their businesses opt in. It’s better to have the state do this at the state level. Otherwise, it may add a layer of admin and delay.
  - **Heather T.:** If we did that, would it be possible for local governments to still be charged to the city? Could money trace to local?
    - **Carl S.:** Yes.
  - **Penny S.:** Agree with Carl’s comments. Would complicate it further unless we have it at the state level. Local level ordinance would slow down the overall progress and lack consistency. Anthony made the comment that everyone is doing it differently, which stood out to me. Let’s try to make this as easy as possible.
- **Anthony M.:** I like the concept of efficiency. To me, transformative change happens when you opt out. Large difference from opt out and opt in. If you opt in, some small percentage of businesses might be participating. 1% of restaurants is a large number in places like San Diego. Write it in a way to prompt jurisdictions to switch to opt out but statewide is opt in.
- **Shannon M. (AWC):** (i) By January 1, 2027, and in consultation with the attorney general, the department must ~~create research and adopt~~ ~~an optional~~ model ordinance ~~for optional use by counties and cities~~ that provides a mechanism for food service businesses to provide customers an option ~~of applying a one percent surcharge to their bill (optional “opt-in” or “opt-out”), on food and drink bills, to apply a one percent surcharge~~ and for solid waste collection service providers to ~~provide customers apply~~ an optional ~~at of applying a~~ one dollar surcharge to curbside ~~collection~~ service bills. The model ordinance may not require food service businesses or solid waste collection ~~companies providers~~ to apply a surcharge, and may not require customers to pay a surcharge ~~if a business elects to provide a customer~~

**Commented [SK1]:** Shannon M. (AWC): I don’t understand the relationship here. The surcharge is collected from the customer at a food establishment to support compost use on farms. But doesn’t that remove the incentive from the business to reduce food waste?

Similarly, why don’t you just add a dollar to organics collection bills and send it to this grant program?

**Commented [SK2]:** Shannon M. (AWC): Agencies don’t adopt model ordinances.

~~payment option on a bill.~~ The ~~optional~~ surcharge, ~~where collected,~~ must be remitted by ~~the a collecting~~ food service business or solid waste collection service provider for use by the Washington state conservation commission consistent with section YYY of this act and [RCW 89.08.615\(13\)](#).

- **Samantha L.:**

- How does this tie into an organics workgroup?
- What is a “carbon Sequestration project” and who oversees where the money collected and where it goes?
- How does one of these projects tie in anyway to a food establishment?
- Why does this need to be passed by the legislature?
- Doesn't the CCA money go for projects like this? Doesn't this compete with obligations on covered entities seeking offsets under CCS? How does this work?
- How would this be asked? Is this a verbal ask? At the bottom of a receipt?
- Adding anything to the bottom of a receipt costs money and remitting the money to the state could cost the entity more money than the donation amount collected.
- Additional concerns about adding something to a bottom of a receipt:
- Surcharges/service charges also cause legal liability for the operator.
- Adding an additional item to a receipt like this could be viewed as competition to a team member's tip. This causes us major concern as there could/would be major employee perception challenges.
- We would not support this proposal.

- **Ecology:** We recommend moving this language to the Washington State Conservation Commission statute. The Department of Ecology (Ecology) could be listed as a consultant agency with the attorney general. This model ordinance research and creation (or adoption) would be better under the agency that will receive this funding for the development of a local sustainable farms and fields grant program.

- If this language were to remain under Ecology's authority it should not be under the Washington Center for Sustainable Food Management statute. This language does not seem to fit the purpose of the center, to help coordinate statewide food waste reduction.
- Ecology has concerns that creating a model ordinance and creating a grant program will take resources not identified, so far in this language. We are concerned that the opt in on food and drink bills and an optional one dollar surcharge on solid waste service bills will not create a consistent and reliable funding source, to support grants.

- Ecology has concerns about opt-out language, as it may add an unfair burden on those without English proficiency.
- Also, Ecology recommends adding (if not already) a definition of equipment.

b. Sustainable Farms and Field Account:

- i. SECTION YYY. The local sustainable farms and fields account is created in the state treasury. All receipts of money directed to the account must be deposited in the account, including collections under model ordinances adopted under SECTION XXX of this act. Expenditures from the account may be used only for purposes eligible for the sustainable farms and fields grant program established in RCW 89.08.615. Moneys in the account may be spent only after appropriation.

#### Input: Sustainable Farms and Field Account

- **Hannah S.:** Are there any resources for local jurisdictions to implement the light grant programs? I know it's great to have the money to distribute, but local jurisdictions need staff time to implement.
  - **Heather T.:** This could come from 2301. This could be added to that as something that would be available for Ecology to offer grants for. It could include grants for local jurisdictions to implement this program. We'd need to update that in the bill. Good point because then staff could go to local restaurants to talk about this.
- **Kate K.:** Wondering to what degree the thought has been put into sustainable farms and field versus other grant programs (i.e., compost reimbursement program from Washington State Dept. of Agriculture). Setting up a local sustainable farms and field program would change it substantially how it would run from the state level. The concern is that it would blow up what is the current farms and field program. The second concern is that the majority of restaurants and business are in urban areas and majority of farms are in rural areas that are not necessarily in the same city or county – so if funds follow locality of where generated this could be a mismatch with needs. That would require more thought.
  - **Heather T.:** Open to not making it local. Just adds to the program, but does not take away or change current program. This is a separate account/grant program. Funds could be prioritized by location where money comes from.
    - **Kate K.:** This would be earmarked?
  - **Anthony M.:** The language was “just prioritized” so it's trying to let local take first crack at it and then allow it to flow statewide. It can be finessed based on how much you might want to give to local. SFF program is deployed through districts so don't think it

would be blowing it up. Don't think this would be a problem for state program now – just different budget allocations for different administrators.

- **Alison H.:** Kate does bring up some really good points that it would be really valuable to talk to Kate Delavan or Karen Hills to figure out what it would take to amend the SFF program and what the implication would be. Important that commission can talk about the language to work in confined structure.
- **Anthony M.:** And I think it could a) add to the WSDA compost program or b) could be the complement to it as a pool for cost-share, to expand access to the existing resources.
- **Shannon M. (AWC):** SECTION YYY. The local sustainable farms and fields account is created in the state treasury. All receipts of money directed to the account must be deposited in the account, ~~including collections under model ordinances adopted under SECTION XXX of this act.~~ Expenditures from the account may be used only for purposes eligible for the sustainable farms and fields grant program established in RCW 89.08.615. Moneys in the account may be spent only after appropriation.

**Commented [SK3]:** Shannon M. (AWC): No collections will occur under the model ordinance, only under city or county codes.

c. Sustainable Farms and Field Use: Section ZZZ RCW 89.08.615 and 2022 c 180 s 501 are each amended to read as follows:

- (1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.
- (13) In addition to the grant program established in this section, the commission shall develop a local sustainable farms and fields grant program, to be developed consistent with subsections (1) through (10) and (12) of this section, using funds in the account specified in section YYY of this act. Grants from the program must be prioritized, by [within??] city or county, for projects identified by that city, county in which the city resides, or county, in approximate proportion to the amount of money collected from each city or county during the most recent fiscal year in which the surcharge was collected under a model ordinance adopted under section XXX of this act.

#### Input: Sustainable Farms and Field Uses

- **Shannon M. (AWC):** (13) In addition to the grant program established in this section, the commission shall develop a local sustainable farms and fields grant program, to be developed consistent with subsections (1) through (10) and (12) of this section, using funds in the

**Commented [SK4]:** Shannon M. (AWC): An additional grant program with the same name? This needs to be restructured. Are you combining the surcharge receipts to the exiting grant funding and expanding the uses? Or are you separating the surcharge receipts to fund a new set of allowable uses in city/county in proportion to the funds collected? Or some combination?

account specified in section YYY of this act. Grants from the program must be prioritized, by [within??] city or county, for projects identified by that city, county in which the city resides, or county, in approximate proportion to the amount of money collected from each city or county during the most recent fiscal year in which the surcharge was collected ~~under a model ordinance adopted under section XXX of this act.~~

- **Samantha L.:** Re (ii)(13): Where is this money coming from?

d. Existing Sustainable Farms and Field Grant Uses:

- i. (a) Annual payments to enrolled participants for carbon storage or reduction;
- ii. (b) Up-front payments for contracted carbon storage;
- iii. (c) Down payments on equipment;
- iv. (d) Purchases of equipment;
- v. (e) Purchase of seed, seedlings, spores, animal feed, and amendments;
- vi. (f) Services to landowners, such as conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design & implementation BMPs to reduce livestock emissions;
- vii. (g) Purchase of compost spreading equipment for the annual use for at least 3 years of volumes of compost determined to be significant from materials composted at a site that is not owned or operated by the farmer;
- viii. (h) Scientific studies to evaluate and quantify the ghg as emissions avoided as a result of using crop residues as a biofuel feedstock or to ID management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;
- ix. (i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and
- x. (j) Other equipment purchases or financial assistance deemed appropriate by the commission

**Input: Existing Sustainable Farms and Field Grant Uses**

- **Michael S.:** Thanks for (i)!
- **Robbie G.:** Would compost fall under (e) “amendments”?
  - **Carolyn M.:** Perhaps “composts should be called out specifically.
  - **Heather T.:** Agree that it would be helpful to add “compost” there to make it super clear.
  - **Kate K.:** Clarify amendments to be “soil amendments including compost.”

- **Kate K.:** On (f), clarify language to say “soil organic matter content” as opposed to “soil organic levels.”
- **Shannon M. (AWC):** (a) to (f): This is existing law and needs to be distinguished from proposed amendments.
  - Re: (g) Purchase of compost spreading equipment ~~for the annual use~~ for at least 3 years of volumes of compost ~~determined to be significant from materials composted at a site that is not owned or operated by the farmer;~~
  - Re (h): Almost certain ECY did this study.
- **Samantha L.:** Re (b): How does oversight work here? Who decides if they money is being spent on an appropriate project?

Commented [SK5]: Shannon M. (AWC): By whom?

#### IV. Policy Feedback: Pesticides residuals

- a. Residual Pesticides I: NEW SECTION. Sec. 305. A new section is added to chapter 70A.205 RCW to read as follows:
  - i. ORGANIC MATERIALS TREATED WITH CLOPYRALID AND AMINOPYRALID BANNED AS COMPOST FEEDSTOCKS.
  - ii. (1) Agricultural waste, yard waste, or other organic material waste known or likely to be contaminated with clopyralid, aminopyralid, ~~or other similar herbicides in the picolinic acid family, as identified by the department by rule~~, must not be provided to an organic materials management facility for handling as organic or yard waste and may not be used by an organic materials management facility as an input or feedstock.
  - iii. (2) To the extent that the requirements of this section conflict with the requirements applicable to clopyralid, aminopyralid, or other similar herbicides in the picolinic acid family adopted by the United States environmental protection agency under the federal insecticide, rodenticide, and fungicide act, the requirements of the federal regulations take precedence and may be enforced by the department of agriculture under chapter 15.58 RCW.

#### Input: Residual Pesticides I

- **Caleb C.:** Doable, but II and III have the issues that I brought up. Take out the crossed language in sub section 2 as well. Option 1 is doable – and still do rulemaking to keep others out of residential due to keeping it out of compost.
- **Neil E.:** I believe there are more residual pesticides of concern that should be added to the list. All of the following are concerning to composters: clopyralid, aminopyralid, aminocyclopyrachlor, and picloram.
- **Fanny SG.:** FYI – there are permit exemptions in the current Solid Waste handling standards for these wastes.
- **Caleb C.:** For reference, current clopyralid restrictions are here: <https://apps.leg.wa.gov/WAC/default.aspx?cite=16-228&full=true#16-228-1235>

- **Kate K.:** This actually makes sense to me because it's more comprehensive because it says that it's illegal to give that to a compost facility.
- **Ecology:** (Section 1) This language already exists under, RCW 70A.205.015(16)(b): "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use. Ecology recommends deleting this section. It is addressed in statute, and encompasses more than just pesticides in the picolinic family.
- **Ecology:** (Section 2) We need clarification on this language as to the fit and purpose of including it in the solid waste statute.

b. Residual Pesticides II: (New section added to RCW 15.58 to read as follows):

- The Department (of Agriculture) must conduct education and outreach related to restrictions under this chapter (15.58) applicable to the herbicides specified in (section 305) that is limited solely to the publication and dissemination of a 1-page informative document. Enforcement under this chapter applicable to the herbicides specified in section 305 must primarily be complaint-based and rely on an online complaint form. The department may not adopt rules under this chapter to establish special use restrictions applicable to the herbicides specified in section 305 of this act.

#### Input: Residual Pesticides II

- **Caleb C.:** We could do that, but still cannot add anything in rulemaking. Clopyralids are restricted use in Washington. It was made this way in 2002 to avoid getting in the way of clopyralid getting into compost.
- **Ecology:** Ecology believes this language would most effectively be accomplished by WSDA adopting rules to restrict the use of pesticides and herbicides (Similar to WAC 16-228-1235 where they restrict the use of clopyralid). WSDA is given this authority in chapters 15.58 RCW and 34.05 RCW. This would be the most effective way to reduce persistent herbicide and pesticide contamination at organic management facilities. Education, as stated here in Residual Pesticides II, can follow. WSU Extension is already a leader in Clopyralid and Aminopyralid education and use.

c. Residual Pesticides III (alternative idea):

- (1) Until such time as all herbicides in the picolinic acid family, as identified by the department (of ecology) are restricted from sale or use in Washington under chapter 15.58 RCW or under federal law, hay may not be

provided to an organic materials management facility accepting mixed wastes for handling as organic or yard waste and may not be used by an organic materials management facility that accepts mixed waste as an input or feedstock.

### Input: Residual Pesticides III

- **Carl S.:** Clarification – are these used in residential gardens? Or are these commercial?
- **Caleb C.:** Problem is that Ecology does not have the statutory authority to restrict pesticides in WA and cannot add into rulemaking. Clopyralid is already restricted in WA due to compost concern.
- **Jacob L.:** As written, hay is not allowed into compost feedstock – until and unless the chemical is banned from use. So Ecology does not ban – they just determine what can go into compost. The way it was written is that it could technically not happen.
- **Carl S.:** My point was going to be that if city yard waste is intended to be a feedstock here, cities will not know what sort of over the counter herbicides might have been applied. Seems like that's not a problem as long as those chemicals are not used in that fashion, which it sounds like they are not. Also, this references pesticides, but I think these are herbicides.
- **Samantha W.:** Question about hay production – pesticides end up in manure as well, straw, bedding – will impact all ag waste (except chickens). Don't accept ag waste in most facilities due to pesticides in there. Need to consider these other ag wastes. Might need to be expanded beyond hay. Not saying, I'm supporting his, but saying that clopyralid is a persistent pesticide.
- **Caleb C.:** Even restricted pesticides would still be able to be used by ag in certified applications – only way to not is to ban them completely. Don't know if you'd want to go that far.
- **Kate K.:** Does not make sense – since it is not limited to hay. It includes manure. Given that, I would recommend letting go of this option and focusing on first option that says that you cannot give contaminated feedstock to a compost facility.
- **Kate K.:** Caleb, to what extent is hay treated with clopyralid or aminopyralid? Is most of it treated with these types of herbicides, or not so much?
- **Kate K.:** But what about the manure from animals that ate hay treated with clopyralid? III doesn't make a lot of sense...
- **Ecology:** Ecology recommends striking this section. Materials contaminated with pesticides are already prohibited from compost facilities ([70a.205.015\(16\)\(b\)](#)). The sale of these products should not be restricted, only their use, which WSDA has the authority to do.

## V. Next steps and adjourn

- a. Next Meeting: Thursday, September 5; 3-4:30pm

b. Upcoming Topics:

- i. Thurs., 9/5: Operator training; Food waste tracking and flow map (Use Food Well WA recommendations)
- ii. Thurs., 9/19: School food waste (Use Food Well WA recommendations)
- iii. Thurs., 10/3: C&D waste study; Offal
- iv. Thurs., 10/7: Load rejection; Bin color
- v. Thurs., 10/24: Education focused on participation and keeping it clean; Permitting, siting, and air quality
- vi. Wed., 11/13: Multi-family source separation; Enforcement
- vii. Thurs., 11/21: Compostable products; Food date labeling