

## Meeting #10 Agenda (January 10, 1-3:00pm)

- I. Welcome, Agenda Overview
- II. **Policy Feedback/Discussion: Revised Bill**

### Input: Source Separation and Contamination Education

- Katie B.: Education is an important component and should come before any enforcement. This particular education section is focused mostly on residential, but I do believe there's opportunity for business education in this space as well. I understand the budget constraints that we are looking at this year but would like to look at a date nearer to today instead of 2029.
  - Robbette S.: Mirror Katie's comments.
  - Gena J.: This ideally would include more stakeholders beyond residents such as businesses required to comply and nonprofits, farmers, etc. that can also accept food waste for diversion to people and animals.
  - Jay B.: Agree with Katie, Robbette, Gena in terms of broadening the stakeholders.
- Travis D.: Question – The EPR bill includes composting in the needs assessment. Curious if outcome of that will inform what existing outreach and education exist out there, counties, cities, etc. around organics that have been doing it for a while and communicate with their public and their residents. How do they overlap/inform, if at all? Curious how the assessment in the EPR bill covering composting would inform what education and outreach is working and not working here.
- Alli K.: Ecology has a number of line edits and wordsmithing and can send those in a separate document. Within this first section of the source separation education, one implementation issue that we immediately see with it is the structure around the pilot strategies language. We believe the intent of the pilot strategies would be at a local government level, so perhaps look at a mechanism with pass through funding. Statewide pilots are problematic from an implementation standpoint. Comparing this education and outreach campaign to other outreach/research campaigns conducted by Ecology, we anticipate that this section would have quite a high fiscal impact, rough order of magnitude. ~2M is the ballpark, but we have not done a fiscal analysis of this section yet.
  - Rep. Doglio: How might we be able to bring that note down? Are there particular things in it that drive it up?
    - Alli K.: Happy to discuss the testing and research methodologies.

### Input: Organics Grant Program Eligibility

- Alli K.: Need clarity around requirement around eligibility. References Section 4 – does that mean only the jurisdictions or entities that have already complied with the bin lids/labels? Clarify language to not exclude people that have not made the lid change. We also recommend that the department may require the performance metric to be provided depending on how the type of grant is issued. We would also recommend changing to not just having local governments providing performance metrics, but to have any entity receiving grants to provide performance metrics on those grants.
  - Rep. Doglio: The reference to Section 4 is not a typo. Rather than having penalties for noncompliance with lids, it was a way that we thought would be a gentler way of incentivizing people to get their lids together.
    - Alli K.: Recommend a little bit of clarity to improve the language so that it doesn't exclude people who haven't yet had an occasion to require the need to obtain new bins.
- Robbette S.: With the addition of Section 3, does it exclude funding for the definitions in Section 1? Also, is the funding in this grant section for areas in which there is established BOMAs or ORCAS or some other organic inclusion?
- Travis D.: Just curious about the carveout for county with population of 200,000 and shares a border with Canada?

### Input: Collection Bin Lids and Labels

- Nick S.: Recognize and appreciate the changes that have been made, but continue to acknowledge from WRRRA's perspective that having a hard date by which things need to be swapped out continues to be problematic. We feel like it doesn't fully recognize the lifetime of these bins and lids and that's going to continue being a problem.
- Jay B.: Restate position – now just lids. We haven't been in favor of this in the commercial sector as the contamination isn't a problem. Our bin colors are pretty compliant, but most lids are black. Colors not needed for larger bins in commercial sector.
- Ron J.: + 1 on Nick and Jay's comments. Our commercial lids are only made in black, which could prove to be a challenge for our commercial dumpsters and even if we could get a different color, it'd probably be really expensive in some third-party manufacturer and who knows if they'd even work. We share the concern and concept of getting everything uniform, but some containers do last a very long time. In Olympia, could buy customer dumpsters, but any dumpster – 1 yard and above have black lids.
- Robette S.: Second both Jay and Ron with the black lids. It would be easier to change bin colors than lid colors on dumpsters (1-8 yard metal dumpsters). We can get green or brown lids for 96 gallons, so can other haulers. That's easier.

- Jacob L.: Coloring requirements apply to containers less than 101 gallons.
  - Kate K.: That language works for Seattle. Less than 100 gallons excludes dumpsters by default.
- Heather T.: Should fix the wording clarifying the type of bins exempted.
- Rep. Doglio: Heard in stakeholdering that contamination in the commercial dumpsters is not that much of an issue. Black lids are really the cheapest thing and that's what everybody uses. The intent was exempt them.
- Neil E.: In CA, we did not anticipate for lid and labeling requirements – there was no EPR at that time so they put graphics and imprints on bins that now don't conform to EPR requirements. Would be cautious about graphic requirements that could make the bin or lid obsolete before the utility of the bin or lid is exhausted.
  - Heather T.: Thoughts on adding language – subject to EPR program – about needing labeling to be consistent with a possible EPR program. There would be funding from producers to pay for the labels at that point too.
    - Neil E.: Don't disagree. Would use as a cautionary tale. WA is more aligned on potentially getting EPR adopted and having this move forward, so would try to make them more consistent as opposed to having these expenses exhausted by jurisdiction and rate payers or obsolete equipment.
- Ron J.: +1 on the potential issue that decals will go out of date on both carts and dumpsters. It's a little easier to change on commercial because there's not as many of them, but very hard to change on residential. Is there evidence that shows a cart/bin label impact what goes in the bin/behavior? Could cause customer confusion if items are added or deleted. Education can help this. Could put a URL to point to current instructions and then mailing information through constant communication through education and outreach.
- Rick V.: Modifications have been helpful. Continue to see implementation challenges. Have nearly 750K carts that we know this new rule would apply to. Of those carts, we have a variety of vendors. It's difficult to contract with one vendor to swap out lids and we see that as a significant challenge, which may lead to confusion and contamination in neighborhoods. The timeline for swapping out containers would also be costly if you have to swap them out or then trying to identify container vendors, year, model, date, and make sure that everything looks clean on the street. We recognize that there have been quite a few programs rolled out in our areas and education team has been doing work, so this would be a layer that wouldn't represent that outreach and would lead to more confusion with customers and drivers trying to service the road safely.
- Jenna M.: Agree – commercial dumpster container lids should remain black.
  - Dan C.: Concur, commercial container lids should remain black.
- Gena J.: Re the bins. Over time the transition might make sense but what is the rationale and proof of concept. It seems that the EPR bill having a unified state recycling list makes more sense for helping people know what is recycled where is more logical solution than matching bin lid colors. Or requiring that signage on the carts be updated annually. Or even requiring a cart tagging

program be run every year that helps community members to know how they can reduce contamination these solutions are backed by evidence from Recycling Partnership research. Would be interested in seeing the research that indicates unified bin colors reduce contamination.

- Robbie G.: It seems like the money spent on labeling bins might be more effectively used in outreach. I've got the city's recyclables list printed out at home, but us waste folks are built different I suppose. Labeled beyond generic bin names "Recyclables", "Trash", etc.
- Robbette S.: Organics are different than standard recycling that changes often. Food waste is universally compostable. Where confusion lies is in compostable packaging. Across the state this packaging is not universally accepted at each facility so couldn't be adopted as part of a universal list for what is accepted in a organics waste stream. I don't see as big of an issue with these labeling and sticker requirements on bins
  - Neil E.: In CA and CO, compostable packaging collection and processing looks to be required as part of collection programs across the state, consistent with other packaging materials in blue bins. While that is not consistent across CA, there will be pressure on composters to accept and process packaging if jurisdictions are required to collect them
  - Robbette S.: Colorado and composters there like A1 organics are no longer accepting compostable packaging
  - Susan T.: A1 is a CMA facility and does accept certified residential bags only, but did cut off other categories in 2023, just for clarification

### **Input: Multifamily service obligations**

- Alli K.: Ecology has some language suggestions to better get at intent of jurisdiction language.
- Nick S.: Have we brought together MF developers?
  - Rep. Doglio: Have not done it yet, but intend to reach out to MF developers given the language.

### **Input: State building codes obligations**

- Ron J.: Thank you for including! Could make it even stronger. Getting that leverage from state building codes would help us enforce locally and have space for containers and access by users and collection/hauling companies.

- Chef Tom: Ditto.

### **Input: Building owner/Operator obligations**

- No comments.

### **Input: Business organic management**

- Hannah S.: Appreciate changes, but in the previous version, there was a requirement for service providers to provide lists of customers and service levels to help with the outreach and identifying folks who were out of compliance and that would be really helpful. We're concerned that the current language that requires Ecology to provide those lists won't be a lot more helpful than what Ecology is already able to do currently.
- Alli K.: Echo Hannah – list would be more comprehensive and robust with data from service providers. Do not understand the language in 7C – would like clarity on what it means.
- Travis D.: Echo Alli. On page 15, line 21 – a list of business that are “likely” to be required. Curious about the vision behind the word “likely” and it may be more in line with what Hannah mentioned about who provides a list and the confidence in the list.
- Brandon H.: For our clients, it's always the goal to be in compliance so appreciate the language that requires for there to be a couple of violations before getting to the civil penalty. Are the size of the fines consistent with other statues and laws that have caps on what those fines would be? There's some room to improve those just knowing that if you received 1-2 notices of violations, there should be a requirement for education and development of a plan or something to avoid getting to the next step of penalties.
- Wendy W.: Service providers and haulers don't always have the data. We've been working with cities and Ecology over the last several months to try to figure out how to bring businesses into compliances and identify who they might be. Can be tricky based on when we do or don't have data – good lists will require cooperation and multiple sources of data/lists.
- Jay B.: Think this is important – good policy to develop. From boots on ground expertise – dealing with large generators saying they won't do it unless forced so would be nice to have a little more teeth behind this. Agree with Brandon and shouldn't be immediate fines – goal is to help folks make better decisions with organics. Regarding data, when bill goes to 96 gallon carts, that will be a lot

of people. My hope is that we'd have a pretty good idea of who's generating around that level and who isn't. Customer lists are sensitive topic for businesses in a competitive setting.

- Heather T.: Maybe we add educational letter to sequence? Is there a way to add that Ecology can request data from businesses and governments and that it will be confidential?
- Katie B.: Echo Brandon's comments. Think this ties back to importance of education before any type of enforcement mechanism. Many businesses – especially small ones that we don't have access to through membership – need to make sure they know about compliance before any fines and even a letter of violation may be a surprise. 2026 is coming soon. How can we help out the smallest businesses through education first?
- Robbette S.: From a rural area and a nearly formed BOMA – we feel strongly about penalty structure. Agree with prior education/outreach and funding to help that locally. See this as part of ed and outreach as we launch BOMA. Does help that there is potential for financial penalties as part of the education and outreach. Agree with this section – will be very helpful.
- Nick S.: We continue to believe – in organics management legislation implementation – that the best way to make sure we get the best outcomes is to really focus on that implementation and get through some of that and the rulemaking that Ecology is kicking off before we layer on additional requirements.
- Keith J.: Section 7 – This BOMA section is still unfunded and the LHJs will not be able to do this work without sustainable funding. Thank you for not mandating LHJs do this work.
  - Fanny S-G.: Agree.
- Robbie G.: I'm a little concerned that the fines outlined in Section 8 would disproportionately effect smaller businesses. \$500 might be a make or break for some folks.
- Gena J.: It seems too early in the implementation of this law to have business penalties. We are now just letting businesses know that it is a law. Can the DOH actually implement the penalties? More funding for education and outreach should be utilized in engaging with businesses about the interpretation of the previous laws. If a grocery store is already complying because they have a donation program that is feeding animals or people that meet the requirements of the law, how would they notify DOH or Ecology? Wouldn't it put an administrative burden on them especially if they are receiving daily fines for not being in compliance? It could have the unintended consequence of pushing businesses away from donation toward composting, which is less desirable for environmental, social and economic outcomes. In our engagement with businesses we have already seen confusion and misinterpretation of the OML causing food scraps to be diverted from feeding animals to compost
  - Brandon H., Robbie G.: Agree

### **Input: Sustainable farm funding**

- Alli K.: Ecology finds this section not implementable for the perspective of this work is unrelated to the Center for Sustainable Food Management. Where you're putting it under where the funding that is collected and dispersed within this program goes to all WSDA programs. We feel this section would be better located in a WSDA RCW. Crossing between agencies complicates the implementation. Same comment for other sections – in Food Center but referencing programs outside of Ecology is complicated. Collections under Section 8 – should be 9? Would like to clarify where the penalties go – who collects and how it's managed in Section 8.
  - Heather T.: What you're saying is it needs to have a differing housing?
- Katie B.: Thank team for altering language to be more vague and have it apply to public or private entities versus retail establishments and/or restaurants.
- Anthony M.: Thanks for including – important precedent to scale regenerative agriculture and healthy soil.

### **Input: School food waste**

- Alli K.: Ecology requests clarity on Section 12 where OSPI is in consultation with Ecology. We don't quite understand what we're in consultation with/or for what duration. So just some clarity around the language there would be helpful.
- Misha C.: In an earlier version of the bill, it was that Ecology would consult with OSPI and then we flipped that to where we will consult with Ecology on finding existing programs to identify food waste reduction best practices. It would really be reaching out to Ecology and making sure that our agencies are collaborating and making sure OSPI is tied to the sustainable food management center. Leveraging existing things.
- Ron J.: With respect to school food waste, it looks like everything in there is about reduction, but do schools still need to comply with the business organics?
  - Heather T.: They do, but this is about the kids and the curriculum and the in-school stuff.

### **III. Wrap-up & Adjourn**