

**Legislative update MSWMAC  
March 12, 2021**

The 68th session of the Washington State Legislature is a “long” 105-day session that began on Monday, January 11, 2021 and runs through April 15, 2021. The following bills have been introduced this session. The cutoff to move bills out of the house of origin was March 9, 2021.

**The following bills have passed out of the house of origin by the deadline (March 9, 2021)**

E2SSB 5022 - Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging

HB 1393 - Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

SHB 1145 - Allowing the use of nonwood renewable fiber in recycled content paper carryout bags

SB 5345 - Establishing a statewide industrial waste coordination program

2SHB 1161 – Modifying the requirements for drug take-back programs

E2SHB 1050 – Relating to reducing greenhouse gas emissions from fluorinated gases

HB 1393 - Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

**These bills did not move out of the house of origin**

HB 1053 – Delaying the implementation of restrictions on carryout bags. The governor’s emergency proclamation regarding COVID-19 has already delayed the bag ban.

SSB 5174 – Providing for the recycling of wind turbine blades

**Below is a detailed summary of these bills:**

**[E2SSB 5022](#) / Managing solid waste through prohibitions on expanded polystyrene, providing for food serviceware upon customer request, and addressing plastic packaging.** The original bill was sponsored by Senators Das and Rolfes.

**Overview:** The bill moved out of the Senate to the House with a striker and several amendments. Changes to the bill include:

**Stakeholder process**

E2SSB 5022 adds a stakeholder process to advise the development of post-consumer recycled (PCR) resin use requirements. By May 1, 2021, the department of commerce will convene the committee to make recommendations on the development of mandatory post-consumer recycled content requirements for plastic packaging. A report is due to the legislature by November 15, 2021. The bill references federal regulations on aerosols concerning technical feasibility for achieving the minimum recycled content requirements for household cleaning and personal care product containers.

**Recycled content requirements for plastic trash bags, personal care and cleaning product containers**

Producers of plastic beverage containers, plastic trash bags and plastic personal care and cleaning product containers are required to meet certain recycled content requirements by set dates. Dairy milk containers compliance dates are 5 years beyond the dates of other beverage containers to allow for HDPE postconsumer recycled plastic markets to develop. The producers report annually to Ecology the amount of virgin plastic and the amount of postconsumer recycled content by resin type used for containers sold/distributed into Washington state. Ecology would enforce these requirements.

**Other components of the bill remain unchanged**

Restrictions on the sale and distribution of certain EPS packaging.

Requirements for the distribution of single use service ware.

**Issues:** There are no mechanisms required in the bill to verify or certify, via a 3<sup>rd</sup> party, the use of recycled content in the packaging/products. It will be difficult for Ecology to determine whether companies are in compliance with the law and will make the law unenforceable.

**Status:** E2SSB 5022: Moved to the House Environment & Energy Committee, scheduled for public hearing March 11, 2021 at 1:30pm. The hearing resumed on March 12<sup>th</sup> at 10 am in the House Environment & Energy Committee.

**[HB 1393](#) - Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.**

**Overview:** Provides a two-year delay for certain implementation dates for the Photovoltaic Module Stewardship and Takeback Program. Beginning April 1, 2026, rather than 2024, and by April 1st in each subsequent year, each manufacturer, or its designated stewardship organization, must provide a report to Ecology, for the previous calendar year that documents the plan's implementation and assesses the achievement of performance goals outlined in the stewardship plan. Beginning July 1, 2025, rather than 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a PV module in or into the state unless the PV module manufacturer submits a stewardship plan to Ecology and receives plan approval.

**Status:** Scheduled for public hearing in the Senate Committee on Environment, Energy & Technology March 11 at 10:30am

**[SHB 1145](#) - Allowing the use of nonwood renewable fiber in recycled content paper carryout bags**

**Overview:** Sponsored by Representative Skyler Rude (R) 16th Legislative District. The substitute bill narrows the definition of "Nonwood renewable fiber" means wheat straw from North America. Expands the requirements for recycled content paper carryout bag must contain a minimum of forty percent postconsumer recycled materials, a

minimum of 40 percent nonwood renewable fiber, or a combination of postconsumer recycled materials and nonwood renewable fiber that totals at least 40 percent.

**Status:** Move to Senate Environment, Energy & Technology Committee on March 4, 2021.

**SB 5345 – Establishing a statewide industrial waste coordination program**

**Overview:** Championed by Senator Brown, this bill requires the Department of Commerce to establish an industrial waste coordination program that provides expertise, technical assistance, and best practices to support local industrial symbiosis (using waste as feedstock) projects. It also sets up a competitive industrial symbiosis grant program for the research, development, and deployment of local waste coordination projects up to \$500,000.

The bill is modelled on SB 6430 from 2020 – that bill was vetoed by the Governor due to the fiscal impacts during the COVID-19 pandemic.

**Status:** Scheduled for public hearing in the House Committee on Environment & Energy, March 12 at 10:00am.

**2SHB 1161 – Modifying the requirements for drug take-back programs**

**Overview:** Championed by Representative Peterson, this bill modifies the drug take-back law to allow for multiple product stewardship programs and strengthens requirements for physical take-back locations. The Substitute Bill added requirements that ensure consistency between multiple programs and clarifies that each program must meet program requirement independent of other operating programs. Rep. Peterson and Ashley Schmid, Inmar Intelligence, Inc. testified in SUPPORT. No one testified OPPOSED.

**Status:** Moved to the Senate Committee on Health and Long Term Care.

**E2SHB 1050 – Relating to reducing greenhouse gas emissions from fluorinated gases**

**Overview:** Championed by Representative Fitzgibbon, this bill addresses sources like stationary air conditioners not covered by the 2019 law regarding fluorinated gases. Section 13 of the bill (Section 14 in the substitute bill) requires Ecology to provide recommendations to the legislature regarding the design of a product stewardship-like system requiring manufacturers to hold the legal and financial obligations to support a program responsible for end-of-life management and disposal of refrigerants. This section was not changed in the substitute bill.

**Status:** Moved to the Senate Environment, Energy & Technology on February 25, 2021.