

MSWMAC
Legislative update
April 9, 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. Cutoff to move bills out of Rules Committees is April 11th.

The following bills are still active:

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

Below is a detailed summary:

[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 engrossed striker includes the following changes:

Stakeholder process

A stakeholder advisory committee must advise on the development of post-consumer recycled (PCR) resin use requirements for plastic products not included in this bill. The stakeholder advisory process will be housed within the Recycling Development Center and will be conducted jointly by the Departments of Commerce and Ecology via an impartial, third-party facilitator by July 1, 2021.

By December 1, 2021, the facilitator shall submit the report to the legislature containing the recommendations of the stakeholder advisory committee. Recommendations will be made using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved. This section of the bill expires January 1, 2022.

Administrative Fees

Ecology must prepare an annual workload analysis for public comment that identifies the annual costs it expects to incur to implement, administer, and enforce the bill, including rule making, in the next fiscal year for each category of covered products by January 31, 2022, and every January 31st thereafter. The must determine the total annual fee payment by producers for each category of covered products that is adequate to cover the workload.

Other components of the bill remain unchanged

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

Restrictions on the sale and distribution of certain EPS packaging.

Requirements for the distribution of single use service ware.

Status: April 7, passed the House, yeas, 73; nays, 24; absent, 0; excused, 1

[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: House Speaker signed: April 3. Senate President signed: April 5.

[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: House Speaker signed: April 3. Senate President signed: April 5.

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: April 6, Rules Committee relieved of further consideration. Placed on second reading.

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.

Status: March 23, Passed to Rules for a second reading.

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: April 7, passed the Senate yeas 30; nays, 19; absent, 0; excused