

Legislative Work

2022 Legislative Session

Zero Waste Washington worked hard to support strong zero waste policy during the 2022 WA legislative session, working with partner organizations and agencies. The session ran from January 11 to March 11, 2022.

It's a wrap

Signed into law by the governor!

Reducing organic material to landfill ([HB 1799](#) / [SB 5731](#) - Concerning organic materials management): Championed by Representative Joe Fitzgibbon and Senator Mona Das. Landfills are a significant source of methane, which is more potent than CO₂ in the near-term. This bill established a statewide goal for the landfill disposal of organic materials at a level representing 75% reduction by 2030, relative to 2015, and a goal of 20% reduction in volume of edible food disposed (relative to 2015) to be recovered for human consumption by 2025. This diversion is supported by requiring some local governments to begin providing separated organic material collection services, requiring local governments to consider state organic material management goals/requirements in their local solid waste plans, requiring some businesses to *not* landfill their organic wastes, reducing legal liability risk barriers to the donation of edible food, establishing the Washington Center for Sustainable Food Management, establishing various new funding and financial incentives, facilitating the siting of organic material management facilities, requiring local governments to plan to procure more compost and finished products, and improving standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste. **STATUS: Senate:** First reading, referred to Environment, Energy & Technology on January 10, 2022. **House:** Passed House floor (56-42-0-0) on February 11, 2022. **Senate:** Passed the Senate floor (34-14-0-1) on March 3, 2022. See [press release](#). Signed by Governor Inslee on March 26, 2022.

Landfill methane gas ([HB 1663](#) - Reducing methane emissions from landfills): Championed by Representative Davina Duerr. Landfills are a significant source of methane, a powerful greenhouse gas with a far larger short-term impact than CO₂. The EPA estimates that 15.1% of methane emitted in the U.S. in 2019 was from [landfills](#). The methane is generated when organic wastes such as food scraps, grass clippings and paper decompose. Methane starts breaking down quickly, with most of it gone within a decade. With its short life, reducing methane emissions from landfills is a critical way to reduce the rate of warming in the near-term. HB 1663 bill works to reduce methane emissions in Washington by requiring owners or operators of certain landfills to install methane gas capture systems and to collect gas at an extraction rate that complies with surface methane emission limits (set in statute). **STATUS: House:** Passed House floor (57-40-0-1) on February 11, 2022. **Senate:** Passed the Senate floor (30-17-0-2) on March 4, 2022. Signed by Governor Inslee on March 26, 2022.

Updating energy facility site evaluation council activities ([HB 1812](#) - Modernizing the energy facility site evaluation council to meet the state's clean energy goals): Championed by

Representative Joe Fitzgibbon. **STATUS: House:** Passed House floor (95-3-0-0) on February 13, 2022. **Senate:** Passed the Senate floor (29-20-0-1) on March 3, 2022. Signed by Governor Inslee on March 26, 2022.

Regulated toxic PFAs in products ([HB 1694](#) – Concerning logistical processes for the regulation of priority chemicals in consumer products): Championed by Representative Liz Berry, this bill designates firefighting personal protective equipment and products identified in the PFAS Chemical Action Plan as priority consumer products for PFAS. The underlying bill allows Ecology to speed up the regulation of toxic chemicals in the existing Safer Products for Washington law but this provision was deleted (amended out) on the Senate floor. **STATUS: House:** Passed House floor (62-36-0-0) on February 13, 2022. **Senate:** Passed the Senate floor (46-2-0-1) on March 4, 2022. House refuses to concur in Senate amendments. House asks Senate to recede from amendments on March 8, 2022. House concurred in Senate amendments on March 10, 2022. Signed by Governor Inslee on March 31, 2022.

Bills that sadly didn't make it this year

The RENEW Act bill ([SB 5697](#)) / [HB 2003](#) – Renewing Washington's recycling system and reducing waste): This was our #1 priority bill. Championed by Senator Mona Das and Representative Brandy Donaghy, and includes product stewardship for packaging and printed paper, including recycling and reuse targets, accurate labeling provisions and requirements for post-consumer recycled content in plastic tubs, thermoform containers (e.g., clamshells), and single-use cups. This bill implement the top recommendations in Ecology's Plastics Study ([October 2020](#)) which was required by Senator Rolfes' SB5397 in 2019 to address our recycling crisis and the increasing amount of plastic pollution. See [press release](#) on national polling January 26, 2021. Press release on introduction, January 6, 2022. **STATUS: House:** First reading, referred to Environment & Energy on January 17, 2022. **Senate:** Scheduled for public hearing in the Senate Committee on Ways & Means at 9:00 am on February 5, 2022. A budget proviso to study recycling rates was included in the final budget passed by the legislature.

Right to Repair ([HB 1810](#) (similar bill [SB 5795](#) sponsored by Sen Hasegawa) – Promoting the fair servicing and repair of digital electronic products in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital products, support small businesses and jobs, and enhance digital connectivity in Washington state): Championed by Representative Gregerson. This bill requires digital electronic product manufacturers, such as Apple and Microsoft, to make repair information, parts and tools available to independent repair businesses and owners. There's a huge amount of e-waste! For example, on average, Washington disposes of 8,700 phones every day. This bill would make it possible for small businesses to repair computers, tablets and cellphones. Extending the life of computers, tablets and cellphones will decrease the need for more resources, energy and transportation to manufacture new products – therefore also decreasing greenhouse gas. This bill will lower costs for consumers, get used computers, tablets and cell phones into the hands of people who need them, and help overcome digital inequities in Washington. This way, people will keep using their items instead of tossing

them! **STATUS: House:** Rules Committee relieved of further consideration. Placed on second reading on February 7, 2022 (thus, eligible for a floor vote).

Battery recycling (HB 1896 – Providing for responsible environmental management of batteries): Championed by Representative Kirsten Harris-Talley, this bill would create an extended producer responsibility program for batteries. It would make battery manufacturers responsible for the lifecycle of their products, creating an incentive for them to make batteries that last longer or are easier to recycle and providing for convenient and responsible recycling of batteries in a statewide program. The program would include portable batteries (up to 11 lbs/300 Wh) and medium batteries (11-25 lbs/up to 1000 Wh – such as those for scooters and lawn mowers). Large format batteries (over 25 lbs and 1000 Wh) would be subject to a Commerce study by July 2026, and then potentially other management, including producer responsibility. Ensuring the proper handling, recycling, and end-of-life management of used batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. **STATUS:** Referred to Rules 2 Review. on February 7, 2022.

Repairability Index (HB 1801 – Concerning the repair of digital electronic equipment): Championed by Representative Gregerson. This bill would establish a commission on digital electronic equipment repairability to study, analyze, and prepare reports on the status and development of local, national, and global repairability standards for digital electronic equipment and make recommendations to the legislature regarding the creation of repairability standards for digital electronic equipment in Washington state. This would be similar to energy star programs, in which a score is shown next the retail sales tag so that the consumer would know how repairable the product would be. France has such a program, with a score from 1-10. **STATUS:** Referred to Appropriations on February 3, 2022.

Toxics in cosmetics (SB 5703 / HB 1853 – Concerning the use and disclosure of toxic chemicals in cosmetic products): Championed by Senator Mona Das and Representative Jessica Bateman, this bill prohibits, starting January 1, 2025, the sale or distribution of cosmetics containing specific toxic chemicals or chemical classes above the practical quantitation limit. **STATUS: House:** First reading, referred to Environment & Energy on January 10, 2022. **Senate:** Passed Senate floor (26-21-0-2) on February 14, 2022. **House:** Executive Action taken in the House Committee on Environment & Energy at 10:00 am on February 24, 2022.

Supporting carbon sequestration (HB 1631 – Supporting Washington’s food production system by providing technical assistance in support of improved voluntary environmental stewardship): Championed by Representative Sharon Shewmake. Adds provisions to the sustainable farms and fields program that promotes carbon sequestration, including establishing a network of sustainable farms and fields advisors at the State Conservation Commission to assist agricultural producers and food processors in increasing energy efficiency, sequestering carbon, and reducing greenhouse gas emissions. This supports compost! **STATUS:** Referred to Appropriations on January 27, 2022.

Banning plastic carry-home bags ([SB 5837](#) – Removing plastic bags as an option for use at retail establishments): Championed by Senator Salomon this bill prohibits, starting January 1, 2023, plastic carry-home bags except for those used for hot food. **STATUS:** First reading, referred to Environment, Energy & Technology on January 12, 2022.

Siting energy facilities ([SB 5415](#) – Concerning the energy facility site evaluation council): Championed by Senator Lovelett, this bill addresses clean energy projects defined as one of the following types of facilities: alternative energy resource, electric energy storage, facilities capable of processing more than 1500 barrels per day of biofuel into refined products, except where this production is undertaken at existing industrial facilities, projects capable of producing replacements for natural gas from renewable sources, including renewable natural gas and renewable hydrogen, and clean energy manufacturing projects. **STATUS:** By resolution, reintroduced and retained in present status on January 10, 2022.

Exempt reusable packaging from taxes ([HB 1830](#) – Clarifying that certain reusable packing materials are exempt from sales and use tax): Championed by Representative Larry Springer. Excludes from sales and use tax the renting or leasing of packing materials under a packing material sharing and reuse program (i.e., a system that pools packing materials among multiple persons for reuse). Packing materials includes boxes, crates, pallets, bottles, cans, bags, drums, cartons, wrapping papers, cellophane, twines, gummed tapes, wire, bands, excelsior, wastepaper, and all other materials in which personal property may be contained or protected within a container. This is a great step for reuse! **STATUS:** Referred to Rules 2 Review. on January 31, 2022.

Lithium availability study ([SB 5526](#) – Studying the global availability of lithium and rare earth minerals for battery manufacturing): Sponsored by Senator Fortunato. Requires Commerce, by December 31, 2023, to submit a report to the legislature examining the global availability of lithium and rare earth minerals used in battery manufacturing. And requires Commerce to collaborate with Ecology on drafting legislation to establish a statewide recycling program for batteries used in electric vehicles. **STATUS:** Passed to Rules Committee for second reading on February 2, 2022.

Environmental labels on fashion ([SB 5904](#) – Requiring fashion retail sellers and manufacturers to disclose environmental and social due diligence policies): Championed by Senator Mona Das, this bill would require a label on fashion (for retail seller and fashion manufacturer doing business in WA and having annual worldwide gross receipts that exceed \$100,000,000) to disclose its environmental and social due diligence policies, processes, and outcomes, including significant real or potential adverse environmental and social impacts and disclose targets for prevention and improvement. **STATUS:** First reading, referred to Labor, Commerce & Tribal Affairs on January 19, 2022.

Alternative to 100% recycled content paper ([HB 1518](#) – Concerning environmental standards of paper products for printers and copiers that are purchased by the state, for state agencies): Sponsored by Representative Monica Jurado Stonier, this bill would add an option to use copy paper that is 30% post-consumer recycled content and is certified as well as 100% post-

consumer recycled content for state agencies. **STATUS: House:** Passed house floor (94-0-0-4) on January 28, 2022. In **Senate:** Heard in the Senate Committee on State Government & Elections at 8:30 am on February 9.

Recycling wind turbine blades (SB 5492 (2022) / SB 5174 (2021) – Providing for the recycling of wind turbine blades): Championed by Senator Jeff Wilson, this bill establishes producer responsibility program for recycling wind turbine blades. **STATUS:** 2022: Heard in the Senate Committee on Environment, Energy & Technology at 8:00 am on January 19, 2022.

Timing of fireworks prohibitions (HB 1638/ (in 2021: HB 1059 – Concerning fireworks prohibitions adopted by cities or counties): Championed by Representative Joel McEntire, this bill allows any ordinance adopted by cities or counties that is more restrictive than state fireworks law to take effect after 90 days rather than one year. Allows counties and cities to immediately prohibit the use of consumer fireworks due to environmental conditions after consultation with a local fire official. **STATUS:** House: Placed on second reading by Rules Committee on February 13, 2022 (thus, eligible for a floor vote).

No meat garbage to swine (SB 5300 – Prohibiting the feeding of garbage to swine): This bill prohibits feeding of garbage to swine. Garbage is defined as all waste material derived in whole or in part from the meat of an animal, including fish and poultry, or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food **STATUS:** 2021: Passed out of Senate (48; nays, 0; absent, 0; excused, 1) on February 23, 2021. **House:** Referred to Rules 2 Review on March 22, 2021. 2022: By resolution, reintroduced and retained in present status. Senate Rules “X” file on January 10, 2022.

Retreaded tires funding Large Debris litter pickup (SB 5739 – Providing funds primarily for the cleanup of large debris litter along state highways): Sponsored by Senator Fortunato. Establishes \$1 fee on retreaded tires to fund large debris account to be used for collection of large debris along highways. **STATUS:** Heard in the Senate Committee on Transportation at 4:00 on January 24, 2022.

Litter pickup (SB 5500 – Concerning litter pickup during maintenance closures): Sponsored by Senator Fortunato. Requires (“shall” rather than “may”) Ecology to coordinate with the department of transportation to conduct litter pickup during scheduled maintenance closures as situations allow. **STATUS:** First reading, referred to Environment, Energy & Technology on January 10, 2022.

“Pick it up, Washington” litter program (SB 5429/HB 1501 – Concerning the “pick it up, Washington” litter control program): Establishes a network of volunteers who agree to participate in the “pick it up, Washington” program overseen by Ecology. The program consists of pick it up volunteers who are willing to assist with litter removal in public places that are not private property. **STATUS:** Senate: By resolution, reintroduced and retained in present status on January 10, 2022. House: By resolution, reintroduced and retained in present status on January 10, 2022.

Bills we opposed or for which we had concerns

Selective recycling mandates ([SB 5658](#) / [HB 1932](#)– Concerning the recyclability of products and packaging): Sponsored by Senator Derek Stanford and Rep. Fey, this bill mandates post-consumer recycled content in plastic items and requires truth in labeling. These are a subset of a full modernization of our recycling system and distracts from Senator Das' bill – The RENEW Act – SB 5697 (see above). **STATUS: Senate:** Heard in the Senate Committee on Environment, Energy & Technology at 10:30 am on January 18, 2022. **House:** First reading, referred to Environment & Energy on January 12, 2022.

Changing the compostability labeling standard ([SB 5852](#) / [HB 1686](#) – Allowing the labeling of biodegradable products that are supported by recognized national or international test methods): Sponsored by Senator Cleveland and Representative Harris, these companion bills would allow the use of the term “biodegradable,” thus negating the point of the bill in the first place. **STATUS: Senate:** First reading, referred to Environment, Energy & Technology on January 13, 2022. **House:** Heard in the House Committee on Environment & Energy at 1:30 pm on January 20, 2022.

Diverting litter account ([SB 5740](#) – Providing for a temporary adjustment to the waste reduction, recycling, and litter control account to increase funds for state highway litter control activities): Sponsored by Senator Fortunato. Diverts 50% of litter account to highway cleanup for 1 year. This vital account funds important work. Instead, new funding should be established, such as the retread tire fee (see above). **STATUS:** First reading, referred to Ways & Means on January 10, 2022.

Compost procurement ([SB 5717](#) – Concerning compost products): Sponsored by Senator Derek Stanford, this bill requires ordinances and promotes purchase of compost. **STATUS:** First reading, referred to Environment, Energy & Technology on January 10, 2022.

Environmental Priorities Coalition

Zero Waste Washington is part of the Environmental Priorities Coalition. The Coalition is made up of 24 statewide organizations working to safeguard our environment and the health of our communities in the state legislature. For the 2022 legislative session, we had four priorities essential for healthy communities and a thriving environment and a partnership agenda:

- **RENEW Recycling (see above)**
- **Lorraine Loomis Act for Salmon Recovery.** A package of habitat legislation as a tribute to Lorraine Loomis (Swinomish Tribe, and Chair of the Northwest Indian Fisheries Commission) longtime champion for the salmon, addressing tree buffers along rivers and streams and shifting to a standard of improving ecological conditions.
- **Transportation for All.** Funding a transportation system for a range of transportation solutions including improving multimodal transportation choices, such as biking, driving, and public transit.

- **GMA Sprawl Loophole.** Removes current sprawl loophole in the Growth Management Act (GMA) that allows counties to subvert the Growth Management Hearing Board appeals process to illegally build sprawling developments that replaces farmlands, forests, and critical habitats.
- **Partnership Agenda.** The coalition has also adopted a Partnership Agenda. This agenda supports work that is important for environmental progress being led by partners outside the coalition and includes **Buy Clean & Buy Fair** (creates a reporting system with information on environmental and labor impacts of structural materials used in state-funded infrastructure projects) and **Energy for All** (establishes access to home energy as a basic need and an essential resource accessed without uncertainty about affordability and threats of disconnection).