

# Legislative Work

## 2023 Legislative Session

Zero Waste Washington worked hard to support strong zero waste policy during the 2023 WA legislative session, working with partner organizations and agencies. The session ran from January 9 to April, 2023.

### Bills signed into law

**Battery recycling ([SB 5144](#) / [HB 1553](#) (not a pure companion) – Providing for responsible environmental management of batteries):**

The batteries in our cell phones, electric toothbrushes and other rechargeable devices are lithium ion batteries. These batteries are on the rise as we move more and more into a renewable energy future. They can cause serious fires in our recycling and garbage trucks and facilities when they get crushed or “dinged.” And there are critical minerals in batteries that we need to recycle into new



batteries, not dispose in landfills, Senator Derek Stanford and Representative Chipalo Street are leading the charge for this product stewardship bill for recycling all batteries. Last year, the champion was Rep. Harris-Talley and the bill advanced from committee and had extensive negotiations. Stakeholder process has been underway this fall with many meetings and intense discussion, especially related to a similar bill in California that was recently signed into law. The bill 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 and medium batteries (scooters and power tools). Large format batteries (over 25 lbs and 2000 Wh) would be subject to an Ecology study by July 2026. 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. See [factsheet](#)

**STATUS: Senate:** Passed off Senate floor (42-6-0-1) on March 7, 2023. **House:** First reading, referred to Environment & Energy on January 24, 2023. **In House (Senate bill):** Passed off House floor (57-40-0-1) on April 6, 2023. **Back in Senate:** Signed by Governor on May 11, 2023!

**Plastics reduction (HB 1085 – Reducing plastic pollution):** This bill, championed by newly elected Representative Sharlett Mena, addresses reducing our use of plastics in three ways:



- Requiring **refill stations** wherever a drinking fountain is required in *all* new buildings. This will make it easier to transition to reusable water bottles. Currently, refill stations are only required in new educational buildings in Washington. We want people to be able to bring their own reusable bottles and get them refilled everywhere there is a water fountain.
- Phasing out **mini toiletries plastic packaging** (shampoos, conditions, lotions and soaps) at hotels and other lodging establishments, to help eliminate unnecessary, hard-to-recycle plastic waste. Instead, hotels would install bulk dispensers or use non-plastic packages (such as cardboard sleeves for soap bars, cotton swabs, and shower caps). Similar laws have already been passed in California and New York as well as local cities like Bellingham and Bainbridge Island.
- Banning **foam-filled dock floats** to reduce a source of plastic pollution in lakes and marine waters. Many docks use floats that are filled with plastic foam. When damaged, they leak bits of plastic foam that contain toxic chemicals which harm wildlife, pollute marine and shoreline environments, and are impossible to clean up. Foam-free docking—filled simply with air—is a readily available alternative that can be used in the same applications, at a similar cost. See [Factsheet](#)

**STATUS:** Passed out of the House floor (97-0-0-1) on February 28, 2023. **In Senate:** Scheduled for public hearing in the Senate Committee on Environment, Energy & Technology at 8:00 am on March 10, 2023. **In Senate:** Passed off Senate Floor (37-11-0-1) on April 8, 2023. **Signed by Governor on April 20, 2023!** See [press release](#)

**Compostable products (HB 1033 – Evaluating compostable product usage in Washington):** We need to tackle the patchwork of usage and acceptance of products across Washington. It is confusing that some compost facilities allow compostable foodware made of PLA (polylactic acid, made from corn) and facilities in other areas do not allow any fiber or compostable products at all. This bill, led by Representative Amy Walen, would create a taskforce that would examine the topic and make policy recommendations to the legislators, so that we can move quickly toward developing a statewide policy. Our goal is to help get more food waste to compost facilities rather than the landfill. **STATUS:** Passed off the House floor (91-6-0-1) on February 28, 2023. **In Senate:** Passed off Senate floor (48-0-0-1) on April 12, 2023. House concurred on April 14. **Next:** Signed by Governor on May 4, 2023!

**Toxics in cosmetics (HB 1047 – Concerning the use of toxic chemicals in cosmetic products):** Championed by Representative Sharlett Mena, 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:** Passed off House floor (55-41-0-2) on March 1,

2023. **In Senate:** Passed off Senate floor (28-20-0-1) on April 8, 2023. **Next:** House concurred on April 14. **Next:** Signed by Governor on May 15, 2023!

**Wind turbine blades (SB 5287 – Concerning a study on the recycling of wind turbine blades):** Led by Senator Wilson, this bill directs Washington State University extension energy program to conduct a study on the feasibility of recycling wind turbine blades installed at facilities in Washington that generate electricity for distribution to customers in Washington. **STATUS:** Passed off Senate floor (48-0-0-1) on February 27, 2023. **In House:** Passed off House floor (97-0-0-1) on April 11, 2023. **Next:** Signed by Governor on May 4, 2023!

**Petition to USEPA to strengthen PCB regs (SB 5369 / HB1314 – Reassessing standards for polychlorinated biphenyls in consumer products).** Led by Senator Billig and Representative Ormsby, this bill if enacted would direct Ecology to petition USEPA to reassess its PCB regulations under the toxic substances control act and to establish restrictions on the use of PCBs previously considered inadvertent in consumer products. **STATUS: Senate:** Passed off Senate floor (49-0-0) on March 2, 2023. **House:** First reading, referred to Environment & Energy on January 13, 2023. **In House:** Passed off House floor (97-0-0-1) on April 7, 2023. **Next:** Senate sent back to House. House revoted and sent back to Senate for concurrence on April 13, 2023. House receded from amendments and floor amendment(s) adopted on April 14. House amended on April 22 to just a petition to EPA. Signed by Governor on May 9, 2023!

**Non-flushable wipes (HB 1213 – Concerning compliance with labeling requirements for wipes):** Led by Representative Ybarra, this bill updates non-flushable wipes labeling re federal laws **STATUS: In House:** Passed House floor (93-0-0-5) on February 6, 2023. **In Senate:** Passed off Senate floor (48-0-0-1) on April 11, 2023. **Next:** Signed by Governor on April 25, 2023.

**WA manufacturing (SB 5269 – Concerning Washington state manufacturing):** Led by Senator Shewmake, this bill requires Commerce to commission an independent assessment of WA manufacturing related to the transition to net-zero emissions by 2050, including Identifying opportunities to build and maximize the environmental and economic benefits of a circular economy for both new and existing industries in building out and strengthening Washington's manufacturing base. **STATUS:** Passed off Senate floor (28-20-1-0) on March 8, 2023. **In House:** Passed off House floor (95-2-0-1) on April 6, 2023. **Next:** Signed by Governor on May 4, 2023!

**Derelict vessels removal appeal (SB 5192/ HB 1081 – Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals):** Led by Senator Sharon Shewmake and Representative Tarra Simmons, this bill would allow an administrative judge to hear an appeal related to an authorized public entity's decision to take temporary possession or custody of a vessel. This would speed up the process of getting these important marine debris problems addressed. **STATUS: Senate:** Passed senate (47-0-0-2) on February 15, 2023. **In House:** Passed off House floor (96-0-0-2) on March 24, 2023. **Governor signed on April 6, 2023!**

**WRAP Act budget proviso (SB 5187 – Making 2023-2025 fiscal biennium operating appropriations).** Page 408. Funds two studies:

- (20)(a) **\$500,000** of the model toxics control operating account— state appropriation is provided solely for the department to carry out the following activities to inform the development of legislative proposals to increase recycling, reuse, and source reduction rates, which must include consideration of how to design and implement a producer responsibility model for consumer packaging, including paper, plastic, metal, and glass, and paper products:
  - (i) Conduct a **recycling, reuse, and source reduction targets study**; and
  - (ii) Carry out a **community input process on the state’s recycling system**.
- (b) The department must contract with an impartial third-party consultant with relevant technical expertise and capabilities in facilitation and gathering public input, including from overburdened communities, to carry out the activities specified in (a) of this subsection. In order to ensure that the state is receiving a variety of expert perspectives on the topic of packaging management, the contractor should include in their team individuals and/or subcontractors with a wide range of expertise and experience. The third party consultant must submit a report to the appropriate committees of the house of representatives and the senate by December 1, 2023.
- (c) The recycling, reuse, and source reduction targets study must:
  - (i) Document recycling rates, reuse rates, and the reduction of single-use plastics for consumer packaging and paper products that have been adopted in other jurisdictions, measure methods used, and the basis or justification for recommended target rates selected;
  - (ii) Recommend highest achievable performance rates, including an overall recycling rate, a separate specific minimum reuse rate, a recycling rate for each material category, and a source reduction rate to be achieved solely by eliminating plastic components, that could be achieved under up to four different scenarios, including a producer responsibility program and other policies; and
  - (iii) Make recommendations that consider the commercial viability and technological feasibility of achieving rates based on current rates achieved in the state, rates achieved based on real world performance data, and other data, with performance rates designed to be achieved statewide by 2032.
- (d) For purposes of this subsection, “eliminate” or “elimination,” with respect to source reduction, means the removal of a plastic component from a covered material without replacing that component with a nonplastic component.
- (e) The community input process on the state’s recycling system must include:
  - (i) In-person and virtual workshops and community meetings held at locations in urban and rural areas and in ways that are accessible to stakeholders across the state, including overburdened communities;
  - (ii) Public opinion surveys that are representative of Washington residents across the state, including overburdened communities and urban and rural areas; and
  - (iii) A focus on eliciting an improved understanding of public values and opinions related to the state’s recycling system, the current public experience with respect to the state’s

recycling systems, and ways the public believes that their recycling experience and system outcomes could be improved.

## **Bills that did not move forward in the 2023 legislative session**

**The WRAP Act (SB 5154 / HB 1131 – Washington Recycling And Packaging Act. Officially: Improving Washington’s solid waste management outcomes):** This is our #1 priority bill. Championed by Senator Christine Rolfes and Representative Liz Berry, 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. Importantly, the WRAP Act includes a “bottle bill” section. If passed, consumers will pay a 10 cents fee on beverage containers and then redeem the 10 cents at drop locations. When people return their bottles and cans, the redemption is credited to their online account and the funds can be redeemed for cash, put into a college savings account, or donated to nonprofits across the state, including schools and clubs. 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. Here is a [factsheet](#). Watch the bill launch on TVW (January 4, 2023) at the Seattle Aquarium here (24 minutes): [click here](#) **STATUS:** **Senate:** Referred to Ways & Means on February 7, 2023. **House:** Rules Committee relieved of further consideration. Placed on second reading on March 2, 2023.

**Right to Repair (SB 5464 / HB 1392) – Promoting the fair servicing and repair of digital electronic equipment):** Championed by Representative Gregerson and Senator Derek Stanford. 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:** **Senate:** Removed from being scheduled for executive session in the Senate Committee on Environment, Energy & Technology at 8:00 am on February 10, 2023. **House:** Passed off House floor (58-38-0-2) on March 4, 2023. **In Senate:** Scheduled for executive session in Environment, Energy & Technology at 1:30 pm on March 28, 2023.

**Mercury light bulbs (HB 1185 -Reducing environmental impacts associated with lighting products):** Championed by Representative David Hackney, this bill addresses a phase out of

mercury light bulbs and an update of the existing light-cycle law. **STATUS:** Referred to Rules 2 Review on February 17, 2023.

**Appliance recycling (HB 1164 – Providing for the responsible management of appliances containing harmful gases and other materials):** Championed by Representative Beth Doglio, this bill would create a producer responsibility program for appliances. **STATUS:** Heard in the House Committee on Environment & Energy at 8:00 am on February 16, 2023.

**PFAS in biosolids (SB 5245 – Concerning biosolids):** Led by Senator Wilson, under this bill, by July 1, 2025, Ecology must establish pollutant limits for PFAS chemicals in biosolids, based on the results of the USEPA's risk assessment for PFAS chemicals in biosolids. Ecology must ensure that biosolids are tested for PFAS chemicals for which this pollutant limit has been established. And land application of biosolids that do not comply with the PFAS chemical pollutant limit would be prohibited. **STATUS:** Placed on second reading by Rules Committee on March 1, 2023.

**Cannabis waste (SB 5376 – Allowing the sale of cannabis waste):** Sponsored by Senator Stanford, this bill would allow sale of cannabis if the waste would not be designated as dangerous or hazardous waste. Currently, this organic waste is often landfilled. **STATUS:** Passed to Rules Committee for second reading on February 21, 2023.

**Farm and fields program enhancement (SB 5484 – Supporting Washington's food production system by providing technical assistance in support of improved voluntary environmental stewardship):** Led by Senator Sharon Shewmake, this bill established a network of sustainable farms and fields advisors through conservation districts and increases specificity in the farms and fields grant program related to technical assistance to farms including carbon sequestration and organic matter in soil. This will help increase use of compost. **STATUS:** Executive session scheduled, but no action was taken in the Senate Committee on Agriculture, Water, Natural Resources & Parks at 1:30 pm on February 16, 2023.

**Grants for managing ag waste (SB 5551 / HB 1574 (not a pure companion) Supporting Washington's crop and livestock farms, reducing greenhouse gas emissions, and generating renewable energy by capturing methane):** Led by Senator Shewmake and Representative Rule, this bill provides cost-share grants and technical assistance via the state conservation commission's sustainable farms and fields program to support alternative manure and agricultural waste management which is a suite of practices that collect, treat, and store manure and agricultural waste to reduce greenhouse gas emissions on crop and livestock farms. **Status: Senate:** Executive session scheduled, but no action was taken in the Senate Committee on Agriculture, Water, Natural Resources & Parks at 1:30 pm on February 16, 2023. **House:** First reading, referred to Agriculture and Natural Resources on January 25, 2023

**Lead in cookware (SB 5605 / HB 1551 – Reducing lead in cookware):** Led by Senator Robinson and Representative Pollet, this bill bans, beginning January 1, 2025, the sale of cookware or cookware component containing lead or lead compounds at a level of more than five parts per

million in or into Washington. **Status: Senate:** First reading, referred to Environment, Energy & Technology on January 27, 2023. **House:** Referred to Appropriations on February 15, 2023.

**Municipal wastewater waste heat ([HB 1836](#) – Concerning the treatment of waste heat under the clean energy transformation act):** Led by Representative Hackney, this bill designates municipal wastewater facility that generates waste heat to be considered a thermal renewable energy credit under the clean energy transformation act. **Status: House:** First reading, referred to Environment & Energy on February 17, 2023.

**Railroad infrastructure recycling ([SB 5494](#) / [HB 1371](#) Providing incentives to improve freight railroad infrastructure):** Led by Senator Jeff Wilson and Representative Barkis, this bill provides tax credits to railroad companies that recycle railroad materials including rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials installed on tracks used by class II and class III railroads. **Status: Senate:** Heard in the Senate Committee on Business, Financial Services, Gaming & Trade at 10:30 am on February 2, 2023. **House:** Executive session scheduled, but no action was taken in the Senate Committee on Ways & Means at 10:00 on April 4, 2023.

**Exempt reusable packaging from taxes ([HB 1422](#) –Clarifying that certain reusable packing materials are exempt from sales and use tax):** Sponsored by Representative Springer, this bill 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. **STATUS:** Rules Committee relieved of further consideration. Placed on second reading on March 2, 2023. (*Necessary to Implement the Budget (NTIB)?*)

**Large highway debris ([SB 5178](#) – Concerning large debris removal from interstate highways):** Led by Senator Fortunato, this bill would significantly increase litter fines (and directs where the fines go). **STATUS:** Passed off floor (48-0-0-1) on March 6, 2023. **In House:** Heard in the House Committee on Transportation at 1:30 pm on March 30, 2023. (*Necessary to Implement the Budget (NTIB)?*)

**Fashion disclosure ([SB 5607](#) Requiring fashion retail sellers and manufacturers to disclose environmental due diligence policies):** Led by Senator Nguyen, this bill requires fashion retail sellers and fashion manufacturers doing business in the state and having annual worldwide gross receipts >\$100,000,000 must disclose its environmental due diligence policies, processes, and outcomes, including significant real or potential adverse environmental impacts and disclose targets for prevention and improvement. **Status:** Heard in the Senate Committee on Environment, Energy & Technology at 8:00 am on February 8, 2023.

**Volunteer litter cleanup ([SB 5222](#) – Concerning the “pick it up, Washington” litter control program):** Led by Senator Wilson, this bill creates network of volunteers who agree to

participate in the “pick it up, Washington” program. **STATUS:** Heard in the Senate Committee on Environment, Energy & Technology at 8:00 am on February 8, 2023.

**Solid waste collection rates (HB 1264 – Encouraging equitable treatment for different categories of solid waste utility customer under local solid waste collection rates):** Sponsored by Representative Walen, this bill would require counties to publish on their website whether fees and rates for single-family residential, multifamily residential and commercial customers are proportional to costs of providing services **STATUS:** Heard in the House Committee on Environment & Energy at 8:00 am on January 26, 2023.

## Environmental Priorities Coalition

Zero Waste Washington is part of the Environmental Priorities Coalition. The Coalition is made up of 27 statewide organizations working to safeguard our environment and the health of our communities in the state legislature. For the 2023 legislative session, we had four priorities essential for healthy communities and a thriving environment and a partnership agenda:

- **WRAP Act (see above)**
- **Investing in Salmon Habitat.** Right-sizing salmon investments for the future.
- **Investing in Climate Action.** Ensuring Climate Commitment Act funds are spent equitably and strategically to provide the greatest benefits to all Washington residents.
- **Planning for a Climate Friendly Future.** Requires all counties planning under the Growth Management Act (GMA) to plan for resilience and to address the impacts of climate change in land use plans. And updates the transportation element of the GMA by incorporating transit and bike/pedestrian planning.
- **Partnership Agenda.** The coalition also adopted a Partnership Agenda. This agenda supports work that is important for environmental progress being led by partners outside the coalition. The bills were:
  - Buy Clean, Buy Fair
  - Voting Justice (automatic voter registration, removing advisory votes)