

By Representative Fitzgibbon

**E2SSB 5022** - H COMM AMD TO ENVI COMM AMD (H-1328.1/21)

By Committee on Environment & Energy

1 Beginning on page 14, line 1, after "(1)" strike all material  
2 through "2023." on page 15, line 34 and insert the following:

3 "(a) By July 1, 2021, the departments of commerce and ecology  
4 shall jointly select an impartial, third-party facilitator to convene  
5 a stakeholder advisory committee housed within the recycling  
6 development center. The advisory committee shall make recommendations  
7 to the appropriate committees of the legislature on the development  
8 of mandatory postconsumer recycled content requirements for types of  
9 plastic packaging not subject to the minimum postconsumer recycled  
10 content requirements established in this act, but that are present in  
11 the municipal solid waste material stream or are regularly received  
12 by facilities that process recyclable materials from residential  
13 curbside recycling programs. The recommendations may include rates of  
14 mandatory postconsumer recycled content required by material type,  
15 target implementation dates, and potential exemptions or alternate  
16 compliance pathways for some materials.

17 (b) The facilitator must:

18 (i) Work with the recycling development center to subcontract for  
19 any relevant information regarding recycled plastic market conditions  
20 and barriers to the use of recycled content to the stakeholder  
21 advisory committee to aid in the development of recommendations, to  
22 the extent practicable;

23 (ii) Provide staff and support to the stakeholder advisory  
24 committee meetings; and

25 (iii) Draft reports and other materials for review by the  
26 stakeholder advisory committee.

27 (2) The facilitator identified in subsection (1) of this section  
28 must be selected based on the following criteria:

29 (a) Impartiality regarding policy outcomes;

30 (b) Professional qualifications, relevant experience, and  
31 degrees; and

1 (c) The facilitator must be an environmental conflict resolution  
2 specialist recognized by a national center for environmental conflict  
3 resolution.

4 (3) By December 1, 2021, the facilitator shall submit a report to  
5 the legislature containing the recommendations of the stakeholder  
6 advisory committee after review and approval by the facilitator and  
7 committee. The stakeholder advisory committee shall make  
8 recommendations using consensus-based decision making. The report  
9 must include recommendations where general stakeholder consensus has  
10 been achieved and note dissenting opinions where stakeholder  
11 consensus has not been achieved.

12 (4) The stakeholder advisory committee shall consider information  
13 and findings by a variety of authoritative bodies related to recycled  
14 content, including mechanical and advanced recycling technologies.

15 (5) The facilitator shall select at least one member to the  
16 stakeholder advisory committee from each of the following:

17 (a) The department of commerce;

18 (b) The department of ecology;

19 (c) The utilities and transportation commission;

20 (d) Cities, including both small and large cities and cities  
21 located in urban and rural counties;

22 (e) Counties, including both small and large counties and urban  
23 and rural counties;

24 (f) Municipal collectors;

25 (g) A representative from the private sector waste and recycling  
26 industry that owns or operates a curbside recycling program and a  
27 material recovery facility;

28 (h) A solid waste collection company regulated under chapter  
29 81.77 RCW that provides curbside recycling services;

30 (i) A material recovery facility operator that processes  
31 municipal solid waste from curbside recycling programs;

32 (j) A company that provides curbside recycling service pursuant  
33 to a municipal contract under RCW 81.77.020;

34 (k) A trade association that represents the private sector solid  
35 waste industry;

36 (l) Recycled plastic feedstock users;

37 (m) A trade association representing the plastics recycling  
38 industry;

39 (n) A recycled content certification organization;

40 (o) An environmental justice organization;

- 1 (p) An environmental nonprofit organization;
- 2 (q) An environmental nonprofit organization that specializes in  
3 waste and recycling issues;
- 4 (r) Plastic converters/manufacturers of resins;
- 5 (s) A manufacturer of plastic packaging;
- 6 (t) A statewide general business trade association;
- 7 (u) Associations that represent consumer brand companies;
- 8 (v) Representatives of consumer brands;
- 9 (w) A consumer-oriented organization;
- 10 (x) Representatives of the state's most marginalized communities;
- 11 (y) A retailer or representative of the retail association;
- 12 (z) A representative of an advanced recycling technology provider  
13 that processes plastic material;
- 14 (aa) An association that represents cities;
- 15 (bb) An association that represents county solid waste managers;
- 16 (cc) A representative from a retail grocery association; and
- 17 (dd) A representative from a Washington headquartered online  
18 retailer.

19 (6) The definitions in section 2 of this act apply throughout  
20 this section unless the context clearly requires otherwise.

21 (7) This section expires January 1, 2022."

22 On page 17, line 36, after "under" strike "chapter 74.38" and  
23 insert "chapters 74.39 and 74.39A"

EFFECT: Changes the stakeholder advisory committee established to make recommendations related to recycled content requirements for plastic packaging by:

(1) Requiring the Departments of Ecology and Commerce to select an impartial third-party facilitator housed in the recycling development center to support the stakeholder advisory committee;

(2) Establishing qualifications for the facilitator, and duties for the facilitator that include providing information, providing staff and support to advisory committee meetings, and drafting reports and materials for advisory committee review;

(3) Shifting the duties for selecting the stakeholder advisory committee members from the President of the Senate and Speaker of the House of Representatives to the third-party facilitator;

(4) Eliminating the specific details that the stakeholder advisory committee must recommend, including the requirement that recommendations address definitions, registration of producers, and methods for determining responsible parties;

(5) Clarifying that the stakeholder advisory committee's charge encompasses types of plastic packaging that are not subject to minimum recycled content requirements established under the bill;

(6) Delaying the start of the stakeholder advisory committee until July 1, 2021, and the submission deadline for recommendations

until December 1, 2021, and expiring the direction to form the stakeholder advisory committee in January 2022 rather than January 2023.

Makes a technical correction to a reference to home delivered meal services.

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