Transforming Recycling and Plastic Pollution Prevention Bill

AN ACT relating to the management of certain materials to support recycling, and waste and litter reduction (12/17/20)

Overall: Creating an Extended Producer Responsibility program in which producers fund and coordinate an efficient, sustainable system for consumer recycling packaging and paper products (glass metal, paper, plastic).

Outcomes based:
- Producers must reach recycling and reuse targets and must use recycled content in new products/packaging.
- Program must incorporate environmental and social equity principles.
- Collection from residential and existing public places with potential phase-in of more public places.

| Overall target: All covered products must be reusable, recyclable, or compostable no later than January 1, 2030 |
|-------------------------------------------------|-------------------------------------------------|
| Material Category                              | By 2026 (reuse and recycle rates) | By 2030 (reuse and recycle rates) |
| All Covered Products                           | 55%                               | 75%                               |
| Rigid Plastic                                  | 25%                               | 60%                               |
| Flexible Plastic                               | 10%                               | 25%                               |
| Paper                                          | 60%                               | 85%                               |
| Aluminum                                       | 55%                               | 75%                               |
| Steel                                          | 45%                               | 75%                               |
| Glass                                          | 70%                               | 85%                               |
| Reuse specific target (overall)                | 5%                                | 10%                               |

Long-term goal (in bill intent section): Overall recycling and reuse target of 90% by 2040

<table>
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<tr>
<th>Required Recycled Content Targets</th>
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<tbody>
<tr>
<td>Material Category</td>
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<tr>
<td>Plastic Beverage containers (per manuf)</td>
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<tr>
<td>Other Rigid Plastic</td>
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<td>Flexible Plastic</td>
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<tr>
<td>Paper Packaging</td>
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<td>Other Paper Products</td>
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<td>Aluminum</td>
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<td>Steel</td>
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<td>Glass</td>
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Consumer benefits:
- Shifts cost of recycling from ratepayers to producers.
- Removes recycling confusion through harmonized list of recyclable items and consistent education across state, funded and coordinated by producers. Local governments reimbursed for their public education costs.
- Provides free, universal recycling services: All residents, who currently have curbside garbage pickup receive curbside recycling collection at no cost. Depots and alternate collection must be free and equitable.

City/county role:
- Local governments retain authority over how and where their residents’ recyclables are collected and processed.
- Cities can choose to join the program or continue as they do currently:
  A. Cities maintain existing contracts with service providers, are reimbursed by producers, and must meet standards.
  B. Cities continue education role, but producers contract with local service providers to run recycling program.
  C. Cities 100% opt out and receive no funding. They do not have to meet EPR program standards.
- Existing UTC regulations/collection service franchises remain in place. Contractors must meet high labor standards.
Transition-period and consultation process (4-years) and Stakeholder Advisory Committee (ongoing):

- A stakeholder consultation process informs the program, including harmonized list and program aspects.
- Producers come together to form one or more nonprofit PROs (Producer Responsibility Organizations).
- Producers and PRO(s) must register with Ecology in order to sell or distribute product in WA after July 1, 2022.
- PRO(s) must submit plan to Ecology for approval by January 1, 2024.
- Program(s) must start by July 1, 2025.
- Stakeholder Advisory Committee is consulted at least annually.

Producers:

- Are defined by a tiered list of manufacturers, brands, and importers.
- Products include and paper products (except books) and materials
  - to protect, contain, transport, or serve a product,
  - attached for marketing,
  - used to facilitate delivery of product, and
  - used for food and beverage consumption.
- Must create/join a PRO in order to sell or distribute materials in WA. Producers remain individually responsible.
- Have right of first refusal to their share of recovered material at market terms.
- Exempt: Government, charities, and businesses with <1 ton or <$1 million of materials sold or distributed in WA.

Ecology:

- Is oversight and enforcement agency. All agency costs of oversight and enforcement, including rule-making, is paid by PRO(s)
- May, by rule, starting January 1, 2028, and at least every 5 years, establish or adjust reuse and recycling performance requirements, including for additional material categories and make other program adjustments.

Strategies allowed or required:

- Eco-modulation of fees to motivate product redesign and waste reduction.
- Depots and drop-off (to reduce contamination from difficult products, like glass) and collection events.
- Deposit schemes, such as for beverage containers.

Existing infrastructure:

- Maximizes use of existing infrastructure.
- PRO(s) works with haulers, MRFs and processors to meet recycling rates and ensure materials are responsibly processed. Collectors required to direct material to facilities that meet standards set by PRO(s).
- PRO(s) finances system infrastructure improvements where needed.
- PRO(s) must invest in market and reuse and recycling infrastructure development
- City contracts and UTC collection service franchises can be maintained.

Responsible recycling and pollution prevention:

- Recycling does not include energy recovery, waste-to-fuel or landfill cover.
- Prior to use of advanced technology for conversion of plastic polymers, producers must provide 3rd-party assessment showing air and water pollution, greenhouse gas emissions, and release or creation of any hazardous pollutants resulting from operations.
- Materials must be sent to verified end markets that meet environmental, health and safety standards.
- PRO(s) must ensure covered products designated for collection and recycling do not contain toxic substances.
- PRO(s) must document how they have used domestic and local collection and processing infrastructure, as technologically feasible and economically practical.
- PRO(s) must coordinate with Ecology on litter prevention measures and incentivize design for recycling and litter prevention (supplemental to litter tax activities).
- PRO(s) must address contamination from covered products at compost or other organics processing facilities.
- Expanded polystyrene food service products, recreational coolers, and packing peanuts are phased out.