



2022 Organics Management Law

Alli Kingfisher

WACSWM

November 14, 2023



GOALS

Divert 75% of previously disposed organic materials from landfills by 2030

Rescue 20% of previously disposed edible food for human consumption by 2025

Organic Management Law

Research

1. Adequacy of funding for local solid waste management

Collection

2. **Business collection**
3. Residential and non-residential collection

Processing

4. Recycled organics facility siting
5. Compostable product labeling

Markets

6. Compost procurement and reporting
7. Agricultural organic material purchases

Prevention

8. Good Samaritan laws
9. Washington Center for Sustainable Food Management



**Business Organic
Management Requirements
RCW 70A.205.545**

What is a “business”?

“Business” means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

Note: This definition includes public, nonprofit entities such as **schools** and **hospitals**

“Business” does not include a multifamily residential entity.

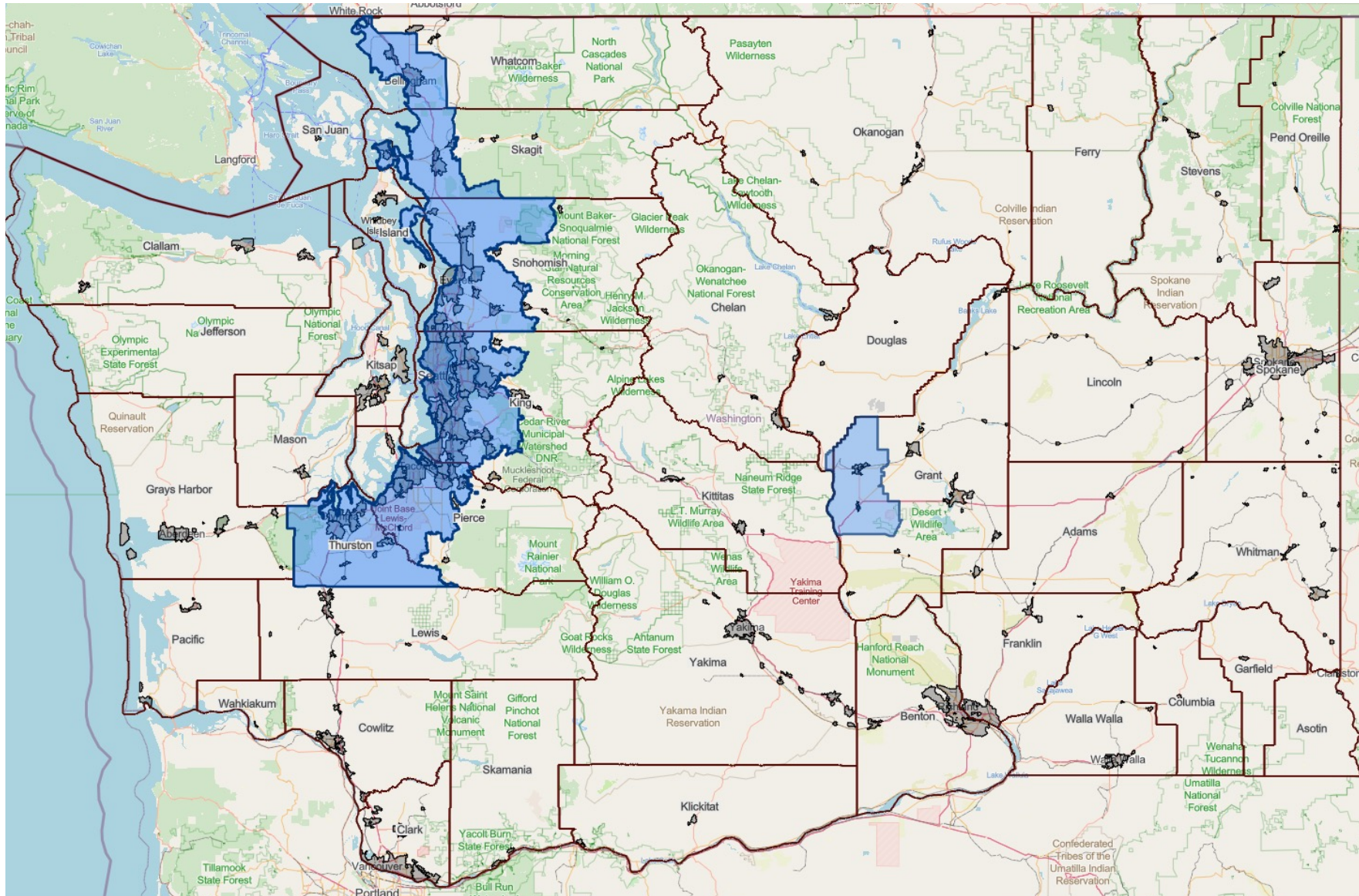
Business Collection Requirements

Based on:

1. If collection service is available
2. Local compost facilities have the capacity and ability to feasibly and economically collect and deliver organic materials
3. And for businesses: the amount of organic material and solid waste produced



2024 Business Organics Management Areas (BOMA)



Business Organic Collection Timeline

Based on available service and volumes of organic material and solid waste produced



Business Organics Outreach Toolkit

- Goal: To increase awareness and education of the requirement that businesses must arrange for organic materials management service



Business Organics Outreach Toolkit

- Provided for local governments to use
- Will be published on Ecology's website
- Audience:
 - Any business in the [Business Organics Management Areas](#) map generating organic material waste and solid waste following a phased-in approach



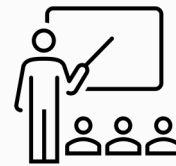
Business Organics Outreach Toolkit

- Primary Resources
 - Business Identification Tool
 - Postcard (plug n' play)
 - Public Notice to Businesses Focus Sheet (plug n' play)
 - Local jurisdiction examples, including Thurston County resources



Business Organics Outreach Toolkit

- Secondary Resources
 - Business Categories by Phase Infographic
 - Tailored Q&A for impacted business groups (i.e., schools, animal shelters, hospitals, etc.)
 - Webinar or recorded presentation for using outreach materials

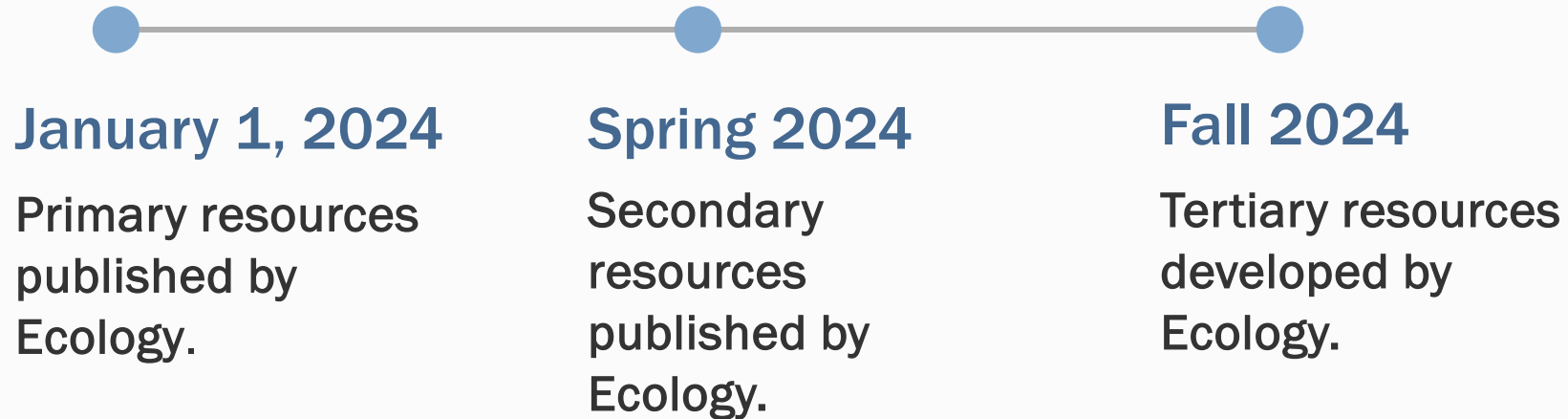


Business Organics Outreach Toolkit

- Tertiary Resources
 - Fact sheets:
 - Food waste prevention
 - Contamination reduction
 - Food donation and recovery outreach
 - Business manager and staff training guidance



Business Organics Outreach Toolkit



How will these requirements be enforced?

- The new law gives jurisdictional health departments **the option** to enforce the business organics management requirements.
- If we do not meet the goals, there will be future regulations.



2027 Residential & Non-residential Requirements

[RCW 70A.205.540](#)

Residential/non-residential

January 1, 2027

Jurisdictions that implement a local solid waste plan must ensure organic materials services are available every-other-week or at least 26 weeks a year to:

- All residential customers
- All nonresidential customers that generate $>.25$ cy organic material per week

The service needs to be offered, but there is no requirement that customers subscribe to the service.



Residential/non-residential

Some Jurisdictions are Categorically exempt

- Dispose <5,000 tons solid waste
- Population less than 25,000
- Population 25,000-50,000 that did not have curbside as of July 1, 2022 (Pasco, Longview)

Residential/non-residential

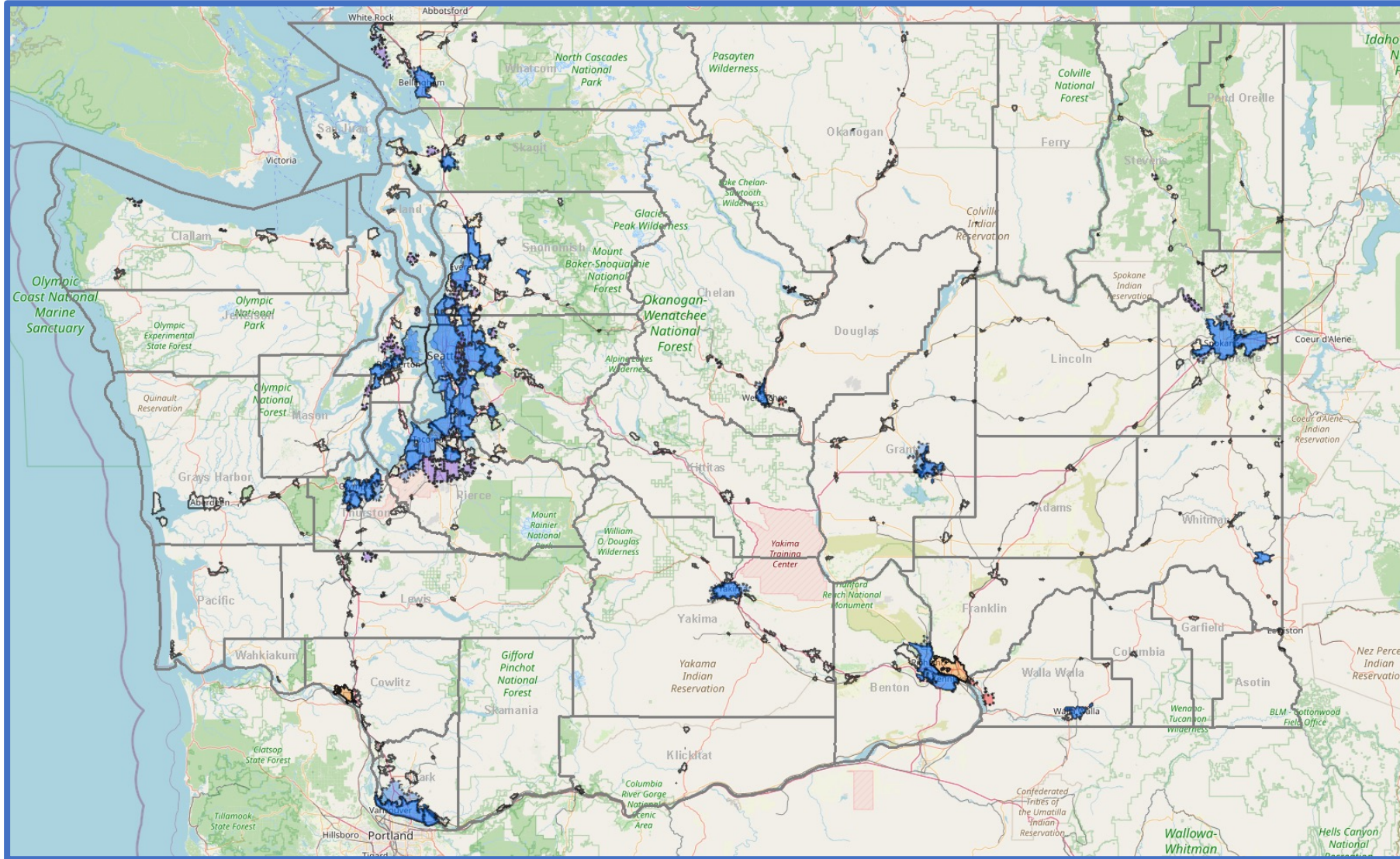
Waivers

- Economic feasibility (distance to processing facility with capacity)
- Capacity at facilities where organic materials could feasibly and economically be delivered
- Restrictions in the transport of organic materials under chapter [17.24](#) RCW (Apple maggots)
- Other
 - *Anticipated:* Census tracts and Urban Growth Areas (UGAs) that include incorporated areas that are categorically exempted

Organics Management Law – 2027 Collection Requirements

Areas in the state where curbside organic material service is required to be available to all residential and non-residential customers at least 26 weeks annually starting January 1, 2027

DRAFT

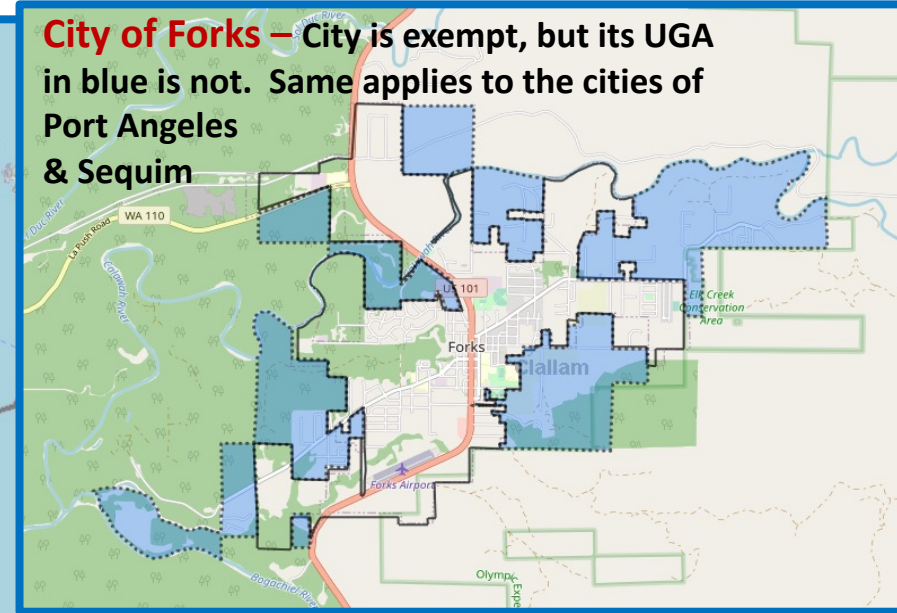
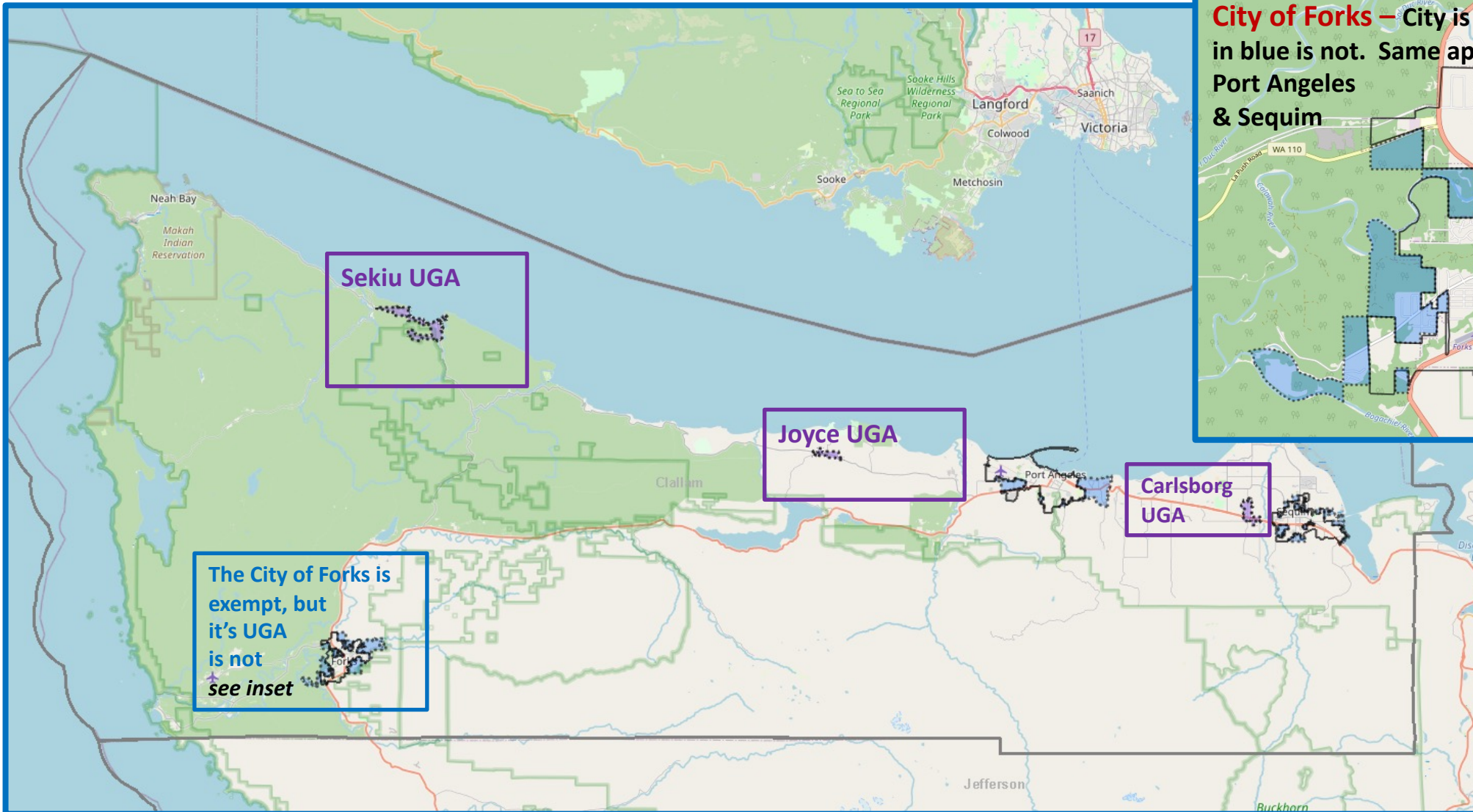


	Requirements apply Incorporated cities with populations of more than 25,000.		Requirements Apply UGAs for cities with a population of more than 25,000.		Requirements apply Wholly unincorporated UGAs in counties with an unincorporated population of more than 25,000.		Exempt - All cities, towns, and unincorporated areas with no fill are exempt.		Exempt Wholly unincorporated UGAs in counties with an unincorporated population of 25,000 or fewer.		Exempt Cities with 25,001 to 50,000 people without curbside OM collection as of July, 2022.
--	--	--	---	--	--	--	--	--	---	--	---

Waiver required to be exempted in these areas.

SERVICE ISLANDS – in counties like Clallam that do plan under the Growth Management Act [70A.205.540](#) requirements apply to all UGAs in unincorporated parts of the County including:

- UGAs that are not associated with incorporated cities like the Sekiu, Joyce & Carlsberg UGAs.
- UGAs for incorporated cities with 25,000 or fewer people like Sequim, Port Angeles and Forks. The incorporated cities are categorically exempt, but the city's unincorporated UGAs are not.



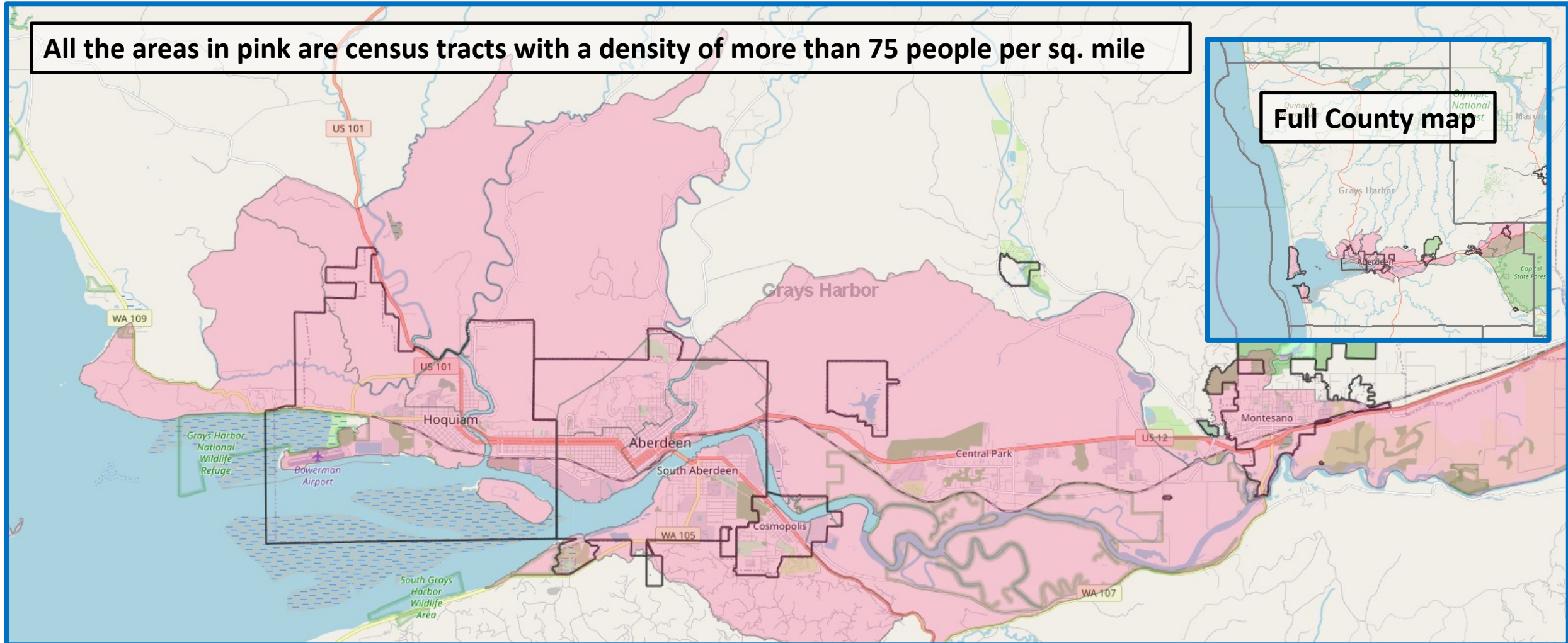
The City of Forks is exempt, but its UGA is not
see inset

SERVICE ISLANDS & CONTRADICTION PROVISIONS

Grays Harbor *does not plan* under the Growth Management Act

- [70A.205.540](#) requirements apply in all the census tracts in a county with a population density of 75+ people per sq. mile.
- All incorporated cities with a population of 25,000 or fewer are exempt. They are also in census tracts with a population of 75+ people per square mile that are not exempt. This includes all cities in Grays Harbor County.

All the areas in pink are census tracts with a density of more than 75 people per sq. mile



100%
COMPOSTABLE
PODS • GODETS

Cutlery
(8 each)
Made from Plants,
not Petroleum
Certified
Compostable

Certified Compostable
Donate 25% of Profits to Social
and Environmental Causes

Product Degradability Labeling and Producer Declarations

COMPOSTABLE

Cooking / Cuisson
Cook at the appropriate (F/D/T)
Date & cook temperature

Storage / Conservation
Store in a cool, dry place
Keep in a cool, dry place



BPI

COMPOSTABLE

For collection in municipal programs,
where approved. Pour la collecte dans les
programmes municipaux, où approuvé.

[Link: Compostable product labeling requirements - Washington State Department of Ecology](#)

Plastic Product Degradability Law

Chapter 70A.455 Revised
Code of Washington

Applies to:

- Film bags
- Plastic food service products
- Film products



Prohibited from sale in Washington State



- Biodegradable
- Degradable
- Decomposable
- Oxo-degradable or any similar term



Labeling requirements

- Meet [ASTM D6400](#) or [D6868](#) specifications or be made of wood or fiber-based substrate only.
- Meet labeling requirements under the [U.S. Federal Trade Commission's guides](#).
- Feature labeling that meets industry standards for being distinguishable.
- Use a third-party certification logo.
- Display the word “compostable”.
- Use green, beige, or brown labeling, striping, or other patterns that help differentiate compostable items from noncompostable items.
- Be included on the compliance declaration submitted in Ecology’s database.

Compostable Products Declaration

By January 1, 2024

- Compostable product producers required to meet the labeling requirements must submit a one-time declaration via Ecology's online portal.

After January 1, 2024:

A new declaration is required

- Before a compostable product is newly sold or distributed into Washington. OR
- Before a product that has been materially changed is sold or distributed into Washington.

Compost Procurement Ordinance (CPO)

RCW 43.19A.150

DRAFT

King County

2022 Organics Management Law
compost procurement and
collection provisions

Requirement		Compost procurement ordinance (CPO) adoption and reporting requirements	Business organic material (OM) collection requirements	2027 residential and "non-residential" OM collection requirements
RCW		43.19A.150	70A.205.545	70A.205.540
More details		CPO focus sheet & overview	Business collection focus sheet	More details in criteria below. A waiver process will be developed.
Timeline		CPO adoption - January 1, 2023 Reporting every 2 years starting in December 2024	Phased in from January 1, 2024 to January 1, 2026	Beginning January 1, 2027
Jurisdiction Name	2022 Population	Current OM Collection Services	Status <i>see criteria below</i>	Status <i>see criteria below</i>
Algona	3,300	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply Exempt
Auburn	88,750	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply 2027 Resid./Non-Resid. Collection Requirements Apply
Beaux Arts Village	315	Residential - UTC Business with food - Yes	Exempt	Business Collection Requirements Apply Exempt
Bellevue	153,900	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply 2027 Resid./Non-Resid. Collection Requirements Apply
Black Diamond	6,145	Residential - UTC Business with food - Yes	Exempt	Business Collection Requirements Apply Exempt
Bothell <i>also in Snohomish County</i>	48,940	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply 2027 Resid./Non-Resid. Collection Requirements Apply
Burien	52,490	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply 2027 Resid./Non-Resid. Collection Requirements Apply
Carnation	2,160	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply Exempt
Clyde Hill	3,110	Residential - Contract Business with food - Yes	CPO Requirements Apply	Business Collection Requirements Apply Exempt
Covington	21,200	Residential - Contract	CPO Requirements Apply	Business Collection Exempt

Compost Procurement Ordinance (CPO)

Who Must Adopt an Ordinance by January 1, 2023?

129 jurisdictions - 102 cities, and 27 counties*

So far we've received and uploaded these into BOX:

- 40 adopted CPOs from cities (39%)
- 20 adopted CPOs from counties (74%)
- 60 adopted CPOs total (47%)

*As of August 8, 2023



Reporting Requirements

1. Organic material **diverted from disposal**

Total tons of organic material collected by **all curbside programs** they directly provide, contract to provide, or require the UTC-franchised hauler(s) to provide.

2. The **volume of compost purchased** each year, and

3. The **source** of the compost purchased.

Rules: To write or not to write

[RCW 70A.205.540](#) Organic solid waste services – Fees – Exceptions.

- Waivers

[RCW 70A.205.540](#) Organic solid waste services – Fees – Exceptions.

- If goals are not achieved

[Chapter 70A.207 RCW](#) WA Center for Sustainable Food Management

- Necessary to implement chapter

[Chapter 70A.455 RCW](#) Plastic Product Degradability

- Necessary to implement chapter

Compostable Products Advisory Committee

<https://www.ezview.wa.gov/DesktopDefault.aspx?alias=1962&PageID=37917>

Organics & Food Center Staff



Mary Harrington, Organics Lead



Patrick Merscher,
Compostable Product Labeling Lead



Michelle Andrews,
Compost Facility
Reports +
Procurement Reports



Alli Kingfisher,
Organics + Food Unit Supervisor



Jade Monroe, WA Center for Sustainable Food



Cullen Naumoff, Organics Implementation
Lead + Compostable Product Advisory Group



Olivia Carros,
WA Center for Sustainable Food +
Business Technical Assistance

To find out more...

- Visit our resources for local governments on the Organics Management Law at <https://app.box.com/s/r6jdrsxnwbchuo9kme3qa4gdf2uawhfk>.
- Subscribe to our Organics Management email news at <https://tinyurl.com/OrganicsLaw>
 - Set up your account, choose **Solid Waste Management**, and then **Organics Management**.



Thank you!

Alli Kingfisher

Alli.Kingfisher@ecy.wa.gov

(509) 960-1290