

**E2SSB 5284** - H AMD TO APP COMM AMD (H-2192.1/25) **1182**  
By Representative Dye

**NOT ADOPTED 04/14/2025**

1 On page 1, line 25, after "(c)" strike "Finally, it" and insert  
2 "It"

3 On page 2, after line 3, insert the following:

4 "(3) It is the intent of the legislature for the 2029 legislature  
5 to consider the draft plans submitted by producer responsibility  
6 organizations to the department of ecology in October 2028, prior to  
7 the approval of such plans by the department of ecology taking  
8 effect. It is the intent of the legislature for the 2029 legislature  
9 to consider the draft plans submitted in October 2028 and the  
10 independent analysis carried out by January 2029, of those submitted  
11 draft plans, in order for the 2029 legislature to determine whether  
12 to amend the requirements of this chapter, to make other recycling  
13 policy changes, or to take future legislative action to allow that  
14 the proposed plan and program under this chapter be implemented in  
15 full."

16 On page 18, line 35, after "(3)" insert "The department must  
17 appoint an equity subcommittee to the advisory council comprised of  
18 six representatives from overburdened communities or socially  
19 vulnerable populations, including representatives from three  
20 geographic locations in eastern Washington representing a small,  
21 medium, and large community. The equity subcommittee is responsible  
22 for informing and making recommendations to the advisory council, the  
23 department, and producer responsibility organizations regarding the  
24 impacts of activities under this chapter on socially vulnerable  
25 populations and overburdened communities, including the accessibility  
26 of covered services for covered materials to socially vulnerable  
27 populations and overburdened communities. At a minimum, the equity  
28 subcommittee must review and, as appropriate, provide information or  
29 make recommendations regarding needs assessments, submitted plans,  
30 and submitted annual reports. The department must appoint the members  
31 of the equity subcommittee based on solicited input received from the  
32 commission on African American affairs, the commission on Hispanic

1 affairs, the commission on Asian Pacific American affairs, the LGBTQ  
2 commission, and the women's commission.

3 (4) "

4 Renumber the remaining subsections consecutively and correct any  
5 internal references accordingly.

6 On page 23, line 36, after "website" insert ", notify the  
7 appropriate committees of the legislature that a draft plan has been  
8 submitted and posted,"

9 On page 24, line 18, after "(c)" insert "The department's  
10 approval of the first producer responsibility organization plans  
11 submitted by October 1, 2028, must take effect no earlier than the  
12 adjournment of the 2029 regular legislative session, in order to  
13 allow an opportunity for the 2029 legislature to determine whether to  
14 amend the requirements of this chapter, to make other recycling  
15 policy changes, or to enact legislation to allow that the proposed  
16 plan and program under this chapter be implemented in full.

17 (d) Notwithstanding all other provisions of this chapter, the  
18 approval of a plan submitted under this chapter by the department of  
19 ecology does not take effect, and is prohibited from being  
20 implemented, unless a future legislature enacts new legislation that  
21 authorizes the implementation of the plan. All duties and obligations  
22 under this chapter that are specified to begin on or after July 1,  
23 2029, are conditional upon the legislature amending this chapter to  
24 provide such new direction and authority.

25 (e) "

26 On page 37, line 7, after "low" insert ". This must include an  
27 evaluation of the efficacy of activities under section 119 of this  
28 act that are conceptually, linguistically, and culturally tailored to  
29 effectively reach diverse residents, and which such activities could  
30 be adjusted or improved to achieve improved outcomes for specific  
31 areas or sectors where participation is low"

32 On page 41, after line 17, insert the following:

33 "(4) Consistent with the process established in section 106(5) of  
34 this act, the department may only approve a draft plan submitted by a  
35 producer responsibility organization that meets the requirements of  
36 this section. The department shall not approve a draft plan that does

1 not satisfy each criteria required of a plan under this section,  
2 including, but not limited to, a plan that does not reduce or  
3 eliminate disparities in the availability to socially vulnerable  
4 populations of covered services for covered materials."

5 On page 52, line 14, after "that" insert "are conceptually,  
6 linguistically, and culturally tailored to"

7 On page 52, line 15, after "methods" insert "that rely on  
8 evidence-based practices"

9 On page 52, line 29, after "by" insert "considering motivational  
10 structures for recycling and reuse by"

11 On page 53, line 2, after "formats" strike "to reach non-English-  
12 speaking communities" and insert "including by reaching non-English-  
13 speaking communities and by using a variety of tailored media and  
14 behavior change strategies"

15 On page 55, line 9, after "(1)" insert "(a) By January 1, 2028,  
16 the department must contract with an independent consultant to carry  
17 out a one-time ex-ante analysis of each draft plan submitted to the  
18 department by October 1, 2028, that addresses:

19 (i) The impact of the proposed program on the consumer prices of  
20 covered materials and items sold with covered materials; and

21 (ii) The impacts of the proposed program on environmental  
22 justice, as defined in RCW 70A.02.010, and on the availability and  
23 convenience of recycling, composting, and reuse services, including  
24 specific analysis of the availability and convenience of recycling,  
25 composting, and reuse services used by socially vulnerable  
26 populations and in overburdened communities.

27 (b) The department must solicit and consider input from the  
28 advisory council and equity subcommittee in selecting the independent  
29 consultant under this subsection (1). The department is prohibited  
30 from selecting an independent consultant under this subsection that  
31 has been selected by the department for other studies or tasks under  
32 this chapter or that has been previously selected by the department  
33 for contracts related to the design of an extended producer  
34 responsibility program for paper products and packaging.

35 (c) The analysis must be informed by input from stakeholders and  
36 informed by experience from other jurisdictions.

1 (d) The analysis must be completed and submitted to the  
2 department by January 15, 2029.

3 (e) The department's contract with the independent consultant  
4 must allow the consultant to begin its analysis prior to the  
5 submission of the draft plan on October 1, 2028. The department must  
6 require a producer responsibility organization to cooperate and share  
7 information with the independent consultant hired by the department  
8 to facilitate the consultant being able to complete its analysis in  
9 time to allow for consideration by the 2029 legislature.

10 (f) The department must notify the appropriate committees of the  
11 legislature upon the completion of the analysis under this subsection  
12 (1).

13 (2) "

14 Renumber the remaining subsections consecutively and correct any  
15 internal references accordingly.

EFFECT: (1) Requires the Department of Ecology (Ecology) to  
appoint, in consultation with specific named state commissions, a six  
member equity subcommittee to the advisory council.

(2) Specifies that it is the duty of the equity subcommittee to  
review, provide information, and make recommendations regarding the  
impacts of needs assessments, submitted Producer Responsibility  
Organization (PRO) plans, and submitted PRO annual reports on  
socially vulnerable populations and overburdened communities,  
including access of those populations and communities to covered  
services.

(3) Requires Ecology to notify the appropriate committees of the  
Legislature when a draft PRO plan has been submitted and posted on  
Ecology's website.

(4) Provides that Ecology's approval of the first PRO plan  
submitted by October 1, 2028, does not take effect until after the  
adjournment of the 2029 regular legislative session, in order to  
allow an opportunity for the 2029 legislature to determine whether to  
amend PRO-related requirements, make other recycling policy changes,  
or enact additional legislation to allow for the draft PRO plan to be  
implemented in full.

(5) Prohibits an Ecology-approved PRO plan from taking effect  
until after the adjournment of the 2029 regular legislative session.  
Provides that approval of a plan may only take effect, and the plan  
may only be implemented, if a future Legislature enacts legislation  
to authorize the implementation of the plan. Provides that all duties  
specified to take effect on or after July 1, 2029, are conditional  
upon a future legislature providing authority for the implementation  
of those requirements.

(6) Specifies that Ecology may only approve a draft PRO plan that  
meets all plan requirements, and prohibits Ecology from approving a  
plan that does not satisfy all plan criteria, including but not  
limited to reducing or eliminating disparities in the availability to  
socially vulnerable populations of covered services for covered  
materials.

(7) Amends PRO education and outreach requirements, including by requiring conceptually, linguistically, and culturally tailored education and outreach activities, requiring that culturally responsive materials and methods rely on evidence-based practices, and by using a variety of tailored media and behavior change strategies.

(8) Requires the 2032 equity study to include an evaluation of the efficacy of education and outreach activities that are conceptually, linguistically, and culturally tailored to reach diverse residents, and whether to adjust those activities to achieve improved outcomes.

(9) Requires Ecology to contract for a one-time ex-ante analysis of draft PRO plans submitted by October 1, 2028, that addresses the impact of the proposed program on consumer prices, environmental justice, the availability and convenience of recycling, composting, and reuse services, including specific analysis of services used by socially vulnerable populations and overburdened communities.

(10) Requires the one-time ex-ante analysis to be informed by input from stakeholders and experience from other jurisdictions, to involve the selection of an independent consultant by Ecology that has not previously been hired by Ecology for PRO studies or tasks under this act or extended producer responsibility program studies related to paper products and packaging, and completed and submitted to Ecology by January 15, 2029.

(11) Requires Ecology's contract with the independent consultant for the ex-ante analysis to begin January 1, 2028, to allow for the consultant to begin its analysis prior to the October 2028 submission of the draft plan, and requires Ecology to require the PRO to cooperate and share information with the consultant conducting the analysis.

(12) Requires Ecology to notify the appropriate committees of the Legislature upon the consultant's submission of the analysis due on January 15, 2029.

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