

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

NOT ADOPTED 04/14/2025

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

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

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

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