
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1114

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Doglio, Slatter, Fey, Peterson, Ryu, Fitzgibbon, Tharinger, Jinkins, Macri, and Walen)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to reducing the wasting of food in order to fight
2 hunger and reduce environmental impacts; amending RCW 70.93.180 and
3 70.95.090; adding a new section to chapter 70.95 RCW; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the wasting
7 of food represents a misuse of resources, including the water, land,
8 energy, labor, and capital that go into growing, harvesting,
9 processing, transporting, and retailing food for human consumption.
10 Wasting edible food occurs all along the food production supply
11 chain, and reducing the waste of edible food is a goal that can be
12 achieved only with the collective efforts of growers, processors,
13 distributors, retailers, consumers of food, and food bankers and
14 related charities. Inedible food waste can be managed in ways that
15 reduce negative environmental impacts and provide beneficial results
16 to the land, air, soil, and energy infrastructure. Efforts to reduce
17 the waste of food and expand the diversion of food waste to
18 beneficial end uses will also require the mindful support of
19 government policies that shape the behavior and waste reduction
20 opportunities of each of those participants in the food supply chain.

1 (2) Every year, American consumers, businesses, and farms spend
2 billions of dollars growing, processing, transporting, and disposing
3 of food that is never eaten. That represents tens of millions of tons
4 of food sent to landfills annually, plus millions of tons more that
5 are discarded or left unharvested on farms. Worldwide, the United
6 Nations food and agriculture organization has estimated that if one-
7 fourth of the food lost or wasted globally could be saved, it would
8 be enough to feed eight hundred seventy million hungry people.
9 Meanwhile, one in eight Americans is food insecure, including one in
10 six children. Recent data from the department of ecology indicate
11 that Washington is not immune to food waste problems, and recent
12 estimates indicate that seventeen percent of all garbage sent to
13 Washington disposal facilities is food waste, including eight percent
14 that is food that was determined to be edible at the time of
15 disposal. In recognition of the widespread benefits that would accrue
16 from reductions in food waste, in 2015, the administrator of the
17 United States environmental protection agency and the secretary of
18 the United States department of agriculture announced a national goal
19 of reducing food waste by fifty percent by 2030. The Pacific Coast
20 collaborative recently agreed to a similar commitment of halving food
21 waste by 2030, including efforts to prevent, rescue, and recover
22 wasted food.

23 (3) By establishing state wasted food reduction goals and
24 developing a state wasted food reduction strategy, it is the intent
25 of the legislature to continue its national leadership in solid waste
26 reduction efforts by:

27 (a) Improving efficiencies in the food production and
28 distribution system in order to reduce the cradle to grave greenhouse
29 gas emissions associated with wasted food;

30 (b) Fighting hunger by more efficiently diverting surplus food to
31 feed hungry individuals and families in need; and

32 (c) Supporting expansion of management facilities for inedible
33 food waste to improve access and facility performance while reducing
34 the volumes of food that flow through those facilities.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95
36 RCW to read as follows:

37 (1) A goal is established for the state to reduce by fifty
38 percent the amount of food waste generated annually by 2030, relative

1 to 2015 levels. A subset of this goal must include a prevention goal
2 to reduce the amount of edible food that is wasted.

3 (2) The department may estimate 2015 levels of wasted food in
4 Washington using any combination of solid waste reporting data
5 obtained under this chapter and surveys and studies measuring wasted
6 food and food waste in other jurisdictions. For the purposes of
7 measuring progress towards the goal in subsection (1) of this
8 section, the department must adopt standardized metrics and processes
9 for measuring or estimating volumes of wasted food and food waste
10 generated in the state.

11 (3) By October 1, 2020, the department, in consultation with the
12 department of agriculture and the department of health, must develop
13 and adopt a state wasted food reduction and food waste diversion plan
14 designed to achieve the goal established in subsection (1) of this
15 section.

16 (a) The wasted food reduction and food waste diversion plan must
17 include strategies, in descending order of priority, to:

18 (i) Prevent and reduce the wasting of edible food by residents
19 and businesses;

20 (ii) Help match and support the capacity for edible food that
21 would otherwise be wasted with food banks and other distributors that
22 will ensure the food reaches those who need it; and

23 (iii) Support productive uses of inedible food materials,
24 including using it for animal feed, energy production through
25 anaerobic digestion, or other commercial uses, and for off-site or
26 on-site management systems including composting, vermicomposting, or
27 other biological systems.

28 (b) The wasted food reduction and food waste diversion plan must
29 be designed to:

30 (i) Recommend a regulatory environment that optimizes activities
31 and processes to rescue safe, nutritious, edible food;

32 (ii) Recommend a funding environment in which stable, predictable
33 resources are provided to wasted food prevention and rescue and food
34 waste recovery activities in such a way as to allow the development
35 of additional capacity and the use of new technologies;

36 (iii) Avoid placing burdensome regulations on the hunger relief
37 system, and ensure that organizations involved in wasted food
38 prevention and rescue, and food waste recovery, retain discretion to
39 accept or reject donations of food when appropriate;

1 (iv) Provide state technical support to wasted food prevention
2 and rescue and food waste recovery organizations;

3 (v) Support the development and distribution of equitable
4 materials to support food waste and wasted food educational and
5 programmatic efforts in K-12 schools, in collaboration with the
6 office of the superintendent of public instruction, and aligned with
7 the Washington state science and social studies learning standards;
8 and

9 (vi) Facilitate and encourage restaurants and other retail food
10 establishments to safely donate food to food banks and food
11 assistance programs through education and outreach to retail food
12 establishment operators regarding safe food donation opportunities,
13 practices, and benefits.

14 (c) The wasted food reduction and food waste diversion plan must
15 include suggested best practices that local governments may
16 incorporate into solid waste management plans developed under RCW
17 70.95.080.

18 (d) The department must solicit feedback from the public and
19 interested stakeholders throughout the process of developing and
20 adopting the wasted food reduction and food waste diversion plan. To
21 assist with its food waste reduction plan development
22 responsibilities, the department may designate a stakeholder advisory
23 panel. If the department designates a stakeholder advisory panel, it
24 must consist of local government health departments, local government
25 solid waste departments, food banks, hunger-focused nonprofit
26 organizations, waste-focused nonprofit organizations, K-12 public
27 education, and food businesses or food business associations.

28 (e) The department must identify the sources of scientific,
29 economic, or other technical information it relied upon in developing
30 the plan required under this section, including peer-reviewed
31 science.

32 (f) In conjunction with the development of the wasted food
33 reduction and food waste diversion plan, the department and the
34 departments of agriculture and health must consider recommending
35 changes to state law, including changes to food quality, labeling,
36 and inspection requirements under chapter 69.80 RCW and any changes
37 in laws relating to the donation of food waste or wasted food for
38 animals, in order to achieve the goal established in subsection (1)
39 of this section. Any such recommendations must be explained via a
40 report to the legislature submitted consistent with RCW 43.01.036 by

1 December 1, 2020. Prior to any implementation of the plan, for the
2 activities, programs, or policies in the plan that would impose new
3 obligations on state agencies, local governments, businesses, or
4 citizens, the December 1, 2020, report must outline the plan for
5 making regulatory changes identified in the report. This outline must
6 include the department or the appropriate state agency's plan to make
7 recommendations for statutory or administrative rule changes
8 identified. In combination with any identified statutory or
9 administrative rule changes, the department or the appropriate state
10 agency must include expected cost estimates for both government
11 entities and private persons or businesses to comply with any
12 recommended changes.

13 (4) In support of the development of the plan in subsection (3)
14 of this section, the department of commerce must contract for an
15 independent evaluation of the state's food waste and wasted food
16 management system.

17 (5) The definitions in this subsection apply throughout this
18 section unless the context clearly requires otherwise.

19 (a) (i) "Food waste" means waste from fruits, vegetables, meats,
20 dairy products, fish, shellfish, nuts, seeds, grains, and similar
21 materials that results from the storage, preparation, cooking,
22 handling, selling, or serving of food for human consumption.

23 (ii) "Food waste" includes, but is not limited to, excess,
24 spoiled, or unusable food and includes inedible parts commonly
25 associated with food preparation such as pits, shells, bones, and
26 peels. "Food waste" does not include dead animals not intended for
27 human consumption or animal excrement.

28 (b) "Prevention" refers to avoiding the wasting of food in the
29 first place and represents the greatest potential for cost savings
30 and environmental benefits for businesses, governments, and
31 consumers.

32 (c) "Recovery" refers to processing inedible food waste to
33 extract value from it, through composting, anaerobic digestion, or
34 for use as animal feedstock.

35 (d) "Rescue" refers to the redistribution of surplus edible food
36 to other users.

37 (e) "Wasted food" means the edible portion of food waste.

38 **Sec. 3.** RCW 70.93.180 and 2015 c 15 s 3 are each amended to read
39 as follows:

1 (1) There is hereby created an account within the state treasury
2 to be known as the waste reduction, recycling, and litter control
3 account. Moneys in the account may be spent only after appropriation.
4 Expenditures from the waste reduction, recycling, and litter control
5 account shall be used as follows:

6 (a) Fifty percent to the department of ecology, for use by the
7 departments of ecology, natural resources, revenue, transportation,
8 and corrections, and the parks and recreation commission, for use in
9 litter collection programs, to be distributed under RCW 70.93.220.
10 The amount to the department of ecology shall also be used for a
11 central coordination function for litter control efforts statewide;
12 for statewide public awareness programs under RCW 70.93.200(7); and
13 to support employment of youth in litter cleanup as intended in RCW
14 70.93.020, and for litter pick up using other authorized agencies.
15 The amount to the department shall also be used to defray the costs
16 of administering the funding, coordination, and oversight of local
17 government programs for waste reduction, litter control, recycling,
18 and composting so that local governments can apply one hundred
19 percent of their funding to achieving program goals. The amount to
20 the department of revenue shall be used to enforce compliance with
21 the litter tax imposed in chapter 82.19 RCW;

22 (b)(i) Twenty percent to the department for local government
23 funding programs for waste reduction, litter control, recycling
24 activities, and composting activities by cities and counties under
25 RCW 70.93.250, to be administered by the department of ecology; (ii)
26 any unspent funds under (b)(i) of this subsection may be used to
27 create and pay for a matching fund competitive grant program to be
28 used by local governments and nonprofit organizations for local or
29 statewide education programs designed to help the public with litter
30 control, waste reduction, recycling, and composting of primarily the
31 products taxed under chapter 82.19 RCW. Recipients under this
32 subsection include programs to reduce wasted food and food waste that
33 are designed to achieve the goals established in section 2(1) of this
34 act and that are consistent with the plan developed in section 2(3)
35 of this act. Grants must adhere to the following requirements: (A) No
36 grant may exceed sixty thousand dollars; (B) grant recipients shall
37 match the grant funding allocated by the department by an amount
38 equal to twenty-five percent of eligible expenses. A local
39 government's share of these costs may be met by cash or contributed
40 services; (C) the obligation of the department to make grant payments

1 is contingent upon the availability of the amount of money
2 appropriated for this subsection (1)(b); and (D) grants are managed
3 under the guidelines for existing grant programs; and

4 (c) Thirty percent to the department of ecology to: (i) Implement
5 activities under RCW 70.93.200 for waste reduction, recycling, and
6 composting efforts; (ii) provide technical assistance to local
7 governments for commercial business and residential recycling
8 programs primarily for the products taxed under chapter 82.19 RCW
9 designed to educate citizens about waste reduction, litter control,
10 and recyclable and compostable products and programs; ~~((and))~~ (iii)
11 increase access to waste reduction, composting, and recycling
12 programs, particularly for food packaging and plastic bags and
13 appropriate composting techniques; and (iv) for programs to reduce
14 wasted food and food waste that are designed to achieve the goals
15 established in section 2(1) of this act and that are consistent with
16 the plan developed in section 2(3) of this act.

17 (2) All taxes imposed in RCW 82.19.010 and fines and bail
18 forfeitures collected or received pursuant to this chapter shall be
19 deposited in the waste reduction, recycling, and litter control
20 account and used for the programs under subsection (1) of this
21 section.

22 (3) Not less than five percent and no more than ten percent of
23 the amount appropriated into the waste reduction, recycling, and
24 litter control account every biennium shall be reserved for capital
25 needs, including the purchase of vehicles for transporting crews and
26 for collecting litter and solid waste. Capital funds shall be
27 distributed among state agencies and local governments according to
28 the same criteria provided in RCW 70.93.220 for the remainder of the
29 funds, so that the most effective waste reduction, litter control,
30 recycling, and composting programs receive the most funding. The
31 intent of this subsection is to provide funds for the purchase of
32 equipment that will enable the department to account for the greatest
33 return on investment in terms of reaching a zero litter goal.

34 (4) Funds in the waste reduction, recycling, and litter control
35 account, collected under chapter 82.19 RCW, must be prioritized for
36 the products identified under RCW 82.19.020 solely for the purposes
37 of recycling, composting, and litter collection, reduction, and
38 control programs.

1 **Sec. 4.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to
2 read as follows:

3 Each county and city comprehensive solid waste management plan
4 shall include the following:

5 (1) A detailed inventory and description of all existing solid
6 waste handling facilities including an inventory of any deficiencies
7 in meeting current solid waste handling needs.

8 (2) The estimated long-range needs for solid waste handling
9 facilities projected twenty years into the future.

10 (3) A program for the orderly development of solid waste handling
11 facilities in a manner consistent with the plans for the entire
12 county which shall:

13 (a) Meet the minimum functional standards for solid waste
14 handling adopted by the department and all laws and regulations
15 relating to air and water pollution, fire prevention, flood control,
16 and protection of public health;

17 (b) Take into account the comprehensive land use plan of each
18 jurisdiction;

19 (c) Contain a six year construction and capital acquisition
20 program for solid waste handling facilities; and

21 (d) Contain a plan for financing both capital costs and
22 operational expenditures of the proposed solid waste management
23 system.

24 (4) A program for surveillance and control.

25 (5) A current inventory and description of solid waste collection
26 needs and operations within each respective jurisdiction which shall
27 include:

28 (a) Any franchise for solid waste collection granted by the
29 utilities and transportation commission in the respective
30 jurisdictions including the name of the holder of the franchise and
31 the address of his or her place of business and the area covered by
32 the franchise;

33 (b) Any city solid waste operation within the county and the
34 boundaries of such operation;

35 (c) The population density of each area serviced by a city
36 operation or by a franchised operation within the respective
37 jurisdictions;

38 (d) The projected solid waste collection needs for the respective
39 jurisdictions for the next six years.

1 (6) A comprehensive waste reduction and recycling element that,
2 in accordance with the priorities established in RCW 70.95.010,
3 provides programs that (a) reduce the amount of waste generated, (b)
4 provide incentives and mechanisms for source separation, and (c)
5 establish recycling opportunities for the source separated waste.

6 (7) The waste reduction and recycling element shall include the
7 following:

8 (a) Waste reduction strategies, which may include strategies to
9 reduce wasted food and food waste that are designed to achieve the
10 goals established in section 2(1) of this act and that are consistent
11 with the plan developed in section 2(3) of this act;

12 (b) Source separation strategies, including:

13 (i) Programs for the collection of source separated materials
14 from residences in urban and rural areas. In urban areas, these
15 programs shall include collection of source separated recyclable
16 materials from single and multiple-family residences, unless the
17 department approves an alternative program, according to the criteria
18 in the planning guidelines. Such criteria shall include: Anticipated
19 recovery rates and levels of public participation, availability of
20 environmentally sound disposal capacity, access to markets for
21 recyclable materials, unreasonable cost impacts on the ratepayer over
22 the six-year planning period, utilization of environmentally sound
23 waste reduction and recycling technologies, and other factors as
24 appropriate. In rural areas, these programs shall include but not be
25 limited to drop-off boxes, buy-back centers, or a combination of
26 both, at each solid waste transfer, processing, or disposal site, or
27 at locations convenient to the residents of the county. The drop-off
28 boxes and buy-back centers may be owned or operated by public,
29 nonprofit, or private persons;

30 (ii) Programs to monitor the collection of source separated waste
31 at nonresidential sites where there is sufficient density to sustain
32 a program;

33 (iii) Programs to collect yard waste and food waste, if the
34 county or city submitting the plan finds that there are adequate
35 markets or capacity for composted yard waste and food waste within or
36 near the service area to consume the majority of the material
37 collected; and

38 (iv) Programs to educate and promote the concepts of waste
39 reduction and recycling;

1 (c) Recycling strategies, including a description of markets for
2 recyclables, a review of waste generation trends, a description of
3 waste composition, a discussion and description of existing programs
4 and any additional programs needed to assist public and private
5 sector recycling, and an implementation schedule for the designation
6 of specific materials to be collected for recycling, and for the
7 provision of recycling collection services;

8 (d) Other information the county or city submitting the plan
9 determines is necessary.

10 (8) An assessment of the plan's impact on the costs of solid
11 waste collection. The assessment shall be prepared in conformance
12 with guidelines established by the utilities and transportation
13 commission. The commission shall cooperate with the Washington state
14 association of counties and the association of Washington cities in
15 establishing such guidelines.

16 (9) A review of potential areas that meet the criteria as
17 outlined in RCW 70.95.165.

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