
HOUSE BILL 1164

State of Washington

68th Legislature

2023 Regular Session

By Representatives Doglio and Fitzgibbon

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1 AN ACT Relating to providing for the responsible management of
2 appliances containing harmful gases and other materials; amending RCW
3 43.21B.110, 43.21B.300, and 70A.65.260; adding a new section to
4 chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and
5 prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. (1) The legislature
8 finds that Washington has taken numerous steps to reduce emissions of
9 ozone-depleting refrigerants and greenhouse gas refrigerants,
10 including by establishing maximum global warming potentials of new
11 appliances introduced into commerce, and initiating a refrigerant
12 management program to address leaks from equipment in operation.
13 State law also prohibits the intentional venting of refrigerants,
14 including refrigerants contained in appliances that reach the end of
15 their useful life. However, the current regulatory environment
16 notably lacks a mechanism to ensure that refrigerants and greenhouse
17 gases contained in foams in appliances that reach the end of their
18 life are managed appropriately. Unfortunately, a misplaced incentive
19 often currently exists for persons disposing of an unwanted appliance
20 that makes it less costly and easier to dispose of refrigerants
21 contained in an appliance through illegal venting, which is

1 functionally challenging to prevent or to take enforcement actions
2 against, rather than through environmentally responsible practices.
3 In addition, the current regulatory environment does not establish
4 incentives or otherwise ensure that greenhouse gas-containing foam in
5 appliances will be managed in an environmentally responsible way.

6 (2) Federal law, through its responsible appliance disposal
7 program, establishes voluntary achievable and environmentally
8 friendly appliance management standards that many people disposing of
9 unwanted appliances already abide by. In conjunction with utility
10 incentive programs that spur the replacement of energy-inefficient
11 old appliances, there already exists the beginnings of the
12 infrastructure needed to more comprehensively manage greenhouse gas-
13 containing appliances at the end of their useful life. One gap to
14 ensuring this environmentally preferable outcome is a consistent
15 funding mechanism to use and expand this appliance collection
16 recycling infrastructure. Other jurisdictions in North America and
17 around the world have addressed this funding gap by establishing
18 stewardship programs for the funding and management of unwanted
19 appliances. Appliance producer responsibility programs offer a
20 significant opportunity to reduce greenhouse gas emissions that are
21 not currently addressed by the state's other greenhouse gas emissions
22 programs, and do so at a relatively low cost per ton of emissions
23 reductions, and with other environmental benefits from the salvage
24 and recycling of other appliance components.

25 (3) Therefore, it is the intent of the legislature to establish a
26 responsible appliance disposal extended producer responsibility
27 program.

28 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
29 section apply throughout this chapter unless the context clearly
30 requires otherwise.

31 (1) "Appliance stewardship organization" or "stewardship
32 organization" means a producer that directly implements an appliance
33 stewardship plan required under this chapter or a nonprofit
34 organization designated by a producer or group of producers to
35 implement an appliance stewardship plan required under this chapter.

36 (2) "Category" means, with respect to the performance goals and
37 reporting requirements of covered appliances, each of the following:

38 (a) Refrigerating and freezing appliances, designed and intended
39 for residential use, for the conservation or storage of food and

1 beverages and other materials including, but not limited to,
2 refrigerators, freezers, refrigerating wine cellars, wine coolers,
3 and water dispensers;

4 (b) Refrigerating and freezing appliances, designed and intended
5 for commercial or institutional use, for the conservation or storage
6 of food or beverages and other materials including, but not limited
7 to, refrigerators, freezers, cooling units, refrigerating wine
8 cellars, wine coolers, refrigerated displays, ice machines, and
9 refrigerated automatic food or beverage vending machines;

10 (c) Air conditioners, heat pumps, and dehumidifiers; and

11 (d) The following appliances designed and intended for
12 residential, commercial, or institutional use: Ranges; built-in
13 ovens; built-in cooking surfaces; dishwashers; washing machines; and
14 dryers.

15 (3) (a) "Covered appliances" means electric or gas appliances that
16 are:

17 (i) Of a type that typically contain more than negligible volumes
18 of refrigerants or insulating foam with a potential to release
19 greenhouse gases at the end of the appliance's useful life;

20 (ii) Designed or intended for residential, commercial, or
21 institutional purposes; and

22 (iii) Used for cooking, the conservation or storage of food or
23 beverages, the washing or drying of dishware, cloth, or clothing, or
24 to control ventilation, the temperature, or humidity in a room or
25 dwelling.

26 (b) "Covered appliances" include, but are not limited to:
27 Refrigerators; freezers; wine cellars and coolers; water dispensers;
28 heat pumps; portable or window air conditioners; dehumidifiers;
29 dishwashers; washing machines; and dryers.

30 (c) "Covered appliances" does not include:

31 (i) Covered appliances of the categories specified in subsection
32 (2) (a), (c), or (d) of this section whose weight is greater than
33 1,000 pounds;

34 (ii) Appliances and air conditioners that form an integral part
35 of a structure to ensure its usefulness or facilitate its use
36 including, but not limited to, ice rink refrigeration systems and
37 central air conditioning systems of commercial or residential
38 multifamily buildings;

1 (iii) Mobile air conditioning contained in motor vehicles, rail
2 and trains, aircraft, watercraft, recreational vehicles, recreational
3 trailers, and campers; and

4 (iv) Other appliances identified as infeasible to include in
5 rules adopted by the department.

6 (4) "Department" means the department of ecology.

7 (5) "Final disposition" means the point at which a covered
8 appliance and each of its component parts:

9 (a) Are reused;

10 (b) Are recycled; or

11 (c) Are delivered to a disposal site, as that term is defined in
12 RCW 70A.205.015.

13 (6) (a) "Producer" means with respect to a covered appliance that
14 is sold, offered for sale, or distributed for sale in or into the
15 state for use in the state:

16 (i) The person that manufactures the covered appliance and sells
17 or offers for sale in or into the state that appliance under the
18 person's own brand;

19 (ii) If there is no person to which (a)(i) of this subsection
20 applies, the owner of a brand under which the covered appliance is
21 sold, offered for sale, or distributed in or into the state;

22 (iii) If there is no person to which (a)(i) or (ii) of this
23 subsection applies, the licensee of a brand under which the covered
24 appliance is sold, offered for sale, or distributed in or into the
25 state;

26 (iv) If there is no person to which (a)(i), (ii), or (iii) of
27 this subsection applies, a person that imports the covered appliance
28 into the United States for sale or distribution into Washington;

29 (v) If there is no person described in (a)(i), (ii), (iii), or
30 (iv) of this subsection over whom the state can constitutionally
31 exercise jurisdiction, the producer is the person who imports or
32 distributes the covered appliance in or into the state; or

33 (vi) A person who notifies the department of the person's
34 election to assume responsibility in lieu of a producer as identified
35 under (a)(i) through (v) of this subsection. In the event the person
36 that assumes responsibility fails to comply with the requirements of
37 this chapter, the producer identified under (a)(i) through (v) of
38 this subsection remains fully responsible for compliance with the
39 requirements of this chapter.

1 (b) A retail establishment that sells covered appliances under
2 its own brand, or that otherwise meets the definition of a producer
3 in (a) of this subsection, is a producer for purposes of this
4 chapter.

5 (7) "Program" means a program implemented by an appliance
6 stewardship organization consistent with the requirements of this
7 chapter.

8 (8) "RAD account" means the responsible appliance disposal
9 account created in section 16 of this act.

10 (9) "RAD standards" means the voluntary responsible appliance
11 disposal standards applicable to partners choosing to participate in
12 the United States environmental protection agency's responsible
13 appliance disposal program including, but not limited to, standards
14 that provide for:

15 (a) The proper recovery and reclamation or destruction of
16 refrigerants;

17 (b) The proper recovery and reclamation or destruction of foams;

18 (c) The safe disposal of hazardous waste products including, but
19 not limited to, polychlorinated biphenyls and mercury;

20 (d) The proper recycling of used oil; and

21 (e) To the maximum extent possible, the recycling of all
22 recoverable, durable materials including metal, plastic, and glass.

23 (10) "Regulated refrigerant" has the same meaning as defined in
24 RCW 70A.60.010.

25 (11) "Retail establishment" means a person who sells covered
26 appliances in or into this state or offers or otherwise makes
27 available covered appliances to a customer, including other
28 businesses, for use in this state.

29 NEW SECTION. **Sec. 3.** REQUIREMENT THAT PRODUCERS IMPLEMENT A
30 PROGRAM. (1) Beginning January 1, 2024, each producer selling covered
31 appliances in or into the state of Washington must register with the
32 department through an appliance stewardship organization.

33 (2)(a) Beginning July 1, 2027, each producer selling covered
34 appliances in or into the state of Washington shall participate in an
35 approved appliance stewardship plan through participation in and
36 appropriate funding of an appliance stewardship organization.

37 (b) A producer that does not participate in an appliance
38 stewardship organization and appliance stewardship plan may not sell
39 covered appliances in or into Washington.

1 NEW SECTION. **Sec. 4.** STEWARDSHIP PLAN COMPONENTS. (1) By

2 January 1, 2027, or no less than six months before a plan begins to
3 be implemented, each appliance stewardship organization must submit a
4 plan to the department for review and approval. An appliance
5 stewardship organization may submit a plan at any time to the
6 department for review and approval. The department must review and
7 may approve a plan based on whether it contains and adequately
8 addresses the following components:

9 (a) Lists and provides contact information for each producer and
10 covered appliance brand participating in the plan;

11 (b) Identifies the covered appliance models of each producer
12 participating in the plan;

13 (c) Proposes the implementation mechanisms through which the
14 program expects to achieve the performance goals established in
15 section 5 of this act, and describes the methods used to calculate
16 whether the program is achieving its performance goals;

17 (d) Describes how the appliance stewardship organization will
18 help make retail establishments aware of their obligation to sell
19 only covered appliances of producers participating in an approved
20 plan;

21 (e) Includes a detailed and comprehensive list of promotion
22 activities to be undertaken as part of the educational and outreach
23 program required in section 7 of this act;

24 (f) Describes the mechanisms used for the collection of covered
25 appliances directly or indirectly from consumers, consistent with
26 section 6 of this act, including the financial incentives described
27 in section 8 of this act that are to be paid to persons that furnish
28 covered appliances for collection by the program;

29 (g) Describe how the program will, consistent with RAD standards
30 and other environmental best management practices, manage components
31 of collected appliances including, but not limited to, scrap metal,
32 compressors, glass, foam, plastic, nonferrous metal, oil,
33 refrigerants, batteries, and components potentially containing
34 mercury or polychlorinated biphenyls;

35 (h) Identifies proposed brokers, transporters, processors, and
36 facilities to be used by the program for the recycling and final
37 disposition of covered appliances; and

38 (i) Describes the financing methods to implement the plan,
39 consistent with section 8 of this act, including how producer fees

1 and fee modulation will incorporate design for recycling and resource
2 conservation as objectives.

3 (2) If required by the department, an appliance stewardship
4 organization must submit a new plan to the department for approval:

5 (a) When there is a change to the method of financing plan
6 implementation under section 8 of this act;

7 (b) If there are significant changes to the methods of
8 collection, transport, or end-of-life management of covered
9 appliances under section 6 of this act that are not covered by the
10 plan. The department may, by rule, identify the types of significant
11 changes that require a new plan to be submitted to the department for
12 approval;

13 (c) No less than every five years; and

14 (d) Consistent with subsection (4) of this section.

15 (3) If required by the department, an appliance stewardship
16 organization must provide plan amendments to the department for
17 approval:

18 (a) After a producer begins or ceases to participate in an
19 appliance stewardship organization, as part of a quarterly update
20 submitted to the department that also includes a current
21 identification of the producers and brands participating in the plan
22 and their covered appliance models; or

23 (b) When adding or removing a processor or transporter, as part
24 of a quarterly update submitted to the department.

25 (4) No earlier than five years after the initial approval of a
26 plan, the department may require an appliance stewardship
27 organization to submit a revised plan, which may include improvements
28 to the collection mechanisms used by the plan, the amount of the
29 incentive payments made by the stewardship organization to persons
30 who furnish unwanted covered appliances, or increased expenditures
31 dedicated to education and outreach, if the approved plan does not
32 meet the performance goals under section 5 of this act.

33 (5) As a supplement or component of all new or updated plans
34 under this chapter submitted by an appliance stewardship
35 organization, the stewardship organization must submit a contingency
36 plan demonstrating how the activities in the plan will continue to be
37 carried out by some other entity, if needed, such as an escrow
38 company:

39 (a) Until such time as a new plan is submitted and approved by
40 the department;

1 (b) Upon the expiration of an approved plan;

2 (c) In the event that the stewardship organization has been
3 notified by the department that they must transfer implementation
4 responsibility for the program to a different stewardship
5 organization;

6 (d) In the event that the stewardship organization notifies the
7 department that it will cease to implement an approved plan; or

8 (e) In any other event that the stewardship organization can no
9 longer carry out plan implementation.

10 NEW SECTION. **Sec. 5.** PERFORMANCE GOALS. (1) The stewardship
11 organization must achieve the following recovery rates, comparing
12 covered appliances collected and managed by the program relative to
13 the number of covered appliances sold in or into Washington, by
14 category of covered appliance:

15 (a) For the covered product categories specified in section
16 2(2)(a) of this act: 75 percent in 2027; 80 percent in 2028; 85
17 percent in 2029; and 90 percent beginning in 2030 and each year
18 thereafter;

19 (b) For the covered product categories specified in section
20 2(2)(b) of this act: 35 percent in 2027, increasing by five percent
21 per year until the rate reaches 80 percent;

22 (c) For the covered product categories specified in section
23 2(2)(c) of this act: 30 percent in 2027, increasing by five percent
24 per year until the rate reaches 70 percent; and

25 (d) For covered product categories specified in section 2(2)(d)
26 of this act: 70 percent as of 2028, increasing by five percent per
27 year until the rate reaches 90 percent.

28 (2) The department may, by rule, increase the rates for a given
29 year specified in subsection (1) of this section.

30 (3) The department must adopt rules or guidance to specify the
31 methods to be used by a stewardship organization in the calculation
32 of recovery rates achieved consistent with this section including,
33 but not limited to:

34 (a) Identifying the sales year against which a covered product
35 category's recovery rate is to be calculated, assuming a typical
36 lifespan for each category of covered product; and

37 (b) How the stewardship organization will identify and report to
38 the department, using the best information made available to the
39 stewardship organization from producers participating in the

1 stewardship organization, the historical sales data for each year
2 pertinent to the calculation of the recovery rate.

3 NEW SECTION. **Sec. 6.** COLLECTION AND MANAGEMENT. (1) An
4 appliance stewardship organization must provide for the collection of
5 covered appliances from any person, business, government agency, or
6 nonprofit organization. A fee may not be charged at the time unwanted
7 covered appliances are collected at a collection site or directly
8 from a person and a financial incentive must be paid to the person
9 from whom the covered appliance is collected, consistent with section
10 8 of this act.

11 (2) At a minimum, each stewardship organization must provide
12 statewide opportunities for the collection of covered appliances
13 through:

14 (a) Collection sites at which a person may deposit an unwanted
15 covered appliance. At a minimum, a stewardship organization must
16 provide for at least one permanent collection site in each county
17 unless granted an infeasibility waiver from this requirement by the
18 department; and

19 (b) The direct door-to-door collection of unwanted covered
20 appliances from any residence, commercial business, or institution in
21 any geographic location in Washington where a covered appliance
22 becomes unwanted.

23 (3) (a) Collection sites and any businesses hired by a stewardship
24 organization to collect, transport, process, recycle, or otherwise
25 manage unwanted covered appliances, including entities hired to
26 deliver newly purchased covered appliances to customers and
27 simultaneously take away unwanted covered appliances from those
28 customers, must adhere to safety requirements and other procedures
29 developed by the appliance stewardship organization. Collection sites
30 relied upon by a stewardship organization to fulfill its obligations
31 under this section may be permanent locations, temporary events, or
32 both.

33 (b) Except as provided in (c) of this subsection, a stewardship
34 organization must manage covered appliances consistent with RAD
35 standards as they existed as of January 1, 2023.

36 (c) By rule, the department may require an appliance stewardship
37 organization to manage covered appliances consistent with an updated
38 version of RAD standards adopted by the United States environmental
39 protection agency after January 1, 2023.

1 (4) (a) A retail establishment may voluntarily elect to serve as a
2 collection site for some or all types of covered appliances.

3 (b) Local governments that operate household hazardous waste
4 facilities or other solid waste facilities may voluntarily elect for
5 these facilities to serve as collection sites under the program.

6 (c) Stewardship organizations must use existing public and
7 private appliance collection services and facilities where cost-
8 effective, mutually agreeable, and otherwise practicable.

9 (d) Programs must use as a collection site for covered appliances
10 any retail establishment, wholesaler, municipality, solid waste
11 management facility, or other entity that meets the collection site
12 criteria provided in this section and the criteria for collection
13 locations in the approved plan, upon the submission of a request by
14 the entity to the appliance stewardship organization to serve as a
15 collection site.

16 (e) A stewardship organization may suspend or terminate a
17 collection site or service that does not adhere to the collection
18 site criteria in the approved plan and that poses an immediate health
19 and safety concern. The stewardship organization must notify the
20 department upon suspending or terminating a collection site or
21 service.

22 NEW SECTION. **Sec. 7.** EDUCATION AND OUTREACH. (1) Each appliance
23 stewardship organization must carry out promotional activities in
24 support of plan implementation including, but not limited to:

25 (a) The development and maintenance of a website;

26 (b) The development and distribution of periodic press releases
27 and articles;

28 (c) The development and placement of graphic advertisements for
29 use on social media or other relevant media platforms;

30 (d) The development of promotional materials about the program
31 and the restriction on the disposal of covered appliances in section
32 14 of this act to be used by retail establishments, government
33 agencies, and nonprofit organizations; and

34 (e) The development and implementation of outreach and
35 educational resources targeted to overburdened communities and
36 vulnerable populations identified by the department under chapter
37 70A.02 RCW that are conceptually, linguistically, and culturally
38 accurate for the communities served and reach the state's diverse
39 ethnic populations, including through meaningful consultation with

1 communities that bear disproportionately higher levels of adverse
2 environmental and social justice impacts.

3 (2) Each appliance stewardship organization must provide:

4 (a) Consumer-focused educational promotional materials to each
5 collection location used by the program and at each retailer that
6 sells covered appliances; and

7 (b) Safety and best environmental management practice information
8 related to covered appliance collection activities to the operator of
9 each collection site and transporters of unwanted covered appliances,
10 including information related to compliance with the requirements of
11 RCW 70A.60.070 and appropriate protocols to reduce risks of release
12 of greenhouse gases or hazardous materials.

13 (3) A producer that supplies covered appliances to a retail
14 establishment must, upon request by the retail establishment, provide
15 the retail establishment educational materials developed by the
16 stewardship organization in consultation with stakeholders describing
17 collection opportunities for covered appliances or must arrange for
18 the program implementing the plan in which the producer participates
19 to provide these materials.

20 (4) If multiple appliance stewardship organizations are
21 implementing plans approved by the department, the appliance
22 stewardship organizations must coordinate in carrying out their
23 education and outreach responsibilities under this section and must
24 include in their annual reports to the department a summary of their
25 coordinated education and outreach efforts.

26 (5) During the first year of program implementation and every
27 five years thereafter, each appliance stewardship organization must
28 carry out a survey of public awareness to determine the effectiveness
29 of the requirements of the program established under this chapter,
30 including the provisions of section 14 of this act. Each appliance
31 stewardship organization must share the results of the public
32 awareness surveys with the department.

33 NEW SECTION. **Sec. 8.** FINANCIAL REQUIREMENTS. (1) Each appliance
34 stewardship organization must ensure adequate funding is available to
35 fully implement its appliance stewardship plan, including the
36 implementation of aspects of the plan addressing:

37 (a) Appliance collection, transport, and processing;

38 (b) Education and outreach;

39 (c) Program evaluation and reporting to the department;

1 (d) The payments of a financial incentive to persons that furnish
2 unwanted covered appliances to the program for collection; and

3 (e) The payment of administrative fees to the department.

4 (2) An appliance stewardship organization must develop, and
5 continually improve over the years of program implementation, a
6 system to collect charges from participating producers to cover the
7 costs of plan implementation in an environmentally sound and socially
8 just manner. The system of charges established by the stewardship
9 organization must use eco-modulated fees to encourage the use of
10 design attributes that reduce the environmental impacts of covered
11 appliances. Examples of eco-modulated fees include, but are not
12 limited to:

13 (a) Encouraging designs intended to facilitate reuse and
14 recycling;

15 (b) Encouraging the use of recycled content;

16 (c) Discouraging the use of problematic materials that the
17 appliance stewardship organization expects to increase the program's
18 costs of managing covered appliances;

19 (d) Decreasing the global warming potential of appliances through
20 any combination of:

21 (i) The use of substitute refrigerants and foams with comparative
22 low global warming potential relative to alternative refrigerants and
23 foams for the same specific end use of the refrigerant or foam;

24 (ii) The inclusion of lower volumes of refrigerants and foams in
25 covered appliances; and

26 (iii) Product designs that minimize the releases of greenhouse
27 gases from the covered appliance during and after the covered
28 appliance's lifetime of use; and

29 (e) Encouraging other design attributes that reduce the
30 environmental impacts of covered appliances, including reducing the
31 use of toxic chemicals.

32 (3) Each appliance stewardship organization is responsible for
33 all costs of participating covered appliance collection,
34 transportation, processing, education, administration, agency
35 reimbursement, recycling, and end-of-life management in accordance
36 with RAD standards and other best environmental management practices.

37 (4) An appliance stewardship organization is not authorized to
38 reduce or cease collection, education and outreach, or other
39 activities implemented under an approved plan based on the
40 achievement of program performance goals or upon collecting and

1 providing for the end-of-life management of more covered appliances
2 than required in section 5 of this act.

3 (5) (a) To encourage persons to manage covered appliances through
4 the program and to ensure that the program goals established in
5 section 5 of this act are achieved, the stewardship organization must
6 propose in its plan, and carry out in its program, the payment of a
7 financial incentive for each covered appliance that a person
8 furnishes to the program for management. The stewardship organization
9 must demonstrate to the department that the amount of the financial
10 incentive for each covered appliance will be sufficient to
11 incentivize the use of the program by consumers with unwanted covered
12 appliances, to discourage illegal dumping or venting of refrigerants
13 or other pollutants, and must be in addition to any other incentive
14 payments offered for the same covered appliances through utility
15 rebate, energy efficiency, or other programs.

16 (b) The financial incentives offered through the program may vary
17 as appropriate to ensure the achievement of the goals established in
18 section 5 of this act in an efficient manner including, but not
19 limited to the:

- 20 (i) Type of person furnishing the unwanted covered appliance; and
21 (ii) Number of covered appliances furnished by a person.

22 (c) A stewardship organization may not pay a financial incentive
23 for the furnishing of a covered appliance that no longer contains the
24 refrigerants used in the appliance or that has otherwise been damaged
25 in a manner likely to have resulted in the release of greenhouse
26 gases.

27 (6) (a) An appliance stewardship organization must reimburse local
28 governments for demonstrable costs incurred as a result of a local
29 government facility or solid waste handling facility serving as a
30 collection location for a program including, but not limited to,
31 associated labor costs and other costs associated with safety,
32 accessibility, and collection site standards such as storage.

33 (b) An appliance stewardship organization must include in its
34 stewardship plan, and provide upon request, a template of the service
35 agreement and any other forms, contracts, or other documents for use
36 in distribution of reimbursements. The service agreement template
37 must be developed with local government and business input. The
38 entities seeking or receiving reimbursement from the appliance
39 stewardship organization are not required to use the service
40 agreement template included in the program plan and are not limited

1 to the terms of the service agreement template included in the
2 program plan.

3 NEW SECTION. **Sec. 9.** ROLE OF RETAIL ESTABLISHMENTS. (1)
4 Beginning July 1, 2027, a retail establishment may not sell, offer
5 for sale, or otherwise make available for sale a covered appliance
6 unless the producer of the covered appliance participates in an
7 appliance stewardship organization.

8 (2) A retail establishment is in compliance with the requirements
9 of subsection (1) of this section and is not subject to penalties as
10 long as the website made available by the department under section 12
11 of this act lists, as of the date a product is made available for
12 retail sale, a producer or brand and appliance model of a covered
13 appliance sold by the retail establishment as being a participant in
14 an approved plan or the implementer of an approved plan.

15 (3) A retail establishment that sells covered appliances is not
16 required to make retail locations available to serve as collection
17 locations for a program operated by an appliance stewardship
18 organization. However, a retail establishment that agrees to make a
19 retail location available to serve as a collection location for a
20 program must comply with the requirements for collection locations,
21 consistent with section 6 of this act.

22 (4) A retail establishment selling or offering covered appliances
23 for sale in Washington must provide information to customers,
24 provided to the retail establishment by the stewardship organization,
25 regarding available end-of-life management options for covered
26 appliances collected by the stewardship organization. The information
27 that an appliance stewardship organization must make available to
28 retail establishments by retailers must include, but is not limited
29 to, in-store signage, written materials, and other promotional
30 materials that retail establishments may use to inform customers of
31 the available end-of-life management options for covered appliances
32 collected by the stewardship organization. All materials developed by
33 a stewardship organization under this subsection must emphasize to
34 consumers the importance of using the program established under this
35 chapter for unwanted covered appliances, the prohibitions on disposal
36 established in section 14 of this act, and the prohibitions under
37 federal law and chapters 70A.15 and 70A.60 RCW on the willful release
38 of refrigerants contained in covered appliances.

1 (5) Retail establishments, producers, or stewardship
2 organizations may not charge a point-of-sale fee to consumers to
3 cover the administrative or operational costs of the stewardship
4 organization or the program.

5 NEW SECTION. **Sec. 10.** REPORTING. By June 1, 2028, and each June
6 1st thereafter, each appliance stewardship organization must submit
7 an annual report to the department covering the preceding calendar
8 year of program implementation. The report must include:

9 (1) An independent financial audit of a program implemented by
10 the appliance stewardship organization, including a breakdown of the
11 program's expenses, such as collection, recycling, education, and
12 overhead;

13 (2) A summary financial statement documenting the financing of an
14 appliance stewardship organization's program and an analysis of
15 program costs and expenditures, including an analysis of the
16 program's expenses, such as collection, transportation, recycling,
17 education, and administrative overhead;

18 (3) Key quantitative data regarding program operations,
19 including:

20 (a) The number of units of each category of covered appliance
21 collected by the program;

22 (b) The weight, by component or material type contained in
23 covered appliances, of materials that were: (i) Salvaged, repaired,
24 or reused; (ii) recycled; (iii) landfilled; or (iv) managed through
25 other methods;

26 (c) The quantity of each type of recovered refrigerant, and the
27 management outcomes of those recovered refrigerants, as calculated
28 consistent with methods adopted by the department by rule;

29 (d) The quantity of each type of recovered greenhouse gas from
30 foam contained in covered appliances, as calculated consistent with
31 methods adopted by the department by rule;

32 (e) Estimates of the net greenhouse gas emissions in carbon
33 dioxide equivalents avoided through the activities of the program,
34 using a form and method specified by the department by rule; and

35 (f) The performance of the program relative to the goals
36 established in section 5 of this act;

37 (4) For each facility used for the final disposition of covered
38 appliances or appliance components, the name and address of the

1 facility and a description of how the facility recycled or otherwise
2 disposed of the covered appliances or appliance components;

3 (5) A summary of the education and outreach supporting plan
4 implementation;

5 (6) A list of all permanent collection locations and the address
6 for each listed site, with links to appropriate websites where there
7 are existing websites associated with a location; and

8 (7) Any other information about program operations required to be
9 included in the annual report in rules adopted by the department.

10 NEW SECTION. **Sec. 11.** INFORMATION SUBMISSION. A stewardship
11 organization that submits information or records to the department
12 under this chapter may request that the information or records be
13 made available only for the confidential use of the department, the
14 director of the department, or the appropriate division of the
15 department. The director of the department must give consideration to
16 the request and if this action is not detrimental to the public
17 interest and is otherwise in accordance with the policies and
18 purposes of chapter 43.21A RCW, the director must grant the request
19 for the information to remain confidential as authorized in RCW
20 43.21A.160.

21 NEW SECTION. **Sec. 12.** ROLES AND RESPONSIBILITIES OF THE
22 DEPARTMENT OF ECOLOGY. (1) The department must implement, administer,
23 and enforce this chapter. The department may adopt rules as necessary
24 to implement, administer, and enforce this chapter.

25 (2)(a) By April 1, 2024, and every April 1st thereafter, the
26 department must:

27 (i) Identify the projected annual costs to implement, administer,
28 and enforce this chapter;

29 (ii) Determine a total annual fee payment to be paid by each
30 stewardship organization that is adequate to cover, but not exceed,
31 the costs identified in (a)(i) of this subsection;

32 (iii) Until rules are adopted under (a)(iv) of this subsection,
33 issue a general order to all registered stewardship organizations.
34 The department must equitably determine fee amounts for stewardship
35 organizations;

36 (iv) By January 1, 2026, adopt rules to equitably determine
37 annual fee payments by stewardship organizations. Once these rules

1 are adopted, the general order issued under (a)(iii) of this
2 subsection is no longer effective; and

3 (v) Send notice to stewardship organizations of fee amounts due
4 consistent with either the general order issued under (a)(iii) of
5 this subsection or rules adopted under (a)(iv) of this subsection.

6 (b) The department must:

7 (i) Apply any remaining annual payment funds from the current
8 year to the annual payment for the coming fiscal year, if the
9 collected annual payment exceeds the costs identified under (a)(ii)
10 of this subsection for a given year; and

11 (ii) Increase annual payments for the coming fiscal year to cover
12 the costs identified under (a)(ii) of this subsection, if the
13 collected annual payment was less than the amount required to cover
14 those costs for a given year.

15 (3)(a) The department must review new, updated, and revised plans
16 submitted by appliance stewardship organizations. The department
17 must:

18 (i) Make new, updated, and revised plans available for public
19 review and comment for at least 30 days prior to the department's
20 approval decision;

21 (ii) Review new, updated, and revised stewardship organization
22 plans within 180 days of receipt of a complete plan;

23 (iii) Make a determination as to whether or not to approve a
24 plan, plan update, or plan revision and notify the stewardship
25 organization of the:

26 (A) Determination of approval if a plan provides for a program
27 that meets the requirements of this chapter, taking into
28 consideration comments received under (a)(i) of this subsection; or

29 (B) Reasons for not approving a plan. The appliance stewardship
30 organization must submit a new or revised plan within 60 days after
31 receipt of the letter of disapproval. In the event that a new or
32 revised plan submitted by a appliance stewardship organization does
33 not sufficiently meet the requirements of this chapter, including any
34 deficiencies identified in the initial letter of disapproval, the
35 department may:

36 (I) Use the enforcement powers specified in section 13 of this
37 act; or

38 (II) Amend the contents of the insufficient new or revised plan
39 in a manner that ensures that the plan meets the requirements of this

1 chapter and the department may require the appliance stewardship
2 organization to implement the plan as amended by the department.

3 (b) The approval of a plan by the department does not relieve
4 producers participating in the plan from responsibility for
5 fulfilling the requirements of this chapter.

6 (4) The department must review annual reports submitted by
7 stewardship organizations as required in section 10 of this act. The
8 department must:

9 (a) Make annual reports available for public review and comment
10 for at least 30 days upon the receipt of the annual report by the
11 department;

12 (b) Review the annual report within 120 days of receipt of a
13 complete annual report;

14 (c) Make a determination as to whether or not an annual report
15 meets the requirements of section 10 of this act and notify the
16 stewardship organization of the:

17 (i) Determination of approval of the annual report; or

18 (ii) Reasons for not approving the annual report. The stewardship
19 organization must submit a revised annual report within 60 days after
20 receipt of the letter of disapproval;

21 (d) Notify a stewardship organization if the annual report
22 demonstrates that the program and activities to implement the plan
23 fail to achieve the reuse and recycling targets approved by the
24 department or otherwise fail to achieve significant requirements
25 under this chapter.

26 (5) Consistent with section 6 of this act, the department may
27 grant an infeasibility waiver temporarily exempting, for the duration
28 of a plan, a stewardship organization from the requirement to provide
29 a permanent collection site in each county. The department may only
30 grant an exemption if the stewardship organization demonstrates that
31 no retail establishment or local government has voluntarily elected
32 to serve as a collection site and that access to collection services
33 by persons in possession of an unwanted covered appliance will not be
34 substantially affected by the lack of a permanent collection location
35 in a low population density county. An appliance stewardship
36 organization granted an infeasibility waiver under this section must,
37 at minimum, hold at least two collection events each year in any
38 counties covered by the infeasibility waiver.

39 (6) The department must maintain a public website that:

1 (a) Lists each registered appliance stewardship organization
2 along with its member producers and their covered appliances that are
3 included under the stewardship organization's plan; and

4 (b) Makes available each plan and annual report received by the
5 department under this chapter.

6 NEW SECTION. **Sec. 13.** PENALTIES. (1)(a) The department may
7 administratively impose a civil penalty of up to \$1,000 per violation
8 per day on any person who violates this chapter and up to \$10,000 per
9 violation per day for the second and each subsequent violation.

10 (b) Prior to imposing penalties under this subsection, the
11 department must provide a person with a written warning for the first
12 violation by the person of the requirements of this chapter. The
13 written warning must inform the person that it must participate in an
14 approved plan or otherwise come into compliance with the requirements
15 of this chapter within 30 days of the notice. A person that violates
16 a provision of this chapter after the initial written warning may be
17 assessed a penalty as provided in this subsection.

18 (2) Upon the department notifying an appliance stewardship
19 organization that it has not met a significant requirement of this
20 chapter, the department may, in addition to assessing the penalties
21 provided in subsection (1) of this section, take any combination of
22 the following actions:

23 (a)(i) Issue corrective action orders to a producer or
24 stewardship organization;

25 (ii) Issue orders to a stewardship organization to provide for
26 the continued implementation of the program in the absence of an
27 approved plan;

28 (b) Revoke the stewardship organization's plan approval and
29 require the stewardship organization to implement its contingency
30 plan;

31 (c) Require a stewardship organization to revise or resubmit a
32 plan within a specified time frame; or

33 (d) Require additional reporting related to compliance with the
34 significant requirement of this chapter that was not met.

35 (3) Prior to taking the actions described in subsection (2)(b) of
36 this section, the department must provide the stewardship
37 organization with an opportunity to respond to or rebut the written
38 finding upon which the action is predicated.

1 (4) Any person who incurs a penalty under subsection (1) of this
2 section or an order under subsection (2) of this section may appeal
3 the penalty or order to the pollution control hearings board
4 established in chapter 43.21B RCW.

5 (5) Penalties levied under this subsection must be deposited in
6 the climate commitment account created in RCW 70A.65.260.

7 NEW SECTION. **Sec. 14.** REQUIREMENT TO USE PROGRAM. (1) All
8 persons, residents, businesses, and government, commercial,
9 industrial, and retail facilities, and office buildings must dispose
10 of unwanted covered appliances through approved collection methods
11 established by the programs created by this chapter.

12 (2)(a) A person may not place covered appliances in waste
13 containers for disposal at incinerators, waste to energy facilities,
14 or landfills. A person may not dispose of covered appliances at
15 incinerators, waste to energy facilities, or landfills.

16 (b) Nothing in this subsection restricts the incineration or
17 landfilling of component materials contained in a covered appliance
18 that has been collected and managed by the stewardship organization
19 consistent with the requirements of section 6 of this act.

20 (3) A person servicing or repairing covered appliances or
21 disposing of unwanted covered appliances must comply with the
22 requirements of RCW 70A.60.070.

23 NEW SECTION. **Sec. 15.** ANTITRUST. Producers or appliance
24 stewardship organizations acting on behalf of producers that prepare,
25 submit, and implement an appliance stewardship program plan pursuant
26 to this chapter and who are thereby subject to regulation by the
27 department are granted immunity from state laws relating to
28 antitrust, restraint of trade, unfair trade practices, and other
29 regulation of trade and commerce, for the limited purpose of
30 planning, reporting, and operating an appliance stewardship program,
31 including:

32 (1) The creation, implementation, or management of an appliance
33 stewardship organization and any appliance stewardship plan
34 regardless of whether it is submitted, denied, or approved;

35 (2) The cost and structure of an appliance stewardship plan; and

36 (3) The types or quantities of appliances and component
37 greenhouse gases being recycled or otherwise managed pursuant to this
38 chapter.

1 NEW SECTION. **Sec. 16.** RAD ACCOUNT. The responsible appliance
2 disposal account is created in the state treasury. All receipts from
3 the fees imposed under section 12 of this act must be deposited in
4 the account. Moneys in the account may be spent only after
5 appropriation. Expenditures from the account may only be used for the
6 implementation of this chapter.

7 NEW SECTION. **Sec. 17.** PROHIBITION ON THE USES OF FUNDS. A
8 stewardship organization may not use funds collected for purposes of
9 implementing a plan required under this chapter associated with:

- 10 (1) The payment of an administrative penalty levied;
- 11 (2) Administrative appeals of orders or penalties;
- 12 (3) Litigation between the appliance stewardship organization and
13 the state;
- 14 (4) Compensation of a person whose position is primarily
15 representing the appliance stewardship organization relative to the
16 passage, defeat, approval, or modification of legislation that is
17 being considered by a government entity; or
- 18 (5) Paid advertisements related to encouraging the passage,
19 defeat, approval, or modification of legislation that is being
20 considered during an upcoming or current legislative session, or was
21 considered during the previous legislative session.

22 NEW SECTION. **Sec. 18.** LIMITATION OF CHAPTER. Nothing in this
23 chapter changes or limits the applicability of the requirements of
24 chapter 70A.15 or 70A.300 RCW to covered appliances.

25 NEW SECTION. **Sec. 19.** A new section is added to chapter 82.04
26 RCW to read as follows:

27 BUSINESS AND OCCUPATION TAX EXEMPTION. (1) This chapter does not
28 apply to the receipts of an appliance stewardship organization formed
29 under chapter 70A.--- RCW (the new chapter created in section 23 of
30 this act) from charges to participating producers under an appliance
31 stewardship program as provided in section 8 of this act.

32 (2) This section is not subject to the requirements of RCW
33 82.32.805 and 82.32.808 and is not subject to an expiration date.

34 (3) The definitions in section 2 of this act apply throughout
35 this section unless the context clearly requires otherwise.

1 **Sec. 20.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to
2 read as follows:

3 (1) The hearings board shall only have jurisdiction to hear and
4 decide appeals from the following decisions of the department, the
5 director, local conservation districts, the air pollution control
6 boards or authorities as established pursuant to chapter 70A.15 RCW,
7 local health departments, the department of natural resources, the
8 department of fish and wildlife, the parks and recreation commission,
9 and authorized public entities described in chapter 79.100 RCW:

10 (a) Civil penalties imposed pursuant to RCW 18.104.155,
11 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,
12 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,
13 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090,
14 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102
15 and chapter 70A.--- RCW (the new chapter created in section 23 of
16 this act).

17 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
18 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,
19 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250,
20 90.48.120, and 90.56.330 and chapter 70A.--- RCW (the new chapter
21 created in section 23 of this act).

22 (c) Except as provided in RCW 90.03.210(2), the issuance,
23 modification, or termination of any permit, certificate, or license
24 by the department or any air authority in the exercise of its
25 jurisdiction, including the issuance or termination of a waste
26 disposal permit, the denial of an application for a waste disposal
27 permit, the modification of the conditions or the terms of a waste
28 disposal permit, or a decision to approve or deny an application for
29 a solid waste permit exemption under RCW 70A.205.260.

30 (d) Decisions of local health departments regarding the grant or
31 denial of solid waste permits pursuant to chapter 70A.205 RCW.

32 (e) Decisions of local health departments regarding the issuance
33 and enforcement of permits to use or dispose of biosolids under RCW
34 70A.226.090.

35 (f) Decisions of the department regarding waste-derived
36 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
37 decisions of the department regarding waste-derived soil amendments
38 under RCW 70A.205.145.

39 (g) Decisions of local conservation districts related to the
40 denial of approval or denial of certification of a dairy nutrient

1 management plan; conditions contained in a plan; application of any
2 dairy nutrient management practices, standards, methods, and
3 technologies to a particular dairy farm; and failure to adhere to the
4 plan review and approval timelines in RCW 90.64.026.

5 (h) Any other decision by the department or an air authority
6 which pursuant to law must be decided as an adjudicative proceeding
7 under chapter 34.05 RCW.

8 (i) Decisions of the department of natural resources, the
9 department of fish and wildlife, and the department that are
10 reviewable under chapter 76.09 RCW, and the department of natural
11 resources' appeals of county, city, or town objections under RCW
12 76.09.050(7).

13 (j) Forest health hazard orders issued by the commissioner of
14 public lands under RCW 76.06.180.

15 (k) Decisions of the department of fish and wildlife to issue,
16 deny, condition, or modify a hydraulic project approval permit under
17 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
18 comply, to issue a civil penalty, or to issue a notice of intent to
19 disapprove applications.

20 (l) Decisions of the department of natural resources that are
21 reviewable under RCW 78.44.270.

22 (m) Decisions of an authorized public entity under RCW 79.100.010
23 to take temporary possession or custody of a vessel or to contest the
24 amount of reimbursement owed that are reviewable by the hearings
25 board under RCW 79.100.120.

26 (n) Decisions of the department of ecology that are appealable
27 under RCW 70A.245.020 to set recycled minimum postconsumer content
28 for covered products or to temporarily exclude types of covered
29 products in plastic containers from minimum postconsumer recycled
30 content requirements.

31 (o) Orders by the department of ecology under RCW 70A.455.080.

32 (2) The following hearings shall not be conducted by the hearings
33 board:

34 (a) Hearings required by law to be conducted by the shorelines
35 hearings board pursuant to chapter 90.58 RCW.

36 (b) Hearings conducted by the department pursuant to RCW
37 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
38 70A.15.3110, and 90.44.180.

39 (c) Appeals of decisions by the department under RCW 90.03.110
40 and 90.44.220.

1 (d) Hearings conducted by the department to adopt, modify, or
2 repeal rules.

3 (3) Review of rules and regulations adopted by the hearings board
4 shall be subject to review in accordance with the provisions of the
5 administrative procedure act, chapter 34.05 RCW.

6 **Sec. 21.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to
7 read as follows:

8 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,
9 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050,
10 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090,
11 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102
12 and chapters 70A.355 and 70A.--- (the new chapter created in section
13 23 of this act) RCW shall be imposed by a notice in writing, either
14 by certified mail with return receipt requested or by personal
15 service, to the person incurring the penalty from the department or
16 the local air authority, describing the violation with reasonable
17 particularity. For penalties issued by local air authorities, within
18 30 days after the notice is received, the person incurring the
19 penalty may apply in writing to the authority for the remission or
20 mitigation of the penalty. Upon receipt of the application, the
21 authority may remit or mitigate the penalty upon whatever terms the
22 authority in its discretion deems proper. The authority may ascertain
23 the facts regarding all such applications in such reasonable manner
24 and under such rules as it may deem proper and shall remit or
25 mitigate the penalty only upon a demonstration of extraordinary
26 circumstances such as the presence of information or factors not
27 considered in setting the original penalty.

28 (2) Any penalty imposed under this section may be appealed to the
29 pollution control hearings board in accordance with this chapter if
30 the appeal is filed with the hearings board and served on the
31 department or authority 30 days after the date of receipt by the
32 person penalized of the notice imposing the penalty or 30 days after
33 the date of receipt of the notice of disposition by a local air
34 authority of the application for relief from penalty.

35 (3) A penalty shall become due and payable on the later of:

36 (a) Thirty days after receipt of the notice imposing the penalty;

37 (b) Thirty days after receipt of the notice of disposition by a
38 local air authority on application for relief from penalty, if such
39 an application is made; or

1 (c) Thirty days after receipt of the notice of decision of the
2 hearings board if the penalty is appealed.

3 (4) If the amount of any penalty is not paid to the department
4 within 30 days after it becomes due and payable, the attorney
5 general, upon request of the department, shall bring an action in the
6 name of the state of Washington in the superior court of Thurston
7 county, or of any county in which the violator does business, to
8 recover the penalty. If the amount of the penalty is not paid to the
9 authority within 30 days after it becomes due and payable, the
10 authority may bring an action to recover the penalty in the superior
11 court of the county of the authority's main office or of any county
12 in which the violator does business. In these actions, the procedures
13 and rules of evidence shall be the same as in an ordinary civil
14 action.

15 (5) All penalties recovered shall be paid into the state treasury
16 and credited to the general fund except those penalties imposed
17 pursuant to RCW 18.104.155, which shall be credited to the
18 reclamation account as provided in RCW 18.104.155(7), RCW
19 70A.15.3160, the disposition of which shall be governed by that
20 provision, RCW 70A.245.040 and 70A.245.050, which shall be credited
21 to the recycling enhancement account created in RCW 70A.245.100, RCW
22 70A.300.090, which shall be credited to the model toxics control
23 operating account created in RCW 70A.305.180, RCW 70A.65.200, which
24 shall be credited to the climate investment account created in RCW
25 70A.65.250, RCW 90.56.330, which shall be credited to the coastal
26 protection fund created by RCW 90.48.390, ~~((and))~~ RCW 70A.355.070,
27 which shall be credited to the underground storage tank account
28 created by RCW 70A.355.090, and chapter 70A.--- RCW (the new chapter
29 created in section 23 of this act), which shall be credited to the
30 refrigerant emission management account created in RCW 70A.60.050.

31 **Sec. 22.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to
32 read as follows:

33 (1) The climate commitment account is created in the state
34 treasury. The account must receive moneys distributed to the account
35 from the climate investment account created in RCW 70A.65.250 and
36 from penalties imposed under section 13 of this act. Moneys in the
37 account may be spent only after appropriation. Projects, activities,
38 and programs eligible for funding from the account must be physically

1 located in Washington state and include, but are not limited to, the
2 following:

3 (a) Implementing the working families' tax ((~~rebate~~) credit in
4 RCW 82.08.0206;

5 (b) Supplementing the growth management planning and
6 environmental review fund established in RCW 36.70A.490 for the
7 purpose of making grants or loans to local governments for the
8 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and
9 36.70A.600, for costs associated with RCW 36.70A.610, and to cover
10 costs associated with the adoption of optional elements of
11 comprehensive plans consistent with RCW 43.21C.420;

12 (c) Programs, activities, or projects that reduce and mitigate
13 impacts from greenhouse gases and copollutants in overburdened
14 communities, including strengthening the air quality monitoring
15 network to measure, track, and better understand air pollution levels
16 and trends and to inform the analysis, monitoring, and pollution
17 reduction measures required in RCW 70A.65.020;

18 (d) Programs, activities, or projects that deploy renewable
19 energy resources, such as solar and wind power, and projects to
20 deploy distributed generation, energy storage, demand-side
21 technologies and strategies, and other grid modernization projects;

22 (e) Programs, activities, or projects that increase the energy
23 efficiency or reduce greenhouse gas emissions of industrial
24 facilities including, but not limited to, proposals to implement
25 combined heat and power, district energy, or on-site renewables, such
26 as solar and wind power, to upgrade the energy efficiency of existing
27 equipment, to reduce process emissions, and to switch to less
28 emissions intensive fuel sources;

29 (f) Programs, activities, or projects that achieve energy
30 efficiency or emissions reductions in the agricultural sector
31 including:

32 (i) Fertilizer management;

33 (ii) Soil management;

34 (iii) Bioenergy;

35 (iv) Biofuels;

36 (v) Grants, rebates, and other financial incentives for
37 agricultural harvesting equipment, heavy-duty trucks, agricultural
38 pump engines, tractors, and other equipment used in agricultural
39 operations;

1 (vi) Grants, loans, or any financial incentives to food
2 processors to implement projects that reduce greenhouse gas
3 emissions;

4 (vii) Renewable energy projects;

5 (viii) Farmworker housing weatherization programs;

6 (ix) Dairy digester research and development;

7 (x) Alternative manure management; and

8 (xi) Eligible fund uses under RCW 89.08.615;

9 (g) Programs, activities, or projects that increase energy
10 efficiency in new and existing buildings, or that promote low carbon
11 architecture, including use of newly emerging alternative building
12 materials that result in a lower carbon footprint in the built
13 environment over the life cycle of the building and component
14 building materials;

15 (h) Programs, activities, or projects that promote the
16 electrification and decarbonization of new and existing buildings,
17 including residential, commercial, and industrial buildings;

18 (i) Programs, activities, or projects that improve energy
19 efficiency, including district energy, and investments in market
20 transformation of high efficiency electric appliances and equipment
21 for space and water heating;

22 (j) Clean energy transition and assistance programs, activities,
23 or projects that assist affected workers or people with lower incomes
24 during the transition to a clean energy economy, or grow and expand
25 clean manufacturing capacity in communities across Washington state
26 including, but not limited to:

27 (i) Programs, activities, or projects that directly improve
28 energy affordability and reduce the energy burden of people with
29 lower incomes, as well as the higher transportation fuel burden of
30 rural residents, such as bill assistance, energy efficiency, and
31 weatherization programs;

32 (ii) Community renewable energy projects that allow qualifying
33 participants to own or receive the benefits of those projects at
34 reduced or no cost;

35 (iii) Programs, activities, or other worker-support projects for
36 bargaining unit and nonsupervisory fossil fuel workers who are
37 affected by the transition away from fossil fuels to a clean energy
38 economy. Worker support may include, but is not limited to: (A) Full
39 wage replacement, health benefits, and pension contributions for
40 every worker within five years of retirement; (B) full wage

1 replacement, health benefits, and pension contributions for every
2 worker with at least one year of service for each year of service up
3 to five years of service; (C) wage insurance for up to five years for
4 workers reemployed who have more than five years of service; (D) up
5 to two years of retraining costs, including tuition and related
6 costs, based on in-state community and technical college costs; (E)
7 peer counseling services during transition; (F) employment placement
8 services, prioritizing employment in the clean energy sector; and (G)
9 relocation expenses;

10 (iv) Direct investment in workforce development, via technical
11 education, community college, institutions of higher education,
12 apprenticeships, and other programs including, but not limited to:

13 (A) Initiatives to develop a forest health workforce established
14 under RCW 76.04.521; and

15 (B) Initiatives to develop new education programs, emerging
16 fields, or jobs pertaining to the clean energy economy;

17 (v) Transportation, municipal service delivery, and technology
18 investments that increase a community's capacity for clean
19 manufacturing, with an emphasis on communities in greatest need of
20 job creation and economic development and potential for commute
21 reduction;

22 (k) Programs, activities, or projects that reduce emissions from
23 landfills and waste-to-energy facilities through diversion of organic
24 materials, methane capture or conversion strategies, installation of
25 gas collection devices and gas control systems, monitoring and
26 reporting of methane emissions, or other means, prioritizing funding
27 needed for any activities by local governments to comply with chapter
28 70A.540 RCW;

29 (l) Carbon dioxide removal projects, programs, and activities;
30 and

31 (m) Activities to support efforts to mitigate and adapt to the
32 effects of climate change affecting Indian tribes, including capital
33 investments in support of the relocation of Indian tribes located in
34 areas at heightened risk due to anticipated sea level rise, flooding,
35 or other disturbances caused by climate change. The legislature
36 intends to dedicate at least \$50,000,000 per biennium from the
37 account for purposes of this subsection.

38 (2) Moneys in the account may not be used for projects or
39 activities that would violate tribal treaty rights or result in
40 significant long-term damage to critical habitat or ecological

1 functions. Investments from this account must result in long-term
2 environmental benefits and increased resilience to the impacts of
3 climate change.

4 NEW SECTION. **Sec. 23.** Sections 1 through 18 of this act
5 constitute a new chapter in Title 70A RCW.

6 NEW SECTION. **Sec. 24.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

--- END ---