

Multiple Agency Fiscal Note Summary

Bill Number: 6213 S SB	Title: Polystyrene products
-------------------------------	------------------------------------

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.1	0	21,261	.3	0	65,907	.1	0	29,654
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total \$	0.1	0	21,261	0.3	0	65,907	0.1	0	29,654

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Lisa Borkowski, OFM	Phone: (360) 902-0573	Date Published: Final 2/13/2020
---	---------------------------------	---

Individual State Agency Fiscal Note

Bill Number: 6213 S SB	Title: Polystyrene products	Agency: 100-Office of Attorney General
-------------------------------	------------------------------------	---

Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/06/2020
Agency Preparation: Michael Shinn	Phone: 360-759-2122	Date: 02/10/2020
Agency Approval: Diana Arens	Phone: 3605869346	Date: 02/10/2020
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/10/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

No fiscal impact. This legislation is not expected to generate any costs or savings for the Attorney General's Office (AGO). The AGO completed an analysis for legal services and fiscal impact from the most likely state agencies.

The AGO Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Ecology (DOE). Although ECY anticipates the need to provide legal advice to DOE for enforcement of Section 3's ban on the sale of expanded polystyrene coolers, food service products, and packing peanuts in or into the state, based on experience with similar product ban laws enforced by DOE, ECY assumes the level of advice is nominal. This bill authorizes DOE to adopt rules "as necessary," however, it does not appear rulemaking would be necessary for enforcement and implementation of this bill. Therefore, advice on rulemaking is not assumed. New legal services are nominal and costs are not included in this request.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6213 S SB	Title: Polystyrene products	Agency: 303-Department of Health
-------------------------------	------------------------------------	---

Part I: Estimates

☒ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/06/2020
Agency Preparation: Jodine Sorrell	Phone: (360) 236-3015	Date: 02/10/2020
Agency Approval: Carl Yanagida	Phone: 360-7894832	Date: 02/10/2020
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 02/10/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This fiscal note has no change from the fiscal note submitted for the SB version of the bill.

This bill prohibits the manufacture, sale, and use of expanded polystyrene products, including food service products. There is no direction for the Department of Health to perform any work in the bill. No fiscal impact.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6213 S SB	Title: Polystyrene products	Agency: 461-Department of Ecology
-------------------------------	------------------------------------	--

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	0.2	0.1	0.3	0.2
Account					
Model Toxics Control Operating Account-State 23P-1	0	21,261	21,261	65,907	29,654
Total \$	0	21,261	21,261	65,907	29,654

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/06/2020
Agency Preparation: My-Hanh Mai	Phone: 360-407-6996	Date: 02/12/2020
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/12/2020
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 02/12/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Compared to SB 6213, SSB 6213 has the following substantive changes:

- Section 3 would amend the effective date from January 1, 2022, to June 1, 2022, and prohibit the distribution and sale of covered products.
- Section 3(2) would add a requirement that void filling packaging sold or distributed into the state must be compostable.
- Section 4 would authorize Ecology to adopt rules necessary to implement, administer, and enforce the act.
- Section 6 would preempt local ordinances restricting covered products that were not in effect as of January 1, 2021.
- This bill would remove the prohibition on the manufacture of Styrofoam food service products.
- This bill would remove all requirements and fines to food service establishments and food packagers, and remove requirements for local health jurisdictions.
- This bill would remove waivers to food service establishments from the restrictions granted by Ecology.

The changes associated with the waivers granted by Ecology and requirements for local health jurisdictions would change the fiscal impact to Ecology.

Under current law, the Department of Ecology (Ecology) does not regulate the manufacturing, distribution or use of expanded polystyrene foam (EPS).

Section 3 would ban the sale and distribution of EPS covered products, which include food service products, void filling packing material, and portable coolers, in or into the state beginning June 1, 2022. Void filling packaging materials would be required to be compostable.

Section 4 would require Ecology to prepare and post on its website information regarding the prohibitions on the use of covered products. In addition, Ecology would provide technical assistance and guidance to manufacturers. Ecology would be authorized to use existing culturally appropriate and translated materials developed for the state's diverse ethnic population. Rulemaking authority would be provided to Ecology to implement, administer, and enforce this chapter.

Section 5 would provide that a manufacturer of products in violation of this chapter would be subject to a penalty of up to five thousand dollars per violation in the case of a first offense. The penalty would be up to ten thousand dollars per violation for each repeat offense. Penalties would be appealable to the Pollution Control Hearings Board (PCHB).

Section 6 would restrict a city, town, county, or municipal corporation from enacting an ordinance restricting covered products beginning January 1, 2021. Ordinances passed prior to January 1, 2021 would not be preempted.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

There is no cash receipts impact estimated for Ecology under this bill.

Section 5 would provide authority for Ecology to impose penalties beginning June 1, 2022, of up to \$5,000 for each violation in the case of a first offense, and of up to \$10,000 for each repeat offense from a manufacturer of covered products.

Any penalty revenue would be deposited in the Model Toxics Control Operating Account.

Ecology assumes that the purpose of the penalties is to ensure compliance; therefore, Ecology assumes no revenue associated with infractions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The expenditure impact to Ecology under this bill is estimated to be less than \$50,000 in Fiscal Year (FY) 2021 through FY 2024 to implement section 4.

Manufacturers, importers and distributors of expanded polystyrene foam (EPS) covered products would be required to comply with the sales and distribution ban.

Section 4 would require Ecology to conduct education and outreach about the ban and requirement for void filling loose material to be compostable; and enforce this act through notification and information. Ecology would provide outreach information about the EPS prohibitions to manufacturers, distributors, and importers. Outreach would also be offered to businesses in the state that currently purchase EPS covered products as well as the general public.

Ecology assumes education and outreach efforts would begin in FY21 and be completed in FY24 assuming manufacturers are in compliance by then. This effort would require outreach to manufacturers of EPS food service products, packaging materials and coolers in FY21. The ban on EPS covered products would start June 1, 2022. Enforcement of the ban would begin in FY23 and continue into FY24. Based on eight years of experience with enforcement of the Children's Safe Products Act, Ecology assumes compliance by all entities resulting from education and outreach and notices of violation.

Ecology would develop information to conduct outreach and education to manufacturers, distributors, mailing and shipping services, food service establishments, and the general public. These outreach materials would be developed with culturally appropriate materials and in multiple languages.

Ecology estimates 0.10 FTE Community Outreach & Environmental Education Specialist 3 (COEES3) would be required in FY21 to develop education and outreach materials and a website.

Ecology estimates 0.02 FTE Communications Consultant 5 would be required in FY21 to support the development of education and outreach materials and website.

Ecology estimates 0.05 FTE Communications Consultant 3 would be required in FY21 to develop a website.

Ecology would use in-house translation for Chinese, Korean, Spanish, and Vietnamese at a cost of \$2,700 in FY22. Ecology assumes translation of outreach documents into other languages would be contracted out through the state's Department of Enterprise master contract at a cost of \$100 per document. The City of Seattle plastic bag ban document is offered in 18 languages (including English). Ecology would contract out for translation of 13 additional languages. For the purposes of this estimate, Ecology assumes three documents would be translated into 13 languages at a cost of \$3,900 in FY22.

Ecology would reach out to manufacturers, distributors, and importers of EPS covered products. Outreach materials about the prohibition on EPS products would be prepared for users of EPS covered products, including food service establishments and the general public. This work would include assisting manufacturers with compliance. Ecology assumes we would collaborate with the Office of the Attorney General on any notices of violation required for manufacturers.

Ecology assumes education and outreach efforts would be required in FY22 through FY24. Ecology estimates 0.25 FTE COEES3 in FY22 would be required to conduct the outreach and education of manufacturers and users of EPS covered products and users of void filling loose material (that it must be compostable). This effort would taper off to 0.10 FTE COEES3 in FY23 and 0.10 FTE in FY24.

Ecology assumes compliance and enforcement efforts would start in FY23, and would be completed by FY24. Ecology estimates 0.15 FTE Environmental Specialist 3 (ES3) would be required in FY23 and 0.15 FTE in FY24 to assist manufacturers with compliance.

During the eight years of enforcing the Children's Safe Products Act, all compliance actions were successfully resolved with no penalties required. Therefore, all non-compliant entities for this bill would be assumed to successfully comply with the requirements and no civil penalties would be required.

Note: While section 4 would provide rulemaking authority to Ecology to implement, administer, and enforce this chapter, Ecology assumes no rulemaking would be necessary.

SUMMARY: The expenditure impact to Ecology under this bill is as follows:

FY 2021: \$21,261 and 0.20 FTE; FY 2022: \$36,253 and 0.29 FTE; FY 2023 and FY 2024: \$29,654 and 0.29 FTE.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36.6% of salaries.

Professional Service Contracts includes \$3,900 for language translation of the education and outreach documents in FY22.

Goods and Services are the agency average of \$5,724 per direct program FTE. Also included are in-house

translation costs of \$2,700 in FY22.

Travel is the agency average of \$2,787 per direct program FTE.

Equipment is the agency average of \$1,637 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.7% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
23P-1	Model Toxics Control Operating Account	State	0	21,261	21,261	65,907	29,654
Total \$			0	21,261	21,261	65,907	29,654

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		0.2	0.1	0.3	0.2
A-Salaries and Wages		11,027	11,027	30,610	15,305
B-Employee Benefits		4,036	4,036	11,204	5,602
C-Professional Service Contracts				3,900	
E-Goods and Other Services		972	972	5,562	1,431
G-Travel		474	474	1,394	697
J-Capital Outlays		279	279	819	410
9-Agency Administrative Overhead		4,473	4,473	12,418	6,209
Total \$	0	21,261	21,261	65,907	29,654

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2020	FY 2021	2019-21	2021-23	2023-25
COM OUTREACH & ENV ED SP 3	61,219		0.1	0.1	0.2	0.1
COMMUN CONSULTANT 3	64,334		0.1	0.0		
COMMUN CONSULTANT 5	84,394		0.0	0.0		
ENVIRONMENTAL SPEC 3	61,219				0.1	0.1
FISCAL ANALYST 2			0.0	0.0	0.0	0.0
IT APP DEVELOP-JOURNEY			0.0	0.0	0.0	0.0
Total FTEs			0.2	0.1	0.3	0.2

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 6213 S SB	Title: Polystyrene products	Agency: 468-Environmental and Land Use Hearings Office
-------------------------------	------------------------------------	---

Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jed Herman	Phone: 360-786-7346	Date: 02/06/2020
Agency Preparation: Kay Brown	Phone: (360) 664-9160	Date: 02/07/2020
Agency Approval: Nina Carter	Phone: 360 664-9171	Date: 02/07/2020
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 02/07/2020

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

SSB 6213 is intended to reduce plastic packaging and to prohibit all expanded polystyrene products by January 1, 2025 (section 1). The bill contains definitions (section 2); a prohibition of sale and distribution of covered products in or into the state by June 1, 2022 (section 3); rulemaking authority to Ecology and requirements to do outreach and education (section 4); penalty authority to Ecology of up to \$5,000 for each violation of this chapter, and \$10,000 for repeat violations, and provides for appeals of these penalties to the PCHB (section 5); and restrictions on local ordinances restricting covered products (section 6). Section 7 adds appeals of penalties generated by this chapter to the PCHB's jurisdiction.

Ecology is assuming no penalties would be issued because they intend to use education and outreach to bring violators into compliance. Based on these assumptions, there will be no impact on the PCHB.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 6213 S SB	Title: Polystyrene products
-------------------------------	------------------------------------

Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Potential minor costs for 10 cities with prohibitions on polystyrene products to revise their ordinances
- ☒ Counties: Same as above, for two counties
- ☐ Special Districts:
- ☒ Specific jurisdictions only: The cities of Friday Harbor, Issaquah, Gig Harbor, Burien, Bainbridge Island, Port Townsend, Lake Forest Park, Longview, Kelso and Shoreline, and San Juan and Lewis counties
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Whether jurisdictions would need to update their ordinances

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/13/2020
Leg. Committee Contact: Jed Herman	Phone: 360-786-7346	Date: 02/06/2020
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/13/2020
OFM Review: Lisa Borkowski	Phone: (360) 902-0573	Date: 02/13/2020

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

CHANGES FROM PRIOR BILL VERSION:

The substitute version exempts packaging for raw meats and fish, vegetables, and egg cartons designed to hold more than 12 eggs. It removes requirements for local health jurisdictions. It preempts local ordinances restricting covered products that were not in effect as of January 1, 2021.

SUMMARY OF CURRENT BILL VERSION:

Sec. 2 establishes definitions. "Covered product" means the following products made of expanded polystyrene: A portable container used for cold storage, except for expanded polystyrene containers used for drugs or medical devices as defined in the federal food, drug, and cosmetic act or shipping perishable commodities from a wholesale or retail establishment; food service products that include food containers, plates, clamshell-style containers, and hot and cold beverage cups; and void filling packaging products, which means loose fill packaging material, also referred to as packing peanuts.

Sec. 3 establishes that beginning June 1, 2022 the sale and distribution of covered products in or into the state is prohibited. Any void filling loose fill packaging materials sold or distributed into the state must be compostable.

Sec. 5 directs that beginning June 1, 2022 a manufacturer of products in violation of this chapter is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers that are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70.105D.190.

Sec. 6 establishes that a city, town, county, or municipal corporation may not implement a local ordinance restricting covered products. An ordinance restricting covered products that was not enacted as of January 1, 2021, is preempted by this chapter, as of the effective date of this section.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS FROM PRIOR BILL VERSION:

The summary version of the bill removes the requirement for local health jurisdictions to enforce the prohibition on polystyrene products. This change eliminates the bulk of the costs for local government. It further adds a provision preempting local ordinances that restrict covered products, if those ordinances were in effect before January 1, 2021.

SUMMARY OF EXPENDITURE IMPACTS FOR CURRENT BILL VERSION:

The legislation would have indeterminate impacts on city and county expenditures.

A survey of online county and municipal codes revealed two counties (San Juan County and Lewis County) with ordinances prohibiting polystyrene, and 10 cities with ordinances (Friday Harbor, Issaquah, Gig Harbor, Burien, Bainbridge Island, Port Townsend, Lake Forest Park, Longview, Kelso and Shoreline). Most of these ordinances do not address covered products explicitly, although they do have exceptions for containers for raw meat and fish. As such, it is not immediately clear if these jurisdictions would need to revise their ordinances. If they did so, the Local Government Fiscal Note program (LGFN) assumes that costs would be similar to that of enacting a simple ordinance. For counties, this cost is \$571, and for cities, \$600, according to the LGFN 2020 unit cost model.

Therefore, total costs if each of these jurisdictions needed to update their ordinances would equal \$7,142 (2 x \$571) + (10 x \$600).

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The legislation would have no revenue impacts for local government.

SOURCES:

Washington Association of Local Public Health Officials

