

Multiple Agency Fiscal Note Summary

Bill Number: 1185 HB	Title: Lighting products
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	28,000	0	0	6,000	0	0	6,000
Department of Ecology	0	0	539,224	0	0	170,170	0	0	281,673
Total \$	0	0	567,224	0	0	176,170	0	0	287,673

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	No fiscal impact					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.1	0	0	28,000	.0	0	0	6,000	.0	0	0	6,000
Department of Ecology	1.9	0	0	539,224	.6	0	0	170,170	1.0	0	0	281,673
Total \$	2.0	0	0	567,224	0.6	0	0	176,170	1.0	0	0	287,673

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Other	No fiscal impact								
Local Gov. Total									
Local Gov. Courts									
Loc School dist-SPI									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

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Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Preliminary
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Individual State Agency Fiscal Note

Bill Number: 1185 HB	Title: Lighting products	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	14,000	14,000	28,000	6,000	6,000
Total \$	14,000	14,000	28,000	6,000	6,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.0
Account					
Legal Services Revolving Account-State 405-1	14,000	14,000	28,000	6,000	6,000
Total \$	14,000	14,000	28,000	6,000	6,000

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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 01/20/2023
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 01/20/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/20/2023

Part II: Narrative Explanation

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

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

Section 1 contains findings.

Section 2 would amend RCW 70A.230.020 to ban the sale of certain mercury-containing lights and describe civil penalties that would be deposited into Model Toxics Control Operating Account (MTCA-Operating).

Section 3 would prohibit a producer, wholesaler, retailer, electric utility, or other person from distributing, selling, or offering for sale lights unless the producer is participating in a product stewardship program, as of January 1, 2026.

Section 4 would amend Chapter 70A.505 RCW to phase out the sale of most mercury-containing lights and shift the focus of the law by transitioning the LightRecycle program to a stewardship program to improve end-of-life management of all lights.

Section 5 would amend RCW 70A.505.020 to remove most references of mercury-containing lights and change to all lights and remove references to an environmental handling charge (EHC).

Section 6 would amend RCW 70A.505.030 to prevent any EHC from being charged at retail; add a new convenience standard based on GIS modeling and requires the stewardship organization, in consultation with Ecology and the local community, to determine a reasonable frequency and location of collection events 36 to be held in underserved areas if areas exist after GIS modeling; require all processing to be done at permitted facilities; and require stewardship programs to start collecting all lights by January 1, 2026.

Section 7 would amend RCW 70A.505.040 requiring a new or updated product stewardship plan (submitted by June 1, 2025) to be implemented by January 1, 2026. The plan would include other requirements such public outreach efforts, including targeted to overburdened communities and vulnerable populations, contingency plan, safety/response plan for collection site operators, and periodic survey of public awareness at least every five years. The plan would be updated three years from June 1, 2025, and every five years thereafter.

Section 8 would remove the EHC requirement beginning January 1, 2026; direct the stewardship organization (SO) to set fees that encourage design attributes that reduce environmental impacts and makes the SO responsible for all costs associated with the program; require the stewardship plans to include a template service agreement. Beginning March 1, 2024, and annually thereafter, each SO would be required to pay Ecology an annual fee to cover Ecology's oversight costs.

Section 9 would remove reference to mercury-containing and require all lights be managed by applicable laws. Add other hazardous materials (in addition to mercury) to the requirement that materials go to appropriate permitted facilities like a hazardous waste landfill.

Section 10 would remove collector registration requirement and spill and worker safety plan requirements as they were moved to section 7.

Section 11 would update penalty provisions by allowing a civil penalty of \$1,000 per day or \$10,000 per day for repeated violations; require Ecology to issue warning letters before moving to administrative orders and penalties; and provide Ecology the authority to revoke a plan, issue corrective action orders, direct implementation of contingency plan.

Section 12 would outline Ecology's process to review plans. Ecology would be required to review SO plans within 120 days of submittal and provide Ecology the authority to amend a plan and direct the SO to implement the amended plan.

Section 13 would add light to the existing product stewardship programs account and stewardship organizations to producers whose funds received would go this account.

Section 14 would remove existing legislative report requirements and add a new one beginning November 1, 2028; streamline the requirements for Ecology to invite comments from local governments, communities, and residents (removes retailers, utilities); and require Ecology to estimate the recycling rate for other lights, in addition to mercury-containing lights, beginning October 1, 2026. Ecology would be authorized to the request data from the SO to make the estimations.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Ecology (Ecology). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency's fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

Ecology will be billed for non-Seattle rates:

FY 2024 and FY 2025: \$14,000 for 0.05 Assistant Attorney General (AAG) and 0.03 Legal Assistant (LA).

FY 2026: \$3000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General's Office (AGO) Agency Assumptions:

Location of staffing housed is assumed to be in a non-Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

Assumptions for the AGO Ecology Division's (ECY) Legal Services for the Department of Ecology (Ecology):

The AGO will bill Ecology for legal services based on the enactment of this bill.

Ecology will require legal advice for an eighteen-month moderately controversial rule-making process for the purpose of implementing, administering, and enforcing the amended RCW chapter.

Rulemaking is specified in section 7 (reporting requirements), section 12 (plan reviews), and section 14 (performance standards and penalties). Other topics that might be addressed in rule include further clarifying what lights are covered by the program, plan requirements, goals, lighting management standards, and convenience standard requirements. Ecology

assumes rulemaking would begin on October 1, 2023 (FY 2024) and be completed on March 31, 2025 (FY 2025).

Ecology will require legal advice and representation in enforcing the requirements imposed on the stewardship program in which light producers will be required to participate. For example, once rulemaking is complete, stewardship plans will be due to Ecology from the stewardship program(s) for review and approval on June 1, 2025. The product stewardship program(s) must begin collecting and managing all other lights by January 1, 2026. Updates to plans must take place 3 years after the start of implementation and once every five years thereafter. The first annual report for Ecology’s review and approval under the new program will be due on June 1, 2027.

Ecology will require assistance with enforcement of a prohibition on the sale of many types of mercury-containing lights starting January 1, 2026, and of a prohibition on the sale of lights of all other kinds for which there is no producer participating in a stewardship program by that same date.

ECY: Total non-Seattle workload impact:
 FY 2024 and FY 2025: \$14,000 for 0.05 AAG and 0.03 LA
 FY 2026: \$3,000 for 0.01 AAG and 0.01 LA and in each FY thereafter.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	14,000	14,000	28,000	6,000	6,000
Total \$			14,000	14,000	28,000	6,000	6,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.0
A-Salaries and Wages	9,000	9,000	18,000	4,000	4,000
B-Employee Benefits	3,000	3,000	6,000	2,000	2,000
E-Goods and Other Services	2,000	2,000	4,000		
Total \$	14,000	14,000	28,000	6,000	6,000

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 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.1	0.1	0.1	0.0	0.0
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	0.0
Management Analyst 5	91,524	0.0	0.0	0.0		
Total FTEs		0.1	0.1	0.1	0.0	0.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Ecology Division (ECY)	14,000	14,000	28,000	6,000	6,000
Total \$	14,000	14,000	28,000	6,000	6,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1185 HB	Title: Lighting products	Agency: 461-Department of Ecology
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Product Stewardship Programs Account-Non-Appropriated 16T-6	230,451	308,773	539,224	170,170	281,673
Total \$	230,451	308,773	539,224	170,170	281,673

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.6	2.2	1.9	0.6	1.0
Account					
Product Stewardship Programs Account-Non-Appropriated 16T-6	230,451	308,773	539,224	170,170	281,673
Total \$	230,451	308,773	539,224	170,170	281,673

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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2023
Agency Preparation: My-Hanh Mai	Phone: 360-742-6931	Date: 01/20/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/20/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2023

Part II: Narrative Explanation

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

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

Under current law, Chapter 70A.505 RCW, Department of Ecology (Ecology) oversees the mercury-containing lights product stewardship (LightRecycle) program, operated, and funded by a stewardship organization (SO). The SO pays Ecology an annual fee of \$3,000 for each participating producer to cover the department's administrative and enforcement costs.

This bill would phase out the sale of most mercury-containing lights and transition the current LightRecycle program to focus on the end-of-life management of all types of lights.

Section 2 would amend RCW 70A.230.020 to ban the sale of certain mercury-containing lights beginning January 1, 2026, describe civil penalties that would be deposited into the Model Toxics Control Operating Account (MTCA-Operating), and authorize rulemaking.

Section 3 would prohibit a producer, wholesaler, retailer, electric utility, or other person from distributing, selling, or offering for sale lights unless the producer is participating in a product stewardship program, as of January 1, 2026.

Section 4 would amend RCW 70A.505.010 to phase out the sale of most mercury-containing lights and shift the focus of the law by transitioning the LightRecycle program to a stewardship program focused on end-of-life management of all lights.

Section 5 would amend RCW 70A.505.020 to remove most references of mercury-containing lights and change to all lights, as well as remove references to an environmental handling charge (EHC).

Section 6 would amend RCW 70A.505.030 to prevent any EHC from being charged at retail. The program would incorporate a convenience standard based on geographic information systems (GIS) modeling and require the SO, in consultation with Ecology and the local community, to determine a reasonable frequency and location of collection events to be held in underserved areas. The stewardship programs would start collecting all lights by January 1, 2026.

Section 7 would amend RCW 70A.505.040 requiring a new or updated product stewardship plan to be submitted by June 1, 2025, for implementation by January 1, 2026. The plan would include new requirements such as public outreach efforts, including targeted outreach to overburdened communities and vulnerable populations, a contingency plan should the SO falter on its obligations, a safety/response plan for collection site operators, and a periodic survey of public awareness at least every five years. The plan would be updated three years from June 1, 2025, and every five years thereafter.

Section 8 would remove the EHC requirement beginning January 1, 2026. Each SO would be responsible for all costs associated with program implementation. Beginning March 1, 2024, and annually thereafter, each SO would be required to pay Ecology an annual fee to cover Ecology's oversight costs.

Section 11 would update penalty provisions by allowing a civil penalty of \$1,000 per day or \$10,000 per day for repeated violations and require Ecology to issue warning letters before issuing administrative orders and penalties; Ecology would have the authority to revoke a plan, issue corrective action orders, and direct implementation of a contingency plan.

Section 12 would require Ecology to review SO plans within 120 days of submittal and would provide Ecology the authority to amend a plan and direct the SO to implement the amended plan.

Section 13 would direct funds received from stewardship organizations to the Product Stewardship Programs Account and update the title of the account to the Light Product Stewardship Programs Account.

Section 14 would require an annual legislative report beginning November 1, 2028; Ecology would be required to seek comments from local governments, communities, and residents, and would estimate the recycling rate for other lights, in addition to mercury-containing lights, beginning October 1, 2026. Ecology would be authorized to request data from the SO to make the estimations.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

The cash receipts impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 and ongoing for fee revenue collected into the Light Product Stewardship Programs Account. No cash receipts are estimated for penalties.

Under current law, one SO implements the mercury lights stewardship plan and submits an annual payment to Ecology of \$3,000 for each of the SO's represented producers. Each year, Ecology refunds the SO for fee payment revenue if Ecology's actual costs incurred for the fiscal year are less than the funds received.

Beginning March 1, 2024, and annually thereafter, each SO would be required to pay Ecology an annual fee to cover Ecology's oversight costs (section 8). The revenue would be deposited in the Light Product Stewardship Programs Account (section 13).

Ecology assumes the fee paid in March 2024 would be for FY 2024 costs to implement, administer, and enforce the program, and would replace the annual fee currently in effect. The annual fee would be based on estimated costs for the fiscal year during which the fee is billed. Ecology would be required to refund any fees collected in excess of its estimated costs, by October 1st after the closing of each state fiscal year.

Cash receipts are assumed to represent the incremental increase in revenue that would be necessary to cover the incremental increase in estimated costs for each fiscal year to implement the bill, beginning in FY 2024. Based on this assumption, revenue estimates are equal to expenditure estimates in the Light Product Stewardship Programs Account each fiscal year, beginning in FY 2024.

Section 2 would provide authority for Ecology to impose civil penalties of up to \$1,000 for the first violation, and up to \$10,000 for repeated violations. Penalties collected would be required to be deposited in the Model Toxics Control Operating Account.

Section 11 would provide authority for Ecology to impose penalties of up to \$1,000 per violation per day, and up to \$10,000 per violation per day for repeated violations or failure to comply with an issued order. Ecology assumes that if a producer or any person violates this chapter, Ecology would initially send a written warning letter to bring them into compliance. Enforcement actions and penalties are assumed to be limited, but unknown, and therefore are not estimated in this fiscal note.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) FY 2024 and ongoing to implement the requirements of sections 2, 7, 8, 10, and 14.

RULEMAKING (Sections 2, 7, 12, and 14)

Ecology assumes that Chapter 173-910 WAC Mercury-Containing Lights Product Stewardship Program would need to be updated to implement this bill and that rulemaking authority is provided under the existing law in sections 2, 7, 12, and 14.

Based on previous experiences implementing other product stewardship programs and consultations with the agency rules unit and the Attorney General Office (AGO), Ecology assumes an eighteen-month moderately controversial rule-making process would be required. Ecology assumes one public meeting when developing draft rule language with a webinar option, and two public hearings for the proposed rule language. Ecology assumes rulemaking would begin on October 1, 2023 (FY 2024) and be completed on March 31, 2025 (FY 2025).

The following staff needs are identified for this rulemaking:

A rule administrative coordinator would oversee the rulemaking process to comply with the Administrative Procedures Act; prepare rule development and communication plan; prepare and file CR-101; coordinate with interested parties; file CR-102 and hold two public hearings with webinars access; work with economist on economic analysis; work with technical staff to finalize rule language; and file the CR-103 for adoption. This is estimated to require 0.10 FTE Regulatory Analyst 3 (RA-3) each year in FY 2024 and FY 2025.

A rulemaking lead would provide technical support to rule coordinator; identify interested parties; coordinate interested party meetings and public outreach; draft rule language; write rule related documents such as responsiveness summaries and rule development documents, develop enforcement guidance documents, prepare information for the economic analysis, and respond to stakeholder questions. This is estimated to require 0.50 FTE EP-4 each year in FY 2024 and FY 2025.

A subject matter expert would advise on the technical aspects of the existing product stewardship program for mercury-containing lights and how the program would need to adapt to incorporate all lights. This is estimated to require 0.25 FTE Environmental Specialist 4 (ES-4) each year in FY 2024 and FY 2025.

Technical support staff would advise on the universal waste rules for the management of lighting and any other requirements under the state's dangerous waste regulation WAC 173-303. They would also advise on issues that crossover to Chapter 70A.230 RCW. This is estimated to require 0.13 FTE RA-3 each year in FY 2024 and FY 2025.

Technical support staff would conduct targeted outreach to overburdened communities and vulnerable populations across the state throughout the rulemaking process. This is estimated to require 0.19 FTE EP-3 each year in FY 2024 and FY 2025.

Communications lead would coordinate an outreach strategy and media engagement. This would require 0.07 FTE Communications Consultant 5 (CC-5) each year in FY 2024 and FY 2025.

Website developer would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.07 FTE Communications Consultant 3 (CC-3) each year in FY 2024 and FY 2025.

An outreach coordinator would organize public meetings, prepare informational materials, and respond to stakeholder questions throughout the rulemaking process. This would require a Community Outreach & Environmental Education Specialist 3 (COEES-3) 0.10 FTE each year in FY 2024 and FY 2025.

Economic research staff would complete economic and regulatory analysis in support of the rule as required by law. This is estimated to require 0.20 FTE of an Economic Analyst 3, and 0.05 FTE of a Regulatory Analyst 2 in FY 2025.

One public meeting would be held in FY 2024 and two public hearings would be held in FY 2025. Cost estimates include facility rental costs, estimated at \$1,000 per meeting for a total of \$1,000 in FY 2024 and \$2,000 in FY 2025 in Object E.

Our Assistant Attorney General (AAG) has estimated that the following staff time in the Office of the Attorney General

(ATG) would be needed to provide legal support for rulemaking. 0.05 FTE AAG and 0.03 Legal Assistant (LA) for a total of \$14,000 each year in FY 2024 and FY 2025. Ongoing assistance to provide advice and representation for program implementation and enforcement would require 0.01 FTE AAG for an estimated cost of \$3,000 in FY 2026 and ongoing each fiscal year thereafter.

PLAN REVIEW AND APPROVAL (Section 7)

Section 7 would require new or updated plans submitted by June 1, 2025, for calendar year 2026 to incorporate changes for all lights. Ecology is required to review and approve the plan to see if it adequately addresses required components. Ecology currently receives and reviews plans under the current law and does not assume increased workload, except as described below. Ecology assumes one SO would implement the program on behalf of all lighting manufacturers.

This bill would require the SO to include outreach targeted to overburdened communities and vulnerable populations identified by the department under Chapter 70A.02 RCW. Ecology assumes it would have to provide information to the SO regarding overburdened communities and vulnerable populations and estimates 0.20 FTE Environmental Planner 3 in FY 2025 and FY 2028, and every five years thereafter to do this work.

A stewardship plan would be required to include a new convenience standard when setting up a network of collection sites, as outlined in section 6. As part of plan review, Ecology assumes staff would need to verify if the convenience standard has been met using a GIS analysis. Ecology estimates 0.04 FTE IT Application Development Senior Specialist to do this work each year in FY 2025 and FY 2028, and every five years thereafter.

Section 7 would require a SO to submit an annual report to Ecology by June 1 of each year. Ecology already receives and reviews one annual report from the mercury-lights stewardship organization and does not anticipate any new or additional work associated with annual report review under this bill.

Ecology assumes ongoing technical assistance to interested parties including stewardship organizations, retailers, lighting product producers, recyclers, and members of the public, and routine site visits to collection sites and processors. Based on a preliminary estimate of 300 impacted producers (compared to approximately 20 producers participating in the current LightRecycle program), Ecology estimates this would require 0.50 FTE EP-4 in FY 2026 and ongoing each fiscal year thereafter.

LEGISLATIVE REPORT (Section 14)

Section 14 would require Ecology to submit a report to the appropriate committees of the legislature by November 1, 2028, and annually thereafter. The report would address the status of the product stewardship program and recommendations for changes to the provisions of the chapter. The legislative report requirement in the existing law expired in 2014, so this would be a new requirement.

Preparation of the report for submittal to the appropriate committee(s) of the legislature would require the following:

An Environmental Planner 4 (EP-4) would draft the annual report, coordinate agency and OFM review, incorporate recommended edits, publish the final report, and submit the report to the Legislature. Assuming a heavier workload in the first year to draft the initial report and smaller workload in subsequent years for updates, the estimated workload is 0.20 FTE EP-4 in FY 2029, and 0.10 FTE EP-4 in FY 2030 and ongoing each fiscal year thereafter.

An Environmental Planner 5 (EP-5) would provide internal policy and technical review and edits for the draft report. The estimated workload is 0.05 FTE EP-5 in FY 2029 and ongoing each fiscal year thereafter.

A Communications Consultant 5 (EP-5) would review the report for content clarity and key messages. The estimated workload is 0.05 FTE CC-5 in FY 2029 and ongoing each fiscal year thereafter.

A Communications Consultant 2 (CC-2) would review the report for plain talk and accessibility. The estimated workload is 0.05 FTE CC-2 in FY 2029 and ongoing each fiscal year thereafter.

An Environmental Planner 5 (EP-5) would advise the report writer on legislative report requirements and coordinate with the agency Governmental Relations Office. The estimated workload is 0.05 FTE EP-5 in FY 2029 and ongoing each fiscal year thereafter.

A Regulatory Analyst 3 (RA-3) would assist the report writer in scheduling and implementing the report review and submittal. The estimated workload is 0.05 FTE RA-3 in in FY 2029 and ongoing each fiscal year thereafter.

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

Rulemaking and ongoing AGO support is estimated to require:

FY 2024: \$230,451 and 1.62 FTEs

FY 2025: \$270,436 and 1.91 FTEs

FY 2026: \$3,000 and 0 FTEs

FY 2027: \$3,000 and 0 FTEs

FY 2028: \$3,000 and 0 FTEs

FY 2029: \$3,000 and 0 FTEs

Technical Assistance for Plan Review is estimated to require:

FY 2025: \$38,337 and 0.28 FTEs

FY 2028: \$38,337 and 0.28 FTEs

Annual Legislative Report is estimated to require:

FY 2029: \$73,166 and 0.52 FTEs

Ongoing Compliance Support is estimated to require:

FY 2026: \$82,085 and 0.58 FTEs

FY 2027: \$82,085 and 0.58 FTEs

FY 2028: \$82,085 and 0.58 FTEs

FY 2029: \$82,085 and 0.58 FTEs

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be

FY 2024: \$230,451 and 1.62 FTEs

FY 2025: \$308,773 and 2.19 FTEs

FY 2026: \$85,085 and 0.58 FTEs

FY 2027: \$85,085 and 0.58 FTEs

FY 2028: \$123,422 and 0.85 FTEs

FY 2029: \$158,251 and 1.09 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Goods and Services are the agency average of \$5,224 per direct program FTE, and includes rulemaking meeting facility costs, estimated to be \$1,000 in FY 2024 and \$2,000 in FY 2025. Estimated costs for ATGO support are \$14,000 each year in FY 2024 and FY 2025, and \$3,000 in FY 2026 and ongoing each fiscal year thereafter.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% 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 2024	FY 2025	2023-25	2025-27	2027-29
16T-6	Product Stewardship Programs Account	Non-Appropriated	230,451	308,773	539,224	170,170	281,673
Total \$			230,451	308,773	539,224	170,170	281,673

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29	
FTE Staff Years	1.6	2.2	1.9	0.6	1.0	
A-Salaries and Wages	116,762	158,734	275,496	89,292	149,890	
B-Employee Benefits	42,034	57,143	99,177	32,146	53,962	
E-Goods and Other Services	22,353	25,913	48,266	11,224	14,828	
G-Travel	2,199	2,966	5,165	1,564	2,643	
J-Capital Outlays	1,451	1,956	3,407	1,032	1,745	
9-Agency Administrative Overhead	45,652	62,061	107,713	34,912	58,605	
Total \$		230,451	308,773	539,224	170,170	281,673

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 2024	FY 2025	2023-25	2025-27	2027-29
COM OUTREACH & ENV ED SP 3	63,216	0.1	0.1	0.1		
COMM CONSULTANT 2	60,156					0.0
COMM CONSULTANT 3	66,420	0.1	0.1	0.1		
COMM CONSULTANT 5	87,144	0.1	0.1	0.1		0.0
ECONOMIC ANALYST 3	85,020		0.2	0.1		
ENVIRONMENTAL PLANNER 3	80,952	0.2	0.4	0.3		0.1
ENVIRONMENTAL PLANNER 4	89,292	0.5	0.5	0.5	0.5	0.6
ENVIRONMENTAL PLANNER 5	98,592					0.1
ENVIRONMENTAL SPEC 4	73,260	0.3	0.3	0.3		
FISCAL ANALYST 2		0.1	0.2	0.2	0.1	0.1
IT APP DEV-JOURNEY		0.1	0.1	0.1	0.0	0.1
IT APP DEV-SR/SPEC	115,824		0.0	0.0		0.0
REGULATORY ANALYST 2	82,896		0.1	0.0		
REGULATORY ANALYST 3	93,840	0.2	0.2	0.2		0.0
Total FTEs		1.6	2.2	1.9	0.6	1.0

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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 2(4) would authorize Ecology to adopt rules to implement, administer, and enforce the requirements of this section.

Section 7(2) would require Ecology to establish rules for plan content.

Section 7(5) would authorize Ecology to adopt rules for reporting requirements.

Section 12(5) would require Ecology to adopt rules to implement this chapter. This section is related to Ecology’s review and process of approving stewardship plans.

Section 14(1) would authorize Ecology to adopt rules necessary to implement, administer, and enforce this chapter.

Section 14(2) would authorize Ecology to adopt rules to establish performance standards for product stewardship programs and may establish administrative penalties for failure to meet the standards.

Ecology assumes an eighteen-month moderately controversial rule-making process would be required. Ecology assumes rulemaking would begin on October 1, 2023 (FY 2024) and be completed on March 31, 2025 (FY 2025).

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1185 HB

Title: Lighting products

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

Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only:
- 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:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 01/17/2023
Leg. Committee Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/17/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1 establishes that it is the intent of the legislature to restrict the sale of some mercury-containing lights; include other types of lights in the state's stewardship program; and modernize key elements of the state's stewardship program for lighting products.

Sec. 2 modifies RCW 70A.230.020. Effective January 1, 2026, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a light, as defined in RCW 70A.505.020 if the light contains mercury. The provisions this section do not apply to: (a) A special purpose mercury-containing light, as defined in RCW 70A.505.020; (b) The products specified in RCW 70A.230.110; or (c) The sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040.

A violation of this section is punishable by a civil penalty.

Sec. 3 adds a new section to RCW 70A.505. As of January 1, 2026, no producer, wholesaler, retailer, electric utility, or other person may distribute, sell, or offer for sale lights to any person in this state unless the producer is participating in a product stewardship program under a plan approved by the department.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The legislation would have no expenditure impacts for local government. The penalties established by the bill for the sale of lights containing mercury are civil penalties and thus do not impact local government law enforcement, prosecutors, or defense attorneys.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would have no revenue impacts for local government.