

Multiple Agency Fiscal Note Summary

Bill Number: 1164 HB	Title: Appliance management
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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 State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	0	0	34,000	0	0	13,000	0	0	10,000
Department of Revenue	(14,000)	(14,000)	(14,000)	(23,000)	(23,000)	(23,000)	(303,000)	(341,000)	(341,000)
Department of Ecology	0	0	695,504	0	0	460,854	0	0	598,446
Total \$	(14,000)	(14,000)	715,504	(23,000)	(23,000)	450,854	(303,000)	(341,000)	267,446

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 State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.1	0	0	34,000	.0	0	0	13,000	.0	0	0	10,000
Department of Revenue	.2	54,900	54,900	54,900	.0	0	0	0	.0	0	0	0
Department of Ecology	4.0	0	0	1,140,338	1.6	0	0	460,854	2.0	0	0	598,446
Environmental and Land Use Hearings Office	.1	24,284	24,284	24,284	.3	70,458	70,458	70,458	.3	70,458	70,458	70,458
Total \$	4.4	79,184	79,184	1,253,522	1.9	70,458	70,458	544,312	2.3	70,458	70,458	678,904

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.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) 742-2239	Date Published: Final
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Individual State Agency Fiscal Note

Bill Number: 1164 HB	Title: Appliance management	Agency: 090-Office of State Treasurer
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

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

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:	Phone:	Date: 01/17/2023
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 01/17/2023
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/17/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/24/2023

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.

HB 1164 creates the responsible appliance disposal account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.84.092(4).

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.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Any change to the earnings credited to the general fund will change, by an equal amount, general state revenues.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals 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

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: 1164 HB	Title: Appliance management	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	17,000	17,000	34,000	13,000	10,000
Total \$	17,000	17,000	34,000	13,000	10,000

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	17,000	17,000	34,000	13,000	10,000
Total \$	17,000	17,000	34,000	13,000	10,000

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:	Phone:	Date: 01/17/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 01/23/2023
Agency Approval: Merdan Bazarov	Phone: 360-586-9346	Date: 01/23/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/23/2023

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: Intent. Under current law, the Department of Ecology (Ecology) implements four Extended Producer Responsibility (EPR) programs for electronics, paint, photovoltaic modules, and mercury containing lights. This bill would create a new producer responsibility program for Ecology, and one of the first all-battery programs in the country. This bill would create a responsible appliance disposal EPR program for appliances containing refrigerants or insulating foam with a potential to release greenhouse gases.

Section 2: Definitions

Section 3: Requires producers selling covered appliances in Washington to register with Ecology through an Appliance Stewardship Organization (ASO), and would participate in an approved appliance stewardship plan beginning July 1, 2027.

Section 4: Requires each ASO to submit a stewardship plan to Ecology by January 1, 2027 for review and approval, and Ecology would be required to review the plan to ensure it meets the requirements specified in this section prior to approval. New plans would be required at a minimum frequency of every five years.

Section 5(3): Requires Ecology to adopt rules or guidance to specify calculation methods for reporting appliance recovery rates.

Section 6: Includes collection and management collection and management requirements.

Section 7: Requires Ecology to identify overburdened communities and vulnerable populations under Chapter 70A.02 RCW to ensure ASO outreach activities and materials serve the needs of all communities and provide meaningful consultation with communities bearing disproportionately higher levels of adverse environmental and social justice impacts.

Section 7: Requires ASOs to survey public awareness in the first year of implementation and every five years thereafter, and share the results of the surveys with Ecology.

Section 8: Includes financial requirements for ASO to ensure plans can be implemented.

Section 9: Outlines the role of retail establishments of covered appliances.

Section 10: Requires ASOs to submit an annual report to Ecology by June 1 each year, beginning in 2028, covering the preceding calendar year's implementation of the stewardship plan, and meeting the criteria specified in this section, including quantities of recovered refrigerants and/or greenhouse gas from foam, as calculated using methods adopted in rule by Ecology.

Section 11: Allows ASOs to request information or records provided to Ecology be kept confidential.

Section 12(2): Requires Ecology to estimate by April 1 each year, beginning in 2024, annual costs to implement, administer, and enforce the chapter established in the bill. By January 1, 2026, Ecology would be required to adopt rules to equitably determine ASO fee payments, and until rules are adopted, Ecology would be required to issue a general order of all registered ASOs determining the fee amounts. Ecology would be required to adjust future billings based on the balance of available fee revenue relative to actual expenditures.

Section 12(3): Requires Ecology to review ASO stewardship plans, and make plans available for public review and comment for at least 30 days prior to making an approval decision. Ecology would have 180 days to review submitted plans.

Section 12(4): Requires Ecology to review annual reports, and make reports available for public review and comment for at least 30 days when received, and within 120 days review annual reports to determine compliance with the requirements in section 10.

Section 12(6): Requires Ecology to maintain a public website listing each registered ASO, their member producers, and covered appliances, and providing access to plans and annual reports for review and comment.

Section 13: Authorizes civil penalties for non-compliance. Ecology would be required to provide written warning as specified in the section before assessing a penalty. Penalties under section 13 would be deposited in the Climate Commitment Account, per section 22. All other penalties would be deposited in the Refrigerant Emission Management Account, per section 21.

Section 14: Includes the requirements to use the program for covered appliances.

Section 15: Includes an antitrust immunity for producers or ASO.

Section 16: Establishes the Responsible Appliance Disposal Account, an appropriated account to which fee revenue from section 12 would be deposited. The account could be used only for implementing the new chapter created in the bill.

Sections 17 to 24: Contain use restrictions for the funds, account information, B&O tax exemption for ASOs, administrative hearings jurisdiction, severability clause, and codification instructions.

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/agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

Ecology will be billed for non-Seattle rates:

FY 2024: \$17,000 for 0.07 FTE Assistant Attorney General (AAG) and 0.04 FTE Legal Assistant (LA).

FY 2025: \$17,000 for 0.07 FTE AAG and 0.04 FTE LA.

FY 2026: \$8,000 for 0.03 FTE AAG and 0.02 FTE LA.

FY 2027: \$5,000 for 0.02 FTE AAG and 0.01 FTE LA, and 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:

Legal services associated with the enactment of this bill will begin on July 1, 2023.

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

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 FTE Assistant Attorney General (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.

The AGO Ecology (ECY) Division has reviewed this bill and determined the following impact related to the enactment of this bill:

The Department of Ecology (Ecology) will require legal advice in support of the rulemaking (authorized by Section 12) to provide additional clarity and guidance to appliance product stewardship organizations. The bill requires producers of covered appliances, collectively through a stewardship organization or organizations, to provide for and fund a statewide collection system for appliances by July 1, 2027. This is the first appliance product stewardship program in the nation. Ecology assumes a two-year highly technical rule-making process would be required. Ecology assumes rulemaking would begin on October 1, 2023 (FY 2024) and be completed with rule adoption on September 30, 2025 (FY 2026).

Ecology will require legal advice and representation in enforcing the requirements imposed on the stewardship organization(s), including with penalties or administrative orders authorized by Section 13, if necessary. Ecology must ensure that the stewardship organizations meet the following requirements:

1. The organization(s) must submit a stewardship plan to Ecology by January 1, 2027, describing how the collection system will operate, including: producers participating, transporters, processors, and disposal facilities to be used, a funding mechanism, performance goals, consumer outreach, and safety procedures. Ecology's responsibilities include reviewing and approving stewardship plans and amendments.
2. The organization(s) must provide for a network of locations, a minimum of one per county, where persons can deliver appliances at their end-of-life, and also requires a door-to-door collection service. In addition, the organizations must conduct education and outreach to raise awareness of the take-back program and to promote safe handling.
3. The organization(s) must meet recovery rate goals (appliances collected relative to appliances sold) for various categories of appliances. Ecology must adopt rules or issue guidance to specify how recovery rates will be calculated. Ecology is authorized to increase the goals by rule.
4. The organization(s) must submit contingency plans in case they are unable to continue implementing approved plans.
5. The organization(s) must fully fund implementation of the plan, including paying fees to Ecology for its oversight.
6. The organization(s) must submit an annual report to Ecology for review and approval beginning June 1, 2028, and each FY thereafter.

Ecology will require advice and representation for enforcement of requirements applicable to persons other than the stewardship organization(s), including with penalties if necessary. Those would include:

1. The requirement that producers register with Ecology through a stewardship organization by January 1, 2024.

2. The requirement that producers pay fees through a stewardship organization as directed by Ecology in a general order beginning April 1, 2024.
3. The prohibition against selling a covered appliances in or into the state unless the producer is participating in an approved plan (following plan approval).
4. The requirement that those handling the appliances manage them consistent with the Responsible Appliance Disposal standards established by the Environmental Protection Agency.

ECY total FTE workload impact for non-Seattle rates:

FY 2024: \$17,000 for 0.07 FTE AAG and 0.04 FTE LA.

FY 2025: \$17,000 for 0.07 FTE AAG and 0.04 FTE LA.

FY 2026: \$8,000 for 0.03 FTE AAG and 0.02 FTE LA.

FY 2027: \$5,000 for 0.02 FTE AAG and 0.01 FTE 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	17,000	17,000	34,000	13,000	10,000
Total \$			17,000	17,000	34,000	13,000	10,000

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	11,000	11,000	22,000	8,000	6,000
B-Employee Benefits	4,000	4,000	8,000	3,000	2,000
E-Goods and Other Services	2,000	2,000	4,000	2,000	2,000
Total \$	17,000	17,000	34,000	13,000	10,000

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	0.1	0.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Ecology Division (ECY)	17,000	17,000	34,000	13,000	10,000
Total \$	17,000	17,000	34,000	13,000	10,000

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.

Department of Revenue Fiscal Note

Bill Number: 1164 HB	Title: Appliance management	Agency: 140-Department of Revenue
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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
GF-STATE-State 01 - Taxes 05 - Bus and Occup Tax	(11,000)	(3,000)	(14,000)	(23,000)	(303,000)
Workforce Education Investment Account-State 01 - Taxes 05 - Bus and Occup Tax					(38,000)
Total \$	(11,000)	(3,000)	(14,000)	(23,000)	(341,000)

Estimated Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4		0.2		
Account					
GF-STATE-State 001-1	54,900		54,900		
Total \$	54,900		54,900		

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:	Phone:	Date: 01/17/2023
Agency Preparation: Sara del Moral	Phone: (360) 534-1525	Date: 02/01/2023
Agency Approval: Valerie Torres	Phone: (360) 534-1521	Date: 02/01/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/02/2023

Request # 1164-1-1

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.

This fiscal note addresses section 19 of the bill, which impacts the Department of Revenue.

CURRENT LAW:

PRODUCT STEWARDSHIP PROGRAMS:

Washington has established several product stewardship programs, which regulate end-of-life management of certain products, such as pharmaceuticals and paint.

Stewardship organizations collect, transport, and provide end-of-life management for products covered under each stewardship program. In most cases, producers must participate in a stewardship organization and pay fees to support its activities.

BUSINESS AND OCCUPATION TAX:

Washington levies the business and occupation (B&O) tax, on gross income from Washington-based business activity. The tax rate varies by classification. For services and other activities, the rate is:

- 1.50% for taxpayers with less than \$1 million in service/other taxable during the prior calendar year.
- 1.75% for taxpayers with a greater amount of service/other taxable during the prior calendar year.

Several exemptions are available. However, state law does not allow an exemption for the activities of an appliance stewardship organization.

PROPOSAL:

APPLIANCE STEWARDSHIP PROGRAM:

The Department of Ecology (Ecology) must create a stewardship program to oversee the activities of stewardship organizations.

Each stewardship organization must gather sufficient funds to fully implement its stewardship plan, including the following activities:

- appliance collection, transport and processing
- education and outreach
- program evaluation
- payment of a financial incentive to each individual or organization providing an appliance for collection
- payment of administrative fees to Ecology

By April 1, 2024, and every April 1st thereafter, Ecology must establish fees, to be paid annually by each stewardship organization, that are adequate to cover its full costs for implementing the stewardship program.

No later than July 1, 2027, each stewardship organization must begin collecting covered appliances.

Beginning July 1, 2027, each producer must help fund a stewardship organization.

The bill creates an exemption from B&O tax for each stewardship organization, in the amount of fees received from producers.

DEFINITIONS

“Appliance producer” or “producer” means an organization that manufactures, sells, distributes, or imports appliances in or into Washington.

“Appliance stewardship organization” or “stewardship organization” means a producer that implements an appliance stewardship plan, or a nonprofit organization designated by a producer or group of producers to implement an appliance stewardship plan.

“Covered appliance” means an appliance subject to the requirements of this bill. It includes, but is not limited to:

- refrigerators
- freezers
- wine cellars and coolers
- water dispensers
- heat pumps
- portable or window air conditioners
- dehumidifiers
- dishwashers
- washing machines
- dryers

The bill excludes the following:

- Appliances weighing more than 1,000 pounds.
- Ice rink refrigeration systems and central air conditioning systems of commercial or residential multifamily buildings.
- Mobile air conditioning contained in transportation vehicles, such as cars, trains and airplanes.
- Any appliance Ecology identifies as infeasible to include via administrative rule.

EFFECTIVE DATE:

This bill takes effect 90 days after final adjournment of the session.

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.

ASSUMPTIONS:

- A portion of the impact is indeterminate because the following are unknown:
 - The cost of conducting direct door-to-door collection of appliances.
 - Local government costs for serving as appliance collection locations.
- One stewardship organization uses the exemption.
- Per capita operating costs for collections, outreach and administration for the proposed program are similar to those observed for British Columbia’s (B.C.) appliance stewardship program.
- The stewardship organization must pay an annual fee, due every June 30, to Ecology to cover program costs, beginning with fiscal year 2024 expenditures.
- We inflate the following using the Seattle area, consumer price index:
 - Incentive amounts
 - Stewardship organization operating expenses
- The proposal does not impact the amount of the small business credit.
- Currently, tribes with compacts receive a share of certain business and occupation taxes (RCW 43.06.523). Under this proposal the amount of revenue shared with tribes may decline.
- This legislation passes effective July 21, 2023.

DATA SOURCES:

Request # 1164-1-1

- Department of Ecology data
- Economic and Revenue Forecast Council, November 2022 forecast
- Exchange Rates UK, US dollar to Canadian dollar spot exchange rates for 2013-2018.
- Major Appliance Recycling Roundtable, annual reports (2013-2021)
- Office of Financial Management, state population forecast.
- Office of Financial Management, historical estimates of April 1 population and housing for the state, counties, and cities.
- Province of British Columbia, population estimates
- Province of British Columbia, consumer price index (CPI)
- U.S. Census Bureau, QuickFacts: Washington.

REVENUE ESTIMATES:

This bill decreases state revenues by an estimated \$11,000 in fiscal year 2024.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2024 -	(\$ 11)
FY 2025 -	(\$ 3)
FY 2026 -	(\$ 4)
FY 2027 -	(\$ 19)
FY 2028 -	(\$ 165)
FY 2029 -	(\$ 176)

Local Government, if applicable (cash basis, \$000): None.

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.

ASSUMPTIONS:

This legislation will affect one appliance stewardship organization.

FIRST YEAR COSTS:

The department will incur total costs of \$54,900 in fiscal year 2024. These costs include:

Labor Costs - Time and effort equate to 0.4 FTE.

- Setup, program, and test computer systems to create two new B&O tax deductions.

Object Costs - \$8,800.

- Contract computer system programming.

SECOND YEAR COSTS:

The department will not incur any costs in fiscal year 2025.

ONGOING COSTS:

There are no ongoing costs.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4		0.2		
A-Salaries and Wages	28,100		28,100		
B-Employee Benefits	9,300		9,300		
C-Professional Service Contracts	8,800		8,800		
E-Goods and Other Services	5,900		5,900		
J-Capital Outlays	2,800		2,800		
Total \$	\$54,900		\$54,900		

III. B - Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
EXCISE TAX EX 3	61,632	0.1		0.1		
MGMT ANALYST4	73,260	0.3		0.2		
Total FTEs		0.4		0.2		

III. C - 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

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1164 HB	Title: Appliance management	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
Responsible Appliance Disposal Account-State NEW-1		695,504	695,504	460,854	598,446
Total \$		695,504	695,504	460,854	598,446

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.1	4.9	4.0	1.6	2.0
Account					
Model Toxics Control Operating Account-State 23P-1	444,834	0	444,834	0	0
Responsible Appliance Disposal Account-State NEW-1	0	695,504	695,504	460,854	598,446
Total \$	444,834	695,504	1,140,338	460,854	598,446

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:	Phone:	Date: 01/17/2023
Agency Preparation: Lori Peterson	Phone: 360-280-4075	Date: 01/26/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/26/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/26/2023

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, the Department of Ecology (Ecology) implements four extended producer responsibility (EPR) programs for electronics, paint, photovoltaic modules, and mercury containing lights.

Current law prohibits the intentional venting of refrigerants, including refrigerants contained in appliances that reach the end of their useful life.

This bill would create a responsible appliance disposal EPR program for appliances containing refrigerants or insulating foam with a potential to release greenhouse gases.

Section 3 would require producers selling covered appliances in Washington to register with Ecology through an appliance stewardship organization (ASO) by January 1, 2024, and to participate in an approved appliance stewardship plan beginning July 1, 2027.

Section 4 would require each ASO to submit a stewardship plan to Ecology by January 1, 2027, for review and approval. Ecology would be required to review the plan to ensure it meets the requirements specified in this section prior to approval. New plans would be required at a minimum frequency of every five years.

Section 5 would establish appliance recovery rates, which Ecology may increase by rule. Section 5 (3) would require Ecology to adopt rules or guidance to specify calculation methods for reporting appliance recovery rates.

Section 7 would require an ASO to develop and implement outreach and education resources to targeted overburdened communities and vulnerable populations identified by Ecology under Chapter 70A.02 RCW. An ASO would be required to survey public awareness in the first year of implementation and every five years thereafter and share the results of the surveys with Ecology.

Section 10 would require each ASO to submit an annual report to Ecology by June 1, 2028, and annually thereafter, covering the preceding calendar year's implementation of the stewardship plan, and meeting the criteria specified in this section, including quantities of recovered refrigerants and/or greenhouse gas from foam, as calculated using methods adopted in rule by Ecology.

Section 11 would allow an ASO to request information or records provided to Ecology be kept confidential.

Section 12 (2) would require Ecology to determine the annual fee payment by April 1, 2024, and annually thereafter to implement, administer, and enforce the chapter established in the bill. By January 1, 2026, Ecology would be required to adopt rules to equitably determine ASO fee payments, and until rules are adopted, Ecology would be required to issue a general order to all registered ASOs determining the fee amounts. Ecology would be required to adjust future billings based on the balance of available fee revenue relative to actual expenditures.

Section 12 (3) would require Ecology to review ASO stewardship plans and make the plans available for public review and comment for at least 30 days prior to making an approval decision. Ecology would have 180 days to review submitted plans.

Section 12 (4) would require Ecology to review annual reports and make the reports available for public review and comment for at least 30 days when received, and within 120 days review annual reports to determine compliance with the requirements in section 10.

Section 12 (6) would require Ecology to maintain a public website listing each registered ASO, their member producers, and

covered appliances, and providing access to plans and annual reports for review and comment.

Section 13 would authorize civil penalties for non-compliance. Ecology would be required to provide written warning as specified in the section before assessing a penalty. Penalties under section 13 would be deposited in the Climate Commitment Account, per section 22. All other penalties would be deposited in the Refrigerant Emission Management Account, per section 21.

Section 16 would establish the Responsible Appliance Disposal (RAD) Account, an appropriated account to which fee revenue from section 12 would be deposited. The account could be used only for implementing the new chapter created in the bill.

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.

Fee Revenue – Responsible Appliance Disposal (RAD) Account

Section 12 (2) would require Ecology to determine the annual fee payment by April 1, 2024, and annually thereafter to implement, administer, and enforce the chapter established in the bill. Ecology would be required to issue a general order to all registered ASOs determining the fee amounts until rules are adopted by January 1, 2026. Ecology would be required to adjust future billings based on the difference between fee revenue collected minus actual costs for the previous fiscal year.

Ecology assumes the first fee receipt collections would be for FY 2025 (billed in FY 2024). Ecology assumes one ASO would be subject to the annual payment to support Ecology's estimated costs. If more than one ASO were to register, the annual fees would be allocated among the ASOs based on each ASO's proportionate share of covered producers by market value of covered products or estimated refrigerant and/or greenhouse content of foams in products managed.

Fee revenue would be deposited in the RAD Account. For purposes of this fiscal note, revenue from fee collections is shown in the same year as estimated costs in the RAD Account and is assumed to be equal to estimated costs.

Penalties

Section 13 would authorize civil penalties for non-compliance. Ecology would be required to provide written warning as specified in the section before assessing a penalty. Penalties under section 13 would be deposited in the Climate Commitment Account, per section 22. All other penalties would be deposited in the Refrigerant Emission Management Account, per section 21.

Ecology would work with the ASOs and producers, when applicable, to bring them into compliance; 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) 2024 and ongoing each fiscal year thereafter to implement the requirements of sections 3, 4, 5, 7, 10, 11, 12, and 13.

Costs in FY 2024 are estimated in the MTCA-Operating Account. MTCA supports the state's responsibility for solid waste management, regulation, enforcement, technical assistance, and public education under chapter 70A.205 RCW. Ecology assumes expenditures in the Responsible Appliance Disposal (RAD) Account would begin in FY 2025 and ongoing each fiscal year thereafter.

RULEMAKING (Sections 5, 10, and 12)

Rulemaking would be required to provide additional clarity and guidance to stewardship organizations developing program.

Based on previous experiences implementing other product stewardship programs and consultations with the agency rules unit and the Attorney General Office (AGO), Ecology assumes a two-year highly technical rule-making process would be required. Ecology assumes three public meetings when developing draft rule language with a webinar option, and three public hearings for the proposed rule language. Ecology assumes rulemaking would begin on October 1, 2023 (FY 2024) and be completed with rule adoption on September 30, 2025 (FY 2026).

Rulemaking Administrative Coordinator: A Regulatory Analyst 3 (RA-3) would oversee the rulemaking process to comply with the Administrative Procedures Act; coordinate with the rulemaking lead to prepare the rule development and communication plan; coordinate with the agency regulatory staff on the economic and regulatory impact analysis, and support filing the CR-101, CR-102, and the CR-103 for adoption. This would require an estimated workload of 0.10 FTE RA-3 in FY 2024, 0.13 FTE RA3 in FY 2025, and 0.03 FTE RA-3 in FY 2026.

Rulemaking Lead: An Environmental Planner 4 (EP4) would provide policy expertise and lead the rulemaking effort, coordinating with interested parties to draft and revise rule language, lead public meetings and hearings, and work with other program staff as needed to execute the rule development plan, with an estimated workload of 0.70 FTE EP-4 in FY 2024, 0.94 FTE EP-4 in FY 2025, and 0.23 FTE EP-4 in FY 2026.

A subject matter expert from the Solid Waste Management Program would advise on the technical aspects of appliance collection and recycling, best practices for appliance take-back programs, various recycling technologies, and constituents and products from appliance recycling. This is estimated to require 0.47 FTE Environmental Specialist 5 (ES-5) in FY 2024, 0.63 FTE ES-5 in FY 2025, and 0.16 FTE ES-5 in FY 2026.

A subject matter expert from the Hazardous Waste and Toxics Reduction program would advise on application of the state's dangerous waste regulation WAC 173-303 to appliance collection and specifically the handling of refrigerant materials captured during processing. This is estimated to require 0.19 FTE Regulatory Analyst 3 (RA-3) in FY 2024, 0.31 FTE RA-3 in FY 2025, and 0.06 FTE RA-3 in FY 2026.

A subject matter expert from the Air Quality program would advise on application of the Washington Clean Air Act (Chapter 70A.15 RCW) and Chapter 70A.60 RCW regarding hydrofluorocarbons emissions reduction to appliance collection. This is estimated to require 0.19 FTE Environmental Planner 5 (EP-5) in FY 2024, 0.31 FTE EP-5 in FY 2025, and 0.06 FTE EP-5 in FY 2026.

Section 10 would require ASOs to calculate quantities of recovered refrigerant and greenhouse gases from foam in covered products during annual reporting, using methods adopted in rule by Ecology. A subject matter expert from the Air Quality Program would develop the recommended calculation methods. This is estimated to require 0.08 FTE Environmental Engineer 6 (EE-6) in FY 2024, 0.13 FTE EE-6 in FY 2025, and 0.03 FTE EE-6 in FY 2026.

Based on previous rulemaking experience and the magnitude of interested parties and affected stakeholders, communications and outreach support is included to ensure robust public engagement in the rulemaking process. The following positions would support public engagement:

A Communications lead would coordinate an outreach strategy and media engagement. This would require 0.10 FTE Communications Consultant 5 (CC-5) in FY 2024, 0.13 FTE CC-5 in FY 2025, and 0.03 FTE CC-5 in FY 2026.

A Website developer would coordinate with the rulemaking lead on a public website for the rulemaking process. This would

require 0.10 FTE Communications Consultant 3 (CC-3) in FY 2024, 0.13 FTE CC-3 in FY 2025, and 0.03 FTE CC-3 in FY 2026.

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 Environmental Planner 3 (EP-3) in FY 2024, 0.25 FTE EP-3 in FY 2025, and 0.06 FTE EP-3 in FY 2026.

An outreach coordinator would organize public meetings, prepare informational materials, and respond to stakeholder questions throughout the rulemaking process. This would require 0.10 FTE Community Outreach & Environmental Education Specialist 3 (COEES-3) in FY 2024, 0.13 FTE COEES-3 in FY 2025, and 0.03 FTE COEES-3 in FY 2026.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.25 FTE in FY 2025; Regulatory Analyst 2, 0.10 FTE in FY 2025.

Ecology would hold one meeting in FY 2024, and two meetings and two hearings in FY 2025, and a final hearing in FY 2026. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting.

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 and initial implementation. 0.07 FTE AAG and 0.04 FTE Legal Assistant (LA) for a cost of \$17,000 each year in FY 2024 and FY 2025, and 0.03 FTE AAG and 0.02 FTE LA for a cost of \$8,000 in FY 2026. Ongoing assistance to provide advice and representation for program implementation and enforcement would require 0.02 FTE AAG and 0.01 FTE LA for an estimated cost of \$5,000 in FY 2027 and ongoing each fiscal year thereafter.

STEWARDSHIP PLAN REVIEW & APPROVAL (Sections 4, 11, and 12)

Section 4 would require each appliance stewardship organization (ASO) to submit a plan to Ecology by January 1, 2027. Ecology would have 180 days to review the plan to ensure it adequately addresses the required components as outlined in the bill. Ecology assumes one stewardship organization would submit a plan on behalf of covered appliance producers, and that the ASO would request portions of the plan be protected as confidential business information. Ecology assumes that initial stewardship plans will be approved and that amendment by Ecology will not be required.

Based on experience implementing the Paint Stewardship program, Ecology assumes one plan would be reviewed in FY 2027, and every five years thereafter, and that each plan review would require the same level of effort.

An Environmental Planner 4 (EP-4) would review the stewardship plan and facilitate the process for confidentiality requests. The estimated staff time needed is 0.16 FTE EP-4 in FY 2027 and every five years thereafter.

All plans received would need to be posted for public review and comment. Ecology estimates 0.03 FTE EP-4 and 0.03 FTE Communications Consultant 3 (CC-3) in FY 2027 and every five years thereafter to post the plan for public comment and respond to comments received.

ANNUAL FEES (Section 12)

Section 12 (2) would require Ecology to determine the annual fee payment by April 1, 2024, and annually thereafter to implement, administer, and enforce the chapter established in the bill. Ecology would be required to issue a general order to all registered ASOs determining the fee amounts until rules are adopted by January 1, 2026. Ecology would be required to adjust future billings based on the balance of available fee revenue relative to actual expenditures. To determine the annual fee, issue a general order, and invoice for payment, Ecology estimates 0.05 FTE Budget Analyst 4 (BA-4) in FY24, and 0.02 FTE BA-4 in FY 2025 and ongoing each fiscal year thereafter, in coordination with 0.01 FTE Environmental Planner 4

(EP-4) in FY 2024 and ongoing each fiscal year thereafter.

EDUCATION & OUTREACH (Sections 7 and 12)

Section 7 would require Ecology to identify overburdened communities and vulnerable populations under Chapter 70A.02 RCW to ensure the ASO's outreach activities and materials serve the needs of all communities and provide meaningful consultation with communities bearing disproportionately higher levels of adverse environmental and social justice impacts

Based on the assumption technical assistance needs would increase in the second year as ASOs are developing plans and outreach strategies, Ecology estimates this assistance would require 0.05 FTE Environmental Planner 3 (EP-3) in FY 2024, 0.20 FTE EP-3 in FY 2025, and 0.10 FTE EP-3 in FY 2026.

Section 12 would require Ecology to create and maintain a website related to this program, and post and maintain a list of producers, brands and covered appliances participating in this program. Ecology estimates 0.10 FTE Communications Consultant 3 (CC-3) in FY 2024 to create the new website, and 0.05 FTE CC-3 in FY 2025 and ongoing each fiscal year thereafter to maintain and update the website.

ANNUAL REPORT REVIEW & APPROVAL (Sections 7, 10, 11, and 12)

Section 10 would require each ASO to submit an annual report to Ecology by June 1, 2028, and annually thereafter. Section 12 would require Ecology to post annual reports for public comment and review them within 120 days. Ecology assumes one annual report would be submitted by one stewardship organization by June 1, 2028. Based on the report requirements in section 10, Ecology assumes the annual report review would require considerable analysis. Ecology assumes the ASO would request confidentiality for parts of their annual reports. Ecology estimates 0.16 FTE Environmental Planner 4 (EP-4) beginning in FY 2029 and ongoing each fiscal year thereafter would be required to review these reports and facilitate the process for confidentiality requests.

All reports received would need to be posted for public review and comment. Ecology estimates 0.03 FTE EP-4 and 0.03 FTE Communications Consultant 3 (CC-3) in FY 2029 ongoing each fiscal year thereafter to post the plan for public comment and respond to comments received.

Section 7 would require the ASO to conduct an awareness survey during the first year of implementation and every five years thereafter. Ecology assumes the results of the first awareness survey would be submitted with the first annual report. Ecology would review the awareness survey results submitted by the SOs beginning with the first annual report submittal in FY 2028. Ecology estimates 0.02 FTE Environmental Planner 4 (EP-4) in FY 2029 and every five years thereafter to review the public awareness survey results.

TECHNICAL ASSISTANCE

Based on experience implementing other extended producer responsibility programs, Ecology assumes technical assistance would be requested by stewardship organizations, local governments with programs to collect appliances, refrigeration technicians and other appliance service providers, appliance producers, appliance retailers, hazardous waste companies, refrigerant reclaimers, and the general public. Ecology assumes technical assistance would begin immediately and the level of effort would increase as rulemaking progresses. Ecology estimates 0.26 FTE Environmental Planner 4 (EP-4) in FY 2024, increasing to 0.50 FTE in FY 2025 and ongoing each fiscal year thereafter.

Hazardous Waste and Toxics Reduction technical assistance would be needed to develop guidance for businesses regulated under the state dangerous waste regulations, WAC 173-303. Stewardship organizations and their transporters and processors would also need technical assistance related to regulations developed for this program and WAC 173-303. Ecology estimates 0.25 FTE Regulatory Analyst 3 (RA-3) beginning in FY 2027, increasing to 0.75 FTE RA-3 during the first year of program implementation in FY 2028, and leveling off to 0.25 FTE RA-3 in FY 2029 and ongoing each fiscal

year thereafter.

Air Quality technical assistance would be needed to ensure Air Quality statute and federal requirements are followed during ongoing implementation and assist in reviewing annual reports to evaluate refrigerant recovery and greenhouse gas metrics, and compliance with requirements under the Environmental Protection Agency's Responsible Appliance Disposal (RAD) program. Ecology estimates 0.20 FTE Environmental Planner 5 (EP-5) in FY 2027, increasing to 0.50 FTE EP-5 during the first year of program implementation in FY 2028, and leveling off to 0.20 FTE EP-5 in FY 2029 and ongoing each fiscal year thereafter.

COMPLIANCE & ENFORCEMENT (Section 13)

Section 13 would authorize Ecology to issue an order requiring compliance or impose a civil penalty of up to \$1,000 per violation per day or up to \$10,000 per violation per day on a person for repeated violations or failure to comply with an issued order. Ecology would issue warning letters and provide technical assistance to support compliance before taking enforcement action. We assume producers, stewardship organizations, and retailers, will be mostly compliant and estimate issuing two warning letters per year. Ecology assumes developing enforcement guidance would be necessary. Ecology estimates 0.10 FTE Environmental Planner 4 (EP-4) in FY 2027 to develop an enforcement guidance document.

Ecology assumes compliance monitoring would begin in FY 2028. Based on experience implementing other stewardship programs, Ecology assumes site visits to collection sites or processors. Ecology estimates 0.20 FTE Environmental Planner 4 (EP-4) beginning in FY 2028 and ongoing each fiscal year thereafter.

SUMMARY: The expenditure impact to Ecology under this bill is summarized below.

Rulemaking and AGO support is estimated to require:

FY 2024: \$372,785 and 2.55 FTEs

FY 2025: \$572,527 and 3.96 FTEs

FY 2026: \$124,316 and 0.83 FTEs

FY 2027 and ongoing: \$5,000 and 0 FTEs

Plan review and posting for public comment is estimated to require:

FY 2027: \$34,915 and 0.25 FTEs

Fee administration is estimated to require:

FY 2024: \$9,475 and 0.07 FTEs

FY 2025 and ongoing: \$4,773 and 0.03 FTEs

Education and outreach is estimated to require:

FY 2024: \$19,890 and 0.17 FTEs

FY 2025: \$36,119 and 0.29 FTEs

FY 2026: \$21,162 and 0.17 FTEs

FY 2027 and ongoing: \$6,207 and 0.06 FTEs

Annual report review and public comments is estimated to require:

FY 2029: \$38,198 and 0.28 FTEs

Technical assistance is estimated to require:

FY 2024: \$42,684 and 0.3 FTEs

FY 2025: \$82,085 and 0.58 FTEs

FY 2026: \$82,085 and 0.58 FTEs

FY 2027: \$161,208 and 1.09 FTEs
 FY 2028: \$301,412 and 2.01 FTEs
 FY 2029 and ongoing: \$161,208 and 1.09 FTEs

Compliance and enforcement is estimated to require:
 FY 2027: \$16,415 and 0.12 FTEs
 FY 2028 and ongoing: \$32,834 and 0.23 FTEs

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be
 FY 2024: \$444,834 and 3.09 FTEs
 FY 2025: \$695,504 and 4.85 FTEs
 FY 2026: \$232,336 and 1.61 FTEs
 FY 2027: \$228,518 and 1.55 FTEs
 FY 2028: \$350,226 and 2.33 FTEs
 FY 2029: \$248,220 and 1.69 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 ATGO estimated costs of \$17,000 in FY 2024 and FY 2025, \$8,000 in FY 2026, and \$5,000 in FY 2027 and ongoing each fiscal year thereafter. Also included are estimated facilities costs for rulemaking meetings: \$1,000 in FY 2024, \$4,000 in FY 2025, and \$1,000 in FY 2026.
 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
23P-1	Model Toxics Control Operating Account	State	444,834	0	444,834	0	0
NEW-1	Responsible Appliance Disposal Account	State	0	695,504	695,504	460,854	598,446
Total \$			444,834	695,504	1,140,338	460,854	598,446

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.1	4.9	4.0	1.6	2.0
A-Salaries and Wages	231,755	366,369	598,124	242,921	320,434
B-Employee Benefits	83,431	131,892	215,323	87,451	115,357
E-Goods and Other Services	32,051	43,043	75,094	28,365	28,283
G-Travel	4,203	6,597	10,800	4,300	5,473
J-Capital Outlays	2,774	4,353	7,127	2,838	3,611
9-Agency Administrative Overhead	90,620	143,250	233,870	94,979	125,288
Total \$	444,834	695,504	1,140,338	460,854	598,446

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
BUDGET ANALYST 4	85,020	0.1	0.0	0.0	0.0	0.0
COM OUTREACH & ENV ED SP 3	63,216	0.1	0.1	0.1	0.0	
COMM CONSULTANT 3	66,420	0.2	0.2	0.2	0.1	0.1
COMM CONSULTANT 5	87,144	0.1	0.1	0.1	0.0	
ECONOMIC ANALYST 3	85,020		0.3	0.1		
ENVIRONMENTAL ENGINEER 6	114,360	0.1	0.1	0.1	0.0	
ENVIRONMENTAL PLANNER 3	80,952	0.2	0.5	0.4	0.1	
ENVIRONMENTAL PLANNER 4	89,292	1.0	1.5	1.2	0.8	0.8
ENVIRONMENTAL PLANNER 5	98,592	0.2	0.3	0.3	0.1	0.4
ENVIRONMENTAL SPEC 5	80,952	0.5	0.6	0.6	0.1	
FISCAL ANALYST 2		0.3	0.4	0.4	0.1	0.2
IT APP DEV-JOURNEY		0.1	0.2	0.2	0.1	0.1
REGULATORY ANALYST 2	82,896		0.1	0.1		
REGULATORY ANALYST 3	93,840	0.3	0.4	0.4	0.2	0.5
Total FTEs		3.1	4.9	4.0	1.6	2.0

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.

Rulemaking authority is provided in sections 5, 10, and 12, to implement various components of the bill. Ecology assumes section 12 would provide the authority necessary to implement the requirements of the entire bill.

Section 12 would authorize Ecology to adopt rules for the purpose of implementing, administering, and enforcing this chapter. Ecology assumes rules would be required for enforcement.

Individual State Agency Fiscal Note

Bill Number: 1164 HB	Title: Appliance management	Agency: 468-Environmental and Land Use Hearings Office
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.1	0.1	0.3	0.3
Account					
General Fund-State 001-1	0	24,284	24,284	70,458	70,458
Total \$	0	24,284	24,284	70,458	70,458

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:	Phone:	Date: 01/17/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/31/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/31/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/31/2023

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 3 -- Beginning January 1, 2024, producers selling appliances must register with an appliance stewardship organization, and by July 1, 2027, must participate in an appliance stewardship plan or they may not sell appliances.

Section 9 – Beginning July 1, 2027, retailers may not sell appliances unless producers participate in an appliance stewardship program.

Section 12 – The Department of Ecology will implement, administer, and enforce the act, including review of appliance stewardship plans.

Section 13 – Ecology may impose a civil penalty of up to \$1,000 per violation per day for violation of the act and up to \$10,000 for repeat violations. Before imposing penalties, Ecology must provide a written warning for a first violation. Ecology is also authorized to issue corrective action orders to a producer or stewardship organization. Penalties and corrective action orders may be appealed to the Pollution Control Hearings Board (PCHB).

Section 14 – All persons, businesses, and government, commercial, industrial, and retail facilities must dispose of unwanted appliances through approved collection methods established by the act. Persons may not dispose of appliances at incinerators, waste to energy facilities, or landfills. Persons servicing or repairing appliances or disposing appliances must comply with requirements of the act.

Section 20 – Amends the PCHB’s jurisdiction statute to include appeals of civil penalties imposed under the act.

Section 21 – Amends the PCHB’s statute to include that civil penalties imposed under the act must be imposed in writing and describe the violation with reasonable particularity.

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.

None

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.

FISCAL IMPACT to the Pollution Control Hearings Board: YES

ELUHO estimates 3 low complexity appeals per year resulting from this bill.

ELUHO assumes ELUHO’s work on these appeals begins in January 2025 (FY 25) following the enforcement process by the Department of Ecology.

ELUHO estimates each appeal resulting from this bill will require approximately 150 hours of Administrative Appeals Judge (AAJ) work to complete (50 pre-hearing hours + 100 hearing and post-hearing hours) x 3 appeals. This estimate is based on a current analysis of AAJ work.

150 hours/appeal x 3 appeals = 450 AAJ hours per FY, ongoing.

Assume New AAJ FTE: The PCHB will need approximately 0.25 FTE for an AAJ with knowledge of environmental law to assist with these new cases, based on the estimated number of AAJ hours per year. RCW 43.21B.005(2) authorizes the ELUHO director to appoint such AAJs to assist the PCHB. The AAJ 0.25 FTE will not serve as a member of the Boards, but will conduct legal research and writing, mediate cases, draft Board memos and materials, and perform other legal duties to assist the Board.

An AAJ makes \$100,000 per year, plus related benefits estimated at \$32,021 per year, at current benefits rates. The agency needs a 0.25 FTE AAJ, so the salary would be \$100,000 x 0.25 FTE = \$25,000, per FY, ongoing. Related benefits would total \$8,005, per FY, ongoing.

Goods and services are estimated at \$1,875 per year, ongoing, and include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$349 per year, ongoing. Also included is one time equipment costs for furniture and computers totaling \$5,557 in FY 25.

Assume no capital budget impact: Currently, ELUHO leases space on the top floor of the State Parks building, Parsons Plaza. We assume we can repurpose space to include the 0.25 FTE if it has a workstation at the ELUHO office. We assume the 0.25 AAJ FTE would be offered the option of working remotely.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	24,284	24,284	70,458	70,458
Total \$			0	24,284	24,284	70,458	70,458

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.1	0.1	0.3	0.3
A-Salaries and Wages		13,000	13,000	50,000	50,000
B-Employee Benefits		4,163	4,163	16,010	16,010
C-Professional Service Contracts					
E-Goods and Other Services		1,382	1,382	3,750	3,750
G-Travel		182	182	698	698
J-Capital Outlays		5,557	5,557		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	24,284	24,284	70,458	70,458

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
Administrative Appeals Judge	100,000		0.1	0.1	0.3	0.3
Total FTEs			0.1	0.1	0.3	0.3

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

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.