

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution
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## Estimated Cash Receipts

NONE

## 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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Enterprise Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	.6	0	0	138,718	1.0	0	0	290,443	.1	0	0	38,714
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	.9	217,300	217,300	217,300
Department of Fish and Wildlife	.3	327,000	327,000	327,000	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.5	119,400	119,400	119,400	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>1.4</b>	<b>446,400</b>	<b>446,400</b>	<b>585,118</b>	<b>1.0</b>	<b>0</b>	<b>0</b>	<b>290,443</b>	<b>1.0</b>	<b>217,300</b>	<b>217,300</b>	<b>256,014</b>

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

## 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 Enterprise Services	.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
Department of Fish and Wildlife	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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

## Estimated Capital Budget Breakout

Department of Fish and Wildlife	Non-zero but indeterminate cost and/or savings. Please see discussion.
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<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Final
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 02/02/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/02/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/02/2023

## 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.*

The AGO Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Ecology (Ecology).

Section. 2: Bottle filling stations in any construction where a drinking fountain is required under a building code would not be enforced by Ecology, but rather by cities and counties pursuant to RCW 19.27.050.

Section. 3: Prohibiting the sale or installation of unenclosed expanded or extruded plastic foam blocks or floats for overwater structures starting January 1, 2024, subject to penalties issued by Ecology would require only minimal ECY's enforcement advice. Ecology anticipates that compliance would be achieved through technical assistance and without the need to issue penalties that might be appealed to the Pollution Control Hearings Board (PCHB). ECY's experience with similar product bans administered by Ecology is consistent with this prediction.

Section. 4: Prohibiting lodging establishments from providing health and beauty products in single use plastic packaging starting, except upon request, January 1, 2027, subject to penalties issue by Ecology would require only minimal ECY's enforcement advice. Ecology anticipates that compliance would be achieved through technical assistance and without the need to issue penalties that might be appealed to PCHB. ECY's experience with similar product bans administered by Ecology is consistent with this prediction. Although this section authorizes rulemaking, Ecology does not anticipate adopting rules because this section already appears to be sufficiently clear and detailed.

Therefore, ECY assumes new legal services are nominal and costs are not included in this request.

The AGO Transportation and Public Construction has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Enterprise Services or the State Building Code Council. New legal services are nominal and costs are not included in this request.

### 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.*

### 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

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 179-Department of Enterprise Services
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Michael Diaz	Phone: (360) 407-8131	Date: 02/02/2023
Agency Approval: Ashley Howard	Phone: (360) 407-8159	Date: 02/02/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/02/2023

## 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 is a new section stating intent to reduce plastic waste and sources of plastic pollution in the environment. The legislature intends to reduce three sources of plastic and associated pollution: Section 1(1) single-use plastic water bottles, Section 1(2) small plastic containers, wrappers, and packaging for personal health and beauty products, and Section 1(3) certain thin-walled or soft-shell floating extruded or expanded plastic foam structures.

Section 2 adds a new section to RCW 19.27 that directs the State Building Code Council to adopt rules that requires the installation of a bottle filling station or combination filling station for any construction that currently requires the installation of a water fountain. Section 2(2) requires the rules under this section to take effect and be implemented by July 1, 2026. Section 2(3) defines “bottle filling station”. Updates to the building code can be done through normal course of business, therefore this has no fiscal impact to the Department of Enterprise Services (DES).

Section 3 is a new section added to RCW 70A.245 that (1) prohibits the sale, distribution, and installation of overwater structures (including blocks or floats intended for use in overwater structures) containing expanded or extruded plastic foam. Section 3(2) outlines the authority of the Department of Ecology (ECY) and the penalties associated with violation of this section. Section 3(3) describes what overwater structures do and do not include. Section 3(4) states this section does not apply to any dock sold, distributed, or installed prior to January 1, 2024. This section has no fiscal impact to DES.

Section 4 is a new section added to RCW 70A.245 describing the requirements for lodging establishments and ECY. Section 4(4) also adds several definitions. This has no fiscal impact to DES.

Section 5 is a new section that states the Department of Fish and Wildlife must conduct or contract to complete a study to assess the durability of air-filled and foam-filled docks, piers, ramps, and floats made of all materials, excluding those in section 3 of this act. This has no fiscal impact to DES.

Section 6 amends RCW 43.21B.110 and 2022 c 180 s 812 to include sections 3 and 4 of this act. This has no fiscal impact to DES.

Section 7 amends RCW 43.21B.300 and 2022 c 180 s 813 to include sections 3 and 4 of this act. This has no fiscal impact to DES.

### 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.*

### 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

The cost of installation of a bottle filling station or combination water fountain and bottle filling station is minimal and would not have a material impact to a capital project. Therefore, no fiscal impact.

**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

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 461-Department of Ecology
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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	0.9	0.3	0.6	1.1	0.2
<b>Account</b>					
Model Toxics Control Operating Account-State 23P-1	104,694	34,024	138,718	290,443	38,714
<b>Total \$</b>	104,694	34,024	138,718	290,443	38,714

### 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: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Lori Peterson	Phone: 360-280-4075	Date: 01/30/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/30/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/30/2023

## 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.*

Compared to HB 1085, SHB 1085 has the following changes related to Ecology:

Section 3 changes the start date for the prohibition of expanded or extruded foam overwater structures from June 1, 2024, to January 1, 2024, and modifies the criteria for prohibited structures.

Section 4 delays the dates lodging establishments would be prohibited from providing personal health or beauty products in single use plastic packaging, unless on request, from January 1, 2025, to January 1, 2027, for large establishments, and from January 1, 2026, to January 1, 2028, for smaller lodging establishments.

The changes in section 4 would change the timing of Ecology's estimated fiscal impact.

Under current law, Department of Ecology (Ecology) implements the provisions of Chapter 70A.530 RCW, which prohibits retail establishments from providing single-use plastic bags.

Ecology also implements the provisions of Chapter 70A.245 RCW, which requires post-consumer recycled content minimums for plastic beverage containers, plastic household cleaner containers, plastic personal care product containers, and plastic trash bags that are sold, offered for sale, or distributed in or into Washington. This chapter also bans certain polystyrene products from sale or offer for sale in Washington and requires food service establishments to provide single-use food service products on request only.

This bill would add two new sections to Chapter 70A.245 RCW. The first would ban new overwater structures containing expanded or extruded plastic foam, and the second would restrict lodging establishments from providing a personal health or beauty care product in a small plastic container, a plastic wrapper, or single-use plastic packaging unless requested by customers.

Section 3 would prohibit the sale, distribution, or installation of any new overwater structures that are made of or contain expanded or extruded foam not fully encased as specified in the section, including docks, blocks, and floats, beginning January 1, 2024. Ecology would be authorized to adopt rules to implement, administer and enforce this section.

Section 4 would prohibit lodging establishments from providing a personal health or beauty product in a small plastic container, a plastic wrapper, or any other single-use plastic packaging to a person staying in a lodging unit or within bathrooms shared by the public or guests, unless provided to a guest upon request. Prohibitions would apply to large establishments (with 50 or more lodging units) beginning January 1, 2027. This prohibition would take effect for smaller lodging establishments (fewer than 50 lodging units) beginning January 1, 2028. Ecology would be authorized to adopt rules to implement, administer and enforce this section. This section would require Ecology to provide a website with education and outreach resources about the requirements, and a complaint forum to support enforcement of the requirements. Beginning July 23, 2023, local governments would be preempted from enforcing restrictions related to personal health or beauty products in single-use plastic packaging.

Section 5 would require the Department of Fish and Wildlife to conduct or contract for a study related to the durability of air-filled and foam-filled water-based structures, other than the structures and products restricted by the bill. The findings and recommendations would be submitted to the Legislature by November 1, 2025.

### 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.*

## Penalties:

Section 3 would provide authority for Ecology to assess penalties up to \$10,000 per violation.

Section 4 would provide authority for Ecology to assess penalties up to \$500 per violation per day for each violation, and limit penalties to \$2,000 per year for a single lodging establishment..

Penalties under sections 3 and 4 would be deposited in Model Toxics Control Operating Account (MTCA-Operating).

Ecology assumes we would work with those in violation of the law to bring them into compliance; therefore, penalties are assumed to be limited, but unknown, and therefore are not estimated in Ecology's 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 FY 2026, and less than \$50,000 in FY 2025, and in FY 2027 and ongoing each fiscal year thereafter to implement the requirements of sections 3 and 4.

Expenditures are estimated in the Model Toxics Control Operating Account (MTCA – Operating). MTCA supports the state's responsibility for recycling, waste, and litter reduction, regulation, enforcement, technical assistance, and public education under Chapter 70A.245 RCW.

Sections 3 and 4 would authorize rulemaking to implement, administer, and enforce these sections. Upon consultation with the Attorney General's Office, Ecology assumes rulemaking would not be necessary to implement, administer, or enforce the provisions of these sections, because the requirements are clearly defined and specified in the proposed bill.

### Section 3

#### Outreach, Technical Assistance, and Enforcement

Based on our experience from implementing a similar ban, such as the expanded polystyrene bans, RCW 70A.245.070, Ecology assumes guidance documents to communicate the new requirements to the public, manufacturers, retailers, boat clubs, marinas, and other interested parties would be necessary. Compliance monitoring and enforcement protocols to enforce this section would need to be developed in FY 2024. Ecology assumes enforcement would be primarily based on reports of suspected violations, rather than active audits or site visits by Ecology staff, unless investigating a reported violation.

An Environmental Specialist 4 (ES4) technical lead would coordinate with communications and enforcement specialists to develop and publish outreach materials, develop compliance assistance and enforcement protocols and templates, and coordinate with other programs or agencies for enforcement, as needed. Before developing outreach materials and enforcement protocols, the lead would develop knowledge on the banned materials and products and alternatives available, related federal, state, and local regulations, and impacted audiences with whom to share outreach. Ecology would also provide compliance support and follow-up with reported violations. The estimated workload is 0.50 FTE ES4 in FY 2024. Ecology assumes the technical lead would provide compliance support to the affected parties for two more years after the ban. Based on our previous experiences, Ecology estimates 0.25 FTE ES4 in FY 2025 and 0.10 FTE ES4 in FY 2026.

A Communications Consultant 5 (CC5) would develop a communications plan and support the development of outreach materials and strategies to publicize the requirements through agency communication channels, press releases, media inquiries, and social media. The estimated workload is 0.02 FTE CC5 in FY 2024.

A Community Outreach & Environmental Education Specialist 3 (COEES3) would coordinate with the technical lead to identify impacted members of the public, develop a listserv, and help develop education and outreach materials for publication on the Ecology website. The estimated workload is 0.03 FTE COEES3 in FY 2024.

A Communications Consultant 3 (CC3) would review and edit the outreach materials prepared by the ES4 and COEES3 and create an agency website to publish the material. The estimated workload is 0.06 FTE CC3 in FY 2024.

An Environmental Specialist 5 (ES5) enforcement specialist would coordinate with the technical lead, establish investigation, notification, and enforcement protocols, and coordinate with other programs or agencies for enforcement protocols, as needed. The estimated workload is 0.15 FTE ES5 in FY 2024.

#### Section 4

Ecology would be required to provide a website with education and outreach resources that provides information about the requirements of the section to lodging establishments, consumers, and other interested parties. This section would also require a forum through which the public may notify Ecology of potential violations.

Before January 1, 2027, Ecology would establish protocols and guidance to enforce this section and communicate the new requirements to the affected parties. Ecology would also develop an online reporting platform for the public to report violations, along with a database for Ecology to track and respond to violations.

#### Outreach, Technical Assistance, and Enforcement

Based on experience implementing the retail single-use plastic bag ban (Chapter 70A.530 RCW) and the optional single-use serviceware provisions of RCW 70A.245.080, Ecology would create an outreach toolkit to share with lodging establishments to help implement the bill and communicate changes with their customers. Although the ban would take effect January 1, 2027, Ecology assumes creation of the toolkits and other guidance materials would occur in FY 2026 to provide impacted businesses sufficient time to prepare.

Ecology would prepare guidance to communicate the new requirements to the lodging industry, the public, and other interested parties and develop compliance monitoring and enforcement protocols to enforce this section. Ecology assumes enforcement would be primarily based on reports of suspected violations through the complaint forum, rather than active audits or site visits by Ecology staff, unless necessary to investigate a complaint.

An ES4 technical lead would develop the content for the outreach toolkit and other outreach materials for the website. This position would plan outreach strategy, coordinate with communications specialists and vendors for graphic design and translation to develop and publicize outreach materials, and coordinate with an enforcement specialist to develop compliance technical assistance and enforcement protocols and templates. This position would coordinate with IT staff to develop the complaint forum and lead the effort to provide outreach to smaller lodging establishments in the second phase of implementation, beginning January 1, 2028. Workload estimated in FY 2027 and FY 2028 includes investigation of complaints, technical assistance to lodging establishments, and preparation of compliance notices as the requirements take effect. Ecology assumes the technical lead would provide compliance support to the affected parties for one more year after the last ban. The estimated ES4 workload is 0.50 FTE in FY 2026, 0.25 FTE in FY 2027, 0.10 FTE in FY 2028, and 0.05 FTE in FY 2029.

A CC5 would develop a communications plan and support the development of outreach materials and strategies to publicize the requirements through agency communication channels, press releases, media inquiries, and social media. The CC5

would work with the technical lead to coordinate with graphic design and translation vendors for the outreach toolkit. The estimated workload is 0.05 FTE CC5 in FY 2026.

A COEES3 would coordinate with the technical lead to identify impacted members of the public, develop a listserv, and help develop education and outreach materials for the toolkit and website. The estimated workload is 0.05 FTE COEES3 in FY 2026.

A CC3 would review and edit the outreach materials prepared by the ES4 and create an agency website to publish the material. The estimated workload is 0.06 FTE CC3 in FY 2026.

An ES5 enforcement specialist would coordinate with the technical lead establish investigation, notification, and enforcement protocols, and published enforcement guidance. The estimated workload is 0.15 FTE ES5 in FY 2026.

Based on purchasing experience for the bag ban and optional serviceware provisions, Ecology estimates \$12,000 for graphic design and translation services for the outreach toolkit materials. This is estimated in object E in FY 2026. Ecology assumes the same materials will be used for the second phase of the ban for smaller lodging establishments.

### Complaint Forum Development

Ecology would build a reporting feature for lodging establishment violations and a database to track suspected and confirmed violations. The Information Technology specialists would work with the ES4 technical lead above. Time estimated below is based on experience developing the complaint forum and database for the plastic bag ban.

An IT Business Analyst – Journey (ITBA-Journey) would coordinate with the technical lead to collect system requirements, coordinate user systems testing, and provide user guidance. The estimated workload is 0.20 FTE ITBA-Journey in FY 2026.

An IT Application Developer – Journey (ITAP-Journey) would develop the reporting feature for submitting reports of suspected violations and a database to track suspected violations for follow-up and possible enforcement, in consultation with the technical lead and ITBA-Journey. The estimated workload is 0.40 FTE ITAP-Journey in FY 2026 for application development, and 0.05 FTE ITAP-Journey is estimated in FY 2027 and ongoing each fiscal year thereafter for database maintenance.

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

Section 3 is estimated to require:

FY 2024: \$104,694 and 0.87 FTEs

FY 2025: \$34,024 and 0.29 FTEs

FY 2026: \$13,608 and 0.12 FTEs

Section 4 is estimated to require:

FY 2026: \$233,661 and 1.62 FTEs

FY 2027: \$43,174 and 0.35 FTEs

FY 2028: \$22,758 and 0.17 FTEs

FY 2029: \$15,956 and 0.12 FTEs

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

FY 2024: \$104,694 and 0.87 FTEs

FY 2025: \$34,024 and 0.29 FTEs

FY 2026: \$247,269 and 1.74 FTEs

FY 2027: \$43,174 and 0.35 FTEs  
 FY 2028: \$22,758 and 0.17 FTEs  
 FY 2029: \$15,956 and 0.12 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 include \$12,000 in FY 2026 for graphic design and translation services.

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	104,694	34,024	138,718	290,443	38,714
<b>Total \$</b>			104,694	34,024	138,718	290,443	38,714

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.9	0.3	0.6	1.1	0.2
A-Salaries and Wages	56,397	18,315	74,712	150,938	20,993
B-Employee Benefits	20,303	6,593	26,896	54,338	7,558
E-Goods and Other Services	3,970	1,306	5,276	21,455	1,305
G-Travel	1,188	391	1,579	2,829	390
J-Capital Outlays	785	258	1,043	1,868	259
9-Agency Administrative Overhead	22,051	7,161	29,212	59,015	8,209
<b>Total \$</b>	104,694	34,024	138,718	290,443	38,714

#### 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	0.0		0.0	0.0	
COMM CONSULTANT 3	66,420	0.1		0.0	0.0	
COMM CONSULTANT 5	87,144	0.0		0.0	0.0	
ENVIRONMENTAL SPEC 4	73,260	0.5	0.3	0.4	0.4	0.1
ENVIRONMENTAL SPEC 5	80,952	0.2		0.1	0.1	
FISCAL ANALYST 2		0.1	0.0	0.1	0.1	0.0
IT APP DEV-JOURNEY	100,032				0.2	0.1
IT APP DEV-JOURNEY (Admin)		0.0	0.0	0.0	0.1	0.0
IT BUSINESS ANALYST-JOURNE'	100,032				0.1	
<b>Total FTEs</b>		0.9	0.3	0.6	1.1	0.2

#### III. D - Expenditures By Program (optional)

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

*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

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 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	0.0	0.0	0.0	0.9
<b>Account</b>					
General Fund-State 001-1	0	0	0	0	217,300
<b>Total \$</b>	0	0	0	0	217,300

### 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: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 02/01/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 02/01/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/03/2023



## 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.*

SHB 1085 reduces plastic pollution by: 1) requiring a water bottle filling station be provided whenever a drinking fountain is built per building code; 2) prohibiting the sale or installation of overwater structures containing plastic foam; and 3) prohibiting lodging establishments from providing personal health or beauty products in plastic packaging.

Section 3 authorizes the Department of Ecology (department) to issue penalties against a person that violate the prohibition on sale or installation of overwater structures containing plastic foam. Penalties for each violation will not exceed \$10,000. Penalties are appealable to the Pollution Control Hearings Board (PCHB).

Section 4 authorizes the department to issue penalties against lodging establishments that violate the prohibition against providing personal health or beauty products in single use plastic packaging. For the first violation, the department may issue a penalty of up to \$500 for each day the lodging establishment provides the banned product. For the second and subsequent violations, the department may issue a penalty of up to \$2,000 for each day the lodging establishment provides the banned product. The department must issue at least one notice of violation before assessing a penalty. Penalties are appealable to the PCHB.

Section 6 amends the PCHB's statute to state that the PCHB has authority to hear and decide civil penalties imposed under sections 3 and 4 SHB 1085.

Section 7 amends the PCHB statute to add that civil penalties provided by sections 3 and 4 of SHB 1085, like other specified penalties, must be imposed in writing and describe the violation with reasonable particularity.

The new version of the bill changes the timing of anticipated appeals to the PCHB.

### 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 10 low complexity appeals per year resulting from this bill.

ELUHO assumes ELUHO's work on these appeals begins in January 2028 (FY 28) 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 10 appeals. This estimate is based on a current analysis of AAJ work.

150 hours/appeal x 10 appeals = 1500 AAJ hours per FY, ongoing.

Assume New AAJ FTE: The PCHB will need approximately 0.75 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 0.75 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 0.75 FTE AAJ, so the salary would be \$100,000 x 0.75 FTE = \$75,000, per FY, ongoing. Related benefits would total \$24,016 per FY, ongoing.

Assume additional Legal Assistant (LA3) FTE: Legal Assistants provide support for all three Boards, including managing all Board cases and court filings, providing support for Board members, AAJs, Board meetings, and providing administrative support for ELUHO office functions. We assume 0.5 LA3 FTE for every 1.0 AAJ FTE. The bill will require approximately 0.5 FTE LA3 to manage the additional cases and support the AAJ FTE.

An LA3 makes \$55,872 (assumed Step L) per year, plus related benefits estimated at \$24,059 per year, at current benefits rates. The agency needs a 0.5 FTE LA3, so the salary would be \$55,872 x 0.5 FTE = \$27, 936 per FY, ongoing. Related benefits would total \$12,030 per FY, ongoing.

Goods and services for the total 1.25 FTE are estimated at \$6,545 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 \$1,747 per year, ongoing. Also included is one time equipment costs for furniture and computers totaling \$5,557 in FY 28.

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 FTEs if they have workstations at the ELUHO office. We assume the 0.75 AAJ FTE would be offered the option of working remotely and the 0.5 LA3 FTE would be in the office but would not require an office with a door.

**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	0	0	0	217,300
<b>Total \$</b>			0	0	0	0	217,300

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					0.9
A-Salaries and Wages					148,199
B-Employee Benefits					51,340
C-Professional Service Contracts					
E-Goods and Other Services					9,744
G-Travel					2,460
J-Capital Outlays					5,557
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	0	0	0	217,300

**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					0.6
Legal Assistant 3	55,872					0.4
<b>Total FTEs</b>						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

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

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 477-Department of Fish and Wildlife
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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	0.4	0.1	0.3	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	270,000	57,000	327,000	0	0
<b>Total \$</b>	270,000	57,000	327,000	0	0

### Estimated Capital Budget Impact:

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

*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: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Tiffany Hicks	Phone: 3609022544	Date: 01/31/2023
Agency Approval: Tiffany Hicks	Phone: 3609022544	Date: 01/31/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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 requires rulemaking to amend Chapter 220-660 WAC, Sections 140 and 380 to specify the materials applicants will not be permitted to use in the design and construction of overwater structures.

Section 5 requires a study be conducted or contracted by WDFW to assess the durability, costs, reuse or recycle potential, buoyancy, availability, and function of air-filled and foam-filled docks, piers, ramps, and floats made of all materials except those prohibited in Section 3.

Section 5 also requires soliciting input from a variety of stakeholders public and private with a summary of findings and recommendations. It is assumed that this study would be contracted out to an A&E firm that can handle both the calculation portion of durability and stability as well as perform the outreach. WDFW staff would administer the contract at a one-time cost.

### 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.*

### 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.*

Section 3 requires rulemaking to add language to Chapter 220-660 WAC, Section 140 and 380 prohibiting the use of expanded or extruded plastic foam in residential and public overwater structures in freshwater and marine water areas.

0.2 FTE Environmental Planner 4 is required in FY 2024, reducing to 0.1 FTE in FY 2025 for rulemaking, public hearings, collecting public comment, and preparing rulemaking documents.

Salaries and Benefits total \$24,000 in FY 2024 and \$12,000 in FY 2025.

Professional Service Contracts, Object C, includes \$30,000 to conduct a Small Business Economic Impact Statement (SBEIS) and cost-benefit analysis in FY 2025.

Goods and services, Object E, requires \$1,500 for rule adoption and \$1,294 (6 hrs. x \$108 per hr. in each of FY 2024 and FY 2025) of Attorney General time to review rulemaking documents,

Section 5 requires 0.10 FTE Environmental Engineer 3 and 0.10 FTE Contract Specialist 3 in FY 2024 to administer, direct, and manage an Architectural and Engineering contract.

Salaries and Benefits total \$24,000 in FY 2024.

Professional Service Contracts, Object C includes \$150,000 in FY 2024 to contract an Architectural and Engineering Firm to assess material durability and stability and perform outreach.

Goods and services, Object E, includes \$6,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 33.5% is included in object T and is calculated based on WDFW's federally approved indirect rate.

## 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	270,000	57,000	327,000	0	0
<b>Total \$</b>			270,000	57,000	327,000	0	0

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.1	0.3		
A-Salaries and Wages	36,000	9,000	45,000		
B-Employee Benefits	12,000	3,000	15,000		
C-Professional Service Contracts	150,000	30,000	180,000		
E-Goods and Other Services	4,000	1,000	5,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	68,000	14,000	82,000		
9-					
<b>Total \$</b>	270,000	57,000	327,000	0	0

### 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
CONTRACTS SPECIALIST 3	80,952	0.1		0.1		
ENVIRONMENTAL ENGINEER 3	98,592	0.1		0.1		
ENVIRONMENTAL PLANNER 4	89,292	0.2	0.1	0.2		
<b>Total FTEs</b>		0.4	0.1	0.3		0.0

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

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

### IV. B - Expenditures by Object Or Purpose

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

### IV. C - Capital Budget Breakout

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

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

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

NONE

The results of section 5 could lead to increased capital costs for existing and future capital projects, but unknown at this time what the impact of the study will be.

## **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 3 will require 0.2 FTE in fiscal year 2024 and 0.1 FTE in fiscal year 2025 Environmental Planner 4 to oversee rulemaking of Chapter 220-660 WAC, Section 140 and 380.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1085 S HB	<b>Title:</b> Plastic pollution	<b>Agency:</b> 490-Department of Natural Resources
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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	0.5	0.5	0.5	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	64,500	54,900	119,400	0	0
<b>Total \$</b>	64,500	54,900	119,400	0	0

### 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: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Preparation: Collin Ashley	Phone: 360-688-3128	Date: 02/01/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 02/01/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/03/2023



## 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.*

Changes from previous fiscal note:

Section 3: The substitute bill changes the beginning date from June 1, 2024 to January 1, 2024. The section is also edited from prohibiting all expanded or extruded plastic foam to only prohibiting “plastic foam that is not fully enclosed or contained in a shell made of plastic with a minimum thickness of 0.15 inches, concrete, aluminum, or steel.”

A new section 5 is created, stating that by November 1, 2025, Washington Department of Fish and Wildlife (WDFW) must conduct or contract for the completion of a study to assess durability of air-filled or foam-filled docks, piers, ramps, and floats made of all materials. WDFW or its contractor is directed to solicit feedback from numerous stakeholders to include state governmental entities.

### 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.*

### 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.*

Section 3 prohibits the sale, distribution, installation, or arrangement for the installation of overwater structures containing expanded or extruded plastic foam, and blocks or floats containing or comprised of expanded or extruded plastic foam and that are intended for use in or in conjunction with overwater structures which are not encapsulated by concrete, aluminum, steel, or a plastic with a minimum thickness of 0.15 inches. Department of Natural Resources (DNR) maintains many lease agreements which will be required to be updated with these limitations to allowable structures. DNR has roughly 250 lease agreements just for marinas and many more with structures allowed over water.

DNR stewardship team will need to meet with industry representatives and update stewardship measures and implementation plans. This is to ensure environmental protection measures (stewardship measures) we include in our leases and easements are practical, achievable, and available for the lessees.

We estimate that two partial Environmental Planner (EP) FTEs will be needed for FY24 and FY25: 0.25 EP3 and 0.1 EP4.

The EP3 will be responsible for meeting with industry representatives (particularly steel, aluminum, and forestry) to identify alternatives and update stewardship measures to meet the minimum 0.15 inch thickness requirement for plastic shells established in section 3. The EP3 will also be responsible for providing feedback for the WDFW study in section 5.

The EP4 would be responsible for implementation of lease modifications planning, as well as manager level coordination with Northwest Marine Trade Association, Washington Department of Fish and Wildlife, National Marine Fisheries Service, and US Army Corps of Engineers. These industry representatives will be key in coordinating the use of new materials to replace banned materials in overwater structures. Without them, DNR would need to engage with each agreement holder, drastically increasing required staff hours.

Total salaries, benefits equal \$39,100 per fiscal year for fiscal years 2024 and 2025.

Goods and services and travel are calculated on actual program averages per position for \$3,000 of object E and \$400 of object G per year fiscal years 2024 and 2025.

Costs for establishing the positions total \$7,000 in fiscal year 2024 for workstation establishment in object E and \$2,600 for laptop purchase in object J in fiscal year 2024.

Administrative costs are calculated at 31% of staff salary and benefits and staff-related goods and services and travel. For fiscal note purposes, this cost is represented as a Fiscal Analyst 2 position (0.11 FTE) and \$12,400 per fiscal year in object T.

### 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	64,500	54,900	119,400	0	0
<b>Total \$</b>			64,500	54,900	119,400	0	0

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5		
A-Salaries and Wages	29,100	29,100	58,200		
B-Employee Benefits	10,000	10,000	20,000		
C-Professional Service Contracts					
E-Goods and Other Services	10,000	3,000	13,000		
G-Travel	400	400	800		
J-Capital Outlays	2,600		2,600		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	12,400	12,400	24,800		
9-					
<b>Total \$</b>	64,500	54,900	119,400	0	0

#### 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
Environmental Planner 3	80,952	0.3	0.3	0.3		
Environmental Planner 4	89,292	0.1	0.1	0.1		
Fiscal Analyst 2	55,872	0.1	0.1	0.1		
<b>Total FTEs</b>		0.5	0.5	0.5		0.0

#### 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1085 S HB

Title: Plastic pollution

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

### Legislation Impacts:

- Cities: Costs associated with installing water bottle filling stations to construction where current building code requires drinking fountains.
- Counties: Same as above
- Special Districts: Same as above
- 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: We do not know the number of water bottle filling stations that would need to be added to construction, or the amount of construction under local jurisdiction that would require bottle filling stations. It is also unknown how the Department of Fish and Wildlife will solicit input from local governments for their study, or how frequently and by what method local governments are to participate.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Chelsea Mickel	Phone: 518-727-3478	Date: 02/01/2023
Leg. Committee Contact: Dan Jones	Phone: 360-786-7118	Date: 01/30/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/01/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/03/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

#### **CHANGES BETWEEN THIS VERSION AND ORIGINAL BILL VERSION:**

Section 2 specifies that the building code referenced in the portion of the bill requiring the installation of water-bottle filling stations for each required drinking fountain is the International Building Code as amended and adopted by the State Building Code Council.

Section 3 moves up the compliance deadline for restrictions on overwater structures containing extruded or expanded plastic foam from June 1, 2024, to January 1, 2024.

Section 4 prohibits lodging establishments from providing personal health or beauty products in certain plastic containers or wrappers, effective July 1, 2027, for lodging establishments with 50 or more lodging units, and July 1, 2028, for smaller lodging establishments. It also establishes a \$2,000 annual limit on penalties that may be issued to a lodging. In the previous version of the bill, Ecology could issue civil penalties of up to \$2,000 per day for each day a lodging was found in violation of this statute. This section also states that beginning July 23, 2023, local governments may not enforce an ordinance, resolution or restriction relating to personal health or beauty products in single-use plastic packaging.

In the previous version of the bill, Section 5 amended definitions regarding recycling, waste and litter reduction. This section was removed from the current version of the bill and replaced with a new section. This section directs the Department of Fish and Wildlife (DFW) to conduct a study on the durability of certain foam dock materials by November 1, 2025. When carrying out this study, DFW is required to solicit input from relevant stakeholders, including local governments and ports.

#### **SUMMARY OF CURRENT BILL:**

Section 2 requires any construction subject to the International Building Codes (Code) as adopted and amended by the State Building Code Council (SBCC) in which a drinking fountain is required by the Code, the rules adopted by the SBCC must require, for each required drinking fountain, the provision of a bottle filling station or combined drinking fountain and bottle filling station. The SBCC's rules must take effect by July 1, 2026.

Section 4 preempts local governments from enforcing restrictions related to personal health or beauty products in single-use plastic packaging starting July 23, 2023.

Beginning January 1, 2024, it is prohibited to sell, distribute, install, or arrange for the installation of overwater structures containing expanded or extruded plastic foam, unless the foam is fully enclosed and contained in a shell of concrete, aluminum, steel, or 0.15 inch-thick plastic, with the exception of floating homes and floating on-water residences. Section 5 requires the Department of Fish and Wildlife to carry out a study and make findings and recommendations to the Legislature by November 1, 2025, related to the durability of air-filled and foam-filled water-based structures other than the foam structures and products restricted by the bill. DFW is required to solicit input from relevant stakeholders, including local government entities.

### **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.*

#### **CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

This version of the bill would have an indeterminate increase in expenditure impact on local governments as compared to the previous version of the bill. Local governments would likely incur costs for consulting with the Department of Fish and Wildlife on their study regarding the durability of certain foam dock materials. This requirement was not a part of the previous bill version, and as such, any costs incurred by the DFW study would increase expenditure impacts in comparison

to the previous version of the bill.

#### EXPENDITURE IMPACTS OF CURRENT BILL:

This legislation would have an indeterminate expenditure impact on local governments.

The number of water bottle filling stations that would need to be installed in buildings under construction, and the number of construction projects requiring water bottle filling stations cannot be estimated. Many new buildings have installed water bottle filling stations, but the data is not readily available. It is unknown the number of water bottle filling stations that would need to be installed, but the average cost of a single drinking fountain with a water bottle filling station is about \$1,200, as opposed to the cost of a standard drinking fountain, which averages \$465. This is an increased cost of \$735 per drinking fountain required. Water bottle filling stations can also be installed without a drinking fountain attached, which costs approximately \$900 per unit. The Washington Administrative Code (WAC), in accordance with the Washington State Building Code, states that buildings with occupant loads greater than 30 people require one drinking fountain for the first 150 occupants, and one additional water fountain per each additional 500 occupants. Drinking fountains must also be provided on each floor of multistory buildings with more than 30 occupants in public buildings, auditoriums, schools, theatres, stadiums, offices and dormitories under local jurisdiction.

The Department of Fish and Wildlife is required to solicit input from local governments and other relevant stakeholders when conducting their study on the durability of certain foam dock materials. Local governments that have been consulted for feedback during the course of this study may incur costs for staff time and travel when meeting with the research team. For example, if a one-day meeting was held in Olympia, it would cost \$334 for a local government staff member from Seattle to attend. This includes a \$74 per diem and \$138 hotel stay. Costs of the meeting would vary depending on the number of staff attending, how far they had to travel, and the length and number of meeting required. If the meetings are remote, staff would not incur travel and hotel costs, but may incur costs in terms of hourly wages and benefits for time spent consulting with DFW. The average hourly cost of professional staff for local governments is \$66, including benefits and overhead. Costs incurred due to increased staff time would depend on the number of hours or FTE needed to meet the requirements of Section 5 of the bill. If consulting with the DFW and other state agencies falls under the tasks currently carried out by employees, remote meetings may not incur significant expenditures for local governments. The bill does not specify how DFW is to consult with stakeholders, so it is unknown how much local government expenditures would be impacted by participating in the study.

### 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.*

#### CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

There are no changes in revenue impacts between this version of the bill and the previous version of the bill.

#### REVENUE IMPACTS OF CURRENT BILL:

This bill would not impact local government revenues.

#### SOURCES

House Bill Report, HB 1085, Environment & Energy Committee (2023)

House Bill Report, SHB 1085, Environment & Energy Committee (2023)

Local Government Fiscal Note, HB 1085, (2023)

Local Government Fiscal Note Program Travel Calculator, (2023)

Local Government Fiscal Note Program Unit Cost Model, (2023)

Seattle Building Code, Section 2902

Washington State Building Code Council

Washington Administrative Code (WAC) 2902.5