

Multiple Agency Fiscal Note Summary

Bill Number: 2301 HB	Title: Waste material 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 Attorney General	0	0	121,000	0	0	192,000	0	0	165,000
Department of Agriculture	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	121,000	0	0	192,000	0	0	165,000

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.5	0	0	121,000	.7	0	0	192,000	.7	0	0	165,000
Department of Commerce	.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 Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	.0	9,000	9,000	9,000	.0	2,000	2,000	2,000	.0	0	0	0
Department of Ecology	4.2	0	0	2,031,377	6.3	0	0	2,464,946	2.7	0	0	1,367,024
Department of Ecology	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Agriculture	4.8	1,641,342	1,641,342	1,868,598	16.2	4,964,398	4,964,398	5,229,968	15.8	4,809,028	4,809,028	4,965,364
Department of Agriculture	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	9.5	1,650,342	1,650,342	4,029,975	23.2	4,966,398	4,966,398	7,888,914	19.2	4,809,028	4,809,028	6,497,388

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			125,460			250,920			250,920
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			125,460			250,920			250,920

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 Commerce	.0	0	0	.0	0	0	.0	0	0
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Final 1/30/2024
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Individual State Agency Fiscal Note

Revised

Bill Number: 2301 HB	Title: Waste material 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		121,000	121,000	192,000	165,000
Total \$		121,000	121,000	192,000	165,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.0	0.5	0.7	0.7
Account					
Legal Services Revolving Account-State 405-1	0	121,000	121,000	192,000	165,000
Total \$	0	121,000	121,000	192,000	165,000

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Chad Standifer	Phone: 3605863650	Date: 01/23/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/23/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/24/2024

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 101 - New section. Legislative findings.

Section 201 - New section. Adding to RCW 70A.207. Authorizing the Department of Ecology (Ecology) to create grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic materials and food waste prevention, rescue, and recovery.

Section 202 - New section. Adding to RCW 70A.207. Authorizing Ecology to create grant programs to support the implementation of RCW 70A.205.540 and RCW 70A.205.545, relating to organize waste collection.

Section 203 - Technical amendments to RCW 70A.207.020.

Section 204 - New section. Adding to RCW 43.32. Requiring the Department of Agriculture (AGR) to implement the Washington commodities donation grant program.

Section 205 - Amending RCW 70A.214.100. Allocating \$1 million per biennium to the Waste Not Washington awards program.

Section 301 - Amending 70A.205.540. Miscellaneous amendments to the organic solid waste collections services provision

Section 302 - New section. Adding to RCW 70A.205. Requiring Ecology to amend its rules to require composter and anaerobic digester facility operator managers and supervisors complete annually, at least 10 hours of organic materials management training.

Section 303 - Technical amendments to 70A.205.545.

Section 304 - New section. Adding to RCW 70A.205. Requiring color containers for certain recyclable and organic materials; authorizing Ecology to make rules regarding such containers.

Section 305 - New section. Adding to RCW 70A.205. Making certain requirements relating to organic materials contaminated with clopyralid, aminopyralid, or other similar herbicides.

Section 401 - New section. Adding to RCW 15.130. Making certain requirements of food manufacturers, processors, or retailers relating to food labeling; authorizing AGR to enforce the requirements of the section or delegate enforcement authority to a local health jurisdiction; authorizing penalties for violations; authorizing AGR to adopt rules.

Section 402 - Technical amendments to RCW 15.130.300.

Section 403 - Amending RCW 15.130.550. Requiring AGR to provide guidance, assistance, and outreach efforts to food manufacturers, processors, or retailers responsible for food labeling; requiring two notices of violations by AGR before a penalty may be assessed.

Section 501 - Technical amendments to RCW 70A.455.02.

Section 502 - New section. Adding to RCW 70A.455. Prohibiting plastic produce stickers that do not meet certain standards.

Section 503 - Technical amendments to RCW 70A.455.040.

Section 504 - Technical amendments to RCW 70A.455.070.

Section 505 - New section. Adding to RCW 70A.455. Creating requirements as to home compostable labeling.

Section 506 - Amending RCW 70A.455.090. Requiring cities or counties seeking to enforce the chapter to notify Ecology, with a letter of intent that includes certain specified information.

Section 601 - Technical amendments to RCW 15.04.420.

Section 602 - Technical amendments to RCW 43.19A.150.

Section 701 - New section. Adding to RCW 19.27. Authorizing the governing body of each county or city to amend building codes applicable to providing storage for solid waste as applied to multifamily residential buildings.

Section 702 - New section. Requiring Ecology's Center of Sustainable Food Management to convene a work group to address mechanisms to mandate or otherwise improve the rescue of food waste. Requiring Ecology to submit a report to the legislature by September 1, 2025. Describes the requirements of the composition of the workgroup.

Section 703 - New section. Severability clause.

This bill is assumed effective 90 days after the end of the 2024 legislative 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.

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 agencies are the Department of Agriculture (AGR) and 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 agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

AGR will be billed for non-King County rates:

FY 2025: \$110,000 for 0.4 Assistant Attorney General FTE (AAG) and 0.2 Paralegal 1 FTE (PL1)

FY 2026 and FY 2027: \$87,000 for 0.3 AAG and 0.1 PL1

FY 2028 and in each even FY thereafter: \$68,000 for 0.2 AAG and 0.1 PL

FY 2029 and in each odd FY thereafter: \$87,000 for 0.3 AAG and 0.1 PL1

Ecology will be billed for non-King County rates:

FY 2025: \$11,000 for 0.1 AAG and 0.1 PL1

FY 2026: \$18,000 for 0.1 AAG and 0.1 PL1

FY 2028 and FY 2029: \$5,000 for 0.1 AAG and 0.1 PL1

FY 2030 and in each FY thereafter: \$9,000 for 0.1 AAG and 0.1 PL1

II. C - Expenditures

Waste material management

Form FN (Rev 1/00) 191,868.00

FNS063 Individual State Agency Fiscal Note

3

100-Office of Attorney General

Request # 141-2

Bill # 2301 HB

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:

This bill is assumed effective 90 days after the end of the 2024 legislative session.

Location of staffing is assumed to be in a non-King County office building.

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

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. Assumptions for the AGO Agriculture & Health Division (AHD) Legal Services for the Department of Agriculture (AGR):

The AGO will bill AGR for legal services based on the enactment of this bill. During FY 2025, Section 204 would require AGR to establish a \$25 million Center for Sustainable Food Management Grants program. This work would require 520 AAG hours for rulemaking and advice on implementation. Section 4 would require AGR to adopt and enforce compliance with new food labeling standards. This will require 130 AAG hours on rulemaking and program implementation and administration. Section 601 would require 12 AAG hours to AGR to make changes to the Compost Reimbursement Program. In summary, 662 total AAG hours would be required for legal services provided to AGR during FY 2025. During FY 2026, FY 2027, and in each odd FY thereafter, Section 204 would require AGR to establish a \$25 million Center for Sustainable Food Management Grants program. This work would require new legal services for rulemaking and advice on implementation estimated at 416 AAG hours per FY. Section 4 would require AGR to adopt and enforce compliance with new food labeling standards. This will require legal services on rulemaking and program implementation and administration, estimated at 100 hours per FY. In summary, 516 total AAG hours would be required for legal services to AGR in FY 2026, FY 2027, and in each odd FY thereafter. During FY 2028 and each even FY thereafter, Section 204 would require AGR to establish a \$25 million Center for Sustainable Food Management Grants program. This work would require new legal services for rulemaking and advice on implementation estimated at 312 AAG hours per FY. Section 4 would require AGR to adopt and enforce compliance with new food labeling standards. This will require legal services on rulemaking and program implementation and administration estimated at 100 AAG hours per FY. In summary, 412 total AAG hours would be required for legal services to AGR in FY 2028 and each even FY thereafter. There will likely be a higher need for AAG advice on the first year of each biennium when AGR is drafting, negotiating, and entering into grant agreements. There will still be a substantial need for advice in the second year of each biennium related to enforcement and issues with performance of specific grants.

AHD: Total non-King County workload impact:

FY 2025: \$110,000 for 0.4 AAG and 0.2 PL1

FY 2026 and FY 2027: \$87,000 for 0.3 AAG and 0.1 PL1

FY 2028 and in each even FY thereafter: \$68,000 for 0.2 AAG and 0.1 PL1

FY 2029 and in each odd FY thereafter: \$87,000 for 0.3 AAG and 0.1 PL1

2. Assumptions for the AGO Ecology (ECY) Legal Services for the Department of Ecology (Ecology).

The AGO will bill Ecology for legal services based on the enactment of this bill. Sections 201 and 202 will require advice on rulemaking to add five new grant programs under Ecology's Center for Sustainable Food Management, and advice on

rulemaking to amend WAC 173-350 to add compost facility and anaerobic digester operator training. Section 301 will require advice on rulemaking to add collection requirements to previously excluded jurisdictions if 2030 diversion goals are not being met. In addition, advice would be provided on the development of criteria for waivers from food waste and organic solid waste collection requirements. Advice will also be needed on adopting standards under which local jurisdictions may exempt persons from disposing of organic waste only via source separated collection service if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. Section 501 will require advice and representation on enforcement of prohibition on plastic produce stickers starting January 1, 2028.

ECY: Total non-King County workload impact:

FY 2025: \$11,000 for 0.1 AAG and 0.1 PL1

FY 2026: \$18,000 for 0.1 AAG and 0.1 PL1

FY 2028 and FY 2029: \$5,000 for 0.1 AAG and 0.1 PL1

FY 2030 and in each FY thereafter: \$9,000 for 0.1 AAG and 0.1 PL1

3. The AGO AHD has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Department of Commerce (Commerce) or Department of Health (DOH) Neither Commerce or DOH have new responsibilities or authorities under the bill. Therefore, no costs are included in this request.

Total AGO non-King County workload impact:

FY 2025: \$121,000 for 0.5 AAG and 0.3 PL1

FY 2026: \$105,000 for 0.4 AAG and 0.2 PL1

FY 2027: \$87,000 for 0.3 AAG and 0.2 PL1

FY 2028: \$73,000 for 0.3 AAG and 0.2 PL1

FY 2029: \$92,000 for 0.4 AAG and 0.2 PL1

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	State	0	121,000	121,000	192,000	165,000
	Revolving Account						
Total \$			0	121,000	121,000	192,000	165,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.0	0.5	0.7	0.7
A-Salaries and Wages		82,000	82,000	130,000	112,000
B-Employee Benefits		25,000	25,000	40,000	34,000
E-Goods and Other Services		13,000	13,000	20,000	18,000
G-Travel		1,000	1,000	2,000	1,000
Total \$	0	121,000	121,000	192,000	165,000

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	129,100		0.5	0.3	0.4	0.4
Management Analyst 5	95,184		0.2	0.1	0.2	0.1
Paralegal 1	69,072		0.3	0.2	0.2	0.2
Total FTEs			1.0	0.5	0.7	0.7

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Agriculture & Health Division (AHD)		110,000	110,000	174,000	155,000
Ecology Division (ECY)		11,000	11,000	18,000	10,000
Total \$		121,000	121,000	192,000	165,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 2301 HB	Title: Waste material management	Agency: 103-Department of Commerce
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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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Chad Johnson	Phone: 360-725-5028	Date: 01/26/2024
Agency Approval: Chad Johnson	Phone: 360-725-5028	Date: 01/26/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/26/2024

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 bill references the Department of Commerce in Sec. 403 (4)(5) as providing consultation to the Department of agriculture for outreach and development of educational elements that support the requirements of the bill. The agency estimates about 100 hours in consultation to Department of Agriculture by existing staff; this creates a minimal fiscal impact that can be absorbed by the Department.

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.

The agency estimates about 100 hours in consultation annually to the Department of Agriculture by existing staff; this creates a minimal fiscal impact that can be absorbed by the Department.

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: 2301 HB	Title: Waste material management	Agency: 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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Michael Diaz	Phone: (360) 407-8131	Date: 01/19/2024
Agency Approval: Jessica Goodwin	Phone: (360) 819-3719	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

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 701 is a new section added to chapter 19.27 RCW allowing the governing body of each county or city to amend requirements in the state building code, as it applies within the jurisdiction of the county or city, that apply to providing for the storage of solid waste in multifamily residential buildings.

The Department of Enterprise Services (DES) manages all statewide contracts. The work associated with updating statewide contracts impacted by this bill can be done within existing resources. Section 701 does not require the State Building Code Council to develop any new codes, therefore any work needed to implement this section can be done within existing resources.

There is no fiscal impact to the Department of Enterprise Services.

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

Bill Number: 2301 HB	Title: Waste material management	Agency: 303-Department of Health
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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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/19/2024
Agency Approval: Amy Burkel	Phone: 3602363000	Date: 01/19/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/21/2024

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.

Part 2, Section 201 (2)(c) directs the Department of Health (the Department) to provide consultation for the development of grant programs to support the establishment of and expansion of wasted food reduction programs to benefit vulnerable communities.

Part 4, Section 402 (6) directs the Department to provide consultation, when appropriate, in adopting rules to establish uniform standards for pull dates, labeling, and storage.

Part 7, Section 702 (3)(k) directs the Department to participate in a work group to make recommendations using consensus-based decision making that will be submitted to the Legislature by September 1st, 2025.

The department estimates the staff costs to meet the requirements to be minimal, and will be absorbed by existing staff and resources. No fiscal impact to the department.

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.

None

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

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: 2301 HB	Title: Waste material management	Agency: 350-Superintendent of Public Instruction
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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	0.0	0.0	0.0
Account					
General Fund-State 001-1	0	9,000	9,000	2,000	0
Total \$	0	9,000	9,000	2,000	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: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 01/23/2024
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 01/23/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 01/23/2024

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 205 (Amended)

Section 205(2):

- Language revised informing that participating schools in the waste reduction and recycling program may receive an award no more than \$10,000. Strikes previous amount of five thousand dollars.
- Language revised indicating that a single award of not less than \$10,000 may be presented to the school having the best waste reduction program as determined by the Office of Waste Management. Strikes previous amount of five thousand dollars.
- Language added informing that it is the intent of the legislature to consistently and sustainably allocate at least \$1,000,000 per biennium, continuing over multiple biennia, to the awards program established in this section.

Section 702 (New Section)

Section 702(1):

- Requires the Department of Ecology's center for sustainable food management to create a workgroup to address mechanisms to mandate or otherwise improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food.
- Requires the workgroup to consider the following:
 - o Timelines, exemptions, administration, enforcement, and other logistics to phase in edible food donation programs, incentives, or requirements;
 - o The food recovery network systems necessary to support increased donation of edible food by commercial generators and whether to require that certain food recovery network system components be in place as a precondition to any requirement for commercial food waste donation;
 - o Assess asset gaps and food infrastructure development needs.
 - o Facilitate the creation of networks and partnerships to address gaps and needs and develop innovative partnerships and models where appropriate;
 - o Actions taken, costs, and lessons learned by other jurisdictions in the United States that have enacted policies focused on reducing edible commercially generated food waste and from voluntary pilot projects carried out by commercial generators of food waste.

Section 702(2):

- Requires the Department of Ecology to submit a report to the legislature by September 1, 2025, containing the recommendations of the workgroup.
- Requires the report to include recommendations where general stakeholder consensus has been achieved and note varied opinions where stakeholder consensus has not been achieved.

Section 702(3):

Requires the Department of Ecology to select at least one member of the work group from various cities, counties, organizations, state agencies, to include the Office of Superintendent of Public Instruction.

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.

No cash receipts impact anticipated.

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 205 is a grant program through the Office of Waste Reduction, in consultation with OSPI, to award schools participating in a waste reduction and recycling program. The amount of the awards has been revised from \$5,000 to \$10,000.

There is no fiscal impact to OSPI for this section. There is no new work identified for OSPI.

Section 702 requires the Department of Ecology’s center for sustainable food management to create a workgroup and select at least one member from various cities, counties, associations, organizations, and state agencies, to address mechanisms to mandate or otherwise improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food. OSPI is identified as a required member of the workgroup.

To accomplish this work, OSPI assumes the following staffing:

- In FY25, a .05 FTE of a Program Supervisor’s time would be required to attend meetings. collaborate with external stakeholders and/or workgroup members, assist with the creation of networks and partnerships to address gaps and needs to develop innovative partnership and models, assess asset gaps and food infrastructure development needs, examine actions taken, costs, and lessons learned by other jurisdictions in the United States, and contribute to the report to the legislature.
- In FY26, a .01 FTE of a Program Supervisor’s time would be required to assist in finalizing the report by the September 1, 2025 submission deadline.

The cost for this staffing is estimated at \$9,000 in FY25 and \$2,000 in FY26.

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	9,000	9,000	2,000	0
Total \$			0	9,000	9,000	2,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.1	0.0	0.0	
A-Salaries and Wages		4,708	4,708	942	
B-Employee Benefits		3,052	3,052	922	
C-Professional Service Contracts					
E-Goods and Other Services		338	338	68	
G-Travel		338	338	68	
J-Capital Outlays		564	564		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	9,000	9,000	2,000	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
Program Supervisor	94,165		0.1	0.0	0.0	
Total FTEs			0.1	0.0	0.0	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

No capital budget impact anticipated.

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: 2301 HB	Title: Waste material management	Agency: 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	0.0	8.4	4.2	6.3	2.7
Account					
Model Toxics Control Operating Account-State 23P-1	0	2,031,377	2,031,377	2,464,946	1,367,024
Total \$	0	2,031,377	2,031,377	2,464,946	1,367,024

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: My-Hanh Mai	Phone: 360-742-6931	Date: 01/25/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/25/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/30/2024

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, Ecology implements the Organics Management Law, which establishes the Washington Center for Sustainable Food Management (Food Center) within Ecology and requires diversion of organic materials from landfill disposal to food rescue programs and organics management facilities.

The bill would:

- Establish five new grant programs under the Food Center to support food waste reduction, food rescue, and other organic material management system improvements.
- Increase the award thresholds for the Waste Not Washington School Awards from \$5,000 to \$10,000 and establish the intent to allocate a minimum of \$1,000,000 per biennium.
- Mandate source-separated collection of organic materials for jurisdictions that implement local solid waste plans. This would require jurisdictions to provide collection on a nonelective basis for both food and yard waste by 2030.
- Specify that facilities must have year-round capacity and are willing to accept increased volumes of organic materials to be included in Business Organic Management Area, mandate annual training for compost and anaerobic digester facility operators, and ban organic materials treated with certain pesticides as compost feedstocks.
- Standardize trash, recycling, and organics collection bin colors, establish standards for produce stickers, add criteria to label products as home compostable, establish a state-level food date labeling standard.
- Require Ecology to convene a workgroup to improve edible food rescue in Washington and prepare a legislative report with the outcomes from the workgroup by September 1, 2025.

PART 2 – FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

Section 201 would require Ecology to develop and administer four grant programs through the Center for Sustainable Food Management (Food Center). These grant programs would support activities that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials and food waste prevention, rescue, and recovery. Ecology would be required to design these grant programs in consultation with the Washington State Department of Agriculture (WSDA), Department of Health (DOH), and other stakeholders.

Section 202 would require Ecology to develop and administer the Sustainable Food Management Policy Implementation Grants to support implementation of organics management laws, with priority given to grants that implement RCW 70A.205.540 and 70A.205.545.

Section 203 would amend the Washington Center for Sustainable Food Management law, RCW 70A.207.020, to include the grant programs in sections 201 and 202 and other pertinent agency costs to implement this bill.

Section 204 would establish the Washington Commodities Donation Grant Program within the Washington State Department of Agriculture (WSDA).

Section 205 would amend the Waste Not Washington Awards, RCW 70A.214.100, to increase the maximum award amounts from \$5,000 to \$10,000 and establish the intent of the Legislature to allocate a minimum of \$1,000,000 per biennium.

PART 3 – AMENDMENTS TO SOLID WASTE LAWS

Section 301 would amend RCW 70A.205.540 to mandate source-separated collection of organic materials for jurisdictions that implement local solid waste plans. Ecology may adopt rules to amend jurisdictional organics management requirements

if 2030 organic material diversion rates are not met. Ecology would identify which jurisdictions would need to comply with the requirements and create and maintain a map of those jurisdictions. Ecology would develop resources, provide outreach to notify jurisdictions of the requirements and support with technical assistance needed to comply. Ecology may grant 5-year waivers for jurisdictions to exclude them organics collection requirements. Ecology may adopt standards which local jurisdictions may use to exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes.

Section 302 would require Ecology to amend its rules to establish annual training requirements for compost and anaerobic digester facility managers and supervisors to annually complete at least 10 hours of organic materials management training from organizations or training providers other than the facility operator.

Section 303 would amend RCW 70A.205.545 to specify that facilities must have year-round capacity and be willing to accept increased volumes of organic materials. The bill would require local governments to request exclusions from business organic management areas and provide supporting evidence for their request. Ecology would be required to confirm the supporting evidence to grant an exclusion. The bill would adjust the 2026 threshold for mandatory collection from businesses from four cubic yards of solid waste to 96 gallons of organic waste.

Section 304 would standardize the colors of collection containers. Ecology would be authorized to determine, by rule, appropriate container or containers to be used for materials that could conceivably be placed in multiple containers. Ecology would be authorized to adopt rules to prohibit additional waste stream contaminants from being placed in the wrong containers.

Section 305 would ban agricultural waste, yard waste, and other organic material waste known or likely to be contaminated with clopyralid, aminopyralid, or other herbicides in the picolinic acid family, as identified by Ecology by rule, from organic materials management facilities.

PART 4 – DATE LABELING STANDARDIZATION

Sections 401 and 402 would prohibit the sale of food items for human consumption manufactured on or after January 1, 2026, labeled with the phrase “sell by.” The section details enforcement for the labeling requirements through complaints filed with local health jurisdictions. WSDA would be authorized to adopt rules to implement this section.

Section 403 would require new date labeling standards go into effect January 1, 2026. WSDA would be required to consult with Ecology to develop and provide education and outreach activities to inform food manufacturers, distributors, retail establishments and food consumers about the requirements.

PART 5 – PRODUCT DEGRADABILITY RESTRICTIONS

Section 502 would prohibit the sale and distribution of plastic produce stickers that do not meet required standards into Washington beginning January 1, 2028. Upon request, Ecology would be required to provide technical assistance and guidance to manufacturers, importers, or distributors of prohibited produce stickers that sell, offer for sale or supply products in or into Washington. WSDA would also be required to provide technical assistance to support the implementation of this section.

Section 504 would include restrictions on film tinting and color schemes used on packaging used in Washington.

Section 505 would define “home compostable,” and “home compostable,” labeling requirements.

Section 506 would amend RCW 70A.455.090 to include city and county enforcement reporting requirements. Cities or counties issuing labeling requirement enforcement would be required to notify Ecology with a letter of intent including details of enforcement activities, geographic boundaries within the enforcement, and details of technical assistance or support

requested of Ecology.

PART 6 – COMPOST PURCHASES

Section 601 would amend RCW 15.04.420 to specify compost reimbursement program eligibility requirements. The amendment would remove solid waste terminology and add reimbursement eligibility for compost containing vegetative waste feedstocks or food waste feedstocks. This compost would be required to meet the applicable requirements for compost established by Ecology under chapter 70A.205 RCW.

Section 602 would change reporting for the compost procurement ordinances to occur annually instead of every other year.

PART 7 - MISCELLANEOUS

Section 701 would authorize county and city governments to amend requirements in the state building code. The amended building code for multifamily residential buildings solid waste requirements include providing adequate space for the colocation of organic material waste and recycling collection containers with garbage containers, signage for organics and recycling container locations, and the distribution of educational and outreach materials.

Section 702 would establish a food rescue workgroup housed under the Food Center and task Ecology to develop a report to the Legislature by September 1, 2025. The workgroup would address mechanisms to mandate or otherwise improve the rescue of edible food waste from commercial generators and would be required to consider the following:

- Timelines, administrative processes, enforcement, and other logistics.
- The food recovery network systems necessary to support increased donations of edible food.
- Assess gaps and food infrastructure development needs.
- Actions taken, costs, and lessons learned by other jurisdictions in the US that have enacted food waste reduction and food rescue policies.

Section 703 would make this act null and void if any provision or its application to any person or circumstance is held invalid.

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.

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2025 and ongoing to implement the requirements of sections 201, 202, 301-305, 401-403, 502, 505, and 702. Expenditures for grant administration in sections 201 and 202 are indeterminate.

Ecology's costs to implement this bill are assumed to be funded with MTCA-Operating, the same fund source that supports the implementation of the Organics Management Law.

Food Center Grant Programs (Section 201)

Section 201 would require Ecology to develop and administer grant programs through the Center for Sustainable Food Management (Food Center). These grant programs would support activities that reduce emissions from landfills and waste-to-energy facilities through diversion of organic materials and food waste prevention, rescue, and recovery. Ecology would be required to design these grant programs in consultation with the WSDA, DOH, and other various stakeholders.

Ecology assumes four grant programs would be developed under this section with different eligibility criteria, applicants, and uses of funds. Ecology assumes rulemaking would be required to establish the grant programs and program development would be concurrent with rulemaking. Program development concurrent with rulemaking would include conducting the agency process to establish new grant programs including the environmental justice assessment and drafting guidelines. Finalizing the grant programs, including application forms, providing internal and external training, and remaining guidance development would occur after rulemaking is complete.

Based on our experience in establishing other grant programs, the development of the four grant programs is estimated to require:

0.50 FTE Environmental Planner 4 (EP4) in FY 2025 to develop guidelines, outreach materials, application forms, and new grant program training materials for four grant programs. And 0.20 FTE EP4 in FY 2026 to continue guideline work concurrent with rulemaking. Ecology assumes we would conduct an Environmental Justice Assessment in FY 2025 as required under the HEAL Act, Chapter 70A.02 RCW.

0.40 FTE Communications Consultant 3 (CC3) in FY 2025 to review and edit the outreach materials prepared by the EP-4 and create an agency website to publish the material for four grant programs.

Additional costs to establish a new grant program and applications in the Agency's Administration of Grants and Loans (EAGL) system are \$80,000 in FY 2025, as shown in Goods and Services (Object E). EAGL system maintenance cost is \$10,000 each year (part of ongoing implementation costs; thus, this is not included in the costs of this fiscal note).

INDETERMINATE COST ASSUMPTIONS: Ecology assumes implementation of the grant programs under this section is indeterminate since the appropriation level for the grant programs is not provided in this bill. If an appropriation is not provided during the 2024 legislative session, Ecology would request funding authority during the next budget to implement these grant programs. Ecology's costs to administer the grant programs depend on the complexity and size of the programs. Ecology assumes staff resources would be required to provide technical assistance and training to grant recipients, write and manage grant agreements, and coordinate with agency grant system administration staff on grant application forms.

Sustainable Food Management Policy Implementation Grants (Section 202)

Section 202 would require Ecology to develop and administer the Sustainable Food Management Policy Implementation Grants to support the implementation of organics management laws, with priority given to grants that implement RCW 70A.205.540 and 70A.205.545.

Ecology assumes one grant program would be developed under this section. Ecology assumes rulemaking would be required to establish this grant program and it would be combined with the rulemaking for section 201. Ecology assumes grant program development would be concurrent with rulemaking. For example, concurrent with rulemaking, Ecology would initiate stakeholder work, conduct an environmental justice assessment, and begin building the internal grant structure based on legislatively established applicant and project eligibility.

Based on our experience in establishing other grant programs, the development of the grant program is estimated to require:

0.15 FTE Environmental Planner 4 (EP4) in FY 2025 to develop guidelines, outreach materials, application forms, and new grant program training materials for the grant program. And 0.06 FTE EP4 in FY 2026 to continue guideline work concurrent with rulemaking. Ecology assumes we would conduct an Environmental Justice Assessment in FY 2025 as required under the HEAL Act, Chapter 70A.02 RCW.

0.05 FTE Communications Consultant 3 (CC3) in FY 2025 to review and edit the outreach materials prepared by the EP-4

and create an agency website to publish the material for four grant programs.

Additional costs to establish a new grant program and applications in the Agency's Administration of Grants and Loans (EAGL) system are \$20,000 in FY 2025, as shown in Goods and Services (Object E). EAGL system maintenance cost is \$10,000 each year (part of ongoing implementation costs; thus, this is not included in the costs of this fiscal note).

INDETERMINATE COST ASSUMPTIONS: Ecology assumes implementation of the grant program under this section is indeterminate since the appropriation level for the grant programs is not provided in this bill. If an appropriation is not provided during the 2024 legislative session, Ecology would request funding authority during the next budget to implement these grant programs. Ecology's costs to administer the grant programs depend on the complexity and size of the programs. Ecology assumes staff resources would be required to provide technical assistance and training to grant recipients, write and manage grant agreements, and coordinate with agency grant system administration staff on grant application forms.

Rulemaking: Establishing Grant Programs (Sections 201 and 202)

Ecology assumes rulemaking would be required to establish five grant programs under sections 201 and 202. Ecology would use rulemaking to establish participant and project eligibility, additional grant eligibility, and reporting criteria. For example, the 2021 Use Food Well Washington (UFWW) plan recommended 30 specific actions and associated implementation costs to rescue edible food and to recover food waste. Rulemaking would establish specific criteria to ensure applicants and projects helped implement UFWW plan recommendations, such as funding staff and infrastructure to improve the donated food supply cold chain.

Ecology assumes this rulemaking would be highly complex and generate substantial public interest and input. It would require at least 2 years, from October 2024 to September 2026. Ecology assumes we would create a rule advisory committee to develop draft language throughout the rulemaking process. Based on the chapter 70A.245 RCW rule, we assume this type of rulemaking would include three preproposal meetings to gather input from stakeholders, and then three public hearings to accept comments on the rule proposal. Ecology would perform an environmental justice assessment required under the HEAL Act, Chapter 70A.02 RCW. Ecology would conduct targeted outreach and consult with organization types indicated as grant recipients as well as overburdened communities and vulnerable populations across the state throughout the rulemaking process.

Rulemaking Administrative Coordinator: A rule coordinator to oversee the rulemaking process to comply with the Administrative Procedures Act; oversee the rule development and communication plan; review and file the CR-101; coordinate and conduct public meetings; file the CR-102 and hold public hearings with webinar access; work with an economist on economic impact analysis; work with technical staff to finalize rule language; and file the CR-103 for adoption. This would require 0.12 FTE Regulatory Analyst 3 (RA3) in FY 2025, 0.10 FTE RA3 in FY 2026, and 0.08 FTE RA3 in FY 2027 to complete a 2-year moderately complex rule.

Rule development for this program would include the development of guidelines, reporting requirements, application forms, and coordinate with other agencies as needed.

Rulemaking Lead: Ecology estimates that an Environmental Planner 5 (EP5) would spend 0.60 FTE in FY 2025, 0.75 FTE in FY 2026, and 0.15 FTE in FY 2027 to provide policy expertise oversee rule timeline management, and lead the rulemaking effort, draft, and revise rule language, lead public meetings and hearings, and work with other program staff as needed to execute the rule development plan.

Technical Leads: Ecology estimates that an Environmental Specialist 5 (ES5) would spend 0.60 FTE in FY 2025, 0.75 FTE in FY 2026, and 0.15 FTE in FY 2027 to convene stakeholders, develop the design, criteria, and allocations consistent with legislative appropriations and logistics of the grant program, collect data, support analysis of potential policy outcomes, provide support to the rulemaking lead and subject matter experts.

Environmental Specialist 4 (ES4) would spend 0.42 FTE in FY 2025, 0.50 FTE in FY 2026, and 0.08 FTE in FY 2027 to collect information from stakeholders, support analysis of potential policy outcomes, provide support to the rulemaking lead and subject matter experts, and coordinate with communications staff to provide technical support for public outreach. This includes any need for regional support.

Environmental Planner 4 (EP4) would spend 0.21 FTE in FY 2025, 0.25 FTE in FY 2026, and 0.04 FTE in FY 2027 to support analysis of potential policy outcomes, provide support to the rulemaking lead and subject matter experts, and coordinate with communications staff to provide technical support for public outreach. This includes any need for regional support.

Based on previous rulemaking experience and the variety 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 a Communications Consultant 5 (CC5) 0.12 FTE in FY 2025, 0.10 FTE in FY 2026, and 0.02 FTE in 2027

An outreach coordinator would organize rule advisory committee meetings and public meetings, prepare informational materials, assist with rule discussion at advisory council meetings, and respond to stakeholder questions throughout the rulemaking process. This would require a Community Outreach and Environmental Education Specialist 3 (COEES3) 0.08 FTE in FY 2025, 0.10 FTE in FY 2026, and 0.02 FTE in 2027.

Website Developer: A Communications Consultant 3 (CC3) would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.12 FTE in FY 2025, 0.10 FTE in FY 2026, and 0.02 FTE in FY 2027.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.13 FTE in FY 2026 and 0.12 FTE in FY 2027; Regulatory Analyst 2, 0.05 FTE each year in FY 2026 and FY 2027.

Ecology would hold two public meetings in FY 2025 and one in FY 2026, two public hearings in FY 2026, and one public hearing in FY 2027 for rulemaking. Goods and services estimates include facility rental costs estimated at \$1,000 per hearing for \$2,000 in FY 2025, \$3,000 in FY 2026, and \$1,000 in FY 2027.

Waste Not Washington Awards (Section 205)

Section 205 would amend RCW 70A.214.100 Waste Not Washington Awards to increase the maximum award amounts from \$5,000 to \$10,000 and establish the intent of the Legislature to allocate a minimum of \$1,000,000 per biennium.

Currently, Ecology has an annual budget of \$100,000 (\$200,000 per biennium) for the school awards program. For purposes of this fiscal note, Ecology assumes an additional \$800,000 would be appropriated in FY 2025 to meet the legislative intent of \$1,000,000 per biennium in the 2023-25 biennium, and \$800,000 each biennium thereafter. Of this budget, an additional \$705,487 in the 2023-25 biennium and \$610,974 in future biennia would be available for school awards, as shown in Grants (Object N). Ecology assumes additional outreach and technical assistance would be required to manage the increased funding and number of awards and recipients.

Ecology estimates 0.50 FTE Environmental Specialist (ES4) in FY 2025 and ongoing to administer the expanded grant program, provide technical assistance, and manage grant reporting requirements.

Ecology estimates 0.10 FTE Community Outreach and Environmental Educational Specialist 4 (COEES4) in FY 2025 and ongoing to support social media and outreach to increase awareness of the expanded grant program.

Organic Materials (Section 301)

Section 301 would amend RCW 70A.205.540 to mandate source-separated collection of organic materials for jurisdictions that implement local solid waste plans. Ecology would be authorized to adopt rules to amend jurisdictional organics management requirements if 2030 organic material diversion rates are not met. Ecology would identify which jurisdictions would need to comply with the requirements and create and maintain a map of those jurisdictions. Ecology would develop resources, provide outreach to notify jurisdictions of the requirements, and support with technical assistance needed to comply. Ecology would be authorized to grant five-year waivers for jurisdictions to exclude them organics collection requirements. Ecology would be authorized to adopt standards which local jurisdictions may use to exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. Ecology assumes rulemaking would not be required. We assume a guidance document would include standards for jurisdictions to exempt persons from collection requirements.

Ecology estimates 0.25 FTE Environmental Planner 4 (EP4) each year in FY 2025 through FY 2027 to develop new residential guidance for organic materials and the waiver program with stakeholder engagement, and 0.10 FTE EP4 each year in FY 2028 and ongoing to review and approve waiver applications.

Ecology estimates 0.50 FTE Environmental Specialist 4 (ES4) each year in FY 2025 through FY 2027 to develop resources and provide technical assistance to jurisdictions preparing for compliance. This work would include map development and outreach strategies. Starting FY 2028 and ongoing, the ES4 would maintain 0.50 FTE to continue to provide technical assistance, maintain and develop maps, and response to requested waivers.

Ecology estimates 0.75 FTE Environmental Specialist (ES4) each year in FY 2026 and FY 2029 to support jurisdictions ahead of the 2027 and 2030 compliance deadlines.

Additional communication staff support is required to implement this section, including 0.05 FTE Communication Consultant 3 (CC3) each year in FY 2026 through FY 2030 to support web updates, publications, and other web-based outreach materials.

Ecology estimates 0.10 FTE Community Outreach and Environmental Educational Specialist 3 (COEES3) each year in FY 2027 through FY 2030 to help facilitate stakeholder engagement and jurisdictional outreach.

Ecology estimates 0.08 FTE Community Outreach and Environmental Educational Specialist 4 (COEES4) each year in FY 2027 and 2028 to increase awareness and assistance through social media.

Rulemaking: Organic Materials Management Training (Section 302)

Section 302 would require Ecology to amend its rules, WAC 173-350-220 Composting facilities, and WAC 173-350-250 Anaerobic digesters, to annually require that compost and anaerobic digester facility managers and supervisors annually complete at least 10 hours of organic materials management training from organizations or training providers other than the facility operator.

Ecology estimates 0.03 FTE Environmental Specialist (ES4) starting in FY 2026 and ongoing to ensure new training meets requirements in the rule, and to provide technical expertise in the delivery of the additional training for compost and anaerobic digester facility managers and supervisors.

Ecology assumes rulemaking would be moderately complex and generate public interest and input. It would require eighteen months from January 2025 to June 2026, with a three-month active lead time to coordinate the rulemaking schedule with the agency rulemaking unit, prepare a website, and prepare the CR-101 for filing. Ecology assumes we would perform an Environmental Justice Assessment in FY 2025 as required under the HEAL Act, Chapter 70A.02 RCW.

Ecology assumes we would create a rule advisory committee to develop draft language throughout the rulemaking process. Based on the Chapter 70A.245 RCW rule, we assume four to six meetings with the rule advisory committee. Ecology would conduct targeted outreach and consult with organization types impacted by the rule as well as overburdened communities and vulnerable populations across the state throughout the rulemaking process.

Rulemaking Administrative Coordinator: A Regulatory Analyst 3 (RA3) 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 0.06 FTE in FY 2025 and 0.12 FTE in FY 2026.

Rulemaking Lead: An Environmental Planner 4 (EP4) would provide policy expertise and lead the rulemaking effort, 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 0.21 FTE in FY 2025, and 0.42 FTE in FY 2026.

Technical Support: An Environmental Specialist 4 (ES4) would collect data, support analysis of potential policy outcomes, provide support to the rulemaking lead and subject matter experts, and coordinate with communications staff to provide technical support for public outreach. This includes any need for regional support. This would require 0.13 FTE in FY 2025 and 0.25 FTE in FY 2026.

Communications and outreach support is included to ensure adequate public engagement in the rulemaking process. The following positions would support public engagement:

Communications Lead: A Communications Consultant 5 (CC5) would coordinate an outreach strategy and media engagement. This would require 0.04 FTE in FY 2025 and 0.05 FTE in FY 2026.

Website Developer: A Communications Consultant 3 (CC3) would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.04 FTE in FY 2025 and 0.05 FTE in FY 2026.

Outreach Coordinator: A Community Outreach and Environmental Education Specialist 3 (COEES3) would facilitate the pre-proposal and other meetings, manage the rule comments platform, and help with e-mail, website, and public engagement. The estimated workload is 0.05 FTE in FY 2025 and 0.10 FTE in FY 2026.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.20 FTE in FY 2026; Regulatory Analyst 2, 0.05 FTE in FY 2026.

Ecology would hold two meetings in FY 2025, and two hearings in FY 2026. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting for \$2,000 each year in FY 2025 and FY 2026.

Verification (Section 303)

Section 303 would authorize Ecology to review and verify a jurisdiction's request to be excluded from business organics management areas. Ecology would verify a jurisdiction's request to determine whether businesses in their jurisdiction are required to arrange for organic collection service.

Ecology estimates 0.05 Environmental Planner 4 (EP4) each year in FY 2025 and ongoing to review and confirm waiver requests.

Ecology estimates 0.05 FTE Environmental Specialist 4 (ES4) each year in FY 2025 ongoing to support the EP4 and communicate updates with jurisdictions and businesses and provide technical assistance to impacted stakeholders. This staffing need is estimated to remain consistent from FY 2025 until the requirements of RCW 70A.205.540 would fully be

implemented in 2030.

Ecology estimates 0.01 FTE Community Outreach and Environmental Educational Specialist 4 (COEES4) each year in FY 2025 to FY 2030 to increase awareness and assistance to businesses including webinars and Ecology's social media and networks.

Collection Containers (Section 304)

Section 304 would standardize the colors of collection containers. Ecology would be authorized to provide model language and graphics for standard labels, and determine by rule, appropriate container, or containers to be used for materials that could conceivably be placed in multiple containers. Ecology would be authorized to adopt rules to prohibit additional waste stream contaminants from being placed in the wrong containers. Ecology assumes rule adoption would not be necessary, but that technical assistance to jurisdictions would be required. Ecology would develop guidance, provide technical assistance to local jurisdictions and solid waste collection service providers, develop model labeling text and resources and a communication plan to ensure jurisdictions and service providers are notified of the new requirements.

Ecology estimates 0.10 FTE Environmental Specialist 4 (ES4) in FY 2025 to develop guidance, provide technical assistance to local jurisdictions and solid waste collection service providers, develop model labeling text and resources, and a communication plan to ensure jurisdictions and service providers are notified of new requirements. Ecology estimates 0.03 FTE ES4 in FY 2026 through 2030 to support the ongoing technical assistance needed to support this new section.

Ecology estimates 0.04 FTE Community Outreach and Environmental Educational Specialist 4 (COEES4) in FY 2025 to develop materials including model graphics and text that may be used by jurisdictions and service providers.

WSDA Rule (Section 305)

Section 305 would ban agricultural waste, yard waste, and other organic material waste known or likely to be contaminated with clopyralid, aminopyralid, and other herbicides from organic materials management facilities. This section would authorize Ecology to develop rules on qualifying contaminants. Ecology assumes WSDA would start and complete rulemaking in FY 2025 and Ecology would be a stakeholder in that process. WSDA has purview over regulating pesticides (herbicides), including licensing and where they can and cannot be used. Similar to WSDA's rulemaking completed in 2002 to address clopyralid contamination (see WAC 16-228-1235), WSDA would make rules identifying specific pesticides where organic materials treated with those products cannot be collected for composting.

Ecology estimates 0.10 FTE Environmental Specialist 4 (ES4) in FY 2025 to provide stakeholder input on WSDA rulemaking process.

Ecology estimates 0.05 FTE Environmental Specialist 4 (ES4) in FY 2026 and 0.01 FTE in FY 2027 through FY 2030 to provide guidance, communicate updates with jurisdictions, agricultural businesses, and compost facilities, and provide technical assistance to impacted stakeholders.

Ecology estimates 0.01 FTE Community Outreach and Environmental Educational Specialist 4 (COEES4) in FY 2025 to FY 2030 to increase awareness and assistance through Ecology's social media and networks.

WSDA Date Labeling (Sections 401, 402, 403)

Sections 401 and 402 would prohibit the sale of food items for human consumption manufactured on or after January 1, 2026, labeled with the phrase "sell by." The section details enforcement of the labeling requirements through complaints filed with local health jurisdictions. WSDA would be authorized to adopt rules to implement this section.

While Ecology is not the implementing agency, Ecology is the lead on the statewide food waste reduction campaign. Date

labeling is identified as a top strategy to reduce food waste and wasted food. Ecology staff would work with WSDA to incorporate date labeling education and outreach materials into the statewide education and behavior change campaign outreach. Ecology estimates 0.05 FTE Environmental Planner 4 (EP4) each year in FY 2026 and FY 2027 to support the implementation of this new section.

Section 403 would require new date labeling standards to go into effect on January 1, 2026. WSDA would be required to consult with Ecology to develop and provide education and outreach activities to inform food manufacturers, distributors, retail establishments, and food consumers about the requirements.

Ecology estimates 0.10 FTE Environmental Specialist 4 (ES4) in FY 2025 and 0.05 in FY 2026 to consult with and support WSDA in implementing this section.

Stickers (Section 502)

Section 502 would prohibit the sale and distribution of plastic produce stickers that do not meet required standards into Washington beginning January 1, 2028.

Upon request, Ecology would be required to provide technical assistance and guidance to manufacturers, importers, or distributors of prohibited produce stickers that sell, offer for sale or supply products in or into Washington.

Based on the current implementation of the compost labeling law, Ecology estimates 0.25 FTE Environmental Specialist 4 (ES4) in FY 2026 and 0.50 FTE in FY 2027 to develop educational materials and provide technical assistance to producers and distributors of producers on produce stickers before the compliance deadline on January 1, 2028. Ecology estimates 0.30 FTE ES4 each year in FY 2028 and FY 2029 to provide technical assistance and enforcement of this new section.

Ecology estimates 0.05 FTE Environmental Specialist 4 (ES4) in FY 2026 through FY 2028 to provide technical assistance and guidance to plastic produce sticker manufacturers and importers.

An IT Business Analyst – Journey (ITBA-Journey) would coordinate with the technical lead to collect system requirements, coordinate systems testing, and provide user guidance to update the compostable product database to include plastic produce stickers. The estimated workload is 0.08 FTE ITBA-Journey in FY 2027.

An IT Application Developer – Journey (ITAP-Journey) would update the current observation form with new requirements (stickers) and the internal database to track suspected violations for follow-up and possible enforcement in consultation with the technical lead and ITBA-Journey. The estimated workload is 0.15 FTE ITAP-Journey in FY 2027 for application development, and 0.05 FTE ITAP-Journey is estimated in FY 2028 and ongoing each fiscal year thereafter for database maintenance.

AAG Support

The 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 to add five new grant programs under Ecology's Center for Sustainable Food Management, and advice on rulemaking to amend WAC 173-350 to add compost facility and anaerobic digester operator training in FY 2025 and 2026. Additional support would be required for the development of waivers for food waste and organic collection requirements in FY 2026. AAG support in FY 2027 would be minimal and absorbed within existing resources. In FY 2028 through FY 2030, legal support on adopting standards under which local jurisdictions may exempt persons from disposing of organic waste only via source separated collection service if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcome, and advice and representation on enforcement of prohibition on plastic produce stickers.

Estimated workload and costs are 0.04 FTE AAG for a total of \$11,000 in FY 2025, 0.06 FTE AAG for \$18,000 in FY 2026, 0.02 FTE AAG for \$5,000 each year in FY 2028 and FY 2029. Costs are included in Object E.

Labeling (Section 505)

Section 505 would define “home compostable,” and “home compostable,” labeling requirements. Ecology estimates 0.04 FTE Environmental Specialist 4 (ES4) in FY 2025 to develop resources and technical assistance tools to communicate the new definitions.

Compost Procurement Reporting (Section 602)

Section 602 would change the reporting for the compost procurement ordinances to occur annually instead of every other year, as current law requires. Ecology estimates 0.05 FTE Environmental Specialist 4 (ES4) in FY 2026, 0.04 FTE in FY 2028, and 0.02 FTE in FY 2030 and ongoing every even fiscal year thereafter.

Workgroup and Report (Section 702)

Section 702 would require Ecology to establish a food rescue workgroup housed under the Food Center and task Ecology with developing a report to the Legislature by September 1, 2025. The workgroup would address mechanisms to mandate or improve the rescue of edible food waste from commercial generators and must consider criteria in the report development. Ecology assumes the primary work of the workgroup would occur between July 2024 and April 2025. Development and completion of the legislative report would occur between April 2025 through August 2025.

Ecology estimates 0.9 FTE Environmental Planner 4 (EP4) in FY 2025 and 0.2 FTE in FY 2026 to lead the workgroup development, public process, and all reporting requirements to the Legislature including managing the final review and submittal of the report, using agency guidance. The estimates allow time for coordinating reviews, publishing the final report, and submitting the report to the Legislature.

Ecology estimates additional support to convene the workgroup would require 0.20 FTE Environmental Specialist (ES4) in FY 2025 and 0.02 FTE in FY 2026 to provide additional technical assistance support to the lead, including guidance, data, and review.

0.25 FTE Community Outreach and Environmental Educational Specialist 3 (COEES3) in FY 2025. This support would facilitate meetings, coordinate stakeholder engagement, and consolidate information for the report.

Ecology would hold three in-person meetings in FY 2025. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting for \$3,000 in FY 2025.

The legislative report requires the following additional staff:

Environmental Planner 5 (EP5) 0.05 FTE in FY 2025 and 0.05 FTE in FY 2026 for policy and technical review of the draft report.

Environmental Planner 4 (EP4) 0.05 FTE in FY 2025 and 0.05 FTE in FY 2026 for policy and technical review of the draft report.

Communications Consultant 5 (CC5) 0.01 FTE in FY 2025 and 0.04 FTE in FY 2026 for communications review for content clarity and key messages. Ecology assumes most of the work for the CC5 would occur in FY 2026 prior to publication of the report.

Communications Consultant 2 (CC2) 0.01 FTE in FY 2025 and 0.04 FTE in FY 2026 for accessibility and plain talk review. Ecology assumes most of the work for the CC2 would occur in FY 2026 prior to publication of the report.

Environmental Planner 5 (EP5) 0.05 FTE in FY 2025 and 0.05 FTE in FY 2026 to advise the project lead on the program

legislative process and report and coordinate with the agency Governmental Relations Office on the report review and submittal.

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

Part 2: Funding Sustainable Food Management Priorities is estimated to require (Indeterminate costs):

FY 2025: \$1,481,873 and 4.6 FTEs

FY 2026: \$960,201 and 4.2 FTEs

FY 2027: \$528,908 and 1.5 FTEs

FY 2028: \$405,000 and 0.7 FTE

FY 2029: \$405,000 and 0.7 FTE

Part 3: Amendments to Solid Waste Laws is estimated to require:

FY 2025: \$270,822 and 1.9 FTEs

FY 2026: \$497,145 and 3.5 FTEs

FY 2027: \$185,906 and 1.3 FTEs

FY 2028: \$159,503 and 1.2 FTEs

FY 2029: \$267,659 and 1.9 FTEs

Part 4: Date Labeling Standardization is estimated to require:

FY 2025: \$15,980 and 0.1 FTE

FY 2026: \$16,790 and 0.1 FTE

FY 2027: \$8,801 and 0.1 FTE

Part 5: Product Degradability Restrictions is estimated to require:

FY 2025: \$6,391 and 0.0 FTE

FY 2026: \$47,938 and 0.3 FTE

FY 2027: \$132,979 and 0.9 FTE

FY 2028: \$65,730 and 0.5 FTE

FY 2029: \$57,741 and 0.4 FTE

Part 6: Compost Purchases is estimated to require:

FY 2026: \$7,989 and 0.1 FTE

FY 2028: \$6,391 and 0.0 FTE

Part 7: Miscellaneous – Workgroup and Legislative Report is estimated to require:

FY 2025: \$256,311 and 1.7 FTEs

FY 2026: \$78,289 and 0.5 FTE

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

FY 2025: \$2,031,377 and 8.4 FTEs

FY 2026: \$1,608,352 and 8.8 FTEs

FY 2027: \$856,594 and 3.8 FTEs

FY 2028: \$636,624 and 2.4 FTE

FY 2029: \$730,400 and 3.0 FTE

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE, includes \$107,000 in FY 2025 for EAGL grant development and rulemaking facility rental costs, \$5,000 in FY 2026, and \$1,000 in FY 2027 for rulemaking facility rental costs, and AAG costs of \$11,000 in FY 2025, \$18,000 in FY 2026, and \$5,000 each year in FY 2028 and FY 2029.

Travel is the agency average of \$2,205 per direct program FTE.

Grants, Benefits, and Client Services include grant funds of \$705,487 in FY 2025 and \$305,487 each year in FY 2026 and ongoing for Waste Not Washington Awards.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.8% 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	0	2,031,377	2,031,377	2,464,946	1,367,024
Total \$			0	2,031,377	2,031,377	2,464,946	1,367,024

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		8.4	4.2	6.3	2.7
A-Salaries and Wages		654,101	654,101	991,385	402,856
B-Employee Benefits		223,049	223,049	338,059	137,373
E-Goods and Other Services		161,966	161,966	90,156	38,418
G-Travel		16,032	16,032	24,122	10,366
J-Capital Outlays		9,347	9,347	14,071	6,047
N-Grants, Benefits & Client Services		705,487	705,487	610,974	610,974
9-Agency Administrative Overhead		261,395	261,395	396,179	160,990
Total \$	0	2,031,377	2,031,377	2,464,946	1,367,024

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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 OTRCH & ENV ED SP 3	67,717		0.4	0.2	0.2	0.1
COM OTRCH & ENV ED SP 4	78,476		0.2	0.1	0.2	0.2
COMM CONSULTANT 2	64,439		0.0	0.0	0.0	
COMM CONSULTANT 3	71,149		0.6	0.3	0.1	0.1
COMM CONSULTANT 5	93,349		0.2	0.1	0.1	
ECONOMIC ANALYST 3	95,627				0.2	
ENVIRONMENTAL PLANNER 4	95,650		2.3	1.2	1.0	0.2
ENVIRONMENTAL PLANNER 5	105,612		0.7	0.4	0.5	
ENVIRONMENTAL SPEC 4	86,324		2.1	1.1	2.4	1.8
ENVIRONMENTAL SPEC 5	95,387		0.6	0.3	0.5	
FISCAL ANALYST 2			0.7	0.4	0.6	0.2
IT APP DEV-JOURNEY	107,154				0.1	0.1
IT APP DEV-JOURNEY (Admin)			0.4	0.2	0.3	0.1
IT BUSINESS ANALYST-JOURNE'	107,154				0.0	
REGULATORY ANALYST 2	88,798				0.1	
REGULATORY ANALYST 3	100,521		0.2	0.1	0.2	
Total FTEs			8.4	4.2	6.3	2.7

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Section 203 (5) would authorize Ecology to adopt any rules necessary to implement this chapter, including, but not limited to, measures for the Center's performance. Ecology assumes rulemaking would be required to establish the grant programs in sections 201 and 202. Ecology assumes a highly complex rule from October 2024 to September 2026.

Section 302 would require Ecology to amend its rules adopted under this chapter that establish training requirements for compost and anaerobic digester facility operators, including, but not limited to, WAC 173-350-220 and 173-350-250. Ecology assumes a moderately complex rule from January 2025 to June 2026.

Individual State Agency Fiscal Note

Bill Number: 2301 HB	Title: Waste material management	Agency: 495-Department of Agriculture
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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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	9.6	4.8	16.2	15.8
Account					
General Fund-State 001-1	0	1,641,342	1,641,342	4,964,398	4,809,028
Model Toxics Control Operating Account-State 23P-1	0	227,256	227,256	265,570	156,336
Total \$	0	1,868,598	1,868,598	5,229,968	4,965,364

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Preparation: Katie Rains	Phone: 360-688-4549	Date: 01/23/2024
Agency Approval: Lori Peterson	Phone: 360-974-9767	Date: 01/23/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/23/2024

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, Washington State Department of Agriculture (WSDA) distributes emergency food assistance grant funds to hunger relief organizations through state funded Emergency Food Assistance Program (EFAP) grants and We Feed Washington grants and distributes federal Emergency Food Assistance funding through the U.S. Department of Agriculture. WSDA regulates pesticide use and management through Chapter 15.58 Revised Code of Washington (RCW), implements food safety regulations in Chapter 15.130 RCW, and administers compost purchase and use reimbursement grants for farming operations in the state in RCW 15.04.420.

The proposed legislation would create a new Washington Commodities Grant Program, modify food date labeling standards and other food safety provisions, restrict materials treated with certain pesticides from compost feedstocks, modify compost purchase reimbursement grant program requirements, and create a work group to study rescue of commercial food waste.

Section 201 would require WSDA to provide consultation to the Department of Ecology's (Ecology's) Center for Sustainable Food Management for the development and implementation of grants to help divert organic materials from waste streams and prevent, recover, and rescue food waste.

Section 204 would require WSDA to implement a Washington Commodities Grant Program to procure Washington grown produce, grains, and protein otherwise at risk of becoming food waste for distribution to hunger relief organizations.

Section 305 would ban organic materials treated with clopyralid and aminopyralid and similar compounds as compost feedstocks. WSDA would be authorized to apply enforcement authority under Chapter 15.58 RCW.

Section 401 would establish new food labeling provisions in Chapter 15.130 RCW. It would authorize WSDA to enforce or delegate enforcement of the food date labeling provisions established in this section, and conduct rulemaking if necessary. Prior to January 1, 2025, WSDA would be required to publish a list of food types exempted from the labeling requirements of this section, under the exclusions in section 401 (4) (a).

Sections 402 would modify requirements for pull date labeling.

Section 403 would require WSDA to consult with Ecology to provide education and outreach to inform the public of the requirements of Chapter 15.130 RCW, provide technical assistance to food manufacturers, processors, retailers subject to the food labeling requirements in Chapter 15.130 RCW. WSDW would be required to consult with Ecology and Department of Commerce (Commerce) to work with food manufacturers, distributors, retailers and retail associations, and other organizations to create educational materials as described in this section. WSDA would be required to provide at least two written notices of violation to those out of compliance with the requirements of Chapter 15.130 RCW before assessing a penalty.

Section 601 would modify provisions of the Compost Reimbursement Program administered by WSDA.

Section 702 would require WSDA to be a member of a work group to study means of supporting and enhancing food donation by businesses.

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.

Materials Banned from Compost Feedstocks (Section 305)

Under current law, WSDA charges a fee for registration of pesticides, and the revenue from the fee is deposited in the Agricultural Local Account. Registration fees are \$325 per year per product, but most pesticides are registered every two years.

WSDA assumes for purposes of this fiscal note that it may be necessary to designate the pesticides banned from compost feedstocks in section 305 as State Restricted Use Pesticides (SRUP), which would impact product registrations.

Washington State currently has 15,600 pesticide products registered. At this time, the number of pesticides in the picolinic acid family that might be impacted through WSDA's assumed actions to implement the provisions of section 305 is unknown. WSDA assumes a limited number of pesticides impacted by section 305. Based on this assumption, WSDA estimates no cash receipts impact.

Food Labeling and Food Safety (Sections 401-403)

Civil penalty authority would be provided for infractions of the food labeling requirements in sections 401 and 402. Per the requirements of the proposed legislation, WSDA would provide notices of violation before applying penalties. WSDA would not be able to assume penalty amounts resulting from the proposed legislation, if any. For purposes of this fiscal note, no cash receipts impact is estimated.

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 Washington State Department of Agriculture (WSDA) is estimated to be greater than \$50,000 in fiscal years (FYs) 2025 and ongoing each fiscal year thereafter.

Unless otherwise indicated, costs are assumed to be in the Model Toxics Control Account-Operating (MTCA-Op), which currently supports WSDA activities to implement organic materials management laws and is the primary account used for WSDA's pesticide management activities under current law.

WSDA assumes implementation would begin July 1, 2024.

Food Waste Reduction through Food Assistance and Hunger Relief (Sections 201, 204, and 702)

Section 201: Center for Sustainable Food Management Grants

WSDA and Ecology would partner to seek input from our common partners, specifically hunger relief providers, farms, and food businesses that work with them, to design grants and develop criteria and logistics for each. The agencies would implement related grant programs collaboratively.

0.10 FTE Commerce Specialist 5, 0.01 FTE Food Policy Advisor (WMS3), 0.02 FTE Commerce Specialist 5, and 0.01 FTE Management Analyst 3 would be needed in FY 2025 to provide consultation with Ecology in developing the grant programs, criteria, and logistics.

Indeterminate Costs:

The actual amount of grant funding, and the level administered by WSDA, would be indeterminate until the grant programs are developed. WSDA assumes Ecology and WSDA would coordinate budget proposals for funding authority for grant funding and administrative costs in the future, after the appropriate funding need has been determined. WSDA's preliminary estimated administrative costs are provided below for reference purposes and not included in the fiscal note cost

tables.

WSDA has launched a variety of grant programs to support nonprofit and Tribal hunger relief organizations as well as farm and food businesses since the beginning of the COVID-19 pandemic. Through this work, we have determined that the number of commerce specialists and skill level of those specialists required to administer each program varies. The factors that have most influenced WSDA workload for each grant are as follows:

- the eligible applicant's administrative capacity and experience with government grants
- whether WSDA has a pre-existing relationship with the grant's primary audience
- the grant program's similarities with existing grants administered by WSDA, and
- the number of grant awards.

Because the nature of the grants and funding levels are unknown, estimated staffing is based on an assumed total award amount in the range of one to three million dollars and a total of twenty-five grant awards with grantees that may require moderate to high technical assistance to comply with the terms of the grant award.

Based on these assumptions, WSDA estimates the following staff to provide consultation to Ecology and assist with implementing grants that relate to WSDA's current grant programs.

1.0 Commerce Specialist 2 in FY 2026 and ongoing each year thereafter would be needed to provide WSDA administration for the grant programs created for this section. This position would oversee invoice processing and grant agreement compliance.

0.01 FTE Food Policy Advisor (WMS3), 0.02 FTE Commerce Specialist 5, and 0.01 FTE Management Analyst 3 would be needed in FY 2026 and ongoing each fiscal year thereafter to provide oversight, guidance, and administrative support for the grant program administration.

Translation and language access services are estimated at \$10,000, and grant management software license fees are estimated to be \$6,000, for a total of \$16,000 annually in Goods and services, starting in FY 2026. Estimates are based on comparable costs for Food Assistance Resiliency Grants.

WSDA's experience in supporting nonprofit and tribally operated hunger relief programs has shown the need to integrate state systems and ease administrative burden on these organizations. WSDA may enter into an interagency agreement with Ecology to administer the portion of funding allocated to nonprofit organizations through an integrated application process with WSDA's existing annual Food Assistance Resiliency Grants. WSDA and Ecology would coordinate on a decision package for spending authority if formal system integration were recommended through community input.

Total estimated costs for section 201 estimated grant administration (not included in the tables) are as follows:
FY 2026 and ongoing each fiscal year thereafter: \$161,529 and 1.04 FTE

Total estimated costs for consultation with Ecology on program development in the fiscal note tables are as follows:
FY 2025: \$24,597 and 0.14 FTE

Section 204: Washington Commodities Donation Grants

WSDA would develop the Washington Commodities Donation Grant program and issue grants under this section to one or more nonprofit (food cooperative) organizations to acquire food directly from food producers located in Washington.

WSDA assumes funding authority for costs in this section would be state general fund, based on the current funding authority for We Feed Washington grants.

The intended funding level specified for the grants in section 204 would be \$25 million biennially or more. Per section 2 (2) WSDA would be required to rely on existing infrastructure and similar grant programs and give priority to nonprofit food cooperative organizations with five or more years' experience in the collection and transportation of donated agricultural products. WSDA assumes the primary audience for this grant program would be well-connected with WSDA and have adequate administrative capacity to manage a grant award from the state with little to moderate technical assistance. Workload estimates are based on a total of twenty-five awards, with biennial pass-through funding of at least \$23.75 million, and are based on WSDA's experience implementing the We Feed Washington grant program, which commenced in the 2021-23 biennium.

WSDA assumes 0.25 FTE Commerce Specialist 5 (CS5) in FY 2025 to solicit community input, design the grant program and criteria, with 0.04 FTE (88 hours) Food Policy Advisor (WMS3) for leadership to engage in design and stakeholder engagement processes.

Travel includes estimated costs for the CS5 and policy advisor for 10 outreach sessions, for a total of \$8,400 in FY 2025.

Cost estimates in professional services contracts include an estimate of \$40,000 in FY 2025 for community engagement services.

Necessary ongoing staffing includes one full-time CS5 to oversee the grant program, lead stakeholder relations, and manage staff, as well as two full-time CS2 positions to oversee invoice processing and grant agreement compliance as grant specialists, and 0.01 FTE each of the Food Policy Advisor (WMS3) and a Management Analyst 3 (MA3) to support program operations. Based on the assumption grants would begin halfway through FY 2025, estimated staffing by fiscal year is as follows:

0.5 FTE CS5 in FY 2025, and 1.0 FTE CS5 in FY 2026 and ongoing each fiscal year thereafter;
1.0 FTE CS2 in FY 2025, and 2.0 FTE CS2 in FY 2026 and ongoing each fiscal year thereafter;
0.01 FTE WMS3 in in FY 2025 and ongoing each fiscal year thereafter; and
0.01 FTE MA3 in in FY 2025 and ongoing each fiscal year thereafter.

Translation and language access services are estimated at \$10,000, and grant management software license fees are estimated to be \$17,000, for a total of \$27,000 annually in Goods and services, starting in FY 2025. Estimates are based on comparable costs for We Feed Washington grants.

The Attorney General's Office (ATGO) assumes legal advice would be needed during development and initial implementation of the new grant program. Estimated costs are based on experience with the We Feed Washington grant program. One-time costs in FY 2025 for initial grant program development. Estimated costs are \$86,000 in FY 2025, \$70,000 in FY 2026, FY 2027, and ongoing each odd-numbered fiscal year thereafter. Estimated costs are \$51,000 in FY 2028 and ongoing each odd-numbered fiscal year thereafter.

Indeterminate costs:

Section 204 (5) would establish the intent of the Legislature to allocate at least \$25,000,000 per biennium for the program established in this section. Based on an assumption of funding at a level of \$12,500,000 per fiscal year, beginning in FY 2025, this fiscal note estimates available grant capacity, based on estimated costs for grant development and ongoing implementation. Estimated grant funding is as follows, and is not included in the fiscal note tables:

FY 2025: \$12,056,621
FY 2026: \$11,947,232
FY 2027 and ongoing each odd-numbered fiscal year thereafter: \$11,947,232
FY 2028 and ongoing each even-numbered fiscal year thereafter: \$11,966,232

Total estimated grant development and administration costs for section 204 in the fiscal note tables are as follows:

FY 2025: \$443,379 and 1.81 FTE
FY 2026: \$552,768 and 3.02 FTE
FY 2027: \$552,768 and 3.02 FTE
FY 2028 and ongoing each even-numbered fiscal year thereafter: \$533,768 and 3.02 FTE
FY 2029 and ongoing each odd-numbered fiscal year thereafter: \$552,768 and 3.02 FTE

Section 702: Work Group to Study Food Donation by Businesses

By September 2025, the work group established in this section would be required to submit a consensus-driven report of recommendations based on the criteria specified in this section to the Legislature. The work group would be led by Ecology's Center for Sustainable Food Management, and WSDA would be a member of the work group.

WSDA received funding in the 2022 Supplemental Operating Budget for a Food Waste Reduction Coordinator. Because of the short-term nature and fast turn-around timeline for this work group, WSDA would use this position's expertise and ability to consult with leaders across WSDA's diverse portfolio of programs that impact and support farm and food businesses. Based on this, WSDA assumes the workload for section 702 could be performed with existing resources.

Materials Banned from Compost Feedstocks (Section 305)

Section 305 (1) would require that organic materials, likely or known to be treated with clopyralid, aminopyralid and other similar herbicides in the picolinic acid family, be banned as compost inputs or feedstocks into organic materials management facilities. Although section 305 would not require WSDA to act on pesticide registrations or applications, WSDA would anticipate issues with possible infiltration of the picolinic acid family of herbicides into compost without pesticide restrictions. With an increase in composting efforts, many more materials potentially treated by herbicides in the picolinic acid family could inadvertently find their way into organic materials at compost facilities, making the compost unusable.

WSDA does not have jurisdiction over organic materials management facilities or where pesticide-treated material may be delivered after any application is made. WSDA has used authority to restrict pesticide use to help prevent contamination of compost inputs and feedstocks in the past.

Roughly twenty years ago, clopyralid was found to be involved in numerous cases of plant damage from solid waste composting facilities across the state, primarily from curbside lawn clipping collection. WSDA's response was to restrict the use of clopyralid by rule with Washington Administrative Code (WAC) 16-228-1235 and provide education and outreach to pesticide applicators.

Years later, aminopyralid caused widespread damage to home and agricultural plants when dairy manure and composted dairy manure was distributed and used as soil amendments across Whatcom County. This required WSDA to work with the product registrants and have labels changed to address treated feedstocks. These changes also required WSDA to carry out significant educational outreach to dairy farmers and those who apply to forage and pasture for dairy feed to prevent repeated contamination.

Based on these previous examples, WSDA assumes the need to restrict uses of aminopyralid and other picolinic acid herbicides to support implementation of section 305.

Section 305 (1): Pesticide Restrictions

The ban of picolinic acid family herbicides in organic materials as compost input would be the basis for WSDA's decision to designate these herbicides as State Restricted Use Pesticides (SRUP). The restriction would require significant rule making activities and additional outreach and communication to all distributors and users of these materials. It would also include outreach to composting management facilities to ensure they are not receiving materials with these inputs.

WSDA assumes rulemaking in FY 2025 to designate herbicides in the picolinic acid family as State Restricted Use Pesticides (SRUP), and rule updates would be technical in nature.

This would require 0.25 FTE for an Environmental Planner 5 (EP5), to research and develop proposed rules, develop education and outreach materials, and administer rule hearings. Ten hours Agency Rules Coordinator (Management Analyst 5) and 10 hours Regulatory Analyst 3 would be needed for administration of rule filing and adoption.

In addition to rule updates, WSDA would need 0.25 FTE Community Outreach and Environmental Education Specialist 3 (COEES3) for two years, beginning in FY 2025 to assist in the rulemaking outreach and education process. The COEES3 would develop and deliver additional education to agricultural producers, pesticide applicators and purchasers and the public to prevent herbicide contamination of compost materials. This position would require statewide travel, with estimated travel costs of \$1,770 each year in FY 2025 and FY 2026.

WSDA also assumes a need for compliance monitoring and enforcement of these new pesticide use restrictions. Many picolinic acid products are sold and available in the marketplace. Making these products State Restricted Use Pesticides (SRUP) would restrict their use and help to prevent them from ending up in compost facilities. WSDA also assumes an increase in the number of complaints from the public requiring an increase in investigation cases for potential enforcement.

Based on the assumptions above, WSDA estimates 0.5 FTE Pesticide Regulatory Specialist 2 (PRS2) ongoing, beginning January 1, 2025, to monitor applications and provide complaint investigation response, enforcement, and technical assistance as needed. This position would require a vehicle and travel statewide. Estimated travel costs are \$1,770 in fiscal year 2025 and \$3,540 in fiscal year 2026 and ongoing each fiscal year thereafter.

Section 305 (1): Pesticide Registration

WSDA assumes the need for detailed evaluation of all registered pesticides in the picolinic acid family to determine which pesticides with legal use in Washington would qualify as State Restricted Use Pesticides (SRUP). WSDA would need to update pesticides in the database with the new restriction.

Registration staff would be needed for communication, notification to registrants, administrative hearings, processing of any product cancellations, and registration changes for products that may no longer be used in the State of Washington.

Beginning in FY 2025, WSDA would need 0.5 FTE PRS2 for two years to manage SRUP label review, label updates, and database entries. Registration staff would provide technical support to compliance staff and other educational outreach needed for distributors, growers, agronomists, and others about the new restrictions.

Total estimated costs for section 305 are as follows:

FY 2025: \$196,687 and 1.26 FTE

FY 2026: \$187,534 and 1.25 FTE

FY 2027 and ongoing each fiscal year thereafter: \$78,298 and 0.50 FTE

Food Labeling and Food Safety (Sections 401-403, 702)

Sections 401 through 403: Food Labeling Outreach, Technical Assistance, and Compliance Enforcement

Costs estimated for WSDA's food safety program implementation of part 4 and section 702 are assumed to be in the state

general fund, which is the fund source used under current law for food safety regulation at WSDA.

Rulemaking

WSDA's food safety inspection requirements for food processors are specified in Chapter 16-165 WAC. Rulemaking would be required to revise requirements for pull date labeling in section 402 and add new requirements for "use by" and "best if used by" dates in section 401.

This would require the following staff time in FY 2025 to develop proposed rule language, hold rule hearings, and complete the administrative procedures for filing and adoption:

17 hours Food Safety Program Manager (WMS Band 3)

17 hours Food Safety Assistant Program Manager (Management Analyst 5 (MA5))

15 hours Food Safety Policy and Performance Administrator (WMS Band 2)

5 hours Food Safety Program Coordinator (Management Analyst 5)

10 hours Agency Rules Coordinator (Management Analyst 5)

10 hours Regulatory Analyst 3

The Attorney General's Office (ATGO) assumes legal advice would be provided for rulemaking to implement the new date labeling standards. The ATGO estimates 30 hours of AAG time would be needed as part of the rulemaking process. The estimated cost is \$5,000 in FY 2025 and included in Goods and Services.

Outreach, Training, and Inspection

WSDA would consult with Ecology and Commerce to develop outreach and educational materials and technical assistance to support implementation of the new requirements and inform the public. WSDA assumes twelve one-hour meetings in FY 2025, with WSDA preparing materials for each meeting. The total estimated time needed in FY 2025 for coordination with partner agencies to develop training and outreach is as follows:

108 hours (0.05 FTE) Food Safety Compliance Specialist 5

24 hours (0.01 FTE) Food Safety Program Manager (WMS Band 3)

WSDA estimates 40 hours (0.02 FTE) MA5 in FY 2025 to prepare and publish the list of products exempted from the food labeling requirements required in section 401 (4) (a).

Current program staff would need to train on the new requirements. This would require 6 hours FSCS5 to develop the training, and the following time for Food Safety Compliance Specialists 2 (FSCS2) and 3 (FSCS3) to complete training in FY 2025: 44 hours FSCS2 and 36 hours FSCS 3 for training time.

For technical assistance to the food industry, WSDA estimates the following staff time in FY 2025, the first year of implementation: 12 hours FSCS5, 44 hours for FSCS2, and 36 hours for FSCS3. Beginning in FY 2026, this would require 4 hours FSCS5, 22 hours FSCS2, and 18 hours FSCS3.

Food safety databases and electronic forms would need to be updated to incorporate the requirements in sections 401 through 403. This would include updates to language in notices of violations, mass emails to update the public and the regulated community, developing a new inspection form for use in grocery stores and other retailers with no WSDA license. Electronic data system update would require 16 hours, and forms creation would require 40 hours for a total of 56 hours MA5 in FY 2025.

The changes to the date labeling in section 402 would be incorporated into facility inspections. Some individual facilities would have over fifty different food label types that would need to be checked during inspections, and WSDA assumes inspections for grocery stores and retailers selling food items subject to the labeling provisions section 402. 12 new inspectors (four for each of WSDA's regions) would be needed for the increased inspection workload. Assuming

inspections would begin after January 1, 2025, 6.0 FTE FSCS2 would be needed in FY 2025, and 12.0 FTE FSCS2 would be needed in FY 2026 and ongoing each fiscal year thereafter. \$5,000 one-time costs for computers and supplies are included for each position, for a total of \$60,000 in non-capitalized equipment in FY 2025. Ongoing replacement costs for computers and phones, estimated to be \$3,000 per new position for a total of \$36,000 are included in FY 2029, and ongoing every four fiscal years thereafter. Each FSCS2 position would need an assigned motor pool vehicle for inspections. Estimated cost for twelve leased vehicles is \$28,440 for six months in FY 2025, and \$56,880 per year in FY 2026 and ongoing each fiscal year thereafter, based on a mid-range monthly lease cost estimate of \$395 per month.

Food safety inspectors require dedicated training, a series of twelve multi-day courses, which typically span a two-year period. Most of the courses are offered by the US Department of Agriculture (USDA). USDA courses do not have fees, but WSDA is required to cover travel costs. The estimated training costs for a single inspector over a two-year period are \$26,000 for travel, and \$1,000 for course fees for non-USDA courses. For each new inspector, the estimated travel costs are \$13,000, and the course fee costs are \$500 each year in FY 2025 and FY 2026. For twelve new inspectors, the total estimated costs for initial training are \$156,000 for travel and \$6,000 for course fees in goods and services, each year in FY 2025 and FY 2026.

Compliance Enforcement

The provisions of section 401 would be based on complaints. Based on an assumption of at least 100 complaints requiring investigation annually in the first years, dropping to half as many in the third full year, WSDA estimates 10 hours FSCS 5, 28 hours FSC2, and 22 hours FSC3 in FY 2025, and the same workload in FY 2028 and ongoing annually thereafter. In the first two full fiscal years, WSDA estimates 20 hours FSC5, 56 hours FSC2, and 44 hours FSC4 each year in FY 2026 and FY 2027.

Office administrative staff time will be required for complaint logging and initial technical assistance, estimated to be 30 hours Data Consultant 1 (DC1) and 20 hours Management Analyst 3 (MA3) in FYs 2026 and 2027, and half of this workload in FY 2025, FY 2028, and ongoing each fiscal year thereafter.

Compliance activity will be required for any violations identified by field staff during inspections. Cases would each require three hours FSC5 for investigation, working in consultation with Ecology. Based on an assumption of 95 cases requiring inspection annually, estimated workload would be 285 hours (0.14 FTE) FSCS 5 each full fiscal year. Assuming 5 cases were to move to full litigation, the estimated workload for litigation would be 100 hours FSCS 5, 15 hours for a WMS3, and 10 hours for a WMS2 each full fiscal year. Half of the estimated staffing would be needed in FY 2025, and the full estimated staffing would be needed in FY 2026 and ongoing each fiscal year thereafter.

The ATGO estimates ongoing legal advice and representation for enforcement of date labeling standards. Based on an assumption of five enforcement cases per year requiring 20 hours of AAG time each, the estimated cost is \$17,000 each fiscal year, beginning in FY 2025. Costs are included in goods and services.

Participation in Workgroup to Study Food Donation by Businesses

WSDA assumes Food Safety Program Manager participation in the workgroup created in section 702, requiring 12 hours WMS3 for food safety related consultation in FY 2025.

Total estimated costs for sections 401-3 and food safety consultation for the workgroup in section 702 are as follows:

FY 2025: \$1,197,963 and 6.37 FTE

FY 2026: \$2,010,431 and 12.30 FTE

FY 2027: \$1,848,431 and 12.30 FTE

FY 2028 and ongoing, with the exception below: \$1,843,246 and 12.26 FTE

FY 2029 and ongoing every four years thereafter: \$1,879,246 and 12.26 FTE

Compost Reimbursement Program (Section 601)

For section 601 (3) and 601 (5) (e), ecology has a list of permit-exempt facilities which would be used to update program documents. After the initial updates, WSDA assumes minimal workload needed for periodic maintenance.

Based on the assumptions above, WSDA estimates 60 hours (0.03 FTE) Environmental Specialist 3 (ES3) in FY 2025 to update the map to show permit-exempt facilities and update the drop-down lists of facilities in the eligibility review and reimbursement applications.

Section 601 (5) (c) would change how the compost reimbursement amount is calculated. WSDA assumes minimal time would be needed to calculate the grant amount that a farm is eligible to receive. This extra step will occur when applications are being processed, which only takes place a few times a year. There may also be some added work processing reimbursements. The additional administrative work associated with these changes would likely be minimal and occur sporadically.

The Attorney General's Office (ATGO) assumes legal advice would be provided for the changes to the Compost Reimbursement Grants. The ATGO estimates 12 hours of AAG time would be needed, and the estimated cost is \$2,000 in FY 2025 and included in Goods and Services.

Total estimated costs for section 601 are as follows:

FY 2025: \$6,234 and 0.03 FTE

Total estimated costs for the proposed legislation are as follows:

FY 2025: \$1,868,598 and 9.59 FTE

FY 2026: \$2,750,602 and 16.56 FTE

FY 2027 and ongoing every odd-numbered fiscal year thereafter (other than the exception below for FY 2029): \$2,479,366 and 15.81 FTE

FY 2028 and ongoing every even-numbered fiscal year thereafter: \$2,455,182 and 15.77 FTE

FY 2029 and ongoing every four years thereafter: \$2,510,182 and 15.77 FTE

Summary of cost assumptions by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are calculated based on current standard statewide benefit rates.

Professional Services includes \$40,000 in FY 2025 for community engagement.

Goods and Services are the agency average of \$8,600 per direct program FTE. Goods and Services also include building lease costs, estimated at \$3,800 per FTE per year, professional development costs estimated at \$500 per FTE per year; Goods and services also includes \$110,000 in FY 2025, and \$87,000 in FY 2026, FY 2027, and FY 2029 and ongoing every odd-numbered fiscal year thereafter, and \$68,000 in FY 2028 ongoing every even-numbered fiscal year thereafter for ATGO support. Also included is estimated translation and grant software license costs totaling \$27,000 in FY 2025 and ongoing, and inspector training course fees of \$6,000 in FY 2025 and FY 2026.

Travel includes costs for grant program outreach and community engagement in FY 2025, travel for outreach, technical assistance, and monitoring of pesticide use updates, inspector training travel, and motor pool costs for food safety inspectors.

Equipment includes \$60,000 in FY 2025, and \$36,000 in FY 2029 and ongoing every four fiscal years thereafter for new and

replacement equipment for twelve new inspector positions.

Agency Administrative Overhead is calculated based on a rate of 24.6% of direct program salaries and benefits.

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	1,641,342	1,641,342	4,964,398	4,809,028
23P-1	Model Toxics Control Operating Account	State	0	227,256	227,256	265,570	156,336
Total \$			0	1,868,598	1,868,598	5,229,968	4,965,364

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		9.6	4.8	16.2	15.8
A-Salaries and Wages		768,185	768,185	2,520,926	2,458,294
B-Employee Benefits		276,278	276,278	919,026	895,956
C-Professional Service Contracts		40,000	40,000		
E-Goods and Other Services		270,817	270,817	665,178	629,128
G-Travel		196,380	196,380	278,610	120,840
J-Capital Outlays		60,000	60,000		36,000
N-Grants, Benefits & Client Services					
9-Agency Administrative Overhead		256,938	256,938	846,228	825,146
Total \$	0	1,868,598	1,868,598	5,229,968	4,965,364

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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
COMMERCE SPECIALIST 2	70,800		1.0	0.5	2.0	2.0
COMMERCE SPECIALIST 5	95,184		0.9	0.4	1.0	1.0
COMMUNITY OUTREACH & ENVIRON ED SPEC 3	65,748		0.3	0.1	0.1	
DATA CONSULTANT 1	56,676		0.0	0.0	0.0	0.0
ENVIRONMENTAL PLANNER 5	102,540		0.3	0.1		
ENVIRONMENTAL SPECIALIST 3	72,552		0.0	0.0		
FOOD SAFETY COMPLIANCE SPECIALIST 2	74,376		6.1	3.0	12.0	12.0
FOOD SAFETY COMPLIANCE SPECIALIST 3	78,120		0.0	0.0	0.0	0.0
FOOD SAFETY COMPLIANCE SPECIALIST 5	90,624		0.2	0.1	0.2	0.2
MANAGEMENT ANALYST 3	74,376		0.0	0.0	0.0	0.0
MANAGEMENT ANALYST 5	95,184		0.1	0.0		
PESTICIDE REGULATORY SPECIALIST 2	78,120		0.8	0.4	0.8	0.5
REGULATORY ANALYST 3	97,596					
WMS BAND 2	102,115		0.0	0.0		
WMS BAND 3	119,706		0.1	0.1	0.0	0.0
Total FTEs			9.6	4.8	16.2	15.8

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.

WSDA assumes the requirements and criteria for the grant program in section 204 could be established without a formal rulemaking.

WSDA assumes review and update of rules related to picolinic acid pesticides to support implementation of section 305.

WSDA's food safety inspection requirements for food processors are specified in Chapter 16-165 WAC. Rulemaking would be required to revise requirements for pull date labeling in section 402 and add new requirements for "use by" and "best if used by" dates in section 401.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2301 HB	Title: Waste material management
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Annual monitoring and reporting of compost. Potentially significant costs for new trash collection bin color scheme base on collection materials. City health departments may have minor costs to enforce certain provisions. Costs for annual training of compost facility operators. Cities would be eligible for certain types of grant programs from the Washington Center for Sustainable Food Management.
- Counties:** Same as above for counties. Potentially developing and operating new organic waste management facilities to handle the organic waste that is diverted from municipal solid waste landfills and transfer stations.
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Ordinance adoption costs.
- Legislation provides local option: Grants that are available from the Washington Center for Sustainable Food Management; amending State Building Code for multifamily residence storage of organic materials.
- Key variables cannot be estimated with certainty at this time: If new facilities would be necessary to meet the statewide organic waste reduction targets the amount of organic material that gets diverted from landfills may impact fees collected at solid waste management facilities.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City		82,530	82,530	165,060	165,060
County		42,930	42,930	85,860	85,860
TOTAL \$		125,460	125,460	250,920	250,920
GRAND TOTAL \$					627,300

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Jordan Laramie	Phone: 360-725-5044	Date: 01/23/2024
Leg. Committee Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/16/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/23/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/23/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

This legislation would amend various provisions related to organic waste processing as well as the responsibilities of local governments related to waste material management systems. The act focuses on reducing the environmental impact of organic waste through diversion from municipal solid waste landfills, encouraging recycling and composting, and managing food waste more efficiently through numerous state and local program.

Sec. 201 would be a new section that establishes food management grant programs to support activities reducing emissions from landfills and waste-to-energy facilities through organic materials and food waste diversion, prevention, rescue, and recovery.

Sec. 202 Would be a new section that establishes sustainable food management policy grant programs supporting the implementation of this act's requirements, with priority to grants supporting organic material management, accessible to various entities including local governments.

Sec. 203 would authorize the Center for Sustainable Food Management (WCSFM) to monitor and administer the grant programs in Sec. 201 and 202.

Sec. 301 would amend RCW 70A.205.540 such that it requires jurisdictions to provide source-separated organic solid waste collection services, with certain waivers for implementation between 2027 and 2030, and exceptions based on population density or whether the jurisdiction is in an unincorporated area.

Sec. 302 establishes training requirements for compost and anaerobic digester facility operators. This section requires annual training of at least 10 hours by a third party training provider.

Sec. 304 requires that local governments that provide waste collection services for organic materials implement a color-coded waste bin system in jurisdictions to reduce contamination. There would be a requirement for specific color designations for different types of waste as well as labeling requirements for the bins.

Sec. 305 prohibits certain herbicides-contaminated organic materials as composting feedstock and use by an organic material management facility.

Sec. 401 establishes date labeling standards that begin January 1, 2026. The department of Agriculture may delegate the enforcement of these standards to local health jurisdictions by contractual agreement. Inspections can occur at any point in the food supply chain. There are no specific requirements for enforcement but local health jurisdictions can impose a \$500 per day fine for violations of this section.

Sec. 506 would amend RCW 70A.455.090 such that cities and counties could have concurrent enforcement of degradability labeling requirements so long as they notify the Department of Ecology in writing.

Sec. 602 would amend RCW 43.19A.150 to revise the first due date and subsequent submission dates of the annual composting report. The first report would be due to the Department of Ecology on March 31, 2025 for any city or county to which subsection 1 and 2 of this section apply. Future reports would be due each year on March 31.

Sec. 701 would add a new chapter to RCW 19.27 authorizing local governments to amend the State Building Code to facilitate storing solid waste in multifamily residential buildings.

Sec. 702 would establish a work group to study food donations by businesses. Cities and county representatives, or an association representing cities and counties, may be among the work group participants.

This act would go into effect 90 days after the adjournment of the session in which it is passed.

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.

This legislation would have various indeterminate aspects that would impact local governments with responsibilities for solid waste and organic waste management throughout the state. Some of these sections have known costs, such as the new annual reporting costs for jurisdictions with compost procurement ordinance \$125,460 per year (\$82,530 per year for cities, and \$42,930 per year for counties; see calculation below) starting in FY 2025. Other costs, such as the new statewide trash bin color scheme based on collection material type, would have unknown, but potentially significant costs in the millions.

Impact of Part 2:

Cities and counties would be eligible for the grant and loan programs authorized by Sec. 1 and Sec. 2 as administered by the Washington Center for Sustainable Food Management (WCSFM) in Sec. 3. Cities and counties could apply for these grants as a local option. Expenses related to Part 2 would be minor, for those cities and counties that took the local option, as the costs would range from de minimis to more substantive depending on the type of grant or loan program that the WCSFM establishes. Local governments have stated that formula based grants are easier to complete than competitive based grants, indicating that there may be some variability to the amount of work that would be required to apply for these grants.

Impact of Part 3:

Sec. 301 would amend RCW 70A.205.540 such that it requires jurisdictions to provide source-separated organic solid waste collection services, with certain waivers for implementation between 2027 and 2030, and exceptions based on population density or whether the jurisdiction is in an unincorporated area. The extent that this increases costs is currently unknown as there would be an increase in the number of routes that need to be taken by municipal solid waste collection or Utilities and Transportation Commission regulated solid waste collection services. In HB 1799 (2022) the Washington State Association of Counties indicated that the mandated expansion of service of solid waste collection services would also necessitate new, or expanded, facilities that could carry capital costs in the tens of millions.

Sec. 302 establishes training requirements for compost and anaerobic digester facility operators. Although much more in-depth than the 10 hour requirement stipulated by Sec. 302, the Washington Organic Recycling Council offers Compost Facility Operator Training courses that comply with the requirements of WAC 173-350-220 for compost facilities. Each spot in the training retails for roughly \$1,225 (non-members price \$1,350, member price \$1,100).

Sec. 304 requires that local governments that provide waste collection services to implement a color-coded waste bin system in jurisdictions to reduce contamination between the different types of materials. There would be a requirement for specific color designations for different types of waste as well as labeling requirements for the bins. If this section would require replacement of all recycling, garbage, and organics collection carts in accordance with a mandated color scheme, there could be considerable expenditure impacts associated with this provision.

Research from the Association of Washington Cities indicates that these trash bins or carts range from \$40-\$53 each depending on the size of the bin (20gal to 96 gal). Review of largest jurisdiction's Comprehensive Solid Waste Management Plans by the Local Government Fiscal Note Program indicates that roughly 50% have recycling service with their solid waste pick up and 20% to 30% of those with solid waste collection service are able to get weekly or bi-weekly organics collection service in King, Snohomish, Pierce, and Spokane counties, as well as cities of Tacoma and Seattle. If these rates are similar across the state, this section could create significant pass through costs to residents who use collection services.

Sec. 305 prohibits certain herbicides-contaminated organic materials as composting feedstock and use by an organic

material management facility.

Any organic material management facility would be responsible for testing the presence of the composting feedstock used at the facility in an effort to completely eliminate certain types of herbicides from the compost. The two types of herbicides this bill focuses on are clopyralid and aminopyralid which persist through the composting process and according to the Oregon State University, chemical lab testing might not indicate herbicide contamination of the compost material. Testing for these herbicides using bioassay tests, the use plants such as peas grown in the compost or soil mix, may be used to check for abnormal growth caused by herbicide contamination.

Impact of Part 4 and Part 5

Sec. 401 establishes date labeling standards that begin January 1, 2026. The Department of Agriculture may delegate the enforcement of these standards to local health jurisdictions by contractual agreement. "Local health jurisdiction" means an administrative agency organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city-county health department organized under chapter 70.08 RCW, that administers public health and safety regulations and codes, including food safety and restaurant inspections

There are no specific requirements for enforcement but local health jurisdictions can impose a \$500 per day fine for violations of this section. The number of local health jurisdictions that would contract for enforcement with the Department of Agricultural is not currently known. Inspections can occur at any point in the food supply chain so enforcement could be carried out during routine health inspections, but would require a certain amount of training for local health jurisdiction staff to get acclimated to the new regulations and enforcement procedures.

Sec. 506 would amend RCW 70A.455.090 such that cities and counties could have concurrent enforcement of degradability labeling requirements so long as they notify the Department of Ecology in writing. There are no specific requirements for enforcement under this provision, and electing to have enforcement of the labeling requirements of this act. This would likely take coordination between the WCSFM, the Department of Ecology, and local health jurisdictions.

Impact of Part 6:

Sec. 602 would amend RCW 43.19A.150 to revise the first due date and subsequent submission dates of the annual composting report. This amendment would increase the reporting costs, as the biennial requirement has been shifted to an annual requirement. From the Local Government Fiscal Note for 2S HB.PL 1799 (2022) the biennial reporting costs were \$1,665 per city, and \$1,540 per county. Under this act, there would be expenses, adjusted for wage increases between 2022 and 2024, these costs would be \$1,834 per city and \$1,590 per county.

Cost assumptions:

--Averaged salary data comes from the Association of Washington Cities 2023 Salary Survey

---Public works directors have average per hour rates of \$67/hr for cities, and \$65/hr for counties

---Public works supervisors have average per hour rates of \$48/hr for cities, and \$40/hr for counties.

---An analyst supporting facility operations may have costs of approximately \$37/hr for cities, and \$33/hr for counties

City annual reporting costs: $(20\text{hr} \times \$37/\text{hr}) + (20\text{hr} \times \$48/\text{hr}) + (2\text{hr} \times \$67/\text{hr}) = \$1,834$

County annual reporting costs: $(20\text{hr} \times \$33/\text{hr}) + (20\text{hr} \times \$40/\text{hr}) + (2\text{hr} \times \$65/\text{hr}) = \$1,590$

City annual reporting costs: $45 \text{ cities} \times \$1,834 = \$82,530$ per year

County annual reporting costs: $27 \text{ counties} \times \$1,590 = \$42,930$ per year

Estimated biennial reporting costs: \$125,460 per year

This results in an increase in \$134,334 per year in increase reporting costs due to the new annual reporting costs.

Impact of Part 7:

Sec. 701 would add a new chapter to RCW 19.27 authorizing local governments to amend the State Building Code to facilitate storing solid waste in multifamily residential buildings. This would be a local option for cities and counties to amend local building code to provide for storage of solid waste in multifamily residential buildings under certain conditions. The number of jurisdictions that would take the local option are currently unknown. However, if the number of jurisdictions that were impacted by compost procurement ordinance requirements in 2S.PL HB 1799 (2022) then there would be 45 cities and 27 counties that may amend their building code. This may carry expenses to update local code, that would be approximately \$359,829 (45 cities x \$4,944 = \$222,480; 27 counties x \$5,076 = \$137,349). Please see the assumptions below.

This section would involve local government building, planning, and permitting departments to work on any amendments to building statute in their jurisdiction's local code. The Local Government Fiscal Program Unit Cost Model estimates that the typical cost to adopt a moderately complex ordinance with a hearing of the same complexity as \$4,944 per city, and \$5,087 per county. The following steps would be involved with passing the moderately complex ordinance:

This work would include staff from the building and planning departments review the updated state code. These amendments would be vetted with the development department team (planning, building, and permitting staff), which would then be reviewed by a planning director or local building manager. Staff would then write a minimum of four staff reports. The building manager, planning director, and attorney would review all four staff reports. The two staff reports prepared for the city or county council would be presented to the planning commission of the jurisdiction. This work would be conducted over four public meetings (one of the meetings would be the public hearing) to update the code. During this work, there would be two planning commission meetings and two council meetings (at a required minimum).

The planning commission clerk would prepare advertisements, post comment letters to the web, prepare meeting packets for two meetings and setup for/attend two meetings to inform and solicit feedback from the public. They would also review and publish two sets of minutes following these meetings. The clerk would do the same for at a minimum two city or county council meetings. All meetings would be staffed with a clerk, attorney, planner, development department director at a minimum for this item.

Sec. 702 would establish a work group to study food donations by businesses. Cities and county representatives, or an association representing cities and counties, may be among the work group participants. The number of meetings may follow similar agency related work groups with one-year timelines. These are usually one meeting per month, with increasing frequency as the report deadline to the legislature approaches. Whether a city, county, or an association representative is selected is not currently known. It is assumed by the Local Government Fiscal Note program that if a city or county representative is selected, they would be doing so in a volunteer capacity as no funding mechanism is described by the act.

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.

This legislation would have indeterminate revenue impacts for cities and counties that are required to provide solid waste and organic collection services. Jurisdictions would be for eligible for the grant and loan programs authorized by Sec. 1 and Sec. 2 as administered by the Washington Center for Sustainable Food Management (WCSFM) in Sec. 3. The value of these grant and loan programs and the number of jurisdictions that would qualify for the financial assistant cannot be known in advance.

SOURCES:

Association of Washington Cities

City of Seattle, "Garbage Report 2021 Q2"

City of Seattle, "Waste Prevention Recycling Report 2022" (Sept. 2023)

King County, "2019 Comprehensive Solid Waste Management Plan." (Nov. 2019)
Local Government Fiscal Note Program, FN 2S.PL HB 1799 (2022)
Oregon State University Extension Service, "Herbicide-Contaminated Compost and Soil Mix." (Feb. 2021)
Tacoma-Pierce County, "2016 Supplement to the Solid Waste Management Plan." (2015)
Snohomish County, "2021 Snohomish County Comprehensive Solid and Hazardous Waste Management Plan" (July 2021)
Waste Management Northwest
Washington State Association of Counties