

August 3, 2025



Chris Fredley  
SWM Program Rule Coordinator  
300 Desmond Drive SE  
Lacey, WA 98503

**RE: Rulemaking - Informal Comment for Chapter 173-350 WAC - Organics Management**

Dear Chris,

Thank you for the opportunity to provide input during the informal comment period for Chapter 173-350 WAC Solid Waste Handling Standards to address contamination in food waste feedstocks and finished products at organic waste handling facilities.

We have reviewed Ecology's draft organics rule concepts paper (June 2025) and have the following comments:

- **Anaerobic Digesters 173-350-250:**
  - Anaerobic digestion facility regulations, to date, have focused on farm operations, where food waste is a limited portion. Washington has a gap, however, in regulations for facilities whose prime purpose is to handle food waste. We recommend that such regulations be included in this rule update.
  - We strongly support the development of new "digestate quality standards" as this is an existing gap and has caused confusion.
- **Contamination limits (-220, -225, -230, -250) and Organics pre-processing – new section:**
  - We strongly support the 2% contamination limit for incoming feedstock and the limitations on finished products.
  - We have deep concerns, however, with "Feedstocks may undergo pre-processing to remove contamination at co-located or offsite locations to meet the 2% standard." Without further conditions, this pre-processing will result in materials that could be easily recycled (cardboard liner boxes, plastic outer-packaging, etc.) becoming fouled by food waste in the depackaging process. Instead, we believe that Washington should follow the Vermont model and distinguish between lightly packaged and heavily packaged food, so that lightly packaged items must be source separated at the generator and heavily packaged items may be depackaged at the offsite location. In any case, our concern is that packaging should be kept clean and dry so that it can be recycled rather than having to be disposed.
  - Furthermore, per RCW 70A.205.015, organic material is already defined, in the 1<sup>st</sup> place, as:
    - (16)(a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.
    - (ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.
    - (b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

The last part (b) of the definition makes it clear that this material cannot include contamination, and the general stance that Ecology uses in the draft concept paper does not appear to take this into account.

- **Housekeeping and miscellaneous:**

- Reference is made to “ensure legitimate use and track state efforts towards diversion.” We agree this is important, as the new Recycling Reform Act law (SB 5284) will include targets for recycling of the food packaging. Thus, this language should distinguish between food and its packaging and both should be tracked and managed in a way so that both the organics diversion targets can be met and the recyclables targets can be met.

Thank you for consideration of our comments. I can be reached at [heather@zerowastewashington.org](mailto:heather@zerowastewashington.org) or (206) 441-1790.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Trim', with a stylized flourish at the end.

Heather Trim  
Executive Director