

December 12, 2025

Washington State Department of Ecology
Attn: Chris Fredley
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Proposed Organics Management Law Rulemaking

Dear Department of Ecology Rulemaking Team,

Thank you for the opportunity to comment on Ecology's proposed Organics Management Law rulemaking. Rabanco, Ltd ("Republic Services") serves Washington communities by providing solid waste collection and recycling processing. As such, we appreciate the Department's efforts to implement legislation for organics management. However, the current rulemaking proposal, as written, risks undermining Washington's goals related to solid waste management and the well-established source-separated collection system which plays an important part in achieving those goals.

Lack of Standards for Depackaging Facilities

The proposed rules fail to establish clear, enforceable standards for "depackaging" (pre-processing) operations, despite broad stakeholder agreement that such industry standards are essential. Without minimum recyclables recovery and contamination requirements, depackaging facilities will legally be allowed to accept highly contaminated loads with otherwise recoverable recyclables—including mixed solid waste—and classify them as "organic materials."

This proposed framework creates a regulatory loophole that invites abuse and allows the relabeling of what is essentially garbage as "organic materials." This undermines the credibility and integrity of Washington's long standing recycling and composting programs. It also creates unfair competition for existing collections companies and composters that continue to invest in contamination reduction and public education for consumers to "recycle right." Finally, this proposed model for depackaging companies also deprives municipal jurisdictions of local control as well as waste oversight, diversion tracking, and reporting. Failing to include recyclables recovery or minimum contamination standards for depackaging companies directly contradicts Ecology's responsibility to establish guardrails to prevent mismanagement of packaged food waste and to **support** existing composting infrastructure, not displace it.

Erosion of Source Separation and Generator Accountability

The proposed Department rules abandon long-standing commodity source separation principles that are the foundation of Washington's waste management solid waste management systems. For example, commercial generators (such as grocery stores) would be allowed to commingle recyclables, garbage and organics in one bin, and send the mixed materials to a deregulated depackaging company. This is contrary to decades-long efforts around contamination reduction and waste generator education and accountability at the source. The proposed approach would lead to the unintended consequence of increased volume of recyclables and organic materials being sent to landfills. The proposed approach contradicts RCW 70A.205 which affirms the primacy of source separation as the foundational basis of our State's recycling and composting systems.

Increased Burdens on Composters and Haulers without Equity

Under the proposed rules, depackaging facilities and companies will face minimal regulatory oversight. Yet, composting facilities, hauling and recycling companies, and local jurisdictions would be subject to new, unrealistic, and costly regulatory requirements, including:

- A 2% inbound contamination limit.
 - ***no corresponding standard for depackaging companies***
- Additional testing and administrative burdens that are not justified by measurable environmental benefits.
 - ***no corresponding requirement for depackaging companies***

- Compliance obligations that effectively shift responsibility for contamination control downstream for collections and processing companies, rather than addressing it at the generator level
 - ***no corresponding regulations for depackaging companies.***

The proposed rules would impose costly new contamination and finished product standards that overlook existing post-processing investments and ultimately make it harder —not easier— for composters to expand diversion. The draft rules also have the potential to drive up costs for local governments and ratepayers by holding their collections companies responsible for meeting an unrealistic 2% contamination threshold. Taken together, these changes result in less regulation for depackaging companies, more regulation for other companies and will ultimately add costs to municipal rate payers for the implementation of increased regulation. This imbalance and unfair model between collections companies, processors and depackaging companies could push more recyclable and compostable materials to landfills and undermine the very diversion goals these laws were meant to advance.

Recommendations

Republic Services respectfully urges Ecology to revise the proposed rules to address the issues above:

- Establish clear performance standards for depackaging facilities, including recyclable recovery rates and contamination thresholds;
- Maintain statutory definitions of “organic materials” and “source separation;”
- Uphold generator-level source sorting requirements to prevent contamination; and
- Reconsider increased restrictions on compost facilities to ensure regulatory parity among compost, depackaging, and collections companies.

The requested revisions will help achieve Washington’s goals of contamination reduction, composting support, and keeping organics out of landfills.

Thank you for the opportunity to provide these comments. We welcome continued collaboration as Ecology works toward final rules that reflect the Legislature’s vision and Washington’s environmental leadership. If you have any questions, please contact Jim Hutchinson, Director of Municipal Services at jhutchinson@republicservices.com.

Regards,



Ryan Lawler
Area President
Republic Services