December 12, 2025

Director Casey Sixkiller

Washington State Department of Ecology

P.O. Box 47600, Olympia, WA 98504-7600

Re: Comment to Support Organic Materials Management Rulemaking in Favor of Source-Separated Organics in Washington State

Dear Casey Sixkiller,

On behalf of Natural Resources Defense Council (NRDC), I write in response to the Washington State Department of Ecology's invitation for written comments to help inform the State's rulemaking to update its organic materials management regulations in chapter 173-350 WAC Solid Waste Handling Standards to address contamination in food waste feedstocks and finished products at organic waste handling facilities. To meet the intent of Washington State's Organics Management laws to divert more materials from landfills and support the State's composting infrastructure, the regulations must ensure organics are source separated for quality compost feedstocks while requiring that packaging waste is effectively recycled rather than going to landfills.

Washington State has been a national leader in advancing food waste diversion and composting. The Legislature has passed numerous laws to increase organics recovery and build strong composting infrastructure across the state. But the Department of Ecology's newly released draft rules are jeopardizing this progress by opening the door for the proliferation of underregulated depackaging operations.

We are supportive of the potential for revisions to Chapter 173-350 Solid Waste Handling during the Organic Materials Management Rulemaking to advance critical environmental protections and develop parallel regulatory guardrails for preprocessing operations including depackaging facilities and other food scrap recycling operations like compost processing.

We are concerned because the proposed rules:

- Contain no meaningful depackaging standards: unlike Vermont's model, which requires source separation and places reasonable limits on what can be processed through these facilities.
- Undermine source separation, the foundation of Washington's solid waste system, by effectively exempting grocery stores and other food waste generators from sorting their recyclables, food waste, and garbage.
- Fail to provide clear guidance on how to prevent contaminated loads from going to the landfill.

We urge you to do the following:

- In the Definition Section, revise the definition for "source separation" (page 53) to prohibit comingling of unpackaged food and packaged food bound for processing.
- In the Pre-Processing Section (page 61), include the establishment of strong, Vermont-style depackaging standards that maintain pre-depackaging source separation and prevent contamination. Some ideas include:
    - Inbound contamination limits
    - Mandatory recovery rate of at least 90% of accepted materials
    - Prohibition on accepting easily recyclable or donatable materials
    - Prohibition on commingling packaged food with source-separated organics
    - Prohibition on sending source-separated organics through a depackaging machine
- Focus on contamination reduction upstream and training requirements for facilities (page 105).

We are concerned about the potential for all food, including surplus donatable food, packaging, and recyclables, like cardboard and paper products, to be thrown together into dumpsters headed for depackaging. We are also concerned that the State of Washington could face incalculable negative impacts on its robust and developed compost industry, and healthy soil policies needing quality compost, particularly without more robust microplastics testing.

Additionally, we recommend testing and comparing finished products to understand the concentration of microplastics, for example to determine whether loads that went through depackaging processes are more contaminated compared to other organic material processing options. Separately, to mitigate the chemical contamination of finished products, we recommend banning PFAS in all food packaging in Washington state through the Department of Ecology's Safer Products program.

We support your work to develop strong and fair rules with clear parity across requirements for depackaging, composting, and other food scrap recycling operations. We also ask that you maintain the intent to source separate organics for composting and divert packaging from landfills and continue to focus these rules on ensuring the least contaminated end markets to support healthier soils that are free from contaminants like microplastics and PFAS.

Sincerely,

YVETTE CABRERA (SHE/HER)
Director, Food Waste

NATURAL RESOURCES DEFENSE COUNCIL
40 W. 20TH ST
NEW YORK, NY 10011
T 212.727.4672
YCABRERA@NRDC.ORG
NRDC.ORG