Compost Manufacturing Alliance (Janet Thoman)

Please see attached comment letter.

1540 Retsil Rd SE, Port Orchard, WA 98366

December 11, 2025

Re: Comments on Proposed Revisions to WAC 173-350 – Organics Management, Contamination, and Source Separation Requirements

Thank you for the opportunity to comment on the proposed revisions to WAC 173-350 relating to contamination, source separation, and organics management.

As drafted, the proposed rules raise several concerns that must be addressed to avoid unintended consequences.

Source Separation Must be Clearly Defined and Reinforced at the Generator Level

Need for a Definition of "Source-Separated Food Waste"
The proposed rules lack a clear definition of "source-separated *food waste,*" creating ambiguity for generators, haulers, and processors. Without a definition, enforcement will be inconsistent and facilities will have no clear standard for what is expected at the point of generation. Ecology must define the term, specify allowable and prohibited materials, and clarify whether source separation includes, excludes, or conditions the use of liners, packaging, or other materials that routinely enter the stream.

The Proposed Rules Weaken, Rather Than Strengthen, Source Separation
Washington State has been a leader in organics diversion and source separation of materials. Decades of work have been devoted to education and building programs to increase organics diversion and improve collections. The draft provisions risk undermining these long-standing source-separation efforts by shifting contamination responsibility downstream to pre-processors and processors. This approach weakens enforcement at the point of generation, the only place where meaningful contamination prevention can occur. To protect Washington's organics infrastructure, the rules must strengthen, not dilute, source-separation requirements and apply them consistently across all organic materials management pathways.

If packaged food waste, such as that generated at grocery stores, is allowed to remain packaged at the source, both the organics and recyclables become contaminated to the point of being rendered merely garbage. As plastics break into smaller pieces, they become impossible to remove by preprocessing or screening, leaving plastic in the organics stream and increasing the likelihood of microplastic contamination. Depackaging, while considered an easy fix for contamination by some, exacerbates this problem. Pre-processed organics contaminated with microplastics are then dumped on compost manufacturers. Washington should not knowingly compound the microplastics problem for the sake of settling for the

easy fix. *Removal of packaging, before it is broken into unmanageable fragments, must happen at the source.*

Load Rejection Does Not Have the Effect of Changing Upstream Behavior Where Preprocessing is Required

Ecology's stated rationale for requiring rejection of loads exceeding the (unenforceable) contamination limits is that load rejection will force changes at the generator level. It does not necessarily follow that the generators will reduce their contamination based on rejected loads. With preprocessing as a requirement between generation and organics processing facilities, there is no incentive for generators to increase source separation. Relying on pre-processing, generators have incentives to decrease their sorting costs by contracting with a hauler who will accept as much commingled material as possible.

The Proposed Rules Create a Preference for Depackaging and Anaerobic Digestion

Because the proposed contamination thresholds are incompatible with existing collection systems, the rules effectively mandate the development of new pre-processing infrastructure between the curb and the compost facility.

Depackaging is likely to become the common method, rendering significant material volumes inappropriate for any type of recycling. The rules do not place any guardrails on the use of depackaging. This creates an environment in which depackaging and AD have free reign, while composters are restricted and penalized. This has been tried before.

Ecology personnel have stated that they looked at the Vermont experience and found it inapplicable to our state. On the contrary, Vermont's experience is very apt. These rules, as Vermont's did, would invite large generators to stop source separation, instead opting for depackaging services. In Vermont, this had immediate and deleterious economic effects on smaller haulers and compost manufacturers. Smaller haulers and composters lost large contracts and composters were faced with a significant change in feedstock profiles.

Source-separated organics that had historically been sent to composting facilities, suddenly shifted to depackaging and anaerobic digestion. This significantly impacted compost manufacturers' economic viability and reduced the volume of organics composted in the state.

Recovery from this mistake has taken years and significant taxpayer funds. Even with this effort, the damage was done to Vermont composters. We should not let this happen in our state.

Washington should thoroughly examine the corrections Vermont has had to implement to return to true source separation.

Contamination Standards Must Be Measurable, Reasonable, and Enforceable

The proposed contamination limit expressed as a "percentage by volume" is not workable, as there is no established or standardized methodology for determining contamination by volume in mixed food waste streams. Measurement by volume is inherently subjective and unenforceable. Weight-based contamination thresholds are measurable, repeatable, and enforceable, but Ecology must specify whether measurements are to be made using wet weight or dry weight and the limit percentage recalculated to comport with the unit of measure. Changes to these limits must be evaluated, vetted, and publicly communicated before adoption.

The two percent contamination limit, even if considered objectively measurable, ignores the measures taken by compost manufacturers *after* receipt of materials and is not reasonable at this time. While the intent of limiting contamination before it reaches the organic recycling facility is laudable, the practical application of such a limit removes a compost manufacturers' choice in how they manage materials and contamination. Coupled with the requirement to refuse loads that exceed the limit, receivers' ability to make business decisions based upon their particular circumstances and interests is unnecessarily restricted.

Training Requirements Must Apply Equally to AD and Composting Facilities

The rule currently imposes training and competency requirements on composting facilities that do not apply to anaerobic digestion (AD). Because AD processes the same municipal organics streams and faces similar contamination risks, AD should be held to the same training and operational standards as composting to ensure consistency and protect downstream systems.

Conclusion

We support Ecology's goals and share the commitment to contamination reduction, high-quality compost production, and responsible organics management. However, the rule must be revised to include a definition of source-separated food waste, establish enforceable contamination metrics, strengthen source-separation requirements, and ensure equitable allocation of costs associated with contamination management and pre-processing.
We welcome continued collaboration to help Washington adopt a system that is realistic, equitable, and aligned with the state's environmental and soil-health goals.

Sincerely,
Janet Thoman
Director of Compliance
Compost Manufacturing Alliance LLC
janet@composterapproved.com
(425) 999-2178