

Institute for Local Self-Reliance (Sophia Jones)

The Institute for Local Self-Reliance (ILSR) is a national nonprofit research and educational organization that advocates for thriving, healthy, self-reliant communities. We respectfully request your consideration of our comments, which are informed by our 50+ years of experience providing assistance to communities to reduce, compost, and recycle wasted materials.

Source separation of organics ensures quality feedstocks for composting and avoids increasing the diversion of packaging waste to landfills that could effectively be recycled. We support meeting the original intent of Washington State's Organics Management laws to divert more materials from landfills and support the State's composting infrastructure while setting reasonable standards for depackaging facilities. Instead, the proposal fails to hold depackagers accountable to the same standards that compost facilities are held to. Lower standards for depackaging facilities will discourage source separation of organics. This would especially harm medium and small composting operations, which rely on source separation and are an integral part of a thriving composting infrastructure (see ILSR's "Hierarchy to Reduce Food Waste and Grow Community" attached).

We have seen the negative impact on the composting and recycling industries in states such as Maine and Vermont when non-source separated organics collection invited generators (groceries, food distributors, and other large generators) to toss ALL (including previously source separated and composted organics) inedible food into dumpsters headed for depackaging. This has forced a lengthy process in the State of Vermont to reaffirm the intent of its source separated organics law, yet many composters never recovered, leaving a deficit of compost for healthy soils in the State. Washington State has been a national leader in advancing food waste diversion and composting, and ILSR is concerned that these rule changes would jeopardize this progress.

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.
- Undermine source separation, the foundation of Washington's solid waste system, by effectively exempting grocery stores from sorting their recyclables, food waste, and garbage.
- Reinterpret key state definitions, including "organic materials," "source separation," and ownership of solid waste — in ways that contradict existing statute and case law.
- Let depackaging facilities off the hook in terms of inbound material contamination limits or recovery standards. The 2% contamination limit on compost facility feedstocks should be mirrored by equivalent standards for depackaging facilities.

In short, Ecology's proposal flips the intent of the law: it lets high-contamination depackaging operations expand while maintaining restrictions on proven composting systems. We oppose any revisions to Chapter 173-350 Solid Waste Handling during the Organic Materials Management Rulemaking that offer only weak regulatory guardrails for preprocessing operations (aka depackaging facilities). If adopted, these rules will discourage source separation, reduce organics recycling rates, and could set a damaging precedent for other states looking to Washington as a leader.

Please also reconsider categorizing food scraps as "waste" in the regulations. Food is not "waste"

unless it is disposed of in a landfill or incinerator. Composters are not managing wastes, they manage resources that are turned into a valuable soil amendment, so, the precision of the language used is paramount. When these resources are composted they are no longer wasted rendering this term obsolete. "Food scraps" is a more appropriate term to describe source separated organic matter no longer edible for human consumption that may still feed animals and microbes in composting processes.

Additionally, worm castings or vermicast is not manure and should not be identified as so. It is a soil amendment and a natural fertilizer, as it improves soil structure and fertility.

We are asking for the following:

- In the Pre-Processing Section (page 61), include strong, Vermont-style depackaging standards that maintain source separation and prevent contamination. For example:

- (1) Prohibit the acceptance of easily recyclable materials
- (2) Prohibit commingling of packaged food with pure food waste
- (3) Prohibit sending pure food waste through a depackaging machine

- In the Definition Section, remove or revise provisions that rewrite statutory definitions for "organic materials" (page 6), "source separation" (page 53), and shift ownership away from generators (page 8). The definition of "source separation" (page 53) should clarify the separation of food residuals from packaging prior to collection.

- Protect and expand compost infrastructure by adopting practical, achievable contamination reduction policies upstream and training requirements for facilities (page 105).

- We believe that increased compliance burdens and restrictions at the facility need to have upstream changes (starting on page 75) to help ensure success.

- In section 220 and 225, require training minimums for all organics management facility operators to mirror those that are drafted for compost facility operators.

- Change the term "Food waste" (page 29) to "Food scraps" in order to reflect the true value of this organic material.

- Ensure "worm castings" or "vermicast" (page 59) identified and managed as a soil amendment.

Worm castings are not manure and should not be identified as so.

Please consider these comments in your efforts to maintain the intent to source separate organics for composting and divert packaging from landfills.

Hierarchy to Reduce Food Waste and Grow Community

