

The Washington Organic Recycling Committee (WORC) respectfully submits the following comments regarding the proposed requirement to measure physical contamination of incoming organics by percentage by volume.

Our major concern is that there is no standard legally defensible approved method for measuring contamination by volume. Without an accepted methodology, this requirement is unenforceable and regulators cannot act on a non-quantifiable rule.

Composters have no recognized, defensible procedure to follow, and regulators lack a reference method to verify compliance. The only logical purpose for such a standard would be to justify mandatory pre-processing. But enforcement agencies cannot compel such actions unless there is a recognized, scientifically sound method to measure volume-based contamination.

Current standard test protocols, such as the TMECC methods developed by USDA provide methodologies to quantify contamination by weight, including segregation of inert material categories. Some jurisdictions (e.g., California's CalRecycle) additionally use manual field methods to estimate contamination by weight, not volume. These procedures rely on weight-percent, not volume-percent.

If WA Ecology were to develop a method of determining contamination by volume, that method would need to be evaluated in the context of this rule and stakeholders would need time to comment on how that required concentration would affect their processes and procedures. By introducing a requirement without an approved method of measurement, stakeholders cannot properly evaluate this aspect of the rule.

In its current form, the 5% volume-based contamination requirement lacks any feasible path to enforcement and therefore has no regulatory value. WORC urges Ecology to instead Incorporate a specific, tested, and defensible method for measuring % contamination by weight (e.g. TMECC) allowing stakeholders to validate and comment on allowable thresholds.

Thank you for the ongoing opportunity to engage in this rulemaking process. WORC is ready to assist with identifying or evaluating potential volume-based measurement protocols.