



August 13, 2026

Washington State Department of Ecology
Solid Waste Management Program

RE: Proposed Amendments to Chapter 173-350 WAC – Organic Materials Management

To Whom It May Concern:

The Northwest Grocery Retail Association (NWGRA) appreciates the opportunity to comment on the Department of Ecology's (Ecology) proposed amendments to Chapter 173-350 WAC governing organic materials management.

NWGRA represents chain, family-owned, and independent grocery retailers throughout Washington, Oregon, and Idaho, including more than 455 member store locations employing over 66,000 people in Washington. Our members share Ecology's goals of reducing waste sent to landfills, supporting food recovery, protecting Washington's environment, and expanding responsible organic materials diversion.

As NWGRA explained in its December 2025 comments, grocery retailers already devote significant resources to food donation, source reduction, recycling, and the separation of food from garbage and other materials. Landfilling is generally the least desirable and often the most expensive option available to retailers. Our members therefore want organic materials diversion systems to succeed, but those systems must remain practical, affordable, and workable for stores of different sizes and in different regions of the state.

NWGRA generally supports the structure of Ecology's proposed rules because the proposal appropriately focuses new operational, permitting, contamination-control, testing, and reporting requirements on the facilities that process organic materials. The proposal creates a specific regulatory framework for organic materials pre-processing facilities. Those facilities would be responsible for receiving source-separated solid waste, removing packaging and other physical contaminants, testing processed material, and ensuring that materials transferred for subsequent organic materials management satisfy applicable contamination standards.

This approach recognizes an important practical distinction: grocery stores are food retailers and generators of organic materials; they are not organic materials processing facilities. The removal of packaging and incidental contaminants from packaged food is a processing function best performed by service providers with the equipment, infrastructure, permits, and operational expertise necessary to do that work safely and efficiently. The proposal's definition of "organic materials pre-processing" appropriately describes that activity as

processing source-separated solid waste to remove physical contaminants and packaging before organic materials management. NWGRA supports maintaining that distinction in the final rule.

Although NWGRA supports the overall direction of the proposal, we request that Ecology expressly clarify in the final rulemaking materials that the amendments do not create new source-separation, manual sorting, or depackaging requirements for grocery retailers or other commercial generators.

In particular, the final rule should not be interpreted to require grocery stores to:

- manually remove food from its immediate packaging;
- maintain separate collection systems for packaged and unpackaged food;
- open individual containers or packages before collection;
- test materials for compliance with processor contamination limits; or
- conduct activities that constitute organic materials pre-processing within store backrooms.

Requirements of this kind would impose substantial labor, space, sanitation, training, and food-safety costs on retailers without necessarily improving environmental outcomes. They could also make diversion more expensive than disposal and discourage stores from participating in organic materials recovery programs.

NWGRA's December comments specifically cautioned against operational mandates requiring stores to split packaged and unpackaged food into separate systems or perform depackaging work that properly belongs with specialized service providers. We appreciate that the current proposed rule does not appear to impose those requirements, and we encourage Ecology to preserve that approach.

To avoid future uncertainty, Ecology should include a statement in the rulemaking record substantially similar to the following:

“Nothing in these rules is intended to impose new source-separation, manual sorting, contamination-testing, or depackaging obligations on commercial generators. Organic materials pre-processing, including the removal of packaging and physical contaminants, may be performed by appropriately regulated processing facilities.”

That clarification would provide certainty to retailers, local health jurisdictions, haulers, and processors while preserving Ecology's ability to enforce environmental standards at regulated facilities.

Washington grocery retailers rely on a diverse network of service providers to manage organic materials. Depending on the material, location, available infrastructure, and cost, retailers may use food donation programs, animal feed operations, composters, anaerobic digesters, depackaging facilities, or other lawful recovery technologies.

Competition among compliant service providers helps retailers control costs, respond to regional infrastructure differences, and increase diversion. As NWGRA previously noted, policies that limit competition or steer materials toward one type of processor risk raising costs, reducing efficiency, and undermining the state's diversion objectives.

NWGRA does not take a position in favor of any particular processor or technology. Our concern is that contamination limits and facility acceptance standards are not implemented in a way that indirectly forces new work and costs back onto grocery stores. Ecology should therefore evaluate contamination standards not only for environmental performance, but also for whether they preserve viable outlets for grocery-generated organic material throughout the state.

NWGRA appreciates Ecology's work to modernize Washington's organic materials management regulations. We generally support the proposed rule's focus on establishing standards for the facilities that receive, pre-process, compost, digest, or otherwise manage organic materials. We respectfully ask Ecology to finalize the rules in a manner that:

- preserves the distinction between grocery retailers as generators and regulated facilities as processors;
- confirms that the rules do not impose new store-level source-separation, manual sorting, testing, or depackaging requirements;
- maintains multiple viable and compliant processing options;
- applies contamination-control responsibilities to the entities with the equipment and ability to perform that work; and
- considers affordability and operational practicality when implementing the final rules.

Washington's grocery retailers remain committed to reducing waste, supporting food donation and recovery, and partnering with Ecology and the organic materials management industry. Protecting processor choice and avoiding unnecessary store-level mandates will help retailers continue expanding diversion while keeping food affordable for Washington families.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Dalton', with a stylized flourish at the end.

Amanda Dalton
President & CEO
Northwest Grocery Retail Association