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We've been composting in Washington for more than 20 years. We supported the original purpose of this rulemaking, addressing contamination and establishing appropriate regulations for the packaging. Unfortunately, somewhere along the way, the focus has shifted. As drafted, this proposal places significant new requirements on compost facilities while providing very little meaningful oversight of the packaging operations. I'd like to provide three points.

First, the proposal expands the definition of source separation well beyond statutory authority. We are not opposed to anaerobic digestion and we are not opposed to regulated the packaging. What concerns us is a proposal that would allow garbage to enter the clean organic stream and still be treated as source separated. We also appreciate Ecology's decision to remove the grocery store example that explicitly allowed package and unpackaged food to be mixed together. However, it appears the underlying interpretation may not have changed this. That definition is foundational, and getting it right is critical because so much of this rule depends on it.

Second, the proposal creates regulatory gaps in real world consequences. It has the potential to pull material outside the regulated solid waste system, affecting local government flow control, municipal contracts and tax revenues. Under the current draft, compost facilities face new and costly finished product testing standards more stringent than those that are already working today. The packaging facilities face much less. The proposal includes a 5% contamination limit by volume, but it's unclear how that standard would actually be measured or enforced. We just heard questions about that. At the same time, the packaging facilities could accept a broad range of material without any requirement to recover a report on residuals.

Third, we don't believe the environmental review goes far enough. This proposal is expected to encourage additional DE packaging facilities throughout the state. Before this rule is finalized, the environmental review should fully evaluate what happens to the residual waste these facilities generate where that material ultimately goes in the resulting landfill and emissions impacts. The proposal also ignore state statute that prohibits landfill and recyclables and has not taken this very real concern into account.

Finally, I'd like to close with a few practical recommendations. Source separation works. It isn't complicated. Washington residents and businesses have been doing it successfully for decades. We ask that it's defined what qualifies as heavily packaged foods, so only those materials go through the packaging. Equipment keep clean food waste separate. Vermont has taken this approach. Washington can do the same, develop meaningful guardrails for the packaging, clear limits on inbound contamination, reporting on what is received and what is recovered, and a minimum recovery standard so we know these facilities are recovering versus landfilling. We are submitting detailed written comments that address these issues in much greater detail. But today our message is straightforward. We do not believe this proposal as currently drafted solves the contamination problem it is set out to address and sets us back in a few key environmental areas. We respectfully ask Ecology to revise the rule before finalized.