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Solid Waste Management Program Rule Coordinator
Organicsrule@ecy.wa.gov

The American Biogas Council (ABC) appreciates the opportunity to comment on the Washington State Department of Ecology's proposed amendments to Chapter 173-350 WAC governing organic materials management. ABC represents more than 400 companies across the biogas industry that recycle organic material into renewable energy and soil products. Our members work with food-waste generators across the country through the development and operation of anaerobic digesters, pre-processing systems and related infrastructure.

ABC supports Ecology's efforts to reduce contamination, improve the quality and safety of finished organic products and ensure that organic waste is directed to facilities capable of responsibly processing it. We particularly appreciate Ecology's recognition of regulated pre-processing as an important component of Washington's organics management system. The final rule should establish meaningful contamination standards while encouraging the technologies needed to recover packaged commercial and industrial food. Without pre-processing or on-site depackaging capability, this material generally cannot be accepted directly by organics recycling facilities and is more likely to be landfilled.

Protecting finished-product quality and enabling greater food-waste recovery are complementary goals. Washington can accomplish both by pairing stronger contamination standards with a workable regulatory pathway for pre-processing and depackaging.

Summary of Recommendations

- Maintain the distinct permitting framework for organic materials pre-processing and depackaging facilities.
- Recognize depackaging as a proven, market-supported tool that expands commercial food-waste recovery while delivering effective contaminant removal and cleaner feedstock for downstream processing.
- Do not impose an incoming contamination or packaging cap on pre-processors whose purpose is to remove those materials before recycling or digestion.
- Reject Vermont-style requirements that would require food businesses to manually depackage material at individual locations or restrict mechanical depackaging.
- Restore Ecology's initially proposed two-percent physical-contamination limit for feedstock delivered to downstream composting and anaerobic digestion facilities, including material processed by a depackaging facility.
- Do not impose a uniform recovery-rate mandate on pre-processors without reliable data and a methodology that accounts for water, feedstock variability and different processing pathways.
- Maintain Ecology's proposed limits for physical contamination and film plastic in finished organic products and continue evaluating opportunities to strengthen those limits as reliable data, new technology, and operational experience become available.
- Strengthen testing and enforcement through representative sampling and random verification by Ecology.
- Use a practical and consistent measurement approach that accounts for moisture and the limitations of visual volume-based assessments.

Preserve a Workable Pathway for Regulated Pre-Processing

ABC commends Ecology for recognizing that pre-processing is necessary for certain organic feedstocks and for establishing a distinct permitting section for organic materials pre-processing facilities. Pre-processing already occurs at organic materials management and material recovery facilities and will become increasingly important as residential and commercial diversion expands. Ecology's approach provides regulators with clear oversight while giving operators the regulatory certainty needed to invest in equipment and processing capacity.

Commercially generated wasted food frequently contains incidental contaminants or remains in packaging that directly contacts the food. These materials generally cannot be placed in conventional recycling streams, and many organics recycling facilities cannot accept them without pre-processing. Mechanical separation and other regulated pre-processing technologies convert this material into feedstock that can meet downstream acceptance standards. Without that pathway, generators would need to manually open and separate packaged products at the point of generation, a labor-intensive and often uneconomical process for which many businesses lack sufficient staff, space and equipment. Consequently, much of this otherwise recoverable food material would likely be landfilled rather than diverted to composting or anaerobic digestion facilities.

Food retailers and other commercial generators are increasingly seeking depackaging services because these systems provide a practical way to divert food at scale, often through a single partner. By allowing generators to send packaged food to regulated pre-processors, more organic material can enter recycling supply chains than would be possible under a system limited to manually separated, unpackaged food. If generators are instead required to depackage every product at individual locations, many will lack the staff, space or operational capacity to do so, and otherwise recoverable food will continue to be landfilled. This growing market demand demonstrates that depackaging supports Washington's organic diversion goals by expanding recovery while removing contamination before downstream processing.

Regulated pre-processing also expands the range of food materials that can be beneficially managed through anaerobic digestion. Depackaging systems receive packaged food and remove physical contaminants before the recovered organic feedstock enters a digester. Anaerobic digestion then converts that material into renewable energy and digestate, which, when properly processed and demonstrated to meet applicable contamination and quality standards, including through programs such as ABC's third-party-verified Digestate Certification Program, can be used directly as a soil amendment or further incorporated into composting operations¹. This integrated approach increases food-waste recovery while protecting the quality of materials ultimately applied to land.

The final rule should not favor one organic materials management pathway or limit food-waste recovery based on the operational constraints of the lowest performing facilities that are not equipped to accept non-recyclable packaged commercial food. Facilities that invest in effective pre-processing and contamination-removal systems should be permitted to recover these materials, provided that their outgoing feedstock, digestate and finished products meet applicable quality standards. A technology-neutral, performance-based framework will protect environmental quality while allowing anaerobic digestion, composting and other beneficial-use pathways to serve all the feedstocks they are best equipped to manage.

ABC also commends Ecology for declining to establish an upper physical-contamination or packaging limit on material received by a pre-processor. Such a limit would be inconsistent with the facility's core function: accepting material that requires separation and reducing contamination before delivery to an organic materials management facility. Ecology's prohibition on accepting municipal solid waste establishes an appropriate boundary without foreclosing the recovery of packaged food products.

ABC further supports Ecology's practical approach to recyclable inorganic materials. Requiring pre-processing facilities to describe their plans for recovering qualifying recyclable materials provides appropriate oversight without imposing a rigid requirement that fails to account for differences in incoming material and local recycling markets.

Do Not Shift Industrial Processing Functions to Food Businesses

ABC urges Ecology not to adopt a Vermont-style approach that would require source-separated organics to be manually removed from packaging before collection or prohibit mechanical depackaging of otherwise source-separated food

¹ American Biogas Council, *Digestate Certification Program*, <https://digestate.org/> (last visited Aug. 13, 2026).

material. Source separation remains important, but it should identify the organic waste stream and keep it separate from municipal solid waste. It should not be defined so rigidly that packaged food products become ineligible for recovery.

Requiring manual depackaging at individual grocery stores, restaurants, institutions and manufacturing sites would shift a specialized processing function to workers and locations that are not designed or permitted to perform it. The practical tasks would include opening individual dairy containers, produce sleeves, salad bags and other food-contact packaging while maintaining food-safety and stockroom operations. This would create additional labor, training, sanitation and storage burdens while increasing opportunities for human error.

More importantly, a manual-only policy would reduce diversion. Packaged, spoiled, damaged, off-specification and recalled food exists at a commercial scale. In many cases, there is no realistic upstream or manual solution capable of preparing those volumes for composting or digestion. When regulated pre-processing is unavailable, the likely alternative is not cleaner organics; it is disposal of the food and its packaging together, reducing food-waste recovery and eliminating opportunities to recycle eligible packaging materials. Ecology should avoid a framework that produces that result.

Require Meaningful Improvement in Incoming Contamination

RCW 70A.205.540 directs Ecology to establish permit requirements addressing contamination associated with incoming food-waste feedstocks and finished products. Ecology states in its Preliminary Analyses that the existing baseline already limits compost facilities to feedstock containing five percent physical contamination by volume or less unless the facility has a decontamination plan. Ecology also acknowledges that retaining the existing five-percent threshold is not expected to affect current facility operations.

ABC encourages Ecology to restore the initially proposed two-percent contamination limit for feedstock received by composting and anaerobic digestion facilities. The limit should not apply to packaged food received by a pre-processing facility because removing that packaging and contamination is the facility's purpose. This approach would deliver cleaner feedstock to organics recycling facilities without preventing the recovery of packaged food.

The standard must also be practical and administrable. Ecology should establish a consistent sampling and measurement protocol rather than relying solely on visual estimates, which can be subjective and affected by the compressibility of packaging. ABC also does not support calculating contamination as a percentage of total wet weight without accounting for the substantial and variable moisture content of food feedstocks. Any weight-based approach should use a dry-weight or moisture-adjusted methodology that accurately reflects the amount of physical contamination present.

Avoid Arbitrary Recovery-Rate Mandates

ABC agrees with Ecology's decision not to impose a uniform recovery-rate requirement on organic materials pre-processors. As Ecology recognizes, national data are insufficient to establish an informed rate, and measurement is complicated by water contained in incoming feedstocks, evaporation, separation, recirculation and differences among processing pathways.

A uniform recovery rate could penalize facilities based on feedstock composition rather than environmental performance and could discourage innovation by failing to account for differences among processing pathways. Outcome-based standards provide a more reliable way to ensure environmental results while allowing facilities to account for variations in feedstock, water content and beneficial-use pathways.

Strengthen Finished-Product Contamination Limits

ABC supports Ecology's objective of reducing physical contamination and film plastic in finished organic products to protect soil, water, agricultural uses and public confidence in compost, digestate and other soil amendments. Before finalizing specific numerical limits, Ecology should confirm that the standards are supported by reliable data, practical measurement methods and input from facilities representing different processing technologies and beneficial-use pathways. The final standards should produce meaningful improvements in product quality while remaining technically achievable and consistently enforceable.

ABC also supports Ecology's removal of labeling tolerances that could allow compost exceeding the proposed film-plastic limit to be distributed for certain land applications. Finished products that exceed contamination limits should not be applied to agricultural land, gardens or environmentally sensitive areas merely because they carry an additional label.

Although Ecology's proposed limits represent meaningful progress, even small allowable percentages can result in visible quantities of plastic in finished compost. ABC therefore encourages Ecology to continue evaluating opportunities to strengthen finished-product limits as reliable data, testing results and operational experience become available. Washington's standards should provide consumers, farmers, and other end users with confidence that finished organic products are safe and consistently clean.

Strong finished-product standards create the appropriate regulatory signal: every part of the system—including generators, collectors, pre-processors, composters and digesters—must manage contamination so it does not appear in products applied to land. The rule should not attempt to achieve that outcome by excluding recoverable packaged food at the front end. It should require effective separation and processing and hold facilities accountable for the quality of their finished products.

Strengthen Testing and Enforcement

ABC commends Ecology for increasing testing frequency and reporting requirements for finished organic products. These changes are important for demonstrating consistent product quality and protecting human and environmental health.

However, testing outcomes depend on whether samples accurately represent facility performance. Reliance solely on samples selected by regulated facilities may not provide sufficient confidence that finished products consistently meet applicable standards. Ecology should conduct random verification testing and apply meaningful enforcement when facilities repeatedly or materially exceed contamination limits.

Conclusion

Washington has an opportunity to build an organic materials management system that increases food-waste recovery, responds to generator demand for practical diversion services, supports anaerobic digestion and composting, encourages private investment and produces cleaner finished products. Achieving these outcomes requires stronger contamination standards and credible enforcement without excluding the technologies needed to manage real-world food material.

ABC respectfully urges Ecology to preserve the distinct regulatory pathway for pre-processing, maintain its decision not to cap the material accepted by pre-processors, reject manual-only depackaging restrictions, restore the initially proposed two-percent incoming contamination limit, avoid unsupported recovery-rate mandates and continue strengthening finished-product contamination standards, testing and enforcement.

Ecology should avoid requirements that favor incumbent processing models or restrict facilities that can demonstrate effective contaminant removal and compliance with strong output-quality standards.

ABC appreciates Ecology's leadership and its willingness to recognize innovative, market-supported pre-processing solutions within Washington's organics management system. We welcome the opportunity to continue working with the Department and stakeholders as the rule is finalized.

Sincerely,

Jonathan Harding

Manager, State Policy
American Biogas Council

About the American Biogas Council

The American Biogas Council is the voice of the US biogas industry dedicated to maximizing carbon reduction and economic growth using biogas systems. We represent more than 400 companies in all parts of the biogas supply chain who are leading the way to a better future by maximizing all the positive environmental and economic impacts biogas systems offer when they recycle organic material into renewable energy and soil products. Learn more online at www.AmericanBiogasCouncil.org, Twitter [@ambiogascouncil](https://twitter.com/ambiogascouncil), and [LinkedIn](https://www.linkedin.com/company/ambiogascouncil).