

August 13th, 2025

**Mr. Chris Fredley
Rules Coordinator, Department of Ecology
300 Desmond Drive Southeast
Lacey, WA 98503**

Dear Mr. Fredley,

Thank you for the opportunity to comment on this process. As a member of the House of Representatives, I voted in favor of HB 2301 in 2024 which was presented as a bill to reduce organic waste going to landfills and improve environmental outcomes in our state.

As a legislator, I am concerned the rulemaking process may be heading in a different direction from the legislative intent. While I do believe there have been improvements since the last proposal, I worry we are still at risks of potentially moving us backwards on our landfill diversion goals. It remains critical that Ecology prioritize the statutory requirements for organic food waste to be separated from its nonorganic packaging at the source. This is the common understanding of source separation and will help maximize total diversion from landfills, as well as maximizing recycling of plastics, cardboard and food waste.

As we've previously discussed, I remain encouraged about the potential for depackaging technology to help with heavily packaged food containers that are hard to separate. However, I believe Ecology needs to clearly define what is and is not allowed to be sent to a depackaging operation. The current proposal creates a new, broad class of facility that can accept source separated solid waste. This goes well beyond the enabling legislation for rules which were to be focused on organics facilities and contamination.

I would also like Ecology staff to consider creating a separate pathway for hard to separate (narrowly defined) food waste to flow to pre-processors and to reconsider the more arbitrary standards proposed for finished compost products. The more restrictive standards do not seem to have a meaningful environmental benefit to justify the additional costs associated with compliance and risk negative ratepayer impacts to my constituents, both residents and businesses.

I sincerely thank the department for all the work and would ask the department to better address the remaining outstanding concerns related to protecting true source separation at the generator level.

Thank you,

Rep. Julio Cortes
38th Legislative District