

Institute for Local Self-Reliance (Sophia Jones)

The Institute for Local Self-Reliance (ILSR) is a national nonprofit research and educational organization that advocates for thriving, healthy, and self-reliant communities. Our Composting for Community Initiative supports diversified local composting capacity that rises to meet the pressing need to divert food waste from landfills while creating rich soil, sequestering carbon, facilitating educational opportunities, and supporting good jobs. We respectfully request your consideration of our comments, which are informed by 50+ years of experience providing assistance to communities to reduce, compost, and recycle wasted materials.

ILSR supports the goal of creating a low-contamination organics recovery system that prioritizes source-separated materials, ensures environmental integrity, and provides a level playing field among all organics management technologies. However, the proposed amendments weaken the goals of the enabling legislation and will have a detrimental effect, causing more organics to be sent to landfills, less effective recycling and food donation programs, and regulatory burdens on composting facilities that are currently producing high-quality compost. The direction that Washington decides to take will have national implications, as other states look to it to inform their own organics diversion policies.

We have seen the negative impacts that contamination has had on the composting industry in states such as Maine and Vermont, where non-separated organics collection allowed generators to start commingling their organics with packaging, creating loads that could not be viably processed by local composters. The material was instead sent to facilities with depackagers, many out of state, resulting in lower-quality end products contaminated with microplastics and PFAS, and causing many composters to lose significant market share to their large-scale competitors with depackagers. The State of Vermont recently undertook a review of their regulations, and is reaffirming the intent of its source-separated organics law to keep clean streams of organics separate from packaged streams, yet many composters have yet to recover from the loss of market share, leaving a deficit of high-quality compost for healthy soils in the region. Washington can learn from Vermont and take the opportunity to prevent contamination and support composters now.

ILSR offers the following comments and recommendations to the Washington Department of Ecology (Ecology):

Do not water down the State's definition of source separation – The statute currently defines source separation as separating waste "at the place where the waste originates." Ecology's Proposal effectively lets grocery stores/generators bundle food waste with packaging and call it "source separated" as long as it's kept apart from a general garbage can. This conflicts with RCW 70A.205.015(26) and RCW 70A.205.545, and will drive the market away from true source separation, putting undue strain on composters and incentivizing lower-quality end products.

Holding AD and depackaging to lower standards than composting risks long-term harm to the compost industry and local economies – Managing contamination in the composting stream requires significant investments of labor, time, and money, and composting operations rely on low levels of plastic contamination in inbound feedstock for financial viability. The proposed

regulations will shift even more of this burden onto composters, rather than supporting decontamination upstream at the generator level and at depackaging facilities, where contamination is proven to be more effectively addressed. The proposed regulations have the potential to significantly threaten medium and small composting operations in particular, which are an integral part of a thriving composting infrastructure (see ILSR's "Hierarchy to Reduce Food Waste and Grow Community" attached). If the industry focuses on diversion without strong quality standards, we risk committing organics management to the same fate our recycling system experienced – one plagued by vertical integration, increased contamination, and decreased effectiveness, all at cost to the consumer.

Furthermore, anaerobic digestion and depackaging are being heavily invested in by mega corporations like BlackRock, with aggressive growth plans that revolve around turning a profit. Funding and government support for proliferation of these large-sized facilities risks being siphoned out of the local communities and the state, whereas investment into locally-owned and decentralized composting and organics management operations offers a circular alternative that supports local communities rather than lining the pockets of shareholders.

Hold organics processing facilities to the same contamination standards to avoid incentivizing contaminated end products – The proposed 5% is ambiguous in its applicability to anaerobic digestion or depackaging facilities, potentially enabling depackagers to avoid performance standards entirely. This subjective standard would result in different treatment for facilities across the state, effectively prioritizing organics processing via anaerobic digestion and depackaging over composting, and lowering the bar across the state for quality of the end products that go back into our environment. This is especially concerning given EPA's research showing increased plastic contamination from the depackaging process.

Depackaging encourages landfilling of recyclables and compostable packaging, which is in violation of RCW 70A.205.310 – Under the current Proposal, depackaging facilities are allowed to accept "source-separated solid waste." However, the current Proposal allows a depackager to accept recyclable material mixed with food waste. Once material is processed through a depackaging machine, it is shredded, coated in food residue, and no longer recyclable. Certified-compostable foodservice ware is also sent through this process and ultimately disposed, rather than composted as it is intended to be. Anaerobic digesters are not designed to process compostable foodservice ware. We encourage Ecology to maintain strong source separation requirements, which will lessen the amount of packaging materials sent through depackaging machines and, therefore, decrease the amount being disposed.

State Environmental Policy Act (SEPA) checklist ignores environmental impacts – Ecology issued a "no significant impact" Determination of Non-Significance with respect to the SEPA checklist without analyzing the residual waste stream of organics and plastics from depackagers that will be sent to landfills, wastewater/stormwater discharges, and recyclable materials sent to landfills. Ecology's response to comments has resulted in informal assurances rather than a thorough analysis or examination.

Reinstate operator training standards – We discourage the removal of statewide training standards for compost facility operators. Washington is a leader among U.S. states in the organics management space, and a well-trained composting operator workforce is essential to ensuring composting facilities are operated safely and with high standards to produce high-quality end products. Training standards for other organics recycling processes are also available from reputable organizations and should be required to ensure proper operation and management of facilities.

Reconsider categorizing food scraps as "waste" – Food is not "waste" unless it is disposed in a landfill or incinerator. Composters are not managing waste, rather, they manage resources that are turned into a valuable soil amendment, so, precision of language is paramount. When these resources are composted, they are no longer wasted, rendering this term obsolete. "Food scraps" is a more appropriate term to describe source-separated organic matter no longer edible for human consumption that may still feed animals and microbes in composting processes.

Thank you for your consideration of our comments in your efforts to maintain Washington State as a leader in waste diversion and to keep organics and recyclable packaging out of landfills and incinerators. The adopted regulations will have a lasting impact on the trajectory of organics management, both in Washington and across the country.

Hierarchy to Reduce Food Waste and Grow Community

