

NRDC (Darby Hoover)

Please see attached for Natural Resources Defense Council's comments.

August 13, 2026

Mr. Chris Fredley
Department of Ecology
Solid Waste Management Program
300 Desmond Drive Southeast
Lacey, WA 98503

Re: Comments to Organic Materials Management Rulemaking in Favor of Source-Separated Organics in Washington State, Washington State Register No. 26-14-021

Dear Mr. Fredley,

Natural Resources Defense Council (NRDC) submits these comments to help inform the State's organic materials management rulemaking under chapter 173-350 WAC Solid Waste Handling Standards. NRDC respectfully urges the State to strengthen the proposed rules to address contamination in food waste feedstocks and finished products at organic waste handling facilities. To meet the intent of Washington State's organics management laws to divert more materials from landfills and support the State's composting infrastructure (*see, e.g.*, Wash. Rev. Code. § 70A.205.007's goal to reduce by 75% the landfill disposal of organic waste by 2030), the regulations must ensure organics are source separated for quality compost and anaerobic digestion feedstocks. The regulations must also ensure recyclable packaging waste is effectively recycled rather than going to landfills to the greatest extent feasible.

Washington State has been a national leader in advancing food waste diversion and composting. The Legislature has passed numerous laws to increase organics recovery and build strong composting infrastructure across the state. But the Department of Ecology's newly released draft rules are jeopardizing this progress by opening the door for the misuse of underregulated depackaging operations. Depackaging machines that are designed to separate food from its packaging and send the food waste to an anaerobic digester (AD) or compost facility while the packaging is typically disposed. When mechanical depackaging is used, food waste generators like grocery stores do not need to manually separate food from its packaging. This tends to shift processing costs and quality management challenges downstream to composters and AD operators. This can also lead to small pieces of packaging, like microplastics, ending up in the processed food waste and creating potential pollution as the compost and AD products are applied to land—making it more difficult to safely recycle nutrients back to soil. (*See* NRDC, "[Food Waste Depackaging and the Need for Better Regulation](https://www.nrdc.org/media/food-waste-depackaging-and-need-better-regulation)," Aug. 2026, <https://www.nrdc.org/media/food-waste-depackaging-and-need-better-regulation>.)

NRDC supports the need for revisions to Chapter 173-350 Solid Waste Handling to advance critical environmental protections and develop parallel regulatory guardrails for preprocessing

operations including depackaging facilities and other food scrap recycling operations like compost processing.

However, the rules, as drafted, will likely increase the amount of surplus donatable food, packaging, and recyclables (like cardboard, paper products, and plastics) that are thrown together to become feedstock for depackaging. This waters down existing requirements for separation of waste at the source. Coupled with the absence of requirements for microplastics testing, the proposed rules will be detrimental to the state's currently robust compost industry. It also runs counter to the healthy soil policies that depend on quality compost and digestate.

The proposed rules fall short of the Organics Management laws' mandates and purpose for at least two reasons. First, the draft rules undermine the statutory mandate for source separation. The best practice for food waste recycling has long been to manually separate the packaging from the food at the source—that is, the location where it is generated. “Effective source separation supports the highest and best use of materials and cleaner feedstock for producing recycled materials because there is less contamination” (EPA, [“Best Practices: Source Separation Requirement or Preference,”](https://www.epa.gov/transforming-waste-tool/source-separation) Mar. 12, 2026, <https://www.epa.gov/transforming-waste-tool/source-separation>.) Without a clearer prohibition against commingling of unpackaged food and packaged food bound for processing, the proposed regulations undermine “source separation,” *see* Wash. Rev. Code 70A.205.015, the foundation of Washington's solid waste system, by effectively opening the door to an interpretation of the rules that would exempt grocery stores and other food waste generators from sorting their recyclables, food waste, and garbage.

Second, the proposed rules lack requirements for depackaging facilities, including prohibition on commingling packaged food with source-separated organics and prohibition on sending source-separated organics through a depackager. Without such requirements, the rules create a loophole to the organics management laws' mandate that businesses “shall arrange for organic materials management services specifically for organic material waste” (*see* Wash. Rev. Code § 70A.205.545(2)(a)). Based on current understandings of depackager operations and microplastics shedding, the potential for depackaging to increase microplastic contamination is significant. (*See* BioCycle, “Microplastics: The What, Where, Why and Impact,” Apr. 25, 2023, <https://www.biocycle.net/microplastics-what-where-why-and-impact/>.) This is contrary to the agency's mandate to address “contamination associated with incoming food waste,” Wash. Rev. Code § 70A.205.540(8), including “plastic contamination, pesticides, and other materials,” *id.* § 70A.207.040 (note (1)(f)).

NRDC urges the following:

- In the Definition Section, revise the definition for “source separation” (page 19) to expressly prohibit commingling of manually unpackaged food and packaged food bound for processing.

- In the Pre-Processing Section (page 21), add depackaging standards and requirements that maintain pre-depackaging source separation and prevent contamination. Vermont’s close-to-final rules provide a helpful reference point. (See VT Dep’t of Environmental Conservation, “[2026 Solid Waste Management Rule Changes Summary](https://dec.vermont.gov/document/2026-solid-waste-management-rule-changes-summary),” Apr. 2026, <https://dec.vermont.gov/document/2026-solid-waste-management-rule-changes-summary>.) The rules should include:
 - Prohibition on commingling packaged food with source-separated organics
 - Prohibition on sending source-separated organics through a depackaging machine
 - Requirements similar to those in Vermont’s proposed rules to ensure that depackaging equipment and processes are optimized for the materials being processed, to prevent contamination, and to maximize recovery of organic solid wastes, including specifications that the depackaging facility should provide sufficient staffing to remove outer materials such as film wraps and cardboard from food packaging prior to processing in the depackager. Materials should be recovered for recycling to the greatest extent possible.
- Additionally, we recommend adding requirements for testing and tracking of both the food slurry exiting depackagers as well as finished products such as compost and digestate to determine the concentration of microplastics . This information is key to determining whether loads that went through depackaging processes are more contaminated compared to other organic material processing options. Separately, to mitigate the chemical contamination of finished products, we recommend banning PFAS in all food packaging in Washington through the Department of Ecology’s Safer Products program.

We support your work to develop strong and fair rules with clear parity across requirements for depackaging, composting, and other food scrap recycling operations. We also ask that you maintain the intent to source separate organics for composting and AD and divert packaging from landfills, and continue to focus these rules on ensuring the least contaminated end markets to support healthier soils that are free from contaminants like microplastics and PFAS.

Sincerely,

Darby Hoover

Senior Resource Specialist, Nature and Environmental Health

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