

Jay Gordon

see attached. THanks. WJG

August 13, 2026

Department of Ecology

Solid Waste Management Program

From: Jay Gordon, Washington State Dairy Federation

Re: Comments on Organics Rulemaking Draft 2

Dear Department of Ecology Staff:

Thank you for continuing to revise and refine the proposed organics management rules and for considering stakeholder feedback provided during the previous comment period. We have reviewed Draft 2 and appreciate that Ecology has made several technical changes in response to concerns raised by stakeholders. However, many of the issues identified in our earlier comments remain unresolved and continue to present significant concerns for agricultural producers, composters, vermiculture operations, livestock producers, dairies, and other agricultural businesses throughout Washington State. The overall concern is that we only just learned that these changes were made and comment due today – today. We asked in December that your department and program staff include Agriculture in notices and communications regarding these rule changes and sadly, that has communication and engagement has not seemingly happened. A key to achieving more beneficial use and recycling of compostable materials is and will be our farms and farmers. We are glad to engage with your program team anytime.

As we stated previously, (Please see our comments in December 2025) the agricultural community has extensive practical experience managing manure, crop residues, agricultural wastes, compost feedstocks, digestate, and other organic materials in ways that promote nutrient recycling, soil health, and environmental stewardship. We remain concerned that several provisions in the proposed rule may unintentionally undermine these longstanding and beneficial agricultural practices.

1. **This rule seems to move wood “Clean Wood Waste” from a categorical exempt situation into a “conditional” exempt use.** There are thousands of farms that use sawdust for bedding for their animals. Are you really going to require all of these farms to report annually to their local health authority that they have a few yards of sawdust on their farm for bedding? What is the rationale for those changes?
2. **Restrictions on Off-Farm Movement of Organic Materials Remain** – One of our principal concerns remains the repeated requirement that materials be generated on-site or on-farm.

Table 225-A continues to require that: "All material must be generated on-site" and, for agricultural operations, "All organic materials except bulking agents must be generated on-farm."

This language continues to conflict with common agricultural practices throughout Washington. Farmers routinely collaborate with neighboring farms to manage manure, crop residues, bedding materials, compost feedstocks, and other agricultural byproducts. These arrangements are often essential to achieving nutrient management objectives, protecting water quality, and ensuring that nutrients are applied where agronomically beneficial.

The current language appears to limit or prohibit cooperative management strategies that have been successfully utilized for decades. Smaller farms often lack sufficient acreage to utilize all available nutrients and depend upon neighboring operations to help manage those materials responsibly.

We respectfully request that Ecology reconsider these restrictions and develop language that accommodates reasonable movement of agricultural organic materials between farms under common ownership, lease arrangements, nutrient management plans, or other recognized agricultural practices.

3. Destination Reporting Requirements Remain Excessive -We continue to be concerned with requirements that annual reports include the "Destination of materials."

For many agricultural operations, composted material and other processed organic materials are distributed locally to neighboring farms, gardeners, landscaping projects, and community members.

Requiring operators to track and document all destinations creates administrative burdens while providing limited environmental benefit. More importantly, such requirements could discourage participation in local nutrient recycling efforts and reduce the accessibility of compost products in rural communities.

We urge Ecology to consider simplified reporting approaches appropriate for small-scale agricultural operations and community-based distribution systems.

3. Broad Agency Discretion Remains Unchanged -Throughout the draft rule, operators remain subject to requirements for "Any additional information required by the department." While we understand Ecology's need for flexibility in unusual circumstances, this provision remains overly broad and provides little certainty to regulated entities. Similarly, substantial discretionary authority continues to be granted to jurisdictional health departments regarding:

- Feedstock approvals;
- Facility design requirements;
- Testing frequencies;
- Operational requirements;
- Alternative compliance approaches; and
- Approval of facility modifications.

Agricultural producers need a clear, predictable regulatory framework that is applied consistently across jurisdictions. Excessive reliance on discretionary decision-making increases uncertainty, complicates compliance planning, and raises concerns about inconsistent interpretation among counties. We respectfully request that Ecology establish objective standards wherever possible and more clearly define the limits of local agency discretion.

4. Testing Requirements Remain Costly and Difficult to Implement. We continue to have significant concerns regarding the proposed testing requirements for processed organic materials. Draft 2 maintains requirements for testing processed materials at frequencies such as:

- Every 5,000 cubic yards; or
- Every three months, whichever is more frequent.

The rule also continues to require operators to demonstrate compliance with contaminant standards of 0.5 percent physical contaminants by dry weight and 0.1 percent film plastic by dry weight.

Our previously raised concerns seemingly remain unresolved:

- What specific sampling methodology will be required?
- What laboratories are currently capable of performing this testing?
- What is the anticipated cost per sample?
- How were these thresholds developed?
- What scientific basis supports the required testing frequency?
- How will test results be applied operationally when materials have already been processed or distributed?

Without clear answers to these questions, agricultural operators are unable to accurately assess the practical and economic implications of compliance.

5. New Feedstock Approval Authority Raises Additional Concerns

Draft 2 contains language requiring that:

"Feedstocks must be approved by the jurisdictional health department."

This provision creates uncertainty regarding what materials may be accepted and whether approvals could vary substantially between jurisdictions.

Agricultural businesses need confidence that accepted feedstocks will be evaluated according to consistent statewide standards rather than varying local interpretations. We encourage Ecology to establish objective criteria and clearly identify which feedstocks are permissible under statewide rules.

6. Continued Need for Agricultural Stakeholder Engagement

Perhaps most importantly, our earlier concern regarding stakeholder involvement remains.

The issues discussed above directly affect farming operations, composting facilities, livestock producers, dairies, nutrient management programs, vermiculture operations, and other agricultural businesses. Yet many agricultural stakeholders continue to feel they have had limited opportunity to participate meaningfully in development of these requirements.

We again encourage Ecology to convene meetings with affected agricultural organizations, farmers, compost operators, and processors before advancing final rule language. Such engagement would help identify practical implementation challenges and improve the likelihood that final rules achieve environmental goals without creating unintended barriers to nutrient recycling and organics diversion.

Conclusion

We appreciate Ecology's efforts to revise the proposal and recognize that several aspects of the rule have been modified. However, Draft 2 does not adequately resolve many of the core concerns previously raised by agricultural stakeholders.

We remain particularly concerned about:

- Restrictions on movement of organic materials between farms;
- Destination reporting requirements;
- Broad discretionary authority granted to local regulatory agencies;
- New feedstock approval requirements;
- Testing frequencies and contamination standards remain unresolved;
- Lack of clear implementation guidance; and
- Potential impacts on nutrient management and organics diversion goals.

We respectfully request additional stakeholder engagement and further revisions before these provisions are finalized. We remain committed to working collaboratively with

Ecology to develop practical, science-based regulations that protect public health and the environment while supporting Washington's farms, composting operations, and agricultural economy.

Thank you for your consideration.

Sincerely,

Jay Gordon

Policy Director

Washington State Dairy Federation

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WA Friends of Farms and Forests

Washington Cattlemen's Association

NW Agricultural Cooperative Council

Washington State Tree Fruit Association

Washington Association of Wheat Growers

Washington Farm Bureau

Save Family Farmers

Washington State Water Resources Association

Washington State Cattle Feeders Association

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