

Cedar Grove (Jay Blazey)

Thank you to you and your team for your continued engagement on Ecology's ongoing organics rulemaking process.

We appreciate the change to the inbound contamination limit in the recently released draft rule in response to feedback and concerns raised by a variety of stakeholders. However, we still feel the most recent version is unresponsive to the majority of stakeholders concerns about protecting source separation, promoting environmental best practices, and promoting a fair regulatory landscape.

Attached are the four outstanding issues we would like to see meaningfully addressed by the Department of Ecology before adoption of a final rule.

1. Protect current state definition of source separation
 - a. Decades of hard work and investment in properly separating recyclables has made Washington a leader in organics management and landfill diversion
 - Generators must separate easily separable packaging from food waste at the source to send to the processor of their choice (composting, anaerobic digestion, etc.)
 - Clean recyclable packaging should be separated from the from food waste at its source and sent to recycling; garbage should be separated and treated as municipal solid waste and flow through the regulated garbage system
 - Heavily packaged food should be clearly defined and sent via a separate pathway for depackaging (#3 below)
2. Remove arbitrary and unnecessary restrictions on compost facilities that will increase costs significantly with no clear environmental benefit
 - More restrictive finished compost standards will drive up costs¹ without clear benefit to end product quality or usability, tightening the current standard of ≤1% physical contaminants by weight (not to exceed 0.25% film plastic by weight) to a proposed ≤0.5% physical contaminants by dry weight (not to exceed 0.1% film plastic by dry weight); a vast majority of composters across the state oppose this proposal
 - Encourage more education and investment in source improvement upstream to protect feedstocks from contaminants
3. Develop meaningful standards and waste stream for pre-processors
 - a. Pre-processors (depackagers) will be competing for organic feedstocks with other processors and should be held to comparable regulatory standards for inbound contamination and finished product contamination standards
 - b. Create separate pathway for hard to separate, heavily packaged food waste (yogurt, soup cans, ice cream, peanut butter, etc.) to flow to depackagers
 - i. This will result in net increase to landfill diversion and positive environmental outcomes
4. Remove proposed changes to current statutory definition of ownership of waste² (WAC 173-350-025)
 - a. It is unclear why an organics rulemaking process would result in changes to this section, particularly around the longstanding legal rules for ownership of waste
 - b. Existing framework is fundamental to the broader regulated solid waste system in our state

¹ *Id.*, Page 20, Table 220-B

² *Id.*, Page 3-5