

Recycled Materials Association (ReMA) (Justin Short)



Recycled Materials
Association

June 23, 2026

Washington State Department of Ecology
300 Desmond Drive SE
Lacey, Washington 98503

**Re: Recycling Reform Rulemaking: Chapter 173-950 WAC – Implementation of
Extended Producer Responsibility Program Comment Period #1**

To Whom It May Concern,

The Recycled Materials Association (ReMA) appreciates the opportunity to comment regarding rulemaking under the Recycling Reform Act, Chapter 70A.208 RCW. ReMA is the trade association representing over 1,600 companies that process, sort, broker, and consume recycled materials, including metals, paper, plastic, and glass. Our member companies are located in the U.S. and around the globe and play a critical part in providing recycled materials to America's manufacturing industries.

ReMA supports the goals of the Recycling Reform Act and appreciates the Department's efforts to establish a clear and effective regulatory framework. Following our review of the draft rule language, we have identified areas where additional clarification or changes would improve implementation and provide greater certainty for impacted entities.

173-950-030 Selected Definitions

ReMA requests additional clarity regarding key terms used to define covered materials. Section (a)(i) describes covered materials as packaging "intended for the consumer market" and paper products sold, distributed, or intended for "use by a consumer for noncommercial purposes." These terms play an important role in determining the scope of covered products and obligations under the program. However, it is not clear from the draft language how these determinations will be made in practice, particularly for products that may be featured in both consumer and commercial markets. Clarification on the process by which these determinations are made would provide needed clarity for our members and provide greater regulatory certainty for producers and other regulated entities.

173-950-2 Alternative Collection Program Requirements

ReMA encourages the Department to provide additional information on the requirements applicable to alternative collection programs, particularly regarding convenience standards. As producer responsibility programs continue to be implemented across multiple states, consistency and harmonization of requirements can help reduce administrative complexity while improving program effectiveness. ReMA recommends that the Department evaluate how the proposed requirements compare to those adopted or under consideration in other

states and consider whether further clarification is needed to ensure that convenience standards are practical, achievable, and consistent with broader regional approaches.

Second, existing language holds alternative collection providers responsible for “certifying” that materials are sent to responsible end markets. We propose that the statute’s language, which requires alternative collection providers to “ensure” that materials are sent to responsible end markets, should be applied in this case. The current language could create a parallel system where both the PRO and alternative collection service providers can certify entities as responsible end markets. This system would allow multiple entities to apply potentially different standards and make independent determinations regarding end-market eligibility. ReMA believes that this determination should be made solely by the PRO, in consultation with the State and Advisory Board, to ensure consistent application of responsible end-market standards across the program, avoid conflicting interpretations, and maintain a clear, harmonized, and streamlined Responsible End Markets certification and verification framework.

Section 300 Service Provider Duties

ReMA seeks clarification regarding the definition and requirements applicable to “service providers.” As currently drafted in subsections (b) and (c), the rule language appears to require service providers to both provide collection and processing services for covered materials and provide refill or reuse services. It is currently unclear whether these requirements are intended to apply collectively to all service providers or whether different entities may satisfy different functions within the program. As drafted, the combination of these requirements may create unintended compliance challenges for service providers qualified to perform one function but not the other. ReMA recommends clarifying that service providers may satisfy the requirements of this section by providing either collection and processing services or refill and reuse services, as applicable to their role within the program. Such an approach would better reflect existing market realities, support broader participation by qualified service providers, and avoid unnecessary barriers to program implementation.

173-950-020 Applicability

Additionally, ReMA requests clarification regarding the scope of the term “service provider.” As drafted, the applicability section includes entities that “process,” “recover,” “prepare,” or “otherwise manage” covered materials. This language could be interpreted to encompass downstream brokers, intermediaries, and entities further downstream in the end-of-life material process, in addition to collection and sortation service providers such as MRFs. ReMA recommends clarifying that end markets and brokers are distinct from service providers operating under an approved plan and are therefore not subject to service provider requirements unless they are directly performing covered services on behalf of the plan. This distinction would provide greater regulatory certainty and avoid unintentionally extending service provider obligations to entities participating in downstream commodity markets.

ReMA appreciates the Department's consideration of these comments and looks forward to continued engagement throughout the rulemaking process. We welcome the opportunity to discuss these issues further and provide additional input as the Department continues to develop the program.

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