



June 11, 2026

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

RE: Draft Rule Language - Sections of Chapter 173-950 WAC

Dear Department of Ecology Team,

Thank you for the opportunity to submit comments on behalf of Upstream regarding the draft rule language put forward by Ecology regarding the Recycling Reform Act (RRA). Upstream is a US-based non-profit and leading change agency for the reuse movement in the US and Canada. We accelerate the transition from our current throw-away economy to one that is regenerative, circular and equitable by normalizing reuse, growing and supporting the reuse industry, and creating an enabling policy environment for reuse.

We strongly support the spirit of Washington's packaging EPR law and recognize the considerable effort Ecology has put into compiling these draft regulations. We offer the below suggestions on opportunities to strengthen the treatment of reusable covered materials under the RRA.

Producer Duties:

Strong reporting is essential for building public trust and driving continuous improvements in program outcomes. The RRA requires Ecology to set statewide requirements for reuse and return rates in the regulations, and also requires the producer responsibility organization (PRO) to propose reuse and return rate targets in the program plan. Within "Producer Duties", section (1)(a)(iii) outlines data, documents, and records of specific metrics that producers may need to provide to the Department but does not include reuse and return rates. Requiring reporting of progress toward reuse and return rates is pivotal for tracking reusables in the state. **We suggest amending the draft proposed regulations to include current reuse rates and return rates as required metrics for reporting - both for producers registered with the PRO and producers registered to manage an alternative collection program.** This will allow the PRO as well as the Department to monitor progress toward meeting these regulatory and program plan targets, making it easier to see when program plan adjustments are needed along the way.

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Alternative Collection Program Requirements:

Returnable reusable packaging is a unique product type and in some instances may best be managed through an alternative collection program (ACP) in Washington. Given that reusable packing is a developing market, the regulations should specify adjusted convenience standards for ACPs collecting reusable packaging that reflect the current production and distribution of reusable packaging in the state. For example, packaging EPR regulations adopted in Maine specify that ACPs for reusables must collect the approved materials *in counties where they are produced*, rather than every county in the state. **We strongly encourage Ecology to add the following language under section (1)(c)(i):**

(A) An alternative collection program collecting reusable packaging material for reuse is considered convenient if it is collecting the reusable packaging material in every county in which the reusable packaging material is produced.

Furthermore, collaboration between producers interested in collecting reusables through ACPs should be financially incentivized. **We further recommend Ecology to specify under “Alternative Collection Program Requirements” (4) that ACPs collecting reusables for a group of 3 or more producers will have a lower fee requirement for reporting.**

Thank you for the opportunity to comment on Ecology’s proposed regulations. For any questions, please feel free to contact melissa@upstreamolutions.org. We look forward to continuing to work with Ecology to support the incorporation of a strong reuse vision in Washington's packaging EPR program.

Sincerely,

Melissa Jung
Policy Officer
Upstream