

BIFMA (Steven Kooy)

See file attached on behalf of BIFMA and AHFA. Thank you.

August 31, 2026

Chris Fredley
SWM program Rule Coordinator
Department of Ecology
State of Washington

Subject: Recycling Reform Rulemaking - Chapter 173-950 WAC - Comment Period #2

Dear Mr. Fredley and Recycling Reform Rulemaking Team:

The Business and Institutional Furniture Manufacturers Association (BIFMA) and the American Home Furnishings Alliance (AHFA) appreciate the opportunity to comment on Ecology's draft rule language for Chapter 173-950 WAC. BIFMA supports Washington's objective of improving residential recycling and encourages implementation that is clear, administratively workable, and appropriately distinguishes residential consumer packaging from commercial distribution packaging. Furniture products are durable, often large, heavy, and commonly move through multi-party business-to-business supply chains. Our comments focus on clarifications that can reduce ambiguity, duplicate reporting, encourage harmonization with other states and avoid unintended lifecycle impacts.

1. Clarify the scope of "packaging" for commercial and institutional transactions (WAC 173-950-030; RCW 70A.208.020(25))

The statute limits "packaging" to material sold or supplied with a product to the consumer for personal, non-commercial use. Ecology's July 2026 public guidance similarly explains that business-to-business packaging and paper products are outside the Recycling Reform Act. For commercial and retail furniture, transport packaging often ends at warehouses, dealerships, distribution centers, commercial job sites, or installation sites rather than with a consumer for personal disposal.

Requested clarification: Add rule text or implementation guidance confirming that transport or distribution materials supplied exclusively from business to business are outside the definition of "packaging" unless they otherwise meet the statutory consumer-use definition.

2. Clarify producer assignment for complex supply chains and prevent double reporting (WAC 173-950-030(29)(a)(vi)(A))

The draft appropriately reflects the statute's allowance for producer responsibility to be contractually assigned through a mutually signed agreement. Furniture transactions may involve a brand owner, contract manufacturer, importer, dealer, distributor, project integrator, and installer, making consistent application of the producer hierarchy especially important.

Requested clarification: Establish a standardized certification process for contractual assignments and clarify that, when the statutory requirements are satisfied, the assigned producer reports the covered material so the same material is not reported twice. BIFMA and AHFA also recommend a producer decision tree with examples for multi-party supply chains, while preserving Ecology's audit authority.

3. Provide a practical pathway for the commercial recovery exemption (WAC 173-950-030(19)(p); RCW 70A.208.020(19)(p))

For material that otherwise meets the definition of covered material, the statute provides an exemption when the material is not collected through residential recycling, is intended for use and collection in a commercial setting, reaches a responsible market, and satisfies the applicable recycling or reuse rate. Commercial recovery systems may consolidate corrugated cardboard and polyethylene film at warehouses, dealerships, distribution centers, or installation sites for direct shipment to recyclers or mills.

Comment: BIFMA and AHFA support exemptions for material not collected. We encourage Washington to support the Circular Action Alliance's recommendation to exempt de minimis materials as well (e.g., tape, staples, banding) for reporting and recycling purposes.

4. Preserve durable-product protection in source-reduction and fee design (RCW 70A.208.150(6) and 70A.208.160(2)(c))

Washington law recognizes that packaging reduction should go only as far as necessary to efficiently deliver a product without damage or spoilage while maintaining recyclability, compostability, or reusability. This guardrail is particularly important for large, heavy, or irregular durable goods. Over-reduction can increase damage, returns, replacement shipments, worker-safety risks, and transportation emissions.

Comment: BIFMA and AHFA support this language. Furniture manufacturers spent years maximizing shipping density while minimizing damage to save both costs and environmental impact.

5. Promote fee predictability and interstate harmonization (RCW 70A.208.060(2)(j), 70A.208.130(3)(f), and 70A.208.160)

Producers need sufficient visibility to budget and plan for compliance costs. Washington law also directs Ecology to seek rules that are harmonized with other states, an important consideration for manufacturers selling through national supply chains.

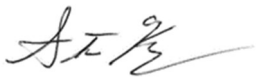
Comment: An informal survey conducted by BIFMA reports fees and reporting costs to range from \$50,000 plus a ½ full-time employee (FTE) to \$1,000,000+ and 1-2 FTEs for small and large businesses, respectively. This becomes a major burden, especially for small businesses, which will be passed along to the consumer. Therefore fees and the reporting burden must be minimized as much as possible.

If furniture and other durable goods remain in the program, BIFMA and AHFA requests a transparent fee methodology, and reasonable advance notice of material fee changes. The reporting requirements and definitions should be harmonized with other state packaging EPR programs to the extent Washington law permits.

These clarifications would preserve the statute's residential and consumer focus, reduce duplicate reporting, recognize established commercial recovery systems, and ensure that source-reduction incentives do not create counterproductive outcomes for durable goods. BIFMA would welcome continued dialogue with Ecology and the PRO as implementation guidance is developed.

Thank you in advance for your consideration of this important matter. I look forward to your response.

On behalf of BIFMA, AHFA and its members,



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BIFMA