October 30, 2026

Via Electronic Submission

Washington State Department of Ecology
Solid Waste Management Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Recycling Reform Act – Draft Preliminary Needs Assessment (Publication 26-07-077) Public Comments

To Whom It May Concern:

Imperial Bag & Paper Co. LLC ("Imperial Dade") appreciates the opportunity to comment on the Washington State Department of Ecology ("Ecology")'s draft Preliminary Needs Assessment under the Recycling Reform Act ("RRA"), chapter 70A.208 RCW, published for public comment from October 1 through October 30, 2026.[1] Imperial Dade's prior comments on Ecology's Chapter 173-950 WAC rulemaking and on the preliminary statewide collection lists are incorporated by reference and are relevant to the needs assessment in the specific respects noted below.

Imperial Dade is a distributor of foodservice, janitorial, sanitation, office supply, packaging, and related products. As an intermediary distributor operating in complex, multi-state supply chains, Imperial Dade supplies many of the paper, plastic, and compostable foodservice packaging formats discussed in the Draft PNA, and it will help fund the system improvements that the needs assessment identifies. Imperial Dade therefore has a direct interest in ensuring that the needs assessment rests on accurate, verifiable data, distinguishes residential covered services from commercial and business-to-business activity, and does not lock in cost or service baselines that overstate what producers must fund.

Imperial Dade recognizes the substantial work reflected in the Draft PNA and generally supports Ecology's goal of establishing a shared, evidence-based picture of Washington's current recycling system. Because the RRA provides that information in a needs assessment "must serve as the baseline" for determining whether statewide requirements and performance targets have been achieved,[2] and because the producer responsibility organization ("PRO") must incorporate the findings of the needs assessment into its program plan,[3] the data gathered for the full needs assessment will carry real consequences for producers. Our comments respond principally to

[1] Wash. Dep't of Ecology, Washington Preliminary Needs Assessment (Draft), Pub. 26-07-077 (Oct. 1, 2026) ("Draft PNA").
[2] RCW 70A.208.110(6).
[3] RCW 70A.208.130(1).

Ecology's Question 3 (what the full needs assessment should consider) and offer specific recommendations for building on the data-collection recommendations in the Draft PNA.[4]

1. The Full Needs Assessment Should Include a Verification Step for Self-Reported Needs and Capacity Data

The Draft PNA acknowledges that facility data from surveys, registration, and reporting "are self-reported and have not been independently verified," and its recommendations call for more complete and consistent data collection, standardized cost metrics, and site visits to material recovery facilities to support the full needs assessment.[5] Imperial Dade supports those recommendations and offers one addition based on other states' experience.

In Oregon, the initial needs assessment results were refined through the follow-up Oregon Recycling System Optimization Project that verified actual needs; the system expansion funding estimate fell from an initial $356–$463 million to $81.5 million, and an initial estimate of 201 collection trucks was reduced to an actual need of 97 after duplicate and ineligible requests were removed.[6] Imperial Dade recommends that the full needs assessment include a comparable verification step before investment needs and costs are estimated—in particular, removing duplicate or ineligible requests and cross-checking self-reported equipment, infrastructure, throughput, and capacity needs against facility annual reports and other available data.

2. The Full Needs Assessment Should Use Standardized Net-Cost Definitions Before Cost Data Inform a Reimbursement Methodology

The Draft PNA estimates a statewide recycling service cost of approximately $432 per ton, but states that Ecology has "low confidence in this estimate because there are few data points and the reported costs are not consistently defined."[7] Only 44 of 125 registered service providers submitted both cost and tonnage data; the registration forms and surveys "did not define the categories in detail"; and respondents may have reported gross or net costs, included or excluded revenue from recycled materials, or reported garbage or per-customer costs instead of annual recycling totals.[8] Regional averages range from $357.51 to $558.64 per ton, and individual data points range from $64 to $2,008 per ton after outliers below $50 or above $3,000 per ton were excluded.[9] In addition, 47 of the 50 Washington Utilities and Transportation Commission ("UTC") annual reports reviewed were heavily redacted.[10]

Producers will ultimately fund service provider reimbursement, and the full needs assessment must recommend a reimbursement-rate methodology under RCW 70A.208.110(4)(k). The Draft PNA

[4] Draft PNA § 1.3, at 9.
[5] Draft PNA § 3.4, at 20; *id.* §§ 10.1, 10.4, at 72-73.
[6] *See* CAA, *Oregon Program Plan (2025–2027)* (amended May 4, 2026), at 22–23, 30; *id.* app. E, at 51.
[7] Draft PNA § 4.1, at 22; *id.* tbl. 8, at 28.
[8] Draft PNA § 4.2.2, at 22–23.
[9] Draft PNA § 4.2.1, at 22; id. tbl. 8, at 28.
[10] Draft PNA § 4.2.2, at 23.

recommends "standardized data metrics" to improve confidence in its cost estimates.[11] To make that recommendation effective, Imperial Dade requests that Ecology:

- State in the final preliminary assessment that the $432-per-ton figure is not a reimbursement benchmark or a fee input;
- Before collecting cost data for the full needs assessment, publish standardized cost definitions and reporting templates that require service providers to report net costs—separating collection, transfer, processing, and administration, and netting commodity revenue, existing ratepayer funding, grants, and other third-party funding;
- Require cost data to be separated by residential (single-family and multifamily) and nonresidential service so that commercial collection costs are not attributed to covered services; and
- Clarify that, where customer rates cross-subsidize services (for example, where larger garbage subscriptions or commercial charges help pay for residential service, as the Draft PNA notes), the analysis will identify the actual cost of covered services rather than rate revenue.

These steps would make cost data comparable, protect against producers funding costs that are already paid by ratepayers or other sources, and support a defensible reimbursement methodology.

3. The Needs Assessment Should Clearly Separate Residential Covered Services From Commercial, Institutional, and Business-to-Business Activity

The RRA requires the preliminary assessment to evaluate "whether current services are considered residential or commercial and whether any gaps, costs, or needs are specific to either commercial or residential customer service."[12] The Draft PNA reports that nonresidential generators produced roughly 35 percent of waste generated in 2024, that available data "do not separate public places from other nonresidential sources," and that self-hauled garbage cannot be separated between residential and nonresidential sources.[13] It also notes that multifamily material is often collected on commercial routes and grouped with commercial recycling, that MRFs accept both residential and commercial material, and that reported facility quantities "may also include commercial material" and "do not measure capacity dedicated to residential covered materials."[14]

These limitations matter for distributors whose foodservice, janitorial, and packaging products move predominantly through commercial and institutional channels. Imperial Dade raised the related question of how commercial and business-to-business packaging fits within the program's residential scope in its Comment Period #2 rulemaking comments;[15] the needs assessment should apply the same boundary so that commercial-channel tonnage, capacity, and costs do not enter

[11] Draft PNA § 10.1, at 72.
[12] RCW 70A.208.110(3)(c)(i).
[13] Draft PNA §§ 5.2.1, 5.3, at 31–33.
[14] Draft PNA §§ 4.2.2, 6.3.1, 7.2.2, 7.3.2, at 23, 39, 51–52, 55.
[15] Imperial Dade Comments on Chapter 173-950 WAC Rulemaking, Comment Period #2, § 2 (Sept. 2, 2026) (requesting that the rule or guidance address foodservice disposables sold to restaurants, janitorial products sold to commercial facilities, and B2B shipping packaging).

residential baselines. Imperial Dade requests that the full needs assessment (a) identify, for each statutory element, whether the data presented include nonresidential or commercial material and, where possible, quantify that share; (b) design surveys and data requests to separate residential from nonresidential activity—for example, by asking collection service providers to report multifamily tonnage and costs separately from other commercial-route service; (c) state that nonresidential tonnage, capacity, and costs are presented for context only and will not be used to establish residential baselines, needs, or producer funding obligations; and (d) develop a defensible method for allocating shared infrastructure costs (for example, MRF capacity serving both residential and commercial streams) between covered and non-covered activity.

Similarly, the Draft PNA includes non-covered materials, such as food waste and newsprint, in portions of its analysis, using the same material categories that the Advisory Council asked Ecology to apply in the statewide collection lists evaluation.[16] Imperial Dade previously asked Ecology to distinguish covered from non-covered materials in the statewide lists and to ensure that including non-covered materials does not expand producer financial responsibility beyond what the statute authorizes.[17] The same principle should apply here. The full needs assessment should consistently label covered and non-covered materials in its tables and report covered material quantities separately, so that producer-funded needs and baselines rest only on covered materials.

4. Producer Data on Introduced Materials Should Be Obtained Through the PRO Using Harmonized Categories, With Confidentiality Protections

The Draft PNA acknowledges that not enough producer data has been collected yet—the producer data reviewed to date "did not provide enough detail by material category"—and recommends that producer-reported data align with the statewide list covered material names for the full needs assessment.[18] Imperial Dade supports collecting better producer data for the full needs assessment and offers the following recommendations to help ensure that adequate data are available.

Because Circular Action Alliance ("CAA") is currently using simplified, consolidated reporting categories for Washington interim supply reports, and Washington has not yet adopted full covered material categories, the most practical path to the detailed data the full needs assessment requires is through the reporting rulemaking. Imperial Dade has asked Ecology, in both rulemaking comment periods, to publish Washington-specific reporting category definitions and mapping guidance, coordinate with CAA on harmonized categories, and provide adequate advance notice before new categories take effect.[19] Distributors in particular must gather packaging data from many upstream suppliers, so lead time is essential to producing data at the level of detail the Draft PNA recommends. These steps would also respond to the Draft PNA's observation that some parties remained concerned about sharing confidential data despite non-disclosure agreements and

[16] Draft PNA § 5.2.1, at 31.
[17] Imperial Dade Comments on Preliminary Statewide Collection Lists, § 7 (Aug. 18, 2026).
[18] Draft PNA §§ 5.1, 5.2.1, 10.2, at 30–31, 72.
[19] Imperial Dade Comments on Chapter 173-950 WAC Rulemaking, Comment Period #1, § 5 (June 22, 2026); Imperial Dade Comments on Chapter 173-950 WAC Rulemaking, Comment Period #2, § 11 (Sept. 2, 2026).

Ecology's confidentiality process.[20] To ensure adequate producer data for the full needs assessment, Imperial Dade recommends that Ecology:

- Obtain any producer data needed for the full needs assessment through the PRO, in aggregated form, rather than through new direct requests to individual producers, and limit any request under RCW 70A.208.110(7)(a) to data reasonably necessary to complete the needs assessment;
- Coordinate with CAA to align any Washington-specific categories with categories used in other EPR states to the extent practicable, consistent with the RRA's harmonization directive, and provide at least 90 days' notice before any new category is required;
- Confirm that any producer data used in a needs assessment will be protected under RCW 70A.208.220 and aggregated and anonymized as required by RCW 70A.208.110(7)(c); and
- Confirm that, where a baseline relies on early producer estimates, the baseline will be revised as producers refine or true up their reported data.

5. The Full Needs Assessment Should Evaluate Compostable Foodservice Packaging Pathways Before List or Fee Consequences Attach

The Draft PNA finds that only five Washington composting facilities accept certified compostable packaging in some form; that only 17 percent and 13 percent of organics survey respondents accept certified compostable plastic films and liners and rigid plastics, respectively; that facilities estimate investments of more than $1 million per facility may be needed to begin processing compostable products; and that some facilities will not accept compostable products because of contamination concerns and organic-certification requirements.[21] Compostable foodservice packaging is a significant product category for Imperial Dade and its customers.

Because producer fees must reflect program costs for each covered materials type and discourage materials not included on the statewide lists,[22] the limited current acceptance of compostable packaging could translate directly into higher fees for products that are designed and certified to be composted. Imperial Dade requests that the full needs assessment (a) evaluate the specific investments, contamination controls, and certification approaches (including Washington's existing compostable labeling requirements under chapter 70A.455 RCW) that would allow more facilities to accept compostable packaging; (b) distinguish between facility capacity constraints and product-specific performance; and (c) inform any future list or eco-modulation decisions affecting compostable packaging, so that producers are not penalized for system gaps that the program itself is designed to close.

[20] Draft PNA § 1.2, at 8.
[21] Draft PNA §§ 7.1, 7.3.3, 8.3.5, at 49, 58, 68.
[22] RCW 70A.208.160(2).

6. End Market and Responsible Market Determinations Should Be Transparent and Subject to Public Comment

The Draft PNA identifies potential end markets but does not determine whether any facility or pathway meets the RRA's responsible market criteria, deferring that analysis to the full needs assessment.[23] It also finds no in-state end markets for recovered plastics and limited domestic capacity for lower-value fiber grades.[24] Because responsible market determinations will affect recycling rate calculations, performance targets, and, in turn, producer obligations, Imperial Dade requests that Ecology publish the criteria and methodology it will use to evaluate responsible markets before the draft full needs assessment is released, accept regional and out-of-state North American markets that meet the statutory criteria, and provide an opportunity for public comment on that methodology.

7. Ecology Should Harmonize Its Methodology with Other States' Needs Assessments

Washington is one of several states conducting packaging EPR needs assessments, and the same PRO operates in many of those states. Colorado's needs assessment, for example, addressed 13 technical elements including service costs, contamination, processing capacity, end markets, and scenario modeling,[25] and Minnesota released a preliminary assessment in February 2026[26] with a full assessment currently open for public comment and due by December 31, 2026. Imperial Dade encourages Ecology, in the full needs assessment, to use cost definitions, material categories, and capacity metrics that are consistent with those used in other states to the extent practicable. Consistent methodologies will allow cost and performance comparisons across states, reduce duplicative data requests to multi-state producers and service providers, and support regional markets.

8. Ecology Should Respond Publicly to Producer Comments and Provide an Opportunity to Comment on Material Changes

The RRA requires Ecology to respond in writing to comments from the advisory council and PROs, and requires the advisory council to have the opportunity to review drafts and accompanying data.[27] The comment period for the Draft PNA closes on October 30, 2026, and the final preliminary assessment is due by December 31, 2026.[28] Imperial Dade requests that Ecology (a) publish a written response-to-comments document that also addresses producer comments; (b) identify any material changes to findings or data between the draft and final assessments; and (c) make the accompanying data reviewed by the advisory council available to producers, in aggregated and anonymized form consistent with RCW 70A.208.110(7)(c). Imperial Dade further requests that Ecology provide a comment period of at least 60 days for the draft full needs

[23] Draft PNA §§ 1.2, 8.0, at 9, 60.
[24] Draft PNA §§ 8.1, 8.3.7, at 60–61, 69.
[25] CAA, HDR, Eunomia, & Sandhill Environmental Services, Colorado Needs Assessment (Jan. 17, 2025).
[26] MPCA, Minnesota Preliminary Assessment (Feb. 2026).
[27] RCW 70A.208.110(2)(c).
[28] RCW 70A.208.110(1)(a); Draft PNA § 2.1, at 11.

assessment, given that it will contain performance-target proposals, investment estimates, and a reimbursement methodology with direct financial consequences for producers.

Conclusion

Imperial Dade appreciates Ecology's work on the Draft PNA and supports the goal of building a more effective recycling system in Washington. Imperial Dade respectfully requests that Ecology consider the recommendations above as it finalizes the preliminary assessment and designs data collection for the full needs assessment, with particular attention to verifying self-reported needs and capacity data, standardizing cost definitions, separating residential covered services from commercial activity, and obtaining producer data through the PRO with appropriate protections. Thank you for considering these comments. Imperial Dade looks forward to continued engagement with Ecology and other stakeholders as the needs assessment proceeds.

Sincerely yours,

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Kevin McGrath (Oct 29, 2026 16:46:24 EDT)

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Final Audit Report 2026-10-29

Created:	2026-10-29
By:	Whitney Pfeffer (wpfeffer@imperialdade.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA09Z-_2KgrKtw_3tYcq55O4L0WmMGP9kA

"Imperial Dade - Comment Letter WA Preliminary Needs Assessment (October 30, 2026)" History

Document created by Whitney Pfeffer (wpfeffer@imperialdade.com)
2026-10-29 - 6:28:32 PM GMT

Document emailed to kmcgrath@imperialdade.com for signature
2026-10-29 - 6:30:26 PM GMT

Email viewed by kmcgrath@imperialdade.com
2026-10-29 - 8:45:55 PM GMT

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2026-10-29 - 8:46:22 PM GMT

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