

THE
NATIONAL LAW REVIEW

Washington Bill Would Make Food and Other Brand Owners Responsible for Plastic Waste

Friday, February 22, 2019

[House Bill 1204](#) and [Senate Bill 5397](#) would prohibit producers that do not participate in a plastic packaging stewardship organization from selling packaging made wholly or in part from plastic in Washington State, beginning in 2022. Plastic food service products, including utensils, and other specified plastic items associated with food or beverage service are included in the definition of plastic packaging. A “producer of plastic packaging” is defined as a person that meets one of these criteria:

1. Has legal ownership of the brand to which plastic packaging is applied;
2. Is the first importer into Washington state of a product to which plastic packaging is applied;
3. Sells at retail a product, to which plastic packaging has been applied; or
4. Otherwise elects to assume compliance responsibility for a product.

The legislation specifies that the stewardship organization must submit a plan to the Washington State Department of Ecology and that plan must be approved by the department. The legislation provides details on what must be included in the plan, such as a description of the plastic packaging categories covered by the program, an analysis of plastic packaging litter found in public places, a funding mechanism for the program, and a description for plastic packaging collection. With respect to food packaging, a comprehensive analysis of the overall amount of packaging in the recycling waste stream containing more than de minimis food residue or food waste is required.

The Washington Senate Environment, Energy and Technology Committee has passed the senate version of the bill and it is now before the Senate Ways & Means Committee, which has scheduled a hearing on the bill for February 25. The House Bill is before the Committee on Environment and Energy. [Plastics Recycling Update](#) points out that while extended producer responsibility (EPR) programs for packaging have not been implemented in any U.S. state, they have taken effect throughout Canada and in parts of Europe.

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