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**HOUSE BILL 2713**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, and Doglio

1 AN ACT Relating to encouraging compost procurement and use;  
2 adding new sections to chapter 43.19A RCW; creating new sections; and  
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that  
6 local compost manufacturing plays a critical role in our state's  
7 solid waste infrastructure. Composting benefits Washington agencies,  
8 counties, cities, businesses, and residents by diverting hundreds of  
9 thousands of tons of organic waste from landfills, reducing solid  
10 waste costs, and lowering carbon emissions. The legislature finds  
11 that a growing number of local governments are recognizing the  
12 benefits of composting programs and offering compost collection to  
13 their residents and businesses. The diversion of food waste from  
14 landfills to compost processors remains critical for state and local  
15 governments to meet their ambitious diversion goals.

16 The legislature also finds that composting is a strong carbon  
17 reduction industry for Washington, as the application of compost to  
18 soil systems permits increased carbon concentration. Compost can also  
19 replace synthetic chemical fertilizer, prevent topsoil erosion, and  
20 filter stormwater on green infrastructure projects such as rain  
21 gardens and retention ponds.

1           The legislature declares that state and local governments should  
2 lead by example by purchasing and using local compost and by  
3 encouraging farming operations to do so as well.

4           NEW SECTION.   **Sec. 2.** A new section is added to chapter 43.19A  
5 RCW to read as follows:

6           (1) When planning government-funded projects or soliciting and  
7 reviewing bids for such projects, all state agencies and local  
8 governments shall consider whether compost products can be utilized  
9 in the project.

10          (2) If compost products can be utilized in the project, the state  
11 agency or local government must use compost products unless:

12          (a) Compost products are not available within a reasonable period  
13 of time;

14          (b) Compost products that are available do not comply with  
15 existing purchasing standards; or

16          (c) Compost products that are available do not comply with  
17 federal or state health and safety standards.

18          (3) State agencies and local governments are encouraged to give  
19 priority to purchasing compost products from companies that produce  
20 compost products locally, are certified by a nationally recognized  
21 organization, and produce compost products that are derived from  
22 municipal solid waste compost programs.

23           NEW SECTION.   **Sec. 3.** A new section is added to chapter 43.19A  
24 RCW to read as follows:

25          (1) Each local government that provides a residential compost  
26 service must enter into a purchasing agreement with its compost  
27 processor to buy back finished compost products for use in government  
28 projects or on government land. The agreement must include the  
29 following terms:

30          (a) The local government must purchase an amount of finished  
31 compost product that is equal to or greater than fifty percent of the  
32 amount of compost it delivered to the compost processor; and

33          (b) The compost processor must offer a purchase price that is  
34 reasonable and competitive for the specific market.

35          (2) When purchasing compost products for use in government  
36 projects or on government-owned land, local governments are  
37 encouraged to purchase compost with at least eight percent food  
38 waste.

1        NEW SECTION.    **Sec. 4.**    (1) The department of agriculture must  
2 establish and implement a three-year compost reimbursement pilot  
3 program to reimburse farming operations in the state for purchasing  
4 and using compost products, including transportation, equipment,  
5 spreading, and labor costs. The pilot program begins July 1, 2020,  
6 and concludes June 30, 2023. For purposes of this program, "farming  
7 operation" means: A commercial agricultural, silvicultural, or  
8 aquacultural facility or pursuit, including the care and production  
9 of livestock and livestock products, poultry and poultry products,  
10 apiary products, and plant and animal production for nonfood uses;  
11 the planting, cultivating, harvesting, and processing of crops; and  
12 the farming or ranching of any plant or animal species in a  
13 controlled salt, brackish, or freshwater environment.

14        (2) The department of agriculture must create a form for eligible  
15 farming operations to apply for cost reimbursement. All applications  
16 for cost reimbursement must be submitted on the form along with  
17 documentation of the costs of purchasing and using compost products  
18 for which the applicant is requesting reimbursement. The department  
19 of agriculture may request that an applicant provide information to  
20 verify the size, sale weight, or amount of compost products purchased  
21 and the cost of transportation, equipment, spreading, and labor. The  
22 applicant must also declare that it is not seeking reimbursement for  
23 compost products that it has transferred, or intends to transfer, to  
24 another individual or entity, whether or not for compensation.

25        (3) A farming operation may submit only one application for  
26 purchases made and usage costs incurred during the fiscal year that  
27 begins on July 1st and ends on June 30th of each year in which the  
28 pilot program is in effect. Applications for reimbursement must be  
29 filed:

30        (a) By September 1, 2021, for compost purchased and usage costs  
31 incurred in fiscal year 2021;

32        (b) By September 1, 2022, for compost purchased and usage costs  
33 incurred in fiscal year 2022; and

34        (c) By September 1, 2023, for compost purchased and usage costs  
35 incurred in fiscal year 2023.

36        (4) The department of agriculture must distribute reimbursement  
37 funds on a first-come, first-served basis, subject to the following  
38 limitations:

39        (a) No farming operation may receive more than fifty percent of  
40 the costs it has incurred for the purchase and use of compost

1 products, including transportation, equipment, spreading, and labor  
2 costs;

3 (b) No farming operation may receive more than fifty thousand  
4 dollars per year; and

5 (c) No farming operation may receive reimbursement for compost  
6 products that it has transferred, or intends to transfer, to another  
7 individual or entity, whether or not for compensation.

8 (5) The applicant shall indemnify and hold harmless the state and  
9 its officers, agents, and employees from all claims arising out of or  
10 resulting from the compost products purchased that are subject to the  
11 compost reimbursement pilot program under this section.

12 (6) There is established within the department of agriculture a  
13 compost reimbursement pilot program manager position, which is a  
14 full-time, temporary position exempt from chapters 41.06 and 41.56  
15 RCW, with a salary that may not exceed fifty thousand dollars per  
16 year. The compost reimbursement pilot program manager must possess  
17 knowledge and expertise in the area of program management necessary  
18 to carry out the duties of the position, which are to:

19 (a) Facilitate the division and distribution of available costs  
20 for reimbursement; and

21 (b) Manage the day-to-day coordination of the compost  
22 reimbursement pilot program.

23 (7) Any action taken by the department of agriculture pursuant to  
24 this section is exempt from the rule-making requirements of chapter  
25 34.05 RCW.

26 (8) This section expires December 31, 2023.

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