
Comment Summary on the First Draft of the 2021 State Solid and Hazardous Waste Plan Update

Introduction

The Washington Department of Ecology is updating the *State Solid and Hazardous Waste Plan: Moving Washington Beyond Waste and Toxics* (State Plan). We strive to update the State Plan every five years, although challenges related to the COVID-19 pandemic delayed this update.

We published a first draft of the State Plan's update¹ in December 2020. We solicited public comments from Dec. 21, 2020, to Jan. 29, 2021, through the [state plan listserv](#)², other listservs, the Washington State Recycling Association newsletter, Ecology's Shoptalk publication, and the Ecology website. We accepted comments through an online comment platform, letters, emails, and direct edits to document copies.

This document summarizes the comments we received and how we intend to address them in the second draft.

Overall Comments

We received public comments from nine parties representing six local governments, one waste and recycling association, one solid waste collection company, and one non-governmental organization.

Comments included clarifying questions, requests for more information, and wording suggestions. We accepted many suggestions that improved clarity and wording and provided more information where possible. Some suggestions included adding or removing elements to or from the State Plan, detailed below. A few comments conflicted with others.

We considered all suggestions and added or removed items that we determined would be feasible and appropriate. For example, we did not incorporate suggestions to enlarge existing programs beyond statutory or financial limits. We determined some suggestions were too detailed or specific for the broader approach intended for the State Plan. Where there were conflicting suggestions, we made decisions about what to incorporate based on consistency with the state's waste hierarchy and the State Plan's vision.

The [first draft of the update](#)³ was a partial draft that did not include the main Introduction or glossary sections. The second draft will include these sections and content that addresses many comments.

Several suggestions we received related to environmental justice issues helped shape how we address this in the State Plan. The first draft included some details related to environmental justice, and we expanded upon the concepts and details in many instances. The second draft discusses environmental

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/1504019.html>

² <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=WA-STATE-WASTE-PLAN>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/1504019.html>

justice in the main Introduction section, including the Washington [Environmental Justice Task Force Report](#)⁴, its recommendations, and tools like the Washington Department of Health’s [health disparities map](#)⁵.

We intend to focus the State Plan’s actions on what Ecology hopes to do — often working with partners — while the goals describe outcomes more widely applicable to others. Commenters asked us to provide more information on actions others can take to help advance the State Plan’s goals. We are providing more clarity on this in the second draft State Plan and will be working with stakeholders to create a more detailed appendix. We also received a request to highlight several priorities for the state in each section of the State Plan and to inform local governments what programs we intend to emphasize. The goals and actions outlined in the State Plan describe this emphasis.

Section One: Managing Hazardous Waste & Materials Comments

This section includes four subsections: pollution prevention (P2); compliance & compliance assistance; permitting & corrective action; and small volume hazardous waste and materials (moderate risk waste or MRW).

Pollution prevention (P2) planning

Comments included requests for clarification in areas such as citing sources and data, which we addressed with edits and by removing unnecessary statements.

We received some conflicting suggestions for the goals and actions in this section, likely due to confusion from similarities. We merged, revised, and condensed two goals into one to clarify. We also addressed environmental justice suggestions with additional details in this new combined goal.

Compliance & compliance assistance

Comments on this section primarily addressed environmental justice. These focused on culturally competent communication and outreach, assisting local government with considering equity, and equitable distribution of funding through the Product Replacement Program and the Pollution Prevention Assistance (PPA) partnership. We provided additional clarification and incorporated more environmental justice details into the relevant actions.

Potentially contradictory suggestions included expanding the PPA partnership to more equitably distribute funding throughout the state to jurisdictions with less resources, and prioritizing service to black, indigenous, and people of color (BIPOC) communities and small businesses which may be located in jurisdictions with more resources. While we already ask potential PPA partners to discuss environmental justice considerations in their applications, we are considering how best to analyze environmental justice issues, including service equity across the state and within participating jurisdictional boundaries.

We received a request to provide local governments with lists of small businesses in their jurisdictions. Ecology’s agreement with the Department of Revenue prohibits this. We recommend local governments reach out to other sources for help obtaining this information.

⁴ <http://teams/sites/W2R/planUpdate2014/2020UpdateDocuments/2020UpdateDraft10October.docx>

⁵ <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>

Permitting & corrective action

We received suggestions related to environmental justice and the provision of educational materials and training, how we solicit and use public feedback, and to encourage local jurisdictions to use health disparities data to inform siting of new solid and hazardous waste facilities. We added details to address these issues.

Other suggestions included limiting what can be recycled at dangerous waste facilities to non-toxic substances, and a request for more details about communication and outreach efforts. We removed outdated references from this section to reflect current priorities and reduce redundancy with details elsewhere in the document.

Small volume hazardous waste and materials

Comments included requests for more data, including funding data, on moderate risk waste (MRW), and calls to expand extended producer responsibility or product stewardship for household hazardous waste. There were also requests to focus more on prevention of MRW and to increase collection and outreach.

We emphasize product stewardship for hazardous products. We added more information about state funding that supports MRW programs, and MRW data, which relies on what is reported to us. Increasing collection, prevention, and outreach on MRW are important. At this time, though, we have limited MRW staff to address this work.

Section Two: Managing Solid Wastes & Materials Comments

This section includes three subsections: solid waste system issues; solid waste materials & infrastructure; and organic materials & infrastructure.

Solid waste system issues

This subsection deals with solid waste system funding, the waste and climate connection, and local plans and grants.

Suggested changes included focusing more on funding, local infrastructure needs, and the disposal system, all of which were integrated into the second draft. An action was requested, and added, regarding public education on the connections between waste and climate. Actions were also added to increase focus on equity in grants and planning. There were dissenting opinions on the value of using life-cycle analysis (LCA) as a decision-making tool to assess the impacts of materials. Ecology recognizes the limits to LCAs and remains open to using other tools. However, we are not aware of other methods that provide a more complete assessment of material impacts at this time and will continue to include LCAs as a valuable tool.

Solid waste system materials & infrastructure

The second subsection includes an array of work in the solid waste field. It includes waste reduction, recycling, recycling markets, plastics, litter, and waste disposal. Support was given to work on markets for recyclables and aiming for the highest value in the recycling stream. Suggested changes included focusing more on waste reduction and reuse, which was added. There were also requests to add more information about reducing recycling contamination, improving recycling markets, and dealing with problem plastics. Specific suggestions included addressing legal barriers to cart-tagging programs,

requiring truth-in-labeling for recyclables, creating a unified list of recyclable materials, and supporting recycled content standards. We added more content about single-use and problematic plastics, as well as truth-in-labeling. We already promote recycled content in the State Plan. Selecting materials to include on a recycling list and cart-tagging guidance are covered in resource guides that are part of the state Contamination Reduction and Outreach Plan. These are now referenced in the State Plan.

A recommendation was made to focus more on the needs and challenges faced by residents in multifamily housing. Multifamily is referenced in the MRW, organics, and recycling sections.

This subsection also includes litter and solid waste facilities. Suggestions for work on litter included looking for policy solutions to reduce litter, expanding the litter survey to cover more areas and to include brands, and partnering more with non-governmental organizations (NGOs). We accepted many of these suggestions and combined the work with NGOs to help expand the litter survey.

Other comments addressed the need to do more to stop sham recycling. Although no specific language changes were made to the content, sham recycling is and will remain a focus in the State Plan.

Organic materials & infrastructure

Comments on this subsection included promoting compost use by working with the State Department of Agriculture, creating guidance to help state and local agencies buy compost, and coordinating statewide education on the benefits of compost. We have added the Department of Agriculture into the State Plan as a partner. We also added references to compost purchasing into the Environmentally Preferred Purchasing section. The State Plan already calls for engaging partners on delivering more public education on the benefits of compost, and other organics-related information campaigns on how to prevent food waste and reduce contamination in compost collection.

Additional suggestions for this subsection focused on analyzing Washington's composting infrastructure; increasing organics collection; and assessing contamination at compost facilities. Diverse and sufficient organics processing infrastructure is a goal of the State Plan. We did not add the detail of an infrastructure analysis at this time. We also did not make any changes based on the suggestion to increase focus on growing the collection of organics at the curb. Prevention and on-site management, especially in rural areas, are higher priorities. Issues with siting facilities, transporting materials, having clean end-products, and strong end-use markets all factor into this proposed goal. Our focus remains on preventing the generation of organic waste - particularly wasted food, increasing diversification of infrastructure, and finding end-use markets for finished compost.

Finally, a suggestion was made that we add an action to assess contamination at compost facilities. We added an action in the Measuring Progress section to look at contamination in both recycling and compost and to encourage others to assess contamination at their facilities and in collection carts before it gets to facilities.

Section Three: Reducing Impacts of Materials and Products

Comments

This section focuses on upstream work, such as reducing toxics in products, better product design, environmentally preferred purchasing and product stewardship. Many commenters shared support for this work and ideas to strengthen these efforts. We edited and reorganized some of the introductory content in this section for clarification purposes.

As suggested, we added reuse to the environmentally preferred purchasing goal and added a climate focus and truth-in-labeling point to the product design goal. Commenters expressed concerns about the limitations of life-cycle analysis (LCA) in this section, too. Although LCAs are imperfect, we believe them to be a useful tool.

There were numerous comments on the product stewardship goal and actions. Most expressed support. Some called on us to increase work in this area. There were suggestions to add requirements to stewardship programs, such as outreach and data. Other comments expressed concern about product stewardship, particularly for packaging. We noted this in the State Plan. There is growing activity on product stewardship programs for a variety of items, including for packaging. There is also growing support for increasing product stewardship, including from producers. We will continue to include this systemic policy approach in the State Plan.

We received a suggestion to commit to working with stakeholders to implement all Chemical Action Plan (CAP) recommendations and to support legislation to provide funding related to CAP implementation. We agree that all CAP recommendations could benefit from implementation but resource limitations will continue to preclude our ability to advance all actions at once. While funding is likely beneficial for implementing CAP recommendations, we cannot commit in advance to supporting legislation but must assess this on a case-by-case basis.

We also received a suggestion to invite tribes to participate in decision making associated with updating the Persistent Bioaccumulative Toxins (PBT) rule. As a part of the rulemaking process, Ecology extends a formal offer to tribes to meet on a government-to-government basis to answer questions, and to consult about any issues of concern tribes may have related to specific rulemakings. Our statutory responsibilities require Ecology to make final rulemaking determinations.

Section Four: Measuring Progress Comments

We received many comments on the importance of the work in this section. There were requests to provide additional and timelier data, and suggestions to look for opportunities to require more reporting in order to fill data gaps. We added details addressing this feedback while acknowledging our legal and operational limitations.

We received a suggestion to add contamination characterization studies covering both recycling and composting contamination, which we added.

Many comments addressed the importance of increasing the use of environmental justice tools and data in our work. We added references to the Environmental Justice Task Force Report recommendations and using demographic data to inform both our and our partners' efforts.

Section Five: Providing Outreach and Information Comments

Many of the comments for this section were related to environmental justice, including inclusive communications and prioritizing appropriate outreach to communities with limited English proficiency. We discuss these issues in the main introduction section. Methods for increasing inclusivity and other recommendations from the Environmental Justice Task Force Report are referenced.

Other comments we addressed in this section were item-specific, such as increasing outreach on topics like using compost, preventing food waste, and promoting Safer Choice (an EPA program that labels safer products). A commenter requested information on the proper disposal of lithium-ion batteries. While we did not specify batteries, we do have an action for providing outreach on proper disposal of hazardous products. We also added batteries as an example of an area that needs product stewardship.

Next Steps

We are currently writing the second draft of the State Plan update, which will be available for public review and comment later in 2021. Please join the State Plan [listserv](#)⁶ to receive information about comment opportunities and other news.

For More Information

[State Plan Website](#)⁷

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⁶ <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=WA-STATE-WASTE-PLAN>

⁷ <https://ecology.wa.gov/Regulations-Permits/Plans-policies/Washington-state-waste-plan>