



Guidance for post-consumer recycled content law

RCW 70A.245

WAC 173-925

Solid Waste Management Program

Washington State Department of Ecology

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Contact Information

Solid Waste Management Program

Department of Ecology Headquarters

P.O. Box 47600

Olympia, WA 98504-7600

Phone: 360-407-6000 **Website:** [WAC 173-925 Rule](#)

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DEPARTMENT OF
ECOLOGY
State of Washington

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Acronyms

ASTM – American Society for Testing and Materials

CFR – Code of Federal Regulations

EIN – Employer Identification Number

IRS – Internal Revenue Service

ISO – International Organization for Standardization

NONC – Notice of Non-Compliance

PCRC – Post-consumer recycled content

RCW – Revised Code of Washington

SAW – SecureAccess Washington System

USAFTC – United States Federal Trade Commission

USC – United States Code of Regulations

WAC – Washington Annotated Code

WLA – Workload Analysis

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Post-consumer recycled content Rule Advisory Committee

Emily Alexander Darigold	Brennan Georgianni American Cleaning Institute
Chris Cary Tree Top, Inc	Sally Jefferson The Wine Institute
Holly Chisa Northwest Grocery Association	Charles Knutson Amazon
John Cook Niagara Bottling	Carolyn Logue Washington Food Industry Association
Megan Daum American Beverage Association	Lauren Shapiro Personal Care Products Council
Kate Eagles Association of Plastic Recyclers	Mark Smith Clorox
Kyla Fisher Ameripen	Heather Trim Zero Waste Washington
Christopher Finarelli Household & Commercial Products Association	

Summary

Washington state plastics law, [Chapter 70A.245 RCW](#), requires producers of many common single-use plastics to include a minimum percentage of recycled materials for plastic beverage containers, trash bags, and household cleaning and personal care product containers. This requirement was enacted to improve the state's recycling system, support post-consumer recycled material end markets, and take another step towards ensuring plastic packaging and other packaging materials are reduced, recycled, and reused.

The law, rule, and guidance apply to producers of covered products sold or distributed in or into Washington. Covered products include plastic trash bags and plastic packaging used to contain beverages, household cleaning products, and personal care products as detailed in the Part A - Definitions section. All producers that offer for sale, sell, or distribute covered products in or into Washington are required to register with Ecology on or before **April 1st of each year**. Registration and annual fee payment is required regardless of the date products are required to begin meeting recycled-content minimums.

This guidance provides technical assistance and clarity for Post-Consumer Recycled Content, (RCW) 70A.245.010 through 70A.245.050 and 70A.245.090 (1), (2), and (4), and the accompanying Rule, WAC 173-925. This document is subject to change as needed in response to progressions of markets, technologies, new legislation, or

Part A - Definitions

Applicability

This law applies to all producers of plastic beverage containers, plastic trash bags, and household cleaning and personal care product plastic containers. The rule implements RCW [70A.245.010](#) through [70A.245.050](#) and [70A.245.090](#) (1), (2), and (4) only. RCW 70A.245.060 sets requirements for plastic trash bag labeling requirements; this rule only applies to the plastic trash bag requirements pertaining to post-consumer recycled content (PCRC) requirements noted in .01 through .050., and .090.

This law does not apply to producers of the following rigid plastic containers or other related items used for the following:

1. Prescription or non-prescription drugs as defined in RCW 18.64.011(14) and regulated by the United States Food and Drug Administration.
2. Dietary supplements.
3. Medical devices or medical products required to be sterile, as regulated by the United States Food and Drug Administration under 21 C.F.R., Parts 200, 300, and 800.
4. Aerosols in plastic containers that are subject to 49 C.F.R. § 178.33b.
5. Plastic trash bags used for biomedical waste.
6. Products in containers sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse.
7. Liners, caps, corks, closures, labels, and other items added externally or internally, but otherwise separate from the structure of the bottle or container.
8. Pouches or bladders used to contain a beverage.

Unless otherwise demonstrated, any other product meeting the parameters of the definitions in this law and rule must meet the requirements. See [Part B – Products required to meet recycled content minimums](#) to learn about products that may be temporarily excluded from the post-PCRC requirements only.

Covered and de minimis producers and related definitions

Producers must take responsibility for all the requirements of the law for all brands of covered products that they own. This applies even if the product is manufactured by someone other than the brand owner, another person registers on their behalf, or if the producer owns brands under a different name. Every covered product must have one designated producer.

Ecology will assume the brand owner is the manufacturer absent anyone else coming forward to accept that role or any documentary evidence to the contrary.

Each of the below definitions is important to determine the responsible party for compliance. In the definition of “producer,” (ii)-(iii) only apply if there is no person described in (i).

Producer means the following person responsible for compliance with minimum postconsumer recycled content requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

- (i) If the covered product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;
- (ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or
- (iii) If there is no person described in (a)(i) and (ii) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the covered product in or into the state.

Producer does not include

- i. Government agencies, municipalities, or other political subdivisions of the state;
- ii. Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations;
or,
- iii. De minimis producers as defined in the section below.

De minimis producer means a person that annually sells, offers for sale, distributes, or imports in or into the country for sale in or into Washington state.

- i. Less than one ton in aggregate of a single category of covered product each calendar year; or
- ii. A single category of a covered product that in aggregate generates less than \$1,000,000 each calendar year in gross revenue from sales of covered products into Washington state.

These thresholds are to be calculated at the level of the "person" as defined on page 10 of this section.

Meeting the qualifications of de minimis producer in one single category of covered products does not preclude a producer from meeting requirements for other covered product categories for which they are above the de minimis threshold.

Brand means a name, symbol, word, logo, or mark that identifies a product and attributes the product to the brand owner.

Department means the Washington state department of ecology.

Person means an individual and any form of business enterprise, including all legal entities that are affiliated by common ownership of 50 percent or greater, including parents, franchises, subsidiaries, and commonly owned affiliate companies.

Third-party representative means a person acting as agent for a producer for the purpose of registering the producer, submitting reports, and paying the fees required of the producer by this chapter.

Third-party representatives do not assume full responsibility for compliance as a producer.

Covered products, PCRC products, and excluded products

Covered products means all beverages, trash bags, personal care products, and household cleaning products sold in plastic containers that are subject to, or will become subject to (according to the timeline in WAC 173-925-040(4)(a)), the requirements of this chapter, including registration, reporting, fee payment, and PCRC minimum percentages.

Covered products does not include:

- i. Rigid plastic containers or bottles that are used for the containment, protection, delivery, presentation, or distribution of:
 - A. Prescription or nonprescription drugs as defined in RCW 18.64.011(14) and regulated by the United States Food and Drug Administration;
 - B. Dietary supplements as defined in this section;
 - C. Medical devices or medical products required to be sterile, as regulated by the United States Food and Drug Administration under 21 C.F.R., Parts 200, 300 and 800;
 - D. Aerosols in plastic containers that are subject to 49 C.F.R. Sec. 178.33b;
- i. Plastic trash bags used for biomedical waste as defined in this section;
- ii. Products in containers sufficiently durable for multiple rotations of their original or similar purpose, and are intended to function in a system of reuse; or
- iii. Liners, caps, corks, closures, labels, and other items added externally or internally, but otherwise separate from the structure of the bottle or containers.
- iv. Pouches or bladders used to contain a beverage.

Dietary supplement as defined by RCW 82.08.0293 means any product, other than tobacco, intended to supplement the diet that:

Contains one or more of the following dietary ingredients:

- i. A vitamin;
- ii. A mineral;
- iii. An herb or other botanical;
- iv. An amino acid;
- v. A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or
- vi. A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

Is intended for ingestion in tablet, capsule, powder, soft-gel, gel-cap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

Dietary supplements does not include a product labeled with both a supplement facts box and a "nutrition facts" box.

Infant formula means a food which purports to be or is represented for special dietary use solely as a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk.

Medical food means a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.

Oral nutritional supplement means a manufactured liquid, powder capable of being reconstituted, or solid product that contains a combination of carbohydrates, proteins, fats, fiber, vitamins, and minerals intended to supplement a portion of a patient's nutrition intake.

Post-consumer recycled content (PCRC) means the plastic resin incorporated into plastic packaging or bags for a PCRC product that is derived specifically from recyclable material generated by households or by commercial or institutional facilities in their role as end users of plastic products and packaging which is no longer used for its intended purpose.

"PCRC" includes returns of material from the distribution chain.

"PCRC" does not include plastic that is separated from the waste stream during manufacturing, such as scrap or other materials that are generated and reused during the same process.

PCRC products means items in the following categories which are actively required to meet and report PCRC minimum requirements in the product packaging for a given year according to the timeline in WAC 173-925-040 (4)(a):

- a) Beverages in plastic beverage containers
- b) Plastic trash bags
- c) Household cleaning products and personal care products in plastic containers

Covered plastic beverage containers

Examples include water, flavored water, beer, or other malt beverages; wine; distilled spirits; mineral water, soda water, and similar carbonated soft drinks; juice; non-dairy beverages and creamers, and any beverage other than those specified. This includes creamers or liquid concentrates added to other beverages. This does not include powders or concentrates added to a liquid.

If a producer has a question, they can submit it to us for a determination.

Beverage means liquid products intended for human or animal consumption sold in a quantity more than or equal to two fluid ounces and less than or equal to one gallon. This includes, but is not limited to, any of the following:

- i. Water and flavored water;
- ii. Beer or other malt beverages;
- iii. Distilled spirits;
- iv. Artificial or non-dairy milks and creamers;
- v. Juices, including those derived from concentrate;
- vi. Mineral water, soda water, and similar carbonated soft drinks;
- vii. Dairy milk; or
- viii. Wine;

Beverage does not include:

- i. Liquid in a concentrated form that must be reconstituted with water or another liquid to be consumed, or is added to another beverage for flavoring or sweetening;;
- ii. Syrup;
- iii. Powder concentrates or instant drink powders;
- iv. Infant formula;
- v. Medical food; or
- vi. Fortified oral nutritional supplements used for persons who require supplemental or sole source nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, or other medical conditions.

Beverage manufacturing industry means an association that represents beverage producers.

Dairy milk means a beverage made exclusively or principally from milk obtained from one or more milk-producing animals. Dairy milk includes, but is not limited to:

- a) Whole milk, low-fat milk, skim milk, cream, half-and-half, condensed milk; or
- b) Cultured or acidified milk, kefir, or eggnog.

Plastic beverage container means a factory-sealed bottle or other rigid container that is:

- i. Capable of maintaining its shape when empty;
- ii. Comprised of one or multiple plastic resins; and
- iii. Designed to contain a beverage in a quantity more than or equal to two fluid ounces and less than or equal to one gallon.

Plastic beverage container does not include bladders or pouches that contain a beverage.

Plastic trash bags

Biomedical waste means, and is limited to, the following types of waste:

- a) **Animal waste** is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
- b) **Biosafety level 4 disease waste** is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the centers for disease control, national institute of health, biosafety in microbiological and biomedical laboratories, current edition.
- c) **Cultures and stocks** are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
- d) **Human blood and blood products** is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.
- e) **Pathological waste** is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for final disposition.
- f) **Sharps waste** is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Plastic trash bag means a bag that is made of plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials for disposal or recycling. "Plastic trash bag" includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag.

Plastic trash bag does not include compostable bags meeting the requirements of chapter 70A.455 RCW and plastic carryout bags meeting the requirements of chapter 70A.530 RCW.

Plastic trash bag manufacturing industry means an association that represents companies that manufacture plastic trash bags.

Household cleaning and personal care product containers

Household cleaning products means products labeled, marketed, or otherwise indicating that the purpose of the product is to clean, freshen, or remove unwanted substances, such as dirt, stains, and other impurities from possessions, objects, surfaces, interior or exterior structures, textiles, and environments associated with a household. These items include:

- i. Liquid soaps, laundry soaps, detergents, softeners, surface polishes, and stain removers;
- ii. Textile cleaners, carpet and pet cleaners, and treatments; or
- iii. Other products used to clean or freshen areas associated with a household.

Household when used in the term "household cleaning products" denotes products marketed at least in part for residential or individual consumer use, but does not include products marketed solely for use in institutions such as hospitals and schools, or in commercial or industrial settings.

Household cleaning and personal care product manufacturing industry means an association that represents companies that manufacture household cleaning and personal care products.

Personal care product means a product intended or marketed for use to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance, including:

- a) Shampoo, conditioner, styling sprays and gels, and other hair care products;
- b) Lotion, moisturizer, facial toner, and other skin care products;
- c) Liquid soap and other body care products; or
- d) Other products used to maintain, improve, alter, or enhance personal care or appearance.

Post-consumer recycled content, registration, reporting, and fees

Post-consumer recycled content (PCRC) means the plastic resin incorporated into plastic packaging or bags for a PCRC product, that is derived specifically from recyclable material generated by households or by commercial or institutional facilities in their role as end users of plastic products and packaging which is no longer used for its intended purpose.

PCRC includes returns of material from the distribution chain.

PCRC does not include plastic that is separated from the waste stream during manufacturing, such as scrap or other materials that are generated and reused during the same process.

Resin means polymer compounds used to make plastic packaging such as bottles or films.

Ton means the United States customary short ton, equal to 2,000 pounds.

Workload analysis (WLA) means a document posted for public comment each year by January 31st, summarizing the department's estimated costs for the forthcoming fiscal year, July 1st to June 30th of the following year, to implement, administer, and enforce the post-consumer recycled content requirements per RCW 70A.245.020(3).

Part B – Covered products determination

Covered product refers to all the items, regardless of the time at which producers of those products are required to begin reporting and including minimum post-consumer recycled content percentages in their packaging.

PCRC products are still **covered products** but specifically refer to products actively required to meet the PCRC and reporting requirements according to the implementation timeline below.

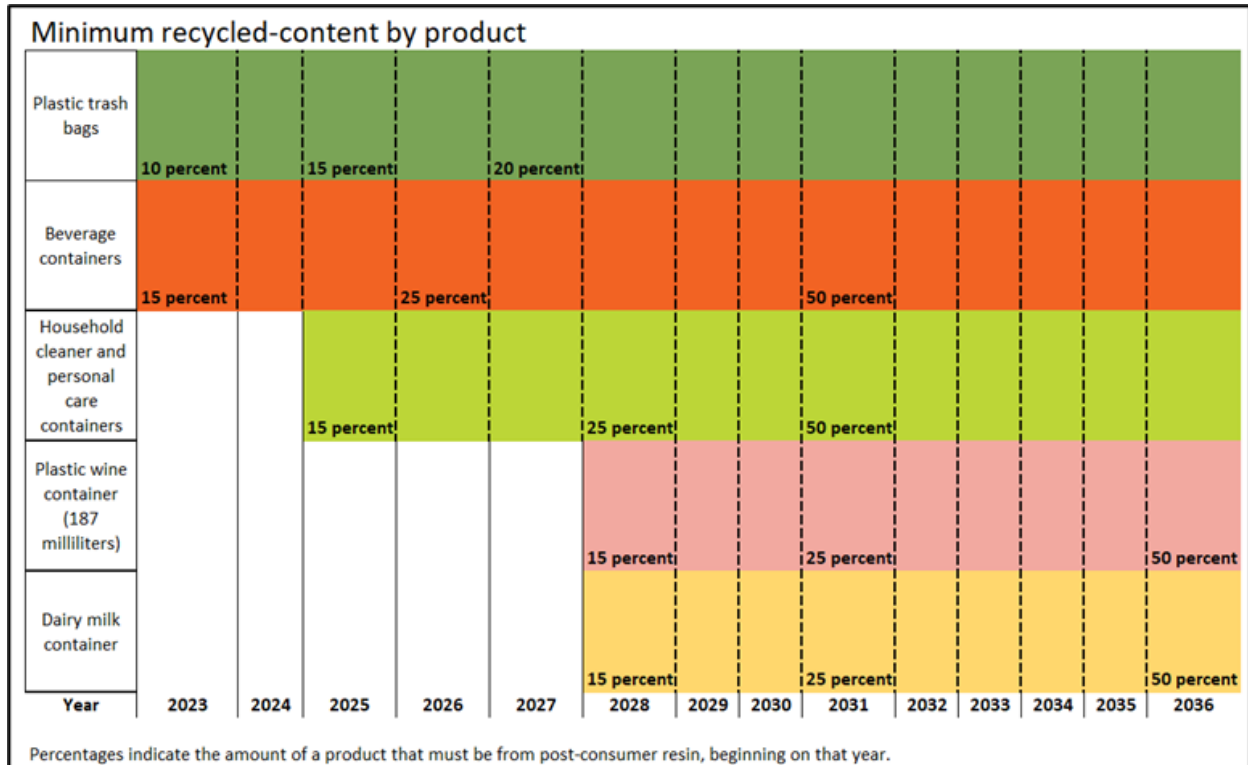


Figure 1. The minimum recycled content chart has been broken down by year to highlight when producers need to include plastic recycled content in their covered products.

Timeline Explanation: Covered Product and PCRC Product

In 2022, all producers of **covered products** were required to register and pay fees. In 2023, the beverage and trash bags covered product categories also became **PCRC products** because they were required to comply with the minimum PCRC percentages and reporting.

In 2024, when minimum PCRC percentage requirements took effect for the household cleaner and personal care products **covered product** category, these also became **PCRC products**.

By 2028, all covered products will be considered PCRC products because minimum requirements will have taken effect for all covered product categories.

Plastic trash bags

Included

- Covered trash bags include bags made of non-compostable plastic, garbage bags, recycling bags, lawn or leaf bags, can liner bags, kitchen bags, compactor bags, and similar bags used for waste.
- Includes trash bags used in household, commercial, or industrial settings
- Trash bags are required to meet additional labeling requirements in [RCW 70A.245.060](#).
- Non-compostable plastic pet waste bags are included as long as they meet a thickness of at least 0.70 mils thick.
- Only applies to bags marketed for use to contain waste or recyclables. Waste bags sold within a larger bag as the packaging are still covered products.



Not included

- Compostable trash bags that meet the requirements of Washington plastic product degradability law (Chapter [70A.455 RCW](#)) are not covered trash bags.
- Plastic bags designed and manufactured for dangerous waste or biomedical waste are required to meet content requirements. However, they are not required to meet labeling requirements.

Compostable bags

Compostable bags must

- Meet the ASTM standard specification D6400.
- Meet ASTM standard specification D6868 or be comprised of wood.
- Meet labeling requirements according to the USAFTC guides.
- Feature labeling that is distinguishable on quick inspection to both the public and processors.
- Attain and label products with 3rd party certification that meets the ASTM standards.
- Use green, beige, or brown labeling or other design features that differentiate the bag from non-compostable bags.

Biomedical bags

- Animal waste, carcasses, body parts, and bedding of animals known to be infected with or inoculated with infectious pathogenic microorganisms.
- Waste contaminated with blood, excretions, exudates, or secretions from animals or humans quarantined to protect others from pathogens assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, biosafety in microbiological and biomedical laboratories, current edition.
- Infectious “cultures and stock waste, including specimens, etiologic agents, waste from biologicals and serums, discarded live and attenuated vaccines, or laboratory waste that has come into contact with the above cultures and stocks.
- Human blood and blood products.
- Pathological waste including human source biopsy materials, tissues, and anatomical parts from surgical procedures or autopsy.
- Sharps waste.

Anatomy of covered trash bags

Gauge: the thickness of a trash bag

Mil: one-thousandth of an inch (.001)

Gauge requirement: at least 0.70 mils thick

Plastic beverage containers

Included

- Plastic beverage containers are bottles and other rigid containers made of one or more plastic resins.
- Only sealed plastic beverage containers must meet the requirements.
- Plastic beverage containers' sizes range from two fluid ounces to one gallon.
- Plastic beverage containers can hold water, flavored water, beer, spirits, soda, juice, or any other beverage.
 - Beverages can be for either human or animal consumption.
 - Beverages do not just mean ready-to-drink but also include business-to-business sales.
 - Beverages include liquids with added supplements, such as Vitamin C. The exclusion for dietary supplements only applies when the product lacks a “Nutrition Facts” label and only has a “Supplement Facts” label.



Not included

- Plastic beverage containers that are refillable and function in a system of reuse.
- Liners, caps, corks, closures, and labels.
- Containers for some medical, prescription drug, or dietary purposes.
- Open cups like SOLO® cups are not subject to the requirements.
- Open cups that are sealed in the store before handing them to the customer.
- Pouches or bladders used to contain a beverage.

Anatomy of covered plastic beverage containers

Mouth: The opening of the plastic container.

Neck: The screw-threaded part of the plastic container holding the cap or closure.

Base: The bottom part of the plastic container where the recycling code, material mark, or other decoration can be applied. A plastic container can stand stably on the shelf with a base.

Plastic household cleaning & personal care products



Included

- Plastic containers for household cleaning and personal care products include bottles, jugs, and other rigid containers made of one or multiple plastic resins.
- Plastic containers for household cleaning and personal care products are covered if they have a neck or mouth smaller than the base and maintain their shape when empty.
 - Wipes in plastic containers with a mouth that is narrower than the base.
- Plastic containers range from eight ounces or equivalent volume up to and including five gallons or equivalent volume.
- Air cleaners and air fresheners used to care for fabric or other surfaces (e.g., fabric refresher, air freshener spray).

Not included

- Refillable containers that function in a system of reuse.
 - A system of re-use includes products sold in a powder form to be added to a container and reconstituted for reuse. Examples would include window cleaners where refill pouches are sold separately and intended to be mixed with water in an existing container owned by the consumer.
- Bottles used with medical products.
- Household cleaning products sold for use exclusively in institutional or commercial settings.

Anatomy of covered household cleaning and personal care products in bottles

Mouth: The opening of the plastic bottle.

Neck: The screw-threaded bottle part holding that cap or closure.

Base: The bottom part of the plastic bottle where the recycling code, material mark, or other decoration can be applied. Plastic bottles can stand stably on the shelf with a base. In some cases, the base may also be the mouth of the bottle.

Commercial and institutional cleaners

Included

Covered household cleaning products include products used in commercial and institutional settings as long as they meet the other packaging shape, capacity, and other requirements of household care products and personal care product containers.



Not included

However, this does not apply to products marketed *exclusively* for institutional settings, such as off-market cleaners.

Cosmetics

Whether a product is included under the definition of personal care product depends on the container type and the product in the container. If the container type fits the requirements and the product is applied to the skin or hair, it is subject to the requirements of personal care products. The RCW definition mentions hair gel applied to the hair in a similar function as a cosmetic. However, cosmetics do have some specific considerations.



If you produce a cosmetic that would fall out of compliance with federal regulations by incorporating recycled resin, you must annually submit a request for exclusion from Washington's PCRC minimum requirements. This must include a detailed explanation of the federal regulations as they apply to the product in question.

For a cosmetic to be granted an exclusion from PCRC rates, the producer must still meet the other requirements of the law, including:

1. Include the product resin total in annual registration and reporting.
2. Pay fees associated with the weight of resin in the excluded products.
3. Annually demonstrate that the product is eligible for temporary exclusion from PCRC minimums.

Non-prescription drugs

Products regulated as drugs under the federal Food Drug and Cosmetic Act, 21 U.S.C. Sec. 301, et seq., are exempt. This includes over-the-counter or non-prescription drugs with non-prescription drug qualities.



Not Exempt

Suntan lotion
Shampoo, conditioner, or styling product
Toothpaste for routine teeth cleaning
Mouthwash
Hair bulking product
Acne concealers
Anti-bacterial deodorant soap
Skin Moisturizer
Lip softener

Exempt

UV-protectant sunscreen
Anti-dandruff shampoo
Anti-cavity toothpaste
Anti-gingivitis mouthwash
Hair growth product
Dermatological anti-acne products
Anti-infective soap
Wrinkle-remover
Treatment for chapped lips

Pet cleaners

Included

Products designated to clean or care for fabric or other surfaces soiled by pets (e.g., odor removers) and products used for cleaning pets (e.g., shampoos, freshening products) are included under household cleaning products.



Plastic tubes

Included

- Tubes are a covered product if they have a neck smaller than their base and maintain their shape when empty.
- Covered plastic tubes range in size from eight ounces to five gallons.
- All personal care products meeting the container shape and volume requirements are covered products. It does not matter whether they are used in household, commercial or industrial settings.



Anatomy of covered tubes

Tubes are considered a covered product if they have a neck smaller than the base.

Neck: The screw-threaded part of the tube that holds that cap or closure in place that is used as the base.

Body: The part where labels or printing can be applied.

Base: The cap or closure in place that is used as the base.

Plastic Jars and tubs

Included

- Jars and tubs are a covered product if they have a neck smaller than their base and maintain their shape when empty.
- Covered plastic jars and tubs range in size from eight ounces to five gallons.
- All personal care products meeting the container shape and volume requirements are covered products. It does not matter whether they are used in household, commercial, or industrial settings.



Anatomy of a covered jar

Jars and tubs are considered a covered product if they have a neck smaller than the base.

Neck: The screw-threaded part of the jar or tub holding the cap or closure.

Body: The part where labels or printing can be applied.

Plastic wine containers

Included

- Plastic wine containers are bottles and other rigid containers made of one or more plastic resins.
- Plastic wine containers are limited in size to only 187-milliliter containers.
- Only sealed plastic wine containers must meet the requirements.



Not included

- Plastic wine containers that are refillable and function in a system of reuse.
- Plastic beverage bladders or pouches.
- Liners, caps, corks, closures, and labels.
- Containers for some medical, prescription drug, or dietary purposes.
- Open cups sealed in-store before being handed to the customer

Anatomy of covered plastic wine containers

Mouth: The opening of the plastic container.

Neck: The screw-threaded part of the plastic container holding the cap or closure.

Base: The bottom part of the plastic container where the recycling code, material mark, or other decoration can be applied. A plastic container can stand stably on the shelf with a base.

Plastic dairy milk containers



Included

- Plastic dairy milk containers are bottles and other rigid containers made of one or more plastic resins.
- Only sealed plastic dairy milk containers must meet the requirements.
- Plastic dairy milk containers' sizes range from two fluid ounces to one gallon.
- Plastic dairy milk containers can hold milk, creamers, and non-dairy milk are covered dairy milk containers.
 - Beverages can be for both human and animal consumption.
 - Dairy milk containers is not limited to “ready-to-drink” products and also include business-to-business sales.

Not included

- Plastic dairy milk containers that are refillable and function in a system of reuse.
- Liners, caps, corks, closures, and labels.
- Containers for some medical, prescription drug, or dietary purposes.
- Open cups sealed in store before being handed to the customer.

Anatomy of covered plastic dairy milk containers

Mouth: The opening of the plastic container.

Neck: The screw-threaded part of the plastic container holding the cap or closure.

Base: The bottom part of the plastic container where the recycling code, material mark, or other decoration can be applied. A plastic container can stand stably on the shelf with a base.

Exempt products

If a product is listed below as an exemption from covered products, the producer is not required to register, report, pay fees, or meet minimum PCRC percentages or labeling requirements. Unlike products granted an exclusion by Ecology, these products are fully exempt from all requirements.



- Medical food, medical devices, dietary supplements, and baby formula.
- Prescription or non-prescription drugs as defined in RCW 18.64.011(14) and regulated by the United States Food and Drug Administration
- Dietary supplements as defined in RCW 82.08.0293. These products must be labeled with a **supplement facts box** and not labeled with a **nutrition facts box**. These could include vitamins, minerals, herbs, botanicals, amino acids, or other substances intended to supplement human total dietary intake.
- Aerosols in plastic containers.
- Plastic trash bags used for biomedical wastes.
- Products in containers sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse.
- Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

There is no blanket [exclusion for federal regulation](#) products. The form to request exclusion requires citation of the applicable federal regulation and an explanation as to why the regulation is specific to the material composition of the packaging and makes the incorporation of PCRC into a particular product technically infeasible to comply with an existing health or safety federal standard. Each request will be unique and should comprehensively explain the constraints based on the parameters of the regulation.

Part C – Producer registration and reporting

Washington’s plastics law, [Chapter 70A.245 RCW](#), requires producers of many common single-use plastics to include a minimum amount of recycled content in their products.

Producers that offer for sale, sell, or distribute covered products in or into Washington are required to register with Ecology on or before April 1st of each year.

Products required to meet [recycled-content minimums](#)

- Plastic trash bags
- Plastic beverage bottles
- Plastic containers for household cleaning and personal care products

When reporting requirements for your covered product category take effect, the Plastic Producer Registration is structured to have you submit a registration and a report simultaneously.

Producers

In-state producers

In-state producers only need to report and register for the covered products distributed for purchase by end users in Washington. This applies regardless of where the producer is located and includes online sales.

Distribution into the state

Distributed means distributed or sold to the consumer. If the consumer is in Washington state, all products sold, offered for sale, or distributed (to the consumer) in or into this state would be covered products for reporting. If a producer has a distribution center (even though they receive products into the state), they would only report on what they distributed or sold to consumers in the state.

Producers of national or regional retail brands may calculate the reported weight based on the national sales weight multiplied by a percentage representing the number of stores that are located in Washington. They may then add the total weight of online sales into Washington.

In-state distributors, wholesalers, and retailers possessing covered products manufactured before PCRC requirements become effective may exhaust their existing stock through sales to the public.

Covered producer

The covered producer is responsible for compliance with all PCRC law aspects, including registration, reporting, fee payment, and recycled content minimum requirements. The producer is the party subject to audit and enforcement action in the event of non-compliance.

- The owner of the brand, sub-brands, store brands, or private selection (the brand or logo printed on the product packaging) is the producer unless any of the scenarios below apply.
- If a producer is a licensee of a brand, they assume the responsibility as producer.
- A manufacturer may accept responsibility on behalf of a brand owner. Ecology will assume the brand owner is the manufacturer absent anyone else coming forward to accept that role or any documentary evidence to the contrary.
- If a product lacks identification of a brand, the producer is the person with decision making authority over the content of the packaging, often the manufacturer.
- If none of the above apply, the person who distributes the product in or into the state is considered the producer, including through online sales.

The full definitions of “producer,” “person,” “brand,” and “de minimis producer” are in WAC 173-925.030. See [Part A- Definitions](#) of this document for more details.

Examples of covered producers

Example A

A retailer has a household cleaner manufactured and labeled under their store brand. The retailer has given the manufacturer no direction over the packaging requirements and grants the authority for the product to be manufactured and labeled as a store brand-labeled product. The manufacturer has no further direction under the contract. The manufacturer makes all decisions regarding container specifications. In this case, the manufacturer of the cleaner is the covered producer and is responsible for compliance. This fits under [RCW 70A.245.010 \(19\)\(a\)\(ii\)](#).

Example B

A retailer sells a beverage bottled and labeled by a separate manufacturer, but outlines the specifications for the material content of the packaging in their order specifications. They sign a product order where details about the amount of recycled content in the packaging are established. In this case, the retailer selling the product under their brand name may take responsibility as the producer of the packaging.

Example C

A retailer owns a bottling facility that bottles water for sale under its own brand and bottles for another retailer under a license agreement that does not include packaging specifications. The bottling retailer is the responsible producer as manufacturer of a covered product sold under its own brand under RCW 70A.245.010 (19)(i). The bottling retailer is also the responsible producer as manufacturer of a covered product under a licensing agreement that does not specify the packaging, aside from the branding. This fits under RCW [70A.245.010 \(19\)\(a\)\(ii\)](#).

Example D

A retailer is a direct importer of beverages in plastic bottles from another country. No person in the U.S. provided specifications for the bottles in which the beverage is packaged for retail sale. The retailer is the first importer of the products in or into Washington. The retailer is the covered producer under [RCW 70A.245.010 \(19\)\(a\)\(iii\)](#).

De minimis producer

De minimis producers are determined at the level of a single covered product category. A producer may produce one category of covered products considered de minimis but still sell enough resin weight or revenue in another category to be a covered product producer. This means the producer does not need to report for the one category and any other category of products that are not de minimis and for which you do need to meet all of the fee, PCRC, and reporting requirements.

For each product category, you are a de minimis producer if **either** of the following applies to the aggregated total of all the brands you own and under which you sell that category of covered products into Washington state:

- a. You, including all brands and sub-brands you own, produce less than one ton in aggregate of a single category of covered products each year
- OR**
- b. You, including all brands and sub-brands you own, produce a single category of covered product that in aggregate generates less than \$1,000,000 each year in gross revenue of sales of covered product into the state.

The de minimis exemption applies to producers who annually sell, offer for sale, distribute or import into the country for sale in Washington.

Examples of de minimis producers

Example A

De minimis in one product category but covered in another product category.

The producer will only be exempt from the reporting, PCRC minimums, and fee requirements of the product category in which they are de minimis producers.

Suppose the producers sell another category of covered products into the state that does not meet the de minimis conditions. In that case, the producers must still report, pay fees, and meet PCRC requirements for that category.

The producer is only exempt from all the requirements if all product categories sold into the state are below the de minimis threshold.

Example B

The producer met the de minimis criteria one year but did not the following year.

Requirements apply to the first full year of de minimis status. If a product only exceeds the de minimis threshold halfway through a year in which requirements take effect, they must report as a de minimis producer in the following year.

Example C

Suppose a producer meets de minimis criteria one year and then does not the following year. The PCRC requirements will only apply to the first full year that the threshold is met.

De minimis producer notification

De minimis producers are not required to meet annual registration, reporting, PCRC, or fee requirements of covered products. Still, they must annually indicate their de minimis status in the department's online registration and reporting system to notify the department that they meet the de minimis threshold.

De minimis producers will not be required to meet PCRC requirements or pay annual fees. However, they must still create a Secure Access Washington(SAW) account to submit their notification of de minimis status. De minimis producers may still complete the resin and tonnage questions if desired to decrease the chance of audit by the department.

We will have a [continuously updated list](#) on our website of everyone registered. De minimis producers will be named as compliant on the registered producer list.

Registration by de minimis producers lets the department and the public know they aren't delinquent or out of compliance.

Notifying the department

There are two ways de minimis producers can register and notify the department.

- De minimis producers can answer yes to their respective product categories and answer the product category questions, such as revenue, resin, and brand names. This way, the portal can determine whether a producer is de minimis based on their provided answers.

Or

- De minimis producers can answer no to all categories, including their respective product categories. When submitting their registration, a required comment box will appear, where the de minimis producer can provide an explanation stating they're a self-identifying de minimis producer who didn't want to complete the product category questions.

A producer must still fully register for any category not considered non-de minimis.

Waste Reduction Portal

The Waste Reduction Portal can only be accessed through SecureAccess Washington (SAW). This is where the producer registration, reporting, and applications for temporary exclusions can be accessed and submitted.

SecureAccess Washington

[SAW](#) is a central login that provides access to government services online while ensuring privacy. Producers must create a SAW account to access the Waste Reduction Portal.

You can find instructions on creating your SAW account and registration profile in our [Plastic Producer Instructions](#).

If you already have a SAW account for your Washington government services, you can use that same account. You don't need to create another.

SAW Instructions

Step 1 – Sign up for a SAW account

To start, you need to have a [SAW account](#). If you already have a SAW account, skip to [add a new service to your account](#) section.

SAW accounts are user-specific and shouldn't be shared between users.

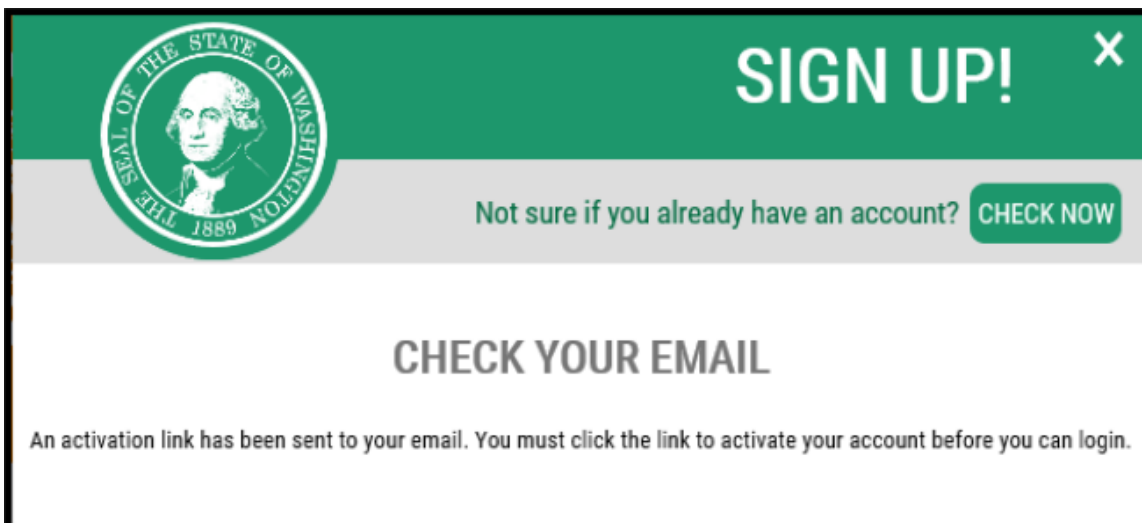
Information needed to register

- First name
- Last name
- Primary Email
- Username
- Password

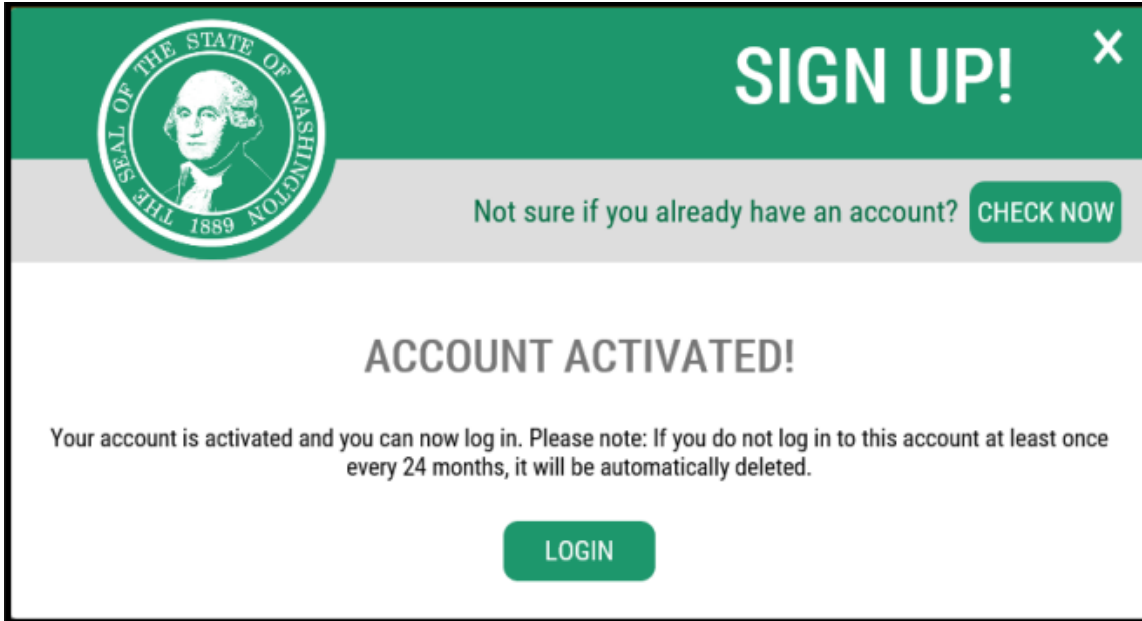


Screenshot 1. Go to the SAW homepage. Click “Sign Up” to create a username and password. Fill in the form with your information and click “Submit.”

Activate Your SAW Account

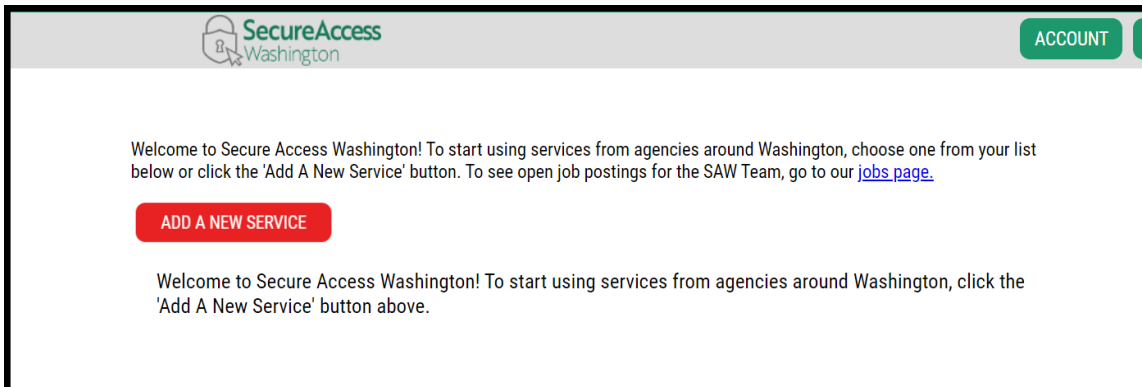


Screenshot 2. Once you click “Submit” from the previous screen, SAW will send you an activation email. Click the activation link inside that email.

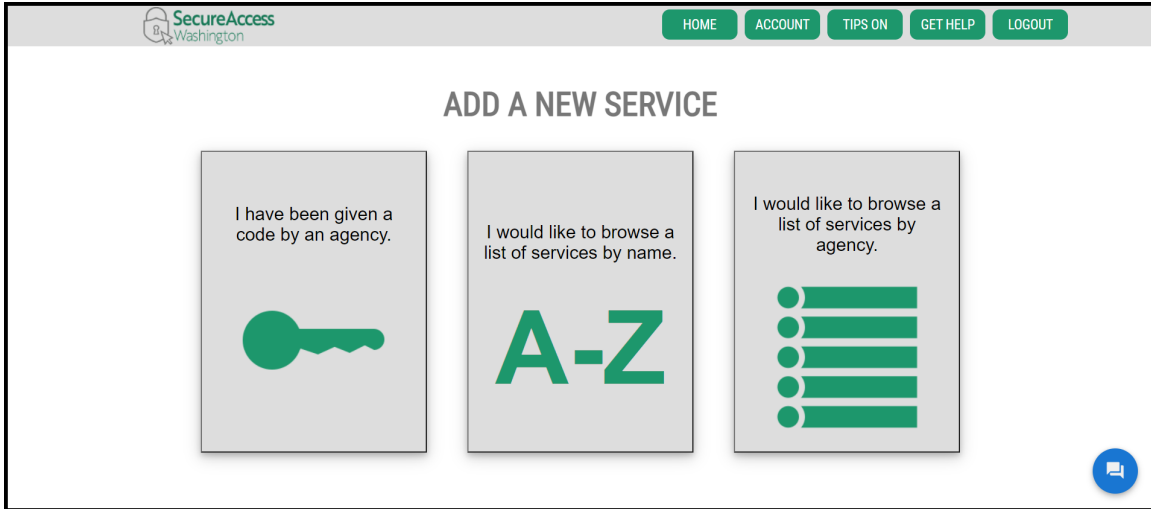


Screenshot 3. Once you click the activation link, SAW verifies your account is active.

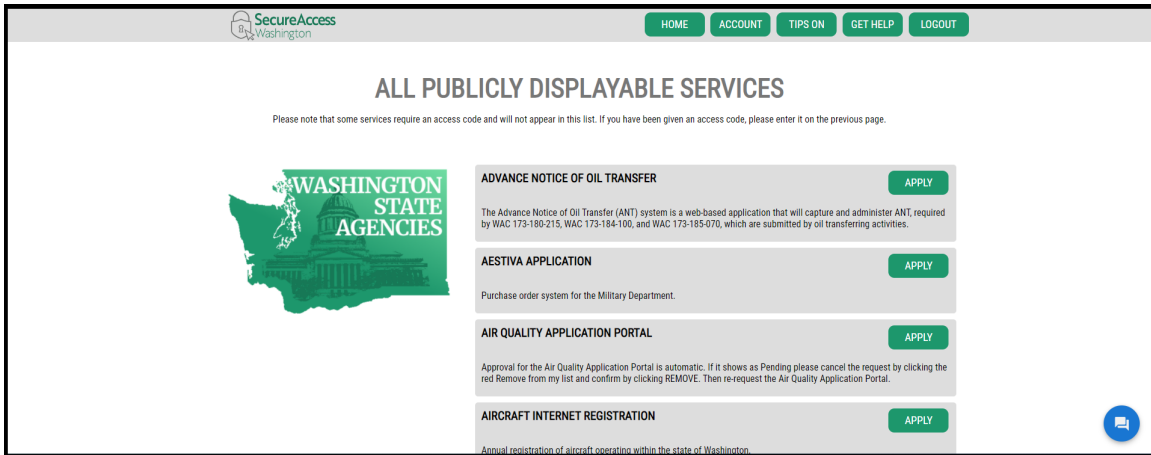
Step 2 – Add a new service to your account



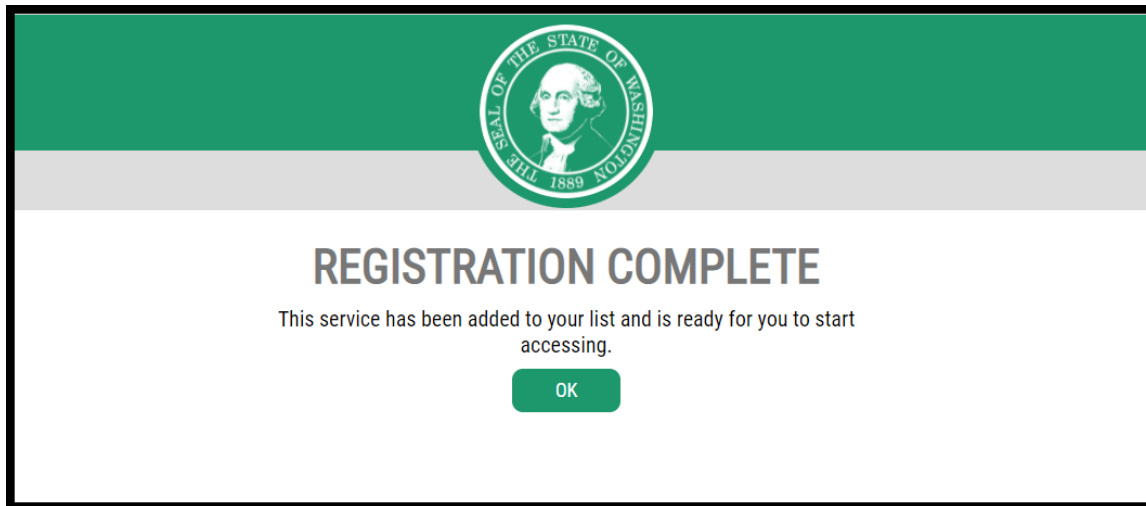
Screenshot 4. Login to SAW and click “Add a New Service”.



Screenshot 5. Click “I would like to browse a list of services by name.”

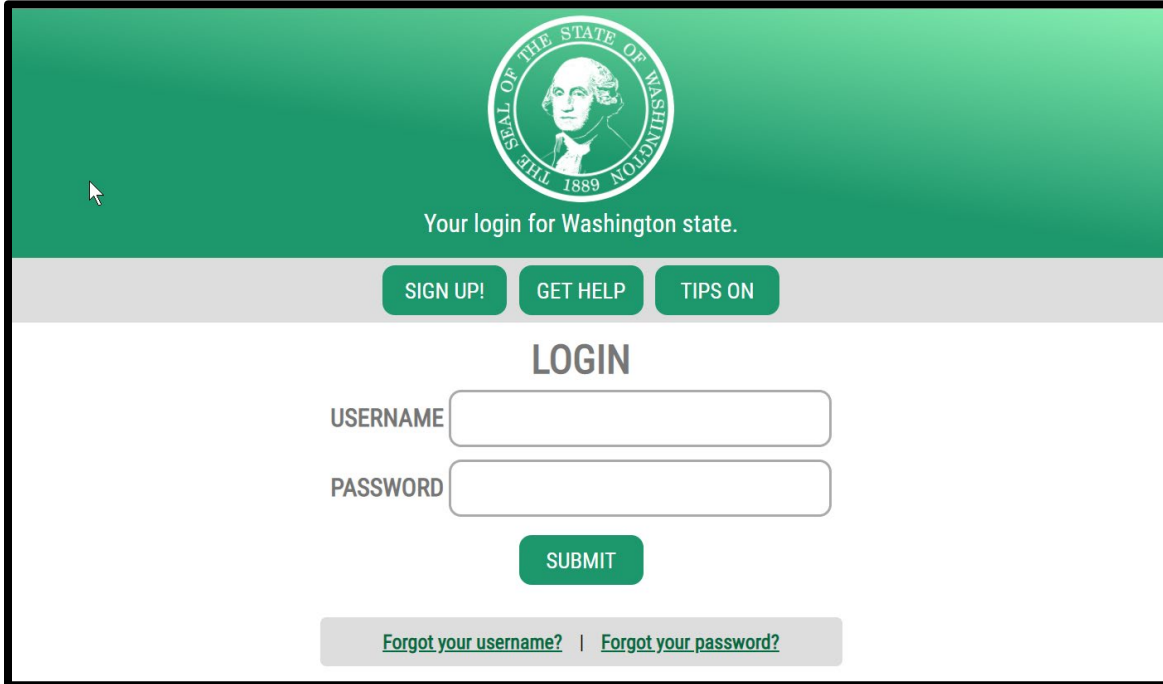


Screenshot 6. Find Waste Reduction Portal and click “Apply.”



Screenshot 7. Your registration request is automatically approved. Click “OK” to return to your secure services homepage.

Step 3 – Submit your registration



THE SEAL OF THE STATE OF WASHINGTON
1889

Your login for Washington state.

SIGN UP! GET HELP TIPS ON

LOGIN

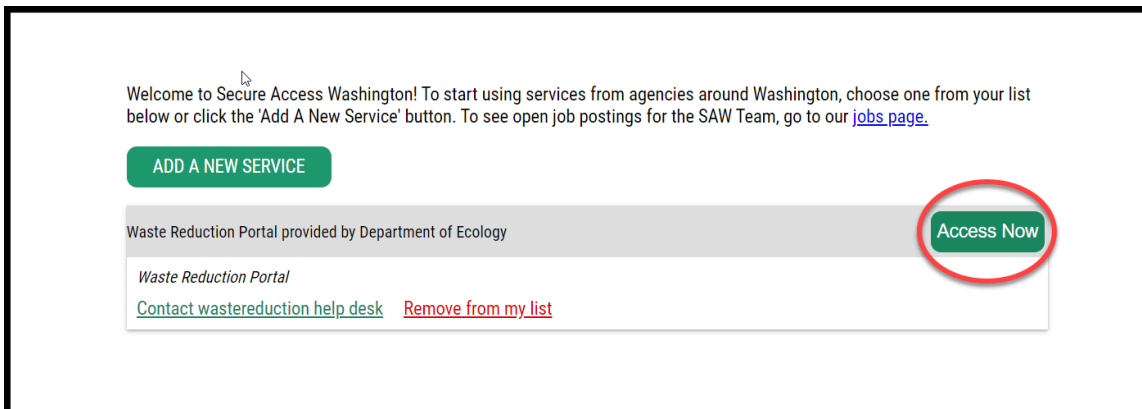
USERNAME

PASSWORD

SUBMIT

[Forgot your username?](#) | [Forgot your password?](#)

Screenshot 8. Go to the SAW login page. Enter your username and password. Click “Submit.”



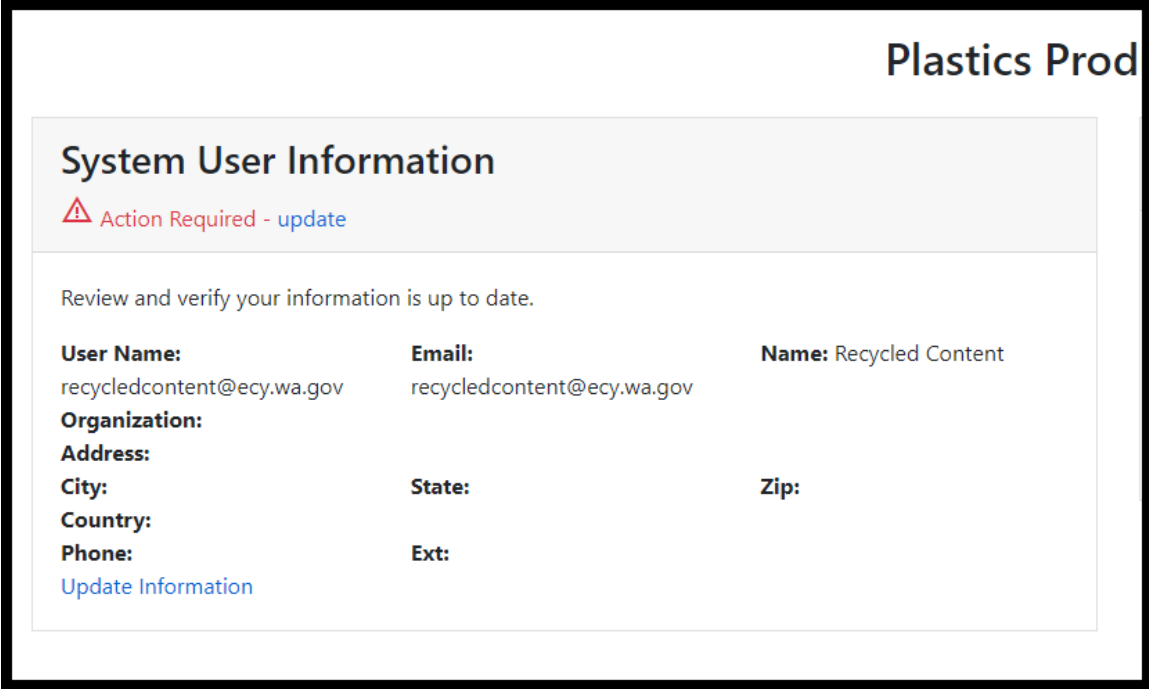
Welcome to Secure Access Washington! To start using services from agencies around Washington, choose one from your list below or click the 'Add A New Service' button. To see open job postings for the SAW Team, go to our [jobs page](#).

ADD A NEW SERVICE

Waste Reduction Portal provided by Department of Ecology **Access Now**

Waste Reduction Portal
[Contact wastereduction help desk](#) [Remove from my list](#)

Screenshot 9. Find Waste Reduction Portal, click “Access Now”, and click “Continue.”



Screenshot 10. Click “Update Information” under the System User section. Enter your information and click “Save.”



Screenshot 11. Click “PCRC Producers” to access the Plastics Producer Registration and Annual Reporting Portal.

Producer Registrations and Annual Reports

Register a new Producer

To start a new producer registration, select **Register New Producer**.

To continue a producer registration, find the producer below and select **Edit/Submit**.

Register an existing Producer

If you previously created a registration for a producer, find the producer below and select **Edit/Submit**. The producer will already have access to the current registration cycle.

Submit an annual report for a Producer

To submit an annual report for a producer already registered, find the producer below and select **Edit/Submit**. The producer will already have access to the current reporting cycle.

Message: No producer registrations are listed.

Register New Producer

Screenshot 12. Click “Register New Producer” and complete the registration. When you are finished, click “Submit.”

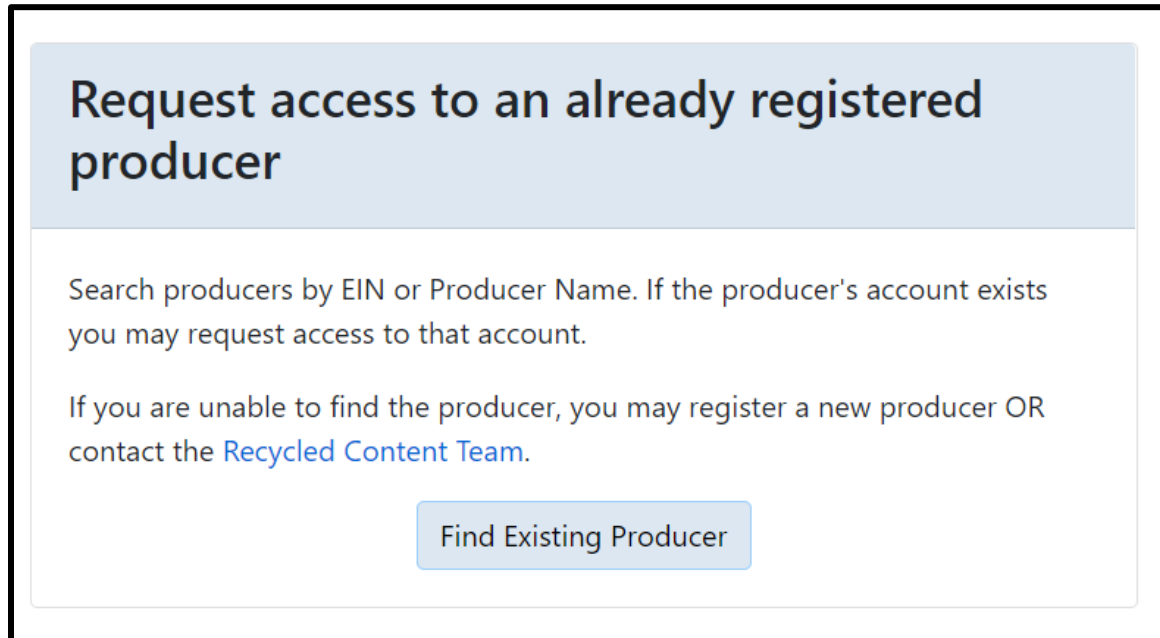
Request access to an already registered producer

Suppose the producer’s account already exists. The producer may request access to that account by selecting “find existing producer.”

This allows users to search producers by EIN, producer name, and PCRC account number. The PCRC account number can be found on last year's registration (example PCR0000).

If you are unable to find the producer, you may register as a new producer or contact the Recycled Content Team.

If you know a producer account exists, do not create a new producer registration.



Screenshot 13. To access an existing producer, click “Find existing producer.”

Troubleshooting SAW

The department doesn't have access to your SAW account. The login page has the following options to recover your account:

- [Forgot your password?](#)
- [Forgot your username?](#)
- [Get Help](#)

After two failed password attempts, your account will lock. If this happens, you'll need to contact SAW.

Users who have not logged into their accounts in the last 24 months will be expired and be deleted from the system.



Screenshot 14. To recover your username or password click “forgot your username or forgot your password.”

Registration and reporting

Registration began on April 1, 2022, and annually after that, any producer of covered products distributed, sold, or offered for sale in or into Washington must register using the Waste Reduction Portal.

Reporting begins on January 1, 2024, and annually after that, certain covered product categories must submit an annual report based on the law’s specified timeline, indicating the amount of PCRC used in their products. Annual reports are due by April 1.

At the time of reporting, registration is submitted as well.

Registration and report data

Registration and report data is for the prior calendar year.

When registering and reporting, combine all products within a single covered product category as appropriate.

For example, if you have beverage product 1 & beverage product 2, they both should be counted together since they both fall under the beverage-covered product category.

Third-party representative registers on behalf of a producer

Third-party representatives may submit data on behalf of a producer or group of producers, including information required, but the producer, as defined in WAC 173-925-030(22), is the party responsible for compliance and subject to potential enforcement actions outlined in WAC 173-925-080 through 173-925-100.

Information required for registration and reporting

Registration and reporting

- Employer Identification Number (EIN).
 - Use parent company's EIN to register for any subsidiary brands owned by the company
- Billing contact (Required).
- Company name
- Revenue of the covered product from the previous year for Washington state.
- Total resin amount from the previous year for Washington state.
 - This includes virgin, post-consumer, and post-industrial plastic resin.
- All brand names the covered product is sold under.

Reporting only

- The resin type(s) used in your products for that reporting year.
- Any documentation that certifies your PCRC resin (optional).

Registering or reporting as a new or existing producer

Reporting or registering a producer is done through the same process within the Plastic Producer Registration and Reporting Portal.

The directions below explain how to register a new or existing producer and PCRC reporting where applicable.

If you're not submitting an annual report yet, disregard annual report instructions.

Producer information

If registering a new producer, enter the producer's name (for example, the company name).

If you're registering an existing producer, this field will auto-populate for you.

If you're registering and submitting an annual report for an existing producer, this field will auto-populate for you.

Federal Tax ID (EIN)

An employer identification number (EIN) is also known as a Federal Tax Identification Number. Your EIN is assigned by the IRS and is used to identify a business entity.

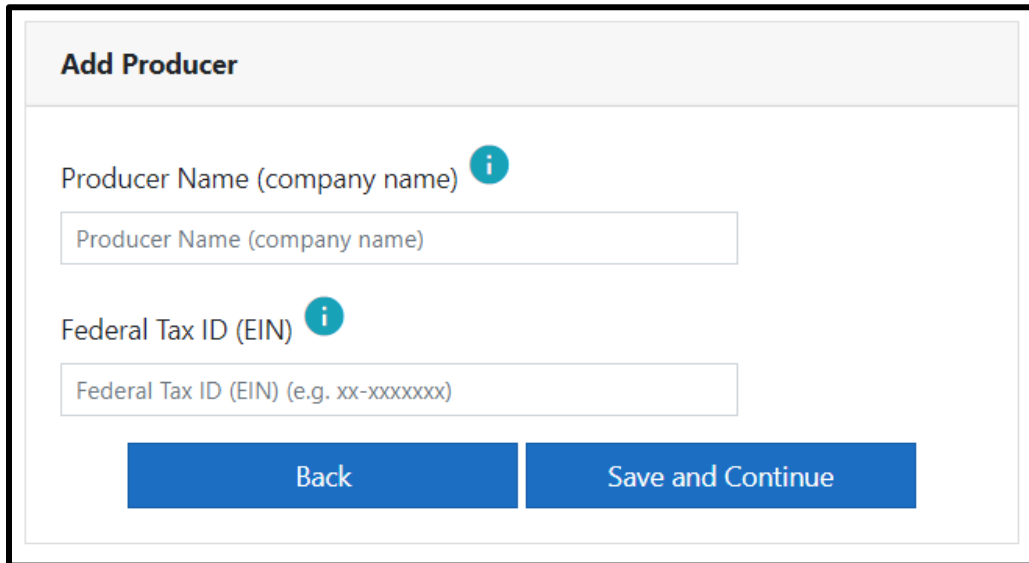
We recommend using the parent company's EIN to register for their children.

If registering a new producer, enter the producer's federal tax ID (EIN)

If registering an existing producer, this field will auto-populate for you.

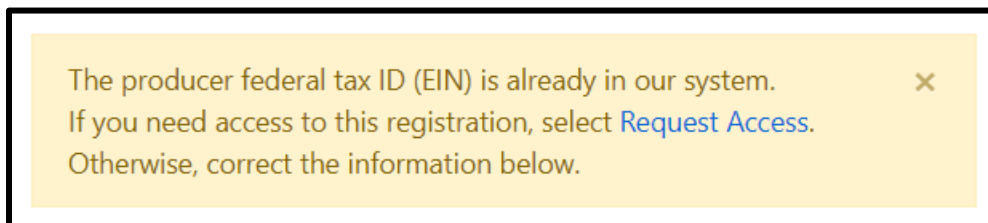
If you're registering and submitting an annual report for an existing producer, this field will auto-populate for you.

Suppose you enter an EIN for a new producer, and the EIN is already in our system. In that case, you'll receive an error and cannot continue your registration and will need to request access to an existing account using the "find existing producer" button.



The screenshot shows a web form titled "Add Producer". It contains two input fields: "Producer Name (company name)" and "Federal Tax ID (EIN)". Both fields have an information icon (i) to their right. Below the fields are two blue buttons: "Back" and "Save and Continue".

Screenshot 15. Click "Request Access" to send a request to the Recycled Content Team. You'll be notified once the producer has been added to your account.



The screenshot shows a yellow error message box with a close button (x) in the top right corner. The text inside the box reads: "The producer federal tax ID (EIN) is already in our system. If you need access to this registration, select [Request Access](#). Otherwise, correct the information below."

Screenshot 16. A request access alert will let you know if the federal tax ID (EIN) is already in our system.

Contact information

At least 1 Billing contact AND 1 Responsible official are both required. This can be the same contact.

If registering a new producer, enter the contact(s) for that producer.

Enter the contact(s) for the producer by selecting **add a new contact**.

If registering an existing producer, your previous contact(s) will auto-populate for you.

Select **edit** to update an already added contact.

Contact types

Billing contact

- This contact information is used for invoicing annual fees.
- A billing contact is **required**.
- Accounts Payable can be used for the billing contact, but not for the responsible official.

Responsible official

- A responsible official is **required**.
- This contact must be able to answer questions related to the producer's resin activities.

Contact Form (Add)

Select Contact Type(s) ⓘ

Billing Contact Responsible Official

Contact Details

First Name: ✖ Last Name: ✖

Organization Name: ✖ Email address: ✖

Phone Number: ✖ Phone Number Extension: ✔

Address Line 1: ✖ Address Line 2: ✔

City: ✖ State/Province: ✖ Zip: ✖ Country: ✖

Screenshot 17. Select the contact type (billing contact or responsible official), enter the required information, then click “Save Contact.” Responses are required in red-outlined fields and optional for green-outlined fields.

Covered product category questions

All producers must answer the Product Category Details when submitting a registration or an annual report unless they're a self-identifying de minimis producer.

For producers notifying Ecology they're a self-identifying de minimis producer, follow the specified instructions for self-identifying de minimis producer notification.

Covered product category questions for plastic trash bags

Include all products that were sold or offered for sale within the covered product category when answering each question.

Included

- Covered trash bags include bags made of non-compostable plastic, garbage bags, recycling bags, lawn or leaf bags, can liner bags, kitchen bags, compactor bags, and similar bags used for waste.
- Includes trash bags used in household, commercial, or industrial settings.
- Trash bags are required to meet additional labeling requirements in [RCW 70A.245.060](#).
- Non-compostable plastic pet waste bags are included as long as they meet a thickness of at least 0.70 mils thick.
- Only applies to bags marketed for use to contain waste or recycling. Waste bags sold within a larger bag as the packaging are still covered products.

Not included

- Compostable trash bags that meet the requirements of Washington plastic product degradability law (Chapter [70A.455 RCW](#)) are not covered trash bags.
- Plastic bags designed and manufactured for dangerous waste or biomedical waste are required to meet content requirements. However, they are not required to meet labeling requirements.

Producer questions


Is [Producer Name] a producer of plastic trash bags under [Chapter 70A.245 RCW](#) and other Ecology guidance?

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**.

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.

Is **Producer** a producer of **PLASTIC TRASH BAGS** under [Chapter 70A.245 RCW](#) and other Ecology guidance? 

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.


Yes No

Screenshot 18. Select yes or no.

Product category details

In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from plastic trash bags in Washington State?

Revenue means the gross income a producer receives from one category of covered products sold, offered for sale, or distributed in or into Washington. Revenue may be wholesale, retail sales or other revenue the producer receives depending on their position in the supply chain.

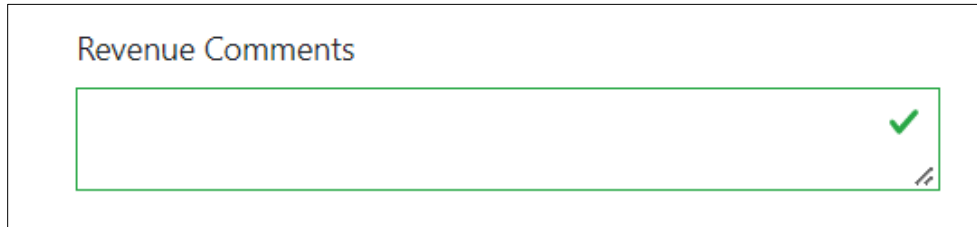
In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from **PLASTIC TRASH BAGS** in Washington State? 

Yes No

Screenshot 19. Select yes or no if the producer generates below \$1 million USD for trash bags in Washington State

Add additional revenue comments (optional).

You are not required to provide exact revenue numbers. That information is optional to include. Revenue numbers are not confidential (unless a confidentiality request has previously been submitted and approved by the Department).



Screenshot 20. Add additional revenue comments.

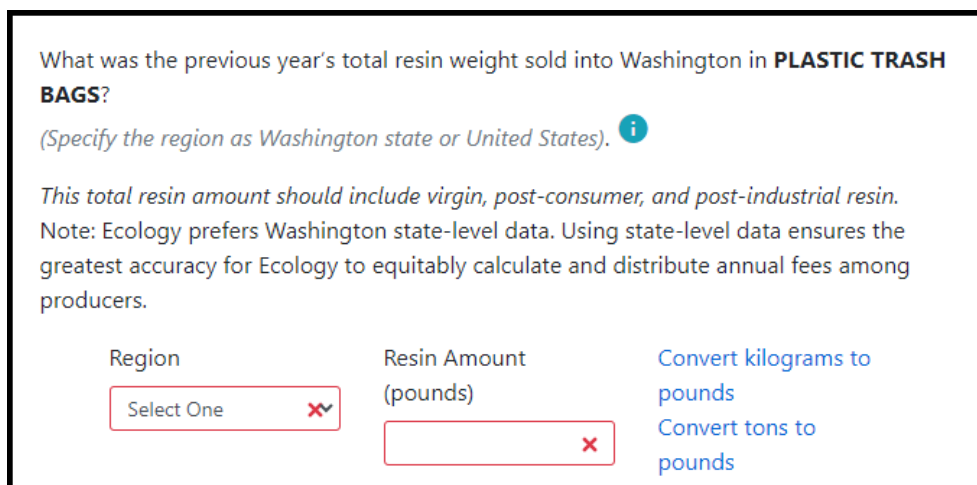
What was the previous year's total resin weight sold into Washington in plastic trash bags?

When choosing United States, the system will prorate your United States numbers to Washington's population. You do not have to do the calculation yourself.

Specify the region as either Washington State or United States.

This total resin amount should include virgin, post-consumer, and post-industrial resin and be reported in pounds. The system provides two links to the right of the resin amount field to convert tons and kilograms to pounds if needed.

Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.



Screenshot 21. Select the region (Washington State or United States), then enter your total resin pounds in the field provided. You can use the options to the right to convert kilograms or tons to pounds. Other units of weight will not be accepted.

If the producer provides United States data, they **must** use the "Resin Comments" box to provide justification that explains why it's not feasible to isolate Washington state-level data from the United States data.

Ecology staff may request more information regarding the infeasibility of calculating Washington state-specific averages for any producer who reports national averages.

If your products aren't sold nationwide, and you would like to use a regional calculation, use Washington as the region and explain your calculation in the comment section provided below.

Producers of national or regional retail brands may calculate the reported weight based on the national retail sales weight multiplied by a percentage representing the number of stores that are located in Washington. They may then add the total weight of online sales into Washington, as shown in the equation below.

Example of regional data calculation

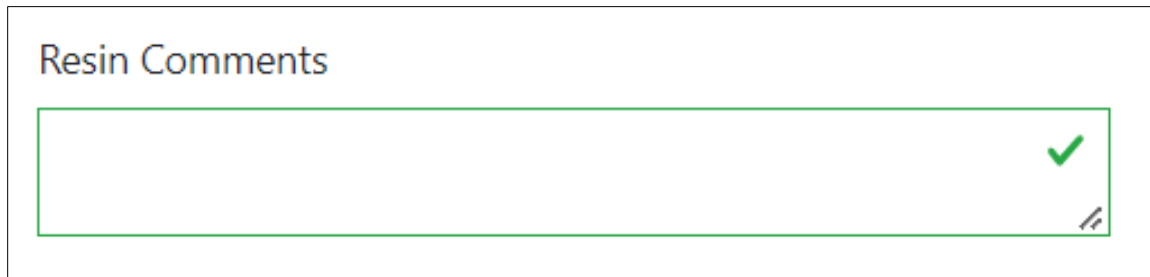
Regional data calculation



Equation 1. Example of regional resin data calculation

Add additional resin comments.

Adding additional resin comments is required for anyone who specified United States as the region or used a regional calculation. Explanatory comments will decrease the need for follow-up with the reporting producer during Ecology's data quality analysis.



Screenshot 22. Add additional resin comments.

List all brand and sub-brand names the covered products are sold under (as seen on the label). If applicable, provide any unique tax id numbers not provided in the first steps of registration.

Producers must list all brands that they own, regardless of whether they are manufactured by separate entities. Co-branded products must come to an agreement as to who accepts responsibility.

Each brand name should be its own entry. Do not list specific products. If you need to provide more clarity about the listed brand(s), use the comment box.

If the covered product doesn't have a brand, enter unbranded (comments required).

The screenshot shows a form titled 'Add Brand'. It has five main sections: 'Brand Name' with a text input field; 'Private Label' with a blue information icon and two radio buttons labeled 'Yes' and 'No'; 'Brand Owner' with a blue information icon and two radio buttons labeled 'Yes' and 'No'; 'Comments' with a text input field; and 'Action' with a blue button labeled 'add brand'.

Screenshot 23. Enter the brand name, and select yes or no for “Is the brand a private label or store brand?” Select yes or no for “Is the producer the brand owner?” Add any comments that staff might need to know to process the information. After each entry, click the "add brand" button.

Any producer of plastic trash bags must complete this section to submit an annual report.

Enter your resin information for the reporting year below:

- When entering virgin and post-consumer resin information in pounds, you also need to select a resin type from the drop-down.
- The weights entered must equal the resin weight specified for the product category details.
- The system will calculate your PCRC percentage once the information is entered.

The screenshot shows a form titled 'Resin Composition'. It has a table-like structure with columns: 'Resin Type', 'Resin Source', 'Resin Quantity', 'Comments', and 'Action'. Below the table is a section titled 'Add Resins Compositions' with four input fields: 'Resin Type:' with a dropdown menu showing 'Select Resin Type'; 'Resin Source:' with a dropdown menu showing 'Select Resin Source'; 'Quantity (Washington State) :'; and 'Comments:'. A blue button labeled 'add resin' is on the right.

Screenshot 24. Select the resin type source, and list the quantity and then click “Add resin.” Comments are optional unless the resin type Other is selected, then comments are required.

To add resin information, select the resin type, source, list the quantity, and then select **Add**. Comments are optional unless the resin type Other is selected, then comments are required.

To edit a line of data entered in the Resin Composition table, select **Edit** from the Action column to the corresponding information line.

To delete a line of data entered in the Resin Composition table, select **Delete** from the Action column to the corresponding information line.

Covered product category questions for plastic beverage containers

Include all products that were sold or offered for sale within the covered product category when answering each question.

Plastic beverage containers include all beverage bottles except for wine sold in 187 ml bottles and dairy containers.

Wine sold in 187 ml containers and dairy milk are not required to meet PCRC minimums until the specified date on the timeline but must meet all other registration requirements and pay annual fees.

Included

- Plastic beverage containers are bottles and other rigid containers made of one or more plastic resins.
- Only sealed plastic beverage containers must meet the requirements.
- Plastic beverage containers' sizes range from two fluid ounces to one gallon.
- Plastic beverage containers can hold water, flavored water, beer, spirits, soda, juice, or any other beverage.
 - Beverages can be for both human and animal consumption.
 - Beverages do not just mean ready-to-drink and also include business-to-business sales.
 - Beverages include liquids with added supplements, such as Vitamin C. The exclusion for dietary supplements only applies when the product lacks a “Nutrition Facts” label, and only has a “Supplement Facts” label.
- Plastic dairy milk containers can hold milk, creamers, and non-dairy milk are covered dairy milk containers.
 - Beverages can be for both human and animal consumption.
 - Dairy milk containers is not limited to “ready-to-drink” products and also include business-to-business sales.
- Plastic wine containers are limited in size to only 187-milliliter containers.

Not included

- Plastic beverage containers that are refillable and function in a system of reuse.
- Liners, caps, corks, closures, and labels.
- Containers for some medical, prescription drug, or dietary purposes.
- Open cups like SOLO® cups are not subject to the requirements.
- Open cups that are sealed in the store before handing them to the customer.

Producer questions


Is [Producer Name] a producer of plastic beverage containers under Chapter 70A.245 RCW and other Ecology guidance?

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**.

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.

Is **Producer** a producer of **PLASTIC BEVERAGE CONTAINERS** under [Chapter 70A.245 RCW](#) and other Ecology guidance? 

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.

Yes No

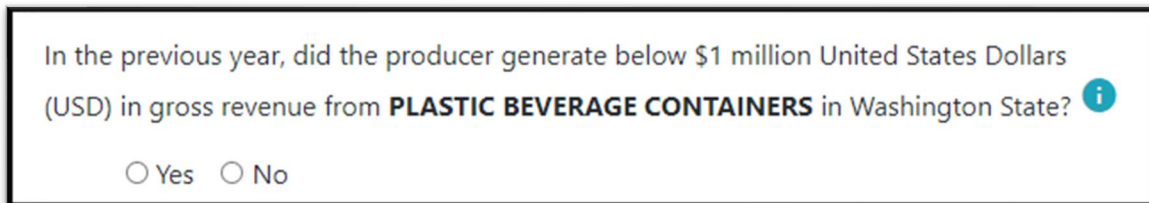
Screenshot 25. Select yes or no.


Product category details

All producers must answer the Product Category Details unless they're a self-identifying de minimis producer.

In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from plastic beverage containers in Washington State?

Revenue means the gross income a producer receives from covered products sold, offered for sale, or distributed in or into Washington. Revenue may be wholesale, retail sales or other revenue the producer receives depending on their position in the supply chain.



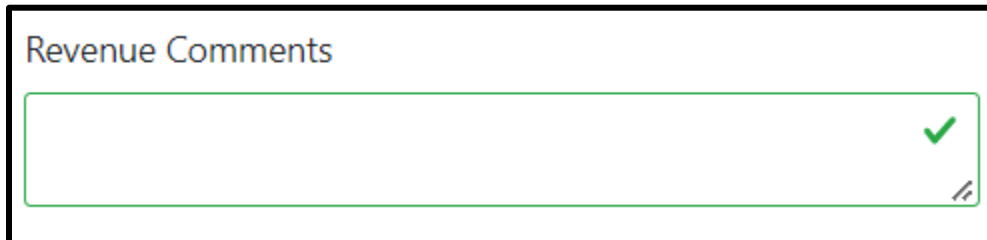
In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from **PLASTIC BEVERAGE CONTAINERS** in Washington State? 

Yes No

Screenshot 26. Select the region (Washington State or United States), then enter the revenue amount total in the field provided.

Add additional revenue comments (optional).

Do not provide exact revenue numbers unless you choose to. Revenue numbers are not confidential (unless a confidentiality request has previously been submitted).



Revenue Comments

Screenshot 27. Add additional revenue comments.

What was the previous year's total resin weight sold into Washington in plastic beverage containers?

Specify the region as Washington state or United States.

When choosing United States, the system will prorate your United States numbers to Washington's population. You do not have to do the calculation yourself.

This total resin amount should include virgin, post-consumer, and post-industrial resin and be reported in pounds. The system provides two links to the right of the resin amount field to convert tons and kilograms to pounds if needed.

Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.

What was the previous year's total resin weight sold into Washington in **PLASTIC BEVERAGE CONTAINERS**? (Specify the region as Washington state or United States). [i](#)

This total resin amount should include virgin, post-consumer, and post-industrial resin.
Note: Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.

Region <input style="border: 1px solid red;" type="text" value="Select One"/>	187ml Wine Container Resin (pounds) <input style="border: 1px solid red;" type="text"/>	Convert kilograms to pounds Convert tons to pounds
	Dairy Milk Container Resin (pounds) i <input style="border: 1px solid red;" type="text"/>	
	Other Container Resin (pounds) i <input style="border: 1px solid red;" type="text"/>	
	Total Resin Amount (pounds) <input type="text" value="0"/>	

Screenshot 28. Select the region (Washington State or United States), then enter the resin total pounds in the provided fields for 187mL Wine containers, Dairy Milk containers, and Other containers.

Please specify the amounts of resin for each type of beverage container. If no resin was used for a specific type, enter 0.00.

If the producer provides United States data, they **must** use the "Resin Comments" box to provide justification that explains why it's not feasible to isolate Washington state-level data from the United States data.

Ecology staff may request more information regarding the infeasibility of calculating Washington state-specific averages for any producer who reports national averages.

If your products aren't sold nationwide, and you would like to use a regional calculation, use Washington as the region and explain your calculation in the comment section provided below.

Example of regional data calculation

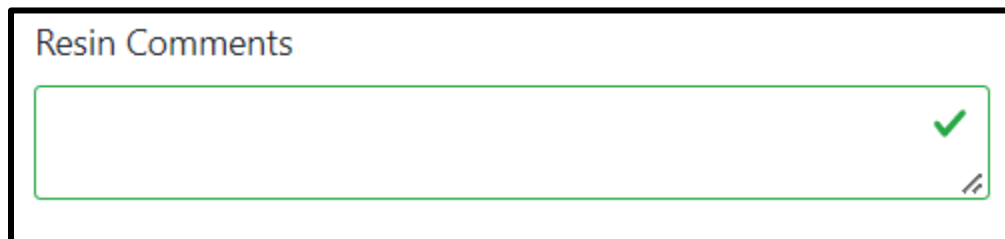
Regional data calculation



Equation 2. Example of regional resin data calculation

Add additional resin comments.

Adding additional resin comments is optional unless you specified United States as the region or used a regional calculation.



Screenshot 29. Add additional resin comments.

List all brand and sub-brand names the covered products are sold under (as seen on the label). list all and if applicable any unique tax id numbers not provided in registration.

Each brand name should be its own entry. Do not list specific products. If you need to provide more clarity about the listed brand(s), use the comment box.

If the covered product doesn't have a brand, enter unbranded (explanatory comments will be required).

Brand Name	Private Label	Brand Owner	Comments	Action
<input type="text" value="Brand Name"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="text" value="Comment"/>	<input type="button" value="add brand"/>

Screenshot 30. Enter brand name. Select yes or no for “Is the brand a private label or store brand?” Select yes or no for “Is the producer the brand owner?” Add any comments that staff might need to know to process the information. After each entry, click the "add brand" button.

Any covered producer of plastic beverage containers must complete this section to submit an annual report.

Only other plastic beverage containers are required to report currently.

This includes all beverage containers within the parameters of the law, except for dairy milk and wine in 187 ml containers which are not required to meet minimum PCRC requirements until 2028.

If you don’t have other beverage containers resin information to report, don’t enter any information and select continue to skip.

If you wish to report dairy milk and wine in 187 ml containers, you’ll have the opportunity to after the Other section.

Enter your resin information for the reporting year below:

- When entering virgin and post-consumer resin information in pounds, you also need to select a resin type from the drop-down.
- The weights entered must equal the resin weight specified for the product category details.
- The system will calculate your PCRC percentage once the information is entered.

Resin Composition				
Resin Type	Resin Source	Resin Quantity	Comments	Action
Add Resins Compositions				
Resin Type:	Resin Source:	Quantity (Washington State) :	Comments:	<input type="button" value="add resin"/>
<input type="text" value="Select Resin Type"/>	<input type="text" value="Select Resin Source"/>	<input type="text" value="Resin Quantity (Washin"/>	<input type="text" value="Comments"/>	

Screenshot 31. Select resin type, then select the resin source, enter the resin quantity for Washington and add any additional comments. Once all the information has been entered click add resin.

To add resin information, select the resin type, source, and list the quantity and then select **Add**.

Comments are optional unless the resin type Other is selected, then comments are required.

To edit a line of data entered in the Resin Composition table, select **Edit** from the Action column to the corresponding information line.

To delete a line of data entered in the Resin Composition table, select **Delete** from the Action column to the corresponding information line.

Covered Product Category Questions for Plastic Household Cleaning and Personal Care Product Containers

Include all products that are within the covered product category when answering each question.

Tubes are considered a covered product if they have a neck smaller than the base, can maintain their shape when empty, and hold a capacity greater than 8 oz.

Included

- Plastic containers for household cleaning and personal care products include bottles, jugs, and other rigid containers made of one or multiple plastic resins.
- Plastic containers for household cleaning and personal care products are covered if they have a neck or mouth smaller than the base and maintain their shape when empty.
 - Wipes in plastic containers with a mouth that is narrower than the base.
- Plastic containers range from eight ounces or equivalent volume up to and including five gallons or equivalent volume.
- Air cleaners and air fresheners used to care for fabric or other surfaces (e.g., fabric refresher, air freshener spray).

Not included

- Refillable containers that function in a system of reuse.
 - A system of re-use includes products sold in a powder form to be added to a container and reconstituted for reuse. Examples would include window cleaners where refill pouches are sold separately and intended to be mixed with water in an existing container owned by the consumer.
- Bottles used with medical products.
- Household cleaning products sold for use exclusively in institutional or commercial settings.

Producer questions


Is [Producer Name] a producer of plastic household cleaning and personal care product containers under Chapter 70A.245 RCW and other Ecology guidance?

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**.

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.

Is **Producer** a producer of **PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS** under [Chapter 70A.245 RCW](#) and other Ecology guidance? 

Self-identifying de minimis producer notification

De minimis producers are those who, within a covered product category, produce less than one ton of covered product or less than \$1 million each year in gross revenue of covered product sales into Washington for the reporting year.

If you're a producer that isn't de minimis or is de minimis, but wants to complete the product category questions, answer **Yes**

If you meet at least one of these conditions, you may select **No**. You don't need to complete the product category questions.

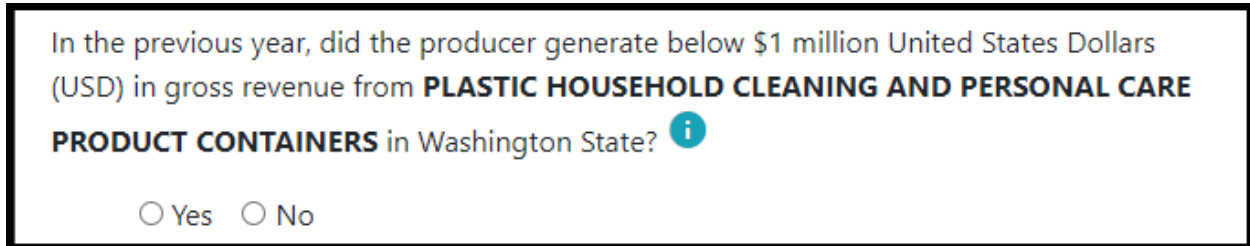
Yes No


Screenshot 32. If self-identifying as a de minimis producer, select yes or no.

All producers must answer the Product Category Details unless they're a self-identifying de minimis producer.

In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from household cleaning and personal care product containers in Washington State?

Revenue means the gross income a producer receives from covered products sold, offered for sale, or distributed in or into Washington. Revenue may be wholesale, retail sales or other revenue the producer receives depending on their position in the supply chain.



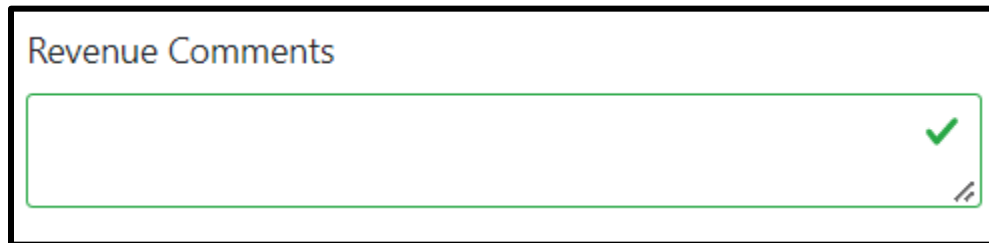
In the previous year, did the producer generate below \$1 million United States Dollars (USD) in gross revenue from **PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS** in Washington State? 

Yes No

Screenshot 33. Select the region (Washington State or United States), then enter the revenue amount total in the field provided.

Add additional revenue comments (optional).

Do not provide exact revenue numbers unless you choose to. Revenue numbers are not confidential (unless a confidentiality request has previously been submitted).



Revenue Comments

Screenshot 34. Add additional revenue comments.

What was the previous year’s total resin weight sold into Washington in household cleaning and personal care product containers.


Specify the region as Washington state or United States.

When choosing United States, the system will prorate your United States numbers to Washington’s population. You do not have to do the calculation yourself.

This total resin amount should include virgin, post-consumer, and post-industrial resin and be reported in pounds. The system provides two links to the right of the resin amount field to convert tons and kilograms to pounds if needed.

Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.


What was the previous year's total resin weight sold into Washington in **PLASTIC HOUSEHOLD CLEANING AND PERSONAL CARE PRODUCT CONTAINERS?**

(Specify the region as Washington state or United States). 

This total resin amount should include virgin, post-consumer, and post-industrial resin.

Note: Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.

Region

Resin Amount
(pounds)

[Convert kilograms to pounds](#)
[Convert tons to pounds](#)

Screenshot 35. Select the region (Washington State or United States), then enter the resin total pounds in the provided fields for plastic household cleaning and personal care product containers.

This total resin amount should include virgin, post-consumer, and post-industrial resin.

Ecology prefers Washington state-level data. Using state-level data ensures the greatest accuracy for Ecology to equitably calculate and distribute annual fees among producers.

If the producer provides United States data, they **must** use the "Resin Comments" box to justify why it's not feasible to isolate Washington state-level data from the United States data.

Ecology staff may request more information regarding the infeasibility of calculating Washington state specific averages for any producer who reports national averages.

If your products aren't sold nationwide, and you would like to use a regional calculation, use Washington as the region and explain your calculation in the comment section provided below.

Example of regional data calculation

Regional data calculation



Equation 3. Example of regional resin data calculation

Add additional resin comments.

Adding additional resin comments is option unless you specified United States as the region or used a regional calculation.

Resin Comments

Screenshot 36. Add additional resin comments.

List all brand and sub-brand names the covered products are sold under (as seen on the label). list all and if applicable any unique tax id numbers not provided in registration.

Each brand name should be its own entry. Do not list specific products. Use the comment box to provide more clarity about the listed brand(s).

If the covered product doesn't have a brand, enter unbranded (explanatory comments will be required).

Brand Name	Private Label i	Brand Owner i	Comments	Action
<input type="text" value="Brand Name"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="text" value="Comment"/>	<input type="button" value="add brand"/>

Screenshot 37. Enter brand name. Select yes or no for “Is the brand a private label or store brand?” Select yes or no for “Is the producer the brand owner?” Add any comments that staff might need to know to process the information. After each entry, click the "add brand" button.

This section is not available yet for this product category. Household cleaning and personal care product containers are to be reported in 2029.

The system will direct you to the Document Upload step once the producer and product category detail questions are complete.

Document upload

Once you have answered all the covered product category questions that apply to you, there is a document upload section before the review and submit page.

This document upload section can be used to provide documentation of your ISO accredited 3rd party verification.

This is optional. You can also choose to self-certify your data by completing the annual report submission on the review and submit page.

For producers submitting only a registration, this is also optional.

Attach any supporting documents for your report or registration. This is an optional step, if you don't want to upload any supporting documents, select continue. i

File to Upload

File Description

Attached Files

Review files in table to ensure all desired documents are attached then select Continue.

File	Description	Action
------	-------------	--------

Screenshot 38. Select your file and then select Upload. When successful, your file will be listed.

Review & submit

Review and verify that the information in your registration or report is correct.

- If your information is correct, click Submit.
- To update any information, click Back.

Registration submittal

For each covered product, the system will specify whether reporting and registration are required.

If you used the United States total for total resin quantity, the system will display the prorated amount for Washington.

Answered no to all product categories

If a producer answers no to all producer questions for all product categories, they will be prompted to provide additional information in the designated comment box after they click submit.

Product category not covered

Based on the information provided in your registration, annual reporting is **not** required for this category. This means the covered product category met one or both de minimis thresholds. This message will be displayed in yellow.

Product category covered

Based on the information provided in your registration, annual reporting **IS** required for this category. This message will be displayed in green.

Compliant

Based on the information provided in your report, this producer has met the PCRC minimums for this product category.

Non-compliant

Based on the information provided in your report, this producer hasn't met the PCRC minimums for this product category.

Ecology will calculate penalties and issue a notice of non-compliance. This notice will provide information about how to pay penalties or request a corrective action plan, payment plan, or penalty reduction.

Ecology review

Once submitted, your registration or report will be awaiting Ecology review.

This status doesn't mean your registration or report isn't considered submitted. This means that Ecology hasn't yet reviewed the information for accuracy or discrepancies.

When in review, the status will change to **review in progress** status.

Upon review, your registration or report will be given any of the following review statuses:

- **Approved**
 - If your registration or report has been approved, Ecology staff did not see any discrepancies or issues with your submitted data.
 - Even though a registration or report has been approved, Ecology can still reach out if any discrepancies come up later.
 - You'll also receive a notification of when your registration or report has been approved.
- **Action Needed**
 - If your registration or report is in Action Needed status, Ecology has question(s) or has found discrepancies in your submitted data.
 - You should expect Ecology to email you the question(s) or issues.

Amendments or changes to your registration

On the Waste Reduction Homepage, within SAW, under Producer Registrations, there is a requested amendment/unlock button next to your registration information. Or contact the Recycled Content Team at RecycledContent@ecy.wa.gov if the amendment is a previous registration.

Verification or certification requirements for reporting

Ecology may conduct audits and investigations to ensure compliance. This can include asking for verification of de minimis status, registration information, annual reports, or other submitted information.

Providing ISO-accredited 3rd party verification through the reporting process will decrease the chance of an audit.

This documentation is uploaded during the document upload step within the reporting process.

Mass balance

Mass balance calculations can only be used at the individual producer level.

A third-party representative cannot use mass balance calculation for all the producers for whom they submit reports. The allowance for a 3rd party representative is only to reduce the administrative strain of a brand owner trying to acquire data from a manufacturer who supplies their products.

The brand owner is still responsible at the individual level for meeting PCRC requirements.

National numbers vs. Washington-specific numbers

If producers can demonstrate they do not have Washington-specific numbers, they may report their national numbers. Based on current US census data, Ecology will use the Washington proportion of the National population to convert the national number to a Washington one. Ecology staff may request a demonstration of the inability to calculate Washington state-specific data for any producer who reports national or regional averages.

Conversion of national plastic resin weight to Washington resin weight



Equation 4. Conversion of national plastic resin weight to Washington resin weight

Brands and sub-brands

Producers must list all the brands under which their products are sold (as printed on the product packaging) if the producer is a brand owner and sells their products under several sub-brands. They must list the sub-brands and include their revenue and resin weight in your reporting.

The producer does not have to list specific products, just the brand and sub-brand their products are sold under.

Product Brands

List all brand names the covered product is sold under (as seen on the label).

Each brand name should be its own entry. Do not list specific products. If you need to provide more clarity about the listed brand(s), use the comment box.

If the covered product doesn't have a brand, enter unbranded (comments required).

Brand Name	Is Private Label?	Producer is Brand Owner?	Comments	Action
<input type="text" value="Brand Name"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="text" value="Comment"/>	<input type="button" value="add brand"/>

Screenshot 39. Enter the brand name, select yes or no if the brand name is a private label, then select yes or no if the brand owner owns the brand name, add any additional comments, and click add brand. Repeat this process until all the brand names have been added.

Confidentiality

To begin the process for confidentiality, send an email to RecycledContent@ecy.wa.gov requesting confidentiality for data to Ecology in the PCRC reporting process.

The email submitted to Ecology must justify and certify that the information in your documents relates to production processes unique to your company or how disclosing the information may adversely affect your company's position.

Requests to hold brand relationships confidential due to the production of products for other brands won't be granted.

Be aware that under chapter RCW 70A.245.090, Ecology must annually publish a list of registered producers of covered products and associated brand names, their compliance status, and other information Ecology deems appropriate on our website.

Confidentiality requests

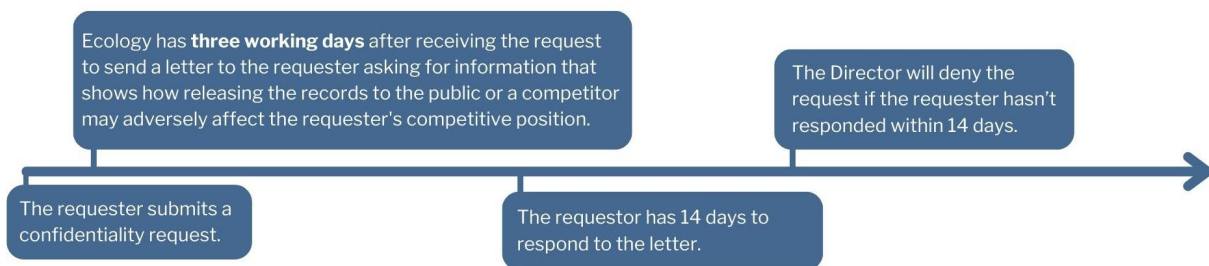


Figure 2. Overview of process and timeline for confidentiality requests

Qualifying reason for confidentiality requests

- Production processes are unique to your company.
- Sales data concerns or relates to trade secrets, strategies, operations, production, sales, customers, inventories, sources of income, profits, losses, and expenditures.
- Any other relevant factors for Ecology's consideration.

Example request

Here is an example of what would meet Ecology's requirements.

Dear Recycled Content Team,

Our company is concerned with confidentiality.

We believe disclosing our resin information and our brands threatens our company's competitive position on sales data, which is information that concerns or relates to trade secrets, strategies, operations, production, sales, customers, inventories, sources of income, profits, losses, and expenditures.

XYZ company requests that the sales information **XYZ company** provides to the Department be kept strictly confidential and that this information is not disclosed to the public in any manner, including in any publication by the Department. **XYZ company** certifies that the statements above provide proper justification under Washington law for the Department to maintain **XYZ company** sales data in confidence.

Thanks for your consideration,

XYZ company

Part D – Post-consumer recycled content requirements

The PCRC minimum requirements begin the year before each producer category's reporting requirements. The minimum requirements began for beverage and trash bag producers in January 2023, and reporting requirements for these categories begin in April 2024. Household cleaning and personal care products PCRC minimum requirements will start in 2025, with reporting starting in April 2026. For dairy milk and wine sold in small 187 ml bottles PCRC minimum requirements will begin in 2029, with reporting starting in April 2030.

A city, town, county, or municipal corporation may not implement local recycled content requirements for a covered product subject to minimum post-consumer recycled content requirements.

A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards higher than the minimum PCRC requirements of this law.

Minimum recycled content phases

Each product category is phased in with increasing PCRC requirements over the next fifteen years, as shown in Figure 3. By 2036, all packaging for covered product categories must include at least 50 percent post-consumer recycled content, except for trash bags, which must contain only 20 percent after 2027.

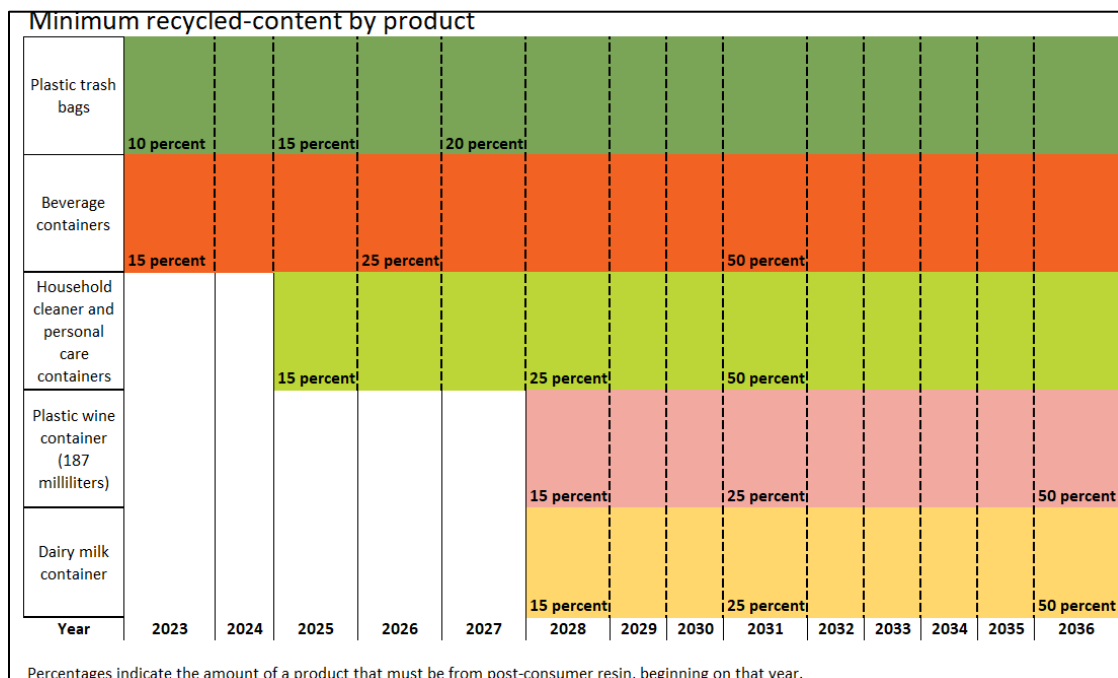


Figure 3. The minimum recycled content chart has been broken down by year to highlight when producers need to include recycled content in their covered products.

Plastic beverage containers

Beverage containers start at 15 percent PCRC minimum in 2023, move to 25 percent in 2026, and up to 50 percent in 2031 and thereafter, as shown in Figure 4.

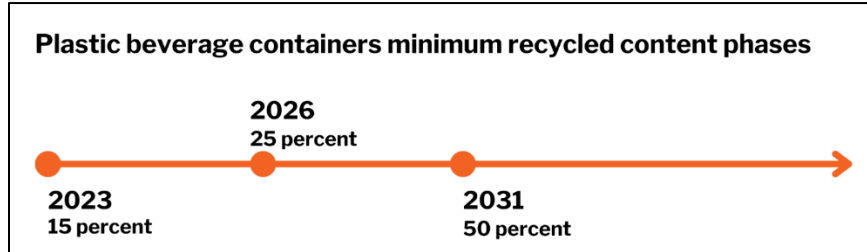


Figure 4. Timeline showing when producers need to include the minimum recycled content for plastic beverage containers.

Plastic dairy milk containers

Plastic dairy milk containers start at 15 percent PCRC minimum in 2028, increasing to 25 percent in 2031, and up to 50 percent in 2036, as shown in Figure 5.

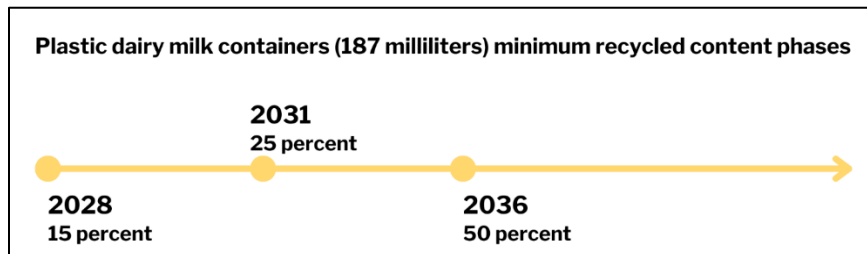


Figure 5. Timeline showing when producers need to include the minimum recycled content for plastic dairy milk containers.

Plastic wine containers (187 milliliters)

Plastic wine containers (187 milliliters) start at 15 percent PCRC minimum in 2028, increasing to 25 percent in 2031 and 50 percent in 2036, as shown in Figure 6.

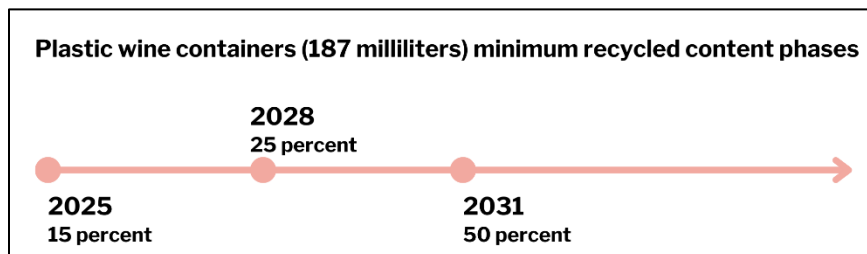


Figure 6. Timeline showing when producers need to include the minimum recycled content for plastic wine containers (187 milliliters).

Plastic trash bags

Plastic trash bags start at 10 percent PCRC minimum in 2023, moving to 15 percent in 2025 and 20 percent in 2027, as shown in Figure 7.

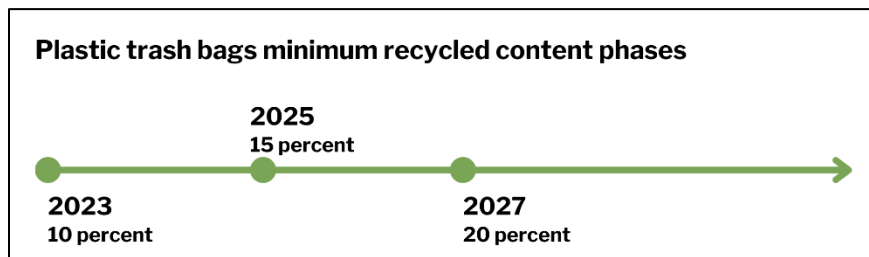


Figure 7. Timeline showing when producers need to include the minimum recycled content for plastic trash bags.

Trash bag labeling requirements started January 1, 2023



Producers must label each package containing plastic trash bags sold or distributed in Washington with the following:

- The name and location of the producer (city, state, and country),
- OR
- A uniform resource locator or quick response code (QR code) to a website that contains this information.

Plastic household cleaning & personal care products

Household cleaning and personal care products start at 15 percent PCRC minimum in 2025 and move to 25 percent in 2028 and 50 percent in 2031, as shown in Figure 8.

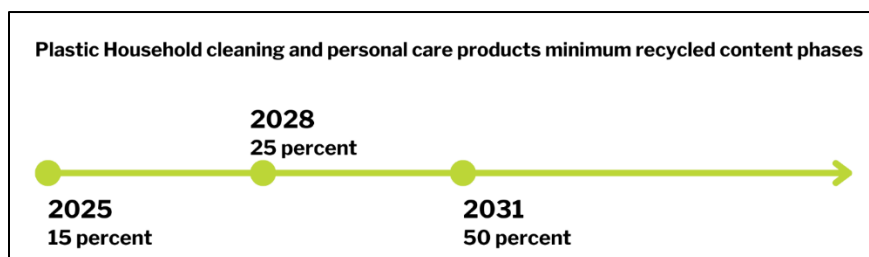


Figure 8. Timeline showing when producers need to include the minimum recycled content for plastic household cleaning and personal care product containers.

Requesting exclusions for federally regulated products

There are 2 blanket exclusions for federally regulated products: dietary supplements and Food and Drug Administration (FDA) regulated drugs. No other federally regulated products have blanket exclusions. However, specific federal packaging regulations may render the inclusion of recycled content infeasible, and producers may submit a request for exclusion. Producers who believe a federal regulation renders the inclusion of PCRC in their product packaging technically infeasible must submit a request for exclusion by September 1 of the year before the year in which they wish the exclusion to apply. Because regulations, standards, and material technology updates can change from year to year, requests must be submitted annually.

Requests granted by Ecology will apply to packaging produced in the year following the requested exclusion and for data reported the year after.

Example

If a request for exclusion is submitted in 2024, it will apply to packing produced in 2025 and for data reported in 2026.

If granted, this exclusion only applies to the PCRC minimum requirements. **Producers with temporarily exclusions must still register, report, and pay fees for these covered products.** Covered products that receive approval for exclusion on this basis will be flagged in the Waste Reduction Portal. If flagged, the producer registering and reporting in 2025 may report that they do not meet the required minimums without being considered non-compliant.

All requests for exclusion must be submitted no later than September 1 of the prior reporting year. Ecology will respond to all requests for exclusion within 120 days so that producers know whether they are exempt in the following year. These requests must document and convincingly support, with validated testing data or the sworn declaration of a qualified engineer, the producer's claim that it is technically infeasible to meet the minimum PCRC requirements during the following year while still meeting applicable federal health and safety standards.

Applicable federal health and safety standards include 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec. 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R. Sec. 178.600-609, or other federal laws.

Federally regulated product exclusions will not be considered for non-regulatory factors like production issues, supply-chain abnormalities, or other circumstances. Please see the Content minimum adjustment section for information on requesting PCRC minimum adjustments for non-regulatory factors.

If a request for exclusion is granted by Ecology, it only applies for the year in which it was granted. Producers must continue to apply each year. This accounts for potential innovations or regulatory changes that may impact the compatibility of federal and PCRC law.

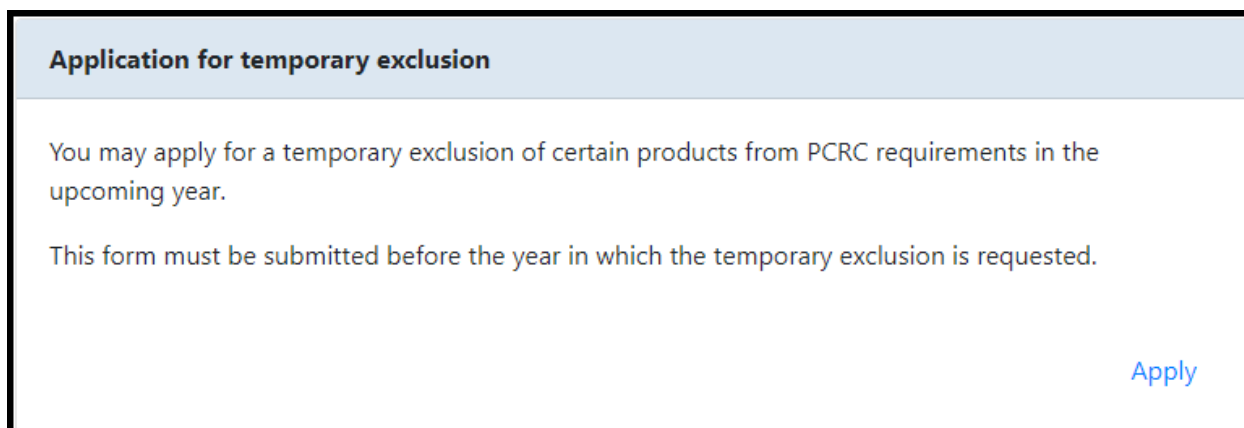
The [exclusion request](#) form can be found in the [Plastic Producer Registration and Reporting Portal](#) in the [Waste Reduction Portal](#). You must have created a producer registration to apply for an exclusion.

Applying for temporary exclusion for federally regulated products

Apply for temporary exclusion within the [Waste Reduction Portal](#) via [SAW](#).

Select apply, and then select apply again next to the producer account that would like to apply for a temporary exclusion. Then, follow the instructions on the screen to complete and submit your temporary exclusion.

The system will only display producers with completed registrations without an existing application submitted on record.



Application for temporary exclusion

You may apply for a temporary exclusion of certain products from PCRC requirements in the upcoming year.

This form must be submitted before the year in which the temporary exclusion is requested.

[Apply](#)

Screenshot 40. Within the Plastic Producer Registration, click Apply in the Application for Temporary Exclusion section, fill in the form with your information, and click Submit.

Example of a temporary exclusion request for a federally regulated product

Below is an example of what would initiate Ecology's consideration of a temporary exclusion request. There is no guarantee that a request for exclusion will be granted, and requests must be re-submitted on an annual basis.

Dear Recycled Content Team,

Our company requests a temporary exclusion for Product Brand X.

We believe Federal packaging regulations may either implicitly or consequentially render the inclusion of recycled content in products temporarily infeasible. The Federal packaging regulation that impacts **Product Brand XYZ** is **CFR XYZ**.

CFR XYZ is specific to the material composition of the packaging **because XYZ**. We have attached xx documentation to support our request.

This is where a producer must explain how the regulation applies to the PCRC used in the container, any testing data about the product, or sworn statements by an engineer as to why the packaging cannot incorporate PCRC without violating a federal standard.)

Thanks for your consideration,

XYZ company

Content minimum adjustment petition

Beginning in 2024, Ecology may review annually and determine whether to adjust the minimum post-consumer recycled content percentage required for a type of container, product, or category of covered products for the following year.

Producers or their third-party representative may submit petitions to adjust PCRC minimum requirements at the time of their registration. These requests would apply to the PCRC requirements for the year after that registration.

If necessary, producers can request these adjustments until December 31, but the later the request, the less time Ecology will have to consider and make a determination. Producers petitioning for an adjustment in 2025 should submit the request as early as possible in 2024.

Producer petitions for PCRC minimum content adjustments must include accurate data for Ecology to decide and propose solutions or plans for overcoming the factors affecting the ability to meet the requirements. This could include data and a detailed explanation to demonstrate any of the following barriers to meeting the minimum PCRC rate:

- Changes in market conditions, including supply and demand for PCRC, collection rates, and bale availability both domestically and globally.
- Recycling rates.
- The availability of recycled plastic suitable to meet the minimum PCRC requirements.
- The capacity of recycling or processing infrastructure.
- The technical feasibility of achieving the minimum PCRC requirements.
- The progress made by producers in achieving the goals of this section and overcoming the aforementioned barriers.

Petitions to temporarily adjust the minimum PCRC requirements may be submitted via letter or e-mail to Ecology and should include attachments with all supporting data and information.

Recycled-content sources

PCRC can be from mechanical, advanced or chemical recycling, or both, as long as the materials meet the definition of PCRC.

PCRC means the plastic resin incorporated into a PCRC product (plastic packaging or bags) that is explicitly derived from recyclable material generated by households, or by commercial or institutional facilities, with specifications. The source of the recycled material has to be a product discarded by an end user, not material discarded as scrap or excess feedstock by a manufacturer when making a container. PCRC from commercial and institutions facilities:

- Includes the material in their role as end users of plastic products and packaging that is no longer used for its intended purpose.
- Includes returns of material from the distribution chain. “Returns of material from the distribution chain” means the return of used containers to the manufacturer via a product distributor.
- Does **not** include post-industrial recycled materials or plastic separated from the waste stream during manufacturing, such as scrap or other materials generated and reused during the same process.

Bio-resin is not a substitute for using PCRC and will not count toward the minimum requirements.

Part E - Annual fees and penalties

The PCRC law requires Ecology to estimate the costs to implement, administer, and enforce the law. We received input from impacted stakeholders in developing the methods for distributing our costs through fees for individual producers.

Fees are based on each producer's total weight of plastic resin sold or brought into Washington, as submitted during annual registration or reporting.

Workload analysis

Ecology will publish an annual workload analysis (WLA) by the end of January each year. The public will be allowed to comment on the WLA each year. The recycled team will send communications related to the WLA to our [GovDelivery email list](#).

The WLA outlines the estimated costs Ecology expects to incur to administer and provide oversight for the post-consumer recycled content requirements of RCW 70A.245 for the following fiscal year (July 1 through June 30 of the next year) for two workload categories:

Program administration costs include Ecology's costs to support producer registration; manage and maintain the registration and reporting system and department's website; prepare the annual workload analysis and fee calculation; conduct rule and guideline updates; and implement any requirements that would apply to all producers of covered products, regardless of their PCRC requirements.

Post-consumer recycled content oversight costs include Ecology's costs to provide compliance monitoring and technical assistance for producers submitting PCRC reports for products required to meet minimum PCRC requirements in the prior calendar year.

Determination of fees

After annual registration and reporting, fees are calculated and billed to all producers of covered products, regardless of when PCRC requirements start for their category or categories. The annual fees are based on two things:

1. The annual estimated costs from the workload analysis are described in the section above.
2. The total plastic resin weights (including virgin and PCRC) of each producer's covered products from the current registration and reporting data.

De minimis producers

De minimis producers (as defined on page X) are not required to pay annual fees, and resin data submitted by de minimis producers who choose to report in their annual de minimis notification is not included in the fee calculations.

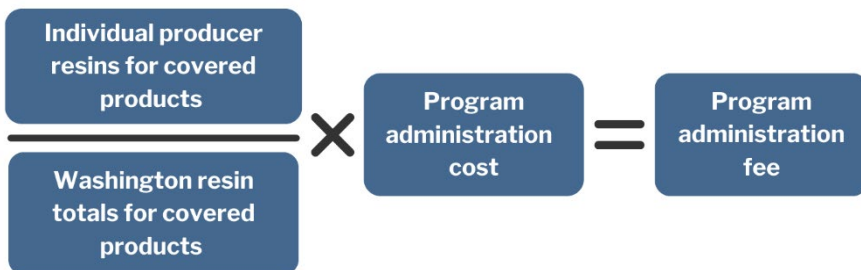
Producer fee equations

Ecology will use three equations to calculate producer fees, illustrated and described below.

Fee calculation equation 1: Program administration fee

The program administration fee is for all producers registered for covered product categories, excluding de minimis producers.

Program administration fee



Equation 5. Calculation of the program administration fee

The definitions for each element of the program administration fee equation are provided below:

Program administration costs are estimated annual workload costs for the department to administer the program and include the following:

- Management and maintenance of the registration and reporting systems and department website.
- Preparation of the annual workload analysis and fee calculation.
- Rule and guideline updates.
- Carrying out any requirements that would apply to all producers of covered products.

Individual producer resins for covered products are one registered producer's total pounds of all plastic resins (PCRC and virgin) used in all covered products sold or offered for sale in Washington State during the previous calendar year.

Washington resin totals for covered products are the total pounds of all plastic resins (PCRC and virgin) used in all covered products sold or offered for sale in or into Washington State for the prior calendar year.

Ecology uses producer registration and reporting data for the resin weight figures described above. If a producer has not submitted registration or reporting data for the prior calendar year. The producers previously submitted annual data for resin weight will be used for the fee calculation. Producers who fail to submit registration and PCRC report data by April 1 may be subject to enforcement action.

Fee calculation equation 2: PCRC oversight fee

The PCRC oversight fee is for producers submitting PCRC reports for PCRC products. PCRC oversight cost is an estimated annual workload cost for the department to provide compliance monitoring and technical assistance to producers submitting PCRC reports for PCRC products.

Post-consumer recycled content oversight fee



Equation 6. Calculation of the post-consumer recycled content (PCRC) oversight fee

The definitions for each element of the post-consumer recycled content oversight fee equation are provided below:

Individual Producer Resins for PCRC Products is the one registered and reporting producer's total pounds of all plastic resins (PCRC and virgin) used in all PCRC products sold or offered for sale in or into Washington State during the previous calendar year.

Washington Resin Totals for PCRC Products are the total pounds of all plastic resins (PCRC and virgin) used in all PCRC products sold or offered for sale in or into Washington State for the prior calendar year.

PCRC oversight costs include the department's costs to provide compliance monitoring and technical assistance for producers submitting PCRC reports for products required to meet minimum PCRC requirements in the prior calendar year.

Ecology uses producer registration and reporting data for the resin weight figures described above. If a producer has not submitted registration or reporting data for the prior calendar year. The producers previously submitted annual data for resin weight will be used for the fee calculation. Producers who fail to submit registration and PCRC report data by April 1 may be subject to enforcement action.

Fee calculation equation 3: Total producer fee

The Total Producer Fee is the sum of the Program Administration Fee and the PCRC Oversight Fee.

Total producer fee



Equation 7. Calculation of the total producer fee

The definitions for each element of the total producer fee equation are provided below:

Total producer fee is the sum of the Program Administration Fee and PCRC Oversight Fee for each producer submitting registration and reporting data for covered products. For producers of covered product categories not yet required to submit PCRC reports, the PCRC Oversight Fee amount is zero, and only the Program Administration Fee amount applies.

Program administration fee is for all producers registered for covered product categories, excluding de minimis producers.

PCRC oversight fee is for producers submitting PCRC reports for PCRC products. Ecology PCRC Oversight Cost is an estimated annual workload cost for the department to provide compliance monitoring and technical assistance to producers submitting PCRC reports for PCRC products.

Fee adjustments

The statute requires fee adjustments based on the difference between fee revenue and costs for the preceding fiscal year. Ecology will calculate the adjustment after a fiscal year has officially closed. This occurs in September, following the June 30 fiscal year-end date. The fee invoiced the following April will include the adjustment for the most recently closed fiscal year.

The adjustment will be distributed to producers based on the fee amounts paid by each producer for the fiscal year that had recently closed.

Ecology may also adjust fees for the following:

1. Registration or reporting data submitted by producers after the April 1 deadline.
2. Changes to resin weight data after the April 1 deadline.

Paying fees

Once an invoice has been sent, a producer must pay the fee within 30 days. Annual fees are delinquent if they are not received by the due date.

We have established multiple ways that a producer can pay fees.

Pay online

There are two ways to pay online.

Credit cards

Producers can pay by credit card or an electronic check. We accept credit card payments from Visa, Mastercard, and Discover.

Electronic checks

Electronic check payments can be made using our online payment system, [EcoEPay](#).

An electronic check is a digital version of a paper check, also known as an eCheck, online check, internet check, or direct debit.

eChecks uses the Automated Clearing House (ACH) to direct debit from a customer's checking account into a merchant's business bank account with the help of a payment processor.

For ACH payments, contact the Recycled Content Team for more information.

Pay by mail

Producers can pay by mail by detaching the bottom of the invoice and sending it with a check or money order payable to Ecology.

Mail checks to

Department of Ecology Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611 USA.

Past due payments

Ecology doesn't apply interest or a late fee for past-due payments. If a fee is left unpaid for long enough, it will be sent to collections. A producer will receive two formal notices sent by mail before a past-due fee is sent to collections.

If you are unable to pay your fee on time, contact the Recycled Content Team.

Requesting a W-9 from Ecology

There are two ways to request a W-9 from Ecology:

Send an email requesting a W-9 to RecycledContent@ecy.wa.gov. Your email will be forwarded to Ecology's fiscal office to fulfill the request.

Or

Visit Ecology's [make a payment](#) webpage for instructions on how to contact Ecology's fiscal office directly.

Part F - Enforcement

A producer may be found non-compliant for two types of violation, each associated with different means of assessing penalties. Penalties issued for either type of violation under this section are appealable to the pollution control hearings board established in chapter [43.21B](#) RCW.

- Penalties for registration, labeling, and reporting.
- Penalties for PCRC requirements
- Reporting audits and reviews.
- Corrective action.

Type 1: Failure to register, label, or report

[RCW 70A.245.050](#) authorizes penalties for failure to register, report, or label products according to the requirements in RCW [70A.245.020](#), [70A.245.030](#), or [70A.245.060](#). If a producer is found, through store audit or other means, to be unregistered by the April 1 deadline. In that case Ecology will provide written notification and offer information to producers out of compliance. This notification will be delivered in a written Notice of Non-compliance (NONC) via certified mail.

Ecology must issue at least two NONCs by certified mail before assessing a penalty.

If, after receipt of both NONCs, a producer does not come into compliance by registering and submitting their annual report, Ecology may issue a civil penalty of up to \$1,000 for each day of non-compliance, beginning retroactively with the of date of non-compliance noted in the first NONC.

A producer may appeal their penalty to the pollution control hearings board within 30 days of the second NONC.

Type 2: Failure to meet PCRC requirements

Producers who don't meet the minimum post-consumer recycled content requirements of [RCW 70A.245.020](#), are subject to penalty. Ecology will calculate penalty amounts based on data submitted by the producer or found in an audit by Ecology.

Penalties for failure to meet PCRC requirements will be calculated beginning June 1 of the year after PCRC minimums apply to a covered product category. Ecology will send a written Notice of Non-compliance (NONC) to the non-compliant producer at that time. Upon receipt of the NONC, producers may either pay penalties, request penalty reductions, payment plans, or payment extensions, or request a corrective action plan instead of or in addition to assessing a penalty. The producer must pay the penalty in full by no later than 12 months from the date the penalty is issued but may make arrangements with Ecology to establish a payment schedule within that time frame.

When determining compliance with the PCRC requirements, Ecology may consider a compliance grace period based on the date the covered product or container was manufactured.

A producer may appeal their penalty to the pollution control hearings board within 30 days of assessment.

Reporting audits and reviews

Ecology annually reviews all data submitted by producers in registrations and reports. This review includes follow-up on data that appears to be incorrect, largely different from previous reporting years, or otherwise errant.

Ecology may perform random audits based upon consumer shopping reviews conducted in stores or online or in response to information submitted by the public or another producer. The scope of these reviews may range from simple requests for information to 3rd party data verification by Ecology.

Ecology annually publishes a list of registered producers, including their compliance and fee payment status.

Penalties

A producer may be found non-compliant for violations of two separate requirements, each associated with different enforcement responses by Ecology.

The first type of violation applies if Ecology finds that a producer fails to submit annual registration and reporting. The second type of violation applies if, based on reports submitted by producers or through elective audit by Ecology, a producer fails to meet minimum PCRC requirements established in the law.

Registration and reporting violations: Failure to register or report

[RCW 70A.245.050](#) authorizes penalties for failure to register, report or label products.

If a producer fails to register or report by the April 1 deadline, Ecology will send a written Notice of Non-Compliance (NONC) to inform the producer of the requirements and warn of the potential for a penalty for failure to comply.

Ecology must issue at least two NONCs by certified mail before assessing a penalty.

A producer in violation of the registration, reporting, or labeling requirements in RCW [70A.245.020](#), [70A.245.030](#), or [70A.245.060](#) is subject to a civil penalty of up to \$1,000.00 for each day of violation, beginning with the date noted in the first mailed NONC.

Penalties issued under [RCW 70A.245.050](#) are appealable to the pollution control hearings board established in chapter [43.21B RCW](#).

PCRC minimum violations: Failure to meet PCRC requirements

Producers who don't meet the minimum post-consumer recycled content requirements of [RCW 70A.245.020](#) are subject also to penalty.

Penalties for failure to meet PCRC minimum requirements will be calculated beginning of June 1 based on PCRC requirements established in the prior year.

For example, beginning January 1, 2023, plastic trash bags must meet 10% minimum PCRC by weight. If a plastic trash bag producer reports data in 2024 indicating a lower PCRC content than the required minimum for 2023, Ecology will notify the producer as described below.

Ecology will notify producers who are out of compliance with the PCRC minimum requirements by sending a Notice of Non-Compliance (NONC) via certified mail. This notice will inform the producers of the penalty amount and grant 30 days for the producer to request a corrective action plan, a penalty reduction, and an extended payment plan. If the producer does not respond to request a penalty reduction, payment plan, or corrective action plan. In that case, Ecology will issue a second NONC with instructions on how to pay the penalty.

Ecology will calculate the penalty based upon the total pounds of virgin plastic, PCRC plastic, and any other plastic per category used by the producer in covered products sold or offered for sale in or into Washington state, as submitted during annual reporting.

The annual penalty amount is calculated based on the total pounds of plastic used per category multiplied by the current PCRC minimum percentage requirement, minus the pounds of total plastic multiplied by the percent of post-consumer recycled plastic used. This total is then multiplied by 20 cents. If the producer meets or exceeds the minimum PCRC target percentage, or the total that is multiplied by 20 cents is zero or less, a penalty will not be assessed. A clear formula for this calculation is depicted below.

Penalty calculation for failure to meet PCRC requirements

$$\left[\left(\text{Total pounds of plastic used} \times \text{Minimum post-consumer recycled plastic target percentage} \right) - \left(\text{Total pounds of plastic used} \times \text{Post-consumer recycled plastic percentage used} \right) \right] \times \$0.20$$

Equation 8. Calculation of penalty for not meeting minimum PCRC requirements

Corrective action plan

Instead of or in addition to assessing a penalty for failure to meet PCRC minimum requirements, Ecology may consider a producer's request for a corrective action plan, detailing how the producer plans to come into compliance with [RCW 70A.245.020](#). Corrective action plans will not be considered for failure to submit registration and annual reports.

A corrective action plan can be initiated by submitting a request to Ecology upon receipt of the notice of non-compliance. The proposed plan should include data and details as to why the producer was unable to meet the PCRC minimum requirements and outline a plan to ensure that they meet the requirements in the following year. Ecology may follow up with additional questions or market research.

Reduction in penalty

Ecology may also consider a reduced penalty for producers who do not meet PCRC minimums based on the established schedule in law.

In granting a reduction, the following factors will be considered by Ecology:

- Anomalous market conditions;
- Disruption in, or lack of supply of, recycled plastics; and
- Other factors that have prevented a producer from meeting the requirements.

Part G - Producer resources

GovDelivery

The primary way that the Recycled Content Team will communicate with producers is through our GovDelivery email list.

We will send information on the following:

- WLA comment period and publishing.
- Frequently asked questions in the weeks leading up to the registration and reporting due date, April 1st.
- Recorded information sessions for producers.
- Opening of the registration and reporting cycle notice.
- Surveys that help the Recycled Content Team improve our communication and the registration and reporting portal.

Recorded information sessions

The Recycled Content Team will share Plastic Producer Registration and Reporting recorded information sessions to our [GovDelivery email list](#) beginning in 2024.

Ecology webpages

- Plastic producer-registration
 - <https://ecology.wa.gov/Regulations-Permits/Reporting-requirements/Plastic-producer-registration>
- Recycled content minimums
 - <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs/Plastics/2021-plastic-pollution-laws/Recycled-content-minimums>
- Products required to meet recycled content minimums
 - <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Recycled-content-products>
- Chapter 173-925 WAC
 - <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-925>

Publications

- Post-consumer plastics recycling overview
 - <https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2307039.html>
- Post-consumer recycled content (PCRC) rulemaking summary
 - <https://apps.ecology.wa.gov/publications/UIPages/SummaryPages/2307030.html>
- Rule Implementation Plan
 - <https://apps.ecology.wa.gov/publications/SummaryPages/2307053.html>
- Concise Explanatory Statement
 - <https://apps.ecology.wa.gov/publications/SummaryPages/2307052.html>
- WAC 173-925 Post-consumer recycled content in plastic content
 - <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-925>