



January 27, 2020

House Environment & Energy Committee
231A John L. O'Brien, P.O. Box 40600
Olympia, WA 98504-0600

Re: Food Service Product Ban – HB 2656

Dear Honorable Committee Members:

PCC Community Markets, a locally-owned community food market, would like to thank you for your leadership in sponsoring the Single-Use Food Service Products legislation (HB2656). While PCC supports the overall goals of HB 2656, we believe there are areas in which the bill could be strengthened to improve its intended impacts and better situate it for success in the marketplace.

As the nation's largest co-op grocery retailer with 13 stores and more than \$288 million in revenue, PCC Community Markets has dedicated our triple bottom line business to providing local, organic and sustainable food to Washington state residents.

Reducing plastic waste is a top-of-mind issue for our shoppers. This is why we have taken several steps over the past decade to reduce plastic offerings, including eliminating plastic shopping bags in 2007, replacing plastic straws and utensils with compostable alternatives in 2015 (well before Seattle's ban), and establishing a five-year goal to eliminate petroleum-based plastic from our deli by 2022.

We have made significant strides in achieving our 2022 goal, but have also encountered many hurdles in the evolving waste supply chain and compostable packaging industries. Because of these experiences, we would encourage the committee to amend HB 2656 in the following ways:

- **Extend compliance deadlines in Section 5 by two years to avoid shortages in compostable packaging supply.** Compostable packaging supplies made from polylactic acid (PLA) face a shortage in supply. A transition of all areas and retailers served by industrial composting services to mandate PLA alternatives in packaging could potentially worsen this shortage and impose unnecessary burdens on an emerging industry that needs adequate time to adjust to the supply demands.
- **Mandate solid waste haulers and compost processors to accept any and all compostable packaging that is approved by the processor.** If the bill does not include a provision mandating acceptance of compostable alternatives to food service packaging, then the bill will fail to stem the tide of food and packaging waste going to landfills. There is a patchwork of contracts with compost processors that has created both commercial and residential confusion over what can



and cannot be processed in an industrial composting facility. The bill must remedy this confusion and bring both processors and haulers of compostable waste into the regulatory scheme for the stated goals to be successful.

- **Mandate inclusion, not consideration, of compost waste services.** Similarly, Section 15 must mandate local governments include, not just “consider,” organic material and compostable food service products within solid waste processing contracts.
- **Eliminate or significantly simplify single-use food service product fee structure.** As described, the fee structure and assessment of individualized packages at point-of-sale would place an enormous burden on retailers. Additionally, penalizing single-use food service products (even compostable) when state food safety regulations do not currently allow reusable options in many circumstances sends a confusing message to consumers and businesses alike.
- **Penalties should be lowered.** While we appreciate the provisions urging education over enforcement, \$5,000 per day can easily add up to a significant sum for retailers. Without a mandate that enforcement procedures include warning or corrective action opportunities, the potential monetary impacts of an enforcement action could be problematic.
- **Bill must include an absolute preemption provision.** PCC supports an effort to streamline and align the packaging and waste industries, as well as existing county, city, and municipal regulations on this important subject. The bill’s provisions on preemption, however, are not strong or clear enough. It should be emphasized that passage of this bill would preempt any and all local-level ordinances imposing similar regulations.

We thank you for your important work on this legislation and urge you to consider recommendations for amendment.

Submitted respectfully,

Aimee Simpson
Director of Advocacy & Product Sustainability