
HOUSE BILL 1653

State of Washington

65th Legislature

2017 Regular Session

By Representatives Pollet and Stanford

Read first time 01/25/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to protecting the public health of food
2 consumers; amending RCW 19.86.023; adding a new chapter to Title 70
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds, for the purpose
6 of protecting the health of those residing in Washington and to
7 support transparency, that the people of Washington have the right to
8 know if they are being exposed to dangerous contaminants when they
9 consume or purchase products exposed to or containing sewage sludge.
10 Municipal sewage sludge, also known as biosolids, contains many
11 unregulated dangerous pollutants and pathogens that are not removed
12 or rendered safe by any level of sewage treatment.

13 (2) Furthermore, the legislature finds that food grown in sewage
14 may threaten public health because:

15 (a) Residential, commercial, and industrial wastes are sent to
16 publicly and privately owned sewage wastewater treatment facilities;

17 (b) Influent to sewage treatment plants can contain up to ninety
18 thousand contaminants and numerous pathogens;

19 (c) Pathogens can regrow upon touching soil after removal from
20 sewage treatment processes;

1 (d) Influent contaminants in treatment facilities can break down
2 into unknown molecular structures;

3 (e) Influent contaminants can synergistically form new and
4 unknown contaminants;

5 (f) Treatment plants were not designed to treat most of their
6 content; and

7 (g) Treated sewage wastes may be recycled in ways that can
8 contaminate human food and other products.

9 NEW SECTION. **Sec. 2.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Biosolids" has the same meaning as defined in RCW
13 70.95J.010.

14 (2) "Compost" means organic matter that has been decomposed and
15 recycled as a fertilizer or soil amendment.

16 (3) "Department" means the department of health.

17 (4) "Processed food" means a food that either:

18 (a) Has undergone specific processing resulting in a change in
19 the character of the food item; or

20 (b) Is comprised of more than one food ingredient.

21 (5) "Sewage" means solids and liquids from toilets and drains
22 from homes, businesses, and industrial sources.

23 (6) "Sewage sludge" refers to the solids from households,
24 businesses, and industries separated during the treatment of
25 municipal wastewater. Sewage sludge can be a solid, semisolid, or
26 liquid.

27 NEW SECTION. **Sec. 3.** (1) Except as otherwise provided in this
28 section, in order to protect the health of Washington state residents
29 from exposure to pathogens, metals, persistent bioaccumulative
30 hazardous substances, drug compounds, contaminants of emerging
31 concern, and other hazardous substances, it is unlawful to knowingly
32 sell or offer for sale at wholesale or retail any food or food
33 products intended for human consumption that are grown in sewage,
34 sewage sludge, biosolids, compost derived from or containing human
35 waste, or any form or amount of human waste, unless the food, food
36 products, or processed food are clearly and conspicuously labeled as
37 follows:

1 (a) For food or food products, with words "grown in sewage
2 wastes"; or

3 (b) For processed food that contains an ingredient grown in
4 sewage sludge, biosolids, compost derived from or containing human
5 waste, or any form or amount of human waste, with the words "produced
6 with ingredients that were cultured, produced, or grown in sewage
7 sludge".

8 (2) All disclosures required by subsection (1) of this section
9 must be no smaller than ten point type on the front of the package
10 for packaged products. For unpackaged products sold at retail, the
11 disclosure must be made on a display alongside the products in font
12 no less than twenty point type.

13 (3) The requirements of this section apply to food, food
14 products, and processed foods regardless of the state in which they
15 were grown.

16 (4) The department is authorized to adopt rules necessary to
17 carry out the provisions of this section. The department or a local
18 health jurisdiction as defined in RCW 43.70.575 is authorized to test
19 products and to take enforcement action under rules adopted pursuant
20 to RCW 43.20.050 or local health codes, respectively, for violations
21 of these disclosure provisions.

22 NEW SECTION. **Sec. 4.** The legislature finds that the practices
23 covered by section 3 of this act are matters vitally affecting the
24 public interest for the purpose of applying the consumer protection
25 act, chapter 19.86 RCW. A violation of section 3 of this act is not
26 reasonable in relation to the development and preservation of
27 business. A violation of section 3 of this act is an unfair or
28 deceptive act in trade or commerce and an unfair method of
29 competition for the purpose of applying the consumer protection act,
30 chapter 19.86 RCW.

31 NEW SECTION. **Sec. 5.** By September 1, 2018, the state board of
32 health shall use the state department of health laboratory to analyze
33 samples and publish a report on the levels of pathogens and hazardous
34 substances, including metals, drug molecules, or endocrine disrupting
35 substances, that sampling results demonstrate to be found in a range
36 of selected applications of sewage sludge in which food substances
37 are grown.

1 **Sec. 6.** RCW 19.86.023 and 1985 c 247 s 7 are each amended to
2 read as follows:

3 Any violation of RCW 15.86.030 or section 3 of this act shall
4 also constitute a violation under RCW 19.86.020.

5 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act
6 constitute a new chapter in Title 70 RCW.

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