CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5961**

Chapter 293, Laws of 2022

67th Legislature

2022 Regular Session

BIOCHAR—GOVERNMENT PROJECTS

EFFECTIVE DATE: June 9, 2022

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| Passed by the Senate March 7, 2022  Yeas 49 Nays 0  DENNY HECK  **President of the Senate**  Passed by the House March 2, 2022  Yeas 96 Nays 1  LAURIE JINKINS  **Speaker of the House of Representatives** | CERTIFICATE  I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5961** as passed by the Senate and the House of Representatives on the dates hereon set forth.  SARAH BANNISTER  Secretary |
| Approved March 31, 2022 5:00 PM | April 1, 2022 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**SUBSTITUTE SENATE BILL 5961**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Sefzik, Warnick, Honeyford, Rolfes, Short, and Van De Wege)

AN ACT Relating to incentivizing the use of biochar; adding a new section to chapter 43.19A RCW; creating a new section; and providing an expiration date.

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

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

(1) When planning government-funded projects that are public works, or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether biochar products can be utilized in the project.

(2) If biochar products can be utilized in the project, the state agency or local government must use biochar products, except as follows:

(a) A state agency or local government is not required to use biochar products if:

(i) Biochar products are not available within a reasonable period of time;

(ii) Biochar products that are available do not comply with existing purchasing standards;

(iii) Biochar products that are available do not comply with federal or state health, quality, and safety standards; or

(iv) Biochar purchase prices are not reasonable or competitive; and

(b) A state agency is not required to use biochar products in a project if:

(i) The total cost of using biochar is financially prohibitive;

(ii) Application of biochar will have detrimental impacts on the physical characteristics and nutrient condition of the soil as it is used for a specific crop; or

(iii) The project consists of growing trees in a greenhouse setting, including seed orchard greenhouses.

(3) For the purposes of this section, "biochar" means a carbon-rich material produced during the pyrolysis process or solid material obtained from the thermochemical conversion of biomass in an oxygen-limited environment, derived from biomass waste materials including forest, agricultural, yard, urban wood, food, and biosolid residuals.

NEW SECTION. **Sec.**  (1)(a) The legislature finds that while Washington has one of the strongest economies in the country, the local economies in rural counties continue to struggle. The legislature further finds that the forest products sector provides family-wage jobs in economically struggling areas of the state and that emerging uses of forest products, including the use of forest byproducts to create biochar, could become an important contributor to rural economies.

(b) Therefore, the legislature intends to fund a pilot project to determine the feasibility of sourcing forest products to support biochar production from lands managed by the department of natural resources.

(2) The department of natural resources must implement a pilot project to evaluate the costs and benefits of marketing and selling forest products to a biochar facility. The pilot project must:

(a) Determine if revenues cover the costs of preparing and conducting the sales;

(b) Identify and evaluate factors impacting the sales, including regulatory constraints, staffing levels, or other limitations; and

(c) Evaluate the feasibility for sourcing forest products for the manufacture of biochar.

(3) The pilot project must include sales in at least the Olympic region and must be completed by June 30, 2024. By November 1, 2024, the department of natural resources must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and any recommendations.

(4) This section expires December 31, 2024.

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Passed by the Senate March 7, 2022.

Passed by the House March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.