

HOUSE BILL REPORT

SSB 5961

As Passed House - Amended:

March 2, 2022

Title: An act relating to incentivizing the use of biochar.

Brief Description: Incentivizing the use of biochar.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Sefzik, Warnick, Honeyford, Rolfes, Short and Van De Wege).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/21/22, 2/23/22 [DP].

Floor Activity:

Passed House: 3/2/22, 96-1.

Brief Summary of Substitute Bill (As Amended by House)

- Requires state agencies and local governments to consider whether biochar products can be used when planning government-funded projects that are public works or when soliciting and reviewing bids for such projects, and requires them to use biochar when possible except in certain circumstances.
- Directs the Department of Natural Resources to implement a pilot project to evaluate the costs and benefits of marketing and selling forest products to a biochar facility.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Dolan, Graham and Gregerson.

Staff: Emily Stephens (786-7296) and Desiree Omli (786-7105).

Background:

Biochar.

Biochar is produced by combusting biomass sources such as wood chips, plant residue, or agricultural waste products in the presence of limited oxygen, resulting in a carbon-rich solid that is a type of charcoal. The combustion process is referred to as pyrolysis. Biochar can be added to soils to address environmental, agricultural, and forestry challenges. According to the United States Department of Agriculture, biochar is a nonsynthetic substance, and applications of biochar include improving soil health, raising soil pH, remediating polluted soils, sequestering carbon, lowering greenhouse gas emissions, and improving soil moisture. With certain exceptions and where possible, state agencies and local governments are required to use other types of organic matter such as compost products when planning government-funded projects or soliciting and reviewing bids for government-funded projects.

Department of Natural Resources.

The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally granted lands and state forest lands. The DNR produces revenue on state trust lands from the harvesting of timber and forest products and other activities. In 2021 legislation was enacted directing the DNR to explore opportunities and developing markets for the use of woody biomass residuals from forest treatments, including biochar.

Summary of Amended Bill:

Government-Funded Project Planning.

State agencies and local governments are required to consider whether biochar products can be used when planning government-funded projects that are public works, or when soliciting and reviewing bids for such projects. 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, and biosolid residuals. If biochar products can be used, state agencies and local governments must use biochar products, except when:

- biochar products are not available within a reasonable period of time;
- biochar products that are available do not comply with existing purchasing standards;
- biochar products that are available do not comply with federal or state health, quality, and safety standards; or
- biochar purchase prices are not reasonable or competitive.

State agencies are also not required to use biochar products in a project if:

- the total cost of using biochar is financially prohibitive;
- the 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
- the project consists of growing trees in a greenhouse setting, including seed orchard greenhouses.

Pilot Program.

The DNR must implement a pilot project to evaluate the costs and benefits of marketing and selling forest products to a biochar facility. The project must include sales in at least the Olympic region. The project must be completed by June 30, 2024, and the DNR must work with affected stakeholders and report to the appropriate committees of the Legislature by November 1, 2024, with the results of the project and any recommendations. In addition, the pilot project must:

- determine if revenues cover the costs of preparing and conducting the sales;
- identify and evaluate factors impacting the sales, including regulatory constraints, staffing levels, or other limitations; and
- evaluate the feasibility for sourcing forest products for the manufacture of biochar.

The pilot project expires on December 31, 2024.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Biochar is an emerging industry that can benefit agriculture, forestry, wildfire response, and stormwater treatment. It can create green jobs in rural areas. Biochar is stable and carbon-rich and can improve soil health, improve soil drought resilience, enhance biofiltration in stormwater treatment, result in cleaner stormwater runoff, and sequester carbon.

(Opposed) The bill should not encourage or reward the harvesting of whole trees to source biochar, and should limit sources of biochar to wood waste products. Biochar has benefits as long as it can be sourced sustainably and the pyrolysis process is efficient. The pilot project should include an independent assessment at its conclusion.

Persons Testifying: (In support) Jason Walter, Weyerhaeuser.

(Opposed) Sherri Dysart, League of Women Voters of Washington.

Persons Signed In To Testify But Not Testifying: None.