

HOUSE BILL REPORT

HB 1963

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to the department of agriculture.

Brief Description: Requiring notification of the department of agriculture of certain applications of sludge.

Sponsor(s): Representatives Rasmussen, Rayburn, Grant, McLean, Dorn and Roland.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, March 5, 1991, DPS.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *That Substitute House Bill No. 1963 be substituted therefor, and the substitute bill do pass.* Signed by 6 members: Representatives Rayburn, Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Grant; Rasmussen; and Roland.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Kremen, Vice Chair; Chandler; R. Johnson; and Lisk.

Staff: Kenneth Hirst (786-7105).

Background: Among the substances for which the laboratories of the Department of Agriculture are equipped to conduct tests are pesticides, antibiotics, and heavy metals.

Summary of Substitute Bill: A governmental entity operating a municipal sewage treatment facility must notify the Department of Agriculture regarding an application of sludge from the facility to lands located outside of an incorporated area. The department must regularly sample and test such sludge. It may accept the results of existing testing programs in lieu of conducting its own tests.

The cost of conducting the sampling and testing, including administrative costs directly related to these activities, must be borne by the entity operating the treatment

facility. The department may require the costs to be paid on a monthly or other basis.

If payment is not made within 30 days of the date the department indicates that it is due, the entity operating the facility must cease to apply or permit others to apply the sludge to such lands. The applications may resume only after payments are current.

A sludge monitoring account is created in the Agriculture Local Fund. Payments received by the department must be deposited in the account and the director of the Department of Agriculture may, without an appropriation, make disbursements from the account for this sampling and testing program.

Substitute Bill Compared to Original Bill: (1) The original bill directs the department to conduct its investigations to protect the environment or to protect public health or welfare. The objective of the testing program is not specified in the substitute bill. (2) The use of an unappropriated revolving account for the deposit of fees and disbursement of funds is provided by the substitute bill.

Fiscal Note: Available for original bill. Requested for substitute bill on March 5, 1991.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Sludge is being applied to forest land and farm land in some areas of the State without being regularly tested for contaminants. It should be tested.

Testimony Against: (1) The director of the Department of Agriculture is not in a position to make general public health determinations. (2) The bill gives the Department of Agriculture a blank check to conduct whatever investigations it desires to make and requires municipal rate-payers to pay the tab.

Witnesses: Representative Rasmussen (in favor); Mike Schwisow, Department of Agriculture; and Ed Thorpe, Coalition for Clean Water (opposed).