H-0636.3

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1985**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Pollet, Ryu, Van De Wege, Gregerson, and Tharinger

AN ACT Relating to protecting human health by labeling foods exposed to human sewage; amending RCW 19.86.023; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the people of Washington have the right to know if their food was exposed to human sewage by either having been grown in or otherwise produced on land to which human waste in the form of sewage, also sometimes called sewage sludge or biosolids, has been applied for its intended use as a fertilizer, micronutrient source, soil amendment, soil conditioner, or compost. Without disclosure, food consumers may unknowingly be at risk of ingesting a wide range and combination of toxic metals, chemicals, biochemicals, and microorganisms.

(2) The legislature further finds that wastewater treatment plants, also known as publicly owned treatment works, contain everything put down drains and storm water, and are usually designed and built to separate the solids from raw sewage and then return the residual water to surface waters or provide for other reclaimed water use.

(3) The legislature further finds that the cleaner the wastewater treatment plant liquids, or effluent, that are returned to surface water bodies or reclaimed for reuse, the more contaminants remain in sewage sludge.

(4) The legislature further finds that out of the many thousands of sewage sludge contaminants, only eight metals and nitrogen are currently regulated under the United States environmental protection agency's regulations on the use and disposal of sewage sludge under 40 C.F.R. Sec. 503.

(5) The legislature further finds that:

(a) Sewage sludge intended for fertilizer generally contains an abundance of toxins, toxicants, and contaminants of concern, which may remain even after the processing of raw sewage. These chemicals and materials include pharmaceuticals, endocrine disrupting chemicals, chemotherapy drugs, toxic metals, synthetic hormones such as estrogens and testosterones, personal care products, hospital wastes, industrial wastes, flame retardants, storm water runoff, animal wastes, and plastic microbeads, plus everything that humans discharge or excrete into a sewage system, as well as materials contributed by medical facilities, businesses, and industries, all of which drain and flush to municipal wastewater treatment plants or publicly owned treatment works.

(b) Sewage sludge also generally contains viruses, bacteria, archaea, fungi, protozoa, parasites, plasmids, and bacteriophages, and can contain prions. Some of these can enable the horizontal transfer between and among bacterial genera and species of gene sequences for antibiotic resistance from antibiotic resistant bacteria and bacterial gene sequences that code for virulence.

(c) Sewage sludge also generally contains natural and synthetic bactericides, bacteriostats, and other antimicrobial agents, compounds, and chemicals. Some of these can thwart the ability of common sewage decomposing microorganisms to perform their intended tasks of degrading the contaminants and other components of raw sewage.

(d) There is further complication from the innumerable combinations and permutations of the multiple and various toxins and toxicants, as these can transform or transmute into novel toxins and toxicants, as well as into novel toxin and toxicant mixtures or formulations.

(6) The legislature further finds that sewage sludge disposed on land can either directly or indirectly contaminate food crops, soils, and food animal feed crops, including the contamination of food ingredients used in processed or mixed ingredient human foods or animal feeds, and potentially seed stocks. Land disposed sewage sludge presents opportunity for toxins and toxicants contained in sewage to enter the nutrient cycle, where they can be consumed. The consequences of human exposure to such foods may not be detected or realized for years or decades after exposure. Growing, producing, or otherwise cultivating human food crops or food animal feed crops in or with sewage sludge can cause a variety of human health conditions by the introduction of novel toxins and toxicants into the nutrient cycle with unknown or wholly unanticipated adverse human and environmental health consequences.

(7) The legislature further finds that surviving human pathogenic microbes are able to regrow in soil or elsewhere in the environment after sewage sludge is processed in a wastewater treatment plant or publicly owned treatment works.

(8) The legislature further finds that farm land to which sewage sludge is applied is grazed by animals produced and sold for human consumption, as are products from these animals, such as milk and milk products. These animals are not tested for sewage borne contaminants and pathogens.

(9) The legislature further finds that cultivation, growth, and production of foods on soils laden with sewage sludge has caused serious impacts to the environment, including to air, water, and soil, from wind drift, storm water runoff into surface water bodies, and migration into groundwater supplies.

(10) The legislature further finds that independent scientists have stated that the current regulations governing wastewater treatment plants and the land disposal of sewage sludge do not protect human health, agriculture, or the environment.

(11) The legislature further finds that mandatory identification of human foods or food animal feed crops grown or produced using sewage sludge as a fertilizer, micronutrient source, soil amendment, soil conditioner, or compost can provide a critical method for tracking the potential adverse health effects of consuming foods grown in or otherwise exposed to sewage sludge.

(12) The legislature further finds that identifying seeds and seed stock produced without being grown in or otherwise exposed to sewage sludge would protect farmers' rights to know what they are purchasing and protect their right to choose what they grow.

(13) The legislature further finds that mandatory identification of foods grown in sewage sludge can be a critical method for preserving the economic value of exports to markets with restrictions and prohibitions against human foods and food animal feed crops grown in sewage sludge or in any other form of human waste.

(14) The legislature further finds that the practice of land disposed sewage sludge, by any name, undermines the basic physics, chemistry, microbiology, structure, and function of agricultural lands. Soil ecosystem disruption by the land disposal of sewage sludge alters and diminishes the native soil microbiome and diminishes the soil agronomic characteristics and quality.

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

(1) "Alcoholic beverages" has the same meaning as defined in RCW 82.08.0293(1)(a).

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

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

(4) "Department" means the department of health.

(5) "Food animal feed crop" means plants that are grown intentionally with the primary purpose of being fed to and eaten by animals that are intended to be used as food for people.

(6) "Human food crop" means plants that are grown intentionally with the primary purpose of being eaten by humans.

(7) "Processed food" means a food that either:

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

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

(8) "Seed" means an embryonic plant enclosed in a protective outer coat that is intended to be used in planting a food animal feed crop or a human food crop.

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

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

NEW SECTION. **Sec.**  (1) Except as otherwise provided in this section, it is unlawful to knowingly sell or offer for sale at wholesale or retail any food or food products grown in sewage, sewage sludge, biosolids, compost derived from or containing human waste, or any form or amount of human waste, unless the food or food products are clearly and conspicuously labeled with words "Grown in Sewage Sludge":

(a) On the packaging of the food or food product, if the food or food product is packaged; or

(b) At the point of display for retail sale, if the food or food product is unpackaged.

(2) Except as otherwise provided in this section, it is unlawful to knowingly sell or offer for sale at wholesale or retail any processed food that contains an ingredient grown in sewage sludge, biosolids, compost derived from or containing human waste, or any form or amount of human waste, unless the processed food is clearly and conspicuously labeled with words "Produced with Ingredients that were Cultured, Produced, or Grown in Sewage Sludge":

(a) On the packaging of the food or food product, if the processed food is packaged; or

(b) At the point of display for retail sale, if the processed food is unpackaged.

(3)(a) It is unlawful to knowingly sell or offer for sale at wholesale or retail any seeds grown in sewage, sewage sludge, biosolids, compost derived from or containing human waste, or any form or amount of human waste, unless the seeds are clearly and conspicuously labeled with words "Grown in Sewage Sludge" or "Produced with Ingredients that were Cultured, Produced, or Grown in Sewage Sludge."

(b) The label required by this subsection must be included on the packaging or container in which the seeds are sold and on the sales receipt or other documents that reference the identification, ownership, possession, or sale of the seeds.

(4) It is unlawful to knowingly sell or offer for sale at wholesale or retail any compost, fertilizer, or soil amendment, loose or packaged, that contains human waste without labeling, clearly and conspicuously, that it contains human waste and cannot be used for certified organic gardening.

(5) The requirements of subsections (1) and (2) of this section do not apply to alcoholic beverages that do not contain remnant nonalcoholic material from the originating fermented plants or plant-based products.

NEW SECTION. **Sec.**  The department is authorized to adopt rules necessary to carry out the provisions of section 3 of this act. However, the department may not adopt any rules that would expand the list of items in section 3(5) of this act to which the requirements of section 3 (1) and (2) of this act do not apply.

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

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

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

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

**--- END ---**