H-3101.1

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**HOUSE BILL 2386**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Pollet, Van De Wege, Jinkins, Tarleton, Walkinshaw, and Stanford

AN ACT Relating to providing the public with information regarding products that result from certain approved beneficial uses of biosolids; amending RCW 70.95J.010, 70.95J.030, and 70.95J.020; and prescribing penalties.

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

**Sec.**  RCW 70.95J.010 and 1992 c 174 s 3 are each amended to read as follows:

((~~Unless the context clearly requires otherwise,~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all requirements under this chapter. For the purposes of this chapter, "biosolids" includes septic tank sludge, also known as septage, that can be beneficially recycled and meets all requirements under this chapter.

(2) "Department" means the department of ecology.

(3) "Local health department" has the same meaning as "jurisdictional health department" in RCW 70.95.030.

(4) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant.

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

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

(7) "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.

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

(9) "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.

(10) "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.

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

(12) "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.

**Sec.**  RCW 70.95J.030 and 1992 c 174 s 5 are each amended to read as follows:

(1) The department may work with all appropriate state agencies, local governments, and private entities to establish beneficial uses for biosolids and glassified sewage sludge.

(2) If an allowed beneficial use of biosolids or sewage sludge is the application to agricultural land or home garden use, then, except as otherwise provided in this section:

(a) It is unlawful to knowingly sell or offer for sale at wholesale or retail any resulting 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":

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

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

(b) 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":

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

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

(c)(i) 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."

(ii) 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.

(d) 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.

(e) The requirements of (a) and (b) of this subsection do not apply to alcoholic beverages that do not contain remnant nonalcoholic material from the originating fermented plants or plant-based products.

(3) Subsection (2) of this section applies to all applicable products regardless of whether they were grown or produced in Washington.

**Sec.**  RCW 70.95J.020 and 1992 c 174 s 4 are each amended to read as follows:

(1)(a) The department shall adopt rules to implement a biosolid management program within twelve months of the adoption of federal rules, 40 C.F.R. Sec. 503, relating to technical standards for the use and disposal of sewage sludge. The biosolid management program shall, at a minimum, conform with all applicable federal rules adopted pursuant to the federal clean water act as it existed on February 4, 1987.

(b) The department is authorized to adopt rules necessary to carry out the provisions of RCW 70.95J.030. However, the department may not adopt a rule that would expand the list of items in RCW 70.95J.030(2)(e) to which the requirements of RCW 70.95J.030(2) (a) and (b) do not apply.

(2) In addition to any federal requirements, the state biosolid management program may include, but not be limited to, an education program to provide relevant legal and scientific information to local governments and citizen groups regarding the provisions of this chapter, including the requirements of RCW 70.95J.030(2).

(3) Rules adopted by the department under this section shall provide for public input and involvement for all state and local permits.

(4) Materials that have received a permit as a biosolid shall be regulated pursuant to this chapter.

(5) The transportation of biosolids and municipal sewage sludge shall be governed by Title 81 RCW. Certificates issued by the utilities and transportation commission before June 11, 1992, that include or authorize transportation of municipal sewage sludge shall continue in force and effect and be interpreted to include biosolids.

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