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**HOUSE BILL 1653**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Pollet and Stanford

AN ACT Relating to protecting the public health of food consumers; amending RCW 19.86.023; adding a new chapter to Title 70 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds, for the purpose of protecting the health of those residing in Washington and to support transparency, that the people of Washington have the right to know if they are being exposed to dangerous contaminants when they consume or purchase products exposed to or containing sewage sludge. Municipal sewage sludge, also known as biosolids, contains many unregulated dangerous pollutants and pathogens that are not removed or rendered safe by any level of sewage treatment.

(2) Furthermore, the legislature finds that food grown in sewage may threaten public health because:

(a) Residential, commercial, and industrial wastes are sent to publicly and privately owned sewage wastewater treatment facilities;

(b) Influents to sewage treatment plants can contain up to ninety thousand contaminants and numerous pathogens;

(c) Pathogens can regrow upon touching soil after removal from sewage treatment processes;

(d) Influent contaminants in treatment facilities can break down into unknown molecular structures;

(e) Influent contaminants can synergistically form new and unknown contaminants;

(f) Treatment plants were not designed to treat most of their content; and

(g) Treated sewage wastes may be recycled in ways that can contaminate human food and other products.

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

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

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

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

(4) "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.

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

(6) "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, in order to protect the health of Washington state residents from exposure to pathogens, metals, persistent bioaccumulative hazardous substances, drug compounds, contaminants of emerging concern, and other hazardous substances, it is unlawful to knowingly sell or offer for sale at wholesale or retail any food or food products intended for human consumption that are grown in sewage, sewage sludge, biosolids, compost derived from or containing human waste, or any form or amount of human waste, unless the food, food products, or processed food are clearly and conspicuously labeled as follows:

(a) For food or food products, with words "grown in sewage wastes"; or

(b) For 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, with the words "produced with ingredients that were cultured, produced, or grown in sewage sludge".

(2) All disclosures required by subsection (1) of this section must be no smaller than ten point type on the front of the package for packaged products. For unpackaged products sold at retail, the disclosure must be made on a display alongside the products in font no less than twenty point type.

(3) The requirements of this section apply to food, food products, and processed foods regardless of the state in which they were grown.

(4) The department is authorized to adopt rules necessary to carry out the provisions of this section. The department or a local health jurisdiction as defined in RCW 43.70.575 is authorized to test products and to take enforcement action under rules adopted pursuant to RCW 43.20.050 or local health codes, respectively, for violations of these disclosure provisions.

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.

NEW SECTION. **Sec.**  By September 1, 2018, the state board of health shall use the state department of health laboratory to analyze samples and publish a report on the levels of pathogens and hazardous substances, including metals, drug molecules, or endocrine disrupting substances, that sampling results demonstrate to be found in a range of selected applications of sewage sludge in which food substances are grown.

**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 4 of this act constitute a new chapter in Title 70 RCW.

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