
**State Government & Tribal Relations
Committee**

SSB 5961

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 Summary of Substitute Bill

- Requires state agencies and local governments to consider whether biochar products can be used when planning government-funded projects or when soliciting and reviewing bids for government-funded 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.

Hearing Date: 2/21/22

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

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States Department of Agriculture, biochar is a non-synthetic 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 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, or when soliciting and reviewing bids for government-funded 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. 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 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.