

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5961

Chapter 293, Laws of 2022

67th Legislature
2022 Regular Session

BIOCHAR—GOVERNMENT PROJECTS

EFFECTIVE DATE: June 9, 2022

Passed by the Senate March 7, 2022
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 2, 2022
Yeas 96 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 31, 2022 5:00 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5961** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 1, 2022

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5961

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Sefzik, Warnick, Honeyford, Rolfes, Short, and Van De Wege)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to incentivizing the use of biochar; adding a new
2 section to chapter 43.19A RCW; creating a new section; and providing
3 an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.19A
6 RCW to read as follows:

7 (1) When planning government-funded projects that are public
8 works, or soliciting and reviewing bids for such projects, all state
9 agencies and local governments shall consider whether biochar
10 products can be utilized in the project.

11 (2) If biochar products can be utilized in the project, the state
12 agency or local government must use biochar products, except as
13 follows:

14 (a) A state agency or local government is not required to use
15 biochar products if:

16 (i) Biochar products are not available within a reasonable period
17 of time;

18 (ii) Biochar products that are available do not comply with
19 existing purchasing standards;

20 (iii) Biochar products that are available do not comply with
21 federal or state health, quality, and safety standards; or

1 (iv) Biochar purchase prices are not reasonable or competitive;
2 and

3 (b) A state agency is not required to use biochar products in a
4 project if:

5 (i) The total cost of using biochar is financially prohibitive;

6 (ii) Application of biochar will have detrimental impacts on the
7 physical characteristics and nutrient condition of the soil as it is
8 used for a specific crop; or

9 (iii) The project consists of growing trees in a greenhouse
10 setting, including seed orchard greenhouses.

11 (3) For the purposes of this section, "biochar" means a carbon-
12 rich material produced during the pyrolysis process or solid material
13 obtained from the thermochemical conversion of biomass in an oxygen-
14 limited environment, derived from biomass waste materials including
15 forest, agricultural, yard, urban wood, food, and biosolid residuals.

16 NEW SECTION. **Sec. 2.** (1)(a) The legislature finds that while
17 Washington has one of the strongest economies in the country, the
18 local economies in rural counties continue to struggle. The
19 legislature further finds that the forest products sector provides
20 family-wage jobs in economically struggling areas of the state and
21 that emerging uses of forest products, including the use of forest
22 byproducts to create biochar, could become an important contributor
23 to rural economies.

24 (b) Therefore, the legislature intends to fund a pilot project to
25 determine the feasibility of sourcing forest products to support
26 biochar production from lands managed by the department of natural
27 resources.

28 (2) The department of natural resources must implement a pilot
29 project to evaluate the costs and benefits of marketing and selling
30 forest products to a biochar facility. The pilot project must:

31 (a) Determine if revenues cover the costs of preparing and
32 conducting the sales;

33 (b) Identify and evaluate factors impacting the sales, including
34 regulatory constraints, staffing levels, or other limitations; and

35 (c) Evaluate the feasibility for sourcing forest products for the
36 manufacture of biochar.

37 (3) The pilot project must include sales in at least the Olympic
38 region and must be completed by June 30, 2024. By November 1, 2024,
39 the department of natural resources must work with affected

1 stakeholders and report to the appropriate committees of the
2 legislature with the results of the pilot project and any
3 recommendations.

4 (4) This section expires December 31, 2024.

Passed by the Senate March 7, 2022.

Passed by the House March 2, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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