

# SENATE BILL REPORT

## SHB 1314

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As of March 27, 2013

**Title:** An act relating to municipally produced class A biosolids.

**Brief Description:** Concerning municipally produced class A biosolids.

**Sponsors:** House Committee on Environment (originally sponsored by Representatives Green, O'Ban, Zeiger, Fey, Upthegrove and Jinkins).

**Brief History:** Passed House: 3/08/13, 91-7.

**Committee Activity:** Energy, Environment & Telecommunications: 3/26/13.

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Staff:** Jan Odano (786-7486)

**Background:** Commercial fertilizer must be registered with the Washington Department of Agriculture (WSDA) to be distributed within the state. Most packaged commercial fertilizers must have, placed on or affixed to the package, a conspicuous label stating in a clear, legible form the product name, net weight, brand, and grade. Both the registration form submitted to WSDA and label must identify if the products are waste-derived fertilizers, micronutrient fertilizers, or fertilizer materials containing phosphate. It is unlawful to distribute misbranded commercial fertilizer.

With some exceptions, the use and retail sale of turf fertilizers that contain phosphorus, as well as the application of turf fertilizer that contains phosphorus to turf, is prohibited. The prohibition does not apply if the fertilizer is being used to establish or repair grass during a growing season; for adding phosphorus to soils with deficient plant-available phosphorus levels; or for application to pasture lands, houseplants, flower or vegetable gardens, or agricultural or silvicultural lands.

Biosolids are nutrient-rich organic materials resulting from processing domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth.

Under federal law, there are different rules for different classes of biosolids. Class A biosolids contain no detectable levels of pathogens. When used in bulk, Class A biosolids are subject to buffer requirements, but not to crop-harvesting restrictions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Ecology (Ecology) implements the state's biosolid management program. The rules for the program address how and when biosolids can be applied to land as a fertilizer. These rules also deal with matters such as total pollution concentration limits, pathogen reduction rates, and vector attraction reduction requirements.

**Summary of Bill:** An exemption to turf fertilizer is added. Turf fertilizer does not include a registered commercial fertilizer when the phosphorus component is derived solely from exceptional quality biosolids. To meet the exception, the fertilizer must satisfy Ecology's requirements of biosolids applied to land for pollutant concentration limits, pathogen reduction rates, and vector attraction reduction.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Wastewater treatment facilities invested a lot of money to upgrade the Pierce County facility so that it could produce class A biosolids. Producing biosolids is the most effective and environmentally responsible way to deal with wastewater sludge. Because the product is registered as a commercial fertilizer, it is impacted by the law. The phosphorus levels are low and are not any different than phosphorus in other products.

CON: This will give a clear market advantage to these products. The state will be in the position of picking winners and losers.

**Persons Testifying:** PRO: Representative Tami Green, prime sponsor; Michael Shaw, Larry Ekstrom, Pierce County.

CON: Ben Buchholz, Farwest Agribusiness Assn.