
HOUSE BILL 1985

State of Washington 64th Legislature 2015 Regular Session

By Representatives Pollet, Ryu, Van De Wege, Gregerson, and Tharinger

Read first time 02/04/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to protecting human health by labeling foods
2 exposed to human sewage; amending RCW 19.86.023; and adding a new
3 chapter to Title 70 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the people
6 of Washington have the right to know if their food was exposed to
7 human sewage by either having been grown in or otherwise produced on
8 land to which human waste in the form of sewage, also sometimes
9 called sewage sludge or biosolids, has been applied for its intended
10 use as a fertilizer, micronutrient source, soil amendment, soil
11 conditioner, or compost. Without disclosure, food consumers may
12 unknowingly be at risk of ingesting a wide range and combination of
13 toxic metals, chemicals, biochemicals, and microorganisms.

14 (2) The legislature further finds that wastewater treatment
15 plants, also known as publicly owned treatment works, contain
16 everything put down drains and storm water, and are usually designed
17 and built to separate the solids from raw sewage and then return the
18 residual water to surface waters or provide for other reclaimed water
19 use.

20 (3) The legislature further finds that the cleaner the wastewater
21 treatment plant liquids, or effluent, that are returned to surface

1 water bodies or reclaimed for reuse, the more contaminants remain in
2 sewage sludge.

3 (4) The legislature further finds that out of the many thousands
4 of sewage sludge contaminants, only eight metals and nitrogen are
5 currently regulated under the United States environmental protection
6 agency's regulations on the use and disposal of sewage sludge under
7 40 C.F.R. Sec. 503.

8 (5) The legislature further finds that:

9 (a) Sewage sludge intended for fertilizer generally contains an
10 abundance of toxins, toxicants, and contaminants of concern, which
11 may remain even after the processing of raw sewage. These chemicals
12 and materials include pharmaceuticals, endocrine disrupting
13 chemicals, chemotherapy drugs, toxic metals, synthetic hormones such
14 as estrogens and testosterone, personal care products, hospital
15 wastes, industrial wastes, flame retardants, storm water runoff,
16 animal wastes, and plastic microbeads, plus everything that humans
17 discharge or excrete into a sewage system, as well as materials
18 contributed by medical facilities, businesses, and industries, all of
19 which drain and flush to municipal wastewater treatment plants or
20 publicly owned treatment works.

21 (b) Sewage sludge also generally contains viruses, bacteria,
22 archaea, fungi, protozoa, parasites, plasmids, and bacteriophages,
23 and can contain prions. Some of these can enable the horizontal
24 transfer between and among bacterial genera and species of gene
25 sequences for antibiotic resistance from antibiotic resistant
26 bacteria and bacterial gene sequences that code for virulence.

27 (c) Sewage sludge also generally contains natural and synthetic
28 bactericides, bacteriostats, and other antimicrobial agents,
29 compounds, and chemicals. Some of these can thwart the ability of
30 common sewage decomposing microorganisms to perform their intended
31 tasks of degrading the contaminants and other components of raw
32 sewage.

33 (d) There is further complication from the innumerable
34 combinations and permutations of the multiple and various toxins and
35 toxicants, as these can transform or transmute into novel toxins and
36 toxicants, as well as into novel toxin and toxicant mixtures or
37 formulations.

38 (6) The legislature further finds that sewage sludge disposed on
39 land can either directly or indirectly contaminate food crops, soils,
40 and food animal feed crops, including the contamination of food

1 ingredients used in processed or mixed ingredient human foods or
2 animal feeds, and potentially seed stocks. Land disposed sewage
3 sludge presents opportunity for toxins and toxicants contained in
4 sewage to enter the nutrient cycle, where they can be consumed. The
5 consequences of human exposure to such foods may not be detected or
6 realized for years or decades after exposure. Growing, producing, or
7 otherwise cultivating human food crops or food animal feed crops in
8 or with sewage sludge can cause a variety of human health conditions
9 by the introduction of novel toxins and toxicants into the nutrient
10 cycle with unknown or wholly unanticipated adverse human and
11 environmental health consequences.

12 (7) The legislature further finds that surviving human pathogenic
13 microbes are able to regrow in soil or elsewhere in the environment
14 after sewage sludge is processed in a wastewater treatment plant or
15 publicly owned treatment works.

16 (8) The legislature further finds that farm land to which sewage
17 sludge is applied is grazed by animals produced and sold for human
18 consumption, as are products from these animals, such as milk and
19 milk products. These animals are not tested for sewage borne
20 contaminants and pathogens.

21 (9) The legislature further finds that cultivation, growth, and
22 production of foods on soils laden with sewage sludge has caused
23 serious impacts to the environment, including to air, water, and
24 soil, from wind drift, storm water runoff into surface water bodies,
25 and migration into groundwater supplies.

26 (10) The legislature further finds that independent scientists
27 have stated that the current regulations governing wastewater
28 treatment plants and the land disposal of sewage sludge do not
29 protect human health, agriculture, or the environment.

30 (11) The legislature further finds that mandatory identification
31 of human foods or food animal feed crops grown or produced using
32 sewage sludge as a fertilizer, micronutrient source, soil amendment,
33 soil conditioner, or compost can provide a critical method for
34 tracking the potential adverse health effects of consuming foods
35 grown in or otherwise exposed to sewage sludge.

36 (12) The legislature further finds that identifying seeds and
37 seed stock produced without being grown in or otherwise exposed to
38 sewage sludge would protect farmers' rights to know what they are
39 purchasing and protect their right to choose what they grow.

1 (13) The legislature further finds that mandatory identification
2 of foods grown in sewage sludge can be a critical method for
3 preserving the economic value of exports to markets with restrictions
4 and prohibitions against human foods and food animal feed crops grown
5 in sewage sludge or in any other form of human waste.

6 (14) The legislature further finds that the practice of land
7 disposed sewage sludge, by any name, undermines the basic physics,
8 chemistry, microbiology, structure, and function of agricultural
9 lands. Soil ecosystem disruption by the land disposal of sewage
10 sludge alters and diminishes the native soil microbiome and
11 diminishes the soil agronomic characteristics and quality.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires
14 otherwise.

15 (1) "Alcoholic beverages" has the same meaning as defined in RCW
16 82.08.0293(1)(a).

17 (2) "Biosolids" has the same meaning as defined in RCW
18 70.95J.010.

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

21 (4) "Department" means the department of health.

22 (5) "Food animal feed crop" means plants that are grown
23 intentionally with the primary purpose of being fed to and eaten by
24 animals that are intended to be used as food for people.

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

27 (7) "Processed food" means a food that either:

28 (a) Has undergone specific processing resulting in a change in
29 the character of the food item; or

30 (b) Is comprised of more than one food ingredient.

31 (8) "Seed" means an embryonic plant enclosed in a protective
32 outer coat that is intended to be used in planting a food animal feed
33 crop or a human food crop.

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

36 (10) "Sewage sludge" refers to the solids from households,
37 businesses, and industries separated during the treatment of
38 municipal wastewater. Sewage sludge can be a solid, semisolid, or
39 liquid.

1 NEW SECTION. **Sec. 3.** (1) Except as otherwise provided in this
2 section, it is unlawful to knowingly sell or offer for sale at
3 wholesale or retail any food or food products grown in sewage, sewage
4 sludge, biosolids, compost derived from or containing human waste, or
5 any form or amount of human waste, unless the food or food products
6 are clearly and conspicuously labeled with words "Grown in Sewage
7 Sludge":

8 (a) On the packaging of the food or food product, if the food or
9 food product is packaged; or

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

12 (2) Except as otherwise provided in this section, it is unlawful
13 to knowingly sell or offer for sale at wholesale or retail any
14 processed food that contains an ingredient grown in sewage sludge,
15 biosolids, compost derived from or containing human waste, or any
16 form or amount of human waste, unless the processed food is clearly
17 and conspicuously labeled with words "Produced with Ingredients that
18 were Cultured, Produced, or Grown in Sewage Sludge":

19 (a) On the packaging of the food or food product, if the
20 processed food is packaged; or

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

23 (3)(a) It is unlawful to knowingly sell or offer for sale at
24 wholesale or retail any seeds grown in sewage, sewage sludge,
25 biosolids, compost derived from or containing human waste, or any
26 form or amount of human waste, unless the seeds are clearly and
27 conspicuously labeled with words "Grown in Sewage Sludge" or
28 "Produced with Ingredients that were Cultured, Produced, or Grown in
29 Sewage Sludge."

30 (b) The label required by this subsection must be included on the
31 packaging or container in which the seeds are sold and on the sales
32 receipt or other documents that reference the identification,
33 ownership, possession, or sale of the seeds.

34 (4) It is unlawful to knowingly sell or offer for sale at
35 wholesale or retail any compost, fertilizer, or soil amendment, loose
36 or packaged, that contains human waste without labeling, clearly and
37 conspicuously, that it contains human waste and cannot be used for
38 certified organic gardening.

39 (5) The requirements of subsections (1) and (2) of this section
40 do not apply to alcoholic beverages that do not contain remnant

1 nonalcoholic material from the originating fermented plants or plant-
2 based products.

3 NEW SECTION. **Sec. 4.** The department is authorized to adopt
4 rules necessary to carry out the provisions of section 3 of this act.
5 However, the department may not adopt any rules that would expand the
6 list of items in section 3(5) of this act to which the requirements
7 of section 3 (1) and (2) of this act do not apply.

8 NEW SECTION. **Sec. 5.** The legislature finds that the practices
9 covered by section 3 of this act are matters vitally affecting the
10 public interest for the purpose of applying the consumer protection
11 act, chapter 19.86 RCW. A violation of section 3 of this act is not
12 reasonable in relation to the development and preservation of
13 business. A violation of section 3 of this act is an unfair or
14 deceptive act in trade or commerce and an unfair method of
15 competition for the purpose of applying the consumer protection act,
16 chapter 19.86 RCW.

17 **Sec. 6.** RCW 19.86.023 and 1985 c 247 s 7 are each amended to
18 read as follows:

19 Any violation of RCW 15.86.030 or section 3 of this act shall
20 also constitute a violation under RCW 19.86.020.

21 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
22 constitute a new chapter in Title 70 RCW.

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