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HOUSE BILL 2386

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Pollet, Van De Wege, Jenkins, Tarleton,  
Walkinshaw, and Stanford

Read first time 01/12/16. Referred to Committee on Agriculture &  
Natural Resources.

1            AN ACT Relating to providing the public with information  
2 regarding products that result from certain approved beneficial uses  
3 of biosolids; amending RCW 70.95J.010, 70.95J.030, and 70.95J.020;  
4 and prescribing penalties.

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

6            **Sec. 1.** RCW 70.95J.010 and 1992 c 174 s 3 are each amended to  
7 read as follows:

8            (~~Unless the context clearly requires otherwise,~~) The  
9 definitions in this section apply throughout this chapter unless the  
10 context clearly requires otherwise.

11            (1) "Biosolids" means municipal sewage sludge that is a primarily  
12 organic, semisolid product resulting from the wastewater treatment  
13 process, that can be beneficially recycled and meets all requirements  
14 under this chapter. For the purposes of this chapter, "biosolids"  
15 includes septic tank sludge, also known as septage, that can be  
16 beneficially recycled and meets all requirements under this chapter.

17            (2) "Department" means the department of ecology.

18            (3) "Local health department" has the same meaning as  
19 "jurisdictional health department" in RCW 70.95.030.

20            (4) "Municipal sewage sludge" means a semisolid substance  
21 consisting of settled sewage solids combined with varying amounts of

1 water and dissolved materials generated from a publicly owned  
2 wastewater treatment plant.

3 (5) "Alcoholic beverages" has the same meaning as defined in RCW  
4 82.08.0293.

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

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

10 (8) "Human food crop" means plants that are grown intentionally  
11 with the primary purpose of being eaten by humans.

12 (9) "Processed food" means a food that either:

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

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

16 (10) "Seed" means an embryonic plant enclosed in a protective  
17 outer coat that is intended to be used in planting a food animal feed  
18 crop or a human food crop.

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

21 (12) "Sewage sludge" refers to the solids from households,  
22 businesses, and industries separated during the treatment of  
23 municipal wastewater. Sewage sludge can be a solid, semisolid, or  
24 liquid.

25 **Sec. 2.** RCW 70.95J.030 and 1992 c 174 s 5 are each amended to  
26 read as follows:

27 (1) The department may work with all appropriate state agencies,  
28 local governments, and private entities to establish beneficial uses  
29 for biosolids and glassified sewage sludge.

30 (2) If an allowed beneficial use of biosolids or sewage sludge is  
31 the application to agricultural land or home garden use, then, except  
32 as otherwise provided in this section:

33 (a) It is unlawful to knowingly sell or offer for sale at  
34 wholesale or retail any resulting food or food products grown in  
35 sewage, sewage sludge, biosolids, compost derived from or containing  
36 human waste, or any form or amount of human waste, unless the food or  
37 food products are clearly and conspicuously labeled with words "Grown  
38 in Sewage Sludge":

1 (i) On the packaging of the food or food product, if the food or  
2 food product is packaged; or

3 (ii) At the point of display for retail sale, if the food or food  
4 product is unpackaged.

5 (b) It is unlawful to knowingly sell or offer for sale at  
6 wholesale or retail any processed food that contains an ingredient  
7 grown in sewage sludge, biosolids, compost derived from or containing  
8 human waste, or any form or amount of human waste, unless the  
9 processed food is clearly and conspicuously labeled with words  
10 "Produced with Ingredients that were Cultured, Produced, or Grown in  
11 Sewage Sludge":

12 (i) On the packaging of the food or food product, if the  
13 processed food is packaged; or

14 (ii) At the point of display for retail sale, if the processed  
15 food is unpackaged.

16 (c)(i) It is unlawful to knowingly sell or offer for sale at  
17 wholesale or retail any seeds grown in sewage, sewage sludge,  
18 biosolids, compost derived from or containing human waste, or any  
19 form or amount of human waste, unless the seeds are clearly and  
20 conspicuously labeled with words "Grown in Sewage Sludge" or  
21 "Produced with Ingredients that were Cultured, Produced, or Grown in  
22 Sewage Sludge."

23 (ii) The label required by this subsection must be included on  
24 the packaging or container in which the seeds are sold and on the  
25 sales receipt or other documents that reference the identification,  
26 ownership, possession, or sale of the seeds.

27 (d) It is unlawful to knowingly sell or offer for sale at  
28 wholesale or retail any compost, fertilizer, or soil amendment, loose  
29 or packaged, that contains human waste without labeling, clearly and  
30 conspicuously, that it contains human waste and cannot be used for  
31 certified organic gardening.

32 (e) The requirements of (a) and (b) of this subsection do not  
33 apply to alcoholic beverages that do not contain remnant nonalcoholic  
34 material from the originating fermented plants or plant-based  
35 products.

36 (3) Subsection (2) of this section applies to all applicable  
37 products regardless of whether they were grown or produced in  
38 Washington.

1       **Sec. 3.** RCW 70.95J.020 and 1992 c 174 s 4 are each amended to  
2 read as follows:

3       (1)(a) The department shall adopt rules to implement a biosolid  
4 management program within twelve months of the adoption of federal  
5 rules, 40 C.F.R. Sec. 503, relating to technical standards for the  
6 use and disposal of sewage sludge. The biosolid management program  
7 shall, at a minimum, conform with all applicable federal rules  
8 adopted pursuant to the federal clean water act as it existed on  
9 February 4, 1987.

10       **(b) The department is authorized to adopt rules necessary to**  
11 **carry out the provisions of RCW 70.95J.030. However, the department**  
12 **may not adopt a rule that would expand the list of items in RCW**  
13 **70.95J.030(2)(e) to which the requirements of RCW 70.95J.030(2) (a)**  
14 **and (b) do not apply.**

15       (2) In addition to any federal requirements, the state biosolid  
16 management program may include, but not be limited to, an education  
17 program to provide relevant legal and scientific information to local  
18 governments and citizen groups regarding the provisions of this  
19 chapter, including the requirements of RCW 70.95J.030(2).

20       (3) Rules adopted by the department under this section shall  
21 provide for public input and involvement for all state and local  
22 permits.

23       (4) Materials that have received a permit as a biosolid shall be  
24 regulated pursuant to this chapter.

25       (5) The transportation of biosolids and municipal sewage sludge  
26 shall be governed by Title 81 RCW. Certificates issued by the  
27 utilities and transportation commission before June 11, 1992, that  
28 include or authorize transportation of municipal sewage sludge shall  
29 continue in force and effect and be interpreted to include biosolids.

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