

SENATE BILL REPORT

SSB 5961

As Amended by House, March 2, 2022

Title: An act relating to incentivizing the use of biochar.

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 History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/01/22, 2/03/22 [DPS-WM].

Ways & Means: 2/05/22, 2/07/22 [DPS (AWNP), w/oRec].

Floor Activity: Passed Senate: 2/10/22, 49-0.

Passed House: 3/2/22, 96-1.

Brief Summary of First Substitute Bill

- Directs state agencies and local governments to consider using biochar when planning government-funded projects.
- Adds a pilot project to evaluate the feasibility of sourcing forest products from lands managed by the Department of Natural Resources for the production of biochar.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, Rolfes and Stanford.

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

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5961 as recommended by Committee on Agriculture, Water, Natural Resources & Parks be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Frockt, Vice Chair, Capital.

Staff: Jed Herman (786-7346)

Background: Biochar is a fine-grained charcoal left behind after pyrolysis of crop residues, livestock manures, or other organic materials. Pyrolysis is the high-temperature processing of organic materials in the absence of oxygen.

Biochar is used in multiple applications, including as a soil amendment and in sewage and wastewater treatment. Researchers have found that biochar applied to wet soils can decrease the production of methane and nitrous oxide. Other research has shown that biochar can be useful for restoring degraded soils because of its ability to bind to heavy metals.

Summary of First Substitute Bill: State agencies and local governments must consider whether biochar products can be used when planning government-funded projects or soliciting and reviewing bids for such 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 in the project, a state agency or local government must use biochar products unless:

- biochar is 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.

A state agency is not required to use biochar products if:

- 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.

The Department of Natural Resources (DNR) must implement a pilot project to evaluate the costs and benefits of marketing and selling forest products to a biochar facility. The pilot project must determine if revenues cover the costs of preparing and conducting the sales; identify and evaluate factors impacting the sales, and evaluate the feasibility for sourcing forest products for the manufacture of biochar. The pilot project must include sales in, at least, the Olympic region and must be completed by June 30, 2024. By November 1, 2024, DNR must work with affected stakeholders and report to the appropriate committees of the Legislature with the results of the pilot project and any recommendations.

Appropriation: None.

Fiscal Note: Requested on February 3, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: The state should encourage the uses of biochar to see if it can be a successful approach to enhance plant growth and suppress methane. By encouraging the cultivation of biochar in government contracts, it may help develop this approach. Biochar can sequester carbon back in soil, and is renewable. The state can help build the market and encourage the use of biochar. A project to recycle timber products in the Olympic Peninsula to create biochar could create many jobs. The definition of biochar should be modified to match the international definition, to include gasification.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Senator Simon Sefzik, Prime Sponsor; Isaac Kastama, Clean & Prosperous Washington.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Specifies that government-funded projects that are public works are the types of projects

that state agencies and local governments shall consider whether biochar products can be used in the project.

- Clarifies that any one of the list exceptions may be used by a state agency or local government to not use biochar products.
- Limits the definition of biochar to specify that it is derived from biomass waste materials including forest, agricultural, yard, urban wood, food, and biosolid residuals.