
SUBSTITUTE SENATE BILL 5961

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 or soliciting and
8 reviewing bids for such projects, all state agencies and local
9 governments shall consider whether biochar products can be utilized
10 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; and

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.

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

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

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

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

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

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

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

1 legislature with the results of the pilot project and any
2 recommendations.

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

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