

SENATE BILL REPORT

SB 5033

As Reported by Senate Committee On:
Local Government, January 20, 2025
Environment, Energy & Technology, February 18, 2025

Title: An act relating to sampling or testing of biosolids for PFAS chemicals.

Brief Description: Concerning sampling or testing of biosolids for PFAS chemicals.

Sponsors: Senators Wilson, J., Lovelett, Bateman, Chapman, Dhingra, Dozier, Krishnadasan, Nobles, Saldaña, Trudeau and Wellman.

Brief History:

Committee Activity: Local Government: 1/20/25 [w/oRec-ENET].
Environment, Energy & Technology: 2/07/25, 2/18/25 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Requires the Department of Ecology (Ecology) to establish perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals sampling or testing requirements for certain biosolids by July 1, 2028.
- Requires Ecology to complete an analysis of the levels of PFAS chemicals in certain biosolids by July 1, 2029.
- Directs Ecology to report a summary of the analysis and make recommendations to the Legislature by December 1, 2029.
- Establishes an advisory committee of representative stakeholders with which Ecology must consult before adopting or amending rules related to sampling or testing biosolids for PFAS chemicals.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5033 be substituted therefor, and the

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substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Boehnke, Ranking Member; Dhingra, Harris, Lias, Lovelett, Ramos, Short and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator MacEwen.

Staff: Matt Shepard-Koningsor (786-7627)

Background: Biosolids. 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. While both classes are treated, class A biosolids contain no detectable levels of pathogens, but class B biosolids may. When used in bulk, class A biosolids are subject to buffer requirements but not to crop-harvesting restrictions. In general, class B biosolids are subject to buffer requirements, public access requirements, and crop harvesting restrictions.

Biosolids Management Program. The Department of Ecology (Ecology) administers a biosolids management program (program). Rules for the program address how and when biosolids can be applied to land as a fertilizer. These rules include other requirements of biosolids, including total pollution concentration limits, pathogen reduction rates, and vector attraction reduction requirements.

Perfluoroalkyl and Polyfluoroalkyl Chemicals. Perfluoroalkyl and Polyfluoroalkyl (PFAS) chemicals, sometimes called forever chemicals, are a class of fluorinated organic chemicals that contain at least one fully-fluorinated carbon atom. PFAS chemicals are characterized by their resistance to oil, stains, grease, and water, in addition to their durability, heat resistance, and anti-corrosive properties. They are added to carpets, cookware, food packaging, clothing, cosmetics, and other common consumer products. PFAS chemicals are also included in certain types of firefighting foams.

State Developments. Ecology identifies PFAS chemicals as persistent, bioaccumulative, and toxic. In November 2024, Ecology and the Washington State Department of Health released a statewide funding strategy for future projects addressing PFAS chemicals in drinking water, environmental contamination, and waste. In recent years, Washington State has enacted laws and adopted regulations relating to PFAS chemicals levels in drinking water, firefighting foam and equipment, food packaging, and many consumer products.

Federal Developments. In 2021, the United States Environmental Protection Agency (EPA) first announced its PFAS Strategic Roadmap, laying out the agency's approach to

addressing PFAS chemicals. On January 14, 2025, EPA released a draft risk assessment for two PFAS compounds: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). EPA stated the result of the assessment indicates there are potential risks to human health to those living on or near impacted properties or primarily relying on their products from land application and surface disposal of sewage sludge containing PFOA and PFOS, depending on chemical concentration, chemical management practice, and local and geological conditions.

EPA also designated PFOA and PFOS as hazardous substances and set maximum contamination limits for these PFAS chemicals in drinking water.

Summary of Bill (First Substitute): Ecology must convene an advisory committee with representatives from the farming community, toxicologists, utilities that produce soil amendments, local governments, experts, interested parties, and other similar stakeholders (advisory committee). Utilities that produce soil amendments include special purpose districts, municipal utility providers, and public utility districts.

By July 1, 2028, after consulting with the advisory committee, Ecology must establish PFAS chemicals sampling or testing requirements for biosolids regulated under the program. By July 1, 2029, Ecology must complete an analysis of the levels of PFAS chemicals in biosolids produced in Washington.

By December 1, 2029, Ecology must submit a report to the Legislature and the public with a summary of the analysis and recommendations on how to proceed based on the analysis.

For the purposes of Ecology establishing PFAS chemicals sampling or testing requirements and reporting recommendations, biosolids do not include septic tank sludge, also known as septage.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Extends, by one year, the dates by which Ecology must: (1) establish PFAS chemicals sampling or testing requirements for certain biosolids, (2) complete an analysis of the levels of PFAS chemicals in certain biosolids, and (3) submit a legislative report with a summary of the analysis and recommendations on how to proceed.
- Adds representatives of local governments to the advisory committee, and specifies that utilities producing soil amendments expressly include special purpose districts, municipal utility providers, and public utility districts.
- Removes proposed language providing that nothing in the act affects requirements impose on a discharger under a water discharge permit or restricts a local government from addressing contamination of biosolids by PFAS chemicals.

Appropriation: None.

Fiscal Note: Available.

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: *The committee recommended a different version of the bill than what was heard.* PRO: Biosolids are incredibly important to Washington State farmers and landowners that need soil enrichment. There are over 14,000 of these forever chemicals and they do not break down in the environment. Biosolids was a term created to take the yuck factor out of sewage sludge, and it is very toxic material. Other jurisdictions are banning any land use or application of toxic sewage sludge. The bill should include septage. This is a great step forward using science. We would appreciate an additional year for the due dates in the bill, and request you rely exclusively on Ecology as the regulator and create a uniform standard.

OTHER: The land application of sewage waste must stop. The bill needs to simply outlaw the use of any sewage waste that includes PFAS, or at least be banned from fertilizers and compost sold or given away in the state. Communities and farmers all over the country are suing because of PFAS in biosolids. The bill should include septage. We recommend removing local governments' ability to address PFAS contamination of biosolids. The bill is about getting data to study the problem and how big the problem is. This data is essential to making informed policy decisions. Biosolids are known to contain thousands of contaminants, and I would recommend removing the phrase, "beneficial use" in current law.

Persons Testifying: PRO: Senator Jeff Wilson, Prime Sponsor; Richard Honour; John Hancock, Spokane's West Plains Water Coalition; Heather Trim, Zero Waste Washington; Scott Hazlegrove, WA Association of Sewer & Water Districts; Allen Acosta; .Bob .Guenther, Self.

OTHER: Darlene Schanfald, Protect the Peninsula's Future & Olympic Environmental Council; Atul Deshmane; John Peterson, Clark Regional Wastewater District, Discovery Clean Water Alliance; Peter Lyon, Washington Department of Ecology, Solid Waste Management Program; Joren Clowers, Sno-King Water District Coalition; Kyle Dorsey, The Coalition for Clean Water; Phyllis Farrell.

Persons Signed In To Testify But Not Testifying: No one.