Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Environment & Energy Committee

SSB 5033

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

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Wilson, J., Lovelett, Bateman, Chapman, Dhingra, Dozier, Krishnadasan, Nobles, Saldaña, Trudeau and Wellman).

Brief Summary of 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 when developing sampling or testing requirements and recommendations for biosolids containing PFAS chemicals.

Hearing Date: 3/17/25

Staff: Megan McPhaden (786-7114).

Background:

Biosolids.
Biosolids are nutrient-rich organic materials that result from processing domestic sewage in a

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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 contain trace amounts of pathogens. Both class A and class B biosolids are subject to buffer requirements; they may not be applied within a certain distance of waters of the state, at minimum 100 feet depending on the field slope of the application site. Class A biosolids are subject to neither crop-harvesting nor public access restrictions. Class B biosolids are subject to crop-harvesting and public access 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 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, as well as 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 and a set of recommendations for addressing PFAS chemicals in drinking water, managing environmental contamination, reducing PFAS chemicals in products, and understanding and managing PFAS in waste. Washington 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) announced its PFAS Strategic Roadmap, laying out the agency's approach to addressing PFAS chemicals. As part of the roadmap work, in January 2025, the EPA released a draft risk assessment for two PFAS compounds, perfluorooctanoic acid (PFOA) and perfluoroctane sulfonic acid (PFOS), in biosolids. The EPA's draft risk assessment indicates there are potential risks to human health for those living on or near properties where there is land application of sewage sludge (septage), containing PFOA and PFOS. These risks are variable depending on chemical concentration, chemical management practice, and local and geological conditions.

In 2024, the EPA designated PFOA and PFOS as hazardous substances and set maximum contamination limits, which are legally enforceable levels, for these PFAS chemicals in drinking water.

Summary of Bill:

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. Utilities that produce soil amendments include special purpose districts, municipal utility providers, and public utility districts.

By July 1, 2028, 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.

Ecology must consult with the advisory committee when developing the PFAS chemical sampling and testing requirements and recommendations.

For the purposes of Ecology establishing PFAS chemicals sampling or testing requirements and reporting recommendations, biosolids do not include septage.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.