

AN ACT TO PROTECT PUBLIC HEALTH BY PROTECTING FOOD AND GROUNDWATER

The health and quality of our food system depends on how it is raised. Life – plants and animals -- depends on this. Healthy soils contain carbon dioxide (CO₂) and help to balance and maintain earth's ambient temperature. The land spreading of toxic materials on the soils, where they can run off into water bodies, seep into ground water, and poison soil life disrupt the healthy soil-air-water exchange. This imbalance affects the existence and quality of human life, and that of other animals and plant life.

SEC 1

The USEPA adopted its sewage sludge ("biosolids") land spreading policy for food and forage crops in 1987. WA State adopted the program in 1992. Early on and over the quarter century since, scientific studies, physician groups, the US Geologic Survey (USGS), the National Academies of Science and the National Research Council have found land spreading of sewage sludge unsafe. Studies find this sludge can contain up to 90,000 chemicals, a range of pathogens, parasites, plastics of all sizes and ultrafine particles and food and water are absorbing a range of these chemicals and pathogens. The cumulative affect of sewage within treatment plants can create its own contaminants and anti-biotic resistant bacteria.

In 2018, WA State Department of Ecology made a rulemaking to allow sewage effluent to be spread on crop land and recreational lands and to be poured into wetlands in order to enhance aquifers. Under the same rulemaking, it would also be allowable for effluent to be used as potable water (under the purview of the WA State Department of Health).

The safety of this practice, too, is highly questionable, given the scientific evidence of what is in the effluent.

SEC 2

Whereas on Nov. 15, 2018, the Environmental Protection Agency (EPA) Office of Inspector General (OIG) issued a report of an audit of the EPA's Biosolids Program;

Whereas the 2018 OIG audit concludes: "The EPA's controls over the land application of sewage sludge (biosolids) were incomplete or had weaknesses and may not fully protect human health and the environment. The EPA consistently monitored biosolids for nine regulated pollutants. However, it lacked the data or risk assessment tools needed to make a determination on the safety of 352 pollutants [EPA] found in biosolids;"

Whereas the 2018 OIG audit concludes: "More than 20 years after the Biosolids Rule was finalized, no new pollutants have been added to the list of nine metals regulated under the rule;"

Whereas EPA lacked the data or risk assessment tools needed to make a determination on the safety of 352 pollutants it found in biosolids, yet had identified these pollutants in a variety of studies from 1989 through 2015;

Whereas, the practice was allowed if based on adequate risk assessments by USEPA that included for emerging chemicals of concern found in sewage sludge but were not conducted;

Whereas the 2018 OIG audit concludes: "The 352 pollutants include 61 designated as acutely hazardous, hazardous or priority pollutants in other programs;"

Whereas the 2018 OIG audit concludes that EPA lacks the necessary data to "determine whether biosolids pollutants with incomplete risk assessments are safe;"

Whereas the 2018 OIG audit concludes: "The EPA has identified, but not completed risk assessments on, hundreds of pollutants in biosolids;"

Whereas the 2018 OIG audit concludes: "The EPA is required [by the federal Clean Water Act] to review the biosolids regulations at least every 2 years, to identify additional pollutants and promulgate regulations for such pollutants;"

Whereas the 2018 OIG audit concludes: "Existing biosolids data and studies do not fully examine the pollutants found in biosolids, especially unregulated pollutants. Until such research and data exist, the EPA cannot determine if any regulations should be issued;"

Whereas the 2018 OIG audit concludes: "The EPA lacks data on human health and ecological toxicity values;"

Whereas the 2018 OIG audit concludes: "There are also concerns that biosolids may be creating antimicrobial-resistant strains of pathogens that can adversely impact human health;"

Whereas the 2018 OIG audit concludes: "Concerned citizens are questioning the safety of biosolids, particularly for agricultural land;"

Whereas the 2018 OIG audit concludes: "The labeling requirements for biosolids products used in land application are not comprehensive or complete when it comes to listing the presence of pollutants. As a result, consumers are unable to make an informed decision about the use or purchase of biosolids;"

Whereas the 2018 OIG audit concludes: "Some of the pollutants not included in the [EPA biosolids] labeling requirement are pollutants that are regulated by states, other countries, or even other regulatory programs in the United States. Those who buy or are given biosolids may not be aware that potentially harmful pollutants not regulated by the EPA may be present in the material;"

Whereas the 2018 OIG audit concludes: "The EPA is not implementing Clean Water Act requirements to conduct training as they apply to: (1) the biosolids program; and (2) the training and retraining of those involved in the operation and maintenance of treatment works and related activities, including biosolids;"

Whereas the 2018 OIG audit concludes: "Over time the EPA has reduced the control activities over the biosolids program, including reductions in inspections and training intended to check for regulatory compliance and protect public health and the environment;"

Whereas in 2002, the National Academies of Science and National Research Council issued a report on a biosolids research study, funded by EPA, which concluded: "The U.S. Environmental Protection Agency's standards that govern using treated sewage sludge on soil are based on outdated science... The agency should update its standards using improved methods for assessing health risks, and should further study whether treated sewage sludge causes health problems for workers who apply it to land and for residents who live nearby... More rigorous enforcement of the standards is needed as well;"

Whereas National Research Council Chair Thomas A. Burke, professor, department of health policy and management, Johns Hopkins University Bloomberg School of Public Health, Baltimore, said of the National Academy report in 2002: "There is a serious lack of health-related information about populations exposed to treated sewage sludge. To ensure public health protection, EPA should

investigate allegations of adverse health effects and update the science behind its chemical and pathogen standards."

Whereas the 2018 OIG audit indicates that the EPA has not made satisfactory progress in the intervening sixteen years to address the serious shortcomings of its sewage sludge land-application program identified in the two reports;"

Whereas EPA does not have the resources to scientifically assess the risk posed by the land-application of sewage sludge and therefore cannot rationally attest to the safety of the practice;

Whereas the intent to ensure the safety of this practice has been violated;

THEREFORE, be it resolved that WA State, in the year of 2019, having learned of the lack of public protection and the harm to public health, soils, air, water and the wildlife from the land spreading of sewage wastes – solids or effluent, directly or through marketed products, will cease by January 1, 2020.