

SENATE No. 410

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Ensure the Safety of Organic Compost..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this chapter the following words shall unless the context clearly
2 requires otherwise have the following meanings:

3 "Compost", a mixture that consists aerobically decomposed organic matter and that is
4 used for fertilizing and conditioning agricultural soils.

5 "Fertilizer", a single or blended substance containing one or more recognized plant
6 nutrient(s) used primarily for its plant nutrient content claimed to have value in promoting plant
7 growth.

8 "Person", a natural person, corporation, association, partnership, government body or
9 other legal entity.

10 "Sludge", any solid, semisolid or liquid waste generated from a municipal, commercial or
11 industrial wastewater treatment plant, water supply treatment plant, or any other such waste
12 having similar characteristics and effects.

13 "Sewage sludge", the solids resulting from wastewater treatment operations and
14 processes that are usually in the form of a semisolid liquid.

15 "Biosolids", a term used to describe sewage sludge processed by further digestion,
16 drying, composting, or the addition of lime.

17 SECTION 2. Notwithstanding any general or special rules or laws to the contrary, it is
18 hereby unlawful in the Commonwealth for any person to sell, market, or distribute compost or
19 fertilizer containing sewage sludge or products derived from sewage sludge such as biosolids
20 that are labeled as "organic" or "made from recovered organic materials" or that uses the word
21 "organic" in any way related to the marketing of the product. The department of environmental
22 protection is hereby authorized and directed to establish a plan to educate consumers about the
23 toxins contained in sewage sludge and biosolids and the possible environmental and health issues
24 associated with the use of these products and establish a take back mechanism for consumers.

25 SECTION 3. Whoever violates any provisions of sections 2 may be punished by a fine of
26 not less than \$1,000 and not more than \$5,000 for each day the violation remains outstanding.