



Board Agenda Item 32

DATE: April 21, 2026

TO: Board of Supervisors

SUBMITTED BY: Supervisor Garry Bredefeld, District 2
Supervisor Nathan Magsig, District 5
Joe Prado, Director, Department of Public Health

SUBJECT: Amendment of Chapter 8.30 Related to the Land Application of Human-Derived Materials

RECOMMENDED ACTION(S):

Conduct second hearing to amend the Fresno County Ordinance Code, Title 8 Health and Safety, Chapter 8.30 - Land Application of Biosolids, to add subsection 8.30.045; to amend subsections 8.30.010, 8.30.020, 8.30.040, and 8.30.070; to include prohibition on the land application of reduced human remains, or human compost, waive reading of the proposed Ordinance in its entirety, and adopt the proposed Ordinance.

The fiscal impact of the recommended actions are unknown at this time. Costs related to enforcement by Department of Public Health or collaboration with other County departments may be partially offset by payment of fees, citations, and allows for cost recovery of actual costs. The recommended action will amend existing Chapter 8.30 of the Ordinance Code, related to the land application of human-derived materials, where subsection 8.30.045 is added, and subsections 8.30.010, 8.30.020, 8.30.040, and 8.30.070 are amended to prohibit the spreading, application, or integration of reduced human remains, or human compost, into the soil on land located in the unincorporated areas of Fresno County. This prohibition will not apply to private property that is not open to the public, except upon private land where food is grown, if the first crop harvested after application will be made available to the public for human consumption.

Violations of the ordinance would include the unauthorized spreading, application, or integration of human-derived materials in prohibited areas, and noncompliance with required removal or disposal provisions, and would be subject to criminal enforcement (misdemeanor), administrative citations with escalating fines, abatement, and cost recovery pursuant to Chapter 1.13. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to approve the recommended actions; however, there would be no enforcement mechanism to prevent the spreading, application, or integration of reduced human remains, or human compost, into the soil on land located in unincorporated Fresno County.

FISCAL IMPACT:

At this time, the fiscal impact of the recommended actions are unknown. Any enforcement activity undertaken by Department of Public Health may generate costs with the enforcement of the proposed ordinance which may be partially offset by payment of fees, citations, and allows for cost recovery of actual cost. Staff will monitor impacted County departmental budgets accordingly.

DISCUSSION:

On April 7, 2026, your Board conducted the first hearing to amend Chapter 8.30 of the Ordinance Code to prohibit the spreading, application, and integration of reduced human remains, or human compost, into soil in unincorporated Fresno County. During the first hearing, your Board directed revisions to proposed subsection 8.30.045 to clarify the private-property exception where food is grown if the first crop harvested after application will be made available to the public for human consumption. Your Board also directed deletion of the proposed private right of action language formerly included in proposed subsection 8.30.070.

In 2022, the California Legislature enacted Assembly Bill 351, which authorizes the practice of natural organic reduction (NOR), a process that converts human remains into soil through controlled biological decomposition. Although the statute has been adopted, the regulatory framework governing NOR facilities does not become effective until January 1, 2027.

Under current California law, the spreading or integration of human compost is not authorized because the NOR regulatory framework has not yet taken effect. Beginning January 1, 2027, Chapter 3, Section 7116 of the California Health and Safety Code provides that reduced human remains resulting from NOR may be integrated into soil where no local prohibition exists. While the state regulates the licensing and operation of NOR facilities, the statute preserves the authority of local jurisdictions to regulate or prohibit the land application of the resulting material within their boundaries.

The use of human compost raises environmental and regulatory concerns due to limited long-term scientific data on its safety and impact. Potential risks include exposure to pathogens, polyfluoroalkyl substances (PFAs), medication, and heavy metals that may not be fully broken down, posing risks to soil and groundwater quality. Additionally, the lack of established regulatory standards and potential use in public or sensitive areas may raise community concerns and impact public trust.

Existing Chapter 8.30 of the Ordinance Code regulates the land application of biosolids within the unincorporated areas of Fresno County but does not address human-derived materials, including reduced human remains, or human compost. As a result, the current code does not explicitly prohibit or regulate the spreading, application, or integration of such materials, creating a regulatory gap that this amendment is intended to address.

The proposed ordinance would amend Chapter 8.30 of the Ordinance Code to prohibit the spreading, application, or integration of reduced human remains, or human compost, into the soil on land located in the unincorporated areas of Fresno County. This prohibition will not apply to private property that is not open to the public, except upon private land where food is grown, if the first crop harvested after application will be made available to the public for human consumption.

The amendment includes the addition of subsection 8.30.045 to establish the prohibition language for human compost land application, as revised at your Board's direction to clarify the private-property exception, as the current ordinance applies to biosolids, as well as revisions to existing subsections 8.30.010, 8.30.020, and 8.30.040 to update purpose and intent, incorporate additional legal authority pertaining to Chapter 3, Section 7116 of the California Health and Safety Code, and expand definitions to include human compost and human derived materials. Proposed subsection 8.30.070 has also been revised at your Board's direction to delete the previously proposed private right of action language.

Although state law authorizes the NOR process beginning in 2027, local governments retain the authority to regulate how and where the resulting materials may be used. The ordinance would not prohibit the NOR process itself where authorized by state law. The prohibition applies only to the land application or integration of the resulting material within the County.

Any violation of the recommended amendment would constitute a violation of County Code, including any

spreading, application, and integration of human-derived materials in prohibited areas. Enforcement may occur through both criminal and administrative remedies, including misdemeanor charges punishable by fines and/or imprisonment, as well as administrative citations with escalating penalties of up to \$1,000 for a first violation, \$2,000 for a second violation within one year, and \$5,000 for subsequent violations. Each day a violation continues would constitute a separate offense. In addition, the County may require the violator to remove and properly dispose of the materials at their own expense, and violations may be deemed a public nuisance subject to abatement or injunctive relief. All fines, fees, and administrative assessment may be recovered pursuant to Chapter 1.13 of the County Code.

With your Board's approval, the proposed ordinance will take effect 30 days thereafter.

REFERENCE MATERIAL:

BAI #8, April 7, 2026

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance (Chapter 8.30)
Additional Information

CAO ANALYST:

Mary Lu Valencia