
SUBSTITUTE HOUSE BILL 2262

State of Washington 63rd Legislature 2014 Regular Session

By House Environment (originally sponsored by Representatives Short, Fagan, and Magendanz)

READ FIRST TIME 01/31/14.

1 AN ACT Relating to the use of science to support significant agency
2 actions; and amending RCW 34.05.272.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 34.05.272 and 2013 c 69 s 2 are each amended to read
5 as follows:

6 (1) This section applies only to the water quality and shorelands
7 and environmental assistance programs within the department of ecology.

8 (2)(a) Before taking a significant agency action, the department of
9 ecology must identify the sources of information reviewed and relied
10 upon by the agency in the course of preparing to take significant
11 agency action. Peer-reviewed literature, if applicable, must be
12 identified, as well as any scientific literature or other sources of
13 information used. The department of ecology shall make available on
14 the agency's web site the index of records required under RCW
15 42.56.070(~~(+6)~~) that are relied upon, or invoked, in support of a
16 proposal for significant agency action.

17 (b) On the agency's web site, the department of ecology must
18 identify and categorize each source of information that is relied upon

1 in the form of a bibliography, citation list, or similar list of
2 sources. The categories in (c) of this subsection do not imply or
3 infer any hierarchy or level of quality.

4 (c) The bibliography, citation list, or similar list of sources
5 must categorize the sources of information as belonging to one or more
6 of the following categories:

7 (i) Independent peer review: Review is overseen by an independent
8 third party;

9 (ii) Internal peer review: Review by staff internal to the
10 department of ecology;

11 (iii) External peer review: Review by persons that are external to
12 and selected by the department of ecology;

13 (iv) Open review: Documented open public review process that is
14 not limited to invited organizations or individuals;

15 (v) Legal and policy document: Documents related to the legal
16 framework for the significant agency action including but not limited
17 to:

18 (A) Federal and state statutes;

19 (B) Court and hearings board decisions;

20 (C) Federal and state administrative rules and regulations; and

21 (D) Policy and regulatory documents adopted by local governments;

22 (vi) Data from primary research, monitoring activities, or other
23 sources, but that has not been incorporated as part of documents
24 reviewed under the processes described in (c)(i), (ii), (iii), and (iv)
25 of this subsection;

26 (vii) Records of the best professional judgement of department of
27 ecology employees or other individuals; or

28 (viii) Other: Sources of information that do not fit into one of
29 the categories identified in this subsection (1)(c).

30 (3) For the purposes of this section, "significant agency action"
31 means an act of the department of ecology that:

32 (a) Results in the development of a significant legislative rule as
33 defined in RCW 34.05.328; or

34 (b) Results in the development of technical guidance, technical
35 assessments, or technical documents that are used to directly support
36 implementation of a state rule or state statute.

37 (4) This section is not intended to affect agency action regarding

1 individual permitting, compliance and enforcement decisions, or
2 guidance provided by an agency to a local government on a case-by-case
3 basis.

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