
Environment Committee

HB 1307

Brief Description: Concerning standards for the use of science to support public policy.

Sponsors: Representatives Short, Upthegrove and McCune.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires all state agencies to use peer-reviewed science prior to taking any action related to the environment, natural resources, land and water access, and land use management.
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Hearing Date: 2/4/11, 2/8/11

Staff: Jason Callahan (786-7117).

Background:

A variety of state agencies have regulatory, proprietary, and technical assistance roles in managing the state's environment, natural resources, recreational access, and land use management. These include: the Department of Ecology (air quality, water quality, waste management, shorelines protection, and more); the Department of Natural Resources (forestry regulations and proprietary management of state lands); the Department of Fish and Wildlife (management of fish and wild animal species); and the Department of Commerce (assistance to local government regarding land use planning).

Of the agencies involved with the management of programs affecting the environment, only the Department of Commerce has outlined in rule guidelines for identifying best available science. This guidance is provided to local governments to assist them with the best available science requirements of the Growth Management Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

All state agencies must use peer-reviewed science prior to taking any action, including the provision of technical assistance, related to the environment, natural resources, land and water access, and land use management. All peer-reviewed science used by agencies must be developed using the scientific method.

The information used as peer-reviewed science must satisfy certain requirements. These include the following:

- The information is provided by a qualified, scientific professional with issue-appropriate expertise based on the professional's credentials.
- The information has been subjected to independent peer review by at least three qualified, independent reviewers.
- The methods used to obtain the information is clearly stated, standardized for the pertinent scientific discipline, and are able to be replicated.
- The conclusions underlying the information are based on reasonable and logical assumptions supported by other studies and consistent with the data presented.
- The data underlying the information have been analyzed using the appropriate statistical or quantitative methods.
- The information has been placed in a proper context and is appropriately framed with respect to the prevailing body of pertinent scientific knowledge.
- The information is based on assumptions, analytical techniques, and conclusions that are clearly stated and well-referenced with citations to credible literature.

Agencies required to use peer-reviewed science must maintain a public record that identifies the scientific literature and other sources relied upon. The record must also contain any scientific information reviewed by the agency that does not meet the standard definition of peer-reviewed science and a narrative explanation of why that information was or was not included.

An agency may go forward with an action absent a reliance on peer-reviewed science, but only if the agency fully documents either a critical public health or safety need requiring action prior to the development of peer-reviewed science or a lack of peer-reviewed science on the topic. Any agency action taken without consultation with peer-reviewed science must be strictly limited in scope and effect until the necessary peer-reviewed science is available. These actions must also accommodate adaptive management and be monitored to determine effectiveness.

Appropriation: None.

Fiscal Note: Available.

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