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HOUSE BILL 2262

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Short, Fagan, and Magendanz

Read first time 01/15/14. Referred to Committee on Environment.

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 professional opinion of department of ecology  
27 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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