CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2262

Chapter 22, Laws of 2014

63rd Legislature
2014 Regular Session

DEPARTMENT OF ECOLOGY--AGENCY ACTIONS--USE OF SCIENCE

EFFECTIVE DATE: 06/12/14

Passed by the House February 12, 2014
Yeas 98  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 4, 2014
Yeas 49  Nays 0

BRAD OWEN
President of the Senate

Approved March 13, 2014, 6:30 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2262 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 14, 2014

JAY INSLEE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
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
in the form of a bibliography, citation list, or similar list of sources. The categories in (c) of this subsection do not imply or infer any hierarchy or level of quality.

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

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

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

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

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

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

(A) Federal and state statutes;

(B) Court and hearings board decisions;

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

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

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

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

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

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

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

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

(4) This section is not intended to affect agency action regarding
individual permitting, compliance and enforcement decisions, or
guidance provided by an agency to a local government on a case-by-case
basis.

Passed by the House February 12, 2014.
Passed by the Senate March 4, 2014.
Approved by the Governor March 13, 2014.
Filed in Office of Secretary of State March 14, 2014.