

SENATE BILL REPORT

HB 1113

As of March 14, 2013

Title: An act relating to standards for the use of science to support public policy.

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

Sponsors: Representatives Short, Upthegrove, Springer, Pollet, Taylor, Smith, Fagan, Dahlquist and Fey.

Brief History: Passed House: 2/22/13, 96-0.

Committee Activity: Energy, Environment & Telecommunications: 3/14/13.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Staff: Jan Odano (786-7486)

Background: Under the Administrative Procedures Act, a significant legislative rule is defined as a rule that adopts a substantive provision of law, the violation of which results in a penalty or sanction; establishes or revises permit or license requirements; or results in a significant change to a policy or regulatory program. When developing significant legislative rules, certain agencies must determine the costs and benefits; the least burdensome alternatives; coordinate regulations with the requirements of state and federal law; and develop an implementation, evaluation, and education plan.

The Public Records Act requires agencies to make documents available for public inspection and copying including adopted policies and interpretative statements, administrative staff manuals and instructions that affect the public, planning policies, and goals; and factual staff and consultant reports and studies, scientific reports, and correspondence relating to any regulatory responsibilities of the agency. Agencies must maintain an index of these documents. An agency may rely on, cite as precedent, or invoke a public record that is indexed and available to the public; or when affected parties have been notified in a timely manner.

The Department of Ecology (Ecology) is organized into ten environmental management programs. The Shorelands and Environmental Assistance Program, in part, assists with state and local responsibilities for administering the state Water Pollution Control Act and the Shoreline Management Act. In addition, the program activities include providing assistance to communities with watershed planning, floods and floodplain management, the State

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Environmental Policy Act, the Padilla Bay National Estuarine Research Reserve, and the Washington Conservation Corps.

Ecology's Water Quality Program addresses ground and surface water quality, non-point pollution, permitting of point source pollution, stormwater, wastewater treatment, and water quality assessment. This program is responsible for implementing state and federal water pollution control laws. Wastewater permits specify discharge limits, conditions, and requirements. The Water Quality Program duties also include administration of water quality grants and loans, aquatic plant management, and water quality assessment.

Summary of Bill: Before taking a significant agency action within its Water Quality or Shorelands and Environmental Assistance programs, Ecology must identify peer-reviewed science, scientific literature, and other sources relied upon for preparing a significant agency action. Ecology must make available on its website the index of records, as required by the Public Records Act, of public records invoked or relied upon in support of a proposed significant agency action.

The term significant agency action is defined as an act of Ecology that results in the development of a significant legislative rule, technical guidance, assessments, or documents used to implement a state rule or statute.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a great step forward to provide the public with the ability to see the science behind agency decisions. It makes the process more transparent and easier for people to find information. It is an important step with assisting the government in its credibility with voters.

Persons Testifying: PRO: Representative Short, prime sponsor; Jack Field, WA Cattlemen's Assn.; Mark Johnson, WA Retail Assn.; Robert Duff, Ecology; John Stuhlmiller, WA Farm Bureau.