

HOUSE BILL REPORT

SSB 5645

As Passed Legislature

Title: An act relating to liability of handlers of low-level radioactive waste.

Brief Description: Changing liability of handlers of low-level waste.

Sponsor(s): Senate Committee on Energy & Utilities
(originally sponsored by Senators Thorsness and Williams).

Brief History:

Reported by House Committee on:
Energy & Utilities, March 28, 1991, DP;
Passed House, April 11, 1991, 93-0;
Passed Legislature, 93-0.

**HOUSE COMMITTEE ON
ENERGY & UTILITIES**

Majority Report: *Do pass.* Signed by 11 members:
Representatives Grant, Chair; H. Myers, Vice Chair; May,
Ranking Minority Member; Hochstatter, Assistant Ranking
Minority Member; Bray; Casada; Cooper; R. Fisher; Jacobsen;
Miller; and Rayburn.

Staff: Fred Adair (786-7113).

Background: The Department of Ecology requires an annual permit from persons who dispose of low-level radioactive waste at the site at Hanford. The Department of Health licenses holders of radioactive materials, such as hospitals, industrial radiographers, and manufacturers. The Utilities and Transportation Commission and the State Patrol regulate the transportation of materials on the state's highways.

The 1986 legislation required permittees and licensees to bear the risk of potential injury or damage from accidents involving the release of radioactive materials by holding the State harmless from injury or damage and maintaining liability insurance as determined by the Department of Ecology. Applicants for licenses or permits must demonstrate compliance. The departments must suspend licenses or permits of those who do not comply with insurance requirements.

Subsequently, the Department of Ecology recommended that no separate insurance be required because existing general liability was adequate, insurance was otherwise required, insurance was either unavailable or too costly, or the risk of harm was not significant enough to require insurance.

Accordingly, insurance requirements were made permissive, based on each agency's judgment as to the need. The departments of Ecology and Health were given separate and parallel authority to adopt insurance requirements, to exempt categories of licensees and permittees, and were directed to report to the Legislature by December, 1990, on methods by which licensees and permittees who are otherwise unable to obtain liability coverage may obtain such coverage. Difficulties were indicated in the report.

Summary of Bill: A task force on low-level radioactive materials is created consisting of the departments of General Administration as lead agency, Ecology and Health, the Utilities and Transportation Commission, the Office of Financial Management, and the State Patrol. The task force shall use a working group representing all involved in the handling of radioactive materials.

The task force shall report by December 15, 1991, to the Energy and Utilities committees on its findings and recommendations on liability insurance for licensees and permittees. The report shall include risks to the state, desirable modifications to current law, availability and cost of liability insurance, other assurance possibilities, and current and prospective federal requirements.

Fiscal Note: Available.

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

Testimony For: Radioactive materials handlers now face confusing insurance requirements and uncertain liability. The intent of the bill to resolve these matters is strongly supported.

Testimony Against: None.

Witnesses: Jeff Mero, Washington State Hospital Association.