
Commerce & Labor Committee

SSB 5698

Brief Description: Regulating soil and wetland science professions.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Kohl-Welles and Delvin).

Brief Summary of Substitute Bill

- Establishes a state certification for soil and wetland scientists.
- Makes it unlawful for a person to assume the title "soil scientist" or "wetland scientist" or a similar title without a state certification.

Hearing Date: 3/24/09

Staff: Kate Moeur White (786-5793) and Joan Elgee (786-7106)

Background:

A soil scientist studies the upper few meters of the earth's crust in terms of its physical and chemical properties; distribution, genesis, and morphology; and biological components. Soil science is the science dealing with soils as a natural resource on the surface of the earth, including soil formation, classification, and mapping; physical, chemical, biological, and fertility properties of soils; and these properties in relation to the use and management of the soils.

A wetlands scientist studies primarily the upper meter of the earth's surface in terms of its physical and hydrological properties. To be considered a wetland, an undisturbed area must have wetland hydrology, wetland vegetation, and wetland soils. One task of a wetland scientist is often to determine where a wetland begins and ends.

There are currently no state requirements for soil or wetland scientists. However, there are nationally recognized organizations that administer certification programs for both soil and wetland scientists.

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.

The Soil Science Society of America (SSSA) has established two professional levels of soil scientists. To be certified as an Associate Professional Soil Scientist through the SSSA, an individual is required to: have a bachelor's degree in soil science or a closely related field, have passed the Fundamentals of Soil Science Exam, and subscribe to the Code of Ethics. To be certified as a Professional Soil Scientist through the SSSA, an individual is required to, in addition to meeting the requirements for an Associate Certificate: have passed the Professional Practice Examination, have a minimum of five years work experience in the field for those with a bachelor's degree, and have a minimum of three years work experience in the field for those with a Ph.D. or master's degree.

For wetland scientist certification, the Society of Wetlands Scientists has also established two levels of membership. To be certified as a Wetland Professional in Training (WPIT), an individual is required to: have a bachelor's degree that involved the completion of specific course work, competency based on verifiable educational achievement, provide statements in favor of the applicant's membership from five references, and provide acknowledgment of the Code of Ethics. To be certified as a Professional Wetland Scientist, in addition to meeting the requirements for a WPIT Certificate, an individual must have: an additional 15 semester hours of wetland course work, a minimum of five years field experience, and competency based on verifiable work experience.

In 2007 the Legislature requested that the Department of Licensing (DOL) conduct a sunrise review of soil and wetland scientists. In its sunrise review report, issued in January of 2008, the DOL recommended that the Legislature pursue a title act of voluntary certification for soil and wetland scientists in Washington.

Summary of Bill:

It is unlawful for a person to use, assume, or advertise the title soil scientist, soil classifier, wetland scientist, wetland delineator, wetland biologist, wetland ecologist, or a title conveying the impression that the person is a state-certified soil or wetland scientist unless that person has received the appropriate certification.

The Director of the Department of Licensing (Director) may: adopt fees, adopt rules, establish the minimum qualifications for applicants for certification, adopt standards of professional conduct and practice, and take disciplinary action for violations. The Director must require certificate holders to obtain continuing education or professional development and must establish certificate renewal dates and fees. The Director may require certificate holders to demonstrate maintenance of knowledge and skills as a condition of certificate renewal.

To become a certified soil scientist, an applicant must be a certified professional soil scientist or a certified professional soil classifier through the Soil Science Society of America, or must be a registered professional soil scientist through the National Society of Consulting Soil Scientists or other similar organization established by the Director in consultation with the advisory committee.

To become a certified wetland scientist, an applicant must be a certified professional wetland scientist through the Society of Wetland Scientists Professional Certification Program or other similar organization established by the Director in consultation with the advisory committee.

The application fee for initial certification must be determined by the Director and must be in an amount so that the costs of certification are fully borne by the soil scientists and wetland scientists. Fees for initial certification are nonrefundable.

The issuance and denial of certificates is governed by the Uniform Regulation of Business and Professions Act. Additional conduct, acts, and conditions constitute "unprofessional conduct."

Rules Authority: The bill contains provisions addressing the rule-making authority of the Department of Licensing.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except sections 3, 4, 8 through 10, and 13 through 17, which take effect July 1, 2011.