
ENGROSSED SUBSTITUTE HOUSE BILL 2335

State of Washington

62nd Legislature

2012 Regular Session

By House Environment (originally sponsored by Representatives Short, Upthegrove, and Springer)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to standards for the use of science to support
2 public policy; adding a new section to chapter 34.05 RCW; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is
6 critically important that scientific information used to inform public
7 policy be of the highest quality and integrity. Furthermore, the
8 legislature recognizes that public benefit is derived from greater
9 transparency as to what scientific information, data, or records are
10 being used to inform public policy or relied upon in agency decision
11 making.

12 (2) Furthermore, the legislature finds that the state of Washington
13 has not previously adopted a uniform standard for the use of
14 independent peer review by qualified experts, even though the generally
15 accepted approach in the scientific community towards ensuring the
16 quality and integrity of scientific information is the conduct of
17 independent peer review by qualified experts.

18 (3) Therefore, in order to help ensure that agencies routinely use
19 scientifically credible information in conducting their policy-making

1 functions, it is the intent of the legislature to have those sources of
2 scientific information reviewed and relied upon by agencies be
3 identified in a clear and transparent way.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05 RCW
5 to read as follows:

6 (1) Before taking a significant agency action, the department of
7 fish and wildlife and the department of ecology must identify the
8 sources of information reviewed and relied upon by the agency in the
9 course of preparing to take significant agency action. Peer-reviewed
10 literature, if applicable, must be identified, as well as any
11 scientific literature or other sources of information used. The
12 department of fish and wildlife and the department of ecology shall
13 make available on the agency's web site the index of records required
14 under RCW 42.56.070(6) that are relied upon, or invoked, in support of
15 a proposal for significant agency action. Any records relied upon or
16 invoked by the agency in the development of a significant agency action
17 must be made available at the outset of any comment period.

18 (2) As used in this section, the following terms have the following
19 meaning:

20 (a) "Peer-reviewed literature" means information developed using a
21 scientific method for which the following factors are true:

22 (i) The scientific information is provided by a qualified,
23 scientific professional or professionals with issue-appropriate
24 expertise based on the professional's credentials, certifications,
25 earned advanced degrees, years of experience, recognized leadership in
26 an appropriate scholarly area, formal training, and recognized ability
27 to produce peer-reviewed professional literature;

28 (ii) The scientific information has been subjected to independent
29 peer review by reviewers who are qualified and are independent with no
30 conflict of interest. Independent peer review may be performed by
31 reputable scientific journals, scholarly organizations such as the
32 national academies, commissioned by the relevant agency, or
33 commissioned by qualified entities whose interests will be affected by
34 the action;

35 (iii) The methods used to obtain the information are clearly
36 stated, standardized for the pertinent scientific discipline, and are
37 able to be replicated;

1 (iv) The conclusions underlying the information are based on
2 reasonable and logical assumptions supported by other studies and
3 consistent with the data presented;

4 (v) The data underlying the information have been analyzed using
5 the appropriate statistical or quantitative methods;

6 (vi) The information has been placed in a proper context and is
7 appropriately framed with respect to the prevailing body of pertinent
8 scientific knowledge; and

9 (vii) The information is based on assumptions, analytical
10 techniques, and conclusions that are clearly stated and well-referenced
11 with citations to credible literature and other pertinent existing
12 information.

13 (b) "Significant agency action" means an act of the department of
14 fish and wildlife or the department of ecology that:

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

17 (ii) Results in the development of policies, guidelines, or
18 guidance documents that are designed to be used to implement a rule or
19 statute.

--- END ---