HOUSE BILL REPORT
HB 1018

As Passed House:
February 6, 2025

Title: An act relating to adding fusion energy to facilities that may obtain site certification for the purposes of chapter 80.50 RCW.

Brief Description: Adding fusion energy to facilities that may obtain site certification for the purposes of chapter 80.50 RCW.

Sponsors: Representatives Shavers, Ryu, Barnard, Reed, Fitzgibbon, Leavitt, Bronoske, Tharinger, Gregerson, Peterson and Wylie; by request of Energy Facility Site Evaluation Council.

Brief History:
Committee Activity:
Environment & Energy: 1/20/25, 1/27/25 [DP].
Floor Activity:
Passed House: 2/6/25, 95-1.

Brief Summary of Bill

- Allows fusion energy facilities to use the Energy Facility Site Evaluation Council (EFSEC) certification process.
- Specifies that the type of nuclear power facilities that must use the EFSEC certification process are fission nuclear power facilities.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass. Signed by 20 members: Representatives Doglio, Chair; Hunt, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abbarno, Abell, Barnard, Berry, Duerr, Fey, Kloba, Ley, Mena, Mendoza, Ramel, Stearns, Street, Stuebe, Wylie and Ybarra.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Srinandan Ramachandran (786-7291) and Megan McPhaden (786-7114).

Background:

The Energy Facility Site Evaluation Council (EFSEC) was established to provide a single siting process for major energy facilities located in the state. The EFSEC coordinates evaluation and licensing steps for siting certain energy facilities, as well as specifies the conditions of construction and operation. During the siting process, the EFSEC evaluates proposed locations for energy facilities by reviewing environmental impacts, land-use compliance, and public input through hearings and studies.

The EFSEC site certification process includes processing and review of applications, public hearings, environmental review, and the EFSEC's final recommendation to the Governor. Upon receiving an application, the EFSEC must notify local legislative authorities, the Department of Archaeology and Historical Preservation (DAHP), and any federally recognized tribal governments that may be affected by the proposed facility. The public hearings include an initial hearing held within 60 days of an application submission to inform the public and gather testimony, a land use consistency hearing to assess alignment with local plans, and additional hearings. After review, the EFSEC must report to the Governor its recommendations as to the approval or rejection of an application for certification within 12 months of receipt by the council of an application deemed complete by the director, or such later time as is mutually agreed by the council and the applicant. The site certification agreement, once approved by the Governor, includes the conditions the applicant must meet during construction and while operating the facility. This site certification is issued instead of any other individual state or local agency permits.

The EFSEC certification is required for nuclear and large thermal power plants, facilities with the capacity to handle over 100 million cubic feet of natural gas or 50,000 barrels of petroleum daily via marine transport, underground natural gas reservoirs capable of delivering over 100 million cubic feet daily, petroleum or biofuel processing facilities capable of processing more than 25,000 barrels per day, and certain transmission pipelines for petroleum or natural gas that are at least 15 miles long.

Facilities that can opt in to receive the EFSEC certification include smaller biofuel producers, alternative energy facilities like wind and solar, high-voltage transmission lines crossing a jurisdiction that has promulgated land use plans or zoning ordinances, clean energy product manufacturing facilities, and storage facilities.

Washington has an agreement with the federal Nuclear Regulatory Commission to authorize the Department of Health (DOH) to license and regulate radioactive material. All fusion energy machines, which are the energy generating devices in a fusion energy facility, are required to be licensed and registered directly with DOH during the research and development phase.

In 2024 the EFSEC was tasked to collaborate with the DOH to form a workgroup examining fusion energy. The fusion workgroup recommended distinguishing between fusion and fission by amending state law and to give fusion energy facilities the choice of one of three pathways for siting and permitting: (1) a local government-led process; (2) the Department of Ecology's coordinated clean energy permit process; or (3) opting into the current EFSEC process.

Summary of Bill:

Fusion facilities are allowed to opt into the EFSEC certification process, but must also secure required licenses and registrations, or equivalent authorizations, for radiation control purposes from designated state or federal agencies. Additionally, the definition of nuclear power facilities is narrowed to include only fission plants.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is in response to the recommendations from the work group with the Energy Facility Site Evaluation Council (EFSEC) and the Department of Health (DOH), established by HB 1924. The current EFSEC statute does not distinguish between fission and fusion, and if this bill is passed, fusion facilities will have the freedom to choose a certification pathway. Fusion is an exciting new technology that can provide clean and cheap power. This bill is an opportunity for Washington to position itself as a global energy leader and attract investment and jobs.

(Opposed) None.

(Other) The following bill was made in response to HB 1924, which led to a workgroup partnership between the EFSEC and the DOH. This bill is a technical adjustment aimed at clearing a regulatory pathway for fusion, and it aligns with the workgroup's recommendations. The law distinguishes between fusion and fission and provides legal clarity to support an emerging industry. The DOH is committed to providing options to the fusion industry.

Persons Testifying: (In support) Representative Clyde Shavers, prime sponsor; Sonia Bumpus, Energy Facility Site Evaluation Council; Isaac Kastama, Clean & Prosperous Washington; and Tom Bugert, Helion Energy.

(Other) Jill Wood, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: None.