
SUBSTITUTE SENATE BILL 5060

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Owen, Talmadge, Snyder, Gaspard, A. Smith and Conner).

Read first time February 4, 1991.

1 AN ACT Relating to environmental policy; creating new sections;
2 making an appropriation; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS AND PURPOSE. (1) The
5 legislature makes the following findings:

6 (a) The Washington environment 2010 project identified several
7 priority environmental threats that must be addressed to maintain and
8 improve the state's environmental quality over the next twenty years;

9 (b) The action agenda of the 2010 project noted that the
10 traditional methods of environmental regulation, commonly described as
11 the "command and control" approach of pollutant source regulation, is
12 unlikely to be adequate to address the magnitude and nature of
13 environmental problems facing the state in the future;

14 (c) New environmental quality strategies such as pollution
15 prevention, consumer education, market incentives to pollutant

1 discharge reduction, and comprehensive cross-media regulation hold
2 great promise to achieve equal or greater environmental protection as
3 traditional strategies at comparable or reduced societal costs;

4 (d) However, these new strategies are limited by several factors,
5 such as the frequent inability to compete for limited public funds
6 against programs employing traditional strategies, many of which are
7 protected by dedicated sources of funding;

8 (e) An additional limitation is the delegation of administration of
9 federal environmental programs to the state for which adherence to the
10 traditional "command and control" strategies is a condition of
11 maintaining the delegated authority;

12 (f) Moreover, there is often a great disparity of funding among the
13 existing regulatory programs when compared with the potential benefits
14 to protection of the public health and the environment of each program,
15 resulting in part from the lack of a comprehensive development of
16 environmental policies over the past twenty years and more;

17 (g) The availability of public funds for environmental protection
18 will continue to be less than overall needs for the foreseeable future,
19 as is the case with virtually all governmental programs, and therefore
20 it is vitally important that existing fiscal resources be devoted to
21 those environmental issues posing the greatest risks to the state;

22 (h) The 2010 project found that many environmental threats are the
23 cumulative effect of many actions of individuals that considered in
24 isolation would appear to have minimal environmental impact, and
25 therefore environmental quality strategies should be directed at these
26 actions of all Washington citizens, through a variety of approaches
27 including education, regulation, and the allocation of responsibility
28 for funding programs to address environmental quality problems.

29 (2) The legislative purpose of this act is:

1 (a) To use the information learned in the Washington 2010 project
2 in an analysis of existing state environmental programs and the ability
3 of such programs to address Washington's future environmental quality
4 problems;

5 (b) To develop new environmental strategies that will achieve
6 greater environmental protection within existing fiscal constraints;

7 (c) To assess the allocation of existing fiscal resources for
8 environmental programs in light of the relative magnitude of
9 environmental threats addressed by such programs, and to take action
10 through budgetary and other processes to apply relatively greater
11 fiscal resources to those problems presenting greater threats; and

12 (d) To improve environmental monitoring and data management for use
13 in administering environmental programs and in making policy decisions,
14 and to determine environmental trends in the state over time.

15 NEW SECTION. **Sec. 2.** COMMISSION ON ENVIRONMENTAL STRATEGIES
16 CREATED. There is created the commission on environmental strategies.
17 The commission shall be comprised of five members appointed as follows:
18 (1) One member appointed by the legislative leader of each major
19 political caucus in the senate and house of representatives; and (2) a
20 chair appointed by the four members appointed under subsection (1) of
21 this section. The members should represent a balance of interests and
22 perspectives on the committee, including those of the general public,
23 environment, business, agriculture, and government. A representative
24 of the United States environmental protection agency shall be invited
25 to participate on the commission as a nonvoting member.

26 The commission may establish subcommittees for the performance of
27 any of its duties, provided that the full commission take action on any
28 final findings or recommendations of the commission. The department of

1 ecology shall provide necessary staff and facilities to the commission
2 in the performance of its duties under this act.

3 NEW SECTION. **Sec. 3.** COMMISSION DUTIES. The commission shall:

4 (1) Review existing environmental programs in the state of
5 Washington, to assess the capability of the regulatory and other
6 methods employed by such programs to address Washington's environmental
7 problems over the next twenty years;

8 (2) Review and make recommendations regarding alternative methods
9 to achieve comparable or greater environmental protection per unit of
10 fiscal resources. Some examples include:

11 (a) Market incentives, such as marketable permits or auctions of
12 emission allowances;

13 (b) Integrated permits;

14 (c) Expansion of bubble and offset policies;

15 (d) Pollution prevention programs;

16 (e) Public education; and

17 (f) Reduced permit requirements for closed-loop industrial
18 processes;

19 (3) Review the relative risk reduction among environmental programs
20 in comparison with relative levels of fiscal resources committed to
21 such programs, and make recommendations regarding budgetary proposals
22 to achieve greater risk reduction and environmental protection;

23 (4) Review the relationships between federal and state programs
24 addressing the same or similar environmental problems, and make
25 recommendations to avoid duplicative or inconsistent regulatory
26 requirements and to achieve greater efficiencies in public fiscal
27 resources;

28 (5) Analyze existing proposals for environmental trust funds
29 proposed at the federal level and in other states, as well as by the

1 private sector, and make recommendations regarding the creation of such
2 a fund for the purpose of providing a comprehensive funding mechanism
3 for environmental quality problems in this state;

4 (6) Review existing environmental monitoring and data management
5 programs and make recommendations regarding improvements to achieve
6 comprehensive assessments of environmental quality and to establish
7 information on environmental trends over time.

8 NEW SECTION. **Sec. 4.** (1) The commission shall meet as frequently
9 as is necessary to successfully carry out its duties. Meetings shall
10 be called by the chair, except that a meeting may be called at any time
11 upon request to the chair of three or more members of the commission.

12 (2) The commission shall seek comments from the public in
13 conducting its reviews and in developing its findings and
14 recommendations.

15 NEW SECTION. **Sec. 5.** The commission may enter contracts for the
16 performance of work necessary to assist the commission in its duties
17 under this act.

18 NEW SECTION. **Sec. 6.** All state agencies shall cooperate with the
19 commission in performing its duties by providing information regarding
20 environmental programs that is requested by the commission.

21 NEW SECTION. **Sec. 7.** (1) The findings and recommendations of the
22 commission shall be provided to the governor and the standing
23 environmental committees of the legislature periodically as they are
24 completed by the commission.

25 (2) Notwithstanding subsection (1) of this section, all findings
26 and recommendations of the commission regarding its duties under

1 section 3 of this act shall be forwarded to the governor and the
2 standing environmental committees of the legislature no later than
3 December 15, 1992.

4 NEW SECTION. **Sec. 8.** Two hundred thousand dollars or as much
5 thereof as may be necessary, is appropriated to the department of
6 ecology from the general fund for the biennium ending June 30, 1993,
7 for the purposes of this act.

8 NEW SECTION. **Sec. 9.** Sections 1 through 7 of this act and the
9 commission on environmental strategies shall expire June 30, 1993.