

SENATE BILL 5060

State of Washington

52nd Legislature

1991 Regular Session

By Senators Metcalf, Owen, Talmadge, Snyder, Gaspard, A. Smith and Conner.

Read first time January 17, 1991. Referred to Committee on Environment & Natural Resources.

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;

1 (c) New environmental quality strategies such as pollution
2 prevention, consumer education, market incentives to pollutant
3 discharge reduction, and comprehensive cross-media regulation hold
4 great promise to achieve equal or greater environmental protection as
5 traditional strategies at comparable or reduced societal costs;

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

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

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 2.** COMMISSION ON ENVIRONMENTAL POLICY

18 CREATED. (1) There is created the commission on environmental policy.
19 The commission shall be comprised of at least five members appointed by
20 the governor. In making the appointments, the governor shall seek
21 persons having experience and expertise in environmental policy
22 development, and shall further seek a balance of interests and
23 perspectives on the committee, including those of the general public,
24 environment, business, agriculture, and government. A representative
25 of the United States environmental protection agency shall be invited
26 to participate on the commission as a nonvoting member.

27 (2) The director of the department of ecology shall serve as the
28 chair of the commission.

1 (3) The commission may establish subcommittees for the performance
2 of any of its duties, provided that the full commission take action on
3 any final findings or recommendations of the commission.

4 (4) The department of ecology shall provide necessary staff and
5 facilities to the commission in the performance of its duties under
6 this act.

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

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

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

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

17 (b) Integrated permits;

18 (c) Expansion of bubble and offset policies;

19 (d) Pollution prevention programs;

20 (e) Public education; and

21 (f) Reduced permit requirements for closed-loop industrial
22 processes;

23 (3) Review the relative risk reduction among environmental
24 programs in comparison with relative levels of fiscal resources
25 committed to such programs, and make recommendations regarding
26 budgetary proposals to achieve greater risk reduction and environmental
27 protection;

28 (4) Review the relationships between federal and state programs
29 addressing the same or similar environmental problems, and make

1 recommendations to avoid duplicative or inconsistent regulatory
2 requirements and to achieve greater efficiencies in public fiscal
3 resources;

4 (5) Analyze existing proposals for environmental trust funds
5 proposed at the federal level and in other states, as well as by the
6 private sector, and make recommendations regarding the creation of such
7 a fund for the purpose of providing a comprehensive funding mechanism
8 for environmental quality problems in this state;

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

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

18 (2) The commission shall seek comments from the public in
19 conducting its reviews and in developing its findings and
20 recommendations.

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

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

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

5 (2) Notwithstanding subsection (1) of this section, all findings
6 and recommendations of the commission regarding its duties under
7 section 3 of this act shall be forwarded to the governor and the
8 standing environmental committees of the legislature no later than
9 December 15, 1992.

10 NEW SECTION. **Sec. 8.** dollars or as much
11 thereof as may be necessary, is appropriated to the department of
12 ecology from the general fund for the biennium ending June 30, 1993,
13 for the purposes of this act.

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