
SUBSTITUTE SENATE BILL 6036

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Rasmussen, L. Smith and Oke)

Read first time 02/06/92.

1 AN ACT Relating to environmental strategies; adding a new chapter
2 to Title 43 RCW; creating new sections; and providing an expiration
3 date.

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

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

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

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

1 (c) New environmental quality strategies including pollution
2 prevention, consumer education, market incentives for 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, implementing these new strategies has been limited by
7 lack of environmental quality data to assist in evaluating their
8 success and they are often forced to compete for limited public funds
9 already devoted to programs employing traditional strategies;

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 environmental protection programs when compared with the
16 potential benefits to protection of the public health and the
17 environment of each program, resulting in part from the lack of a
18 comprehensive development of environmental policies over the past
19 twenty years and more;

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

25 (h) The environment 2010 project found that many environmental
26 threats are the cumulative effect of many actions of individuals that
27 considered in isolation would appear to have minimal environmental
28 impact, and therefore new environmental quality strategies should be
29 particularly directed at these diverse sources of environmental
30 degradation.

1 (2) The purpose of this chapter is:

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

6 (b) To develop new environmental strategies that will achieve
7 greater environmental protection with greater efficiency in fiscal
8 resources, both public and private;

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

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

18 NEW SECTION. **Sec. 2.** COMMISSION ON ENVIRONMENTAL STRATEGIES
19 CREATED. (1) There is created a temporary commission to be known as
20 the commission on environmental strategies.

21 (2) The commission shall consist of twelve members as follows:

22 (a) Four members appointed by the governor as representatives of
23 business and industry, agriculture, local government, and environmental
24 organizations;

25 (b) Four members appointed jointly by the president of the senate
26 and the speaker of the house of representatives as representatives of
27 business and industry, agriculture, local government, and environmental
28 organizations; and

1 (c) One representative from each of the four legislative caucuses
2 to be appointed by the president of the senate and the speaker of the
3 house of representatives.

4 (3) The appointments made under subsection (2) of this section
5 should reflect a balance of interests and a balance of geographical
6 representation across the state. In making the appointments there
7 should be consideration of the interests of small business, landowners,
8 and citizens' organizations for ecological protection as well as
9 protection of human health.

10 (4) The chair and vice-chair shall be selected by the commission at
11 its first meeting, which shall be called by the governor within sixty
12 days of the effective date of this act.

13 (5) A representative of the governor's office and the department of
14 ecology or their designee shall serve as nonvoting members of the
15 commission. A representative of the United States environmental
16 protection agency shall also be invited to serve on the commission as
17 a nonvoting member. The governor's office representative shall provide
18 for the participation of representatives of other state agencies as
19 nonvoting members whenever the commission considers programs or
20 subjects related to those agencies.

21 (6) The commission may create such subcommittees and advisory
22 bodies for technical, fiscal, or other expertise as will facilitate the
23 commission's performance of its duties.

24 NEW SECTION. **Sec. 3.** COMMISSION DUTIES. The commission shall
25 develop recommendations for legislative and executive consideration and
26 implementation that will:

27 (1) Increase the reliance upon environmental strategies that
28 emphasize market incentives, pollution prevention, public education,
29 and technical assistance;

1 (2) Reduce inefficiency, duplication, and inconsistency in program
2 implementation by local, state, and federal agencies;

3 (3) Improve the relationship of the state's environmental and
4 growth management programs to achieve mutually reinforcing goals and
5 objectives;

6 (4) Ensure that the relative priority of environmental threats to
7 the state is a central consideration in the development of state
8 operating and capital budgets for environmental programs;

9 (5) Achieve a uniform, consistent, and high-quality assessment of
10 the state's environmental quality and management of the data relating
11 to environmental quality, and establish a system to assess state-wide
12 environmental trends over time to assist in developing policies and
13 budgets; and

14 (6) Reduce or eliminate environmental programs or activities that
15 do not provide a substantial contribution to maintaining the state's
16 environmental quality.

17 NEW SECTION. **Sec. 4.** RELIANCE UPON ALTERNATIVE ENVIRONMENTAL
18 STRATEGIES. (1) In conducting its duties relating to increasing
19 reliance upon alternative environmental strategies, the commission
20 shall review existing environmental programs in the state of
21 Washington, to assess their capability to address the environmental
22 threats anticipated in the state over the next twenty years as
23 identified in existing reports such as the environment 2010 report.
24 The commission shall further review and make specific recommendations
25 for legislative and administrative action to implement supplemental
26 methods to improve environmental protection in a cost-efficient manner,
27 considering both public and private costs. Examples which the
28 commission may consider include, but are not limited to:

1 (a) Market incentives, such as marketable permits, effluent
2 charges, and auctions of emission allowances;

3 (b) Consolidated permits that integrate two or more existing permit
4 requirements for a single land use or activity, including the
5 effectiveness of existing procedures under chapter 90.62 RCW;

6 (c) Expansion of bubble and offset policies where allowed in
7 existing programs, and extension of such policies to other programs;

8 (d) Pollution prevention programs;

9 (e) Increased public and consumer education to achieve voluntary
10 actions where cumulative impacts of numerous activities make
11 traditional regulatory methods not practical;

12 (f) Reduced permit requirements for closed-loop industrial
13 processes;

14 (g) Greater reliance upon technical assistance to regulated
15 entities to achieve compliance with reduced reliance upon enforcement.

16 (2) Where the commission determines that a pilot project may be
17 implemented without further legislative action, the commission may
18 recommend the project to the appropriate state agency director.

19 (3) In conducting its review under this section the commission
20 shall identify obstacles to implementing recommended alternative
21 environmental strategies due to federal law constraints, and shall make
22 recommendations on methods to obtain necessary federal approvals to
23 remove the obstacles.

24 NEW SECTION. **Sec. 5.** BUDGETS AND FUNDING FOR ENVIRONMENTAL
25 PROGRAMS. (1) The commission shall review the relative risk of those
26 environmental threats addressed by existing state programs, and compare
27 this risk with the relative levels of fiscal resources committed in the
28 operating and capital budgets of the programs. In determining the
29 relative risk the commission may rely upon existing reports such as

1 those prepared under the Washington environment 2010 project and other
2 reports prepared by the department of ecology and the United States
3 environmental protection agency. The commission shall make
4 recommendations on existing and future budgetary levels to achieve
5 greater total risk reduction when considering all environmental threats
6 addressed by state programs.

7 (2) The commission shall also review and make recommendations
8 for changes in budget development procedures within state agencies and
9 the office of financial management to achieve greater consistency of
10 budgetary levels with the relative risk from environmental threats.
11 For this purpose the commission shall review the restrictions within
12 existing dedicated fund sources for environmental programs and make
13 recommendations for changes to such funds for greater flexibility to
14 address the most significant environmental threats.

15 (3) The commission shall analyze proposals for environmental trust
16 funds and make recommendations regarding the creation of such a fund or
17 funds for the purpose of providing comprehensive mechanisms to better
18 address environmental threats as they change over time.

19 NEW SECTION. **Sec. 6.** REVIEW OF FEDERALLY DELEGATED PROGRAMS. The
20 commission shall review those environmental programs administered by
21 the state of Washington under delegation from the federal government
22 and make recommendations to improve intergovernmental coordination,
23 reduce duplicative administration, and increase federal financial
24 assistance for program administration.

25 NEW SECTION. **Sec. 7.** ONGOING REVIEW OF ENVIRONMENTAL PROGRAMS.
26 (1) The commission shall review and make recommendations on instituting
27 a process of ongoing review by the legislature and the executive branch
28 of environmental quality programs. The purpose of such review should

1 be to ensure that state and local programs effectively address the
2 state's environmental quality threats into the future and that
3 ineffective or duplicative programs be modified or subject to sunset
4 review.

5 NEW SECTION. **Sec. 8.** RELATIONSHIP OF ENVIRONMENTAL QUALITY AND
6 GROWTH MANAGEMENT PROGRAMS. (1) The commission shall review the
7 state's environmental quality and growth management programs and make
8 recommendations to ensure that they achieve mutually reinforcing goals
9 and objectives and to reduce inconsistent requirements for land uses
10 and other activities subject to both.

11 (2) As part of the review required by this section the commission
12 shall make specific recommendations to achieve the consistent operation
13 of the shoreline management act under chapter 90.58 RCW and the growth
14 management act, and reduce duplicative requirements under those acts.

15 NEW SECTION. **Sec. 9.** ENVIRONMENTAL STATISTICS AND TRENDS. The
16 commission shall review existing programs for the collection,
17 maintenance, and dissemination of environmental quality data, and shall
18 make recommendations for the creation of a single, state-wide,
19 geographically based system for the maintenance of environmental
20 quality data, statistics, and trends. The program should be designed
21 to be administered by a single authority responsible for maintaining
22 environmental quality information based upon raw monitoring and other
23 data collected by other entities. The commission shall make
24 recommendations on methodologies to establish and maintain trend
25 analyses for environmental parameters that will be useful for program
26 administration, policy development, environmental budgeting, and will
27 be accessible by and understandable to the public. The recommended
28 program should ensure high quality and objective data and analyses.

1 NEW SECTION. **Sec. 10.** COMMISSION WORKPLAN. By December 1, 1992,
2 the commission shall submit a workplan to the legislative standing
3 committees on the environment on carrying out the duties of this
4 chapter during the three-year period of the commission's existence.
5 The commission shall endeavor to set priorities under the workplan to
6 complete and submit reports requiring legislative action to coincide
7 with the commencement of the regular sessions of the legislature.
8 Periodic reports of the commission's progress in completing the three-
9 year workplan shall be provided to the legislative standing committees
10 on the environment.

11 NEW SECTION. **Sec. 11.** COMPENSATION. Nonlegislative members of
12 the commission shall be reimbursed for travel expenses for attending
13 meetings of the commission or any commission subgroups as provided for
14 in RCW 43.03.050 and 43.03.060. Legislative members shall be
15 reimbursed for travel expenses for attending meetings of the commission
16 as provided for in RCW 44.04.120.

17 NEW SECTION. **Sec. 12.** STAFF. The office of financial management
18 and the legislature shall provide staff as required by the commission
19 to conduct its duties under this chapter. All agencies of state and
20 local government shall cooperate fully with the commission in carrying
21 out its duties under this chapter, and to extent permitted by law shall
22 provide all information requested by the commission.

23 NEW SECTION. **Sec. 13.** The commission may receive and spend
24 gifts, grants, and endowments from private or nonstate sources to carry
25 out the purposes of this chapter.

1 NEW SECTION. **Sec. 14.** The commission may contract for such
2 services as are necessary to supplement the staff as provided in
3 section 13 of this act.

4 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
5 this act, referencing this act by bill number, is not provided by June
6 30, 1992, in the supplemental omnibus appropriations act, this act
7 shall be null and void.

8 NEW SECTION. **Sec. 16.** This act and the commission on
9 environmental strategies shall expire June 30, 1995.

10 NEW SECTION. **Sec. 17.** Captions used in this act do not
11 constitute part of the law.

12 NEW SECTION. **Sec. 18.** Sections 1 through 14, and 16 of this
13 act shall constitute a new chapter in Title 43 RCW.