
SUBSTITUTE SENATE BILL 5655

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Hale, Hargrove, West, Honeyford, T. Sheldon and Benton)

READ FIRST TIME 02/28/03.

1 AN ACT Relating to ensuring the consistent application of
2 principles of the regulatory reform act of 1995 to natural resource
3 agency rules, policies, and permits; adding a new section to chapter
4 43.21A RCW; adding a new section to chapter 77.04 RCW; creating a new
5 section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) The regulatory reform act of 1995 prohibits agency rules from
9 differing from existing federal standards unless a state statute
10 explicitly allows such a difference or substantial evidence shows that
11 different state rules are necessary;

12 (b) In spite of these provisions, natural resource agencies,
13 including the departments of ecology and fish and wildlife, continue to
14 develop and adopt state rules, guidelines, permit conditions, and
15 policies that substantially differ from those that have already been
16 adopted by federal agencies;

17 (c) Differing from existing federal requirements or policies
18 increases costs to state agencies and local governments, results in

1 burdensome and conflicting regulatory programs, and prevents Washington
2 state from being economically competitive in the national and global
3 economy;

4 (d) Natural resource agencies should give priority to assisting and
5 educating regulated entities and local governments in understanding and
6 complying with existing federal requirements or policies, rather than
7 creating different state standards; and

8 (e) The state must maintain the independence and flexibility to
9 differ from or exceed federal standards when necessary.

10 (2) Therefore, the legislature intends to ensure that state natural
11 resource agencies do not exceed existing federal requirements and
12 policies when implementing programs for which federal requirements or
13 policies exist, unless specifically directed by the legislature to do
14 so.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW
16 to read as follows:

17 Regulatory activities undertaken by the department shall not exceed
18 the standards required by federal law, regulations, or guidelines that
19 are applicable to the same activity or subject matter, unless the
20 legislature specifically directs the department to exceed the federal
21 standard. Regulatory activities covered by this section are those
22 implementing a federal law or regulation either delegated to the state
23 or specifically required by state law to be implemented by the
24 department including: Issuing any permit, condition, order, guideline,
25 or policy or interpretative statement; adopting any rule; or entering
26 into any agreement or contract to implement such regulatory actions.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.04 RCW
28 to read as follows:

29 Regulatory activities undertaken by the department shall not exceed
30 the standards required by federal law, regulations, or guidelines that
31 are applicable to the same activity or subject matter, unless the
32 legislature specifically directs the department to exceed the federal
33 standard. Regulatory activities covered by this section are those
34 implementing a federal law or regulation either delegated to the state
35 or specifically required by state law to be implemented by the

1 department including: Issuing any permit, condition, order, guideline,
2 or policy or interpretative statement; adopting any rule; or entering
3 into any agreement or contract to implement such regulatory actions.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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