

# SENATE BILL REPORT

## SB 5357

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As of February 4, 2005

**Title:** An act relating to hazardous or radioactive substances.

**Brief Description:** Allowing the transportation, manufacture, storage, and use of certain hazardous or radioactive materials in this state.

**Sponsors:** Senators Delvin, Hewitt, Stevens, Kline, Honeyford, Benson, Roach and Mulliken.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 2/1/05.

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Staff:** Richard Rodger (786-7461)

**Background:** Initiative 297, approved by the voters on November 2, 2004, prohibits additional mixed radioactive and hazardous waste from being brought to sites, such as the Hanford Nuclear Reservation, until the existing on-site waste conforms to all state and federal environment laws. New requirements were established for sites and facilities that handle mixed radioactive and hazardous waste. The initiative also increased grant funding to help the public and local governments evaluate permit, closure, and cleanup decisions, and to review funding priorities.

On December 1, 2004, the federal government filed a complaint in Federal District Court seeking to have the Initiative declared invalid as, among other grounds, it is discriminatory under the Commerce Clause, in violation of the Supremacy Clause, and because the United States has not waived sovereign immunity as it relates to the control of hazardous or solid waste. One of the arguments in the litigation states that the Initiative significantly restricts ongoing scientific research.

**Summary of Bill:** Clarifying language is added the statute concerning the handling and storage of mixed radioactive and hazardous wastes (Initiative 297). The chapter is not intended to adversely affect the transportation, manufacturing, storage, or use of any hazardous substance or radioactive materials necessary for medical research, medical treatment, or manufacturing or industrial processes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Local businesses in my district were given legal advice that their business would not be able to continue medical research using radioactive isotopes because of the federal government's possible interpretation of I-297. We need to clarify this Initiative to ensure businesses do not leave the state as the result of misinterpretation. The Department of Ecology believes the Initiative is clear, that "waste" refers to released or discarded materials, not materials necessary to conduct medical research; however, because this bill is consistent with the original intent of the Initiative we support it.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Jerome Delvin, prime sponsor; Mike Wilson, Department of Ecology.