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**Business & Financial Services Committee**

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**HB 1313**

**Brief Description:** Regulating soil science and wetland science professions.

**Sponsors:** Representatives Green, Sells, Reykdal, Morris and Kirby.

**Brief Summary of Bill**

- Establishes a state certification for soil scientists and wetland scientists.
- Makes it unlawful for a person to assume the title "soil scientist" or "wetland scientist" or a similar title without a state certification.

**Hearing Date:** 1/28/11

**Staff:** Jon Hedegard (786-7127).

**Background:**

A soil scientist studies the upper few meters of the earth's crust in terms of its physical and chemical properties; distribution, genesis, and morphology; and biological components. Soil science is the science dealing with soils as a natural resource on the surface of the earth, including soil formation, classification, and mapping; physical, chemical, biological, and fertility properties of soils; and these properties in relation to the use and management of the soils.

A wetlands scientist studies primarily the upper meter of the earth's surface in terms of its physical and hydrological properties. To be considered a wetland, an undisturbed area must have wetland hydrology, wetland vegetation, and wetland soils. One task of a wetland scientist is often to determine where a wetland begins and ends.

There are currently no state requirements for soil or wetland scientists.

In 2005 the Department of Licensing (DOL) was asked to perform a sunrise review of soil scientists. The DOL review recommended the regulation of soil scientists but did not specify the type of regulation. In 2007 the Legislature requested that the DOL conduct a sunrise review of

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soil and wetland scientists. In its sunrise review report, issued in January of 2008, the DOL recommended that the Legislature pursue a title act of voluntary certification for soil and wetland scientists in Washington.

### **Summary of Bill:**

It is unlawful for a person to use in connection with the person's name or otherwise assume or advertise the title state certified soil scientist or state certified wetland scientist unless the person has received the appropriate certification. This does not apply to use of the title of certified soil scientist or certified wetland scientist by:

- officers and employees of the United States;
- persons on manuscripts or reports resulting from research at an academic institution; and
- persons teaching soil science, wetland science, or related physical, or natural sciences in an academic institution.

### Board.

A seven member board for soil scientists and wetland scientists is created. Three members must be experienced in the soil science profession; three members must be experienced in the wetland science profession; and one member must represent the public. Members are appointed by the Director of the Department of Licensing (Director). The terms of board members are three years, except that the term of several initial appointees to the board are shorter. The Director may remove a member for just cause. The Director must employ an executive director, subject to approval of the board. Board members must be compensated and reimbursed for travel expenses. The board may:

- adopt, amend, and rescind rules;
- establish the minimum qualification for applicants for certification;
- approve the method of administration for examinations;
- adopt or recognize examinations prepared by other organizations;
- set the time and place of examinations, with the approval of the director;
- adopt standards of professional conduct and practice; and
- take disciplinary action for violations of this chapter.

### Authority of the Director.

The Director may:

- adopt fees for certification and renewal of certification;
- administer certification examinations approved by the board; and
- make appointments or modify appointments to the board.

### Applicants.

In order to become a state certified soil scientist, an applicant must:

- be of good moral and ethical character;
- pass an examination covering soil science subject matter for the soil scientist applicant;
- have graduated from a course of study from an accredited college or university with a four-year degree in soil science, or other physical, or natural resources science curriculum considered; and
- have specific work experience.

In order to become a state certified wetland scientist, an applicant must:

- be of good moral and ethical character;
- pass an examination covering wetland science subject matter;
- have graduated from a course of study from an accredited college or university with a four-year degree in wetland science, biology, ecology, soil science, environmental science, hydrology, environmental studies, landscape architecture, or science curriculums considered satisfactory to the board. Qualifying education or training may be accepted in lieu of a four-year degree; and
- have specific work experience.

Prior to July 1, 2013, an applicant for a soil scientist certification or a wetland scientist certification does not need to take a written examination. A written examination is required of applicants after July 1, 2013. The board must determine the content, scope, and grading process of the examination.

Applicants from another state may be issued a certificate by the Director if they meet the applicable statutory provisions for their certificate and any rules adopted by the board.

#### Continuing Education.

The board must require certified persons to obtain continuing professional development or continuing education. The board may require certificate holders to demonstrate maintenance of knowledge and skills as a condition of certificate renewal, including peer review of work products.

#### Issuance and Renewals of Certificates.

The Uniform Regulation of Business and Professions Act (URBPA) governs the issuance and denial of certificates, and the discipline of holders. Certificates issued must be renewed periodically.

#### Fees and Fines.

The application fee for initial certification must be determined by the Director. The fee must be in an amount so that the costs of certification are fully borne by the soil scientists and wetland scientists. All receipts from fees and fines collected must be deposited into the Business and Professions Account. Expenditures from these fees and fines may be used only for the purposes of administering the regulation of certified soil scientists and certified wetland scientists.

#### Prohibited Practices.

The following conduct is unprofessional conduct:

- violating the URBPA;
- violating statutes applicable to a certified soil scientist or certified wetland scientist;
- acting, or failing to act, in a manner contrary to normal professional conduct or contrary to a standard generally expected of those practicing soil science or wetland science;
- failing to respond to inquiries from clients or other professionals in a prudent manner;
- modifying another holder's work without notifying that holder;
- offering or accepting money, goods, or other favors as inducement to approve, authorize, or influence the granting of a professional assignment;
- soliciting or accepting gratuities from third-parties in connection with work for which the holder is responsible;
- using privileged information to make a personal profit;

- requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the holder's integrity may be compromised;
- falsifying records, making false statements, intimidating or slandering professional peers;
- willfully attempting to interfere with a Director's investigation by falsifying records, making false statements, or intimidating or influencing witnesses; or
- willfully attempting to suborn another person to violate the law, public policy, or his or her code of professional ethics.

Other.

Retaining the services of a certified soil scientist or a certified wetland scientist to provide analysis or advice on soil science or wetland science is not:

- admissible in an action for damages or negligence; or
- evidence of noncompliance in any action by state, local, or federal governments to enforce an order or regulation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The Bill contains multiple effective dates. The bill contains an emergency clause and Sections 1, 2, 4 through 10, 15, and 20 through 22, which provide definitions, establish the board, provide authority to the board, provide authority to the Director, and establish licensing requirements effect July 1, 2011.

Sections 3, 11 through 14 and 16 through 19 which make it illegal to use the titles unless certified, provide for the issuance of certificates, education, unprofessional conduct standards, and discipline are effective on July 1, 2013