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**SUBSTITUTE HOUSE BILL 2335**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Environment (originally sponsored by Representatives Short, Upthegrove, and Springer)

READ FIRST TIME 01/31/12.

1       AN ACT Relating to standards for the use of science to support  
2 public policy; adding a new section to chapter 34.05 RCW; and creating  
3 a new section.

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

5       NEW SECTION.   **Sec. 1.**   (1) The legislature finds that it is  
6 critically important that scientific information used to inform public  
7 policy be of the highest quality and integrity. Furthermore, the  
8 legislature recognizes that public benefit is derived from greater  
9 transparency as to what scientific information, data, or records are  
10 being used to inform public policy or relied upon in agency decision  
11 making.

12       (2) Furthermore, the legislature finds that the state of Washington  
13 has not previously adopted a uniform standard for the use of  
14 independent peer review by qualified experts, even though the generally  
15 accepted approach in the scientific community towards ensuring the  
16 quality and integrity of scientific information is the conduct of  
17 independent peer review by qualified experts.

18       (3) Therefore, in order to help ensure that agencies routinely use  
19 scientifically credible information in conducting their policy-making

1 functions, it is the intent of the legislature to have those sources of  
2 scientific information reviewed and relied upon by agencies be  
3 identified in a clear and transparent way.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 34.05 RCW  
5 to read as follows:

6 (1) Before taking a significant agency action, the department of  
7 fish and wildlife and the department of ecology must identify the  
8 sources of information reviewed and relied upon by the agency in the  
9 course of preparing to take significant agency action. Peer-reviewed  
10 literature, if applicable, must be identified, as well as any  
11 scientific literature or other sources of information used.

12 (2) As used in this section, the following terms have the following  
13 meaning:

14 (a) "Peer-reviewed literature" means information developed using a  
15 scientific method for which the following factors are true:

16 (i) The scientific information is provided by a qualified,  
17 scientific professional or professionals with issue-appropriate  
18 expertise based on the professional's credentials, certifications,  
19 earned advanced degrees, years of experience, recognized leadership in  
20 an appropriate scholarly area, formal training, and recognized ability  
21 to produce peer-reviewed professional literature;

22 (ii) The scientific information has been subjected to independent  
23 peer review by reviewers who are qualified and are independent with no  
24 conflict of interest. Independent peer review may be performed by  
25 reputable scientific journals, scholarly organizations such as the  
26 national academies, commissioned by the relevant agency, or  
27 commissioned by qualified entities whose interests will be affected by  
28 the action;

29 (iii) The methods used to obtain the information are clearly  
30 stated, standardized for the pertinent scientific discipline, and are  
31 able to be replicated;

32 (iv) The conclusions underlying the information are based on  
33 reasonable and logical assumptions supported by other studies and  
34 consistent with the data presented;

35 (v) The data underlying the information have been analyzed using  
36 the appropriate statistical or quantitative methods;

1 (vi) The information has been placed in a proper context and is  
2 appropriately framed with respect to the prevailing body of pertinent  
3 scientific knowledge; and

4 (vii) The information is based on assumptions, analytical  
5 techniques, and conclusions that are clearly stated and well-referenced  
6 with citations to credible literature and other pertinent existing  
7 information.

8 (b) "Significant agency action" means an act of the department of  
9 fish and wildlife or the department of ecology that:

10 (i) Results in substantive requirements for a nonstate actor;

11 (ii) Results in the development of a significant legislative rule  
12 as defined in RCW 34.05.328; or

13 (iii) Results in the development of policies or guidance that has  
14 statewide applicability, such as fish and wildlife recovery and  
15 management plans, policy manuals, assessments, and technical guidance.

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