
HOUSE BILL 2335

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Short, Upthegrove, and Springer

Read first time 01/11/12. Referred to Committee on Environment.

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.

8 (2) The legislature further finds that the scientific information
9 used in support of or in justification for public policy actions in the
10 state of Washington can be of varying quality and integrity.

11 (3) The legislature further finds that a perceived lack of quality
12 and integrity of scientific information is a key factor leading to
13 litigation.

14 (4) The legislature further finds that the generally accepted
15 approach to ensuring the quality and integrity of scientific
16 information is the conduct of independent peer review by qualified
17 experts.

18 (5) The legislature further finds that the state of Washington has

1 not previously adopted a uniform standard for the use of independent
2 peer review by qualified experts.

3 (6) The legislature further finds that the only way to ensure that
4 agencies use scientifically credible information is for all agencies to
5 use the generally accepted practice of peer review.

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

8 (1) Before taking a significant agency action, the department of
9 fish and wildlife and the department of ecology must identify the peer-
10 reviewed science, scientific literature, and other sources of
11 information reviewed by the agency and relied upon for the significant
12 agency action.

13 (2) As used in this section, the following terms have the following
14 meanings:

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

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

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

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

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

36 (v) The data underlying the information have been analyzed using
37 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, the
11 violation of which subjects the violator to penalty or sanction;

12 (ii) Establishes, alters, or revokes any qualification or standard
13 for the issuance, suspension, or revocation of a license or permit; or

14 (iii) Results in significant amendments to an existing policy or
15 program.

--- END ---