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SENATE BILL 5255

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State of Washington

63rd Legislature

2013 Regular Session

By Senator Chase

Read first time 01/24/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to protecting environmental quality and human  
2 health; amending RCW 43.21C.030; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the state  
5 environmental policy act requires a thorough exploration and a careful  
6 analysis of a wide range of alternatives based upon the best available  
7 science. The legislature further finds that any gaps in scientific  
8 data uncovered by the examination of alternatives will provide a  
9 guidepost for future research, but should not prevent protective  
10 actions from being taken by public agencies where warranted by existing  
11 scientific evidence and applicable state environmental and public  
12 health policies. As new scientific data and analysis become available,  
13 public agencies should continue to review existing decisions and adjust  
14 them when warranted by the new data and analysis. The legislature  
15 reaffirms the declaration in RCW 43.21C.020 that each person has a  
16 fundamental and inalienable right to a healthy environment and that  
17 each person has a responsibility to contribute to the preservation and  
18 enhancement of the environment.

1           Therefore, it is the intent of this act that all agencies should  
2           implement environmental quality and public health policies through a  
3           precautionary approach, meaning that where there are threats of serious  
4           or irreversible damage to human health or to the environment, the lack  
5           of full scientific certainty about cause and effect may not be viewed  
6           as sufficient reason for the state to postpone cost-effective measures  
7           to prevent the damage.

8           **Sec. 2.** RCW 43.21C.030 and 2010 c 8 s 7002 are each amended to  
9           read as follows:

10          (1) The legislature authorizes and directs that, to the fullest  
11          extent possible:

12          ~~((1))~~ (a) The policies, regulations, and laws of the state of  
13          Washington shall be interpreted and administered in accordance with the  
14          policies set forth in this chapter~~((7))~~; and ~~((2))~~

15          (b) All branches of government of this state, including state  
16          agencies, municipal and public corporations, and counties shall:

17          ~~((a))~~ (i) Utilize a systematic, interdisciplinary approach which  
18          will ~~((insure))~~ ensure the integrated use of the natural and social  
19          sciences and the environmental design arts in planning and in decision  
20          making which may have an impact on the environment;

21          ~~((b))~~ (ii) Identify and develop methods and procedures, in  
22          consultation with the department of ecology and the ecological  
23          commission, which will ~~((insure))~~ ensure that presently unquantified  
24          environmental amenities and values will be given appropriate  
25          consideration in decision making along with economic and technical  
26          considerations;

27          ~~((c))~~ (iii) Include in every recommendation or report on  
28          proposals for legislation and other major actions significantly  
29          affecting the quality of the environment, a detailed statement by the  
30          responsible official on:

31          ~~((i))~~ (A) The environmental impact of the proposed action;

32          ~~((ii))~~ (B) Any adverse environmental effects which cannot be  
33          avoided should the proposal be implemented;

34          ~~((iii))~~ (C) Alternatives to the proposed action;

35          ~~((iv))~~ (D) The relationship between local short-term uses of the  
36          environment and the maintenance and enhancement of long-term  
37          productivity; and

1       ~~((+v))~~ (E) Any irreversible and irretrievable commitments of  
2 resources which would be involved in the proposed action should it be  
3 implemented;

4       ~~((+d))~~ (iv) Prior to making any detailed statement, the  
5 responsible official shall consult with and obtain the comments of any  
6 public agency which has jurisdiction by law or special expertise with  
7 respect to any environmental impact involved. Copies of such statement  
8 and the comments and views of the appropriate federal, province, state,  
9 and local agencies, which are authorized to develop and enforce  
10 environmental standards, shall be made available to the governor, the  
11 department of ecology, the ecological commission, and the public, and  
12 shall accompany the proposal through the existing agency review  
13 processes;

14       ~~((+e))~~ (v) Study, develop, and describe appropriate alternatives  
15 to recommended courses of action in any proposal which involves  
16 unresolved conflicts concerning alternative uses of available  
17 resources;

18       ~~((+f))~~ (vi) Recognize the worldwide and long-range character of  
19 environmental problems and, where consistent with state policy, lend  
20 appropriate support to initiatives, resolutions, and programs designed  
21 to maximize international cooperation in anticipating and preventing a  
22 decline in the quality of the world environment;

23       ~~((+g))~~ (vii) Make available to the federal government, other  
24 states, provinces of Canada, municipalities, institutions, and  
25 individuals, advice and information useful in restoring, maintaining,  
26 and enhancing the quality of the environment;

27       ~~((+h))~~ (viii) Initiate and utilize ecological information in the  
28 planning and development of natural resource-oriented projects.

29       (2) The legislature further authorizes and directs that where there  
30 are threats of serious or irreversible damage to human health or to the  
31 environment, lack of full scientific certainty about cause and effect  
32 may not be viewed as sufficient reason for the state to postpone cost-  
33 effective measures to prevent the damage.

34       (3) As used throughout this chapter, the term "environment" must be  
35 construed to include all aspects of human health, including  
36 consideration of physical, mental, economic, and social well-being and

1 not merely the absence of disease or infirmity.

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