
Environment Committee

SSB 5622

Brief Description: Concerning the use of empirical science to support agency actions affecting land use.

Sponsors: Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Sheldon, Miloscia, Angel, Becker, Warnick and Pearson).

Brief Summary of Substitute Bill

- Directs the Department of Ecology and the Department of Fish and Wildlife to cite sources of empirical science used to support significant agency actions that affect local land use policies or that diminish allowed uses of private property.

Hearing Date: 3/24/15

Staff: Jacob Lipson (786-7196).

Background:

The Washington Department of Fish and Wildlife (WDFW) is charged with maximizing fishing, hunting, and outdoor recreation activities for people, while maintaining healthy and diverse fish and wildlife populations. The Department of Ecology (ECY) is divided into 10 environmental management programs, each covering a different subject area: air quality; environmental assessment; hazardous waste and toxics reduction; nuclear waste; shorelands and environmental assistance; spill prevention, preparedness, and response; toxics cleanup; waste to resources; water quality; and water resources. The Shorelands and Environmental Assistance Program covers activities related to coastal zone management, State Environmental Policy Act, watersheds, and wetlands. The Water Quality program includes activities related to ground and surface water quality, point-source pollution permitting, and stormwater.

As a result of legislation enacted in 2013 and 2014, the ECY's Water Quality and Shorelands and Environmental Assistance Programs and the WDFW must identify peer-reviewed science,

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scientific literature, and other sources relied upon to take a significant agency action. Significant agency actions include agency actions that:

1. by rule, adopt, under delegated legislative authority, substantive requirements with penalties for noncompliance;
2. by rule, establish, alter, or revoke any qualification or standard for the issuance, suspension, or revocation of a license or permit;
3. by rule amendment or adoption, result in significant amendments to an existing policy or program;
4. result in the development of fish and wildlife recovery plans; or
5. result in the development of technical guidance, assessments, or documents used to implement a state rule or statute.

Significant agency actions do not include rule-making by the WDFW associated with fishing or hunting rules.

In addition to citing the sources of information relied upon for significant agency actions, the ECY Water Quality and Shorelands and Environmental Assistance programs and the WDFW must identify cited sources as belonging to one of eight specified categories. These categories include independent peer-reviewed sources, internal peer-reviewed sources, legal and policy documents, and data from primary research. The different categories are declared not to imply a hierarchy or level of quality.

Summary of Bill:

If a significant agency action by the WDFW or the ECY's Water Quality or Shorelands and Environmental Assistance Program changes, supersedes, or invalidates a local land use policy or diminishes the allowed uses of private property, the agency must include in its list of cited sources all empirical science that the agency relied on. Empirical science is defined as knowledge gained by using direct or indirect observation and experimentation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.