

HOUSE BILL REPORT

HB 2246

As Reported by House Committee On:
Environment & Energy

Title: An act relating to the reorganization of laws related to environmental health without making any substantive, policy changes.

Brief Description: Concerning the reorganization of laws related to environmental health without making any substantive, policy changes.

Sponsors: Representatives Fitzgibbon and Lekanoff.

Brief History:

Committee Activity:

Environment & Energy: 1/13/20, 1/21/20 [DPS].

Brief Summary of Substitute Bill

- Recodifies statutes pertaining to environmental health under a new Title 70A of the Revised Code of Washington.
- Makes technical changes, including correcting references to the names of accounts, statute number citations, and administrative rule number citations.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; DeBolt, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, Doglio, Fey, Goehner, Mead, Robinson and Shewmake.

Staff: Jacob Lipson (786-7196).

Background:

The Revised Code of Washington.

The Revised Code of Washington (RCW) is the official compilation of permanent laws enacted by the Legislature. The RCW is broadly topically arranged into titles, each of which contain a number of chapters devoted to specific topics.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Inaccuracies in the RCW may occur in a variety of ways. Sections may be repealed, recodified, or amended in a way that changes their internal numbering, and references to these sections or subsections in other provisions of the code then become incorrect. A bill may change a particular term, and references to these terms in other provisions of the code become inaccurate, or drafting and typographical errors may be made in the drafting process. In addition, two or more bills may amend the same section of the RCW without reference to each other. These are called "double" or "multiple" amendments. Often there are no substantive conflicts between the multiple amendments, and the amendments may be merged, but sometimes merging multiple amendments may require restructuring of a section.

During the process of adopting administrative rules, state agencies must cite the statutory authority upon which the rule is based, and the content of adopted rules often contains references to specific statutory provisions. Ordinances and regulations adopted by cities and counties may likewise reference statutory authority or other provisions codified in the RCWs.

Environmental Laws and Programs.

Title 70 of the RCW contains 157 chapters of law pertaining to topics of public health and safety. Many statutes pertaining to environmental policy topics are codified within Title 70 of the RCW, including laws pertaining to air pollution, solid waste management, hazardous waste management and cleanup, and hazardous materials in consumer products. Other laws addressing topics related to the environment, such as those addressing radioactive waste management and water pollution, are primarily codified in other titles of the RCW.

Summary of Substitute Bill:

New Title 70A of the Revised Code of Washington.

A new Title 70A of the Revised Code of Washington (RCW) is created for certain topics pertaining to environmental and public health. Chapters of law currently contained in Title 70 of the RCW, as well as a number of chapters contained in other titles, are reorganized and recodified as part of the new title. The current codification of the chapters included in the new title, and the subject matter that each chapter addresses, are as follows:

- 43.21M Integrated Climate Change Response Strategy.
- 43.37 Weather Modification.
- 43.145 Northwest Interstate Compact on Low-Level Radioactive Waste Management.
- 43.146 Pacific States Agreement on Radioactive Material Transportation Management.
- 43.200 Radioactive Waste Act.
- 43.205 High-Level Nuclear Waste Repository Siting.
- 70.75A Firefighting Agents and Equipment—Toxic Chemical Use.
- 70.76 Polybrominated Diphenyl Ethers—Flame Retardants.
- 70.93 Waste Reduction, Recycling, and Model Litter Control Act.
- 70.94 Washington Clean Air Act.
- 70.95 Solid Waste Management—Reduction and Recycling.
- 70.95A Pollution Control—Municipal Bonding Authority.

- 70.95B Domestic Waste Treatment Plants—Operators.
- 70.95C Waste Reduction.
- 70.95D Solid Waste Incinerator and Landfill Operators.
- 70.95E Hazardous Waste Fees.
- 70.95F Labeling of Plastics.
- 70.95G Packages Containing Metals and Toxic Chemicals.
- 70.95I Used Oil Recycling.
- 70.95J Municipal Sewage Sludge—Biosolids.
- 70.95K Biomedical Waste.
- 70.95L Detergent Phosphorus Content.
- 70.95M Mercury.
- 70.95N Electronic Product Recycling.
- 70.98 Nuclear Energy and Radiation.
- 70.99 Radioactive Waste Storage and Transportation Act of 1980.
- 70.102 Hazardous Substance Information.
- 70.103 Lead-Based Paint.
- 70.105 Hazardous Waste Management.
- 70.105D Hazardous Waste Cleanup—Model Toxics Control Act.
- 70.107 Noise Control.
- 70.116 Public Water System Coordination Act of 1977.
- 70.118 On-Site Sewage Disposal Systems.
- 70.118A On-Site Sewage Disposal Systems—Marine Recovery Areas.
- 70.118B Large On-Site Sewage Disposal Systems.
- 70.119 Public Water Supply Systems—Operators.
- 70.119A Public Water Systems—Penalties and Compliance.
- 70.120 Motor Vehicle Emission Control.
- 70.120A Motor Vehicle Emission Standards.
- 70.121 Mill Tailings—Licensing and Perpetual Care.
- 70.132 Beverage Containers.
- 70.138 Incinerator Ash Residue.
- 70.140 Area-Wide Soil Contamination.
- 70.142 Chemical Contaminants and Water Quality.
- 70.146 Water Pollution Control Facilities Financing.
- 70.148 Underground Petroleum Storage Tanks.
- 70.149 Petroleum Storage Tank Systems—Pollution Liability Protection Act.
- 70.150 Water Quality Joint Development Act.
- 70.164 Low-income Residential Weatherization Program.
- 70.220 Washington Academy of Sciences.
- 70.235 Limiting Greenhouse Gas Emissions.
- 70.240 Children's Safe Products.
- 70.260 Energy Efficiency Improvements.
- 70.270 Replacement of Lead Wheel Weights.
- 70.275 Mercury-Containing Lights—Proper Disposal.
- 70.280 Bisphenol A—Restrictions on Sale.
- 70.285 Brake Friction Material.
- 70.295 Stormwater Pollution—Coal Tar.
- 70.300 Recreational Water Vessels—Antifouling Paints.

- 70.310 Labeling of Building Materials Containing Asbestos.
- 70.315 Water Purveyors—Fire Suppression Water Facilities.
- 70.325 Diesel Emissions—Air Pollution Reduction.
- 70.355 Photovoltaic Module Stewardship and Takeback Program.
- 70.360 Plastic Product Degradability.
- 70.365 Toxic Pollution.
- 70.370 Recycling Development Center.
- 70.375 Architectural Paint Stewardship Program.
- 70.380 Plastic Packaging—Evaluation and Assessment.
- 90.76 Underground Storage Tanks.

Technical Corrections.

Technical corrections are made to various provisions of the RCW pertaining to topics affected by the recodification. These changes include:

- amending outdated references to names of accounts created in statute, such as updating references to the three accounts created under the Model Toxics Control Act (MTCA) in order to reflect the 2019 statutory reorganization and renaming of the MTCA accounts;
- updating or correcting references to statute numbers, such as a reference in the definitions section of the state Clean Air Act (CAA) to the section number of the CAA that addresses silvicultural burning;
- amending outdated references to state agency names, such as changing references to the Department of Community, Trade, and Economic Development to reflect the contemporary name of the Department of Commerce;
- repealing RCW Chapter 70.105E, which was declared unconstitutional in its entirety by a federal court in 2006;
- reconciling a double-amended section of MTCA; and
- updating inaccurate references to administrative rules adopted by the Department of Ecology (Ecology), such as a reference in the paint stewardship law to Ecology's dangerous waste regulations.

Other.

The declared intent of the act is to make technical amendments, and any changes should not be interpreted to have substantive, policy implications.

Administrative rules adopted by state agencies under recodified statutory authorities remain valid and are not affected by the recodification. State agencies and local jurisdictions that have adopted rules or laws that reference recodified statutory authorities are encouraged to update the references by July 1, 2025.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original version of the bill:

- repeals chapter 70.105E RCW, which addresses mixed radioactive and hazardous waste (chapter 70.105E RCW was created by Initiative 297 in 2004, but was declared unconstitutional in its entirety by a federal court in 2006);
- eliminates remaining statutory references to the defunct "Hazardous Waste Control and Elimination Account," and replaces them with references to the Model Toxics

- Control Operating Account (Since 1987, MTCA accounts have been used in lieu of the Hazardous Waste Control and Elimination Account, pursuant to direction in *Chapter 2, sec. 64, Laws of 1987, 3rd ex.s.*);
- adds additional cross-references throughout several RCW titles to the new Title 70A created in the act; and
 - corrects two technical errors in the original bill.
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Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 1446 through 1450, relating to labeling of the degradability of products, which take effect July 1, 2020, and section 1035, relating to the jurisdiction of the Pollution Control Hearings Board, which takes effect June 30, 2021.

Staff Summary of Public Testimony:

(In support) This bill is intended to be policy neutral, and is not intended to make any substantive changes to environmental laws. There is value for policy makers and the public in logically organized statutes.

(Opposed) None.

Persons Testifying: Representative Fitzgibbon, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.