

Title Act: Soil Scientists (WSPSS) and Wetland Scientists (SWS) (www.soilscientistlicensing.com)

2007/2008/2009 Summary: March 26, 2009, 2009

2009 Session: Final Report until New Session in 2010

We started session with a new bill with many new supporters, signed up sponsors for both Senate and House Committees, and within a week or so, had SB-5698 and HB-1881. The Senate Committee (Labor, Commerce and Consumer Protection) took the lead. We had a Senate hearing on February 12, 2009 and were passed out of the Senate on March 13, 2009 with a substitute bill (SSB 5698) – vote was 35-13 in support. In SSB-5698, the Advisory Board was removed (common to all similar bills this session), and language was added at the request of DNR and the State Farm Bureau. We had a House Commerce and Labor Committee hearing on March 24, 2009. New opposition, primarily related to wetland science certification issues, resulted in our needing to revise some bill language. So we chose to come back during the 2010 session with language that would solve these new concerns.

The certification program defined in the bill still accomplishes the three main goals with minimal new government:

- It ensures that the consumer has ready access to a state-certified list of qualified professionals in soil science and in wetland science;
- It ensures that the consumer has a state-level complaint response process – which is insufficient or lacking in the current national certifying organizations' programs;
- It responds effectively to the **Sunrise Review's recommendation for state regulation** of soil scientists and wetland scientists with a minimal program that still solves the documented problems – i.e., lack of access to qualified professionals and lack of an effective complaint process.

The “teeth” of the bill still remain, in that the state will focus on development and enforcement of the consumer complaint response process. The state still has the ability to evaluate and regulate the certified individual's professional and ethical behavior (in soil science or wetland science) in response to a consumer complaint.

Summer of 2008: Changes to the Draft Title Act Bill for 2009 Session

At the direction of Senate Labor, Commerce, Research & Development committee members interested in decreasing program costs and in minimizing expansion of state government, the bill was changed to use existing national certifying organizations to identify qualified professionals, rather than having the state carry out the evaluation process. **DOL agreed to this proposal for 2 reasons:** 1. the certifying organizations (SSSA, NSCSS and SWS-PCP) have stringent professional application and review standards, and 2. The Title Act (certification) program still meets the state consumer protection standard. All three of the certifying organizations' evaluation processes use a similar professional standard as would have been used by the state. **So this new process would result in a similar group of individuals becoming state certified, but at a lower cost and with a simpler program.**

Summary of most important past events:

2007 Session:

- The soil scientist bill was converted from Practices to Title Act at the end of 2007 session.

2008 work (Summer Pre-Session and During 2008 Session)

- New Title Act drafted to add wetland scientists due to the connection through wetland soils, and in response to NEBC concerns that their wetland scientist members might be negatively impacted;
- **The new Sunrise Report (1/14/08): Results recommended title act regulation of both soil and wetland scientists.** (<http://www.dol.wa.gov/about/sunrise.html>);
- No more action during 2008 session due to late SR results and a need to respond to new comments.

2008 work (Post-Session Summer)

- Met with many major stakeholders and attained support or stated neutrality of several previous opponents;
- Testified at Senate Labor, Commerce, Research & Development Committee meetings in September, 2008, resulting in major changes to bill that resulted in lower program application and administration costs.