

2007/2008 Summary:

Title Act: Soil Scientists (WSPSS) team with Wetland Scientists (SWS)

January 18, 2008

WSPSS started the 2007 session with a new bill (HB1318). It was an adaptation of the 2006 bill with improved language about exemptions and practice. The House Labor and Commerce Committee agreed to hear our bill, but as time went on, it became apparent that our opponents were increasingly concerned that despite our efforts, there would be unintended consequences of soil scientist licensure – i.e. a full practices act.

So we agreed that we needed to meet with our opponents and DOL staff to work out something better. DOL hosted a meeting on February 15, 2007; none of the opponents attended the meeting, apparently because it was called only a week after the committee hearing. However, Allen Miller (WSPSS lobbyist), Lisa Palazzi (soil scientist) and Joe Vincent, (DOL staff) did attend and discussed the problems with the bill. We agreed that it would be better to convert the Practices Act to a Title Act since that would eliminate most concerns from our opponents. A Title Act would still allow us to regulate those professionals who *call themselves* “Soil Scientists” and would still enable us to define those qualified to take the title.

A new Title Act bill was drafted that weekend (HB 2324) and was resubmitted to the Commerce and Labor Committee. Because the conversion from Practice to Title Act did resolve the stated concerns of most of our opponents, the bill passed through the House Commerce and Labor executive committee with no further testimony on Tuesday February 27, 2007. It was then sent to Appropriations Committee, but did not progress out of that committee due to the great number of bills in committee (about 1500). At that point, we started to work on planning for the 2008 session.

First, we scheduled a new meeting with our opponents to see if they had any concerns with the new Title Act. DOL hosted that meeting in mid-April, 2007. Attendees included representatives from the engineers and architects lobby (AELC), the forestry lobby (NWFPA), and an environmental consultants lobby (NEBC) attended, as well as WSPSS representatives and both DOL and House of Representatives staff. Although the opponents were not as discontent as with the Practices Act, they still were in opposition: the AELC still holding that the Sunrise Review was flawed and needed to be re-done; the NWFPA not wanting anything that might add another layer of bureaucracy to their industry; the NEBC concerned about unintended restrictions on their wetland scientists since quite a few soil scientists do wetlands work. We agreed that a new Sunrise Review should be carried out; and we discussed whether to add wetland scientists to our Title Act due to the connection between our two groups through the study and interpretation of hydric (wetland) soils.

At this point in time (January, 2008), we have a new Sunrise Review report (January, 2008) researched and written by DOL analysts, <http://www.dol.wa.gov/about/sunrise.html> and it recommends title act regulation of both soil and wetland scientists. In response to that outcome, we have drafted a new title act bill (HB 4450) that describes the certification requirements for soil scientists and wetlands scientists, which can be found by searching on the bill number at the following link. <http://apps.leg.wa.gov/billinfo/>.

Fiscal Note Issues:

The old 2007 fiscal note for HB 1318 assumed a small number of potential soil scientist licensees. They estimated only 50 in-state licensees, and about 90 from out of state (a total of about 140). The program must be self-supporting, so this small estimated number of licensees greatly increased the “per licensee” fiscal note cost estimate from the 2006 session. The 2007 fiscal note indicated that it would cost \$2500 to apply and \$500/year to remain licensed – more than twice the 2006 fiscal note amount.

There are two main pathways to get a reduced fiscal note: Pathway 1. Increase the number of licensees (most effective) and Pathway 2. Get a better pre-licensing handle on exam costs.

Pathway 1:

We have compiled a list of approximately 200 soil scientists from Washington State and the PNW that have expressed interest in being licensed in our state. The Soil Science Society of America provided an estimate of 134 potential applicants for the 2007 fiscal note, which was not updated for this more recent Sunrise Review report. Adding wetland scientists to the certification program will increase our numbers by at least a few hundred. The 2008 Sunrise Review report uses a conservative estimate of 240 wetland scientists, based on membership in the Society of Wetland Scientists and residence in WA state.

Pathway 2: We will collect information from SSSA and from other states with licensing that use the SSSA exam about how they evaluated the quality of the exam; what it cost to administer the exam; whether there was any need to develop a different exam. For soil scientists, we anticipate that we can use the SSSA exam (which is professionally created, administered and maintained by the Council of Soil Science Examiners [CSSE]) for minimal cost. For wetland scientists, we may be able to use a subset of questions from that same exam, but more work needs to be done to evaluate that situation.

DOL cannot formally evaluate the SSSA exam until there is a certification program and budget. But if we can collect some critical information up front, they may have enough data to believe that the state of WA is unlikely to have to spend *as much* to create an exam. Those costs are significant, and could greatly reduce the **eventual** fees.

However, it is important to note that DOL cannot remove the costs of exam assessment from the fiscal note until after we have a program since they must still carry out the formal assessment. And until that is done, we cannot assume that they will find the SSSA exam (or a wetland science exam) to be satisfactory. So although this is one way to get a handle on how that aspect may eventually affect the bottom line, it does not provide immediate relief.

We will provide an update on the fiscal note as soon as one is available.