

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5369 SB PL	<b>Title:</b> Polychlorinated biphenyls
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.1	10,000	10,000	10,000	.0	0	0	0	.0	0	0	0
Department of Ecology	.2	0	0	77,189	.0	0	0	0	.0	0	0	0
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.3	10,000	10,000	87,189	0.0	0	0	0	0.0	0	0	0

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Final 5/16/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5369 SB PL	<b>Title:</b> Polychlorinated biphenyls	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

<b>Legislative Contact:</b>	<b>Phone:</b>	<b>Date:</b> 04/25/2023
Agency Preparation: Dave Merchant	Phone: 360-753-1620	Date: 04/27/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 04/27/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 04/28/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

The AGO Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Ecology (Ecology). New legal services for the development of the rulemaking petition to the Environmental Protection Agency (EPA) required by Section 2 are nominal. Therefore, costs are not included in this request.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5369 SB PL	<b>Title:</b> Polychlorinated biphenyls	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.0	0.1	0.0	0.0
<b>Account</b>					
General Fund-State      001-1	10,000	0	10,000	0	0
<b>Total \$</b>	10,000	0	10,000	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 04/25/2023
Agency Preparation:    Katie Osete	Phone: 3602363000	Date: 04/26/2023
Agency Approval:        Kristin Bettridge	Phone: 3607911657	Date: 04/26/2023
OFM Review:                Breann Boggs	Phone: (360) 485-5716	Date: 05/16/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The fiscal impact to the Department of Health (DOH) has not changed from the previous fiscal note.

The original bill directed Ecology (ECY), in consultation with the Department of Health (DOH), to petition the United States Environmental Protection Agency (US EPA) to reassess its regulation on the inadvertent product of polychlorinated biphenyls (PCBs).

5369 AMN DOGL H1997.1

- Eliminates the requirement that the Department of Ecology adopt a rule under the safer products for Washington law to establish a restriction or prohibition on PCBs in paints and printing inks.

Section 2: ECY is directed to petition EPA to reassess its regulations on PCBs in consumer products. The petition would include existing information on human health effects, releases and exposures, and safer alternatives. The bill states that ECY “may consult with the Department of Health.” ECY assumes they would consult with DOH to complete the petition and submit it to the EPA in January 2024 with a goal of EPA’s completed petition review by January 1, 2025.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 2: ECY is directed to petition EPA to reassess its regulations on PCBs in consumer products. The petition would include existing information on human health effects, releases and exposures, and safer alternatives. The bill states that ECY “may consult with the Department of Health.” ECY assumes they would consult with DOH to complete the petition and submit it to the EPA in January 2024 with a goal of EPA’s completed petition review by January 1, 2025.

DOH estimates this would require 0.10 FTE Toxicologist 3 [TOX3] from July 1, 2023 to Dec. 31, 2023 to work with ECY to:

- Provide scientific expertise
- Review the petition

Total Cost for FN:

Fiscal Year 2024: \$10,000 and 0.10 FTE

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	10,000	0	10,000	0	0
Total \$			10,000	0	10,000	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1		0.1		
A-Salaries and Wages	7,000		7,000		
B-Employee Benefits	2,000		2,000		
E-Goods and Other Services	1,000		1,000		
<b>Total \$</b>	10,000	0	10,000	0	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
TOXICOLOGIST 3	103,572	0.1		0.1		
<b>Total FTEs</b>		0.1		0.1		0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5369 SB PL	<b>Title:</b> Polychlorinated biphenyls	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.0	0.2	0.0	0.0
<b>Account</b>					
Model Toxics Control Operating Account-State 23P-1	77,189	0	77,189	0	0
<b>Total \$</b>	77,189	0	77,189	0	0

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 04/25/2023
Agency Preparation: Vince Chavez	Phone: 360-338-5034	Date: 05/04/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 05/04/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 05/04/2023



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

Compared to 5369 SB AMH APP H1882.1, 5369 SB.PL makes the following changes related to Ecology:

Section 1(6) intent is amended and previous sections 2, 4, 5, 6, 7, and 8 are removed to eliminate requirements related to prohibiting the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

Section 3 is renumbered to be new section 2. Section 2(2) specifies that legislative findings in section 1 of the bill must be included in Ecology's petition to the United States Environmental Protection Agency (EPA).

These changes result in a decrease to the fiscal impact to Ecology.

This bill would direct Ecology to petition the EPA to reassess its polychlorinated biphenyls (PCB) regulations under the Toxic Substances Control Act for the purpose of eliminating or reducing the presence of PCBs in consumer products.

Section 2(1) would require Ecology to petition EPA to reassess regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3. Section 2(2) would require the petition to include legislative findings in section 1 and information on (a) health effects of PCBs; (b) concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue; (c) safer alternatives for consumer products that contain PCBs; and (d) other relevant data as determined by Ecology. Section 2(3) would allow Ecology to use previously compiled data and findings in developing the petition. Section 2(4) would allow Ecology to consult with the Department of Health (DOH) and other relevant state agencies in developing the petition. Section 2(5) would require Ecology to seek completion of the petition review to the extent practicable by January 1, 2025.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 to implement the requirements of section 2.

#### Section 2: Petition to EPA

Section 2 would require Ecology to petition EPA to reassess regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3.

Ecology assumes we would consult with DOH and other relevant state agencies in completing the petition and that we would use previously compiled data and findings. Ecology would seek to submit the petition to the EPA no later than January 2024 with a goal of EPA's completed petition review by January 1, 2025.

Ecology estimates this would require 0.5 FTE Environmental Planner 5, 0.10 FTE Toxicologist 2, 0.10 FTE Toxicologist 3, and 0.06 FTE Communications Consultant 5 for six months from July 1, 2023, to December 31, 2023, to write the petition,

consult with other agencies, provide necessary scientific expertise, review, and submit the petition. (0.25 FTE EP5, 0.05 FTE Tox2, 0.05 FTE Tox3, and 0.03 FTE CC5, one-time in FY 2024)

Ecology, in consultation with DOH, also estimates a need for a interagency agreement with DOH of \$10,000, one-time in FY 2024 to provide consultation as detailed in Section 2(4).

Ecology assumes Attorney General Office (AGO) costs would not significantly increase or decrease the workload in representing Ecology. New legal services for the petition to the EPA required by Section 2 are nominal. Therefore, costs are not included in this fiscal note.

SUMMARY: The expenditure impact to Ecology under this bill is:

Section 2 Petition to EPA is estimated to require:  
 FY 2024: \$77,189 and 0.4 FTEs.

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be:  
 FY 2024: \$77,189 and 0.4 FTEs.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Goods and Services are the agency average of \$5,224 per direct program FTE. Object E also includes \$10,000 for IAA with DOH.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
23P-1	Model Toxics Control Operating Account	State	77,189	0	77,189	0	0
<b>Total \$</b>			77,189	0	77,189	0	0

#### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4		0.2		
A-Salaries and Wages	36,698		36,698		
B-Employee Benefits	13,210		13,210		
E-Goods and Other Services	11,959		11,959		
G-Travel	586		586		
J-Capital Outlays	388		388		
9-Agency Administrative Overhead	14,348		14,348		
<b>Total \$</b>	77,189	0	77,189	0	0

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
COMM CONSULTANT 5	87,144	0.0		0.0		
ENVIRONMENTAL PLANNER 5	98,592	0.3		0.1		
FISCAL ANALYST 2		0.0		0.0		
IT APP DEV-JOURNEY		0.0		0.0		
TOXICOLOGIST 2	93,840	0.1		0.0		
TOXICOLOGIST 3	103,572	0.1		0.0		
<b>Total FTEs</b>		0.4		0.2		0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5369 SB PL	<b>Title:</b> Polychlorinated biphenyls	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 04/25/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 04/26/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 04/26/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 04/27/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

This version of the bill removes rulemaking, restrictions, and enforcement by the Department of Ecology related to the manufacture, sale, and distribution of PCB paints and inks. It removes appeals to the Pollution Control Hearings Board (PCHB) and, therefore, the PCHB anticipates no fiscal impacts as a result of the bill.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*