

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5965 SB	<b>Title:</b> Fashion/environmental impact
-----------------------------	--

## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## 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
Administrative Office of the Courts	Fiscal note not available											
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	Fiscal note not available											
Department of Revenue	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.1	33,000	33,000	33,000	.2	66,000	66,000	66,000	.2	66,000	66,000	66,000
Department of Ecology	.8	0	0	262,446	6.5	0	0	1,930,302	10.6	0	0	3,262,558
Department of Ecology	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Environmental and Land Use Hearings Office	.0	0	0	0	.0	0	0	0	1.5	430,832	430,832	430,832
<b>Total \$</b>	<b>0.9</b>	<b>33,000</b>	<b>33,000</b>	<b>295,446</b>	<b>6.7</b>	<b>66,000</b>	<b>66,000</b>	<b>1,996,302</b>	<b>12.3</b>	<b>496,832</b>	<b>496,832</b>	<b>3,759,390</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	Fiscal note not available								
Department of Revenue	.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
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Preliminary 1/14/2024
---	---------------------------------	---

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5965 SB	<b>Title:</b> Fashion/environmental impact	<b>Agency:</b> 090-Office of State Treasurer
-----------------------------	--	--

## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/05/2024
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 01/06/2024
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/06/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/08/2024

## 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.*

SB 5965 creates the community benefit account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.79A.040(4).

### 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.*

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Changes to the earnings credited to the general fund impacts, by an equal amount, general state revenues.

### 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.*

# Department of Revenue Fiscal Note

<b>Bill Number:</b> 5965 SB	<b>Title:</b> Fashion/environmental impact	<b>Agency:</b> 140-Department of Revenue
-----------------------------	--	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated 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: Matthew Shepard-Koningsor	Phone: 60-786-7627	Date: 01/05/2024
Agency Preparation: Melissa Howes	Phone: 60-534-1518	Date: 01/09/2024
Agency Approval: Marianne McIntosh	Phone: 60-534-1505	Date: 01/09/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/09/2024

Request # 5965-1-1

## 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.*

#### CURRENT LAW

There are no requirements like this under current law.

#### PROPOSED LAW

This bill creates the Washington fashion sustainability accountability act to be administered by the Department of Ecology.

By July 1, 2025, a fashion retailer or manufacturer with worldwide gross income of over \$100 million must publish on its website its environmental due diligence policies, processes, and outcomes, including significant real or potential adverse environmental impacts and disclose targets for prevention and improvement.

Beginning January 1, 2027, fashion retailers and manufacturers must establish performance targets and track and disclose their progress towards those targets.

Beginning April 1, 2028, fashion retailers and manufacturers must submit an annual report to the Department of Ecology.

A fashion retailer or manufacturer that violates a requirement of this act is subject to a civil penalty of up to \$5,000 per violation. For repeat violators that maximum penalty is up to \$10,000 per violation. All penalties collected are deposited into the community benefit account.

#### EFFECTIVE DATE

The bill takes effect 90 days after final adjournment of the session.

### 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.*

This legislation results in no revenue impact on taxes administered by the Department of Revenue (department).

### 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 department will not incur any costs with the implementation of this legislation.

## Part III: Expenditure Detail

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

NONE

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

NONE

**III. C - 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

**Part V: New Rule Making Required**



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5965 SB	<b>Title:</b> Fashion/environmental impact	<b>Agency:</b> 303-Department of Health
-----------------------------	--	---

## 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	0.0	0.2	0.1	0.2	0.2
<b>Account</b>					
General Fund-State      001-1	0	33,000	33,000	66,000	66,000
<b>Total \$</b>	0	33,000	33,000	66,000	66,000

### 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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/05/2024
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/09/2024
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/09/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/12/2024

## 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 tasks in SB 5965 that will have a fiscal impact on Department of Health (DOH) includes:

Sec 7: A Community Benefit Account will be created where revenue generated from penalties associated with non-compliance of this bill will fund environmental benefit projects which directly and verifiably benefit overburdened communities and vulnerable populations consistent with 70A.02 (HEAL Act). Only the Director of the Department of Ecology or the Director's Designee may authorize the use of funds in the account and Department of Ecology must consult with the Environmental Justice Council (EJC) established in RCW 70A.02.110 in making expenditures.

### 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.*

Sec 7: The consultation required by the EJC to identify projects that directly and verifiably benefit overburdened communities and vulnerable populations for funding through the Community Benefit Account, the EJC assumes the following:

- The Department of Ecology will create parameters for funding projects through the Community Benefit Account.
- Periodically, as funding becomes available in the Community Benefit Account, the Department of Ecology will request the EJC develop recommendations to guide the selection of projects for funding.
- The EJC will create an ad hoc committee to develop funding recommendations for the account which will require staff support to convene meetings of the ad hoc committee and conduct research gathering information to inform the drafting of proposed funding recommendations.
- The full EJC will need to convene to review and consider adoption of the proposed funding recommendations.
- The Department of Ecology will use the EJC's funding recommendations to issue a competitive grant process and EJC members and/or staff will be involved in the selection process. This will require staff support to participate in the grant review and selection process.

Based on the above assumptions, if the Department of Ecology identifies projects to fund on an annual basis, we assume 30 hours a month for EJC staff to serve as a liaison with the Department of Ecology, to convene and support meetings of the ad hoc committee to develop proposed funding recommendations, for staff work to research funding ideas and work with partner agencies to draft proposals with input from community, to brief Council members, to support Council meetings where adoption will occur, and to participate in the grant review and selection process.

For this work, the EJC will require 0.2 FTE (MA4) for FY25 and ongoing.

Cost for Management Analyst (MA4) 4:

Fiscal Year (FY) 2025: \$33,000 and 0.20 FTE Ongoing

Total Cost for this fiscal note:

Fiscal Year (FY) 2025: \$33,000 and 0.20 FTE Ongoing

**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	0	33,000	33,000	66,000	66,000
<b>Total \$</b>			0	33,000	33,000	66,000	66,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.2	0.1	0.2	0.2
A-Salaries and Wages		18,000	18,000	36,000	36,000
B-Employee Benefits		6,000	6,000	12,000	12,000
E-Goods and Other Services		7,000	7,000	14,000	14,000
T-Intra-Agency Reimbursements		2,000	2,000	4,000	4,000
<b>Total \$</b>	0	33,000	33,000	66,000	66,000

**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
MANAGEMENT ANALYST 4	86,208		0.2	0.1	0.2	0.2
<b>Total FTEs</b>			0.2	0.1	0.2	0.2

**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> 5965 SB	<b>Title:</b> Fashion/environmental impact	<b>Agency:</b> 461-Department of Ecology
-----------------------------	--	--

## 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	0.0	1.7	0.8	6.5	10.6
<b>Account</b>					
Model Toxics Control Operating Account-State 23P-1	0	262,446	262,446	1,930,302	3,262,558
<b>Total \$</b>	0	262,446	262,446	1,930,302	3,262,558

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### 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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/05/2024
Agency Preparation: Vince Chavez	Phone: 360-338-5034	Date: 01/12/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/12/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/14/2024

## 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.*

Under current law, Title 70A RCW (Environmental Health and Safety) there are no requirements for Washington fashion sellers or manufacturers to disclose due diligence policies, processes, and outcomes. There are also no requirements for manufacturers or sellers to disclose quantitative measurements of energy, greenhouse gas emissions, water usage, and chemical management.

This bill would reenact and amend RCW 43.21B.110 and 43.21B.300; as well as, add a new chapter to Title 70A RCW, cited as the Washington fashion sustainability accountability act.

Section 3: Would create new requirements for every fashion manufacturer or seller doing business in Washington with a worldwide gross annual income over \$100 million to disclose its environmental due diligence policies, processes, and outcomes. The disclosures would need to include supply chain mapping and environmental sustainability reporting and be reported on the company's website by July 1, 2025.

Section 4 (1): Would create a new requirement starting January 1, 2027, for fashion manufacturers and sellers to disclose on their website progress on items in section 3, including quantitative measurements of energy, greenhouse gas emissions, water usage, and chemical management.

Section 4 (3): Would establish a requirement starting April 1, 2028, and each April 1st thereafter, that fashion manufacturers and sellers submit an annual report to Ecology if they have achieved their performance targets.

Section 5: Would authorize Ecology rulemaking and would require Ecology to publish an annual report starting in 2028 listing fashion manufacturers and sellers who are not in compliance with the disclosure and reporting requirements. Establishes a civil penalty not to exceed \$5,000 for a first offense and \$10,000 for each repeat offense.

Section 6: Would establish a general cause of action for "any person" to commence a civil suit against a fashion manufacturer or seller who is in violation of the disclosure or reporting requirements. "Any person" may also commence a civil suit against Ecology to compel the department to take regulatory action or for alleged failures to perform any act or duty outlined in the bill.

Section 7: Would create a new Community Benefit Account in the state treasury to receive penalty payments imposed by Ecology under section 5. The account could be used by Ecology for implementing environmental benefit projects that directly and verifiably benefit overburdened communities and vulnerable populations as defined in RCW 70A.02.010. Ecology would need to consult with the Environmental Justice Council prior to funding projects.

### 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.*

No cash receipts are estimated for the penalty provisions under section 5.

Section 5(2) would establish a penalty for a fashion retail seller or fashion manufacturer who fails to comply with the requirements of the bill up to \$5,000 for a first offense and \$10,000 for a repeat offense. Section 5(3) would allow penalties to be appealed to the Pollution Control Hearings Board. Section 5(4) would require all penalties to be deposited into the Community Benefit Account created in section 7.

The penalty authority under this chapter is consistent with Ecology's authority to issue penalties for manufacturers in

violation of RCW 70A.350.070. Enforcement actions and penalties are assumed to be limited, but unknown, and therefore are not estimated in this fiscal note.

## 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) 2025 and ongoing to implement the requirements of sections 3 through 7. Expenditures are indeterminate for sections 6 and 7.

### Section 3 – Compliance Monitoring

Section 3 (1)(a): Ecology assumes that most businesses would self-identify as being subject to the requirements in this chapter, however, we also presume that some covered businesses would not self-identify, and Ecology would need to try to find applicable businesses.

2.0 FTE of a Regulatory Analyst 2 (RA2), starting July 1, 2025 (FY 2026) and ongoing, would be needed to search for possible new and non-compliant businesses, contact potentially non-compliant businesses about the statutory requirements, document, verify business websites that are in compliance with the relevant standards in Sections (3)(2), (3)(3), (4)(1), and (4)(2), and document the applicable review has been completed.

0.25 FTE of a Regulatory Analyst 3 (RA3) and 0.25 FTE Communications Consultant 3 (CC3), starting July 1, 2025 (FY 2026) and ongoing, would be needed to conduct and support formal enforcement activities for recalcitrant businesses who do not come into compliance through voluntary means.

In addition, Ecology assumes a centralized database of covered businesses would be necessary to track covered businesses and monitor compliance.

Ecology assumes we would update the agency's existing TurboPlan database to integrate and accommodate a sub-set of data from the potential clientele outlined in this chapter. Ecology assumes this would require the following:

0.5 FTE IT Applications Development-Journey (IT-AD/J), starting July 1, 2025 (FY 2026), ending June 30, 2028 (FY 2028), to provide programming and testing expertise for integration of existing TurboPlan database with proposed covered businesses data.

1.0 FTE Environmental Specialist 4 (ES4), starting July 1, 2025 (FY 2026), and ongoing, to monitor and analyze data and interact with programmer and database developer on the data output.

### Section 4 – Report Review

Section 4(3): Ecology assumes that an extensive review of each covered manufacturer or retailer would occur on the submission of an annual report beginning in FY 2028. Based on similar reviews for Resource Conservation and Recovery Act (RCRA) financial insurance annual reports, Ecology presumes each review would average approximately 4-8 hours to review the contents of the annual report; Ecology presumes that up to 25 percent of submissions would be incomplete, inconsistent, or otherwise require follow-up or enforcement activities.

For purposes of this fiscal note, Ecology estimates a minimum of 1,500 covered fashion manufacturers or sellers doing business in Washington with a worldwide gross annual income over \$100 million. In Washington State alone, based on a 2010 Washington State University (WSU) report, there were 1,190 apparel retailers and 350 apparel manufacturers in 2009 with a total of \$8.3 billion in gross revenue. Given inflationary and population increases since that time, Ecology would use the same numbers, presuming that covered out-of-state manufacturers and retailers offset in-state businesses falling below

the \$100 million income threshold.

5.5 FTE of a Regulatory Analyst 3 (RA3), starting July 1, 2028 (FY 2028) and ongoing, would be needed to evaluate the information submitted for compliance with the statutory and any applicable regulatory requirements and document the report. (1,500 reports at 6 hours average + 375 follow-ups at 6 hours average = (1,500 x 6) +(375 x 6) = 11,250 hours = 5.5 FTEs)

## Section 5 – Rule Development

Section 5 (1)(a): Ecology assumes we would adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. Ecology presumes that this rule making effort would be a very complex and would need the following resources.

0.85 FTE of a Regulatory Analyst 3 (RA3), starting July 1, 2024 (FY 2025) through June 30, 2027 (FY 2027), would be needed to be the lead coordinator for the rulemaking process which would involve at least three public meetings and two public hearings, with webinar, when developing proposed rule language. Also, prepare the annual report to the legislature.

0.50 FTE of a Communications Consultant 3 (CC3), starting July 1, 2024 (FY 2025) through June 30, 2027 (FY 2027), would be needed to coordinate communication with staff, stakeholders, and the public. Also, assist in the preparation of the annual report to the Legislature.

0.10 FTE of an Environmental Specialist 3 (ES3), starting July 1, 2024 (FY 2025) through June 30, 2027 (FY 2027), would be needed to provide research and coordination related to identification of acceptable environmental reporting standards.

0.25 FTE Economic Analyst 3 (EA3) and 0.10 FTE of a Regulatory Analyst 2 (RA2), starting December 1, 2026, through June 30, 2027 (FY 2027), would be needed to provide cost benefit analysis for proposed regulatory actions for rulemaking.

Contracts (Object C) in the amount of \$10,000 in FY 2025, FY 2026, and FY 2027 would be needed for facilitator and transcript services for one public meeting (\$3,000 facilitator, \$1,000 room rental, and \$1,000 advertising) and one public hearing (\$3,000 transcriber, \$1,000 room rental, and \$1,000 advertising) for each year identified.

Ecology assumes consultation with the Attorney General’s Office (AGO) during the rulemaking would be required, estimated at 0.1 FTE AAG (\$15,000) in FY 2025 and 0.1 FTE (\$22,000) each year in FY 2026 and FY 2027.

## Section 6 – Civil Actions

Section 6: Ecology would have indeterminate costs associated with defense of civil actions authorized in this section. Any person would be authorized to commence a civil action against Ecology to compel the department to take regulatory action or for alleged failures to perform actions under the bill. Any civil actions would require new work and assistance from the AGO. Ecology assumes the centralized database of covered businesses, as described above, would improve Ecology’s ability to find non-compliant businesses and reduce lawsuits under these provisions.

## Section 7 - Community Benefit Account

Section 7: Would create a new Community Benefit Account to receive penalty payments imposed by Ecology under section 5. The account could be used by Ecology for implementing environmental benefit projects that directly and verifiably benefit overburdened communities and vulnerable populations, in consultation with the Environmental Justice Council. Enforcement actions and penalties are assumed to be limited, but unknown, and therefore are not estimated in this fiscal note. Therefore, costs to identify, prioritize, and implement projects under this account are indeterminate.

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

Section 3 is estimated to require:  
 FY 2026: \$665,500 and 4.6 FTEs  
 FY 2027: \$665,500 and 4.6 FTEs  
 FY 2028: \$665,500 and 4.6 FTEs  
 FY 2029: \$567,472 and 4.0 FTEs.

Section 4 is estimated to require:  
 FY 2028: \$1,014,793 and 6.3 FTEs  
 FY 2029: \$1,014,793 and 6.3 FTEs.

Section 5 is estimated to require:  
 FY 2025: \$262,446 and 1.7 FTEs  
 FY 2026: \$269,446 and 1.7 FTEs  
 FY 2027: \$329,856 and 2.1 FTEs

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be:  
 FY 2025: \$262,446 and 1.67 FTEs  
 FY 2026: \$934,946 and 6.27 FTEs  
 FY 2027: \$995,356 and 6.67 FTEs  
 FY 2028: \$1,680,293 and 10.93 FTEs  
 FY 2029: \$1,582,265 and 10.35 FTEs.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Contracts (object C) reflects \$10,000 per year in FY 2025, FY 2026, and FY 2027 for facilitation and transcript services for section 5 of the bill.

Goods and Services are the agency average of \$6,048 per direct program FTE. Object E also includes \$59,000 (\$15,000 in FY 2025, \$22,000 in FY 2026, and \$22,000 in FY 2027) for AGO services for legal assistance in rule development in section 5.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.8% 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	0	262,446	262,446	1,930,302	3,262,558
<b>Total \$</b>			0	262,446	262,446	1,930,302	3,262,558

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.



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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.7	0.8	6.5	10.6
A-Salaries and Wages		128,467	128,467	1,010,549	1,772,983
B-Employee Benefits		43,807	43,807	344,594	604,584
C-Professional Service Contracts		10,000	10,000	20,000	
E-Goods and Other Services		23,770	23,770	112,041	111,888
G-Travel		3,198	3,198	24,808	40,793
J-Capital Outlays		1,865	1,865	14,471	23,793
9-Agency Administrative Overhead		51,339	51,339	403,839	708,517
<b>Total \$</b>	0	262,446	262,446	1,930,302	3,262,558

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**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 3	71,149		0.5	0.3	0.8	0.3
ECONOMIC ANALYST 3	95,627				0.1	
ENVIRONMENTAL SPEC 3	74,489		0.1	0.1	0.1	
ENVIRONMENTAL SPEC 4	86,324				1.0	1.0
FISCAL ANALYST 2			0.2	0.1	0.6	0.9
IT APP DEV-JOURNEY	107,154				0.5	0.3
IT APP DEV-JOURNEY (Admin)			0.1	0.0	0.3	0.5
REGULATORY ANALYST 2	88,798				2.1	2.0
REGULATORY ANALYST 3	100,521		0.9	0.4	1.1	5.8
<b>Total FTEs</b>			1.7	0.9	6.5	10.7

**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.*

Section 5(1)(a) would authorize Ecology to adopt rules as necessary to implement, administer, and enforce this chapter. Possible rulemaking topics could include reporting format and submission procedures, report contents, compliance standards,

and evaluation or decision-making criteria. Ecology assumes rulemaking would take three years, from July 1, 2024, through June 30, 2027.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5965 SB	<b>Title:</b> Fashion/environmental impact	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
-----------------------------	--	---

## 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	0.0	0.0	0.0	0.0	1.5
<b>Account</b>					
General Fund-State      001-1	0	0	0	0	430,832
<b>Total \$</b>	0	0	0	0	430,832

### 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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/05/2024
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/07/2024
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/07/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/14/2024

## 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 act requires fashion retail sellers and manufacturers to comply with certain requirements/targets. It requires environmental impact disclosures by covered entities (Sec. 3). It creates performance targets re: reducing energy and greenhouse gas (GHG) emissions, water, chemical management (Sec. 4). Annual reporting/disclosure requirements of covered entities (Sec. 4). Ecology will administer and issue penalties/orders for violations/failure to comply (Sec. 5(1)-(2)).

Sec. 5(3) – Gives the Pollution Control Hearings Board (PCHB) review authority of any penalty or order issued under new chapter.

Sec. 8 – Adds “Section 5 of this act” to list of the PCHB’s areas of jurisdiction for penalties (43.21.B110(1)(a)) and orders (43.21.B110(1)(a)) pursuant to this act.

### 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.*

ELUHO estimates 10 average complexity PCHB appeals per year resulting from this bill beginning in FY28, ongoing.

ELUHO estimates each appeal resulting from this bill will require approximately 230 hours of Administrative Appeals Judge (AAJ) work to complete (110 pre-hearing hours + 120 hearing and post-hearing hours) x 10 appeals in FY28. This estimate is based on a current analysis of AAJ work.

230 hours/appeal x 10 appeals = 2300 AAJ hours in FY28, ongoing.

Assume New AAJ FTEs: The PCHB will need approximately 1.0 AAJ FTE in FY28, ongoing. The AAJ will have knowledge of environmental law to assist with these new cases. RCW 43.21B.005(2) authorizes the ELUHO director to appoint such AAJs to assist the PCHB. The 1.0 AAJ FTE will not serve as a member of the Boards, but will preside over cases, mediate cases, conduct legal research and writing, draft Board materials, and perform other legal duties to assist the Board.

Beginning in FY25 an AAJ will make \$117,840 per year, plus related benefits estimated at \$34,945 per year, at projected benefits rates. The agency needs 1.0 FTE AAJs in FY28, so the salary would be \$117,840, per FY, ongoing. Related benefits would total \$34,945, per FY, ongoing.

Assume additional Paralegal 1 (P1) FTE: Paralegals provide support for all three Boards, including managing all Board cases and court filings, providing support for Board members, AAJs, and Board meetings, and providing administrative support for ELUHO office functions. ELUHO assumes 0.5 P1 FTE for every 1.0 AAJ FTE. The bill will require approximately 0.5 P1 FTE to manage the additional cases and support the AAJ FTE.

A P1 makes \$69,072 (assumed Range 51, Step L) per year, with related benefits estimated at \$26,567 per year. The agency

needs a 0.5 P1 FTEs so salary would be \$69,072 x 0.5 FTE = \$34,536 per FY, ongoing. Related benefits would total \$13,283 per FY, ongoing.

Goods and services for the total 1.5 FTEs are estimated at \$8,437 per year, in FY28, ongoing. Goods and services include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$2,186 per year, ongoing. Also included is one time equipment costs for furniture and computers totaling \$8,378 in FY 28.

Assume capital budget impact: Currently, ELUHO leases space on the top floor of the State Parks building, Parsons Plaza, with lease expiring in FY26. We assume the ELUHO office will move to a state-owned facility and offices will be needed for the additional 1.0 AAJ FTE. The 0.5 P1 FTE would need additional cubicle space.

**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	0	0	0	0	430,832
<b>Total \$</b>			0	0	0	0	430,832

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					1.5
A-Salaries and Wages					304,752
B-Employee Benefits					96,456
C-Professional Service Contracts					
E-Goods and Other Services					16,874
G-Travel					4,372
J-Capital Outlays					8,378
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	0	0	0	430,832

**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
Administrative Appeals Judge	117,840					1.0
Paralegal 1	69,072					0.5
<b>Total FTEs</b>						1.5

**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.*