



February 2, 2021

The Honorable David Frockt, Vice Chair  
Senate Ways and Means Committee  
Washington State Senate  
224 John A. Cherberg Building  
Olympia, WA 98504

emailed to: [david.frockt@leg.wa.gov](mailto:david.frockt@leg.wa.gov)

Dear Senator Frockt:

We write to express our concern with Governor Inslee's use of resources in the Model Toxics Control Operating Account (MTCA) in his proposed 2021 - 2023 Operating Budget.

The Model Toxics Control Act (MTCA) was enacted in 1989 to "[raise] sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's lands and waters."

Through Initiative 97, the people of Washington authorized taxes on hazardous materials, including petroleum products, to pay for cleaning up lands contaminated by toxic substances and prevent the creation of new toxic sites. In retrospect, it is clear voters enacted Washington's first environmental equity program: toxic sites tend to be in communities of color and/or lower income neighborhoods.

We urge you to protect MTCA financial resources for the law's intended purposes. Over the last 32 years, Washington's landmark cleanup and prevention law has created jobs, improved public health and the health of our environment.

We identify below appropriations we believe, although certainly worthy for policy consideration, are in fact diversions from MTCA's primary purpose, cleaning up hazardous waste sites, preventing pollution, and supporting community needs in reducing toxic pollution. MTCA resources, are scarce and any shift from MTCA's core purposes reduce the state's ability to fund important projects consistent with legislative intent. Put another way, fund shifts and transfers reduce the amount of funding overall to address toxic pollution problems that impact people's health and the environment.

The Governor's budget recommends shifting the following amounts from GF-S to MTCA Operating to help address the state's General Fund revenue shortfall:

\$8.781 million in the Department of Ecology budget, and  
\$2.307 million in the budgets for the Department of Agriculture, the Conservation Commission and the Puget Sound Partnership.

The Governor's budget also recommends using \$10 million from the Model Toxics Operating Account for the Department of Natural Resources Forest Practices program to address a shortfall in the Aquatic Lands Enhancement Account (ALEA).

In addition to these fund shifts to address budget shortfalls in other accounts, we urge you to pay particular attention to new spending from the MTCA Operating Account. We bring to your attention the following appropriations of particular concern:

- \$4,808,000 of the model toxics control operating account for the Department of Natural Resources for the forest practices adaptive management program.
- Directing the Treasurer to transfer \$2,000,000 from the model toxics control operating account to the flood control assistance account during the 2021-2023 Biennium.

These programs are important funding needs. However, MTCA is not the appropriate source of funding. We suggest using General Fund or finding another dedicated funding source more appropriate for these important programs.

We appreciate your commitment to reserve MTCA-related appropriations for actions that are clearly authorized in the 2019 law. We encourage you to focus MTCA resources on critical toxic pollution reduction activities and projects.

Thank you for considering our request.

Respectfully,

/s/

Darcy Nonemacher  
Government Affairs Director  
Washington Environmental Council

/s/

Eric Johnson  
Executive Director  
Washington State Association of Counties

/s/

Jessica Spiegel  
Director, Northwest Region  
Western States Petroleum Association

/s/

Carl Schroeder  
Government Relations Advocate  
Association of Washington Cities

/s/

James Thompson  
Executive Director  
Washington Public Ports Association