

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2493

By Delegates Rohrbach, Fehrenbacher, Hott, Hornby,

Green, Phillips, Jefferies, and J. Cannon

[Introduced February 17, 2025; referred to the

Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §29A-3-21, relating to creation of the sound science in regulations act;
3 providing that agencies may not propose or promulgate certain legislative rules or
4 regulatory actions that are not based on the best available science; defining terms;
5 providing that the act does not impact any regulatory action by a state agency in existence
6 before the effective date of the statute, any regulatory action by a state agency in
7 furtherance of federal agency primacy requirements, or any regulatory action by a state
8 agency that is the same in substance as a counterpart federal regulation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. RULE MAKING.

§29A-3-21. Sound science in regulations act.

1 (a) No agency of the state may disseminate, propose, or finalize any regulatory action for a
2 substance, mixture or chemical related to drinking water, water pollution control, hazardous
3 substances or contaminated site remediation, air quality, or solid or hazardous waste handling
4 unless:

5 (1) All scientific and technical information relied on to support the regulatory action is the
6 best available science; and

7 (2) With respect to human health, the best available science indicates that exposure to the
8 substance, mixture, or chemical above the level proposed in the regulatory action is causally
9 linked to manifest bodily harm in humans.

10 (b) For purposes of this section, the term:

11 (1) "Best available science" means science that:

12 (A) Is reliable, unbiased, and reasonably applied to the agency's regulatory action;

13 (B) Maximizes the quality, objectivity, and integrity of information, including statistical
14 information, human, animal and other relevant scientific studies, and human health risk-based
15 assessments; and

16 (C) Involves the use of supporting studies that are:

17 (i) Conducted in accordance with sound and objective science practices utilizing data
18 collected by generally accepted methods or best available methods;

19 (ii) Subject to independent verification; and

20 (iii) Published in a refereed journal.

21 (2) "Refereed journal" means a publication that:

22 (A) Uses an editorial board or critical review panel of subject matter experts in the relevant
23 scientific or technical disciplines who critically and objectively assess the methodology and
24 analysis of submitted scientific studies in a nonpartisan fashion and provide editorial services prior
25 to publication;

26 (B) Takes meaningful steps to avoid biases in its scientific review process; and

27 (C) Does not charge publication or submission fees to authors.

28 (3) "Regulatory action" means a risk, exposure, or health advisory; hazard assessment,
29 health-based guidance level, enforceable drinking water standard, or hazardous substance or
30 chemical of concern remediation standard; a hazardous substance, solid waste, or hazardous
31 waste designation or determination; criteria document; standard; limitation; public notice;
32 regulation or legislative rule; regulatory impact analysis; guidance document; or other similar
33 administrative action or scientific or technical assessment or conclusion.

34 (c) The provisions of this section shall only apply to state agency regulatory actions that are
35 adopted on or after the effective date of this section and that are (i) more stringent than any
36 applicable federal regulatory action or (ii) adopted in the absence of a federal regulation action.

37 (d) Nothing in this section shall be construed to impact:

38 (1) Any regulatory action by a state agency in existence before the effective date of this
39 section;

40 (2) Any regulatory action by a state agency in furtherance of federal agency primacy
41 requirements; or

42 (3) Any regulatory action by a state agency that is the same in substance as a counterpart
43 federal regulation as provided in §22-1-3(c) of this code.

NOTE: The purpose of this bill is to establish the Sound Science in Regulations Act. The bill provides that no state may agency propose or effectuate a regulatory action unless those actions are based on the best available science.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.