

An aerial photograph of a vast, rolling landscape. The terrain is covered in vibrant green fields and pastures, with some areas appearing to be recently plowed or in different stages of growth. In the distance, there are more hills and a line of trees. The sky is a pale, soft blue, suggesting a clear day. The overall scene is peaceful and scenic.

# HEAL Agency Updates to the Environmental Justice Council

September 1, 2023

Healthy Environment For All (HEAL) Act: Chapter 70A.02 RCW

# Content

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- Review of submitted Strategic and Implementation Plans
- Community and Tribal Engagement Plan update
- EJ Assessment process update
- Budgeting and Funding update
- Agency Budget information
- Common barriers
- Opportunities to Overcome Barriers
- What the IAWG needs from EJC
- Appendices

# Strategic Plans

Agriculture	Commerce	Health	Transportation	Natural Resources	Ecology	Puget Sound Partnership
<p><a href="#">WSDA Strategic Plan</a> published Jan 1, 2023</p> <p><a href="#">WSDA Implementation Plan</a> published Jan 1, 2023</p>	<p><a href="#">Agency strategic plan</a> has been drafted, incorporates EJ Implementation Plan.</p> <p>Commerce Director publishes first agency statement on <a href="#">Equity</a></p>	<p><a href="#">DOH Transformational Plan</a> published Aug 2022</p> <p>Full <a href="#">DOH EJ Implementation Plan</a> published December 2022</p>	<p><a href="#">WSDOT Strategic Plan</a> (Sept 2022)</p> <p><a href="#">WSDOT Diversity, Equity and Inclusion Plan</a> (Aug 2022 incorporates the HEAL Act)</p> <p><a href="#">WSDOT Strategic Plan Brochure</a> (Sept 2022)</p> <p><a href="#">WSDOT EJ Implementation Plan</a> (Jun 2023)</p>	<p><a href="#">DNR 2022-2025 Strategic Plan</a> (Jan 2023)</p> <p><a href="#">DNR HEAL Implementation Plan</a> (July 2023)</p> <p><a href="#">DNR Forest Resilience Environmental Justice Plan</a> (June 2023)</p> <p><a href="#">DNR Boards &amp; Commissions Action Plan</a> (est. Sept. 2023)</p>	<p><a href="#">Ecology's 2023-2025 Strategic Plan</a></p> <p><a href="#">Ecology and EPA Environmental Performance Partnership Agreement State Fiscal Years 2022-2023</a></p> <p>Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW): Summary of Progress and Implementation Goals</p> <p>Ecology Pro-Equity and Anti-Racism Strategic Action Plan</p> <p>Language Access Plan (updates forthcoming 2024)</p> <p>Diversity Equity Inclusion and Respect Plan (forthcoming 2024)</p>	<p><a href="#">PSP Strategic Plan</a> (2020-2025)</p> <p><a href="#">Puget Sound Action Agenda</a> (2022-2026)</p> <p>EJ Implementation Plan (adopted Aug 2023) <a href="#">Puget Sound Partnership - HEAL Implementation (wa.gov)</a></p> <p><a href="#">Equity and EJ Program Strategic Plan</a> (adopted Feb 2023)</p>

# Community Engagement

## **DESIRED OUTCOMES**

Equitably engage with overburdened communities and vulnerable populations.

## **UPDATE**

- The provisional Community Engagement plans are being used by the agencies to varying degrees.

## **NEXT STEPS**

- Individual agencies will continue to host community listening sessions and other forms of engagement.
- Review provisional Community Engagement plans and incorporate the EJ Council's Community Engagement values and guidance as well as what has been learned from listening sessions.

# Tribal Engagement

## **DESIRED OUTCOMES**

To facilitate and develop coordinated engagement guides, outreach and consultation opportunities

## **UPDATE**

- Offer of formal government to government consultation on the suite of agency Tribal and Community Engagement Plans, facilitated by the Governor's Office of Indian Affairs

## **NEXT STEPS**

- Tribal and Community Engagement Guides listening session scheduled for September 26th
- Coordinate with other IAWG subcommittees for a second offer of formal government to government consultations and listening sessions on the suite of policies on Budget and Financing, Environmental Justice Assessment, and Identification of Overburden Communities and Vulnerable populations, facilitated by the Governor's Office of Indian Affairs
- Request time on the agenda during the 2024 Affiliated Tribes of Northwest Indian Winter Convention plenary session

# EJ Assessments

## DESIRED OUTCOMES

Identify and take action to eliminate or reduce potential harm to communities most impacted by environmental hazards and to equitably distribute environmental benefits.

## UPDATE

- Created a common EJA template that is being adopted and tailored by agencies to fit their needs.
- OFM has a website where EJA notices can be found: [Environmental justice assessment notices | Office of Financial Management \(wa.gov\)](https://www.ofm.wa.gov/eja).

## NEXT STEPS

- Community listening sessions will further inform this process
- Engage EJ Council and incorporate their guidance
- Working with Tribal Liaisons and GOIA on how to offer joint tribal consultation on significant agency actions with impacts to tribes
- Workshops with EJ Council members on the EJ Assessment process

# EJ Assessments FY24

Environmental Justice Assessments (anticipated EJAs for different SAAs)	Agriculture	Commerce	Health	Transportation	Natural Resources	Ecology	Puget Sound Partnership
Development and adoption of significant legislative rules	✓	✓	✓	✓	✓	✓	
Development and adoption of any new grant or loan program		✓	✓	✓	TBD	✓	
Capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000;		TBD		✓	✓	TBD	✓
Submission of agency request legislation	✓	✓	TBD	TBD	TBD	✓	
Any other agency actions deemed significant by a covered agency		✓		✓	✓		✓



# EJ in Budgeting and Funding

## **DESIRED OUTCOMES**

Equitable distribution of agency budgets, expenditures, and funding opportunities towards overburdened communities, with a focus on the elimination of harm and equitable distribution of environmental benefits, and increased access to participation and decision-making.

## **UPDATE**

- Agencies have done an initial review of the budget and funding processes subject to this law.
- Posted budget and funding decision-making processes on agency websites.

## **NEXT STEPS**

- Determine how to interpret the 40% requirement and apply it throughout the agency
- Gather data for reporting requirement at the end of the year
- Explore potential solutions for standardized data collection



Budget Information	Agriculture (877 employees)	Commerce (591 employees)	Health (3,100 employees)	Transportation (6,945 employees)	Natural Resources (2,054 employees)*	Ecology (1,680 employees)	Puget Sound Partnership (56 employees)
FY23-25 Request: (put funding source)	\$584,709 (HEAL/EJ) \$386,000 (PEAR/EJ) <b>TOTAL = \$970,709</b>	\$3,094,000	\$3,897,929	None	None	None	\$778K 2 FTE Budget request
FY23-25 Actual:	\$584,709 (HEAL/EJ) \$386,000 (PEAR/EJ) <b>TOTAL = \$970,709</b>	\$3,096,000 biennium (Operating budget, CCA)	Totals \$1.17M in FY2024, \$1.2M in FY2025+	\$2,075,000	\$3,812,000	Carry Forward Level: \$1,608,000 per biennia	\$778K 2 FTE Budget request
How funds are being used:	*EJ staff *EJ implementation *Community Engagement *Travel to support activities	<ul style="list-style-type: none"> <li>EJ staff</li> <li>EJ implementation</li> <li>Community and Tribal engagement</li> <li>IT support</li> <li>Travel</li> </ul>	<ul style="list-style-type: none"> <li>EJ staff</li> <li>EJ implementation</li> <li>Community and Tribal engagement</li> <li>Travel</li> </ul>	*EJ staff *EJ implementation *EJ analysis, supports, and review *Community Engagement (translation services, interpretation, accessibility) *Travel to support activities	*EJ staff *EJ implementation *EJ analysis, supports, and review *Community Engagement *Travel to support activities	* HEAL + EJ staff * HEAL implementation * EJ analysis, support and review * Community engagement	EJ Coordinator & Community Engagement Coordinator
Portion that are ongoing & portion of one-time only	*100% ongoing (HEAL/EJ) *100% ongoing (PEAR/EJ)	100% one-time	\$1,124,000 to support permanent staff	100% ongoing (HEAL/EJ)	100% ongoing (HEAL/EJ)	* 100% ongoing (HEAL/EJ)	100% ongoing
Requested from supplemental budget and what for	N/A- not currently planning to request additional funds in the supplemental session.	N/A - not requesting additional funds in supplemental 23-25	\$321,000 to fund contracting that wasn't funded through original request and small amount to support ongoing staffing costs	N/A	N/A- not currently planning to request additional funds in the supplemental session.	N/A- not currently planning to request additional funds in the supplemental session.	N/A

## Common Barriers

- Statutory timelines inhibit appropriate time to develop processes and relationships to enhance meaningful community engagement.
- Need for enterprise-wide community engagement and performance metric tracking systems.
- Risk of overburdening impacted communities and Tribes with multiple redundant requests of engagement and consultation.
- Resources to embed meaningful and sustained community engagement in agency practices/decision-making.
- Developing infrastructure is challenging.

## Opportunities and Resources to Overcome Barriers

- Coordinated outreach and consultation effort between agencies, whenever feasible. Go beyond those community groups who are most vocal to ensure we can directly and meaningfully engage with impacted communities.
- Continue to adapt HEAL deliverables as we become more informed and engaged with overburdened communities.
- Centralized tracking systems.

## IAWG Needs from EJC

- Review of provisional community engagement plans.
- Guidance on the process for identification of overburdened communities and vulnerable populations.
- Guidance on what is meant by environmental benefits & environmental harms.
- Guidance on budget and funding recommendations/expectations.

# Appendices

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# Department of Agriculture Updates

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## Implementation Updates

- WSDA [Strategic Plan](#) and [EJ Implementation Plan](#) published Jan 1, 2023.
- Develop external facing [HEAL Act webpage](#) with resources and EJ Team contact information.
- Initial approach to incorporating [EJ in budget and funding decisions](#) posted July 1, 2023
- Held five (of 6 planned) monthly webinars to train agency staff on each HEAL Act obligation area.
- Began conducting EJ Assessments for significant agency action (primarily ARLs and rulemaking for WSDA).
- EJAs that have been officially initiated are posted to the WSDA webpage.
- Planning community-based listening sessions this Fall focused on obtaining input into our agency's community engagement efforts.
- Developing internal facing SharePoint site to catalogue EJ tools and resources for agency staff
- Plans to recruit Communications specialist who will dedicate a portion of their time on agency EJ communication

## Funding Resources & Requests

FY23-25 Budget Funding: \$970,709

## How funds are being used:

- EJ staff
- EJ implementation
- Community Engagement
- Travel to support implementation activities

## FY23-25 Budget Request:

- \$584,709 (HEAL/EJ)
- \$386,000 (PEAR/EJ)
- TOTAL = \$970,709**

## Implementation Barriers:

- Lack of clarification on competing guidance from multiple partners.
- Agency-created processes and documents are in draft form due to delays in obtaining guidance and feedback.
- Statutory timelines continue to mal-align EJHEAL implementation and state enterprise processes (guidance/staffing resources/etc.).
- Statutory timelines inhibit appropriate time to develop processes and relationships to enhance meaningful community engagement.

## Who identified these barriers?

- WSDA EJ Team

## Needs to overcome barriers:

- Centralized process for gathering and sharing information that impacts enterprise-level decision making.

## Contact Information:

- IAWG Representative: Jill Wisehart [jwisehart@agr.wa.gov](mailto:jwisehart@agr.wa.gov)
- EJC Agency Liaison/Ex-Officio: Nicole Johnson, [nyjohnson@agr.wa.gov](mailto:nyjohnson@agr.wa.gov)

# Department of Commerce Updates

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## Implementation Updates

- [Agency strategic plan has been drafted](#), incorporates EJ Implementation Plan draft, published Jan 1, 2023
- Initial approach to incorporating [EJ in budget and funding](#) decisions posted July 1, 2023
- Solicited feedback on SAA's, [adopted additional SAA](#) to create a path to opt-in programs as SAA's that wouldn't otherwise qualify per the statute.
- Co-led interagency workgroup that drafted the uniform EJ Assessment form and process guide. Developed Commerce-specific process form and guide -- available upon request.
- Held four webinars to train staff on the EJ process. Stood up "EJ helpdesk" to provide technical assistance to program staff. Started conducting EJ Assessments for ARLs and new 23-25 grant and loan programs.

## Funding Resources & Requests

- FY 23-25: \$3,096,000, one-time funding via the Operating Budget, Climate Commitment Account.
- Funds are being used for staffing, community and tribal engagement, IT, travel

## Implementation Barriers:

-Commerce's strength, a diverse portfolio of programs, creates a challenge with so many new budget provisos that require an initial "desk audit" to determine if an EJ assessment is required. Commerce will need to engage with communities on many different programs simultaneously, creating a strong likelihood of information overload and bandwidth constraints at the community level.

-Lack of enterprise-wide community engagement and performance metric tracking systems

### Who identified these barriers?

- Agency staff

### Needs to overcome barriers:

- Centralized tracking systems
- Coordinated outreach and consultation effort between agencies, whenever feasible

## Contact Information:

EJC Agency Liaison/Ex-Officio: Michael Furze, [michael.furze@commerce.wa.gov](mailto:michael.furze@commerce.wa.gov)

IWG representative: Jennifer Grove, [jennifer.grove@commerce.wa.gov](mailto:jennifer.grove@commerce.wa.gov)



# Department of Ecology Updates

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## Implementation Updates

- Adopted Provisional Community Engagement Plan (2022)
- Adopted HEAL implementation plan (2022)
- Hired EJ Engagement Coordinator

## Milestones – 2023

- Began implementation of [EJ Assessments](#)
- Published [Budget and Funding Equity Priorities](#)
- Held listening sessions on [community engagement with Ecology](#)

## Implementation barriers:

1. Developing novel infrastructure within and between agencies (reporting, dashboards, assessments)
2. Matching statutory timelines with meaningful and effective outcomes
3. Risk of burden and capacity limits in communities and with Tribes related to covered agencies striving to comply with HEAL engagement and consultation obligations.

## Opportunities and resources to overcome barriers:

1. Covered agency coordination on community outreach and Tribal consultation effort
2. Coordination on protocols for community compensation, civil rights compliance (.e.g., language access), and other best practice compliance practices

### **Contact Information:**

EJ Senior Policy Advisor/IAWG Rep: Courtney Cecale, [courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov)

EJ Engagement Coordinator: Chelsea Batavia [chelsea.batavia@ecy.wa.gov](mailto:chelsea.batavia@ecy.wa.gov)

Civil Rights Compliance Coordinator: Megan MacClellan [megan.macclellan@ecy.wa.gov](mailto:megan.macclellan@ecy.wa.gov)

EJ Council Ex-Officio Liaison: Millie Piazza, [millie.piazza@ecy.wa.gov](mailto:millie.piazza@ecy.wa.gov)

# Department of Health Updates

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## Implementation Updates

- [DOH Transformational Plan](#) published Aug 2022. Full [DOH EJ Implementation Plan](#) published December 2022
- Initial approach to incorporating [EJ in budget and funding](#) decisions posted July 1, 2023
- EJAs that have been officially initiated are posted to the [DOH EJ Assessment site](#). Will use IAWG EJA template for reporting. Creating DOH-specific EJA guidance, which will be posted to website before end of year.
- Hiring four additional HEAL implementation staff.

## Funding Resources & Requests

FY23-25 Budget Funding Request: \$1.1M for HEAL Implementation and \$1.3M for EHD Map. Total: \$1.4M

How funds are being used:

- EHD Map – Staffing, academic support contracts, travel
- HEAL Implementation – Staffing, contracts, ATG services, travel, funding to support community engagement

FY24 Supplementary Budget Request:

EHD Map: for FY23-25 \$238K only asking for additional funds for SFY25

HEAL Implementation: for FY23-25 \$321K

## Implementation Barriers

- DOH reorganization and subsequent changes to HEAL staffing and support
- Emerging data-related needs, including data analyst and mapping expertise
- Additional staff support needed due to complexity and scale of helping DOH staff meet EJA and budgeting and funding obligations
- Need for enterprise-wide community engagement and performance metric tracking systems
- Need for coordinating community engagement and tribal consultation to avoid overburdening

Who identified these barriers?

- DOH staff

Needs to overcome barriers:

- Support for DOH supplementary budget request and forthcoming FY25-27 budget requests
- Centralized tracking systems
- Coordinated outreach and consultation effort between agencies, whenever feasible

## Contact Information:

IAWG representative: Charmila Ajmera; [Charmila.Ajmera@doh.wa.gov](mailto:Charmila.Ajmera@doh.wa.gov)

EJC Agency Liaison/Ex-Officio: Lauren Jenks; [Lauren.Jenks@doh.wa.gov](mailto:Lauren.Jenks@doh.wa.gov)

# DOH | EHD Map Budget Updates

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Budget Information	EHD Map
FY23-25 Request: (put funding source)	EHD Map – \$1,737,964
FY23-25 Actual:	EHD Map – Totals \$1,165,000 in FY2024, \$1,179,000 in FY2025, \$1,077,000 in FY2026+
How funds are being used:	EHD Map – Staffing, academic support contracts, travel
Portion that are ongoing & portion of one-time only	\$1.2M – Total for EHD Map and HEAL implementation. Ongoing funds will be directed to ensure staff positions are permanent.
Requested from supplemental budget and what for	EHD Map - \$238,000 in FY25 and \$230,000 in FY26 and ongoing to add: 2 FTE

# Department of Natural Resources Updates

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## Implementation Updates

- Hired EJ External Affairs Manager
- Hired Boards & Commissions Manager
- Hired EJ Communications and Outreach Specialist
- Adopted: [Draft Community Engagement Guide](#) (July 2022)
- Adopted: [Forest Resilience EJ Action Plan](#) (June 2023)
- Adopted: [HEAL Implementation Plan](#) (July 2023)
- Adopted: Boards and Commissions Action Plan (August 2023)
- In progress: Community Participation and Public Meeting Policy (Est. Oct 2023)
  
- Solicited feedback on SAA's, created agency-wide screening portal to create a path to opt-in programs and actions for SAA's that wouldn't otherwise qualify per the statute, but have significant impact on community.
  
- Hosted all-agency Open Houses on EJ Implementation: "Assessing Cumulative Health and Environmental Impacts through HEAL" and released DNR's EJ 101 training for all staff.

## Funding Resources & Requests

- FY23-25 Budget Funding Request: \$3.812M for ongoing HEAL Implementation with \$1.2M of that for expanded Environmental Justice programming. **Total: \$3.812m**
- FY24 Supplementary Budget Request: No EJ or HEAL specific asks anticipated.

## How funds are being used:

- HEAL Implementation – Staffing, contracts, ATG services, travel, funding to support community engagement
- Planning and Innovation: Discover Pass Access Pilot Program, Recreation Access Strategic Planning, community support and Boards and Commissions Action Plan implementation.

## Barriers

1. Educational and technical infrastructure does not match needs.
2. Agency-wide community engagement standards vary by function.
3. Requires culture change across a large agency with varied functions.

## Opportunities and Resources to overcome barriers:

- Coordinated outreach and consultation effort between agencies, whenever feasible.
- Opportunity to update and adapt implementation plans based on engagement.
- Identify, create, and monitor adoption of EJ competencies across the agency.
- Centralized services for and compliance with new EJ policies and procedures.

## Contact Information:

- EJC Agency Liaison/Ex-Officio: EJ Juarez; [ej.juarez@dnr.wa.gov](mailto:ej.juarez@dnr.wa.gov)
- IAWG representative : Carlos Lugo; [carlos.lugo@dnr.wa.gov](mailto:carlos.lugo@dnr.wa.gov)

# Department of Transportation Updates

## Implementation Updates

- **Community Engagement Plan** (July 2022)
- **Strategic Plan** (September 2022)
- **Diversity, Equity and Inclusion Plan** (August 2022 Embedded in the Strategic Plan - incorporates the HEAL Act/EJ)
- **EJ Assessment Process Update** (Draft)
- Project Development **Community Needs Assessment** (Draft)
- **HEAL Act EJ Implementation Plan** (June 2023)
- **EJ Principles in Budget and Funding Processes** (June 2023)
- **EJ Webpage** (public facing)
- **Internal EJ/Community Engagement Practitioners SharePoint Site**
- **Hiring EJ positions across the agency** (3 HEAL FTEs hired to date)

## Funding Resources & Requests

FY21-23 Budget Funding: \$1,026,000

FYI 23-25 : \$2,075,000 (\$1,026,000 +\$1,049,000 carry forward)

How were funds used:

- Staffing resources for HEAL Act/ EJ implementation, analysis, community and tribal engagement, and travel)

FY23-25 Budget Request: None

## Barriers

Implementation barriers:

- Requires transformational culture change across large agency with various functional areas
- Lack of resources to concurrently develop and facilitate transformational change
- Guidance and expectations on incorporating EJ principles in budgeting practices and metrics
- Resources to embed meaningful & sustained community engagement in agency practices/decision-making
- Resources for continuous EJ education

Who identified the barriers?

- WSDOT HEAL Act Co-Project Managers

Needs to overcome barriers

- Sustained implementation of the WSDOT DEI plan including EJ education and internal communications
- § Community engagement training and sustained implementation throughout WSDOT decision-making
- § Identify, fulfill, and monitor EJ /Community Engagement staffing needs (including education and implementation in all WSDOT divisions and regions)

## Contact Information

[EnvironmentalJustice@WSDOT.WA.GOV](mailto:EnvironmentalJustice@WSDOT.WA.GOV)

IWG Representatives:

Charlene Kay [kayc@wsdot.wa.gov](mailto:kayc@wsdot.wa.gov)

Alberto Valentin [valenta@wsdot.wa.gov](mailto:valenta@wsdot.wa.gov)

EJC Agency Liaison/Ex-Officio:

Ahmer Nizam [nizama@wsdot.wa.gov](mailto:nizama@wsdot.wa.gov)

# Puget Sound Partnership Updates

## Milestones – 2022

- Hired project EJ Coordinator (May)
- Adopted Draft Community Engagement Guide (July)
- Adopted HEAL implementation plan (September)

## Milestones – 2023

- Adopted and began implementation of EJ Assessment Policy & Budget and Funding Policy (June/July)
- Initiated first EJ Assessment of an agency SAA (July)
- Converted EJ Coordinator to a permanent position
- Hiring permanent Community Engagement Coordinator
- Updated HEAL Implementation Plan (September)

### **Contact Information:**

Lea Anne Burke, Tribal Affairs Manager: [lea-anne.burke@psp.wa.gov](mailto:lea-anne.burke@psp.wa.gov)

Stephanie Sayo, EJ Coordinator: [stephanie.sayo@psp.wa.gov](mailto:stephanie.sayo@psp.wa.gov)

Melissa Schutten, Equity and EJ Manager & EJC Ex-Officio:

[melissa.schutten@psp.wa.gov](mailto:melissa.schutten@psp.wa.gov)

## **Implementation barriers:**

Delays in obtaining guidance and feedback on mandatory deliverables; statutory timelines limit alignment of ensuring meaningful community engagement.

Risk of overburdening impacted communities and Tribes with multiple redundant requests of engagement and consultation.

## **Opportunities and Resources to overcome barriers:**

Coordinated outreach and consultation effort between agencies, whenever feasible. Go beyond those community groups who are most vocal to ensure we can directly and meaningfully engage with impacted communities.

Continue to adapt HEAL deliverables as we become more informed and engaged with overburdened communities.