

Environmental Justice Council

August 25, 2023 Meeting Materials

Table of Contents

Agenda - Español	1
Agenda - English	4
Discussion and Possible Adoption of Council Community Engagement Values and Guidance	8
Memo.....	8
Draft Community Engagement Values and Guidance	10
Discussing Council Member Capacity and Improving Council Member Ability to Engage	14
Memo.....	14
February 28, 2023 Memo from Carrie Sessions, Governor’s Senior Policy Advisor on Environment and Water (clarifying the use of delegates for Environmental Justice Council Tribal seats).....	15
Proposed Interim Policy for Non-Tribal EJC Member Support Person for Committee Work	17
The Original Vision for the HEAL Act & Council Values and Direction	19
Memo.....	19
Lessons and Insights from the 2023 Legislative Session for the Council’s Engagement in the 2024 Legislative Session	20
Memo.....	20
Council 2024 Legislative Process for Educating, Advocating, and Lobbying the Governor and Legislature on Council Priorities	21
Memo.....	21
Adopted Talking Council Points for the 2023 Legislative Session.....	25
Public Comments	28

Reunión del Consejo de Justicia Ambiental

Viernes, 25 de agosto de 2023

De 2:45 p. m a 6:30 p. m.

Reunión híbrida con modalidad presencial y virtual por Zoom:

Presencial:

Tulalip Resort & Casino
10200 Quil Ceda Blvd
Tulalip, WA 98271
Salón: Chinook 1 y 2

Virtual (por Zoom):

Para unirse al seminario web, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/81747864781>

Id. del seminario web: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del seminario web: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/j/81747864781>

Agenda

Si se une a través de Zoom, conéctese a las 2:35 p. m. para ver una presentación sobre cómo activar los subtítulos y unirse al canal de interpretación en español.

De 2:45 p. m. a 2:55 p. m.	I. Bienvenida y repaso de la lista de asistencia para el cuórum	Esther Min, miembro del Consejo
De 2:55 p. m. a 3:00 p. m.	II. Aprobación del orden del día por parte del Consejo - Posibles medidas del Consejo	Aurora Martin, miembro del Consejo Miembros del Consejo
De 3:00 p. m. a 3:20 p. m.	III. Comentarios públicos	Rosalinda Guillen, miembro del Consejo
De 3:20 p. m. a 3:50 p. m.	IV. Debate y posible adopción de los valores y las pautas de participación comunitaria - Posibles medidas del Consejo	Maria Batayola, codirectora Comité de Participación Comunitaria Rowena Pineda, miembro del equipo del Consejo Sauncha Romey, miembro del equipo del Consejo Miembros del Consejo

Receso de 15 minutos

Habrará café, té y aperitivos.

De 4:05 p. m. a 4:40 p. m.	V. Debate sobre la capacidad de los miembros del Consejo y cómo mejorar su capacidad de participación	Comité de gobernanza Miembros del Consejo
De 4:40 p. m. a 5:10 p. m.	VI. La visión original de la Ley HEAL (por su sigla en inglés, Ley de Medioambiente Sano para Todos) VII. Valores y dirección del Consejo	El honorable Jarred-Michael Erickson Senadora Saldaña Miembros del Consejo
De 5:10 p. m. a 5:30 p. m.	VIII. Lecciones de la sesión legislativa de 2023 y perspectivas para el compromiso del Consejo en la sesión legislativa de 2024	Sierra Rotakhina, miembro del equipo del Consejo Miembros del Consejo
De 5:30 p. m. a 6:15 p. m.	IX. Prioridades y proceso legislativo del Consejo para 2024 - Posibles medidas del Consejo	Maria Batayola, codirectora Personal del Consejo Miembros del Consejo
De 6:15 p. m. a 6:30 p. m.	X. Agradecimientos y levantamiento de la sesión	Miembros del Consejo

Información importante:

- El Consejo puede cambiar los asuntos del orden del día el mismo día de la reunión.
- El número de contacto de emergencia durante la reunión es 360-584-4398.
- Si desea solicitar este documento en un idioma o formato alternativos, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council Meeting

Friday August 25, 2023

2:45pm – 6:30pm

Hybrid Meeting with In-Person and Zoom Options:

In-Person:

Tulalip Resort & Casino

10200 Quil Ceda Blvd

Tulalip, WA 98271

Room: Chinook 1 & 2

Virtual - Zoom:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81747864781>

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Webinar ID: 817 4786 4781

International numbers available: <https://us02web.zoom.us/u/kd6MggTvTL>

Agenda

If you are joining via Zoom, please join us at 2:35pm for a presentation on how to turn on closed captions and join the Spanish interpretation channel.

2:45 PM – 2:55 PM	I. Welcome and Roll Call for Quorum	Council Member Esther Min
2:55 PM – 3:00 PM	II. Approval of Agenda by Council -Possible Council Action	Council Member Aurora Martin Council Members
3:00 PM – 3:20 PM	III. Public Comment	Council Member Rosalinda Guillen
3:20 PM – 3:50 PM	IV. Discussion and Possible Adoption of Community Engagement Values and Guidance Materials on page 8 -Possible Council Action	Co-Chair Maria Batayola Community Engagement Committee Rowena Pineda, Council Staff Sauncha Romey, Council Staff Council Members

<p>15 Minute Break</p> <p>Coffee, tea, and light refreshments will be available</p>		
<p>4:05 PM – 4:40 PM</p>	<p>V. Discussing Council Member Capacity and Improving Council Member Ability to Engage</p> <p style="text-align: center;">Materials on page 14</p>	<p>Governance Committee</p> <p>Council Members</p>
<p>4:40 PM – 5:10 PM</p>	<p>VI. The Original Vision for the HEAL Act</p> <p>VII. Council Values and Direction</p> <p style="text-align: center;">Materials on page 19</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Senator Saldaña</p> <p>Council Members</p>
<p>5:10 PM – 5:30 PM</p>	<p>VIII. Lessons and Insights from the 2023 Legislative Session for the Council’s Engagement in the 2024 Legislative Session</p> <p style="text-align: center;">Materials on page 20</p>	<p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>5:30 PM – 6:15 PM</p>	<p>IX. Council 2024 Legislative Process for Educating, Advocating, and Lobbying the Governor and Legislature on Council Priorities</p> <p style="text-align: center;">Materials on page 21</p> <p style="text-align: center;">-Possible Council Action</p>	<p>Co-Chair Maria Batayola</p> <p>Council Staff</p> <p>Council Members</p>

6:15 PM – 6:30 PM

X. Appreciations and Adjournment

Council Members

Important Information:

- The Council may move agenda items around on the day of the meeting.
- Emergency contact number during the meeting is 360-584-4398.
- To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398.

Environmental Justice Council

Date: August 25, 2023

To: Environmental Justice Council Members

From: Environmental Justice Council Community Engagement Committee

Subject: Community Engagement Values and Guidance

Background and Summary:

The Community Engagement Committee of the Environmental Justice Council (Council) is bringing back the draft community engagement values and community engagement guidance for HEAL agencies that the Council discussed during its meetings in June and July of 2023.

To simplify the motion, the Committee recommends separating the adoption of the values and guidance from its implementation. The reasons for this include:

- A motion that the Council approved on June 22, 2022 stated that the HEAL agencies will incorporate guidance from the Council in their DRAFT community engagement plans.
- The Committee has been working on the values and guidance document since 2022. The values and guidance serve as the framework through which we review agencies' community engagement plans. Without this framework, the review of the community engagement plans will lack coherence.
- Adoption of the values and guidance provides an opportunity for the Committee to engage in thought partnership with the agencies on the development of how they can be incorporated in community engagement plans as well as in the development of shared metrics.

Recommended Action:

The Community Engagement Committee of the Council recommend the Council discuss, amend as necessary, and adopt the following motion:

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The Environmental Justice Council adopts the Community Engagement Values and Guidance drafted by its Community Engagement Committee.

Staff Contact

Rowena Pineda, Environmental Justice Advisor, rowena.pineda@ejc.wa.gov, 360.584.4197

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DRAFT Community Engagement Guidance and Values

Presented for Approval to the Environmental Justice Council on August 25, 2023

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington State. The HEAL Act established the Environmental Justice Council to provide guidance to state agencies on how to integrate environmental justice into different facets of their work. The Community Engagement Committee was created by the Council to lead the discussion on community engagement with the agencies. The committee and the Council believe that authentic community engagement is the heart of environmental justice. Community engagement is a two-way communication process between government and the public.ⁱ As such the following values are foundational to community engagement, and the guidance are reflective of these values. While the guidance is designed for state agencies, they can be useful for communities as they review and evaluate how agencies are engaging with communities. (Appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.)

1. **Community-Centered:** With a focus on those closest to the pain: Power, dialog, and knowledge production must be done with community as equal partners. The use of lived experience, story, participatory, qualitative, and arts-based methods that accurately convey community concerns must be prioritized as at least equal to western and quantitative methods for transformational change.
2. **Equity-Centered:** We work to make meaningful change with communities that have been historically oppressed, denied resources, and extracted from for the benefit of others. The goal is to eliminate racial hierarchies and advance collective liberation, where Black, Indigenous and People of Color, in particular, have the dignity, resources, power, and self-determination to fully thrive.
3. **Accessible:** Work should be done in locations where community is in partnership with community-based organizations and community leaders, in ways that utilize multiple ways of knowing, in ways that share power, and with results that are usable by

community. Translation services and disability inclusion through accommodations should be provided.

4. **Authentic:** Community is the expert of their lived reality. Engagement with community should be authentic, ongoing and non-extractive, and value community knowledge through reciprocity.
5. **Accountable (Reciprocal Trust):** Government must acknowledge their past and current missteps and take action to create a better relationship currently and in the future through Truth and Reconciliationⁱⁱ. At the same time, government often distrusts community knowledge and work if it is not based on quantitative data (even if the numbers are not accurate or real). Authentic partnership with community can lead to data that is a more accurate representation of their truth.
6. **Intersectional:** We coalition build by doing intersectional work to make a more inclusive, equitable, and sustainable movement that explores the nuance of how identities such as gender, race, disability, sexuality, religion, citizenship, age, and more have led to disproportionate burdens from environmental inequities.
7. **Interconnectedness:** We are interwoven with all people of the world, the environment, and the living and non-living world. Only through working together and seeing the humanity of us all can we replace individualism that leads to extractive relationships with people and the environment towards reciprocal relationships to address inequities and climate change.

Therefore, the Environmental Justice Council guidance is that outreach and community engagement shall:

1. Demonstrate respect and value for community cultural practices and expressions, ways of knowing, forms and sources of community leadership, and specific, local expertise.
(Reflective of Values #1: Community Centered and #4: Authentic)
2. Center, acknowledge, trust, and amplify voices of marginalized, vulnerable communities experiencing unaddressed environmental health disparities. Remember that community is the pre-eminent expert in their reality.

(Reflective of Values #4: Authentic and #7: Interconnectedness)

3. In planning and conducting community engagement, incorporate an understanding of the impacts of historical, contemporary and structural forms of racial and other oppressions. Incorporate this understanding into analytical methodologies agencies use when determining community impacts, mitigations, reparative benefits and the implementation of community engagement. The community engaged should be the primary beneficiary.

(Reflective of Values #3: Accessible, #4: Authentic, and #5: Accountable [Reciprocal Trust])

4. When planning and conducting community engagement, utilize multiple forms of culturally responsive research including quantitative, qualitative, and community driven methodologies and approaches to collaborative, and applied research that center community cultural values, voice, and agency. Ask the right questions, do the research in a non-extractive and anti-racist way to avoid disengagement, analyze the data in a non-deficit way, and the data/end product should be usable by community.

(Reflective of Values #1: Community Centered, #5: Accountable [Reciprocal Trust], #6: Intersectional, and #7: Interconnectedness)

5. Prioritize transparency in data collection by preserving raw data and creating opportunities for communities to re-analyze it. Recognize that publicly available data sometimes minimizes community-based data. Utilize community-based research methods including multiple qualitative and quantitative data sources to identify marginalized, vulnerable sub-populations within communities that might require unique approaches for engagement.

(Reflective of Values #1: Community Centered, #3: Accessible, and #6: Intersectional)

6. In collaboration with communities, identify and use culturally and linguistically responsive and effective outreach and community engagement methods and materials.

(Reflective of Values #1: Community Centered, #3: Accessible, and #4: Authentic)

7. Fully and concurrently utilize a wide variety of methods to conduct and engage communities in the ways and venues preferred by communities themselves. Make sure materials are accessible to community members without technology, prefer not to use technology, or have low literacy.

(Reflective of Values #1: Community-Centered, #2: Equity-Centered, #3: Accessible, and #4: Authentic)

8. Ensure that community meetings take place during times and locations when community members are available.

(Reflective of Value #3: Accessible)

9. Consider the impacts of community engagement on communities. Provide needed social supports such as funding for community-based resources that communities identify to help mitigate and process the trauma experienced from the engagement itself.

(Reflective of Values #1: Community-Centered, #2: Equity-Centered, and #3: Accessible)

10. Treat the valuable engagement with reciprocity in the form of gifts, food, and compensation which is a baseline of exchange for knowledge and experience communities are sharing with the state that they would otherwise not have access to.

(Reflective of Values #2: Equity-Centered and #3: Accessible)

11. Coordinate and collaborate among state agencies when engaging with communities.

(Reflective of value #1: Community Centered)

12. Provide a report on how the above guidance is integrated in community engagement, and lessons learned.

(Reflective of Value #5: Accountable [Reciprocal Trust])

ⁱ From Metropolitan Area Planning Council's (MAPC) Community Engagement Guide, [MAPC-Community-Engagement-Guide-2016.pdf](#).

ⁱⁱ Truth and Reconciliation: "Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior" (Canada's TRC Report 2008).

https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

Environmental Justice Council

Date: August 25, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Discussing Council Member Capacity and Improving Council Member Ability to Engage

Background:

The Council has discussed the need for increasing capacity, engagement, and equity for Council Members several times since the Council was first fully appointed in April of 2022. This was partially addressed for the Council's Tribal Representatives by a memo from Carrie Sessions, Senior Policy Advisor on Environment and Water for the Governor, clarifying the use of delegates for EJC Tribal seats (see [page 15](#) of the meeting materials). However, the concerns raised for other Members have not been addressed by the Council.

Several committees of the Council have discussed the benefits and concerns with various ideas that have been raised such as allowing delegates to attend committee meetings, allowing support staff to attend committee meetings, and/or opening committee membership up to non-Council members. The Executive Committee drafted an interim policy for discussion to address this issue, which was posted as supplemental materials for the July 27, 2023 Council meeting (see [page 17](#)). The Governance Committee has requested that the full Council engage in a discussion to inform the Governance Committee's next steps as they draft the bylaws.

Discussion:

During today's meeting the full Council will have an opportunity to discuss Council Member capacity and ideas for improving Council Members ability to engage.

Staff Contact:

Sierra Rotakhina, Environmental Justice Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

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To: Sierra Rotakhina, staff to the Environmental Justice Council

From: Carrie Sessions, Senior Policy Advisor on Environment and Water, Office of Governor Inslee

Date: January 31, 2023

Re: Use of delegates for Environmental Justice Council tribal seats

Staff for the Environmental Justice Council (the Council) asked the Governor's Office whether Councilmembers serving in the four tribal seats may use delegates to participate, speak, and vote on the Councilmember's behalf. The guidance provided in this memo is not intended to dictate whether the tribal representatives should use delegates; rather, this guidance should serve as parameters under which the Governor's Office is comfortable with the use of delegates, should the Council decide to go in this direction.

Consistent with the statutory requirement, the Governor's Office worked with Tribes on the selection of tribal representatives to serve on the Council. In collaboration with Tribes, we selected representatives whose qualifications uniquely position themselves to effectively represent tribal community voices in Council activities. Therefore, it is our preference that the appointed Councilmember participate in Council meetings and activities. However, we understand that is not always possible, especially for elected tribal leaders. Therefore, we are open to the use of delegates for the tribal Councilmembers, under certain parameters.

RCW 70a.02.110(2) states:

"The council consists of 14 members, except as provided in RCW 70A.65.040(3), appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state."

RCW 70a.02.110(2)(b) states that the Council must include:

"Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor, plus two tribal members as specified in RCW 70A.65.040. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives."

RCW 70a.65.040 adds two additional tribal members to the Council.

Other statutes that establish a Governor-appointed board or council, such as [RCW 28C.18.020](#), [RCW 43.20.030](#), and [RCW 50B.04.030](#), contain language that specifically allows for a member's delegate or designee. RCW 70a.02.110 lacks this language. However, we understand that our government-to-government relationship with Tribes warrants a unique approach to the tribal seats on the Council. Given the statutory language in RCW 70a.02.110(2)(b) and our government-to-government relationship

with Tribes, if tribal representatives on the Council wish to use delegates, we are comfortable with them doing so provided that it is done within the following parameters:

- Because all Council members are appointed by the Governor, we request that if a tribal Councilmember wishes to use a delegate, the delegate be identified to our office in writing by signed letter or tribal government resolution. We also request that the Councilmember only name one delegate.
- Per statute, the tribal seats are “representing tribal communities.” When selecting Councilmembers to serve in the tribal seats, the Governor’s Office solicited and prioritized applications from tribal leaders. We request that a named delegate also fulfill the requirement to “represent tribal communities,” for example by being an identified tribal member or person working in a leadership or senior staff position within tribal government. We offer to work with the tribal Councilmembers to ensure that a delegate fulfills this requirement.
- Lastly, the Governor’s Office retains the authority to not approve a named delegate.

If the above process and parameters are followed, we are comfortable with the four tribal Councilmembers using a delegate to participate and vote on the Councilmember’s behalf. We offer to work in partnership with the tribal Councilmembers on the process for naming delegates, should the Council decide to proceed with this option.

We value the contributions of all Councilmembers and deeply appreciate their service to the Environmental Justice Council.

July 21, 2023

TO: Environmental Justice Council Members

FROM: Environmental Justice Council Executive Committee

RE: Proposed Interim Policy for Non-Tribal EJC Member Support Person for Committee Work

We recognize the dire need to quickly resolve capacity inequities within the Environmental Justice Council (EJC) and the Members' ability to fully participate in EJC committee work. Note that the workload and capacity issues for the Tribal Representatives were addressed by guidance from the Governor's office on February 1, 2023 (see Appendix A).

We appreciate the input that we received from Council Members and have moved away from the original concept of a "delegate" to stating the actual need for a "support person."

Therefore, we are proposing this interim policy on Non-Tribal EJC Member support person for committee work.

Equity Issues:

The hardship is caused by inequitable workload and the lack of guidance on Council Member allowable support as follows:

1. Inequitable workload. The HEAL Act looks to the EJC to bring community voices in developing HEAL Act implementation guidance, resulting in greater capacity required and added pressure to ensure Non-Tribal EJC representatives can amplify constituent voices and participate in committees.
2. Inequitable exhaustion experienced by Non-Tribal EJC Members who are already stretched and at high risk for burnout.
3. Inequity within the EJC with only Tribal representatives and Ex Officio Members able to have support.

Interim Policy:

Therefore:

1. The Non-Tribal EJC Members may bring or send a support person to a committee meeting where no formal action is taken pursuant to RCW 42.30.020 of the Open Public Meeting Act.
2. The support person may be a paid or unpaid person from the Non-Tribal EJC Member's organization, coalition, and/or their ally network(s). They must have the relevant knowledge, skills, and abilities appropriate to the committee work.
3. When the Non-Tribal EJC Member is attending the committee meeting, the support person can take notes and will not participate in the committee discussion.
4. When the Non-Tribal EJC Member is absent, the support person can participate in the discussion and assist in formulating committee recommendations.
5. This interim policy will be in effect until the Governance Committee recommends and the EJC adopts a regular policy on supplementing Non-Tribal EJC Members' capacity to fully participate in committee work.
6. The EJC Executive Committee acknowledges that the Governance Committee can recommend, and the EJC can adopt, an EJC standard for Council Member attendance and participation.
7. Members will notify the full Council the name of their support person before inviting them to join any committee meeting.

Environmental Justice Council

Date: August 25, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Original Vision for the HEAL Act and Council Values and Direction

Background:

The Council is meeting in person for the first time this month, 16 months after the Council was fully appointed. This provides an opportunity for the Council to reflect and to discuss the Council's values and direction moving forward. To kick off this conversation, we have invited Senator Rebecca Saldaña (prime sponsor of the HEAL Act) to join the meeting to share the history of the HEAL Act and her perspective on the original vision of the HEAL Act and the vision moving forward.

You can also find more history and context on the HEAL Act in the following:

- 1) The Environmental Justice Task Force [Final Report](#) published in 2020.
- 2) The evolving versions of the HEAL Act (Senate Bill 5141 passed in 2021) available [here](#).

Discussion:

During today's meeting the full Council will have an opportunity to discuss the original vision for the HEAL Act and Council's values and direction moving forward.

Staff Contact:

Sierra Rotakhina, Environmental Justice Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

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Environmental Justice Council

Date: August 25, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Lessons and Insights from the 2023 Legislative Session for the Council's Engagement in the 2024 Legislative Session

Background and Discussion:

The Council held its first meeting in April of 2022 and went through its first state legislative session in early 2023. Today the Council will have time to reflect on the process the Council used last session to engage and lessons-learned. The Council will also discuss how those lessons-learned can inform the Council's engagement in the 2024 legislative session.

Staff Contact:

Sierra Rotakhina, Environmental Justice Council Manager, sierra.rotakhina@ejc.wa.gov, 360-584-4398

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Environmental Justice Council

Date: August 25, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Council 2024 Legislative Process for Educating, Advocating, and Lobbying the Governor and Legislature on Council Priorities

Background and Discussion:

The 2024 legislative session starts on January 8, 2024. Once session starts things tend to move very quickly and there are often just a few days or even less to respond (i.e., sometimes bills are introduced and public hearings are scheduled for the next day).

Council staff will monitor bill introductions to track and keep the Council informed on the following:

- 1) Bills that affect the Council's authority or membership, give it extra responsibilities, or otherwise directly impact the Council;
- 2) Budget bills (to determine alignment [or lack of alignment] with the Council's adopted budget recommendations); and
- 3) Bills related to any other policy priorities that the Council has formally adopted if the Council chooses to adopt policy priorities.

Staff need guidance from the Council on how to relay the Council's position in these three areas. Today the Council will have time to discuss (and potentially adopt) the process it wants to follow in the 2024 session that will guide how staff operate this legislative session.

Here are some considerations and possible discussions questions for each of the three topics listed above:

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1) Bills that affect the Councils authority or membership, give it extra responsibilities, or otherwise impact the Council

Considerations:

- Last year the Council adopted talking points that staff could use as needed during session. These talking points still did not assert Council positions, but did at least allow the Council to have a presence to ensure others did not speak on behalf of the Council or make assumptions about Council position. Those talking points are on [page 25](#) of the meeting packet.
- There were bills last year that would have directly impacted the Council's authorizing statute and membership that we were not able to engage with due to the pace of session and a lack of process for staff or Member engagement on bills. For example [House Bill 1664](#), if passed, would have terminated the appointments of the entire Council and required reappointments by December 31, 2023 and the Council was not able to engage.

Discussion Questions:

- If something directly impacts the Council's statutory authority, do you want to have a process for responding? For example, if there are bills to change Council membership or give it additional duties, do you want to give staff permission to testify or meet with Legislators and the Governor's Office to take a position? Would you want staff to work with the Executive Committee, Co-Chairs, or a special committee of the Council who could direct staff actions when the Council cannot convene quickly enough to provide this direction (pending discussion with AAG on this approach)?
- Does the Council want to make blanket positions opposed to any changes in its authority or duties? Maybe something against adding any more statutory

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requirements until it has had a chance to complete what has already been given to it?

2) Budget bills to determine alignment (or lack of alignment) with the Council's adopted budget recommendations

Considerations:

- Because these are formal positions of the Council adopted through consensus, last year staff and any Member of the Council were able to advocate for these recommendations.
- From the staff perspective this approach was a very important tool in successfully getting so many of the Council's recommendations funded.

Discussion Questions:

- Does the Council want any changes to the process used last year?

3) Bills related to any other policy priorities that the Council has formally adopted if the Council chooses to adopt policy priorities

Considerations:

- Other Boards, Councils, and Commissions do use this model of adopting policy priorities prior to session to guide staff and Member actions during session. See, for example, the State Board of Health's [Statement of the Board on Possible Legislative Issues 2023-2024 Biennium](#).
- Acknowledging the limited capacity of Council staff and Members, if the Council chooses to develop a legislative agenda, you may want to have a narrow scope. It can take up a lot of staff resources to monitor, track, and relay the Council's

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position on legislation. This often involves significant information gathering to understand the bills and how they change the status quo which can be time consuming.

Discussion Questions:

- Does the Council want to have policy priorities beyond those covered in the first dot point?
- If yes, would you want this to be limited to protecting the integrity of the HEAL Act and the climate and environmental justice aspects of the Climate Commitment Act or would you want to incorporate broader environmental justice and climate justice policy priorities?
- Are members aware of possible legislation that may be introduced this session that they may want to support or oppose? Or broader topics that they anticipate may be hot topics that they may want to create a position on?
- If the Council identifies policy priorities before session, are you comfortable with staff sending written comments on behalf of the Council or testifying on behalf of the Council in alignment with the Council's adopted policy positions/priorities? Or would you want only Members to testify/submit comments? Keeping in mind that session moves quickly and it may be difficult to coordinate Council Member's busy schedules.

Staff Contact:

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Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

Via: Council Executive Committee

From: Sierra Rotakhina, Council Manager

Subject: Legislative Updates: Recommended Legislative Talking Points

Background and Summary:

The Environmental Justice Council (Council) Executive Committee met on February 2, 2023. One topic of discussion at that meeting was that the Council is newly formed and has not yet established policy priorities (beyond the [Climate Commitment Act Funding and Budget Priorities](#)). The Council has also not yet developed protocols for taking a position or taking action on legislation. The Council's current process, therefore, is to bring bills or budget proposals to the full Council for discussion at which point the Council can decide, through consensus, if they want to take a position or action on a bill.

The Executive Committee recognizes that the pace of legislative session is fast, and that sometimes action may be needed between Council meetings. In addition, there are times when staying silent on a policy proposal that names the Council or otherwise directly impacts the Council's work may imply that the Council does not have concerns with the proposal when in reality the Council has just not had an opportunity to come to consensus on the issue. For this reason, the committee proposes that the Council adopt standard talking points that Council staff, Executive Committee Members, or other Council Members serving as spokespeople for the Council (identified as described in the [Article II](#) of the Council bylaws) can present. These talking points could be used during public testimony on bills, through written comments on bills, or during meetings with Legislators and other decision-makers on policy or budget proposals. In these instances, staff or Members would sign in to testify as "other" (not taking a position) and clearly indicate in all communications that the Council has not taken a position on

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the proposal. The Executive Committee has drafted the following 2023 Legislative Talking Points for the Council's discussion and amendments today:

- Thank you for asking the Washington Environmental Justice Council to comment on [insert bill number or topic].
- The Washinton Environmental Justice Council was convened under the Healthy Environment for All Act (HEAL Act) to provide guidance to Legislators, the Governor, and state agencies in incorporating environmental justice into decision-making.
- The Environmental Justice Council uses a consensus based decision-making process and all Council decisions must be made during open public meetings. The full Council has not had an opportunity to discuss this matter and take a position.
- We strongly encourage all Washington State legislation to be in alignment with the HEAL Act, build capacity to meet its intent, and not create (but rather remove) barriers to do so.
- In addition, the Council's position is that any decision-makers proposing legislation that impacts the Council's statutory authority, duties, or membership should engage with the full Council on the proposed language.

Executive Committee Recommended Actions:

The Executive Committee recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council 1) adopts the 2023 Legislative Talking Points as amended at the February 28, 2023 Council meeting, and 2) supports Council staff, Executive Committee Members, or other Council Members serving as spokespeople for the Council (identified as described in the [Article II](#) of the Council bylaws) in presenting these taking points (while maintaining a neutral position) on proposals that amend the HEAL Act or that directly impact that Council's authority, duties, or membership.

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Written Public Comments

No written public comments had been received at the time this meeting packet was posted