

# Environmental Justice Council Meeting Materials

September 22, 2022

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# Consejo de Justicia Ambiental

Jueves, 22 de septiembre de 2022

de 2:00 p. m a 5:00 p. m

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

<https://us02web.zoom.us/j/83866362710>

Id. del seminario web: 838 6636 2710

O por teléfono al +1 (253)-215-8782

Id. del seminario web: 838 6636 2710

## Propuesta de orden del día

De 2:00 p. m. a 2:20 p. m.	I. Bienvenida	Rowena Pineda, miembro del equipo del Consejo Miembros del Consejo
De 2:20 p. m. a 2:25 p. m.	II. Aprobación del orden del día - Posibles medidas del Consejo	Theo Cielos, miembro del equipo del Consejo Miembros del Consejo
De 2:25 p. m. a 2:30 p. m.	III. Aprobación de las notas de la última reuniones del Consejo - Posibles medidas del Consejo	Theo Cielos Miembros del Consejo
De 2:30 p. m. a 3:00 p. m.	IV. Debate/decisión sobre la gobernanza: funciones de los copresidentes y proceso de elección de estos - Posibles medidas del Consejo	Comité Directivo Sierra Rotakhina, miembro del equipo del Consejo Miembros del Consejo
Receso de 5 minutos		
De 3:05 p. m. a 3:25 p. m.	V. Comentarios públicos Si bien los miembros del público pueden hacer comentarios sobre	

		cualquier tema relacionado con la justicia medioambiental, en esta reunión el Consejo valoraría especialmente los comentarios sobre qué trabajo debería priorizar.	
De 3:25 p. m. a 4:15 p. m.	VI.	Planes de trabajo del Consejo y priorización del trabajo del Consejo "Qué debemos priorizar en los próximos 3 a 6 meses" - Posibles medidas del Consejo	Sierra Rotakhina Miembros del Consejo
Receso de 5 minutos			
De 4:20 p. m. a 4:40 p. m.	VII.	Debate sobre la participación comunitaria y lo que el Consejo desearía que las agencias incluyeran en las actualizaciones anuales de la HEAL al Consejo - Posibles medidas del Consejo	Comité de Participación Comunitaria Theo Cielos Rowena Pineda Miembros del Consejo
De 4:40 p. m. a 4:55 p. m.	VIII.	Actualizaciones sobre conversaciones con la Oficina del Gobernador	Miembros del Consejo Sierra Rotakhina
De 4:55 p. m. a 5:00 p. m.	IX.	Cierre y saludos	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](mailto:envjustice@ejc.wa.gov) o llame al 360-584-4398.

# Environmental Justice Council

Thursday September 22, 2022

2:00pm – 5:00pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83866362710>

Webinar ID: 838 6636 2710

Or Telephone: +1 (253) 215 8782

Webinar ID: 838 6636 2710

## Draft Agenda

2:00 PM – 2:20 PM	I. Welcome	Rowena Pineda, Council Staff Council Members
2:20 PM – 2:25 PM	II. Approval of Agenda -Possible Council Action	Theo Cielos, Council Staff Council Members
2:25 PM – 2:30 PM	III. Approval of Past Council Meeting Notes -Possible Council Action	Theo Cielos Council Members
2:30 PM – 3:00 PM	IV. Discussion/Decision on Governance: Role of Co-Chairs and Process for Electing Co-Chairs -Possible Council action	Governance Committee Sierra Rotakhina, Council Staff Council Members
5- Minute Break		
3:05 PM – 3:25 PM	V. Public Comment  While members of the public can comment on any environmental justice issue, the Council would especially value comments at this meeting on what work the Council should prioritize first.	

3:25 PM – 4:15 PM	VI. Council Workplans and Council Prioritization of Work “What do we prioritize in the next 3-6 months” - Possible Council Action	Sierra Rotakhina Council Members
5 – Minute Break		
4:20 PM – 4:40 PM	VII. Discussion on Community Engagement and What the Council Would Like Agencies to Include in Annual HEAL Updates to the Council - Possible Council Action	Community Engagement Committee Theo Cielos Rowena Pineda Council Members
4:40 PM – 4:55 PM	VIII. Updates on Conversations with Governor’s Office	Council Members Sierra Rotakhina
4:55 PM – 5:00 PM	IX. Check-out and Farewell	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.
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# Draft Minutes of the Environmental Justice Council

June 22, 2022

10:00am-3:00pm

Virtual meeting via ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or by calling 360-584-4398.

## **Council Members Present:**

- Council Member Nichole Banegas
- Council Member Maria Batayola
- The Honorable Patrick DePoe
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Dawn Vyvyan and Lisa Anderson representing The Honorable Sylvia Miller
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell
- Council Member Raeshawna Ware

## **Agency Ex Officio Liaisons Present:**

- David Bayne, Department of Health
- Lea Anne Burke on behalf of Laura Blackmore, Puget Sound Partnership
- Allison Dane Camden, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Eliseo (EJ) Juárez, Department of Natural Resources
- Millie Piazza, Department of Ecology

**Council Members Absent:**

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Miller

**Meeting Facilitator:**

- LaKesha Kimbrough

**Council Staff Present:**

- Sierra Rotakhina
- Theo Cielos
- Rowena Pineda

Theo Cielos, Council Staff, gave an overview of how to enter the Zoom interpretation channels.

Rowena Pineda, Council Staff, called the public meeting to order at 10:10am.

I. Welcome and Introduction

Rowena Pineda, provided the welcome and Council Members and staff introduced themselves.

II. Update from the Governance Committee

The Council discussed the Council’s decision-making protocol adopted for the May 25, 2022 meeting and then adopted the following motion:

The Environmental Justice Council adopts the decision-making process that the Council approve at its meeting on May 25, 2022, (with further clarification that the facilitator can bring a motion to the table on behalf of a Committee or any Council Member in the meeting can bring forward a motion for discussion) to be in effect until the Governance Committee brings back full bylaws to the Council for discussion, amendments, and adoption.

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Note: The voting categories agreed on at the May 25<sup>th</sup> meeting are:

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

E: I block, have serious concerns.

F: I stand aside, recuse myself.

**Council Members Present for this Vote:**

- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Lisa Anderson representing The Honorable Sylvia Miller: B: Yes, with reservations.

Lisa Anderson noted that she would approve with reservations and explain their reservations. She shared, “We are having a hard time following the discussion right now, to the extent we are dealing with these six categories without people explaining their reservations or other items, I think we are going to end up kind of lost on determining why and what needs to happen in discussion to come to consensus. I am going to add this: This is a temporary thing. As we work through maybe we will be able to refine the process.”

- Council Member Nirae Petty: A: Yes, I approve
- Council Member Faaluaina Pritchard: A: Yes, I approve

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- Council Member Todd Mitchell: A: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: D: I don't approve, but I won't block.

**Council Members absent for this vote:**

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Miller (Lisa Anderson voting on behalf)

Council Members who did not vote “A: Yes, I Approve” shared their concerns. The primary concerns were centered around still feeling unclear about how a motion would be brought and the various categories the Members can use to vote. The group discussed that this is an interim process, so they will work to add clarity and improve the process before adopting a more permanent process.

Council Member Min noted that it would be very valuable to have any of the Tribal Representatives join the Governance Committee as it works out the bylaws. If these members don’t have capacity, the committee can work with them on how they might still engage so their ideas are reflected.

Note: since this meeting The Honorable Patrick DePoe has joined the Governance Committee.

The Council discussed the Council’s decision-making protocol and then adopted the following motion:

The Environmental Justice Council establishes, as an interim decision until full bylaws are adopted, that a quorum of the Council will consist of nine Governor-appointed Council members and that Council members can have alternates attend Committee meetings and attend and vote at Council meetings pending legal

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review. The Council directs staff to research the necessary protocols for having designees participate in voting or taking action at Council meetings.

**Council Members Present for this Vote:**

- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Dawn Vyvyan representing The Honorable Sylvia Miller: A: Yes, I approve
- Council Member Nirae Petty: A: Yes, I approve
- Council Member Faaluaina Pritchard: A: Yes, I approve
- Council Member Todd Mitchell: A: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

**Council Members Absent for this Vote:**

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)

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### III. Approval of Agenda

The Council came to full consensus with members present and adopted the agenda as posted in advance of the meeting without changes. The following Council Members were absent for this agenda item:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Lisa Anderson voting on behalf)

### IV. Approval of May 25 Meeting Notes

The Council came to full consensus with members present and adopted the May 25, 2022 meeting notes as posted in advance of the meeting with four changes:

- 1) Ensure that The Honorable Sylvia Miller is listed as absent for each of the items listing who voted at the May meeting.
- 2) Correct Council Member Batayola's introduction in the appendix to capture her full introduction verbatim.
- 3) Correct the Council's email address in the footer to read @EJC.
- 4) Correction of the start time of the meeting.

The following Council Members were absent for this agenda item:

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Lisa Anderson voting on behalf)

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## V. Public Comment

No members of the public provided spoken public comments during this comment period. Jean Mendoza with the Friends of Toppenish Creek submitted written public comments and included their letter to the Yakima Agency Board of Directors. This will be included in the August meeting packet.

The Council took a break at 10:30am and returned at 10:40am.

## VI. Updates from the Climate Commitment Act (CCA) Committee

The Council discussed and amended a draft letter to the Department of Ecology and the Governor and adopted the following motion:

The Environmental Justice Council agrees to send a letter to the Governor and the Department of Ecology to 1) Identify how the Council sees its role influencing the CCA and the Heal Act; 2) Clarify the limitations of involvement, and 3.) Propose a resolution to the time constraints with the CCA rulemaking. The Council directs the CCA Committee to amend the draft letter to the Governor and the Director of the Department of Ecology to integrate feedback from the Council discussion at the June 22, 2022 meeting and directs Council staff to submit the letter to the Governor and the Director of the Department of Ecology on behalf of the EJ Council.

### **Council Members Present for this Vote:**

- The Honorable Patrick Depoe: A: Yes, I approve
- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve

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- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Lisa Anderson representing The Honorable Sylvia Miller: A: Yes, I approve
- Council Member Nirae Petty: A: Yes, I approve
- Council Member Todd Mitchell: B: Yes, with reservations

Council Member Mitchell noted that his reservations are around the process we are going through. The letter still doesn't deal with the process around engaging with the rules that so many Council Members have expressed concern with. He noted that he was not, in any sense, wishing to block this moving forward.

- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

**Council Members Absent for this Vote:**

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)
- Council Member Faaluaina Pritchard

**VII. Updates from the Community Engagement Committee**

The Council discussed the upcoming deadline for agencies to adopt community engagement plans and adopted the following motion:

The Environmental Justice Council supports the adoption of the interagency DRAFT community engagement guide and DRAFT agency-specific community engagement plans (as ready) by HEAL agencies with the following conditions:

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- The document is clearly marked DRAFT and the cover page contains language that it has not been reviewed by the EJ Council.
- A statement accompanies the DRAFT stating that agencies are posting provisional community engagement plans and awaiting guidance from the EJ Council before it is implemented.
- Representatives from the HEAL Interagency Work Group and the EJC's Community Engagement Committee will work together to develop a process and timeline for EJC review of the DRAFT Community Engagement Plans
- Incorporating guidance from the EJC
- Getting feedback from communities through listening sessions and incorporating the feedback
- Offer Tribal consultation BEFORE a plan is implemented in HEAL agencies
- Covered agencies must offer consultation with federally recognized Indian tribes on the creation and adoption or updating of a community engagement plan required under RCW 70A.02.050.

**Council Members Present for this Vote:**

- The Honorable Patrick Depoe: A: Yes, I approve
- Council Member Maria Batayola: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen: A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza: A: Yes, I approve
- Council Member Esther Min: A: Yes, I approve
- Dawn Vyvyan representing The Honorable Sylvia Miller: A: Yes, I approve

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- Council Member Nirae Petty: A: Yes, I approve
- Council Member Todd Mitchell: B: Yes, I approve
- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: A: Yes, I approve

**Council Members Absent for this Vote:**

- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Mille (Dawn Vyvyan voting on behalf)
- Council Member Faaluaina Pritchard

**VIII. Further Discussion of Council Governance**

The Governance Committee requested that the full Council send their thought and comments about the idea that all Council members and staff disclose potential and perceived and actual conflicts of interests and the means of such disclosure to Sierra so she can share the information with the EJ Council for the Governance Committee to review and come back to the EJ Council at our next meeting with a recommendation.

**IX. Briefing: Environmental Health Disparities Map**

The Council meeting was running late and we did not have time for this briefing. Alli Ertl, Epidemiologist with the Department of Health, introduced herself and noted that she looks forward to speaking with the Council in the future. Alli Ertl will be presenting about the Environmental Health Disparities Map at the Council’s August meeting.

**X. Check-out and Farewell**

The Council adjourned the meeting at 3:00pm

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# Draft Minutes of the Environmental Justice Council

July 28, 2022 Special Meeting

12:00pm-2:00pm

Virtual meeting via ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or by calling 360-584-4398.

## **Council members present:**

- Council Member Nichole Banegas
- Council Member Maria Blancas
- The Honorable Patrick DePoe
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Dawn Vyvyan representing The Honorable Sylvia Miller
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell
- Council Member Raeshawna Ware

## **Council Members Absent:**

- The Honorable Jarred-Michael Erickson
- Council Member Maria Batayola
- Council Member Esther Min
- The Honorable Sylvia Miller
- The Honorable Misty Napeahi

## **Agency Ex Officio Liaisons Present:**

- Laura Blackmore, Puget Sound Partnership



- Eliseo (EJ) Juárez, Department of Natural Resources
- Allison Dane Camden, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Lauren Jenks, on behalf of David Bayne and the Department of Health

**Council staff present:**

- Sierra Rotakhina
- Theo Cielos
- Rowena Pineda

Rowena Pineda, Council Staff, called the public meeting to order at 12:05pm.

I. Welcome and Introduction

Rowena Pineda opened the meeting and facilitated Council member and staff introductions.

Senator Liz Lovelett expressed that it was an honor to be with this group today and shared some exciting news around making sure that Indigenous voices are heard in our communities. She shared recent news about the channel between the San Juan Islands which was called Harney Channel. She noted that Harney was a colonialist known for beating slaves and slaughtering Indigenous people. Senator Lovelett reported that with the collaboration between grassroots activists and the Federal Government liaising with the State, the channel is now going to be renamed Cayou Channel. This shows that representation that comes from the heart of our communities is so crucial to making good decisions. She expressed that she is thrilled to be have been able to be a part of the legislative effort that got us to this place where we now have the Environmental Justice Council and have real, genuine input and oversight with the expertise that Council Members bring, knowing their communities. She noted that she was here to listen today with my partners in service Senator Saldaña.

Senator Rebecca Saldaña, shared that it is the highlight of her today to be able to see the good work of such talented, knowledgeable, and values-based individuals and leaders that are taking on this

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really important work. She noted that she is here as support and to ensure that we stay committed to making sure that not only do we pass legislation, but that the agencies and our communities have the resources to make sure we can actually implement. She thanked the Council for being here and letting her be a part of the listening and learning from the Council.

## II. Approval of Agenda

The Council Members did not request any changes to the published agenda.

## III. Public Comment

Theo Cielos, Council Staff, opened the public comment period and shared a summary of written public comments received:

- 5 groups submitted copies of the public comments they submitted to Ecology on the proposed cap and invest rules.
- Friends of Toppenish Creek submitted a letter to the EJ Council on the cap and invest rules.
- Two community members submitted comments voicing concerns regarding the proposed expansion/widening of the Fautleroy Ferry Dock and asking that the Children's Cove Park and Salmon Stream be protected and not destroyed.

Jean Mendoza, Friends of Toppenish Creek, outlined environmental justice concerns about the proposed cap and invest rules (chapter 173-446 WAC). Jean Mendoza's comments are covered more fully in the written public comments available here: [Microsoft Word - Dear WA Environmental Justice Council II.docx \(waportal.org\)](#)

## IV. Discussion of Draft Comment Letter on Cap and Invest Rulemaking (Chapter 173-446 WAC)

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Sierra Rotakhina, Council Staff, give some background on this topic (see the [cover memo](#) for this agenda item for background information). The Council discussed and made amendments to the letter and adopted the following motion (you can find the letter in Appendix A of today's meeting notes):

The Environmental Justice Council adopts the rules comment letter to the Department of Ecology, with amendments made during today's meeting, and directs Council staff to submit the letter to the Department of Ecology on behalf of the Council.

**Council Members Present for this Vote:**

- Council Member Maria Blancas: A: Yes, I approve
- Council Member Running-Grass: A: Yes, I approve
- Council Member Rosalinda Guillen (moved to adopt the motion): A: Yes, I approve
- Council Member Aurora Martin: A: Yes, I approve
- Council Member David Mendoza (seconded motion): A: Yes, I approve
- Council Member Nirae Petty: A: Yes, I approve
- Council Member Todd Mitchell: B: Yes, with reservations

Council Member Mitchell noted that he has some reservations but it just some background information that he needs to read about, so it is good.

- Council Member Nichole Banegas: A: Yes, I approve
- Council Member Raeshawna Ware: F: I stand aside, recuse myself

Council Member Ware noted that she was not opposed to sending the letter but was not 100%.

**Council Members Absent for this Vote:**

- The Honorable Patrick Depoe (present for most of the meeting)
- Council Member Maria Batayola
- Council Member Faaluaina Pritchard (present for most of the meeting)

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- Council Member Esther Min
- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi
- The Honorable Sylvia Miller

#### V. Check-out and Farewell

The Council adjourned at 2:00pm.

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Joshua Grice  
Rulemaking Lead  
Department of Ecology  
Air Quality Program  
P.O. Box 47600  
Olympia, WA 98504-7600

July 29, 2022

Dear Mr. Grice,

We are writing you from the state Environmental Justice Council (EJC) to assert our legislated role under the HEAL Act to advise state agencies on incorporating environmental justice into agency activities to reduce health disparities by:

- providing recommendations on implementing environmental justice requirements such as environmental justice assessments, community engagement plans, and strategic plans;
- developing guidance on identifying overburdened communities and the use of the environmental health disparities map;
- tracking progress toward promoting health equity and ensuring environmental justice throughout Washington;
- providing recommendation on the development and implementation of climate programs, including programs funded from carbon revenues;
- serving as a forum for environmental justice concerns and priorities; and
- providing recommendations to the Governor and Legislature on actions that advance environmental justice.

It is also critical to note that the Legislature’s stated intent was to create a well-designed and equitable greenhouse gas reduction program through the Climate Commitment Act (CCA). The legislation requires that the Department of Ecology (Ecology) “must,” across nearly all major aspects of the program design, ensure program implementation does not exacerbate existing health disparities, including in such areas as: allowance allocation,<sup>1</sup> offsets,<sup>2</sup> linkage,<sup>3</sup> and funding.<sup>4</sup> By doing this, the CCA requires Ecology to consider, evaluate or avoid impacts to overburdened communities in all aspects of the program design, review, and implementation. The EJC has a critical role in achieving this end and neither the role of the EJC, nor how impacts to overburdened communities will be analyzed and addressed, are sufficiently detailed in the current proposed rules.

With Ecology’s August 1, 2022 deadline for the EJC to provide comments and our delayed convening, we want to assert and affirm the CCA legislative requirement for us, as EJC, to provide recommendations on the “development and implementation” of all programs related to CCA in areas such as allowance budgets and allocations, linkage agreements, offsets, designation and treatment of Emissions-Intensive, Trade-Exposed (EITE) Industries, and distribution of allowance revenue. As such, we request the following:

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<sup>1</sup> RCW70A.65.110(2) and 70A.65.110(8)

<sup>2</sup> RCW 70A.65.170(2)(a) and RCW 70A.65.010(31)

<sup>3</sup> RCW 70A.65.210(3)(b), RCW 70A.65.210(3)(c), and RCW 70A.65.060(3)

<sup>4</sup> RCW 70A.65.230, RCW 70A.65.260, RCW 70A.65.280

1. Ecology must actively involve the EJC as it reviews comments and finalizes the rules with a focus on the required elements for the benefit of overburdened communities. Further, we request staff from the Governor's Office and the Department of Ecology meet with our EJC members as soon as possible to develop a work plan and schedule that would integrate both the EJC CCA Committee and the full Council into the rule finalization process that must be completed by October 1<sup>st</sup> (as required by RCW 70A.65.070, RCW 70A.65.120, and RCW 70A.65.130).
2. For chapter 176-446 WAC rulemaking, where Ecology has discretionary decision-making, add specific language to the proposed rules stating Ecology will provide the Council with relevant data, analyses and (when appropriate), initial recommendations at least 60 business days in advance of the time in which Ecology needs to finalize a decision regarding implementation of a CCA-related program.<sup>5</sup> It is only with this time and resources provided to the EJC can we realistically fulfill our duties.
3. Give priority consideration to Tribes including improving a Consultation Framework. A robust Consultation framework should apply to these decisions with respect to each sovereign's government-to-government process.
4. Give priority consideration and highest weight to rules comments provided by members of overburdened communities that elevate lived experience.
5. Prioritize comments that provide solutions to environmental justice or equity concerns within the rules.

The two-week extension on the public comment period and the additional two weeks that the Council was given to provide comments gave the EJC the opportunity to provide this letter with preliminary comments on the rulemaking. We look forward to discussing how we can best meet our respective requirements under HEAL and the CCA as we proceed to conduct critical environmental justice assessments to ensure CCA does not exacerbate, but rather reduces and works to eliminate, existing environmental and health disparities.

Sincerely,  
Environmental Justice Council

CC: Governor Jay Inslee, Director of Ecology Laura Watson, Jamila Thomas, Nick Streuli, Becky Kelley, Anna Lising, Debbie Driver, Ruth Musgrave, Millie Piazza, Heather Bartlett, Kathy Taylor, Luke Martland, Robert Dengel, Claire Boyte-White, Caroline Mellor, Theo Cielos, Rowena Pineda, Sierra Rotakhina

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<sup>5</sup> These areas include but are not limited to: WAC 173-446-050 (Covered & Opt-In Entity Registration), WAC 173-446-150 (Accounts for Registered Entities), WAC 173-446-200 (Total Program Baseline), WAC 173-446-210 (Total Program Allowance Budgets), WAC 173-446-220 (Distribution of Allowances to Emissions-Intensive & Trade-Exposed Entities), WAC 173-446-250 (Removing & Retiring Allowances), WAC 173-446-260 (Allowance Distribution Dates), WAC 173-446-335 (Auction Floor Price and Ceiling Price), ensuring utilities proper use of allowance revenue (WAC 173-446-230, 240).

# Environmental Justice Council

**Date:** September 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Environmental Justice Council Manager

**Subject:** Discussion/Decision on Governance: Role of Co-Chairs and Process for Electing Co-Chairs

## Background and Summary:

The Governance Committee of the Council has been meeting to begin drafting the Environmental Justice Council (Council) bylaws. The Governance Committee is not bringing the full bylaws to the Council for discussion today, though the current draft is included in the meeting materials. Instead, the Committee would like to have a thoughtful discussion about and potential adoption of Article II of the bylaws on the Council Executive Committee (summarized below). The Committee's goal is then for the Council to elect leadership at the October 27, 2022 regular Council meeting.

## Size and Membership of Council Executive Committee

The HEAL Act requires the Council to elect two Co-Chairs, but does not prevent the Council from electing additional leadership positions. The Governance Committee has talked about the best size for an Executive Committee so it will be large enough to bring in various perspectives, while also small enough to be able to meet and respond quickly as needed. The committee is considering recommending a three-member executive committee that includes at least one Tribal Representative and at least one Community Representative. The Council would elect the two Co-Chairs from within this three-member Executive Committee. More details can be found in Article II of the Draft Council Bylaws included in today's meeting materials.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or 360-584-4398.

TTY users can dial 711.

## **Process for Electing Council Leadership Positions**

The Governance Committee would also like to get guidance from the Council today on a process for electing leadership positions. The committee and staff have drafted some preliminary thoughts in Article II of the draft bylaws, but have considered various ways of electing Council leadership and would like to engage in a discussion with the full Council about this today.

## **Governance Committee Recommended Action:**

The Governance Committee recommends that the Council review, amend if needed, and adopt the following motion:

The Environmental Justice Council adopts Article II of the bylaws outlining the Council Executive Committee with amendments agreed upon at today's meeting.

## **Staff**

Sierra Rotakhina, [Sierra.Rotakhina@ejc.wa.gov](mailto:Sierra.Rotakhina@ejc.wa.gov), 360-584-4398

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# Article I: Council Membership

## Council Appointments

The Governor appoints 16 members of the Environmental Justice Council (Council) as described in [RCW 70A.02.110](#). Covered agencies shall serve as nonvoting, ex officio liaisons to the Council as described in [RCW 70A.02.110](#).

## Council Member Terms

Still being drafted (the HEAL Act outlines term lengths, but does not specify how many times a member can be reappointed)

## Delegates/Alternates

Still being drafted

## Council Member Stipends and Reimbursement

Council Members may be eligible to receive stipends and reimbursement for travel, lodging, and child and adult care, as funding allows, as members of a class one group in compliance with [RCW 43.03.220](#), [RCW 43.03.050](#), and [RCW 43.03.060](#) and in alignment with the Office of Equity guidance required under [RCW 43.03.270](#). **Note: Legislation just passed in March 2022 that allows EJ Council Members to receive stipends. The state is still developing guidance which could impact the Council's bylaws.**

# Article II: Council Executive Committee

## Council Executive Committee Duties

The full Council elects three members of an Executive Committee from which two members will serve as Co-Chairs of the Council. The Executive Committee shall include at least one Tribal Representative and at least one Community Representative. **Note: Does the Council want to further define expertise, perspective, experience you are looking for in the third member?**

The Executive Committee is responsive and accountable to the full Council. The Executive Committee works to implement the full Council's decisions made by consensus and has a responsibility to report back to the full Council, keep the Council informed, and seek guidance and feedback from the Council to improve Executive Committee processes and ensure it is fulfilling the Council's vision.

The Executive Committee helps direct the work of the Council and works with staff by supporting the Council in at least the following ways:

1. Vets and track issues that impact Tribes to hold the Council accountable.
2. Directs creation of Council meeting agendas.
3. Works with staff between meetings as needed to develop proposals for full Council review.
4. Acts upon time-sensitive issues, such as commenting upon bills during the legislative session or on documents with tight comment deadlines.
5. Speaks for and serves as the designated spokesperson for Council on matters where the Council has reached consensus.
6. Approves and signs correspondence that reflects the Council's position on matters that aren't purely administrative in nature. This includes correspondence with the Legislature and other government agencies on matters of policy. The Executive Committee may ask the Council Manager to sign correspondence as appropriate.
7. Oversees actions of the Council, and staff implementation of Council directions.

In addition to the duties of the Executive Committee outlined above, the Co-Chairs duties include:

- Facilitate at Council meetings or delegate meeting facilitation to staff, other Council Members, or an outside facilitator as appropriate.
- Guide staff in communicating with Council members as needed between meetings to support engagement with the Council.
- Call special meetings as needed in accordance with [RCW 42.30.080](#).

In addition to the duties of the Executive Committee outlined in above, the duties of the Executive Committee Tribal Representative include:

- In collaboration with the other Tribal Representatives on the Council, direct staff on the Council's Tribal engagement.
- Facilitate discussions with the Tribal Representatives to determine when an issue before the Council impacts Tribes (including but not limited to issues that impact treaty rights). These Council decisions must follow the Council decision-making protocol for issues that impact Tribes that is outlined in Article III.
- Lead discussion on agenda items concerning issues that impact Tribes.

## Election of Executive Committee

Any member of the Council can nominate themselves or another Governor-appointed Council member to one of Executive Committee seats at a Council meeting or by communicating the nomination to Council staff. At a subsequent Council meeting each Council member who accepts their nomination will have an opportunity to address the full Council. After each nominee has addressed the Council, the Council will hold a public vote.

Each Executive Committee seat is elected by a majority vote of the Council. If no one nominee receives a majority of the votes, the Council will hold a run-off election between the two nominees who received the largest number of votes.

The full Council will elect the Executive Committee Members in the following order: 1) Executive Committee Tribal Representative 2) Executive Committee Community Representative and 3) Executive Committee open seat.

At the Council meeting immediately following the election of the Executive Committee members, the Council will elect, through majority vote, the two Co-Chairs from among the Executive Committee members.

## Executive Committee Terms

The Executive Committee Members are each elected to two-year terms as required by [RCW 70A.02.110\(2\)](#). Their term starts upon election and continues until one of the following occurs:

1. Their two-year term as an Executive Committee member ends
2. The end of their appointment to the Council
3. They resign, or
4. Upon the request for replacement by the majority of the Governor-appointed Council members

**Note: Does the Council want to allow Executive Committee members to be re-elected at the end of their two-year term? If yes, do you want a limit on number of terms they can serve?**

## Article III: Meetings of the Council

### Quorum

A quorum is nine Governor-appointed members of the Council. The Council may discuss issues and deal with administrative matters in the absence of a quorum, but it may not take any

significant action (including but not limited to adopting any resolution, letter, guidance, recommendations, or other position) during a meeting if a quorum is not present. The Council may entertain a motion to adjourn without a quorum.

Because the Council uses a consensus-based decision-making process, the Council members present at a meeting may choose to delay significant decisions even if the present members determine that, while a quorum is present, a larger proportion of the Council should be present for the decision under discussion.

Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken by the Council unless additional members enter the room and re-establish a quorum.

## Decision Making Process

Council decisions are potentially complex with far-reaching implications and impacts. The goal of the Council's decision-making tool is to bring about consensus with rigorous and candid discussions towards shared understanding and appreciation where interests, agreements and disagreements exist. **Consensus may not always mean total agreement, rather, it means total support from all decision-making participants. Note: The Governance Committee was still word-smithing and discussing the last sentence of this paragraph and decided to come back to it once more of the bylaws were drafted.**

Topics of discussion can be brought up by any Council Member or staff. When it appears that the discussion on the topic is exhausted, and the group is ready to decide on an action, the next steps are dependent on if the action is A) a routine decision or B) a substantive decision:

A) For routine decisions (e.g., approving the agenda, approving the previous meeting minutes):

1. Proposing an action to be taken

- a. The facilitator asks the Council what action to take if any, given the previous discussion.
- b. A Council member suggests a course of action to take using the language “I move that ....”
- c. The facilitator asks, “Is there any objection?”
- d. If none, the facilitator calls a verbal vote by asking for all members who support the motion to say “yes,” then for all who oppose the motion to say “no,” and for any abstentions. If no Council member vocalizes a “no” or abstains, the motion is adopted.
- e. If any Council members says no or abstains the facilitator re-opens the discussion.
- f. If concerns are easily resolved this can go to back to a quick verbal vote. If concerns are not easily resolved this requires more substantive discussion and should shift to process B below.

B) For substantive (non-routine) decisions such as adopting recommendations or guidance, taking a position, directing significant staff work, or any issue that has potential to impact Tribes:

1. Note: Insert process for determining at the outset of this is a decision that will impact Tribes. The Governance Committee is recommending a difference consensus-development process for issues that impact Tribes (that process still being explored).

2. Proposing an action to be taken
  - a. The facilitator asks the Council what action to take if any, given the previous discussion.
  - b. A Council member suggests a course of action to take using the language “I move that ....”
  - c. The facilitator asks, “Is there any objection?”
  - d. If none, the Council proceeds with the discussion of the proposed action.
3. Discussion occurs

4. Testing for consensus: Where it appears that discussion is exhausted, the facilitator calls for a “straw vote” on the proposed motion. Council members will vote using one of the following six options:
  - A. Yes, I approve.
  - B. Yes, with reservations.
  - C. Not voting until we have further discussions.
  - D. I don’t approve but won’t block.
  - E. I block. Serious concerns.
  - F. Stand aside. Recuse myself.
  
5. Identifying areas of additional discussion: The facilitator recaps the vote and asks the respective participants with the following votes to share their thoughts:
  - B - Their reservations
  - C - Areas needing additional discussion
  - D - Reason for disapproval
  - E - Serious concerns
  - F - Reason for recusal
  
6. The facilitator asks Council members to ask said voters for clarification on what was shared. Group discussion might follow, and suggested amendments might be offered.
7. Voting on the proposed action (with or without amendments): When it appears that the discussion is exhausted, the facilitator checks with the Council members to see if they are ready to vote. If they are, the facilitator moves forward with the vote.
8. When the voting is done, the facilitator announces the results of the vote. There is only consensus if all votes are A, B, D, or F.
9. If consensus was not reached, the Council hold a second round of discussion by returning to step two and following the subsequent steps.



10. For issues that do not impact Tribes, if after two rounds of discussion and consensus testing the Council does not reach full consensus, the Council may move away from adopting a motion and either 1) table the discussion for a future meeting or 2) decline to adopt a motion and instead develop a summary of the nuances in the discussion, Council member concerns, and a description of why consensus was not reached. For issues that do impact Tribes (as determined in step 1 above), if the Council does not reach consensus then the statement from the Council will be restricted to “the Council did not reach consensus.”

Notes: This Article on meetings will need to comply with the Open Public Meetings Act. Additional topic areas are still being drafted and could include: regular Council meetings; special Council meetings; requirements for in-person, virtual, and hybrid meetings; language justice/access requirements; adjournment; meeting minutes and agendas; meeting procedures such as public hearing protocols, protocol for meetings interrupted by a person or group of people, meeting attendance requirements, process for modifications to the agenda

## Article IV: Committees of the Council

- Still being drafted

## Article V: Council Ethics

- Still being drafted:

Note: This section could include topics such as publicly sharing what each member and staff is working on at work, as volunteer, etc./transparency; conflict of interest/influences; recusal

## Article VI: Amendments to the Bylaws

Amendments to the Bylaws will be completed using the consensus-based decision-making process outlined in Article III.

DRAFT

# Environmental Justice Council

**Date:** September 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Council Workplans and Council Prioritization of Work

## Background and Summary:

The Environmental Justice Council (Council) is tasked with providing guidance on a significant amount of work under the HEAL Act ([chapter 70A.02 RCW](#)) and the Climate Commitment Act ([chapter 70A.65 RCW](#)). The Council has time on its agenda today to talk about this workload and the timelines for various pieces of the work. The Council may then choose to prioritize the projects that it wants to focus on over the next three to six months.

Today's meeting materials include the following resources to support the Council in this prioritization process:

- 1) A memo outlining the climate-related projects the Council is being asked to provide guidance on and information from the Climate Commitment Act Committee on which climate projects they are recommending the Council prioritize
- 2) A table listing all the Council's projects along with timelines and deadlines

## Staff Contact

Sierra Rotakhina, Council Manager, [sierra.rotakhina@ejc.wa.gov](mailto:sierra.rotakhina@ejc.wa.gov), 360-584-4398

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# Environmental Justice Council

**Date:** September 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Prioritization of Climate Commitment Act Work

## Background and Summary:

The Environmental Justice Council (Council) is tasked with providing guidance in several areas under the Climate Commitment Act (CCA) that will require action this summer or fall:

1. Development of the cap and invest program
2. Improving Air Quality in Overburdened Communities Initiative (Section 3 of the CCA)
3. Spending of CCA revenues
4. Linking the Washington carbon market to the California and/or Quebec markets
5. There are also a few non-CCA climate initiatives where the Governor's Office is seeking input (outlined below)

This memo provides more details on each of these areas below and the timelines from these projects are outlined in the document "Environmental Justice Council Projects and Timelines" included in today's meeting materials. It is becoming increasingly clear the Council likely cannot provide thoughtful and deep guidance in all of the areas where the state is requesting guidance in the next six months. The Council has time on its agenda today to discuss all of the projects where it is being asked to engage and to then begin prioritizing that work. The CCA Committee is looking forward to this dialogue and decision-making with the full Council. To support this dialogue today the CCA Committee has outlined its recommended CCA-specific priorities at the end of this memo.

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or 360-584-4398. TTY users can dial 711.

### **1. Development of the cap and invest program**

[RCW 70A.65.040](#) gives the Council authority to provide guidance on the development of the cap and invest program. Initial development of the program is largely being done by the Department of Ecology through rulemaking ([chapter 173-446 WAC](#)). The Council provided preliminary, high-level recommendations on these rules on July 29, 2022. Statute requires Ecology to adopt these rules by October 1, 2022, and Ecology has communicated to the CCA Committee that in order to have time to finalize the supporting documents for the rule filing (such as the cost-benefit analysis), they could only make changes to the rule language through late August 2022.

For reference, today's meeting packet includes a letter from Laura Watson, Director of the Department of Ecology, responding to the Council's July 26, 2022 and July 29, 2022 letters to Ecology and the Governor's Office.

### **2. Improving Air Quality in Overburdened Communities Initiative (Section 3)**

[RCW 70A.65.040](#) gives the Council authority to provide recommendations to Ecology on their community engagement plan as they identify which communities to place air monitors in as the agency implements the [Improving Air Quality in Overburdened Communities Initiative](#). Ecology has met with the CCA Committee on this topic and has expressed an interest in getting Council guidance in two areas of this work: 1) the criteria for determining which communities to place air monitors in and 2) their plan for engaging communities more broadly in finalizing these criteria. Ecology plans to begin community engagement on the criteria this fall.

### **3. Spending of the CCA revenues**

[RCW 70A.65.040](#) gives the Council authority to provide recommendations to the Legislature, agencies, and the Governor in spending CCA revenues. There are currently three primary mechanisms through which the Council can engage in decisions around spending CCA revenues:

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a) The development of the Governor’s budget, b) the House and Senate Budgets, and c) a series of grant programs being administered by the Washington State Department of Transportation.

a) Governor’s Budget

A Legislature already allocated a significant portion of the revenue expected to be generated by the cap and invest auctions to transportation projects last legislative session. The Governor’s recommended budget that will be released this December will allocate the rest of the projected revenues to be spent from July 2023 – June 2025. The Governor’s Office is seeking Council guidance on these decisions and has begun engaging with the CCA Committee. There is a PowerPoint from the Office of Financial Management and the Governor’s Office included in the meeting materials with more information on the budget process.

b) House and Senate Budgets

After the Governor’s Budget is released the House and Senate will each introduce their own budgets during the 2023 legislative session. The Council has authority under [RCW 70A.65.040](#) to provide guidance to the Legislature on their budgets as well.

c.) Grant programs being administered by the Washington State Department of Transportation (WSDOT)

As mentioned above, in the 2022 session the Legislature allocated a significant portion of the CCA fund to walking, biking, and transit projects. WSDOT is now tasked with administering those funds, many of which will be allocated through competitive grants. WSDOT has to develop a proposed list of programs to fund by this November and then must submit the list to the Legislature. WSDOT is seeking Council guidance on these decisions and has begun engaging with the CCA Committee. Once the project list is submitted to the Legislature than the Council could continue to provide guidance on that list to the Legislature. There is a one-pager from WSDOT included in the meeting materials with more information on these funds.

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The following materials are included in today's meeting packet as reference materials related to the CCA funds:

- A PowerPoint from the Office of Financial Management and the Governor's Office outlining the CCA spending accounts and the budget process.
- A one-pager from the Washington State Department of Transportation outlining CCA funds the Legislature has allocated to walking, biking, and transit projects.

#### **4. Linking Washington's cap and invest program**

The CCA directs Ecology to explore potential linkage of Washington's cap and invest program with programs in other jurisdictions using a process that includes public input and environmental justice assessments. Director Laura Watson's letter to the Council on August 9, 2022 (including in today's meeting materials) expresses that Ecology intends to begin exploring linkages this fall and that they will engage the Council, Tribes, communities, and stakeholders.

#### **5. Non-CCA Climate Initiatives**

There were also four additional climate-related programs created last legislative session that the Governor's Office is seeking input on from the Environmental Justice Council as capacity allows:

1. \$69M for community-based electric vehicle charging infrastructure to help transition Washingtonians to zero-emission vehicles (must be spent by June 2022)
2. \$25M for electric vehicle incentives and resources, including charging infrastructure, to help low-income Washingtonians living in overburdened communities transition to zero-emission vehicles (must be spent by June 2022)
3. \$57M for solar + energy storage projects to enhance community resiliency and provide services, such as shelter, cooling, plug load, and refrigeration for communities during an outage (must be spent by June 2022)
4. \$95M for electric vehicle incentives to accelerate the transition to zero-emission vehicles (must be spent in fiscal years 23-25 [July 2023-June 2025]).

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## Governance Committee Recommended Actions:

The CCA Committee recommends that, of the CCA projects, the Council prioritize engaging on the budget/spending of CCA revenues and on the Improving Air Quality in Overburdened Communities Initiative.

## Staff Contact

Sierra Rotakhina, Council Manager, [sierra.rotakhina@ejc.wa.gov](mailto:sierra.rotakhina@ejc.wa.gov), 360-584-4398

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Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

## Environmental Justice Council Projects and Timelines

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
Current fiscal year											
2023 Legislative Session											
Regularly scheduled EJC Meetings	8/27		10/27		12/13		2/28		4/26		TBD
<b>Environmental Justice Priorities Brought to the Council by Community Members</b>											
To be determined by community members											

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>Council Governance</b>											
Selection of Co-Chairs											
Development of bylaws											
<b>HEAL Act</b>											
Feedback to agencies on Community Engagement Plans/co-authoring next version of Community Engagement Plans											
Guidance to agencies on how to work with communities on next draft of their Community Engagement Plans											
EJC’s community engagement value, principles, and approach											
Receive oral updates from agencies on HEAL implementation											
Guidance to agencies on identifying Overburdened Communities and Vulnerable Populations											
Guidance to agencies on integrating environmental justice into strategic plans						Agency dead-line: 1/1/23					

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>HEAL Act</b>											
Guidance to agencies on Environmental Justice Assessments											Agency dead-line: 7/1/23
Guidance to agencies on environmental justice in budgeting and funding decisions											Agency dead-line: 7/1/23
Providing input on updates to the Environmental Health Disparities Map	Timeline being created										
Guidance to Department of Health on community engagement plan for updates to the EHD Map	Timeline being created										
Collaborate with Department of Health, covered agencies, and other partners to create metrics on reducing environmental disparities					Agency deadline 1/1/23						
Collaborate with Department of Health, other covered agencies, and partners to establish data standards for tracking population level outcomes											No dead-line in statute

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>Climate Commitment Act (CCA)</b>											
Input on cap and invest rules			Ecology must adopt by 10/1								
Providing guidance on spending of CCA funds (mechanism: Governor’s Budget)	Co-create process for EJC engagement				12/20 Gov. proposes budget					Gov. can veto parts of budget	
Providing guidance on spending of CCA funds (mechanism: House and Senate Budgets)											
Providing guidance on spending of CCA funds (mechanism: Washington State Department of Transportation grants)	EJC and WSDOT co-create process for how the EJC will engage			Projects must be selected by 11/1	Projects must be submitted to Legislature by 12/1						

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>Climate Commitment Act (CCA)</b>											
Guidance to Ecology on Air Quality in Overburdened Communities Initiative (Section 3 of the CCA): Criteria to identify communities			Bring recs to full Council 10/27	Submit feed-back to Ecology by 11/4							
Guidance to Ecology on Air Quality in Overburdened Communities Initiative (Section 3 of the CCA): Community Engagement Plan											
Cap and invest program linkages		Ecology plans fall engagement									
Evaluate the level of funding provided to address environmental injustices											
Recommend environmental justice and health goals for programs and activities funded through CCA											
Consultation to Ecology when considering reducing offset credit limits for a specific entity											
Consult on community engagement plans for non-HEAL agencies who allocate CCA funds											

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>Climate Commitment Act (CCA)</b>											
Recommend environmental justice and health goals for projects funded from the Climate Investment Account and review annual agency reports on progress											
Recommend co-pollutant emissions reduction goals in overburdened communities	?										
Provide forum to analyze policies adopted under CCA											
Recommend how to support public participation through capacity grants for participation											
<b>Non-CCA Climate Projects</b>											
Provide guidance on \$69M for community-based electrical vehicle charging infrastructure to help transition Washingtonians to zero-emission vehicles	Request for Information (RFI)	RFI			Request for Proposals (RFP) in Winter 2023			Projects Selected Spring 2023			Funds must be spent by June 2023
Provide guidance on \$25M for electric vehicle incentives and resources, including charging infrastructure, to help low-income Washingtonians living in overburdened communities transition to zero-emission vehicles	RFI	RFI			Program design complete by end of 2022	RFP/awards timing based on program design					Funds must be spent by June 2023

Key
Light Green = flexible timeline
Light Blue = timeline set in statute or tied to less flexible process (e.g., legislative session)
Light Purple = continuous work or cyclical opportunities to provide guidance

Environmental Justice Council (EJC) Tasks	Aug. 2022	Sep. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	March 2023	April 2023	May 2023	June 2023
<b>Non-CCA Climate Projects</b>											
Provide guidance on \$37M for solar + energy storage projects that will enhance community resiliency and provide services, such as shelter, cooling, plug load, and refrigeration for communities during an outage.		Stakeholder input	Stakeholder input		First funding opportunity by end of 2022						Funds must be spent by June 2023
Provide guidance on \$95M for additional electric vehicle incentives to accelerate the transition to zero-emission vehicles (funding for fiscal years 2023-2025)											Funding out late 2023 to June 2025



August 2, 2022

# **EJ Council Role and Engagement Process for Recommendations on Climate Commitment Act spending**

Jim Cahill, SBA Natural Resources OFM

Becky Kelley, Gov. Inslee's Climate Policy  
Advisor

**OFM**

OFFICE OF FINANCIAL MANAGEMENT



# EJ Council's full plate

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- Climate Commitment Act
  - CCA Rules
  - CCA \$
  - Section 3: air quality
  - Linkage
- HEAL Act
  - Community Engagement Plans
  - Environmental Justice Assessments

# Requests from EJ Council (part of 7-26-22 letter)

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- 2. We request that Ecology and other agencies allocating CCA funds develop a timeline and process proposal in collaboration with the Council on how state agencies will be engaging with the Council and communities in their development of 1) recommendations on investment of CCA revenue and 2) analysis and recommendation regarding linking to the California and Quebec carbon market systems.
- In addition, we request that the Governor, the Governor's Office, and the Council identify ways to work in effective governance collaboration. We believe these practical solutions will allow Ecology to comply with the required CCA rulemaking and the Council to fully execute our HEAL Act mandate and deliberate on the CCA rules. We look forward to meeting with you on this matter.



# New Climate Accounts: Funding and Purpose

In response to a request from the Governor’s Office for a high-level summary of the new Accounts created by the Climate Commitment Act

## ESTIMATED Auction Receipts\*

1st Compliance Period: January 1, 2023 — December 31, 2026

### CERA Carbon Emissions Reduction Account

*Subject to Legislative appropriation:* Funding for carbon emissions reduction in the Transportation sector.

Per section 12, the auction proceeds identified below must first be deposited into the CERA each FY. The remaining proceeds are deposited into the CIA and AQHDIA.

FY23 (6 months) . . . . .	\$127,341,000
FY24. . . . .	\$356,697,000
FY25. . . . .	\$366,558,000
FY26. . . . .	\$359,117,000
FY27 (6 Months) . . . . .	\$179,558,500
<b>TOTAL 1st Compliance Period. . .</b>	<b>\$1,389,271,500</b>

Beginning July 1, 2023, the Office of the State Treasurer will transfer 24% of the revenue accruing in CERA to the **Climate Active Transportation Account**, and 56% of the revenue accruing in CERA to the **Climate Transit Programs Account**.

### CIA Climate Investment Account

*Subject to Legislative appropriation:* Funding is for projects that support the transition to clean energy, build ecosystem resilience, and support carbon sequestration. Funds in this account may also be used for cap and invest program administrative costs for agencies, up to 5% of auction revenue.

FY23 (6 months). . . . .	\$73,272,259
FY24 . . . . .	\$77,271,977
FY25 . . . . .	\$67,657,286
FY26 . . . . .	\$72,732,184
FY27 (6 Months). . . . .	\$50,708,058
<b>TOTAL 1st Compliance Period . . .</b>	<b>\$341,641,764</b>

Beginning July 1, 2024, and after administrative costs to implement the CCA are covered, the State Treasurer will distribute 75% of the remaining funds to the **Climate Commitment Account** and 25% of the funds to the **Natural Climate Solutions Account**.

### AQHDIA Air Quality & Health Disparities Improvement Account

*Subject to Legislative appropriation:* Funding is for reducing criteria pollutants and health disparities in overburdened communities.

Funding intent in statute, section 31(3) - \$20M/biennium, beginning FY23.

FY23 (6 months) . . . . .	\$20,000,000
FY24. . . . .	\$10,000,000
FY25. . . . .	\$10,000,000
FY26. . . . .	\$10,000,000
FY27 (6 Months) . . . . .	\$ 5,000,000
<b>TOTAL 1st Compliance Period. . .</b>	<b>\$55,000,000</b>

# Carbon Emission Reduction Account Uses

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- Expenditures are intended to affect reductions in transportation carbon emissions.
- Appropriations shall be made exclusively to fund:
  - Active transportation;
  - Transit programs and projects;
  - Alternative fuel and electrification;
  - Ferries; and
  - Rail
- Legislative intent that expenditures be made with the goal of achieving equity for communities that historically have been omitted or adversely impacted by past transportation policies and practices.

# Climate Commitment Account Uses

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- Working Families tax rebate
- GMA and Environmental Review Funds
- Renewable energy (solar, wind, distributed generation, energy storage, grid modernization)
- Clean energy transition and assistance for workers or people with low incomes
- Energy efficiency or emission reductions of industrial facilities, agricultural sector, buildings, electrical appliances, and space and water heating equipment
- Workforce development via higher ed institutions
- Clean manufacturing
- Reduce emissions from landfills and waste-to energy projects
- CO2 removal projects, programs and activities
- Mitigation and adaptation of effects of climate change on Tribes including relocation
  - Legislature intends that \$50M per biennium be used for tribal assistance for mitigation and adaptation

# Natural Climate Solutions Account Uses

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- Clean Water investments that improve resilience from climate impacts
  - Restore and Protect estuaries, fisheries and marine shoreline
    - Small Forest Landowner barrier removal
    - Fish Barrier Removal Board
  - Increase carbon storage in ocean, aquatic and coastal ecosystems
  - Ocean Acidification remediation and adaptation
  - Reduce flood risk and restore natural flood plain function
  - Increase sustainable water supply
  - Stormwater retrofits in Urban Growth Areas
  - Preserve or increase carbon sequestration in forest, forest wetlands, agricultural soils, tidally influence ag or grazing lands or freshwater, saltwater or brackish aquatic lands
  - Preserve or establish carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas

# Natural Climate Solutions Account Uses

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- Healthy forest investments
  - Forest and Community wildfire resilience
  - Forest Health
  - Prevent emission by preserving natural and working lands
    - Community Forests
    - Small forest landowner support
    - Legislature intends that \$10M per biennium be used for forest riparian easement program, Ag riparian easements

# Air Quality and Health Disparities Account

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- Improve air quality including
  - Air quality monitoring
  - Reduce health disparities in overburdened communities by improving health outcomes through reduction or elimination of environmental harms and promotion of environmental benefits.
  - Moneys may be used for either capital or transportation budget or both.
  - Legislature intends that \$20M per biennium be dedicated to the account.



# Expenditure Targets

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- Not less than 35% and a goal of 40% to provide direct and meaningful benefits to **overburdened communities**.

+

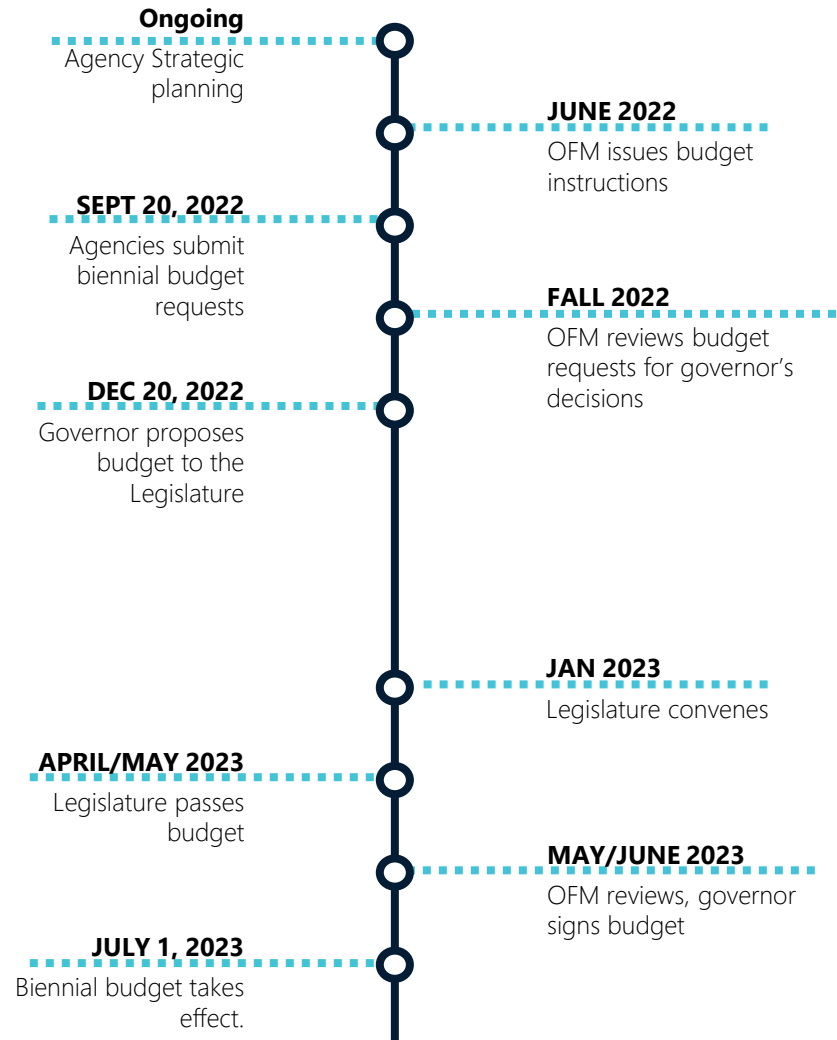
- Not less than 10% of total investments for programs, activities or projects formally supported by a resolution of an **Indian Tribe** with priority given to projects administered by a tribe.

# Tribal Consultation

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- A new, detailed process for Tribal consultation is required on projects and activities funded through the Climate Investment Account, the Climate Commitment Account and the Natural Climate Solutions Account. (HB 1753, 2022 session)

# Washington state biennial budget timeline



# Duties of the EJ Council related to the budgeting of Climate Commitment Act Revenues

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- The EJ Council must provide to the Legislature, agencies, and the Governor:

This fall and every year:

- Recommendations on the development and implementation of the programs funded with the accounts established in the Climate Investment Account (RCW 70A.65.040 (1))

As part of the EJ Council's work to evaluate CCA over time:

- Evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities (RCW 70A.65.040 (2)(e))
- Recommend environmental justice and environmental health goals for programs and activities funded through the Climate Investment Account (RCW 70A.65.040 (2)(f))

# DRAFT Possible engagement process

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- August
  - Discuss engagement options with CCA committee
  - Refine engagement process and timeline
  - Discuss and finalize engagement process at EJ Council August 27 meeting
- September – Mid October
  - OFM compiles list of CCA eligible budget requests
  - OFM, agencies, CCA committee develop draft criteria to prioritize budget requests

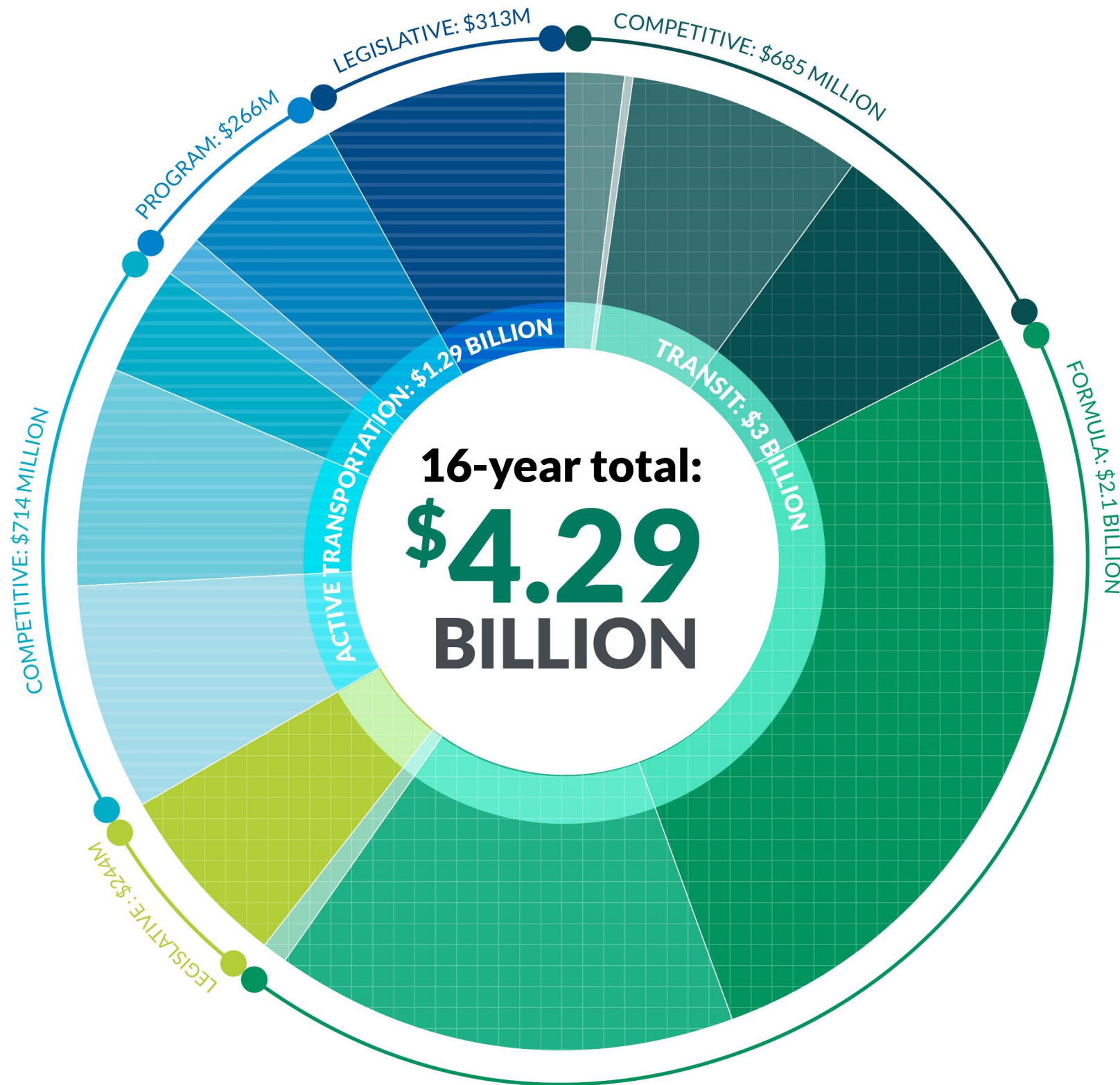
# DRAFT Possible engagement process

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- October
  - Potential Special Mtg of EJ Council to give initial input/ask questions
  - CCA committee provides initial priorities and recommendations to the EJ Council
  - EJ Council makes final determination at its October 27 meeting
- November
  - EJ Council provides investment recommendations to Legislature, agencies and Governor

# CLIMATE COMMITMENT ACT

Funding for walking, biking and transit allocated through Move Ahead Washington



## TRANSIT: \$3 BILLION

### COMPETITIVE: \$685 MILLION

- Tribal Transit Mobility Grants: \$80 million
- Transit Coordination Grants: \$5 million
- Bus & Bus Facility Grant Program: \$300 million
- Green Transit Grants: \$300 million

### FORMULA: \$2.1 BILLION

- Transit Support Grants: \$1.45 billion
- Special Needs Grants: \$600 million
- Transportation Demand Management (includes Commute Trip Reduction Program): \$25 million

### LEGISLATIVE LIST OF PROJECTS: \$244 MILLION

- Transit projects: \$244 million

## ACTIVE TRANSPORTATION: \$1.29 BILLION

### COMPETITIVE: \$714 MILLION

- Safe Routes to School: \$290 million
- Bike/Ped Grant Program: \$278 million
- Complete Streets (TIB): \$146 million

### PROGRAM: \$266 MILLION

- Connecting Communities: \$50 million
- School-Based Bike Safety Education Program: \$216 million

### LEGISLATIVE LIST OF PROJECTS: \$313 MILLION

- Bike/Ped projects: \$313 million

# Environmental Justice Council

**Date:** September 22, 2022

**To:** Environmental Justice Council Members

**From:** Theo Cielos, Community Outreach Coordinator

**Subject:** Requested Information to be included in Agency HEAL Updates

## Background and Summary:

HEAL Agencies are required to provide the Environmental Justice Council (Council) with annual updates. The Community Engagement Committee has compiled a list of questions they would like to request agencies address within those updates. Upon Council approval, agencies will be asked to include the following topics, noting which HEAL obligation category the topic falls under (e.g., EJ assessment, EJ community engagement, Strategic plan etc.) during the update:

- I. What HEAL obligations have been implemented or are in process?
- II. What budget amount was requested to implement HEAL?
- III. How much was funded, and was it enough?
- IV. How are funds being used?
- VI. Have you requested increased funding for next biennium?
- VII. What barriers are you encountering in your implementation, how are you planning on overcoming those barriers in the next year, and what are your resource needs to overcome those barriers?
- VII. Who identified those barriers (Community comment/complaint? Was there an incident that showed this as a barrier? Etc.).
- VIII. How are you planning to implement HEAL in the next fiscal year?
- IX. Information on community engagement by region/information through an equitable lens.

## Community Engagement Committee (CEC) Recommended Actions:

The CEC Committee recommends that the Council amend if necessary and approve the requested update questions, to be sent to the HEAL Interagency Workgroup for inclusion in the 2022 Annual HEAL Agency update to Council.

## Staff Contact

Theo Cielos, Community Engagement Coordinator, [theo.cielos@ejc.wa.gov](mailto:theo.cielos@ejc.wa.gov), 360-480-2196

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at [envjustice@ejc.wa.gov](mailto:envjustice@ejc.wa.gov) or 360-584-4398. TTY users can dial 711.



**From:** Jean Mendoza  
**Sent:** Sunday, June 19, 2022 9:57 PM  
**To:** DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>  
**Subject:** Fwd: Sunshine Laws

External Email

Dear Environmental Justice Council,

I know you are incredibly busy. Is it possible that the council could review this letter of concern to the Yakima Regional Clean Air Agency Board of Directors, and send a note explaining the importance of environmental justice?

Thanks for your consideration.

Jean Mendoza



*Friends of Toppenish Creek*

June 19, 2022

Board of Directors  
Yakima Regional Clean Air Agency  
186 Iron Horse Court Suite 101  
Yakima, WA 98901

Dear YRCAA Board of Directors:

In 2016 the YRCAA Air Pollution Control Officer/Executive Director (APCO/ED) retired, and the five member board chose a replacement. The final three applicants were: a white man with a bachelor's degree in physical fitness who handed out tickets for burn ban violations for twenty years; a man of color with a doctorate in environmental engineering and twenty five years of regulatory experience at the YRCAA; and another man of color with two master's degrees in air science and years of administrative experience at the WA Dept. of Ecology. A woman of color with years of experience in YRCAA administration was eliminated before the final screening.

The YRCAA Board of Directors chose the white man.

Five years later in August 2021, the entire staff at the YRCAA signed a letter of complaint against the APCO/ED. Among the complaints was an allegation that the man threatened three YRCAA employees about telling the truth in a public record document. There was no investigation. The APCO/ED resigned with legal protections. The search for a replacement began.

Now the YRCAA Board wants the public to trust them to conduct a fair search. The YRCAA Board has:

- declined to augment the search and screening team with a community member from the Lower Yakima Valley where 70% of the population falls into the over-burdened category
- known the names of applicants for the APCO/ED position since at least May of 2022
- known the interview questions for applicants since at least May of 2022
- refused to share interview questions with the public in potential violation of the Public Records Act
- interviewed applicants in executive session so the public cannot observe in possible violation of the Open Public Meetings Act

There is nothing in Washington law or the YRCAA Codes to prevent board members from sharing applicant names & information or interview questions with special interest groups such as dairy. The dairy industry has long benefited from a YRCAA hands off policy. The dairy

industry has a strong economic interest in continuing that policy. An APCO/ED who values air quality over dairy profits could upset the status quo.

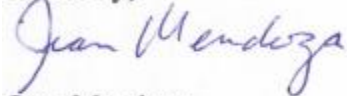
We hope that the agricultural interests including the dairy industry were not given an opportunity to review and comment on these applicants while community interests, like Friends of Toppenish Creek, were excluded. Members of Friends of Toppenish Creek have publicly demonstrated their concern about environmental air quality for years when we had no financial or employment vested interest in the air quality of the Lower Yakima Valley.

The recruitment process for YRCAA APCO/ED found over ten qualified applicants. The list was reduced by Yakima County Human Resources to four highly qualified applicants who were interviewed in executive session by three YRCAA board members on June 9, 2022. Two of these three board members had participated in the 2016 screening and selection. Two of the three have expertise in agriculture, but none of the three have expertise in environmental science.

After the June 9 secret interviews, the screening team voted in open session to advance two of the four applicants. It appears that these two applicants, approved by the YRCAA board member who derives a significant part of his income from the dairy industry, will be presented to the public as a token gesture to public engagement.

Were there qualified applicants with a history of advocating for clean air? We may never know because you all have not conducted the search and screening for a new APCO/ED in the spirit of Washington Sunshine Laws. We hope that the final selection this year will focus on qualifications rather than the way the selection apparently occurred in 2016.

Sincerely,



Jean Mendoza

Executive Director, Friends of Toppenish Creek  
3142 Signal Peak Road  
White Swan, WA 98952

cc. WA Dept of Ecology

WA Dept. of Health

WA Office of the Attorney General

Yakima Herald Republic

WA Environmental Justice Council

Yakima County Commissioners

U.S. Environmental Protection Agency

# Methane Emissions from Animal Agriculture in Washington State

(Copied from EPA Formulas)

CH <sub>4</sub> from Manure Management		2017		<input checked="" type="checkbox"/> Default Animal Data?							
	Number of Animals ('000 head)	Typical Animal Mass (TAM) (kg)	Volatile Solids (VS) [kg VS/head/gear]	Total VS (kg/yr)	Max Pot. Emissions (m <sup>3</sup> CH <sub>4</sub> / kg VS)	Weighted MCF	Emissions (m <sup>3</sup> CH <sub>4</sub> )	Emissions (Metric Tons CH <sub>4</sub> )	Emissions (MMTCH <sub>4</sub> )	Emissions (MMTCE)	Emissions (MMTCO <sub>2</sub> E)
<b>Dairy Cattle</b>											
Dairy Cows	275.0	x	2,878.5	= 791,584,687	x 0.24	x 0.335	= 63,664,019	= 43,041	= 0.043	= 0.233	= 1.076
Dairy Replacement Heifers	120.0	x	1,251.8	= 150,216,951	x 0.17	x 0.012	= 310,762	= 210	= 0.000	= 0.001	= 0.005
<b>Beef Cattle</b>											
Feedlot Heifers	52.1	x	691.1	= 36,025,919	x 0.33	x 0.013	= 154,385	= 104	= 0.000	= 0.001	= 0.003
Feedlot Steer	97.6	x	663.7	= 65,346,366	x 0.33	x 0.013	= 280,035	= 189	= 0.000	= 0.001	= 0.005
Bulls	18.0	x	1,955.7	= 35,202,332	x 0.17	x 0.010	= 59,844	= 40	= 0.000	= 0.000	= 0.001
Calves	147.0	x 123	7.7	= 50,623,205	x 0.17	x 0.010	= 86,059	= 58	= 0.000	= 0.000	= 0.001
Beef Cows	225.0	x	1,891.4	= 425,558,061	x 0.17	x 0.010	= 723,449	= 489	= 0.000	= 0.003	= 0.012
Beef Replacement Heifers	58.0	x	1,215.6	= 70,504,723	x 0.17	x 0.010	= 119,858	= 81	= 0.000	= 0.001	= 0.002
Steer Stockers	190.0	x	1,120.3	= 212,866,008	x 0.17	x 0.010	= 361,872	= 245	= 0.000	= 0.002	= 0.006
Heifer Stockers	117.0	x	1,215.6	= 142,225,045	x 0.17	x 0.010	= 241,783	= 163	= 0.000	= 0.001	= 0.004

Enteric Fermentation		2017		<input checked="" type="checkbox"/> Default Animal Data?		
	Number of Animals ('000 head)	Emission Factor (kg CH <sub>4</sub> /head)	Emissions (kg CH <sub>4</sub> )	Emissions (MMTCH <sub>4</sub> )	Emissions (MMTCE)	Emissions (MMTCO <sub>2</sub> E)
<b>Dairy Cattle</b>						
Dairy Cows	275.0	x	150.9	= 41,488,017	= 0.0415	= 1.037
Dairy Replacement Heifers	120.0	x	62.4	= 7,482,408	= 0.0075	= 0.187
Replacements 0-12 mos.	0.0	x	45.6	= -	= 0.0000	= 0.000
Replacements 12-24 mos.	0.0	x	68.7	= -	= 0.0000	= 0.000
<b>Beef Cattle</b>						
Beef Cows	225.0	x	100.5	= 22,605,440	= 0.0226	= 0.565
Beef Replacement Heifers	58.0	x	66.5	= 3,856,689	= 0.0039	= 0.096
Replacements 0-12 mos.	0.0	x	64.5	= -	= 0.0000	= 0.000
Replacements 12-24 mos.	0.0	x	74.3	= -	= 0.0000	= 0.000
Heifer Stockers	117.0	x	64.8	= 7,582,282	= 0.0076	= 0.190
Steer Stockers	190.0	x	62.3	= 11,844,552	= 0.0118	= 0.296
Feedlot Heifers	52.1	x	43.2	= 2,249,389	= 0.0022	= 0.056
Feedlot Steer	97.6	x	42.0	= 4,096,508	= 0.0041	= 0.102
Bulls	18.0	x	103.9	= 1,869,931	= 0.0019	= 0.047
<b>Other</b>						
Sheep	48.0	x	8.0	= 384,000	= 0.0004	= 0.010
Goats	29.4	x	5.0	= 146,960	= 0.0001	= 0.004
Swine	17.0	x	1.5	= 25,500	= 0.0000	= 0.001
Horses	52.7	x	18.0	= 948,492	= 0.0009	= 0.024
<b>TOTAL</b>				<b>104,580,167</b>	<b>0.1046</b>	<b>2.615</b>



## Complaint Form

complaint\_number 4488

DWN AP65-01-02 Rev.

Date received	7/21/2021	Time	10:56:00 AM	Date of Destruction	
active	<input type="checkbox"/>				
Date occurred	7/21/2021	Time	10:56:00 AM	Investigator	Kelsey
received via	phone			Investigation Date	7/22/2021
received by	Kelsey			Investigation Time	11:00:00 AM
violation type	odor	Violation Address	1111 Midvale Road		
		Zip Code	98944		
Pictures		City	Sunnyside		
AOD?		NOV?	non-disclosure <input type="checkbox"/>		
Responsible Party			Complaint Party		
contact_name		First Name	Daniel		
contact title		Last Name	Ucona		
First Name	Asellus Sunnyside LLC	Address	910 Willowcrest Road		
Last Name	Asellus Sunnyside LLC	Zip Code	98944		
Address	711 Capitol Way	City	Sunnyside		
Zip Code	98501	Home phone #	(509) 840-9927		
City	Olympia	State	WA		
Home phone #		Cellphone #			
Cellphone #					
description alleged violation	CP says that the Ostrom Mushroom facility is causing extremely bad "rotting" odors.				
findings	I parked in the parking lot for about 30 minutes and did not smell any "rotting odors". Odor level: 0 - no odors present.				
actions taken	RL-4 Ostrom Mushrooms is an agricultural entity and thus is exempt from odor and dust complaints as stated in RCW 70A.15.4530.				
additional comments					



August 24, 2022

Dear Chairman Devaney,

This is an email to inform you that the Yakima Regional Clean Air Agency (YRCAA) may have violated the WA State Open Public Meetings Act, RCW 42.30.

I am notifying you pursuant to Section 2 of the YRCAA Administrative Code Part A which says:

*Any Board Member or person who suspects the Board has violated the Open Public Meeting Law is requested to advise the Chair in writing within thirty (30) days of the time that the alleged violation occurred. The Chair, upon receiving such notice, will direct the Executive Director to review the issue and provide recommendations as may be appropriate to the Board at the next available meeting of the Board which will assure the Agency maintains substantial compliance with the Open Public Meeting Law.*

This notification is outside the thirty day time limit, because I did not have the relevant information until after the time limit had passed. In addition, it takes time to compile this information and verify information. Citizens should not have to spend this amount of time and energy monitoring a public agency.

On approximately July 11, 2022, the YRCAA posted a cancellation of the agency's regular board meeting that would have convened on July 14, 2022. Then, on July 14, 2022, with approximately 24 hours' notice, the YRCAA convened a special meeting in Granger, WA for the stated purpose of introducing finalists for the position of YRCAA Air Pollution Control Officer (APCO)/Executive Director (ED) to people who live in the Lower Yakima Valley (LYV).

RCW 42.30.080 states:

*(2) Notice of a special meeting called under subsection (1) of this section shall be:*

*(a) Delivered to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of all special meetings;*

*(b) Posted on the agency's website. An agency is not required to post a special meeting notice on its website if it does not have a website or share a website with another agency. Except in the case of a remote meeting or a meeting at which the physical attendance by some or all members of the public is limited due to a declared emergency as provided for in this chapter, an agency is not required to post a special meeting notice*

*on its website if it employs no full-time equivalent employees, or does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website; and*

*(c) Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location and is not held as a remote meeting; except that during a declared emergency which prevents a meeting from being held in-person with reasonable safety an agency that hosts a website or shares a website with another agency may instead post notice of a remote meeting without a physical location on the website hosted or shared by the agency.*

*Such notice must be delivered or posted, as applicable, at least 24 hours before the time of such meeting as specified in the notice.*

YRCAA Administrative Code Part A, Section 2.7 says:

*A special Board meeting may be called by the Chair or by a majority of the Board by delivering 24-hours prior written notification as follows:*

*2.7.1 Notification of the meeting by delivering written notice personally, by mail, by fax, or by electronic mail to each member of the Board;*

*2.7.2 Notification of the meeting by delivering written notice personally, by mail, by fax, or by posting on the Agency website, and to each local radio or television station;*

*2.7.3 Notification must include the time and place of the meeting and the business to be conducted . . . . .*

On July 20, 2022, I submitted a public records request for “copies of all notices to newspapers, radio stations, and television stations regarding the YRCAA Special Meeting in Granger, WA on July 14, 2022” and “names of all organizations, special interest groups, and individuals who received written or email notification of that meeting.”

On August 15, 2022, I received the YRCAA response to this request. The YRCAA sent a list of about thirty people who were notified of the meeting by email at 8:40 AM on July 13, 2022. The YRCAA notified:

- Four of the eight small cities in the LYV. Did not notify Zillah, Wapato, Grandview, or Mabton
- Two attorneys who work for the YRCAA
- The Interim Executive Director for the YRCAA
- Two EPA officials with offices out of the area
- The Directors of three other WA Clean Air Agencies
- The Yakima Herald Republic and the Yakima Public Affairs Channel (YPAC) Note: The Yakima Herald Republic is published on Wednesday, Friday, and Sunday.
- Three Yakima County employees who are contracted to find a new YRCAA Executive Director

- The WA State Attorney General's Office
- One official at the Yakama Nation
- Nine interested individuals. At least three do not live in the LYV

Perhaps there are legal loopholes that defend this failure to adequately notify the public. But remember, the YRCAA Board made informal promises to hold meetings in the Lower Valley so people who live with the county's worst air pollution could provide input. Hardly any of the thousands who live in the LYV knew about the meeting, its significance, or were able to leave work for a 2 PM meeting.

Sincerely,

Jean Mendoza



## *Friends of Toppenish Creek*

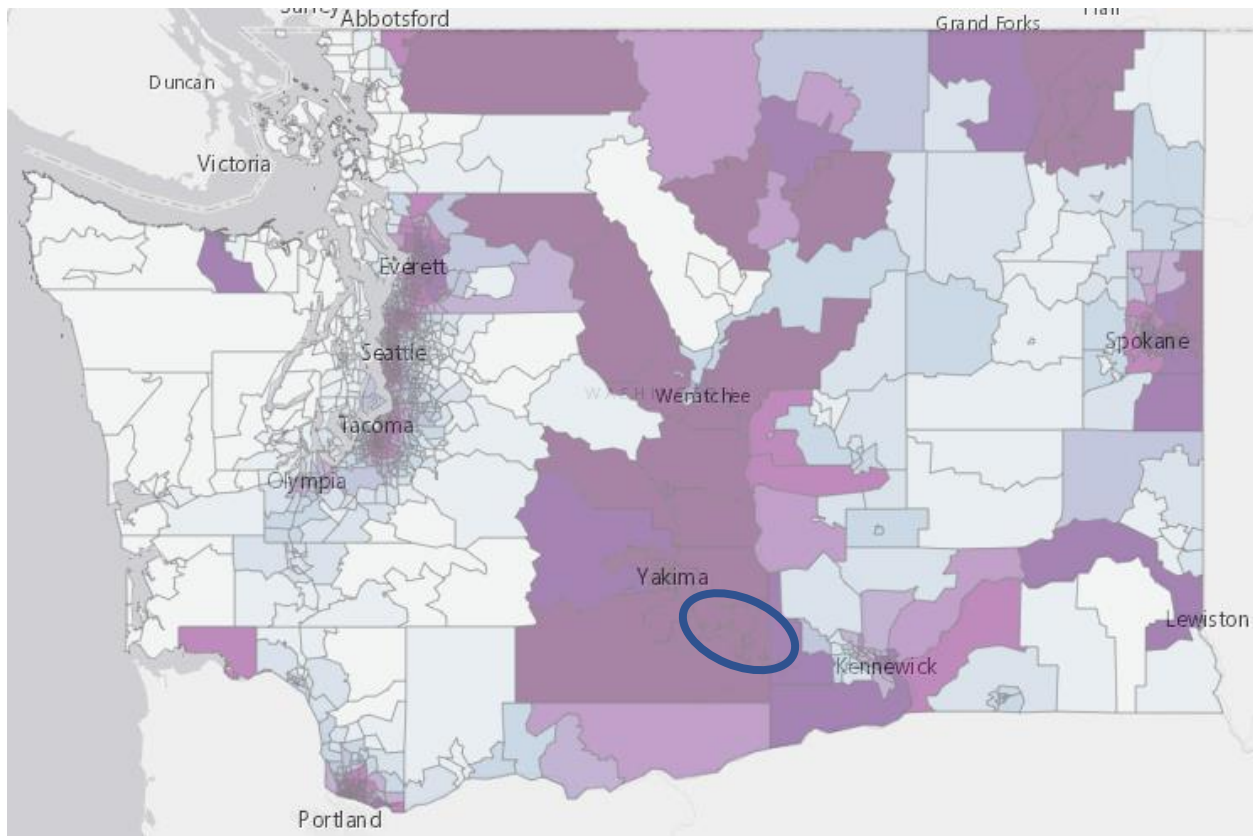


Sept. 6, 2022

Dear Washington Leaders:

This is a note to remind WA State agencies, councils and commissions of air quality issues facing Yakima County and especially the approximately 65,000 people who live in the 273 square mile Lower Yakima Valley Groundwater Management Area (LYV GWMA) along with approximately 90,000 milk cows (1/3 of the Washington inventory) and at least that many support animals.

In light of the recently passed HEAL Act and the Climate Commitment Act (CCA), the Friends of Toppenish Creek (FOTC) hope that responsible groups will consider the available air studies, conduct further air studies, and address the disproportionate impact of air pollution on the people of the LYV, most of whom are people of color, and many with low incomes.



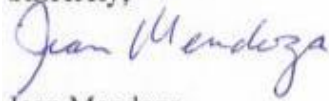
PM 2.5 Concentration – Washington Health Disparities Map. Available at <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>

1. In 2015 the WA State Dept. of Ecology completed the Yakima Air Winter Nitrate Study (YAWNS) that looked at high levels of fine particulate nitrate in the area.<sup>1</sup> Ammonia levels are so high in Yakima County that all nitrogen oxide (NO<sub>x</sub>) in the air is converted to ammonium nitrate.
2. In 2019 the Friends of Toppenish Creek completed a study that found ammonia levels in the LYV were 63 times higher than ammonia levels in the Upper Yakima Valley (UYV).<sup>2</sup>
3. The American Lung Association currently ranks Yakima, WA as the ninth most polluted city nationwide for daily particulate matter.<sup>3</sup>
4. Studies by the University of Washington School of Public Health document adverse impacts and increased symptoms for asthmatic children in the LYV when air quality worsens.<sup>4, 5, 6</sup>
5. A 2010 National Air Emissions Monitoring Study<sup>7</sup> looked at air emissions from two LYV freestall dairy barns and found:
  - a. Ammonia emissions of 39 to 52 lbs. per cow per year  
(Extrapolate: 90,000 milk cows in the LYV ≈ 1,755 to 2,340 tons per year)
  - b. Hydrogen sulfide emissions of 0.74 to 1.07 lbs. per cow per year  
(Extrapolate: 90,000 milk cows in the LYV ≈ 33 to 48 tons per year)
  - c. Total suspended particulate emissions of 25.16 to 44.31 lbs. per cow per year  
(Extrapolate: 90,000 milk cows in the LYV ≈ 1,132 to 1,994 tons per year)
  - d. Volatile organic compound (VOC) emissions of 70 to 96 lbs. per cow per year  
(Extrapolate: 90,000 milk cows in the LYV ≈ 3,150 to 4,320 tons per year)
6. The U.S. EPA State Inventory and Projection Tool that Washington State uses to estimate annual greenhouse gas emissions<sup>8</sup> estimates that Washington dairy cows produce 3.91 metric tons or 3,910 kg of CO<sub>2</sub> equivalents from methane per milk cow per year from manure management.<sup>9</sup> The same tool estimates emission of 3.77 metric tons or 3,770 kg of CO<sub>2</sub> equivalents from methane per milk cow per year from enteric fermentation (belching and farting). Methane from manure management can theoretically be captured and refined to renewable natural gas. Methane from enteric fermentation cannot.
7. With approximately 90,000 milk cows the numbers from 6 above translate to emission of 691,527 metric tons of CO<sub>2</sub> equivalents of methane per year in the 273 square mile area in the LYV, just from the dairy cows and excluding support animals and beef cattle.
8. Dairy research from Idaho finds methane emissions from manure lagoons range from 30 to 126 kg/hectare per day.<sup>10</sup> There are about 500 acres or 200 hectares of manure lagoons in the LYV. These lagoons alone produce between 2,190 and 9,198 metric tons of methane per year or between 61,320 and 257,544 metric tons of CO<sub>2</sub> equivalents from methane per year. These lagoons also emit ammonia, hydrogen sulfide, volatile organ compounds, and nitrous oxide.
9. The WA State Dept. of Agriculture estimates that 35% of the nitrogen compounds (ammonia, nitrous oxide, NO<sub>x</sub>) from the dairy production areas are volatilized.<sup>11</sup>
10. NO<sub>x</sub>, VOCs, and methane are precursors to the criteria pollutant ozone. Hydrogen sulfide is a precursor to the criteria pollutant sulfur dioxide. The YRCAA only tests air for fine particulate matter.

11. Between 60% and 70% of the dairy manure produced in the LYV is composted to hopefully reduce leaching to groundwater.<sup>12</sup> Based on research from the San Joaquin Valley in California<sup>13</sup>, the LYV manure composting operations alone produce 877 English tons per year of VOCs and 1,444 English tons per year of ammonia. (One English ton = 2,000 lbs. One metric ton = 1,000 kg = 2,204.6 lbs)
12. After struggling with years of odor complaints in Thurston County, Ostrom's mushrooms moved to the LYV City of Sunnyside in 2019. Unlike the Olympic Regional Air Agency, the Yakima Regional Clean Air Agency (YRCAA) does not take odor complaints related to agriculture seriously.<sup>14</sup> The YRCAA has declined to investigate odor complaints regarding Ostrom's.<sup>15</sup> Most recently the WA State Attorney General has filed a civil rights lawsuit against Ostrom's for discriminating against domestic and female workers.<sup>16</sup> Is discrimination in the workplace an EJ issue? Yes, it is.
13. The Yakima Regional Clean Air Agency recently selected a new Air Pollution Control Officer (APCO)/Executive Director (ED) with no input from the residents of the LYV where air pollution is most serious.<sup>17</sup> FOTC believes this failure to engage impacted people is a violation of the principles of Environmental Justice.

This note is simply a reminder so that important people with serious concerns of your own, do not forget a small community with somewhat different and unique problems. We understand that you cannot feel our pain. You cannot do your jobs and simultaneously suffer with us as we see children struggling to breath or mourn with us when valued elders die too soon. But please acknowledge our humanity and the fact that our concerns are real.

Sincerely,



Jean Mendoza

Executive Director, Friends of Toppenish Creek  
3142 Signal Peak Road  
White Swan, WA 98952

References:

- <sup>1</sup> WA State Dept of Ecology (2015) Yakima Air Winter Nitrate Study. Available at <https://ecology.wa.gov/DOE/files/a6/a67789dd-aed4-461e-b138-e77537dd1952.pdf>
- <sup>2</sup> Friends of Toppenish Creek (2019) Ammonia Study in the Lower Yakima Valley. Available at <http://www.friendsoftoppenishcreek.org/cabinet/data/EPA%20Air%20Attachment%2019%20Ammonia%20Levels%20in%20Yakima%20County%20FOTC.pdf>
- <sup>3</sup> American Lung Association (2022) State of the Air. Available at <https://www.lung.org/research/sota/key-findings/short-term-particle-pollution>
- <sup>4</sup> Loftus, C., Yost, M., Sampson, P., Arias, G., Torres, E., Vasquez, V. B., ... & Karr, C. (2015). Regional PM<sub>2.5</sub> and asthma morbidity in an agricultural community: a panel study. *Environmental Research*, 136, 505-512. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4425279/>
- <sup>5</sup> Loftus, C., Afsharinejad, Z., Sampson, P., Vedal, S., Torres, E., Arias, G., ... & Karr, C. (2020). Estimated time-varying exposures to air emissions from animal feeding operations and childhood asthma. *International journal of hygiene and environmental health*, 223(1), 187-198. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7020853/>
- <sup>6</sup> Loftus, C., Yost, M., Sampson, P., Torres, E., Arias, G., Vasquez, V. B., ... & Karr, C. (2015). Ambient ammonia exposures in an agricultural community and pediatric asthma morbidity. *Epidemiology (Cambridge, Mass.)*, 26(6), 794. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4587379/>
- <sup>7</sup> Ramirez-Dorransoro, J.C., H.S. Joo, P. Ndegwa, and A.J. Heber. 2010. National Air Emissions Monitoring Study: Data from Two Dairy Freestall Barns in Washington WA5B, Final Report. Purdue University, West Lafayette, IN, July 30. Available at <https://archive.epa.gov/airquality/afo2012/web/pdf/wa5bsummaryreport.pdf>
- <sup>8</sup> U.S. Environmental Protection Agency (2022) State Inventory and Projection Tools. Available at <https://www.epa.gov/statelocalenergy/download-state-inventory-and-projection-tool?token=1mhSTPA1Mvx1MNc4unb0TfZsvGKUxetvWPPfmMSezpm>
- <sup>9</sup> See Attachment A
- <sup>10</sup> Leytem, A. B., Bjorneberg, D. L., Koehn, A. C., Moraes, L. E., Kebreab, E., & Dungan, R. S. (2017). Methane emissions from dairy lagoons in the western United States. *Journal of dairy science*, 100(8), 6785-6803. Available at <https://www.sciencedirect.com/science/article/pii/S0022030217305799>

<sup>11</sup> Lower Yakima Valley Groundwater Management Area (2019) Lower Yakima Valley Groundwater Management Area Program, Vol. I, page 24. Available at <https://www.yakimacounty.us/DocumentCenter/View/22177/GWMA-VolumeI-July2019>

<sup>12</sup> WA Dairy Federation (2015) Valley dairies export 60 – 70% of manure as compost. Yakima Valley Dairyland News: Volume 5, Mar/Apr 2015. Available at <https://www.wadairy.org/yakima-valley-dairyland-news-volume-5-marapr-2015/>

<sup>13</sup> Yoshimura, J. (2022) Compost Emission Factor Report. *San Joaquin Valley Air Pollution Control District*. Available at [Compost EF.pdf \(valleyair.org\)](#)

<sup>14</sup> Friends of Toppenish Creek (2021) Arguments for Dissolving the Yakima Regional Clean Air Agency (page 27) Available at <http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRCAA.pdf>

<sup>15</sup> See Attachment B

<sup>16</sup> WA State Office of the Attorney General (2022) AG Ferguson files civil rights lawsuit against mushroom producer Ostrom for discriminating against domestic farmworkers and women. Available at <https://www.atg.wa.gov/news/news-releases/ag-ferguson-files-civil-rights-lawsuit-against-mushroom-producer-ostrom>

<sup>17</sup> See Attachment C

-----Original Message-----

From: Steve and Natasha Hissong

Sent: Thursday, September 8, 2022 11:47 AM

To: bruce.harrell@seattle.gov; Lisa.Herbold@seattle.gov; Alex.Pedersen@seattle.gov; Teresa.Mosqueda@seattle.gov; Sara.Nelson@seattle.gov; Debora.Juarez@seattle.gov; vanessa.murdock@seattle.gov; Ann.Davison@seattle.gov; Gael.Tarleton@seattle.gov; kristen.simpson@seattle.gov; Andrew.Lewis@seattle.gov; Tammy.Morales@seattle.gov; Kshama.Sawant@seattle.gov; Dan.Strauss@seattle.gov; Cody, Eileen <eileen.cody@leg.wa.gov>; Nguyen, Joe <Joe.Nguyen@leg.wa.gov>; Fitzgibbon, Joe <joe.fitzgibbon@leg.wa.gov>; Duffy, Megan (RCO) <megan.duffy@rco.wa.gov>; DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>; Reynolds, Kate (ATG) <kate.reynolds@atg.wa.gov>; DOR King County Leg Authority 2 <kcexec@kingcounty.gov>; McDermott, Joe (DOHi) <joe.mcdermott@kingcounty.gov>; Rubstello, Patty RubsteP@wsdot.wa.gov

Subject: Save the Fauntleroy's Children's (COVE)

External Email

Greetings to all Seattle and state government officials, My family has been a resident in West Seattle for 20 years with the last 7 years being in the beautiful, unique Brace Point / Fauntleroy neighborhood. I write to you today to address concerns regarding the Fauntleroy Ferry Terminal Upgrade. I live just blocks away from the terminal and am well aware of the struggles discussed with ferry upgrade proposals. My family opposes the ideas to enlarge the terminal by increasing the size of the dock or adding a second slip. Both of these moves would significantly alter or completely destroy Fauntleroy Cove. The Cove is an integral destination and special place in our community for shore habitats and gathering of neighbors and visitors from across the water.

I do support better and more efficient pre-ticketing, automated toll collection and alternatives to single-occupancy commuting. I support improving safety for ferry riders and work crews. In addition, I support upgrades to strengthening the dock for seismic movement and elevating it for sea-level changes.

Please direct decisions and policies to strengthen and improve existing conditions. I want to see Fauntleroy Cove flourishing for future generations.

Thank you,

Natasha Turcinovic-Hissong  
Steve Hissong  
Derek and Paloma Hissong