

August 1, 2022
Joshua Grice
Rulemaking Lead
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

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.

The RCW 70A.65.040 of the Climate Commitments Act (CCA) legislatively requires our recommendations, as the EJC, in critical aspects of the CCA. Given our delayed convening, we have written to Governor Jay Inslee and your department Director Laura Watson that we will review and provide our analysis to the Governor for his full consideration, possibly for legislation.

With Ecology's August 1, 2022 deadline for the EJC to provide comments on the rules in mind, 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 of areas such linkage agreements, offsets, designation of Emissions Intensive Trade Exposed industries (EITEs), and administration of allowances (funding). The EJC makes the following requests:

1. Ensure Ecology staff works collaboratively with the EJC;
2. For chapter 173-446 WAC rulemaking, where Ecology has discretionary decision-making, add specific language to the proposed rules that gives the EJC authority to

- review data and information and provide recommendations with ample time prior to the decision being made;
3. Give priority consideration and the highest weight to rules comments from Tribes, and environmental justice communities that elevate Indigenous ecological knowledge and lived experience;
 4. Prioritize comments that provide solutions to environmental justice or equity concerns within the rules; and
 5. Continue to collaborate and consult with the EJC between the Council's deadline to comment on August 1st and when the rules are formally adopted. Given the significance of CCA we believe that this is an appropriate involvement for the EJC.

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,
WA State Environmental Justice Council

Cc: Governor Jay Inslee & Director of Ecology Laura Watson