



# Environmental Justice Council

2023 Report to the Community, Governor, and Legislature

RCW 70A.02.110  
November 2023

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### **Cover Photograph:**

The photograph on the cover of this report is used with permission from the Tulalip Tribes. The Tulalip Tribes are Federally Recognized successors in interest to the Snohomish, Snoqualmie, and Skykomish and other allied tribes and bands signatory to the Treaty of Point Elliott (1855). The photograph was taken at the Tulalip Resort & Casino and features artwork owned by the Tulalip Tribes, which was created by Tulalip Tribal Member and Artist, James Madison, [James Madison](#). The Council is honored and grateful to the Tulalip Tribes for welcoming the Council to hold their first in-person meeting at Tulalip Resort & Casino. Pictured are Environmental Justice Council members. Front Row, left to right: Aurora Martin, Maria Batayola, AJ Dotzauer-Rashid, Rosalinda Guillen, Maria Blancas, Esther Min, and Nicole Johnson. Back Row, left to right: Ahmer Nizam, Running Grass, Millie Piazza, Michael Furze, Eliseo (EJ) Juárez, NiRae Petty, and David Mendoza.

### **Staff Contact:**

Sierra Rotakhina

Environmental Justice Council Manager

[Sierra.rotakhina@ejc.wa.gov](mailto:Sierra.rotakhina@ejc.wa.gov)

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## Message from the Executive Committee

To the Washington State Legislature...

We thank you for the creation of the HEAL Act, the first statewide environmental justice law in Washington State, and for entrusting us, the Environmental Justice Council, to be stewards of its implementation. Your collective action to pass the HEAL Act and Climate Commitment Act makes Washington a leader in the nation on environmental health and environmental and climate justice.

To Governor Inslee...

We are grateful for your passion, leadership, and commitment to protecting the environment and communities of this great state and for your support for the Environmental Justice Council.

To the Tribes and Communities in Washington State...

We humbly submit this report to you. We honor you and hold you at the center of our work.

We are learning more about Tribal engagement and are actively developing strategies to engage with the Tribes and communities in a meaningful way. We thank you for sharing your wisdom and for holding us accountable as we work to hold the state accountable to the promise of the HEAL Act.

In submitting this report, we acknowledge the Tribes and communities who have been on the frontlines fighting for environmental justice. We also acknowledge the former members of the Environmental Justice Council, and in particular, former Co-Chair Patrick DePoe for his leadership, his integrity, and his steadfastness in reminding the Council to center Tribal sovereignty, rights, expertise, and wisdom.

### Executive Committee Members:

Maria Batayola, The Honorable Jarred-Michael Erickson, Rosalinda Guillen, Aurora Martin, and  
Esther Min

# Executive Summary

The Environmental Justice Council (Council) is submitting this report to fulfill reporting requirements under [Chapter 70A.02.RCW](#), the Healthy Environment for All (HEAL) Act.

Section 2 outlines the Council's progress in fulfilling its HEAL Act obligations. To date, it has set up and continues to build and prioritize processes to be accessible to and serve as a forum for communities to share their environmental justice concerns. Specifically, the Council has adopted a formal [statement](#) on the use of the Environmental Health Disparities map and [Community Engagement Values and Guidance](#). The Council continues its efforts, in partnership with the Environmental Justice Interagency Work Group, to develop guidance on Environmental Justice Assessments, including the identification of overburdened communities and vulnerable populations. It also continues its work to develop guidance on integrating environmental justice into agency budgeting and funding decisions.

Section 4 provides a summary of agencies' progress on meeting their HEAL Act requirements. The Council appreciates the good work that agencies have accomplished, particularly considering the common barriers and ongoing needs that they have identified. The Council asks that as agencies wait for additional Council guidance, they continue to work toward their statutory obligations in co-governance with Tribes and communities and using the definitions and provisions outlined in statute as a guide.

Section 5 includes Council reflections on the transformative work that the state has embarked on with the passage of the HEAL Act. Transformation of this magnitude requires an equally transformative shift in how resources are allocated and how timelines are set out to accomplish the work in new and better ways. The Council offers two recommendations for the Governor's Office and Legislature as they consider policy and budget decisions to promote environmental justice in Washington State.

# Section 1: Introduction

## 1.1 Background and Significance of the HEAL Act

[Chapter 70A.02 RCW](#), the Healthy Environment for All Act (HEAL Act), was passed by the Legislature in 2021, creating a coordinated state government approach to promoting environmental justice. There are seven state agencies covered by the HEAL Act, in addition to agencies that choose to voluntarily opt-in. These covered agencies have several statutory responsibilities related to community engagement, Tribal Consultation, incorporating environmental justice into agency activities, conducting environmental justice assessments, and reporting. In addition, the Department of Health is given the responsibility to convene and support an Interagency Work Group to promote agency coordination. Ultimately, the goals of the HEAL Act are to eliminate environmental and health disparities by making sure no community is disproportionately burdened by environmental pollution, that environmental resources and benefits are equitably distributed, and that communities and Tribes are partners in state government decision-making.

### HEAL Covered Agencies

Department of Agriculture

Department of Commerce

Department of Ecology

Department of Health

Department of Natural Resources

Department of Transportation

Puget Sound Partnership

Office of the Attorney General (voluntarily opted-in)

## 1.2 Overview of the Environmental Justice Council

The Environmental Justice Council (Council) was created under the HEAL Act to serve as a community forum that can bring forward the voices of communities that have been disproportionately impacted by environmental health hazards. The Council was tasked to work iteratively with the HEAL Interagency Work Group to advise state agencies on how to incorporate environmental justice into agency activities.

The Council is made up of 16 voting members who are appointed by the Governor. There is broad representation on the Council, including seats for community, youth, environmental justice practitioners, Tribes, labor, and business representatives. In addition, each of the seven HEAL covered agencies has a non-voting ex officio liaison to the Council.

## 1.3 Report Purpose

The Council has two reporting requirements under the HEAL Act:

- November 30, 2023: Submit a report to the Governor and Legislature outlining the Council's recommendations and guidance to agencies and summarizing agency progress reports to the Council.
- December 1, 2023: Communicate to the public, Governor, and Legislature an evaluation of agency progress in applying Council guidance and a summary of the Council's progress on its statutory duties under the HEAL Act.

The Council is submitting this report to the community, Governor, and Legislature to fulfill both reporting requirements. Section 2 is the Council's progress report on its HEAL Act obligations. Section 3 includes formal guidance to agencies adopted by the Council to date. Section 4 is the Council's summary of agency progress. Section 5 highlights reflections on HEAL Act implementation and legislative mandates and includes two recommendations for the Governor's and Legislature's consideration.

## **Environmental Justice Council Membership**

### **Tribal Representatives**

The Honorable Jarred-Michael Erickson (Interim Council Co-Chair)  
The Honorable Misty Napeahi / AJ Dotzauer-Rashid (Delegate)  
Currently Vacant (2 seats)

### **Community Representatives**

Maria Batayola (Council Co-Chair)  
Maria Blancas  
Rosalinda Guillen  
Aurora Martin  
Faaluaina Pritchard  
Raeshawna Ware  
Youth Representative (Currently Vacant)

### **Environmental Justice Practitioners**

Running-Grass  
Esther Min

### **Business Representative**

Nichole Banegas

### **Labor Representative**

Todd Mitchell

### **Representative At Large**

David Mendoza

### **Ex Officio Members**

Lea Anne Burke, Puget Sound Partnership  
Michael Furze, Department of Commerce  
Lauren Jenks, Department of Health  
Nicole Johnson, Department of Agriculture  
Eliseo (EJ) Juárez, Department of Natural Resources  
Ahmer Nizam, Department of Transportation  
Millie Piazza, Department of Ecology

### **Former Council Members**

The Honorable Patrick DePoe (Tribal Representative), the Honorable Sylvia Miller (Tribal Representative), the Honorable Annette Bryan (Delegate), Dawn Vyvyan (Delegate), and NiRae Petty (Youth Representative)



# Section 2: Environmental Justice Council

## Progress Report

### 2.1 Public Forum

#### Public Testimony

The Council is required to serve as a forum to hear public testimony on environmental justice concerns, to use the information to inform Council recommendations, and to refer individuals to the correct agencies as needed.

The Council first convened on April 4, 2022. It held 12 meetings in 2022 and is expected to meet 10 times in 2023. All meetings are open to the public and there is time dedicated on each agenda for public comments. Some meetings have included two public comment periods to provide more flexibility for community members who may need to join at different times during the meeting. A summary of public comments received is included in the Council's meeting notes and written public comments are posted to the Council's meeting materials web page.

#### Community Engagement

The Council is approaching its own community engagement in a strategic and thoughtful manner. To date, the Council has been focusing its capacity on its statutory requirements under the HEAL Act and Climate Commitment Act to provide guidance to state agencies and to provide budget recommendations to the Governor and Legislature, respectively. As such, it has been intentional in limiting its own proactive engagement with communities until it has freed up some capacity to be able to effectively follow-up and engage with communities in meaningful ways. The Council is currently building its capacity for community and Tribal engagement by hiring additional full time Tribal and community engagement staff; developing processes to receive, track, and respond to public comments; and by developing a youth engagement plan to center youth voices.

The Council convened a Community Engagement Committee, which has been focused on developing community engagement values and guidance for HEAL agencies to integrate environmental justice into their agency community engagement plans (see **Section 2.2**). The community engagement values and guidance fulfilled the Council’s statutory responsibilities to provide guidance to agencies on this topic. It is the intent of the Community Engagement Committee to develop its own community engagement strategy that applies the same values and guidance to the Council’s community engagement.

The Council has implemented standard practices to ensure that its meetings are accessible, especially for communities that have historically been excluded from participating in state government activities. These include:

- Creating a distribution list to share email updates from the Council, including meeting notices, and opportunities and announcements related to environmental and climate justice. All meeting notices are in both English and Spanish.
- Creating a [Spanish language website](#) for the Environmental Justice Council. The content on the Spanish language website mirrors the information available on the English version.
- Translating all agendas into Spanish and notifying the public that they can request translation into other languages.
- Providing Spanish and American Sign Language interpreters at all Council meetings. Interpretation services in other languages are available upon request.
- Providing Communication Access Realtime Translation (CART) services at every Council meeting. CART provides a professional transcription of the meeting content in real time for individuals who are deaf or hard of hearing.
- Holding meetings in the late afternoon and evening to accommodate community members who may not be able to take time off during the traditional workday.
- Scheduling public comment periods later in the meeting. Sometimes, the Council holds two public comment periods—one at the beginning of the meeting to ensure public

participants have an opportunity to share their comments before the Council takes action and one at the end of the meeting for those who join later.

As the Council builds its staff capacity, the Council also aims to provide notices and translate its website into additional languages.

## 2.2 Guidance for Agency Community Engagement Plans

The Council has the responsibility to work with the HEAL Interagency Work Group to develop guidance for how agencies incorporate environmental justice into their agency community engagement plans. The Council believes that authentic community engagement is the heart of environmental justice, and that true engagement is a two-way process between government and the public.

The Council first convened its Community Engagement Committee in June of 2022. The Committee began its work by establishing the community engagement values that will ground the Council's work.

On August 25, 2023 the Council adopted Community Engagement Values and Guidance (Appendix A). The Council finds the set of seven values to be foundational to community engagement and the guidance it adopted is reflective of the values.

As **NiRae Petty**, former Council Member and Chair of the Council's Community Engagement Committee, asked the Council to consider adoption of the Community Engagement Values and Guidance, she emphasized **"the significance of fighting back against the erasure of social and racial justice from environmental justice, and that community, everyone in community, should be valued and given power in governmental decision making."**

## 2.3 Guidance for Agency Strategic Plans

The Council, in collaboration with the Interagency Work Group, is responsible for creating guidance for how agencies incorporate environmental justice into their agency strategic plans. With the Council's numerous areas of statutory responsibilities and limited capacity, the Council has not yet developed guidance for agencies in this area. However, the HEAL covered agencies each have strategic plans and implementation plans for how they will incorporate environmental justice principles into agency activities.

## 2.4 Guidance on Identification of Significant Agency Actions

The Council is directed to work with the HEAL Interagency Work Group to provide guidance to agencies on what should be classified as a significant agency action. The HEAL Act requires that agencies complete environmental justice assessments when considering significant agency actions and it defines significant agency actions as:

- The development and adoption of significant legislative rules;
- The development and adoption of any new grant or loan program required by statute;
- A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000; and
- The submission of agency request legislation.

By July 1, 2025, agencies, in iterative consultation with the Council and HEAL Interagency Work Group, are directed to identify any significant agency actions in addition to those defined in statute. As significant agency actions are clearly defined in statute and agencies have until July 1, 2025 to identify additional actions, this work will be integrated into the Council's upcoming workplans.

## 2.5 Guidance on Environmental Justice Assessments

The Council is required to work with the HEAL Interagency Work Group to develop guidance on environmental justice assessments. Agencies are required to conduct environmental justice assessments when considering significant agency actions to ensure the equitable distribution of environmental benefits and the reduction of environmental harms and health inequities and to center community voice in decision-making.

Efforts to date include:

- A small group of Council members and members of the Interagency Work Group began meeting regularly in October 2022 to review different sample assessments.
- In August 2022, a subgroup of the HEAL Interagency Work Group began meeting to develop an environmental justice assessment process.
- In January 2023, the Council created an Environmental Justice Assessment Committee, which has been meeting regularly since February.
- Since March 2023, the subgroup of the HEAL Interagency Work Group and the Council's Environmental Justice Assessment Committee have been meeting jointly for thought partnership and collaboration.
- The Council received a briefing on the draft Environmental Justice Assessment template and provided feedback in May 2023.
- Based on feedback, the Interagency Work Group's subgroup created a simplified version of the Environmental Justice Assessment template and received review and feedback from the Council's Environmental Justice Assessment Committee, the Tribal Liaison's Work Group, and legal review to ensure it meets statutory requirements.
- The Council received a second briefing on the revised Environmental Justice Assessment template and provided feedback in June 2023.
- Agencies began initial implementation of the Environmental Justice Assessment in July 2023. Notices of agency Environmental Justice Assessments can be found on the Office of Financial Management website: [Environmental justice assessment notices | Office of Financial Management \(wa.gov\)](#).

In September and October 2023, the HEAL Interagency Work Group hosted two workshops to obtain input from Council members on the draft process to identify overburdened communities and vulnerable populations under the HEAL Act. The process for identifying overburdened communities and vulnerable populations will be used for HEAL Act obligations, including Environmental Justice Assessments, budgeting and funding decisions, and community engagement. It was noted during the workshops that this process will often be used as a starting place for community engagement, with the understanding that agency staff will continuously refine who fits the definition of overburdened communities and vulnerable populations for a given state action throughout the community engagement process.

During the workshops, Council Member **Running-Grass** provided guidance on the process of identifying overburdened communities and vulnerable populations. He advised agency staff to **“Keep that freshness of curiosity. What are communities telling us? What are the data telling us? Expect that communities will give us a different kind of story than the numbers. We should allow our inquiry with communities to guide us.”**

On the same subject, **Maria Batayola**, Council Co-Chair, advised to **“Err on the side of inclusion, because through the process you will come to a place, in partnership, where we are all going to say we did the right thing.”**

The current Environmental Justice Assessment template is a work in progress. Implementation within the agencies occurs as they consider significant agency actions. As agencies learn from implementation, they will share lessons-learned with the Council, and the Council and agencies will work in partnership to incorporate what they learn into the process. In addition to the Environmental Justice Assessment template, each agency is developing its own guidance document. The guidance documents will have detailed information on how to complete the environmental justice assessment template, as well as notification prior to the assessment, more detailed reporting and communication of assessment results, and ongoing engagement and accountability after the assessment.

## 2.6 Guidance on Budgeting and Funding Criteria

The Council is directed to work with the HEAL Interagency Work Group to develop guidance to agencies on integrating environmental justice into agency budgeting and funding decisions.

The Council received a staff briefing on this requirement at its March 2023 meeting. In June 2023, the Council convened an ad hoc Budget Committee. While the Budget Committee has been meeting since June, the committee's priority has been to help the Council develop its 2024 supplemental budget recommendations as required by the Climate Commitment Act. The committee did, however, ask staff to gather a list of specific areas that the agencies would like Council guidance. The Council began discussion on these topics at its July 2023 meeting. The Council and HEAL agencies will continue these discussions moving forward.

To date, agencies have completed initial reviews of their budget and funding processes and have posted that information to their agency websites.

# Section 3: Environmental Justice Council

## Guidance

### 3.1 Guidance on the Environmental Health Disparities Map

At its February 28, 2023 meeting, the Council adopted a statement on the use of the Environmental Health Disparities Map. This guidance is directed to agencies as they identify and prioritize communities for program development, funding, or other purposes.

#### Statement on the Environmental Health Disparities Map

Tribal lands are already included in the definitions of “overburdened communities” in both the Healthy Environment for All (HEAL) Act and the Climate Commitment Act (CCA), regardless of how Tribal communities rank on the Environmental Health Disparities (EHD) map or other tools and/or other data. If agencies use the EHD map to identify “vulnerable”, “highly-impacted”, “marginalized”, “overburdened”, or other communities with similar characteristics outside of the scope of the HEAL Act or CCA, Tribal lands should be included.

### 3.2 Community Engagement Values and Guidance

At its August 25, 2023 meeting, the Council adopted Community Engagement Values and Guidance, which fulfills the Council's responsibility to provide guidance to agencies on incorporating environmental justice into agency community engagement plans. The Council sees this as a living document that will be refined with feedback from communities and agencies. In addition, the Community Engagement Committee is working on a supplement to provide additional, more technical guidance to agencies. See **Appendix A** for the full text of the Council's Community Engagement Values and Guidance.



## Section 4: Summary of Agency Progress

HEAL covered agencies are required, under RCW 70A.02.090, to update the Council annually on the following:

- Implementation of environmental justice into agency strategic plans, budgeting and funding decisions, and community engagement plans; and
- Implementation of Environmental Justice Assessments.

The Council is required, under RCW 70A.02.110, to provide a summary of the agency progress reports, including the status of conducting environmental justice assessments. Agencies provided their annual updates to the Council in the meeting materials for the Council's September 28, 2023 meeting. The updates have been posted to the Council's website here: [2023 HEAL Interagency Workgroup Update to the EJC.pdf \(waportal.org\)](https://waportal.org/2023-HEAL-Interagency-Workgroup-Update-to-the-EJC.pdf).

HEAL agencies are making good progress in implementing HEAL Act requirements, particularly considering the common barriers and ongoing needs they have identified. It is important to note that none of the HEAL deliverables are one-time projects that can be completed and checked-off. Each deliverable should evolve and strengthen as the Council engages further in each area, as agencies learn from Tribes and communities, and as agencies develop lessons-learned through applying the tools.

- All agencies have published strategic plans and environmental justice implementation plans (either separate plans or embedded into strategic plans). As noted above, the Council has not yet provided guidance on this HEAL deliverable. As the Council has capacity to provide guidance on this, the Council and the HEAL agencies can work together to make any needed improvements to these plans.
- Agencies are currently implementing their provisional community engagement plans, while reviewing them and incorporating the Council's Community Engagement Values and Guidance, as well as what they've learned from early listening sessions. As agencies

conduct additional listening sessions on their plans, they will have opportunities to strengthen their plans based on community guidance.

- Agencies are working with the Governor’s Office of Indian Affairs to coordinate government-to-government Consultation on agency Tribal and community engagement plans and are hosting listening sessions for Tribal and community partners. Guidance received through this process can be used to strengthen the plans as needed.
- Agencies have worked collaboratively with each other and the Council’s Environmental Justice Assessment Committee to develop a common Environmental Justice Assessment template and have begun conducting Environmental Justice Assessments on significant agency actions, including agency-request legislation, rulemaking, and grant programs. The agencies and the Council plan to work in close collaboration to document lessons-learned and improve the Environmental Justice Assessment processes continually moving forward.
- Agencies have completed initial reviews of budgeting and funding processes and posted decision-making processes on their respective websites. As noted above, the Council has not yet providing guidance on this HEAL deliverable. As the Council has capacity to provide guidance on this, the Council and the HEAL agencies can work together to make any needed improvements to these plans.

The Council wishes to elevate some of the ongoing needs that agencies have in implementing the HEAL Act and the common barriers that agencies and the Council share. The Council acknowledges that agencies have made requests of the Council, including a review of their provisional community engagement plans and guidance on the process for identifying overburdened communities and vulnerable populations, what is meant by environmental benefits and harms, and budget and funding recommendations and expectations. The agencies have also noted common challenges, including unrealistic statutory timelines and limited resources—the Council shares these barriers.

Further, the Council has unique barriers resulting from its structure as an advisory Council composed of volunteers. The work of the Council is significant—it has statutory requirements under both the HEAL and Climate Commitment Acts, as well as responsibilities under numerous other statutes and provisos (see **Appendix B**). The Council acknowledges that it has not had the capacity to meet all of its statutory obligations as a result of these barriers and that has had an impact on the agencies. HEAL implementation is iterative work, so the Council strives to engage with the agencies in co-governance to improve each deliverable at each iteration moving forward.

The Council thanks the agencies for continuing to engage with the Council in thoughtful dialog, for their good work in implementing HEAL requirements, and for their ongoing commitment to transforming their agencies and the state system in ways that further environmental justice. The Council asks that agencies continue to work toward their HEAL obligations in co-governance with Tribes and communities and using the definitions and provisions outlined in statute as a guide. As the Council has the capacity to adopt formal guidance, agencies can update plans and revise processes and procedures as needed. The Council acknowledges the short timelines in the HEAL Act and the limited staff capacity in many HEAL agencies has made meaningful community and Tribal engagement challenging. This is particularly true as agencies have been building up their HEAL implementation teams. The Council urges the state agencies to increase their community and Tribal engagement in this work by developing HEAL deliverables through co-governance. Where agencies have insufficient staff capacity or other resources (such as funding to compensate communities, to translate materials, or to provide interpreters), the Council encourages agencies to request additional funds and keep the Council informed of these resource needs for likely support.

## Section 5: Reflections and Recommendations

### 5.1 Timelines and Resources to Implement the HEAL Act

The passage of the HEAL act in 2021 was a historic milestone in Washington State’s journey toward promoting environmental justice. With its passage, the state began an intentional and coordinated approach to transform the way programs and policies are created and dollars are spent by centering Tribes and communities that have been most severely and frequently impacted in the decision-making. Transformation of this magnitude takes resources and more importantly, it takes time, and it takes trust. It takes time to build trusting relationships and authentic, non-extractive engagement with Tribes and communities. It takes time for Council Members, themselves, to come together and form trusting relationships and common understanding with each other. It takes time for the Council and agencies to develop partnerships based on a foundation of trust. And it takes time for the culture change needed to truly fulfill the requirements and the spirit of the HEAL Act.

This report is an opportunity to share progress on the work being done to implement the HEAL Act. It is also an opportunity to reflect on the truly transformational nature of the work. Ultimately, the time and effort put into this work will lead to more effective and more efficient government that is responsive to the communities being served.

**Recommendation: The Environmental Justice Council requests that the Governor’s Office and Legislature rethink the resources and timelines needed for agencies to implement legislative mandates.**

- Significantly longer timelines and more financial resources are needed for agencies to ensure Tribal Consultation, community engagement, equity, anti-racism, and environmental justice principles and practices are embedded into service delivery.

## 5.2 Council Inclusion in Legislative Mandates

As detailed throughout the progress report section of this report, the Council has been unable to meet all its statutory requirements due its numerous responsibilities under the HEAL Act, the Climate Commitment Act, and other recently enacted pieces of legislation and budget provisos. The Council was not fully appointed until the end of March 2022 and it held its first meeting in early April 2022. HEAL agencies had their first statutory due date (community engagement plans) due just three months later, in July 2022, and their second due date (environmental justice in strategic plans) due in January 2023. The due dates for the Council's Climate Commitment Act responsibilities were similarly paced. The Council's workload and statutory timelines continue to put unrealistic time pressures on the Council.

As such, the Council asks the Governor and the Legislature to carefully consider, before proposing the inclusion of the Council in legislation and/or budget items, whether such action adds sufficient value to implementing environmental justice and aligns with its capacity, authority, and structure as an advisory body of volunteer community members. The Council believes that legislative language should always center free, prior, and informed consent from Federally Recognized Tribes; community engagement; co-governance; and co-design; and discourages the Governor and Legislature from including the Council in legislative and budgetary proposals when the sole reason for doing so would be for the Council to serve as a proxy for meaningful Tribal and community engagement. In addition, state agencies implementing policies and distributing funding should work with communities and Tribes beyond those just seated on the Council.

**Recommendation: The Environmental Justice Council requests that the Legislature carefully consider whether to include the Environmental Justice Council in legislation and budget proposals.**

- The Council needs to reserve its limited capacity for existing legislative mandates around HEAL, CCA implementation, and others.



# Appendix A: Community Engagement Values and Guidance

## Community Engagement Values and Guidance Adopted by the Environmental Justice Council on August 25, 2023

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington State. The HEAL Act established the Environmental Justice Council to provide guidance to state agencies on how to integrate environmental justice into different facets of their work. The Community Engagement Committee was created by the Council to lead the discussion on community engagement with the agencies. The committee and the Council believe that authentic community engagement is the heart of environmental justice. Community engagement is a two-way communication process between government and the public.<sup>1</sup> As such the following values are foundational to community engagement, and the guidance are reflective of these values. While the guidance is designed for state agencies, they can be useful for communities as they review and evaluate how agencies are engaging with communities. (Appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.)

1. **Community-Centered:** With a focus on those closest to the pain: Power, dialog, and knowledge production must be done with community as equal partners. The use of lived experience, story, participatory, qualitative, and arts-based methods that accurately convey community concerns must be prioritized as at least equal to western and quantitative methods for transformational change.
2. **Equity-Centered:** We work to make meaningful change with communities that have been historically oppressed, denied resources, and extracted from for the benefit of others. The goal is to eliminate racial hierarchies and advance collective liberation,

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<sup>1</sup> From Metropolitan Area Planning Council's (MAPC) Community Engagement Guide, [MAPC-Community-Engagement-Guide-2016.pdf](#).

where Black, Indigenous and People of Color, in particular, have the dignity, resources, power, and self-determination to fully thrive.

3. **Accessible:** Work should be done in locations where community is in partnership with community-based organizations and community leaders, in ways that utilize multiple ways of knowing, in ways that share power, and with results that are usable by community. Translation services and disability inclusion through accommodations should be provided.
4. **Authentic:** Community is the expert of their lived reality. Engagement with community should be authentic, ongoing and non-extractive, and value community knowledge through reciprocity.
5. **Accountable (Reciprocal Trust):** Government must acknowledge their past and current missteps and take action to create a better relationship currently and in the future through Truth and Reconciliation<sup>2</sup>. At the same time, government often distrusts community knowledge and work if it is not based on quantitative data (even if the numbers are not accurate or real). Authentic partnership with community can lead to data that is a more accurate representation of their truth.
6. **Intersectional:** We coalition build by doing intersectional work to make a more inclusive, equitable, and sustainable movement that explores the nuance of how identities such as gender, race, disability, sexuality, religion, citizenship, age, and more have led to disproportionate burdens from environmental inequities.
7. **Interconnectedness:** We are interwoven with all people of the world, the environment, and the living and non-living world. Only through working together and seeing the humanity of us all can we replace individualism that leads to extractive relationships

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<sup>2</sup> Truth and Reconciliation: “Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior” (Canada’s TRC Report 2008).

[https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive\\_Summary\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf)



with people and the environment towards reciprocal relationships to address inequities and climate change.

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

1. Demonstrate respect and value for community cultural practices and expressions, ways of knowing, forms and sources of community leadership, and specific, local expertise.  
*(Reflective of Values #1: Community Centered and #4: Authentic)*
2. Center, acknowledge, trust, and amplify voices of marginalized, vulnerable communities experiencing unaddressed environmental health disparities. Remember that community is the pre-eminent expert in their reality.  
*(Reflective of Values #4: Authentic and #7: Interconnectedness)*
3. In planning and conducting community engagement, incorporate an understanding of the impacts of historical, contemporary and structural forms of racial and other oppressions. Incorporate this understanding into analytical methodologies agencies use when determining community impacts, mitigations, reparative benefits and the implementation of community engagement. The community engaged should be the primary beneficiary.  
*(Reflective of Values #3: Accessible, #4: Authentic, and #5: Accountable [Reciprocal Trust])*
4. When planning and conducting community engagement, utilize multiple forms of culturally responsive research including quantitative, qualitative, and community driven methodologies and approaches to collaborative, and applied research that center community cultural values, voice, and agency. Ask the right questions, do the research in a non-extractive and anti-racist way to avoid disengagement, analyze the data in a non-deficit way, and the data/end product should be usable by community.  
*(Reflective of Values #1: Community Centered, #5: Accountable [Reciprocal Trust], #6: Intersectional, and #7: Interconnectedness)*
5. Prioritize transparency in data collection by preserving raw data and creating opportunities for communities to re-analyze it. Recognize that publicly available data sometimes minimizes community-based data. Utilize community-based research

methods including multiple qualitative and quantitative data sources to identify marginalized, vulnerable sub-populations within communities that might require unique approaches for engagement.

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

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

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

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

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

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

*(Reflective of Value #3: Accessible)*

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

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

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

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

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

*(Reflective of value #1: Community Centered)*

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

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

## Appendix B: Environmental Justice Council's Non-HEAL Statutory Responsibilities

### Climate Commitment Act, Chapter 70A.65 RCW

#### Passed by the Legislature in 2021

RCW 70A.65.030: Many agencies allocating funds from the accounts developed by the CCA must develop community engagement plans and conduct EJ assessments consistent with the HEAL Act even if they are not covered agencies under the HEAL Act. RCW 70A.65.040: The EJ Council is also tasked with providing recommendations to these agencies on issues such as meaningful consultation with vulnerable populations including on these agencies' community engagement plans.

RCW 70A.65.040: The EJ Council must provide recommendations to implementing agencies on meaningful consultation with vulnerable populations including on Ecology's community engagement plan supplement required under RCW 70A.65.020.

RCW 70A.65.040: The EJ Council must provide recommendations to the Legislature, agencies, and the Governor on development and implementation of the cap and invest program established in the CCA.

RCW 70A.65.040: The EJ Council must provide recommendations to the Legislature, agencies, and the Governor on how CCA funds are spent.

RCW 70A.65.040: The EJ Council must recommend EJ and environmental health goals for programs, activities, and projects funded with CCA funds and review agency annual reports on outcomes and progress toward meeting these goals.

RCW 70A.65.040: The EJ Council must provide a forum to analyze policies adopted under CCA to determine if they lead to improvements within overburdened communities.

RCW 70A.65.040: The EJ Council must recommend procedures and criteria for evaluating programs, activities, or projects.

RCW 70A.65.040: The EJ Council must 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: The EJ Council must recommend co-pollutant emissions reduction goals in overburdened communities.

RCW 70A.65.040: The EJ Council must recommend how to support public participation through capacity grants for participation.

RCW 70A.65.170: Offset credit limits can be reduced for a specific entity if the Department of Ecology determines, in consultation with the EJ Council, that the covered entity is likely to contribute substantively to cumulative air pollution burden in an overburdened community (using criteria established by Ecology in consultation with the EJ Council), or to violate any permits required by federal, state, or local air pollution control agency.

## Legislation Passed in 2023

### **E2SHB 1216, Clean Energy Siting**

Sec 101 adds EJ Council staff to the Interagency Clean Energy Siting Coordinating Council.

Sec 307 directs the Department of Commerce to analyze benefits and impacts of changes to the energy system, including for rural communities – Commerce must use community engagement plan to consult with stakeholders with input from the EJ Council.

### **E2SHB 1170, Improving Climate Resilience**

Sec 2 directs Department of Ecology to update the integrated climate response strategy -- Ecology must develop an engagement plan using guidance from the Office of Equity and the EJ Council, and Ecology's HEAL community engagement plan.

### **ESHB 1853, Corrective Changes to Transportation Resources**

Sec 12 directs local transit agencies applying for the local transit grant program "to the extent possible" to align their zero-fare policies for youth with EJ principles consistent with EJ Council recommendations.

### **ESSB 5187, Operating Budget, Data Portal**

Sec 302(13) directs the EJ Council to coordinate with Ecology on Climate Commitment Act tracking/reporting process. EJ Council has responsibilities for public engagement with Tribes and vulnerable populations within overburdened communities and to distribute stipends for participation.

**ESSB 5187, Operating Budget, Participatory Budgeting**

Sec 222(124) directs the EJ Council to partner with the Department of Health in engaging in participatory budgeting with five communities.

**ESSB 5187, Operating Budget, Workplace Safety & Health Program**

Sec 222(26) directs the Department of Health to consult with the EJ Council and others to evaluate mechanisms to provide workers with financial assistance to cover lost wages or other hardships caused by extreme weather and climate threats.

**ESSB 5187, Operating Budget, Deliberative Democratic Processes**

Sec 222(104) directs the Department of Health to consult with EJ Council (staff or Council) to develop best practices for incorporating deliberative processes into community engagement practices.