

Environmental Justice Council

February 28, 2023 Meeting Materials

Table of Contents

Agenda - Español	1
Agenda - English	6
Approval of January 26, 2023 Meeting Notes	10
Executive Committee Updates	17
Memo	17
Memo from Carrie Sessions, Governor’s Senior Policy Advisor on Environment and Water on the use of delegates for Council Tribal seats	18
Letter to the Council from Jean Mendoza	20
Response to Jean Mendoza’s letter from the Department of Ecology	21
Response to Jean Mendoza’s letter from the Department of Commerce	22
Staff memo on Horse Heaven Wind Farm	23
Letter to the Council on the Horse Heaven Wind Farm	25
Statement on Tribal Lands and Use of the Environmental Health Disparities Map	27
Memo	27
Draft Statement on Environmental Health Disparities Map	30
Council Committees and Interagency Workgroup Workload Status Reports to inform 2023 Workload Prioritization and Meeting Planning	31
Memo	31
Council Workload/Gantt Chart	32
Staff proposed 2023 Council meeting schedule	40
Legislative Updates	43
Memo	43
Memo on recommended legislative talking points	46
Environmental Justice Assessment Guidance Update and Development Process	49
Memo	49
Council Community Engagement Committee Recommendations	51
Memo on Council Community Engagement Guidance and Values	51

Draft Community Engagement Guidance and Values	52
Memo on Agency Listening Session Guidance.....	53
Draft Council Initial Agency Listening Session Guidance	55
Draft Agency Plan for HEAL Act Listening Sessions.....	57
Public Comments	65

Consejo de Justicia Ambiental

Martes 28 de febrero de 2023

De 3:00 p. m a 6:30 p. m.

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

<https://us02web.zoom.us/j/81473933611>

O únase por teléfono: +1 253 215 8782 (EE. UU.)

Id. del seminario web: 814 7393 3611

Encuentre su número local: <https://us02web.zoom.us/j/kcmwU8Zl4x>

Agenda

De 3:00 p. m. a 3:10 p. m.	I. Canales de interpretación e instrucciones para Zoom	Jonathan Chen, personal del Consejo Miembros del Consejo
De 3:10 p. m. a 3:15 p. m.	II. Bienvenida y pasaje de lista para verificar que haya cuórum	Copresidente DePoe y copresidenta Batayola Miembros del Consejo
De 3:15 p. m. a 3:20 p. m.	III. Aprobación del orden del día por parte del Consejo IV. Aprobación de las notas de la reunión del 26 de enero de 2023 por parte del Consejo	Copresidente DePoe Miembros del Consejo

<p>De 3:20 p. m. a 3:35 p. m.</p>	<p>V. Actualizaciones del Comité Ejecutivo a) Apoyo para los miembros del Consejo de EJ (por su sigla en inglés, Justicia Ambiental) en la reunión del comité b) Medidas a partir de los comentarios públicos anteriores - Debates y posibles medidas del Consejo</p>	<p>Copresidente DePoe Rowena Pineda, personal del Consejo Miembros del Consejo</p>
<p>De 3:35 p. m. a 3:50 p. m.</p>	<p>VI. Comentarios públicos</p>	<p>Copresidenta Batayola Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		
<p>De 3:55 p. m. a 4:15 p. m.</p>	<p>VII. Continuación del debate sobre la declaración de las tierras tribales, el uso del mapa de desigualdades en materia de salud ambiental y la recomendación de financiación para que el Consejo adopte medidas.</p>	<p>Copresidenta Batayola Copresidente DePoe Miembro del Consejo Min Miembros del Consejo</p>

<p>De 4:15 p. m. a 5:05 p. m.</p>	<p>VIII. Informes sobre la carga de trabajo de los comités y grupos interinstitucionales del Consejo para establecer las prioridades de la carga de trabajo y planificar las reuniones para 2023</p> <ul style="list-style-type: none"> • ¿Cuál es el trabajo requerido? • ¿Cuál es su progreso? • ¿Qué debe incluirse en el cronograma para la reunión del Consejo? <p>a) Grupo de trabajo interinstitucional de la HEAL (por su sigla en inglés, Ley de Medioambiente Saludable para Todos)</p> <p>b) Comité de Participación Comunitaria</p> <p>c) Comité de Evaluación de Justicia Ambiental</p> <p>d) Comité de la ley de Compromiso Ambiental</p> <p>e) Comité Directivo - Debates y posibles medidas del Consejo</p>	<p>Copresidente DePoe Miembros del Consejo Personal del Consejo Miembros del grupo de trabajo interinstitucional de la HEAL</p>
<p>Receso de 5 minutos</p>		
<p>De 5:10 p. m. a 5:40 p. m.</p>	<p>IX. Actualizaciones legislativas</p> <p>1. Propuesta del Comité Ejecutivo para la declaración del Consejo</p>	<p>Copresidenta Batayola Sierra Rotakhina, personal del Consejo</p>

	<p>cuando este no ha adoptado una postura sobre un proyecto de ley para la toma de medidas.</p> <p>2. Actualización del personal sobre el proyecto de ley que afecta directamente al Consejo (HB 1664 [por su sigla en inglés, Proyecto de Ley de la Cámara de Representantes 1664]) para su discusión y posibles medidas del Consejo.</p> <p>3. Propuesta de recomendación de presupuesto para la financiación de un portal público de seguimiento de los fondos de la Ley de Compromiso Ambiental.</p> <p>4. Otras actualizaciones legislativas que surjan y que pueden requerir debate o toma de medidas por parte del Consejo.</p>	<p>Miembros del Consejo</p>
<p>De 5:40 p. m. a 6:00 p. m.</p>	<p>X. Proceso de elaboración y actualización de las pautas de evaluación de la justicia ambiental</p>	<p>Copresidenta Batayola Rowena Pineda, personal del Consejo Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		

De 6:10 p. m. a 6:25 p. m.	XI. Recomendaciones del comité de participación comunitaria del Consejo para debate y toma de medidas	Copresidenta Batayola Miembros del Consejo
De 6:25 p. m. a 6:30 p. m.	XII. Agradecimientos y cierre	Copresidente DePoe Miembros del Consejo

Información importante:

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

Environmental Justice Council

Tuesday February 28, 2023

3:00pm – 6:30pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81473933611>

Or join by telephone: US: +1 253 215 8782

Webinar ID: 814 7393 3611

International numbers available: <https://us02web.zoom.us/j/kcmwU8Zl4x>

Agenda

3:00 PM – 3:10 PM	I. Interpretation Channels and Zoom Instructions	Jonathan Chen, Council Staff Council Members
3:10 PM – 3:15 PM	II. Welcome and Roll Call for Quorum	Co-Chair DePoe & Co-Chair Batayola Council Members
3:15 PM – 3:20 PM	III. Approval of Agenda by Council IV. Approval of January 26, 2023 Meeting notes by Council	Co-Chair DePoe Council Members

3:20 PM – 3:35 PM	V. Executive Committee Updates a) Support for EJ Council Members at Committee meeting b) Actions from Past Public Comments -Discussion and Possible Council Action	Co-Chair DePoe Rowena Pineda, Council Staff Council Members
3:35 PM – 3:50 PM	VI. Public Comments	Co-Chair Batayola Council Members
5 Minute Break		
3:55 PM – 4:15 PM	VII. Continuing Discussion of Statement on Tribal Lands and Use of the Environmental Health Disparities Map and Funding Recommendation for Council Action	Co-Chair Batayola Co-Chair DePoe Council Member Min Council Members
4:15 PM – 5:05 PM	VIII. Council Committees and Interagency Workgroup Workload Status Reports to inform 2023 Workload Prioritization and Meeting Planning	Co-Chair DePoe Council Members Council Staff HEAL Interagency Workgroup Members

- What is the required work?
 - What is your progress?
 - What calendar placement do you need on the Council meeting schedule?
- a) HEAL Interagency Workgroup
 - b) Community Engagement Committee
 - c) Environmental Justice Assessment Committee
 - d) Climate Commitment Act Committee
 - e) Governance Committee -Discussion and Possible Council Action

5 Minute Break

5:10 PM – 5:40 PM

- IX. Legislative Updates
1. Executive Committee proposal for Council statement when Council has not taken a position on a proposed bill for Council action.
 2. Staff update on proposed bill impacting Council directly (HB 1664) for discussion and possible Council action.
 3. Proposed budget recommendation to fund public-facing portal to track Climate Commitment Act funds.

Co-Chair Batayola
Sierra Rotakhina, Council Staff
Council Members

	4. Other legislative updates that arise that may need Council discussion or action.	
5:40 PM – 6:00 PM	X. Environmental Justice Assessment Guidance Update and Development Process	Co-Chair Batayola Rowena Pineda, Council Staff Council Members
5 Minute Break		
6:10 PM – 6:25 PM	XI. Council Community Engagement Committee Recommendations For discussion and Council Action	Co-Chair Batayola Council Members
6:25 PM – 6:30 PM	XII. Appreciations and Adjournment	Co-Chair DePoe Council Members

Important Information:

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

Draft Minutes of the Environmental Justice Council

January 26, 2023

10:00am-1:00pm

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 or by calling 360-584-4398.

Council Members present:

- Council Member Maria Batayola
- The Honorable Patrick DePoe
- Council Member Maria Blancas joined at 12:00pm
- The Honorable Jarred-Michael Erickson
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Council Member Todd Mitchell
- Council Member Nirae Petty
- Council Member Raeshawna Ware
- Dawn Vyvan on behalf of the Honorable Sylvia Miller
- Council Member Faaluaina Pritchard joined at 10:25am

Council Members absent:

- Council Member Nichole Banegas
- The Honorable Sylvia Miller
- The Honorable Misty Napeahi

Agency Ex Officio Liaisons Present

- Mellissa Schutten on behalf of Laura Blackmore and Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health

Council staff present:

- Jonathan Chen
- Angie Ellis
- Rowena Pineda
- Sierra Rotakhina

Sierra Rotakhina, Council Staff, provided instructions on how to use the language interpretation channels and access closed captions.

I. Welcome and Roll Call

Patrick DePoe, Council Co-Chair, called the public meeting to order at 10:05am and provided an opening prayer. Maria Batayola, Council Co-Chair, acknowledged the Chinese Lunar New Year and provided opening comments. Rowena Pineda, Council Staff, conducted roll call.

II. Approval of Agenda and Past Council Meeting Notes

Co-Chair DePoe facilitated discussion and adoption of the meeting agenda and past meeting notes. The Council came to full consensus with Members present and adopted the agenda as posted in advance of the meeting without changes. The Members voted as follows:

Nichole Banegas	absent
Co-Chair Maria Batayola	A
Maria Blancas	absent
Co-Chair Patrick DePoe	A
The Honorable Jarred-Michael Erickson	A
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
The Honorable Sylvia Miller	absent

Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	absent
Nirae Petty	A
Faaluaina Pritchard	absent
Raeshawna Ware	A

The Council came to full consensus with Members present and adopted the meeting notes from the October 27, November 15, November 18, and December 13, 2022, meetings with amendments agreed upon at the January 26, 2023, meeting. The Members voted as follows:

Nichole Banegas	absent
Co-Chair Maria Batayola	A
Maria Blancas	absent
Co-Chair Patrick DePoe	A
The Honorable Jarred-Michael Erickson	A
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
The Honorable Sylvia Miller	absent
Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	absent
Nirae Petty	A
Faaluaina Pritchard	absent
Raeshawna Ware	A

III. Public Comment

Co-Chair Batayola opened the public comment period.

Jean Mendoza, Friends of Toppenish Creek, shared that they were hearing contradictory information coming from the Department of Ecology about which criteria pollutants would be used to identify overburdened communities. They are concerned that if only carbon monoxide was used, the Lower Yakima Valley would not be considered for air monitoring. They are also concerned that

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the Department of Commerce would fund anaerobic manure digesters in the Lower Yakima Valley in the absence of air testing and community engagement.

- The EJ Council requested that the Department of Commerce and the Department of Ecology respond to Jean Mendoza’s letter and testimony at the next Council meeting.

Arvia Morris, Climate Rail Alliance, spoke about the Ultra High Speed Rail Project connecting Vancouver, BC to Eugene, OR. The Alliance believes the project should be paid for with private funding and not Climate Commitment Act funds. At a minimum, they hope the Council would have a representative serve on the governing body for the project or recommend another entity to be represented.

Bridget Ray, Salish Sea Collective, thanked Co-Chair DePoe for opening in a good way and for gathering in this important work. The Salish Sea Collective consists of 13 organizations that use community-based participation models and an equitable governance structure. Bridget Ray outlined the Salish Sea Collective’s goals and upcoming work.

IV. Executive Committee Updates for Group Discussion: 2023 Meeting Goals and Workplan

Co-Chair Depoe introduced this agenda item and shared that the Executive Committee has been talking about meeting goals to guide facilitation. The Council discussed the proposed language. Eliseo (EJ) Juárez, Ex Officio Liaison for the Department of Natural Resources, proposed to add “as well as agency needs” to item vi on “responsiveness.”

The group decided to bring these goals to a Council committee for further discussion and directed staff to identify the appropriate committee(s) or to create drop-in sessions for Council Members to share additional feedback on the language.

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VI. HEAL Agency Updates

Co-Chair Depoe opened time for discussion and Q & A with HEAL Interagency Workgroup Members after the video. David Mendoza, Council Member, introduced a motion for the Council to convene an Environmental Justice Assessment Committee.

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.

MOTION: The Council convenes an Environmental Justice Assessment Committee and directs Council staff to take the next steps to convene this committee.

Nichole Banegas	absent
Co-Chair Maria Batayola	A
Maria Blancas	Absent
Co-Chair Patrick DePoe	A
The Honorable Jarred-Michael Erickson	A
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
The Honorable Sylvia Miller	absent
Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	absent
Nirae Petty	A
Faaluaina Pritchard	A
Raeshawna Ware	A

The Council took a break at 11:46am and then reconvened at 11:53am

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VII. Discussion and Adoption of Recommendations to the Legislature on the Spending of Climate Commitment Act Fund

The Council discussed, made amendments, and adopted the draft funding recommendations with full consensus among the Members present.

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.

MOTION: The Council adopts the Climate Commitment Act funding priority recommendations as amended at the January 26, 2023 Council meeting, and directs staff to submit those recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2023-2025 state budgets.

Nichole Banegas	absent
Co-Chair Maria Batayola	A
Maria Blancas	A
Co-Chair Patrick DePoe	A
The Honorable Jarred-Michael Erickson	A
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Dawn Vyvyan on behalf the Honorable Sylvia Miller	A
Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	Absent
Nirae Petty	A
Faaluaina Pritchard	A

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

VIII. Review of Next Steps/Discussions

The Council discussed how budget priorities would be shared with organizations that might want to support the Council's recommendations. They discussed how each member has their own network and how there is a need for transparency in how members represent themselves in discussions about the recommendations (e.g., whether they are speaking as a Council member or in another capacity). Members discussed holding space for a future conversation about transparency and the need for a code of ethics, to include standards of conduct when making requests or doing business between state agencies and community partners.

IX. Appreciation and Feedback

The Co-Chairs thanked everyone and adjourned the meeting. The Council adjourned at 1:02pm

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@doh.wa.gov or 360-584-4398.

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Executive Committee Updates

Background and Summary:

This agenda item includes the following:

- A brief update from the Environmental Justice Council's (Council) Executive Committee on the Committee's conversations and work since the last Council meeting.
- A briefing from staff on some of the recent correspondence and public comments sent to the Council.

The following associated meeting materials are included in today's meeting packet:

1. A memo to the Council from Carrie Sessions, Governor's Senior Policy Advisor on Environment and Water on the use of delegates for Council Tribal seats
2. A letter to the Council from Jean Mendoza
3. A Response to Jean Mendoza's letter from the Department of Ecology as requested by the Council
4. A Response to Jean Mendoza's letter from the Department of Commerce as requested by the Council
5. A staff memo providing high level information on the Horse Heaven Wind Farm
6. A letter to the Council from Representative Stephanie Barnard and ten other members of the Southeastern Washington legislative delegation on the Horse Heaven Wind Farm

Staff Contact

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

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

To: Sierra Rotakhina, staff to the Environmental Justice Council

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

Date: January 31, 2023

Re: Use of delegates for Environmental Justice Council tribal seats

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

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

RCW 70a.02.110(2) states:

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

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

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

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

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

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

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

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

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

Good Morning EJ Council,

I am Jean Mendoza, Executive Director for the Friends of Toppenish Creek, an environmental group from the Lower Yakima Valley. Let me share a perspective from one overburdened community where the average per capita income is well below the state average, 30% of the population is under the age of 18, and about 80% of us are people of color.

There is a rumor from a trusted source that Ecology will only use the criteria pollutant carbon monoxide when identifying communities as overburdened. If this were to happen, the LYV would not qualify as overburdened. This would mean that Ecology will not set up air monitoring here for pollutants that harm us. As you know we need credible data to properly describe a problem and air testing in Yakima is lacking.

I have talked with people from Ecology and the agency assures me this is not the case. They say that Ecology will use data for all the criteria pollutants and greenhouse gasses when designating overburdened communities. So, we have two sources giving us contradictory information.

Meanwhile the Dept. of Commerce is allocating \$1.8 million to encourage investors to build anaerobic manure digesters to collect and process manure methane. There is a lot of methane in the LYV. Commerce is moving ahead with this CCA funding in the absence of community air testing. Commerce is moving ahead with this CCA funding in the absence of community education about the significant side effects from methane manure digesters.

FOTC believes that people in the LYV deserve to know about the additional air pollution that comes with methane manure digesters before digesters are built, not after the fact. Collecting retrospective data is not helpful. Selective use of data is a clear indicator of bias.

Here are some facts to support our concerns.

- Yakima County has some of the highest levels of fine particulate matter in WA State. See <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards/Particle-pollution>
- About 30% of the particulate matter in Yakima County is ammonium nitrate. High levels of ammonium come from LYV dairies. See Yakima Air Winter Nitrate Study at <https://ecology.wa.gov/DOE/files/a6/a67789dd-aed4-461e-b138-e77537dd1952.pdf>
- Methane is one of many volatile organic compounds (VOCs).
- VOCs plus nitrogen oxides in the presence of heat and sunlight produce ozone, a criteria air pollutant. See <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards/Ozone-pollution>
- There are about 30 industrial dairies in the LYV that each produce over 10 tons per year of VOCs. See Tri-Cities Ozone precursor Study (page 76) at <https://ecology.wa.gov/DOE/files/93/934a2f46-b000-4f9a-837c-a286ccfa615e.pdf>

Reply to Jean Mendoza & Environmental Justice Council

Response to written and verbal public comment at the EJ Council, January 26, 2023, Meeting.

We appreciate Jean's time to share these comments with the EJ Council. We would like to clarify the status and processes for identifying overburdened communities under the Climate Commitment Act (CCA) and the Healthy Environment for All (HEAL) Act, as well as the role of different agencies regarding use of CCA-related account funds.

Identification of overburdened communities

- Ecology's Air Quality Program is currently developing a process to identify overburdened communities highly impacted by air pollution for the purposes directed in Section 3, CCA.
 - Ecology anticipates announcing the indicators and list of overburdened communities highly impacted by air pollution in late February/ early March.
 - As directed by the statute, this process requires Ecology to account for the six criteria air pollutants of carbon monoxide (CO), Lead (Pb), Nitrogen dioxide (NO₂), Ozone (O₃), Particle (or particulate matter) (PM) and Sulfur dioxide (SO₂).
 - This mirrors the information Ecology included in a direct response to Jean Mendoza's inquiry via e-mail on January 23rd & 24th (also found at Ecology's Section 3, CCA website: [The Improving Air Quality in Overburdened Communities Initiative](#)).
 - This effort does not represent HEAL obligations to identify overburdened communities.
- Agency's HEAL process for identifying overburdened communities is currently in development and in discussion through the Interagency Working Group (IWG).
 - IWG is currently planning community listening sessions for community input related to the development of this process, as well as other HEAL work (as discussed in the January 26th EJ Council meeting).

Distribution of CCA-related account funds (CCA auction proceeds)

- Ecology does not determine the distribution of the CCA-related account funds.
 - CCA-related account funds are appropriated by the legislature for activities and projects eligible under the provisions of each account.
 - Any questions regarding the use of CCA-related account funds by a specific agency should be directed to that agency.

We appreciate Jean Mendoza's participation in the two 2022 public engagement periods Ecology held to develop the Section 3, CCA process to identify overburdened communities highly impacted by air pollution. We understand there are multiple processes regarding identifying different overburdened communities between CCA and HEAL and appreciate the opportunity to clarify.

Please let us know if you have further questions or need additional information.

Sincerely,

Caroline Mellor
Environmental Justice Planner, Climate Commitment Act
Air Quality Program, Department of Ecology

Response from Department of Commerce to the letter Jean Mendoza of Friends of Toppenish Creek submitted to the EJC on January 26, 2023

Received via email on February 16, 2023

Commerce is now accepting applications for funding from the [Rural Clean Energy program](#), which is funded through capital funding and not CCA funding. This Clean Energy Fund (CEF) program supports dairy digester bioenergy projects and clean energy research, development and implementation in Washington's rural communities

The single solicitation with three separate track:

1. **Dairy digester bioenergy projects:** Approximately \$1.8 million is available for projects that enhance the viability of dairy digesters.
2. **Rural clean energy innovation projects:** Approximately \$1.8 million is available to support rural communities in advancing innovative clean energy projects.
3. **Tribal projects:** A minimum of \$921,500 is available for tribal governments, designated subdivisions and agencies to advance dairy digester and rural clean energy innovation projects

Commerce received feedback from local community stakeholders, including Friends of Toppenish Creek and made adjustments to the program design. This feedback helped Commerce add questions to our solicitation that ask applicants to describe how their project creates benefits that go above and beyond the environmental regulatory minimum. The above link provides more information on this solicitation.

Michael Furze (*He/Him/His*) | ASSISTANT DIRECTOR
Energy | Washington State Department of Commerce
Cell: 360-529-9587 | Desk: ~~360-725-2950~~

www.commerce.wa.gov

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Horse Heaven Wind Project

Background and Additional Information:

Representative Stephanie Barnard, Washington State Representative from the 8th Legislative District, and ten other members of the Southeastern Washington legislative delegation submitted the attached letter (see [page 25](#)) regarding Horse Heaven Wind Project. Horse Heaven Wind Farm, LLC submitted an [Application for a Site Certification](#) (ASC) to the state's Energy Facility Site Evaluation Council (EFSEC) on February 8, 2021 to construct and operate a renewable energy generation facility. The proposed project is located in Benton County. The original application requested expedited processing. However, on March 29, 2021, the applicant withdrew its expedited processing request and acknowledged that an Environmental Impact Statement (EIS) will be prepared to address potential environmental impacts related to the project.

Horse Heaven Wind Farm, LLC has since requested two extensions to the processing of its application due to a delay in the completion of a SEPA draft EIS. Its latest [extension request](#) dated September 27, 2022 requested processing time to be extended to July 8, 2023.

Information regarding the project can be found here: [Horse Heaven Wind Project | EFSEC - The State of Washington Energy Facility Site Evaluation Council](#). The website includes a link to the original application and extension requests and comments from the public and from Tribal Governments.

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

The Confederated Tribes and Bands of the Yakama Nation filed a [Petition for Intervention](#) in December of 2022.

The Confederated Tribes of the Umatilla Indian Reservation submitted a [letter](#) in April 2021 and an [Executive Summary of a Traditional Use Study](#) in June of 2021.

Staff Recommended Action:

Environmental Justice Council Members provide directions to staff on additional analysis and research they want to see on this topic.

Staff Contact

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

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



Washington State Legislature

February 6, 2023

Washington State Environmental Justice Council
111 Israel Rd SE
Tumwater, WA 98501

Dear Washington State Environmental Justice Council (EJC),

Thank you for the good work being done by EJC to incorporate, provide, promote, and support environmental justice in Washington state.

We would like to draw your attention to the current plan by Washington state to utilize over 600,000 acres of land in eastern Washington to site renewable energy projects – both public and private. Such energy projects with the scope, proportion, and sprawl of the [Horse Heaven Wind Project](#) in the Tri-Cities must be seen through an equity lens with questions such as:

- Who will benefit from this project? Middle/upper class white communities outside the Tri-Cities and corporations located outside the U.S.
- Who will bear the visual and land-loss burden? Tri-Citians, with an MSA population that is 41% BIPOC. Tri-Citians feel harmed by this proposed development and should qualify as an overburdened community and vulnerable population — the sort of population that the HEAL Act was supposed to assist to avoid the negative impacts of siting unwanted industrial pollution. The citizens of this area view this massive wind development as industrial land pollution, yet it feels like the environmental justice community is not listening to their pleas to stop the project.
- Does this perpetuate the pattern of underrepresented communities bearing the burden of energy siting while receiving none of the benefit? The Tri-Cities MSA is already served by an electricity fuel mix that is 92-95% non-emitting energy, so these massive wind farm developments do nothing to clean the air or grid for the residents who endure the siting impact
- Would you agree that “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies” is at stake here when it comes to the approval of the Horse Heaven Wind Farm? Would you please consider the issue and make a recommendation to EFSEC and the governor to pause regulatory decision-making on approval of the project long enough to ensure that the environmental justice has been adequately addressed?

We urge the EJC to consider these questions and to provide recommendations and guidance to the state regarding the Horse Heaven Wind Project (and other large footprint energy projects) that disproportionately impact overburdened communities and vulnerable populations.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Barnard".

Rep. Stephanie Barnard
Washington State Representative
8th Legislative District



Sen. Matt Boehnke
Washington State Senator
8th Legislative District



Rep. April Connors
Washington State Representative
8th Legislative District



Rep. Mary Dye
Washington State Representative
9th Legislative District



Rep. Joe Schmick
Washington State Representative
9th Legislative District



Sen. Curtis King
Washington State Senator
14th Legislative District



Rep. Chris Corry
Washington State Representative
14th Legislative District



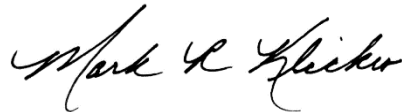
Sen. Nikki Torres
Washington State Senator
15th Legislative District



Rep. Bryan Sandlin
Washington State Representative
15th Legislative District



Sen. Perry Dozier
Washington State Senator
16th Legislative District



Rep. Mark Klicker
Washington State Representative
16th Legislative District

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Statement on Tribal Lands and Use of the Environmental Health Disparities Map and Funding Recommendation

Background and Summary:

The Environmental Justice Council (Council) adopted [funding recommendations](#) at its January 26, 2023 meeting. The adopted document includes the following recommendation related to the Environmental Health Disparities (EHD) map:

Fund Department of Health's and Tribal participation in:

- Tribal pre-Consultation activities and statutory-required Consultation on the Environmental Health Disparities (EHD) Map to begin immediately.
- Additional Tribal and community engagement in all future updates to the EHD map, to include Tribal Environmental Health Disparities. This should occur when consultation is complete on a per Tribe basis and per each community engagement. These updates should be a continuing process and not static in time. It should have a timeframe so this gets accomplished.
- Development of a guidance document on use of the map that incorporates forthcoming Council guidance on the map.

A small group of Council Members volunteered to work with Council staff to workshop some ideas and language for the full Council to discuss related to the “forthcoming Council guidance on the map” referenced in the last dot point above. The small group is recommending the following approach to the Council:

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- 1) The Council should discuss and consider adopting a short statement about the EHD map at its February 28, 2023 Council meeting for distribution to the Governor, Legislators, and state agencies (see [page 30](#) for draft statement language).
- 2) The February Council meeting agenda includes time to discuss the Council's priorities, workplan, and 2023 meeting schedule. The small group recommends that the Council use some of this time on the agenda to begin to develop a timeline/workplan for the Council to develop more comprehensive guidance on the EHD map and also guidance on identification of overburdened communities. Both the Department of Health and the Council have statutory duties to write guidance on use of the EHD map. The small group felt that it would not be ideal to have two separate sets of guidance and is instead recommending that the Council support that the Department of Health (who is staffed to write that guidance) take the lead in writing the EHD map guidance but partner with and collaborate very closely with the Council throughout the writing.
- 3) To address concerns that the Council's EHD map funding recommendations will not be included in the House and Senate budgets if they are too broad, this small group is also recommending that the full Council consider adopting more specific funding recommendation language related to the EHD map after discussion at today's meeting (this will be covered in agenda item IX: Legislative Updates).

Staff Recommended Actions:

1. Staff recommend that the Council discuss the next steps and process related to EHD map guidance outlined in this memo and adjust the process as needed.
2. Staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the Environmental Health Disparities Map statement as amended at the February 28, 2023 Council meeting and directs staff to submit this statement to the Legislature, the Governor, and HEAL agencies.

Staff Contact

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

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

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

DRAFT: Environmental Justice Council 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. 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.

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Council Committees and Interagency Groups Workload Status Reports to inform 2023 Workload Prioritization and Meeting Planning

Background and Summary:

The Environmental Justice Council (Council) has significant workloads under the HEAL Act and the Climate Commitment Act. The Council has time on the agenda today to hear very brief presentations from the HEAL Interagency Workgroup and the Committees of the Council about progress and upcoming work. The Council can then discuss prioritizing future work and developing timelines for the Council's work. These timelines/workplans can inform the Council's 2023 meeting schedule.

Today's meeting packet includes a Gantt chart/timeline for the various bodies of work in front of the Council for 2023 to help inform this conversation. The packet also includes a staff recommended 2023 meeting schedule for the Council's discussion today.

Staff Recommended Actions:

1. Staff recommend that the Council discuss its priorities and workplans for 2023.
2. Staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the proposed Meeting Schedule for 2023 with any changes agreed upon by the Council at its February 28, 2023 meeting.

Staff Contact

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

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Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Governance/Process											
Finalize bylaws											
Develop Community engagement process/plans/toolkit for the EJC											
Develop Tribal engagement process/plans/toolkit for the EJC											
Develop process with agencies for tracking and having a coordinated response to emergent EJ issues as they arise and the impacted communities											
Legislative											
Develop legislative priorities and Council process for 2024 legislative session											Adoption needed before session starts in January

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Decision-package requests for EJ Council funding needs for 2024 supplemental budget (if needed)											
HEAL											
Adoption of EJ Principles (this is an ask from members of the Interagency Workgroup to inform their HEAL work)											
Guidance on Community Engagement Plans	Agency plans were due July 1, 2022					Agencies want to present listening session and Tribal Roundtable findings to Council					
Guidance/feedback on agency HEAL listening sessions plans		Agency listening sessions begin in March									

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Guidance on identifying overburdened communities and vulnerable populations						Needed before July 1, 2023					
Guidance on use of the Environmental Health Disparities Map						Needed before July 1, 2023					
Guidance on EJ in Strategic Plans	Strategic plans were due January 1, 2022										
Guidance on identification of significant agency actions						Needed before July 1, 2023					
Guidance on EJ Assessments						Needed before July 1, 2023					
Guidance on EJ in Budgeting and Funding						Needed before July 1, 2023					
Agency Update to Council								Due September 1, 2023			
Council Report to Legislature										Due November 30, 2023 (then every year)	

Key

Clear deadlines coming up

Future work with defined agency/entity (no set/clear deadline yet)

Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Council evaluate the progress of each agency in applying Council guidance, update guidance as needed, and communicate agency progress to the public, Governor, and Legislature (does not have to be written report)										Due December 1, 2023 and then every other year	
Guidance on metrics and standards for tracking outcomes						Needed to inform deliverables due on July 1, 2023					

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
CCA											
CCA funding recommendations (Governor and Legislature)									The Governor's Budgets are released in December		
Air Quality in Overburdened Communities Initiative (Section 3 of the CCA) (Ecology)	Ecology plans to announce final indicators to identify overburdened communities highly impacted by air pollution and the list of communities (note Ecology is working separately with Tribes to identify Tribal communities highly impacted by air pollution)	Early Spring Ecology will be asking community members for comments about expanding air monitoring stations in communities identified as overburdened									

Key

Clear deadlines coming up

Future work with defined agency/entity (no set/clear deadline yet)

Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Engaging in Phase I: Providing input to Ecology on if Washington to link Cap and Invest program to California or Quebec programs (Ecology)	Ecology gathering public input on if WA should link to other programs	Ecology gathering public input on if WA should link to other programs	Ecology gathering public input on if WA should link to other programs	Ecology gathering public input on if WA should link to other programs (through mid-May)	Ecology plans to share a report on linkages in early to mid-summer		August or September Ecology plans to make decision on whether to pursue linkages				More opportunities for Council input in 2024 and beyond if WA, CA, and Quebec decide to link
Evaluate the level of funding provided to address environmental injustices (Governor and Legislature)											
Recommend environmental justice and health goals for programs and activities funded through CCA											

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Consultation to Ecology when considering reducing offset credit limits for a specific entity (Ecology)	Anticipated in the next year										
Consult on community engagement plans for non-HEAL agencies who allocate CCA funds (Non-HEAL agencies who allocate CCA funds)											
Recommend EJ & health goals for projects funded from the Climate Investment Account and review annual agency reports (Governor, Legislature & agencies)											

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Recommend co-pollutant emissions reduction goals in overburdened communities											
Recommend how to support public participation through capacity grants for participation											

Standing agenda items (1 hours 25 minutes):

1. Welcome and Roll Call for Quorum (5 minutes)
2. Approval of Agenda and Past Meeting Notes (5 minutes)
3. Update on Actions from Past Public Comments (10 minutes)
4. Public Comment (15 minutes) (This time may need to increase as the Council begins community outreach)
5. Executive Committee Updates for Discussion and Possible Council Action (10 minutes)
6. Council Committees and Interagency Workgroup updates (30 minutes)
7. Appreciation and Adjournment (5 minutes)
8. Breaks (15 minutes)

Note: Move to having overview of how to enter interpretation rooms before the beginning of the meeting.

Environmental Justice Council

DRAFT: Staff Proposed 2023 Meeting Schedule

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the Washington State Environmental Justice Council (Council) for 2022 and the first quarter of 2023. The Council's meetings are open to the public. Community access to the meetings and language justice are priorities for the Council. Members of the public can contact staff (see below) to request language interpreters at meetings, translated meeting materials, or accommodations to improve the accessibility of Council meetings and materials.

Agendas for the meetings listed below are made available in advance via listserv and the Council's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the Council reserves the right to change or amend agendas at the meeting. Meeting links, call-in, information and locations (as applicable) are posted here:

<https://waportal.org/partners/home/environmental-justice-council/environmental-justice-council-meetings>

Propose meeting on one of the following regular schedules with meetings scheduled every other month and several additional "hold to meet only if needed" dates. Proposed possible regular schedule for meetings:

- Option 1: Fourth Tuesday of the month 3pm-6pm
- Option 2: Fourth Tuesday of the month 4pm-7pm
- Option 3: Fourth Tuesday of the month 5pm-8pm
- Option 4: Fourth Thursday of the month 3pm-6pm
- Option 5: Fourth Thursday of the month 4pm-7pm
- Option 6: Fourth Thursday of the month 5pm-8pm

Meeting Date	Location
Tuesday February 28, 2023 3:00pm-7:30pm	Virtual Only
March Special Meeting	Virtual Only
Wednesday April 26, 2023 2:30pm-7:00pm	Cancelled
May 2023	Virtual Only
June 2023 – Hold to meet only if needed	
July 2023	
September 2023	
October 2023 Hold to meet only if needed	

November 2023	
December 2023 Hold to meet only if needed	

Time and locations subject to change as needed. See [Environmental Justice Council | WaPortal.org](#) for the most current information. Contact Council staff at envjustice@ejc.wa.gov or 360-584-4398.

Last updated: **Enter meeting date when Council adopted schedule.**

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Legislative Updates Overview

Background and Summary:

This agenda item includes three areas of discussion:

1. The Environmental Justice Council (Council) has also not yet developed protocols for taking a position or taking action on legislation. For this reason, the Council has not taken action on [House Bill \(HB\) 1664](#) (ensuring rural representation on the environmental justice council). This bill did not get voted out of committee by the February 17, 2023 legislative cut-off and is now considered to be “dead.” The Council may still wish to discuss this bill at today’s meeting. In summary the bill would have:
 - Amended the HEAL Act to require that 50 percent of the 16 Environmental Justice Council seats to be filled by Members who reside in rural counties as defined by RCW 82.14.370.
 - Terminated the terms of all current Council members on December 31, 2023.
 - Required the Governor to reappoint membership of the Council by December 31, 2023 and new members begin serving on or before January 1, 2024.
 - Allowed current Council Members to reapply to be on the Council.
 - Required a person appointed to the Council to represent a rural county to resign their position immediately upon no longer residing in a rural county.
2. The introduction of this bill this session, along with other bills naming the Environmental Justice Council, did highlight a potential need for the Council to discuss ways it could engage on bills between Council meetings if needed during the fast pace of legislative session. The Executive Committee is recommending some standard legislative talking points for the Council’s discussion and potential adoption today (see [page 46](#)).

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3. There are three budget recommendations that the Council may choose to discuss, amend as needed, and adopt today:
 - a. At its January 26, 2023 meeting the Council heard from some HEAL agencies that they need additional funding to implement the HEAL Act. The Governor’s budget includes additional funding for these agencies’ HEAL work. The Council has time to discuss and consider adopting a recommendation today that the House and Senate include the additional HEAL funding in their budgets that was included in the Governor’s budget.
 - b. The small group that recommended next steps for the Council related to the Environmental Health Disparities Map is also recommending that the Council adopt more specific funding recommendation language related to the map.
 - c. The Climate Commitment Act Committee of the Council is recommending that the Council adopt a recommended budget proviso to fund a public-facing portal to track progress on the status and outcomes of Washington's Climate Commitment Act investments. The Council has time to discuss and consider adopting this proposed proviso language today.

Staff Recommended Actions:

1. Council staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the budget recommendations related to HEAL agency-funding, the Environmental Health Disparities Map, and a portal to track Climate Commitment Act investments as amended at the February 28, 2023 Council meeting and directs staff to submit the language to the Legislature, the Governor, and the Office of Financial Management to inform the 2023-2025 budget
2. Council staff recommend that the Council review the proposed standard legislative talking points outlined in the memo on [page 46](#) of this meeting packet and consider the recommended motion in that memo.

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Staff Contact

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

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Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

Via: Council Executive Committee

From: Sierra Rotakhina, Council Manager

Subject: Legislative Updates: Recommended Legislative Talking Points

Background and Summary:

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

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

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

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

Executive Committee Recommended Actions:

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

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

Staff Contact

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

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Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Environmental Justice Assessment

Background and Summary:

On July 1, 2023, HEAL agencies are required to conduct Environmental Justice (EJ) Assessments on Significant Agency Actions. During the Environmental Justice Council (Council) meeting on January 26, 2023, the Council approved the creation of an Environmental Justice Assessment Committee. The Interagency Workgroup also has a subgroup that is working to create a draft outline of an Environmental Justice Assessment process. It is our goal to bring together these two groups every month for thought partnership and collaboration.

To review per the HEAL Act, Significant Agency Actions are:

- a) The development and adoption of significant legislative rules as defined in RCW [34.05.328](#);
- b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;
- c) 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;
- d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
- e) Any other agency actions deemed significant by a covered agency consistent with RCW [70A.02.060](#).

Environmental Justice Assessments process requirements include:

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- Where applicable, use cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations;
- Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;
- Pursuant to the consultation process in [70A.02.100](#), identify if the proposed action is expected to have any local or regional impacts to federally reserved tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law;
- Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in development of the proposed action;
- Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

Discussion:

We appreciate thoughts, questions, guidance from the Council. Questions that arose during the EJ Assessment Committee meeting include, but are not limited to:

1. How does the full Council want to be kept updated and provide feedback on the progress of Environmental Justice Assessments?
2. What does Council guidance look like?
3. What elements should be consistent across EJ Assessments?

Staff Contact

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

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

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Proposed Community Engagement Guidance from the Council's Community Engagement Committee

Background and Summary:

The Community Engagement Committee of the Environmental Justice Council (Council) has developed draft community engagement values and community engagement guidance for HEAL agencies and for the Council. This proposed language is on [page 52](#) and the Council has time at today's meeting to discuss, amend, and potentially adopt this language.

Staff Recommended Actions:

Council staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the community engagement values and guidance as amended at the February 28, 2023 Council meeting and directs staff to distribute this guidance to the HEAL agencies to inform their community engagement plans and work.

Staff Contact

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

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

DRAFT: Proposed Council Community Engagement Guidance and Values

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington state. Therefore, the Environmental Justice Council guidance is that outreach and community engagement shall:

1. Respect and value community cultures, knowledge, and expertise
2. Center and amplify voices of communities who are overburdened by environmental health disparities and excluded or neglected by our government. This requires not only quantitative population research and disaggregating the data but qualitative research to identify micro-impacted communities.
3. Acknowledge and fully consider historical and ongoing institutional racial and social harms and their traumatic effects to avoid exacerbating the harms, and find a joint path with community towards inclusive healing and effective actions that reduce environmental health disparities.
4. In collaboration with communities, identify and use culturally and linguistically responsive and effective outreach and community engagement methods and materials.
5. Conduct outreach and engagement in person, and as necessary virtually, where the community lives, gathers, works, and prays.
6. Consider the impacts of community engagement on communities and provide needed social supports (such as culturally relevant social workers) as part of the engagement.

The Council's Community Engagement Values are that community engagement should be:

1. Community-Centered
2. Equity-Centered
3. Accessible
4. Authentic
5. Accountable (Reciprocal Trust)
6. Intersectional

Note that this is a starting point and a living document that the Council can build on and improve over time.

Environmental Justice Council

Date: February 28, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Draft Plan for HEAL Act Listening Sessions

Background and Summary:

The agencies covered by the HEAL Act are planning to engage in listening sessions starting in the Spring of 2023 through the Fall of 2023. As Council Members may recall, when provisional community engagement plans were adopted on July 1, 2022, one of the Council recommendations was for agencies to host listening sessions. Attached is the Draft Plan for HEAL Act Listening Sessions that was put together by the Listening Session Planning Subgroup of the Interagency Workgroup. The agencies want to engage in thought partnership with the Council on the plan, which will continue to change and incorporate what is learned from each session.

The Draft Plan (see [page 57](#)) includes a proposed timeline, a process for identifying the initial list of communities, a proposed structure for the listening sessions, steps to ensure accountability to community, and draft questions. The subgroup proposes using the initial 2-3 listening sessions to serve as pilot sessions to help guide and evaluate their approach. Learning from these pilot sessions will inform subsequent sessions.

The Draft Plan was reviewed by the Council's Community Engagement Committee at its meeting on February 3, 2023. The Committee discussed the questions posed on [Page 1](#) of the Draft Plan and developed the draft responses on [page 55](#) of the meeting packet for the Council to discuss and possibly adopt today as initial benchmark guidance on listening sessions.

Staff Recommended Action:

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

Council staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the initial benchmark guidance for listening sessions as amended at the February 28, 2023 Council meeting and directs staff to distribute this guidance to the HEAL agencies to inform their HEAL listening sessions.

Staff Contact

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

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

Draft: Environmental Justice Council Initial Benchmark Guidance for HEAL Listening Sessions

Note that this is a starting point and a living document that the Council can build on and improve over time.

1. How would you like the EJ Council to participate? For example, would Council members prefer to work in an advisory role, or more directly participate through helping with planning, outreach, and/or cohosting sessions?
 - Committee members want to see draft detailed agendas, particularly Committee members who may be doing outreach and/or cohosting sessions.
 - Committee members would like to see the list of organizations that agencies are reaching out to, particularly in communities where Council Members live and work. In addition, Committee members want to know how agencies will seek input from community-based organizations and communities who are not present in the listening sessions.
2. How does the EJ Council want agencies to communicate with them and share what we learned? At what frequency, and in what formats?
 - Committee members would like to see the raw data generated from each listening session, and a quick summary of highlights and challenges.
 - Committee members would like to receive a progress report on the listening sessions in April 2023.
3. What's missing from this plan? Is there anything you might approach differently? What haven't we thought of to ensure their success?
 - Committee members would like to see agencies provide different ways for community members to provide feedback outside of the scheduled listening sessions.

- It was suggested that there be paper surveys distributed at the end of each listening session to provide an opportunity for community members to share written feedback.
- It was suggested that agencies design agendas to incorporate different ways to engage instead of just talking at people.

PLAN FOR HEAL ACT LISTENING SESSIONS

Interagency Workgroup Community Listening Session Planning Subgroup

January 2023

Introduction

This document provides an overview of the plan for the initial round of community listening sessions on the HEAL Act and planned through the Interagency Workgroup's Community Listening Session Planning Subgroup. We will be seeking community input at these listening sessions on the following HEAL Act statutory requirement areas: community engagement, identification of overburdened communities and vulnerable populations, and environmental justice assessments. We intend to build upon what we learn from these initial sessions through future opportunities for Washington communities to engage with state agencies around the HEAL Act.

The goal of these listening sessions is to bring community voice, perspective, and identified priorities into the design of HEAL agency processes and procedures. Through the development of meaningful partnerships with communities, we intend to focus on how state agencies can be more responsive and accountable to the communities we serve every day. We seek to be intentional while reaching those who, due to ongoing systemic inequity and environmental racism, have experienced the greatest burden of environmental harms and who have been denied access to environmental resources and benefits.

We recognize that we are staff of state agencies that have been complicit in, and have often directly contributed to, environmental injustice. We understand these listening sessions alone will not repair the harm our agencies have caused, nor will it repair decades of broken trust. Our hope is that we can start to move forward in a direction that centers community voices and honors their rich perspectives and experience through these listening sessions.

We are seeking your general feedback as well as *answers to the following questions*:

- How would you like the EJ Council to participate? For example, would Council members prefer to work in an advisory role, or more directly participate through helping with planning, outreach, and/or cohosting sessions?
- How does the EJ Council want agencies to communicate with them and share what we learned? At what frequency, and in what formats?
- What's missing from this plan? Is there anything you might approach differently? What haven't we thought of to ensure their success?

We truly appreciate the time and guidance from the EJ Council on how to best approach these listening sessions and look forward to continuing the conversation about how we can collaborate and work in tandem moving forward.

For any questions related to this plan, please contact Subgroup Co-Chairs Jill Wisehart (AGR) at jwisehart@agr.wa.gov and Leah Wood (DOH) at leah.wood@doh.wa.gov.

Table of Contents:

Introduction 1
Overview of Listening Sessions 2
Proposed Process for Identifying Community Partners and Locations for Listening Sessions..... 3
Proposed Listening Session Structure..... 4
Tracking and Reporting 5
Accountability 5
Appendix: Draft Questions for Community Listening Sessions 7

Overview of Listening Sessions

Proposed Timeline: March – October 2023

Proposed Number of Listening Sessions: We are setting a target of 6-9 listening sessions in identified communities across Washington state; or 2-3 for each of the three topic areas we’ll be exploring in this initial round of listening sessions. *This number will likely change as we learn from these listening sessions*, and while we are setting a target number for planning purposes, we will adjust as needed to work towards equitable representation for communities across our state.

Topics Covered: Community engagement, identification of overburdened communities, and environmental justice assessments.

Method of Engagement: We will offer both virtual and in-person listening sessions, depending on requests from community partners.

Pilot Sessions: Our first 2-3 sessions will serve as pilot sessions to help guide and evaluate our approach. We will adjust as needed prior to planning subsequent sessions.

Listening Session Length: 90 minutes

Compensation: Participants will be compensated for their time, lived experience, and expertise *via a pre-loaded gift card at a rate of \$100 per listening session*. This is consistent with suggested rates for one-time events with durations between one and four hours, as outlined by the [Office of Equity Community Compensation Guidelines](#) released in December 2022.

Reimbursement: Participants are eligible for dependent care reimbursement at the following rates, as outlined by the [Office of Equity Community Compensation Guidelines](#):

- Childcare: up to \$25 per hour for the first child and up to \$50 per 24-hour cycle for each additional child.
- Adult care: up to \$34 per hour for the first adult and up to \$50 per 24-hour cycle for each additional adult.

Reimbursements can be made for lodging, meals, and mileage costs in addition to compensation offered in accordance with RCW [43.03.050](#) and RCW [43.03.060](#). Rates of reimbursement differ by location and are available on [the Office of Financial Management's website](#). To receive reimbursement, participants must submit an invoice or receipt for expenses incurred.

Proposed Process for Identifying Community Partners and Locations for Listening Sessions

Identifying where and with whom to hold listening sessions is probably the most important piece of our planning as state agencies. We are seeking to reach communities and people who are highly impacted by environmental justice concerns and who hold rich perspective, knowledge, and experience that we can ask to inform our work.

We recognize the inherent limitations of using only the Washington Tracking Network data and the Environmental Health Disparities map. The map's data and methodology are not necessarily reflective of the experiences of communities, particularly those in rural areas and on tribal lands. Additionally, the map does not include tribal data that can more accurately represent those census tracts, nor has the DOH completed tribal consultation on the map. At the same time, this resource is the most comprehensive tool we have available for identifying the cumulative impacts of environmental concerns in our state.

Recognizing the limitations stated above, we view the map as a screening tool and the process described below as a starting point, and not a prescription. ***We explicitly invite EJ Council comment and feedback on this section of this plan.*** Throughout these listening sessions, we plan to ask communities who we should be connecting with and how we should reach them to continue this conversation.

Proposed Process:

To identify where we will be hosting community listening sessions and with whom we will partner, we propose the following process:

1. In order to develop the initial list of listening session communities, we used [the Washington Tracking Network's Environmental Health Disparities Map](#) to identify geographic locations around the state with high concentrations of census tracts ranked as 8, 9, or 10 for overall cumulative environmental health risk. This was cross-referenced with areas of high concentrations of census tracts ranked 8, 9, or 10 on the map layer showing socioeconomic factors. This was done to identify additional locations, particularly those in rural areas and on or near tribal land, which may be obscured in the overall map ranking. *Staff will review this list and adjust as needed to ensure that this list is geographically representative and inclusive of both rural and urban areas across our state.*

Possible locations for listening sessions include, but are not limited to:

- Olympia Peninsula and Coast: Aberdeen, Port Angeles, Centralia, Longview, Vancouver
- Puget Sound: South Seattle/South King County, Tacoma, Mt Vernon, Everett
- Central Washington: Wenatchee, Omak, Moses Lake, Othello, Yakima
- Eastern Washington: Spokane, Tri-Cities (Kennewick, Pasco, and Richland), Walla Walla

2. For each of these locations, we will identify additional priority populations to center our outreach in using demographic data available and the knowledge of staff who are familiar with, or currently living in these areas.

These populations may include, but not limited to:

- Black and Indigenous people, other people of color
 - People who are low-income
 - Immigrants or refugees
 - People with limited English proficiency
 - Outdoor workers (i.e., farm workers, construction workers, or aviation workers)
 - People who are unstably or under-housed, homeless, or living unsheltered
3. After identifying *who* we hope to reach and *where*, we will develop a list of potential partner organizations to contact. This list will be informed by research and knowledge, and by bringing in our state agencies' community engagement teams. We will also invite interested EJ Council members to help us identify and connect with potential partners.
 4. Through meeting with partner organizations and collaborators, we will develop a plan for hosting listening sessions, including their structure, format, and access considerations. If appropriate, we will partner with these organizations to do outreach in advance of listening sessions and co-host listening sessions.
 5. Post listening sessions, we will work with these same partners to offer our gratitude, tie up any loose ends with reimbursement and compensation, and develop a plan for sharing back our findings after our listening sessions are complete.

Proposed Listening Session Structure

Outline:

Each listening session will be themed around a single topic relevant to HEAL implementation:

- community engagement,
- identification of overburdened communities and vulnerable populations, and
- environmental justice assessments (see the Appendix for draft listening session questions).

Listening sessions will last roughly 90 minutes and include the following:

- Introduction and welcome (10 minutes)
- Context setting and HEAL Act overview (20 minutes)
- Small group discussions (50 minutes)
- Closing, gratitude, and next steps (10 minutes)

Depending on whether these listening sessions are hosted online or in-person, they will follow a different format that allows for communication in small groups with a facilitator and notetaker. This could look like using breakout rooms on Zoom or hosting "world café" style conversation tables, depending on what is deemed most appropriate by our community partners.

Accessibility Considerations:

All in-person listening sessions will be held in centralized locations that are easily accessible by public transit. Physical locations must also be ADA-compliant.

State agencies will provide interpretation services as needed, including American Sign Language and, for CART closed captioning virtual listening sessions. For virtual listening sessions, registration will include language and access questions.

Consent and Ethics:

Consent to participate and record (if hosting virtually) will be confirmed for each listening session after describing the scope of our plans and prior to asking participants to answer any questions. All potentially sensitive or personal information will be kept confidential, stored securely, and de-identified prior to analysis and reporting. Participants have the right to choose not to participate at any time and may ask that any information shared be withdrawn during or after the listening session.

Tracking and Reporting

We have developed a system for tracking outreach and participation in the listening sessions that will be updated by responsible state agency staff after each session. Our intent is to use this to coordinate communication and outreach to potential partners and to centralize data collection and reporting between agencies. We will work with our agencies and Office of Equity to determine what demographic information is required for internal and external reporting.

Additionally, we are currently working on an evaluation plan and metrics for measuring success in reaching our priority communities and working as a unified interagency body. These can be shared with the EJ Council once they are completed, upon request.

Accountability

How Collected Information Will Be Used:

Information shared at these listening sessions will be analyzed for themes and developed into recommendations that will be shared with the EJ Council and Interagency Workgroup. These recommendations will be integrated into state agency Community Engagement Guides, the developed process for identifying overburdened communities and vulnerable populations, and the process for conducting environmental justice assessments.

Sharing Back to Community Partners and Participants:

Recommendations developed will be shared with community partners and interested participants from the listening sessions. Information for follow-up will be collected at the time of the listening session and participants will be asked about the best method for sharing findings and updates on how this information was used. Any materials developed will be translated and made available in multiple languages.

Communication with Tribes and Tribal Consultation:

It is likely that through these listening sessions, we will engage with tribal members as members of highly impacted communities throughout our state. These individuals are asked to participate only as themselves and not as representatives of tribal communities or governments and may choose to self-identify as tribal members or not.

The Tribal Liaisons Workgroup will send a Dear Tribal Leader Letter in early 2023 offering consultation to tribes on sections of the draft Community Engagement Guides relevant to tribal community and government engagement. In this Dear Tribal Leader Letter, we will inform tribes of the listening sessions described in this plan; however, *these are not intended to act as any piece of a formal tribal consultation process and are not a substitute for government-to-government consultation.*

Appendix: Draft Questions for Community Listening Sessions

Community Engagement:

1. What has been your experience engaging with state agencies around environmental issues in the past?
 - What went well?
 - What didn't?
 - What would you change about the state's approach?
2. What do you see as potential or current barriers to engaging with state agencies for yourself or for your community? What are strategies or resources needed to address these barriers?
3. What does it look like for communities and state agencies to meaningfully partner in decision-making on environmental issues?
4. Why do people think that important/relevant/impacted people have been left out of these processes in the past? What should be lessons learned here? How should it have gone differently?
5. How would you want us to follow through to ensure you and your community are part of decision-making processes about environmental issues in the future? What does accountability look like? *For example, what does accountability look like for today's listening session? How can we share back what we learned from you and how we used it?*
6. Is there anything else that you want us to know or didn't get a chance to say already?
7. Who else do you think we should talk to?

Identifying Overburdened Communities and Vulnerable Populations:

1. What does community mean to you? *For example, geography/neighborhood, culture, etc.*
2. For the HEAL Act, we need to identify communities and populations that are most impacted by environmental justice issues. What do you think is important for us to know as we start this process?
 - Why do people think that important/relevant/impacted people have been left out of these processes in the past?
 - What should be lessons learned here? How should it have gone differently?
3. Within your community, who should we make sure are at the table and part of discussions? How can we best reach them? What about around the state?
4. Who in your community is already thinking about environmental justice or environmental issues and how can we connect with them? *For example, are there any community advocacy groups that are working on environmental issues? Organizations? Groups?*
5. What information should we [*state agencies*] gather when learning about an environmental issue impacting your community? Are there data from projects that have been initiated and collected by community members or organizations that you'd be willing to share?
6. What do you want us to know about your community? *For example, what are you concerned about? What do you want us to know that wasn't already said?*
7. Who else do you think we should talk to?

Environmental Justice Assessments:

1. Please share with us what you like about your community. When describing it for us, use your five senses to help us get a sense of what it's like to live there. *For example: I like walking around my neighborhood and saying hello to my neighbors.*
2. Where should we look for more information about environmental issues in your community and who should we talk to? *Ex. Are there students at a local high school that are monitoring air quality in the region for a class? Is there a community group that has been doing a survey about noise pollution or any other environmental concerns?*
3. In our assessment process, we look at the following things: which areas and communities are most impacted and how, feedback from those communities and from tribal consultation, and ways we can remove or reduce pollution or other types of harm to communities. Is there anything that we're missing? Is there something you would change or add, or that you want to make sure is represented, in that process? *For example, when the Department of Commerce begins a new grant program, an EJA has to be conducted.*
4. How do you want to be a part of EJ assessments? How would you want us to follow through to ensure you and your community are part of decision-making processes about environmental issues in the future?
5. How can we communicate the results of environmental justice assessments in a way that reaches and is accessible to members of your community?
6. What happens if a community disagrees with the results of an EJA? How would you want to participate in appealing the results of an assessment that you or your community disagrees with?
7. Is there anything else that you want us to know or didn't get a chance to say already?
8. Who else do you think we should talk to?

Public Comments

January 26, 2023

To: Environmental Justice Council
CC: Environmental Justice Council Staff

As a climate advocate who uses transit and passenger rail as much as possible for mobility I am providing testimony regarding the use of CCA funds for financing Ultra High Speed Rail (UHSR) in the Puget Sound Corridor. The UHSR project is for a train capable of running 250 mph between Vancouver BC and Portland Oregon with very limited intermediate stops.

Since the November 18th, 2022 meeting of the Environmental Justice Council, I have had the opportunity to listen to two updates regarding this project given by WSDOT to the High Speed Rail Alliance in August 2022 and to the Washington State House Transportation Committee. These presentations further convinced me that UHSR is not an appropriate use of CCA funds. Please see time stamp table below and link to update to the legislature.

WSDOT indicated in its [UHSR presentation](#) (minutes 55-57) to the House Transportation Committee January 11th, 2023, that the goal of UHSR is not necessarily transportation but a means to achieve a competitive high tech industry in the Pacific Northwest. If built, it will have a large impact on communities along the entirely new right of way. After six years of effort the UHSR project is still at the very early planning stages with no timeline to completion, no route selection, no long term funding mechanism, no technology selected, and no climate benefit within a timeframe that can help Washington meet its 2030, 2040 or 2050 climate goals. Please see time stamp table below.

I believe that if WSDOT and the Governor want to pursue UHSR, it can be funded with private sector funding as the project is primarily for future business travelers between tech hubs. Private funders are currently building a high speed rail line between Los Angeles and Las Vegas. Or it could be funded from the Capital budget general funds and would thus receive much more scrutiny from the legislature.

The governor's [budget](#) (p. 37) and summary [here](#) allocates \$50 million from the CCA Carbon Emissions Reduction Account (CERA) over the next two years to be spent on planning for UHSR, and \$100 million more through 2029. The Move Ahead Washington Legislation sets aside \$200 million from CCA funds for UHSR. This should be of major concern; CCA funds are for implementing solutions to climate inequity, climate resilience and reducing Washington state greenhouse gasses (GHG). More money for electric school buses in underserved school districts, conversion of medium and heavy duty vehicles to EV and investment in our already established rail corridors like the Amtrak Cascades, to increase frequency and reliability and achieve shorter trip times, would be better uses of CCA funds and serve more communities.

At this moment an Advisory Board for UHSR is formed or is being formed to make decisions about the UHSR project. The advisory board is made up of local chambers of commerce and business leaders. At the very least the Environmental Justice Council and/or an organization recommended by the Environmental Justice Council must be represented on the current and future decision making bodies for the UHSR project. The Environmental Justice Council perspective needs to be considered while decisions are being made, not expressed as comments after decisions have been made.

Thank you for considering these comments. Climate Rail Alliance deeply appreciates the work of the Environmental Justice Council. We hope the additional information on the UHSR project is helpful to you.

Sincerely,

Arvia Morris
Climate Rail Alliance Volunteer

The UHSR project was presented by WSDOT to the [High Speed Rail Alliance](#) in Chicago in August 2022 and to the Washington [State House Transportation committee January 11th, 2023](#). Please see the timestamp table below indicating the current progress on the program from the Chicago presentation.

Topic	Status	Time stamp
Financing	unknown	42:00
Route	unknown	7:30 39:00 47:00
Date of completion	unknown	7:30 13:30 32:00
Number of stops	unknown	7:30 29:00
Technology	unknown	8:10 40:00 47:00
Equity	unknown	20:00 34:00 50:00
Governance	initiated	17:30 50:00
Stakeholders main audience	initiated	50:00
Environment and Climate Change	unknown	40:00

Relation to Amtrak Cascades	unknown	10:00 38:00
Relation to Air travel	potentially complementary	32:00 36:00

[1.11.2023 WSDOT Presentation to House Transportation Committee](#)

Minutes 49-1:13

From: mortonalexander
Sent: Saturday, February 11, 2023 12:00 PM
To: Pineda, Rowena E
Cc: monica lowney; Chrys Ostrander
Subject: Land Application of Sewage Sludge

External Email

Dear Ms. Pineda,

I am working with Monica Lowney and others around the state to end the toxic practice of using municipal sewage sludge in agriculture. I have seen Monica's letter to you, and I join her in trying to bring attention to the environmentally unjust way in which this plays out. Our state's oversight of this is quite lax.

Below is some testimony that I gave last week on a "minority" proposal to institute test of the material for the latest toxin to scare everyone, PFAS. It has passed out of the Senate Committee on Environment, Energy and Technology with some amendments. I alert you to the environmental justice issues included toward the bottom.

We would like to help your Environmental Justice Council to learn of how disenfranchised communities around the state are affected by this. I am cc'ing Monica and another local activist and farmer, Chrys Ostrander on this. If you would like to meet locally with us, or with our state-wide group via Zoom, we can accommodate.

I close with part of a letter Chrys sent me yesterday:

Title 69 RCW
FOOD, DRUGS, COSMETICS, AND POISONS

RCW 69.04.001 Statement of purpose. This chapter is intended to enact state legislation (1) which safeguards the public health and promotes the public welfare by protecting the consuming public from (a) potential injury by product use; (b) products that are adulterated; or (c) products that have been produced under *unsanitary conditions*, and the purchasing public from injury by *merchandising deceit* flowing from intrastate commerce in food, drugs, devices, and cosmetics... (emphasis mine)

RCW 69.04.210 ... A food shall be deemed to be adulterated ... If it has been *produced*, prepared, packed, or held under insanitary conditions *whereby it may have become contaminated with filth*, or whereby it may have been rendered diseased, unwholesome, or injurious to health; (emphasis mine)

Biosolids, or rather foods grown thereupon, are already in violation of state law.

Respectfully,
Morton Alexander

Comment on SB 5245

My name is Morton Alexander. I reside in both Spokane and Lincoln Counties.

First, let me say that I agree completely with the comments and proposed amendments to this bill submitted by Darlene Schanfald. She is the chair of our statewide grassroots group fighting to end agricultural use of municipal sewage sludge. She lists many ways to improve stewardship beyond the provisions of the bill. These measures deal with transport, tracking, testing and mapping of sludge for more than just PFAS. Also, measures to improve public notification. Instead of just posting a sign in a remote field, mail notices of a pending land application to neighbors on land adjacent to or with waters downgradient of the proposed site.

Sewage is not compost. It is a vehicle for any toxin, beyond the nine metals tested for, to taint food that is grown in it. Even without this current alarm over PFAS, the “forever chemicals”, it’s bad enough. This bill is a legitimate response to what recently happened in the state of Maine, which correctly banned the practice of land application after PFAS-laden hay, grown in sludge, put a dairy farmer out of business.

In 2009, the EPA concluded that all biosolids contain toxic elements. In 2018, the Office of Inspector General of the EPA concluded in an audit that the EPA lacked the data with which to "determine whether biosolid pollutants ... are safe."

In 1990, our legislature made a mistake. Before all the subsequent science was in, they deemed "bio-solids" to be a "beneficial resource" and mandated that Ecology must promote its use in agriculture. This turned their caseworkers from impartial watchdogs into proponents of a practice in which the waste industry works hand-in-glove through the department to dump a not very scrutinized product on our food system. Ecology now displays an almost ideological commitment to apply sludge to fields, forests and gardens. A member of our committee recently did some consumer research. He found it increasingly difficult to buy bagged compost on the gardening market that does not contain bio-solids.

My involvement in this issue began around 2016 when my neighbors and I were confronted with the planned application of sludge to wheat fields along the rim of Mill Canyon in Lincoln County. This permit ignored the USDA soil maps that classified most of that farmland as “H.E.L.”, Highly Erodible Land.

We are a community of certified organic food producers with a steady market in Spokane. One of the wheat fields that was considered is in line-of-sight above my natural spring, a source of free, clean drinking water for many neighbors. I'll never forget how shocked I was at a public meeting convened by Ecology in Lincoln County. The caseworker from the Spokane office of this regulatory agency introduced the sludge

wholesaler from Lewis County as "my partner." His was a business that has been repeatedly cited by the department for mixing chemical wastes in the same storage piles as "bio-solids".

Over some years, we organized and got the farmer to back off and compromise on the amount of acreage and the proximity to our canyon. This made the provider lose interest in hauling a smaller load across the state. Our experience also illustrates another aspect of this issue, that of environmental justice. Most of the sludge from the west side of the state travels east for disposal in areas where low income folks lack the resources to fight it off. It's even donated to unsuspecting low income community gardeners.

[See protectmillcanyon.org for the story and an up-to-date resource on this issue.]

So, I suggest that it's time for the legislature to re-consider the designation of sewage sludge as a "beneficial resource". The introduction of a bill to revoke the legislative mandate that Ecology promote its use would throw some anti-septic light on this murky subject. The debate would provide legislators with background and education on the issue. Ending the 30 year old mandate would relieve Ecology's workers of the required advocacy for status quo technology, when really innovation is needed. As many of the Sewage Treatment Plants are aging and will soon need replacement, there are a number of options that the state can consider. There are promising reports about progress made in Bellingham and Edmonds on how to dispose of this material more responsibly.

I am a retired state employee. I've learned that state agencies are prey to private vendors, who sell them a certain model of practice. The model eventually becomes entrenched and reigns over the agency's staff and even its mission of serving the public welfare. Criticism of the model is forbidden.

Respectfully,
Morton Alexander