

# June 22, 2022 Environmental Justice Council Meeting Materials

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# Consejo de Justicia Ambiental

Miércoles 22 de junio de 2022

de 10:00 a. m a 3:00 p. m

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

<https://us02web.zoom.us/j/85106607373?pwd=ZnpleGVHY3lPK1ROOEZpWTdPd2Zldz09>

Contraseña: 497595

También puede llamar por teléfono al +1 (253)-215-8782.

Id. del seminario web: 851 0660 7373

Contraseña: 497595

## Propuesta de orden del día

De 10:00 a. m. a 10:30 a. m.	I. Bienvenida y presentaciones	Rowena Pineda, miembro del equipo del Consejo Miembros del Consejo
De 10:30 a. m. a 10:50 a. m.	II. Noticias del Comité Gubernamental - Posibles medidas del Consejo	Sierra Rotakhina, miembro del equipo del Consejo Comité Gubernamental Miembros del Consejo
De 10:50 a. m. a 10:55 a. m.	III. Aprobación del orden del día - Posibles medidas del Consejo	Theo Cielos, miembro del equipo del Consejo Miembros del Consejo
De 10:55 a. m. a 11:00 a. m.	IV. Aprobación de las notas de la reunión del 25 de mayo de 2022 - Posibles medidas del Consejo	Theo Cielos Miembros del Consejo
De 11:00 a. m. a 11:30 a. m.	V. Comentarios públicos	

Receso

De 11:40 a. m. a 12:30 p. m.	VI. Novedades del Comité de la Ley de Compromiso con el Clima (CCA, por su sigla en inglés) - Posibles medidas del Consejo	LaKesha Kimbrough, facilitadora de la reunión Comité de la CCA Miembros del Consejo
<b>Almuerzo</b>		
De 1:00 p. m. a 1:50 p. m.	VII. Novedades del Comité de Participación Comunitaria - Posibles medidas del Consejo	LaKesha Kimbrough Comité de Participación Comunitaria Theo Cielos Rowena Pineda Miembros del Consejo
De 1:50 p. m. a 2:10 p. m.	VIII. Conversación adicional sobre la gobernanza del consejo	LaKesha Kimbrough Comité Gubernamental Miembros del Consejo
<b>Receso</b>		
De 2:15 p. m. a 2:45 p. m.	IX. Informe: mapa de disparidades sanitarias ambientales	Alli Ertl, Departamento de Salud
De 2:45 p. m. a 3:00 p. m.	X. Cierre y saludos	LaKesha Kimbrough Miembros del Consejo

Información importante:

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

# Environmental Justice Council

Wednesday June 22, 2022

10:00am – 3:00pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106607373?pwd=ZnpleGVHY3IPK1ROOEZpWTdPd2Zldz09>

Passcode: 497595

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Webinar ID: 851 0660 7373

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## Draft Agenda

10:00 AM – 10:30 AM	I. Welcome and Introductions	Rowena Pineda, Council Staff Council Members
10:30 AM – 10:50 AM	II. Update from the Governance Committee -Possible Council Action	Sierra Rotakhina, Council Staff Governance Committee Council Members
10:50 AM – 10:55 AM	III. Approval of Agenda -Possible Council Action	Theo Cielos, Council Staff Council Members
10:55 AM – 11:00 AM	IV. Approval of May 25th, 2022 Meeting Notes -Possible Council Action	Theo Cielos Council Members
11:00 AM- 11:30 AM	V. Public Comment	
Break		
11:40 AM – 12:30 PM	VI. Updates from the Climate Commitment Act (CCA) Committee -Possible Council Action	LaKesha Kimbrough, Meeting Facilitator CCA Committee Council Members
Lunch		

1:00 PM – 1:50 PM	VII. Updates from the Community Engagement Committee - Possible Council Action	LaKesha Kimbrough Community Engagement Committee Theo Cielos Rowena Pineda Council Members
1:50 PM – 2:10 PM	VIII. Further Discussion of Council Governance	LaKesha Kimbrough Governance Committee Council Members
Break		
2:15 PM – 2:45 PM	IX. Briefing: Environmental Health Disparities Map	Alli Ertl, Department of Health
2:45 PM – 3:00 PM	X. Check-out and Farewell	LaKesha Kimbrough Council Members

Important Information:

- The Council may move agenda items around on the day of the meeting.
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# Environmental Justice Council

**Date:** June 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Updates from the Governance Committee

## Background and Summary:

At the May 25, 2022 Environment Justice Council (Council) meeting the Council created the Governance Committee. The Governance Committee of the Council met on June 14, 2022 to discuss and bring recommendations to the full Council regarding leadership structure and decision- making including:

### Decision-Making

The Committee recommends continuing to follow the same decision-making process that the Council approved at its meeting on May 25 until the Governance Committee brings back full bylaws to the Council for discussion.

To review, the Council agreed to achieve consensus on decisions. There will be opportunities to determine if there is consensus or not on a given decision (straw poll). If there is not consensus, the Council will return to discussion and potentially modify the proposal until consensus is reached. Council members will be asked to share their position based on the following:

- 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. Serious concerns.
- F. Stand aside. Recuse myself.

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If any Council member voices reservations or further discussion is requested, discussion will continue to respond to questions/concerns. When those have been addressed, the decision will be brought back for Council to determine if they are ready to vote or if further discussion needs to happen.

### Quorum

The Committee recommends that the Council establish that a quorum of the Council consist of nine Governor-appointed Council members. A quorum of the Council must be present for action to be taken. The Council can continue to have discussion without a quorum, but it cannot take action.

The Committee discussed the fact that a consensus-based approach will often mean that even a quorum may be an insufficient number of Council members present to make policy or other major decisions that could impact communities. The Committee plans to keep this in mind and build language related to this into the bylaws.

### Governance Committee Recommended Actions:

The committee recommends that the Council discuss, amend as needed, and adopt the following motions:

1. The Environmental Justice Council adopts the decision-making process that the Council approved at its meeting on May 25, 2022 to be in effect until the Governance Committee brings back full bylaws to the Council for discussion, amendments, and adoption.
2. The Environmental Justice Council establishes that a quorum of the Council will consist of nine Governor-appointed Council members.

### Staff Contact

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

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# Draft Minutes of the Environmental Justice Council

May 25, 2022

2:00pm-6:30pm

Virtual meeting via ZOOM Platform

## Council members present:

- Council Member Maria Batayola
- Council Member Maria Blancas
- The Honorable Jarred-Michael Erickson (left meeting at 3:14pm)
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Dawn Vyvyan representing The Honorable Sylvia Miller
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member David Bayne
- Council Member Laura Blackmore
- Council Member Tom Bugert
- Council Member Allison Dane Camden
- Council Member Michael Furze
- Council Member Nicole Johnson
- Council Member Millie Piazza
- Council Member Todd Mitchell (joined at 4:19pm)

## Council members absent:

- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware

## Meeting facilitator:

- LaKesha Kimbrough

## Council staff present:

- Sierra Rotakhina
- Theo Cielos
- Rowena Pineda



LaKesha Kimbrough, Meeting Facilitator, called the public meeting to order at 3:10 p.m.

## I. Welcome and Introduction

LaKesha Kimbrough shared that Community members have asked the Council Members to share which communities or organizations, etc. they represent on the Environmental Justice Council. The Council member descriptions of who they feel they represent on the Council is included at the end of these meeting notes (see Appendix A).

## II. Today's Meeting Norms and Decision-making Process

The Council reviewed the meeting norms established at the April 4, 2022 Council Meeting.

Theo Cielos, Community Outreach Coordinator for the Council, presented a temporary decision-making process and the Council Members discussed the proposal, made modifications, and adopted the following temporary decision-making process to be used for the May 25, 2022 meeting:

- The Council will use a consensus-based decision-making process similar to Fist of Five. Ex officio liaisons will be engaged in the discussion and proposal formation, but will not be a part of roll-call for final consensus.
- The Council will check for consensus (using a “straw poll”) after thoughtful dialogue where all members have a chance to voice their concerns, ideas, and perspectives. Council members can choose one of the following with an opportunity to share why they are taking this position:
  - 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. Serious concerns.
  - f. Stand aside. Recuse myself.
- The position that each Council member takes and their reasoning (if they want to share it) will be captured in the meeting notes.

## III. Approval of Agenda

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

- Council Member Todd Mitchell
- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware

#### IV. Approval of April 4 Meeting Minutes

The Council came to full consensus with members present and adopted the April 4, 2022 meeting notes as posted in advance of the meeting without changes. The following Council Members were absent for this agenda item:

- Council Member Todd Mitchell
- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware

#### V. EJ Council Staff Update

Sierra Rotakhina, Council Manager:

- Noted that the Council now has funding to hire a full-time Climate Commitment Act (CCA) staff person in the new fiscal year. Sierra asked the Council Members to let her know if they want to participate in the interview process.
- Shared that the public comment period on the federal Climate & Economic Justice Screening tool had been extended to today (5/25/2022).

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- Created a briefing document on Health Equity Zones which is included in the meeting materials. This document also includes information on the Pro-Equity Anti-Racism executive order. Both can have synergy with HEAL.
  - Council Member Mendoza noted that as the Council develops the EJ Assessment the Council should be connected with whoever is developing the Equity Impact Review so as to avoid duplication and/or conflicting processes.
- Provided a brief update on the \$500,000 grant that will pass through the Department of Health on to a statewide Environmental Justice community-based organization, who would then be tasked with setting up a community participation fund. Sierra noted that Council staff are working within the Department of Health to figure out the role of the EJ Council and which staff at the Department of Health have the knowledge and capacity to manage that work. Staff hope to have a more substantive update soon.

## VI. Proposed 2022 and First Quarter 2023 Meeting Schedule

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

- Council Member Todd Mitchell
- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware

## VII. Developing Subcommittees

Sierra Rotakhina shared possible subcommittee ideas, and recommended prioritizing convening a Climate Commitment Act Committee and Community Engagement Committee due to limited staff capacity and the need to begin work on these two topics.

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The Council came to full consensus with members present to convene three Committees:

- 1) Climate Commitment Act Committee
- 2) Community Engagement Committee
- 3) Governance Committee

The following Council Members were not present for this decision:

- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware
- Council Member Maria Batayola
- The Honorable Jarred-Michael Erickson
- Council Member Lua Pritchard

The group discussed, but did not check for consensus or make decisions on the following points:

- Committee leadership.
- That the Committees are advisory but would need to bring recommendations back to the full Council for decision-making.
- The possibility of including community experts who are not Council Members on the Committees.
- That the EJ Assessment Committee is a priority to be convened as soon as possible as well.

## VIII. Public Comment

No members of the public provided public comments during this comment period.

## IX. Community Engagement Guide – Next Steps and Process

Rowena Pineda, EJ Advisor to the Council, and Charmi Ajmera, Equity and Social Justice Manager for the Division of Environmental Public Health at the Department of Health and the HEAL

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Interagency Work Group representative for the Department of Health presented. They presented the need for this work to happen with the Council and communities at the speed of trust and recommended four Council motions:

1. Agencies adopt DRAFT community engagement plans by July 1, 2022.
2. EJ Council staff, in partnership with covered agencies staff, conduct community listening sessions statewide during the summer and fall of 2022 to learn from community members about preferred engagement on environmental justice issues, and how to be partners in co-authoring updates/changes to the community engagement guide.
3. EJ Council staff work with Tribal Liaisons of HEAL covered agencies, Governor's Office of Indian Affairs (GOIA), and tribal representatives on the EJ Council to get guidance on next steps for how best to coordinate and collaborate with tribal governments.
4. Work with the EJ Council, communities, and tribal governments to update the community engagement guide to reflect what EJ staff heard during listening sessions and tribal consultations.

Several Council Members expressed concerns that it would appear that the Council was approving the draft (rather than supporting the process for agencies to post a draft that will be the first draft to begin dialogue and co-authorship with communities and the Council).

Council Member Guillen pointed out that the Council should say the truth in the wording of the motion. The truth is the State did not allow the formation of EJ Council in a timely manner. Council Member Guillen noted that the wording needs to include the fact is that the process moved before the Council could even address it. She expressed that she does not want her community to see her here sitting falling in line with what the state wants because that is also not her goal. So to build trust in the community, in the documents the Council creates that are public, there needs to be a recognition that something wrong happened here in the creation of this EJ Council.

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The Council Members did a consensus-check / took straw polls on the first two motions. These consensus-checks revealed that many Council Members were not comfortable moving forward with the motions as proposed, many members were also not comfortable moving to a consensus check on motions related to tribal engagement without the Council's tribal representatives present. Council staff recommended that the Council pause this conversation and decision-making for today, let the Community Engagement Committee meet to form some recommendations for the Council, and then revisit this conversation at the June 22, 2022 Council meeting.

X. Public Comment (the Council Member Discussion of the CCA agenda item was moved to after public comment)

Jean Mendoza, Friends of Toppenish Creek from Yakima County, provided public comment stating that they consider themselves an elder and community leader and that their community has been betrayed by the state agencies over and over again. They provided comments that this Council must require the Interagency Group to address trust, ongoing trust issues and ongoing discrimination that is happening in the state right now, before moving forward on anything. Saying that we have to trust before we move forward is one thing, but saying that you have to trust us so we can meet a deadline is another thing. Jean Mendoza noted that Ecology and Washington State Department of Agriculture and probably the Department of Health as well have missed multiple deadlines, (sometimes going back five to eight years) and expressed that holding a deadline over your head is a control measure in my opinion.

XI. Council Member Discussion of the CCA

Council Member Running-Grass amplified what Council Member Guillen had shared earlier about something going wrong in the process for the HEAL Community Engagement plans timeline and noted that this is the case with the CCA rulemaking as well. Council Member Running-Grass proposed a two-track approach for the proposed cap and invest rules:

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- 1) Formally request an extension of the public comment period for a specified duration while also working to develop Council recommendations on the rules with the time available.
- 2) Do our own rulemaking event as a webinar in mid-June and mobilize communities and EJ-related organizations encouraging them to comment.

The Council Members present reached consensus on adopting the proposal to provide comments on the cap and invest rules during the timeframe allocated, while also issuing a formal statement from the Council asking for more time. Council Members absent for this agenda item:

- Council Member Nichole Banegas
- The Honorable Patrick DePoe
- The Honorable Misty Napeahi
- Council Member Raeshawna Ware
- Council Member Maria Batayola
- The Honorable Jarred-Michael Erickson
- Council Member Lua Pritchard

Because the meeting was running late, the Council did not have sufficient time to deliberate and vote on the second proposal to hold a rulemaking event/webinar in June.

Council Member Mendoza noted that the Council has asked the Department of Ecology if the Council will be bound by the public comment period or if they will have additional time and have not received an answer to that. He noted that the Council has also requested annotations of the rules which they have not received. He also asked if Ecology will provide information sessions for the public

Sierra Rotakhina shared that the Department of Ecology did send her some document to forward to the Council today that she will be forwarding out. She also noted that at its first meeting the CCA

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Committee will have an opportunity to discuss how they want to engage on the proposed cap and invest rules.

Council Member Piazza invited Joshua Grice, Department of Ecology Staff, to respond to Council Member Mendoza's comments. Joshua Grice apologized for the late delivery of the background documents (now posted [here](#) as supplemental materials for the May 25<sup>th</sup> meeting).

Joshua Grice noted that the public hearings will also include an overview presentation followed by a Q&A session and then a chance for the public to provide testimony.

Council Members highlighted the difficulty of getting through the rules, analyzing them, and understanding the impacts on tribes and communities with the time provided.

Joshua Grice confirmed that Ecology would not think of the Council as constrained by the public comment period that is available to the rest of the public in general. He highlighted the reality of a statute deadline to adopt the rules, but that he thinks Ecology, in general, envisions a much more extended engagement with the Council about the matters covered by this rules that would not be constrained by that public comment period.

## **ADJOURNMENT**

LaKesha Kimbrough adjourned the meeting at 6:50 p.m.

## **Appendix A: Council Member Representation**

- Council Member Maria Batayola: I come bringing the voices of aviation impacted communities.
- Council Member Maria Blancas: Although I have an affiliation with the University of Washington as a staff there, I am here as a Community Member on the Council representing

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different groups. I am from Central Washington, the beautiful City of Quincy, and representing farm workers, Latinx communities, and immigrant communities across the state, but specifically Central Washington.

- The Honorable Jarred Michael Erickson: I'm here representing Eastern Washington Tribes in particular.
- Council Member Running Grass: I am holding the academic seat here on the Council. My academic connection is with Antioch University Graduate School here in Seattle where I teach in the Urban Environmental Program. I'm also representing Three Circles Center, which is my consultancy, through which I work on educational issues having to do with Environmental Justice and environmental issues working all around the country, including here in Washington State, Oregon, Alaska, and Idaho.
- Council Member Rosalinda Guillen: I'm a Community Representative. I represent low-income workers, under-represented communities in rural areas of Washington State. In some case not represented at all. All vulnerable communities that have been impacted by ecological damage in the State of Washington, Latino, immigrant and farm workers across the State of Washington.
- Council Member Aurora Martin: I'm the Co-Executive Director of capacity building at Front and Centered. My Community Membership role is to essentially to represent the many different organizational member interests that comprise the Front and Center Coalition.
- Council Member David Mendoza: My seat on the Council is based off my experience working on Environmental Justice issues. So I don't directly represent any organization or community, but I would say that I try to bring my full self and my experiences to my work here on the Council. I am a third generation Mexican American. My grandparents emigrated from Mexico. I have lived in overburdened communities most of my life, and have that experience. I really have spent a lot of time in community that is have faced a lot of the issues that we talk about here. I think one of the most formative experiences I have had that I bring to this table is my experience as Co-Chair of the Environmental Justice Task Force. Where we traveled across

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the state and listened directly to impacted communities and heard from folks in Yakima and Northwest Washington and Vancouver and all of the experiences they have and the burdens they face and frankly the lack of trust they have in Government. So I carry that experience as I sit here and do this work for this Council.

- Council Member Esther Min: I am the other person sitting with Running-Grass in an EJ practitioner seat. So I do not represent an organization. I am affiliated with the University of Washington as clinical faculty and with Front and Centered as a Director of Environmental Health and Research Partnerships. I carry with me the experiences I bring having moved here from a different country in High School and, you know, English as a second language. I currently work a lot with frontline communities and highly impacted communities on climate change, on the legacy of pollution, environmental racism, so I bring that experience with me here.
- Dawn Vyvyan: Present on behalf of Vice Chair Miller from the Puyallup Tribe.
- Council Member Nirae Petty: I'm here as the youth representative on the EJ Council. I also bring my experience as Advocacy Program Manager for Metropolitan Seattle and we serve Black and underserved community in the greater Seattle area.
- Council Member Lua Pritchard: Executive Director of Asia Pacific Cultural Center, which mission is to bridge communities and generations through art, culture, education, and business. We represent, teach, and showcase about the 47 nations that make up all of Asia and all of the South Pacific. I am also the Chair of the Pierce County Asian Pacific Islander Coalition, which is a member of the seven chapters state wide Asian Pacific Islander Coalition of Washington. We represent and advocate for issues related to all of our people, Asia Pacific people, in the State of Washington. I also bring over 30 years of community leadership advocacy for BIPOC in terms of low income, poor, homelessness, disadvantage, and disabled. All issues related to those matters I can be a voice of.
- Council Member David Bayne: Representing the Department of Health. I serve as the Deputy Secretary for the Office of Strategic Partnerships. My office is responsible for external

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relationships, including our local health jurisdictions and non-traditional partnerships in public health. In terms of who I represent, I myself am a Black male, so representing the African American community, but in my role officially, I think representing the public health sector generally.

- Council Member Laura Blackmore: I am the Executive Director of Puget Sound Partnership, which is a State Agency, so I'm here in that capacity representing those who are engaged in Puget Sound recovery.
- Council Member Tom Bugert: I'm from the Department of Natural Resources. I'm a nonvoting Member here in service for all the public of Washington State.
- Council Member Allison Dane Camden: I'm with the Department of Transportation, I serve as Deputy Assistant Secretary. In my role for the Department, we serve all users of the transportation system. So those who walk, bike, roll, drive, take buses, rail, and use the transportation system.
- Council Member Michael Furze: I'm excited to be here in this space with you all today representing the State Department of Commerce. The Department of Commerce does 107 things well, from working to end homelessness, building affordable housing, international trade and economic development. The team that I lead does energy policy and programs. And we're leading the implementation of the HEAL Act for the entire agency.
- Council Member Millie Piazza: Also an Ex Officio Member representing the Washington State Department of Ecology, more specifically I'm the Program Manager of our Office of Equity and Environmental Justice, but the agency serves every person and community in Washington in its management and regulatory duties related to water, shoreline, toxics, air, climate, as well as a host of other programmatic environmental areas.
- Council Member Nicole Johnson: I am the Ex Officio Member representing the Washington State Department of Agriculture. We are involved in the agriculture community, food safety, we assist with food assistance programs. I'm the Equity Policy Advisor.

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# Environmental Justice Council

**Date:** June 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Updates from the Climate Commitment Act Committee

## Background and Summary:

At the May 25, 2022 Environment Justice Council (Council) meeting the Council created the Climate Commitment Act (CCA) Committee. The CCA Committee met on May 31, 2022 and June 13, 2022. At past Council meetings many Council members expressed concerns about the timeline for providing comments on the provisional cap and invest rules (chapter 173-446). The Department of Ecology originally had published a public comment period from May 16, 2022 to June 30, 2022. On June 3<sup>rd</sup> Ecology extended the public comment period to end on [July 15, 2022](#).

Today the CCA Committee will:

- 1) Provide an overview of the Committee discussions so far and the process that the Committee plans to take to review the proposed cap and invest rules (chapter 173-446);
- 2) Facilitate a discussion with the full Council on a draft letter to the Department of Ecology and the Governor related to the provisional cap and invest rules (chapter 173-446) (letter included in meeting materials); and
- 3) Discuss how the Council can partner with communities to ensure that Council recommendations on the proposed cap and invest rules (chapter 173-446) are community guided.

## CCA Committee Recommended Actions:

The CCA Committee recommends that the Council review, amend if needed, and adopt the following motions:

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1. The Environmental Justice Council adopts the letter to the Governor and the Director of Department of Ecology, with amendments made during today's meeting, and directs Council staff to submit the letter to the Governor and the Director of the Department of Ecology on behalf of the Council.
2. The Council directs the CCA Committee and Council staff to develop and implement a plan to create a community forum to ensure that that Council recommendations on the proposed cap and invest rules (chapter 173-446) are community guided.

### Staff Contact

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

## Draft Letter for Environmental Justice Council Discussion

Governor Jay Inslee

Director Laura Watson, Director of Washington State Department of Ecology

Dear Governor Inslee and Director Watson,

Thank you, Governor Inslee, for appointing us to the state Environmental Justice Council (Council), established under the Healthy Environment for All (HEAL) Act. We are here to serve – to give voice to the environmental justice needs of our communities across the state and pursue effective and palpable solutions in this transformative initiative.

We are writing to inform you of an unexpected challenge and our recommendation to solve it. The Climate Commitment Act's (CCA) required rulemaking by the Department of Ecology (Ecology) to be completed by October 1, 2022, impedes the Council's ability to give appropriate and studied input. The Council met for the first time in April and is taking the initial organizational steps to implement HEAL Act requirements for statewide community engagement and related Council activities, such as rule analysis, oversight, and formulating recommendations.

We affirm and assert our roles and responsibilities, as mandated by the HEAL Act and the CCA, to provide comments, advice, and recommendations to Ecology on the CCA and other matters, with the request and expectation that Ecology will respond in writing, and consider and incorporate the perspective and interests of the communities which the Council is mandated to represent. We also note that our review and subsequent recommendations are not bound by Ecology's timeframes for its public comment period for the proposed rules (chapter 173-446 WAC).

To solve the mismatch between the CCA rulemaking timeline and Council capacity to offer a thorough review we strongly recommend that chapter 173-446 WAC, when adopted, have an additional clause that limit their effect to [December 31, 2024 or June 30, 2024 – date to be discussed with the full Council] with a requirement that a new CR-102 be filed no later than [date to be discussed with the full Council]. This time limitation will allow the program to move forward per legislatively imposed deadlines while also creating an additional opportunity for both the public and the Council to have more time to understand the impact of these rules on the implementation of this program.

We appreciate Ecology briefings on April 4<sup>th</sup>, May 13<sup>th</sup> and May 16<sup>th</sup> that stimulated our thinking, and request cooperation from the departments to avoid recurrent scheduling conflicts:

1. For Ecology, provide the Council with a clear understanding of the timeline in which the Council's input can be incorporated into the proposed rules beyond the July 15, 2022 closing of the public comment period. We request that opportunities for input and dialogue will be responsibly and sincerely taken into account and consideration and that any formal recommendations from the Council be accepted or rejected in writing detailing the rationale for Ecology's decision.
2. For Ecology and other agencies allocating CCA funds, to develop a timeline and process proposal in collaboration with the Council on how state agencies will be engaging with the Council and communities in their development of their 1) recommendations on investment of CCA revenue and 2) analysis and recommendation regarding linking to the California and Quebec carbon market systems.

We believe this practical solution will allow Ecology to comply with the required CCA rulemaking and the Council to fully execute our HEAL Act mandate and comment appropriately on the CCA rules. We are happy to answer any questions you might have. We look forward to a positive response. Thank you.

Respectfully,

WA Environmental Council Members (See attached list)

C: Sierra Rotakhina, Rowena Pineda, Theo Cielos

# Environmental Justice Council

**Date:** June 22, 2022

**To:** Environmental Justice Council Members

**From:** Theo Cielos, Community Outreach Coordinator for the Council

**Subject:** Updates from the Community Engagement Committee

## Background and Summary:

At the May 25, 2022 Environmental Justice Council (Council) meeting, the Council began early discussions to consider the following four motions recommended by Council staff:

- 1) Agencies adopt DRAFT community engagement plans by July 1, 2022.
- 2) EJ Council staff, in partnership with covered agencies staff, conduct community listening sessions statewide during the summer and fall of 2022 to learn from community members about preferred engagement on environmental justice issues, and how to be partners in co-authoring updates/changes to the community engagement guide.
- 3) EJ Council staff work with Tribal Liaisons of HEAL covered agencies, Governor's Office of Indian Affairs (GOIA), and tribal representatives on the EJ Council to get guidance on next steps for how best to coordinate and collaborate with tribal governments.
- 4) Work with the EJ Council, communities, and tribal governments to update the community engagement guide to reflect what EJ staff heard during listening sessions and tribal consultations.

The following issues were at the forefront of motion discussion:

- Moving forward with these motions is challenging given lack of trust between communities and state government,
- The need to name where harm has been done and the process for repair,

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- The agenda item occurred toward the end of the meeting when Council tribal representatives were no longer in attendance, and several Council members noted discomfort moving forward on consensus building without tribal representatives present.

The Council voted to table discussion to its 6/22/22 meeting and moved motions to the Council's Community Engagement Committee (CEC) for further deliberation.

The CEC held its first meeting on June 13, 2022. The Committee acknowledged the significant work HEAL agencies put into developing this draft. The Committee also noted the tension for agencies as they work to meet HEAL deadlines and prioritize the intent of HEAL by working in partnership with the Council. However, the fully-seated Council was not able to meet until April, 2022, which means that the Council is just beginning to form and build trust and has not yet had time to develop guidance for HEAL agencies on community engagement

### Committee Recommended Actions:

To center the intent of HEAL and to work in authentic partnership with Communities and HEAL agencies, the Committee is recommending that the Council discuss, and amend if necessary, the following motion:

The Environmental Justice Council acknowledges the extensive amount of collaborative work that the HEAL agencies put into developing a draft Community Engagement Guide. The Council also acknowledges the historical and current harm state government has caused in communities, and that the intent of the HEAL Act is to address those harms and develop authentic partnerships and power-sharing relationships with communities. The Council recommends the following:

That HEAL agencies prioritize the intent of HEAL over the July 1, 2022 deadline by working in close partnership with Council and communities before posting a

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draft of the Community Engagement Guide. Instead of adopting a draft community engagement guide/plan on July 1, 2022, HEAL agencies post a public statement outlining the reasons why the community engagement plans will be adopted on a delayed timeline.

## Staff Contact

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# Environmental Justice Council

**Date:** June 22, 2022

**To:** Environmental Justice Council Members

**From:** Sierra Rotakhina, Council Manager

**Subject:** Further Discussion of Council Governance

## Background and Summary:

At its June 14, 2022 meeting the Governance Committee began outlining some preliminary ideas for bylaws. These ideas are outlined below. These discussions can help guide the direction of the Governance Committee as they work to start developing draft bylaws for the full Councils deliberation.

**Suggested Council Action: Begin preliminary discussion on bylaw topic categories.**

## Conflict of Interest

The Governance Committee discussed the importance of transparency and disclosure of conflicts of interest by both Council members and staff.

**Suggested Council Action: Discuss the committee recommendation that all Council members and staff disclose potential perceived and actual conflicts of interest and the means of such disclosure.**

## Executive Committee

The Committee discussed the creation of an Executive Committee. The Executive Committee would serve as the leadership team and work closely with Council staff. The Executive Committee would include the co-chairs that the Council will identify as is required in the HEAL Act. It would be the only standing committee of the Council.

**Suggested Council Action: Discuss the function, structure, and membership of an Executive Team.**

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## Committees

The Governance Committee discussed that committees other than the Executive Committee would be created by the full Council as needed and could be adjusted or disbanded as needed by the Council. The Governance Committee discussed that committees could include EJ Councilmember and Ex Officio Councilmembers. Committees cannot take action on behalf of the Council but can make recommendations to the full Council.

**Suggested Council Action: Discuss Council committees and membership, e.g., extending membership to external parties such as community representatives.**

## Staff Contact

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# Environmental Justice Council

**Date:** June 22, 2022

**To:** Environmental Justice Council Members

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

**Subject:** Briefing: Environmental Health Disparities Map

## Background and Summary:

The [Washington Environmental Health Disparities map](#) is an interactive tool that looks at environmental health disparities for communities across Washington. [RCW 70A.02.110](#) gives the Council responsibility to collaborate with the HEAL Interagency Work group to make recommendations to HEAL agencies on the use of the environmental and health disparities map to identify and prioritize overburdened communities. [RCW 43.70.815](#) requires the Department of Health, in consultation with the Council, to continue to develop and maintain the map with the most current available information.

Council staff have invited Allie Ertl, Epidemiologist 3 Supervisor for the Department of Health, to come today and provide an overview and demo of the map and to talk with the Council about how you want to engage in any future updates to the map.

## Staff Contact

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

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