

Adopted Minutes of the Environmental Justice Council

June 22, 2023

Virtual ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes 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/EnvironmentalJusticeCouncil/Meetings). 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
- Council Member Maria Blancas
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell joined at 3:40pm
- The Honorable Jarred-Michael Erickson joined at 3:55pm
- AJ Dotzauer on behalf of The Honorable Misty Napeahi joined at 4:10pm

Council Members absent:

- Council Member Raeshawna Ware
- Council Member Running-Grass
- Council Member Nichole Banegas
- Council Member Esther Min
- The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller

Agency Ex Officio Liaison Members present:

- Laura Blackmore, 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
- Chamila Ajmera on behalf of Lauren Jenks, Department of Health

Council staff:

- Christy Curwick Hoff
- Angie Ellis
- Rowena Pineda
- Sierra Rotakhina

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order at 3:33pm. Rowena Pineda, Council staff, facilitated roll call.

Nichole Banegas	absent
Co-Chair Maria Batayola	present
Maria Blancas	present
Tribal Rep TBD	vacant
The Honorable Jarred-Michael Erickson	joined at 3:55pm
Running-Grass	absent
Rosalinda Guillen	present
Aurora Martin	present
David Mendoza	present
Esther Min	absent
Todd Mitchell	joined at 3:40pm
AJ Dotzauer on behalf of The Honorable Misty Napeahi	joined at 4:10pm
Nirae Petty	present
Faaluaina Pritchard	present
Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	absent
Raeshawna Ware	absent

II. Approval of Agenda by Council

Aurora Martin, Council Member, called for a motion to adopt the agenda.

Motion: The Council adopts the agenda.

Motion/Second: Member Pritchard/ Member Guillen

The motion passed.

III. Approval of May 24, 2023 Meeting Notes by Council

Member Martin called for a motion to adopt the May 24, 2023 meeting notes.

Motion: The Council adopts the May 24, 2023 minutes.

Motion/Second: Member Pritchard/Member Guillen

The motion passed.

IV. Public Comments

Rosalinda Guillen, Council Member, opened the public comment period, announcing that this was an opportunity to hear from community members who wanted to provide comments on agenda items before the Council took action.

Katherine Woolverton, volunteer with 350 Seattle, 350 Washingtons Climate Action Team. She said she shared detailed written comments on CCA linkage and urged members to review. She said 350 Seattle urged a delay in any linkage implementation until the Council and Ecology could demonstrate that linkage would not dilute the strength of Washington's program, distract us from achieving environmental justice goals, and impede the state's ability to achieve targeted greenhouse gas emissions reductions.

Rosemary Sweeney said linking the CCA programs will undermine environmental justice goals and broader goals of the Climate Commitment Act. She said California had a lot of allowances and the price was lower. She said there would be less money in the investment accounts for overburdened communities and EJ projects would suffer a huge setback with linkage.

John Worthington said cap and trade never worked and will not work because of shipping emissions. He said the Department of Transportation has started to look at the shipping emissions and they expect to correct the problem in 2050.

Brock Howell, Executive Director with the Snohomish County Transportation Coalition, said how agencies prioritize their 2023-2025 CCA grant funding will set a precedent. He shared information from statute about how grant funding needs to be allocated by agencies. He said it is not clear that agencies are taking these requirements seriously, citing that at least one agency intends to allocate requirements for 35% of funding to go to overburdened communities at the agency level, rather than the specific grant program level. He said it is not clear how agencies will meet the 35% requirement or how they intend for communities to have direct and meaningful benefits.

Arvia Morris said she submitted written comments. She said there was an independent report on the ultra-high-speed rail project. She said the presentation to the Joint Transportation Committee is available on TVW. She said there are three important findings, including lack of analysis of climate benefits, inaccurate capital costs, and inaccurate time to completion estimates. She said she hoped the report helps people focus on other options for improved rail and why CCA funding is being used for this when there are no climate benefits.

V. Continue Discussion and Possible Council Action on CCA Linkage Program Needing an Environmental Justice Assessment

Co-Chair Batayola said they started discussing linkage at the May meeting and members wanted more time to discuss. David Mendoza, Council Member, said the Department of Ecology must conduct an Environmental Justice (EJ) Assessment but it is unclear when the assessment must be done. He hopes that the agency will conduct the assessment prior to making a preliminary decision in August. He said California has linked its system with Quebec but they have not had enough time to provide evaluation results. Member Guillen shared concerns on the impact on overburdened communities. Member Mendoza said the goal of the EJ Assessment is for Ecology to do the assessment to determine what those potential impacts would be and then the Council can make a

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recommendation whether to link the systems. Member Martin asked when they expected the analysis to be completed. Member Mendoza said late July or early August.

Motion: RCW 70A.65.060(3) requires the Department of Ecology to conduct an environmental justice (EJ) assessment on the decision to link carbon markets with Quebec and California to inform its decision if and when, to implement the linkage. Given that the law is unclear on when in the process Ecology needs to conduct that assessment, the Environmental Justice Council (Council) requests that the Department of Ecology 1) conduct an EJ assessment/cumulative impact analysis prior to making a decision on if and when to link markets with other jurisdictions, 2) open public comment after the EJ assessment is finalized and made publicly available, and 3) present the results of items 1 and 2 to the Council for review and development of its policy recommendation on linkage. The Council requests Ecology to respond in writing to this motion providing an estimated timeline to complete the actions in this motion and describing any barriers in meeting these requests the agency may face.

Motion Passed.

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.

Nichole Banegas	absent
Maria Batayola (EJ Council Co-Chair)	A
Maria Blancas	A
Tribal Rep TBD	--
The Honorable Jarred-Michael Erickson (EJ Council Co-Chair)	A, 2 nd motion
Running-Grass	absent
Rosalinda Guillen	A
Aurora Martin	A

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David Mendoza	A, 1 st motion
Esther Min	absent
Todd Mitchell	A
AJ on behalf of The Honorable Misty Napeahi	A
Nirae Petty	A
Faaluaina Pritchard	A
The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	absent
Raeshawna Ware	absent

VI. Discuss Guidance on HEAL Act Budgeting and Funding Requirements

Sierra Rotakhina, Council Staff, said the Council has convened an ad hoc Budget Committee. She referred members to a series of discussion questions in the meeting packet. Members discussed what EJ principles the Council might recommend agencies use and the purpose and utility of principles. Members shared that both the 1991 principles adopted by the First National People of Color Environmental Leadership Summit and the principles from the Environmental Justice Task Force provided good guidance for decision-making.

VII. Update and Discussion: Community Engagement Committee Projects

Member Martin provided an update on the HEAL Community Participation Fund. Front and Centered convened a community group to meet over three sessions to help define what the community grant would look like. Outreach activities are happening now and they anticipate the application to roll out in July. There are two tiers of funding—the first level is \$15,000-\$25,000 and the second level is \$5,000-\$10,000.

Member Petty presented the draft community engagement values and guidance. She said they were hoping the Council would consider adoption at their July meeting. She referred members to the draft guidance document (on file in meeting materials) and specifically highlighted the seven values. She said they are values and guidance for the Council itself as well as the HEAL agencies. She asked for member comments on the values and if there was anything missing. Member Guillen said she appreciated inclusion of interconnectedness and intersectionality. Co-Chair Batayola said it was consistent with their original in person committee meeting to develop these and she

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appreciated the references. She suggested defining community engagement as distinct from outreach. She also suggested calling out transparency, which implies honesty, candidness, and timely communication. Member Petty said transparency wasn't in values, but it is included in the guidance. Member Guillen agreed that outreach doesn't always involve a human connection. She said community engagement involves true connecting. Member Petty said they also need to add not reinventing the wheel and relying on community leadership that is already there. Ex Officio Member Millie Piazza suggested adding age to #6 (intersectionality) since it is a protected status and part of EJ-oriented engagement.

Member Petty reviewed the nine guidance statements (on file in meeting materials). Co-Chair Batayola suggested adding something about coordination among agencies in order to limit exhaustion among community members.

Rowena Pineda, Council Staff, said the Council now had time to continue discussion about overburdened communities and vulnerable populations. Members discussed using a process versus a list and how it could be an iterative process that uses both and is refined over time. Member Blancas asked about the community listening sessions and Sierra Rotakhina said she would share a summary with members. Ex Officio Member Michael Furze said in Oregon, they were pursuing using lived experience as a rationale to attest that communities were overburdened or vulnerable. He asked for Council member's comments and thoughts on self-attestation. Member Martin said she would be open to it. She said if state agencies used a list of all census tracts scored as 7 or above on the Environmental Health Disparities (EHD) Map, it would be inclusive and include communities experiencing the majority of health disparities and give agencies the flexibility to make decisions based on resources available. Ex Officio Member Millie Piazza urged members to think about how this is approached nationally. She said race and income are the two leading indicators that predict which communities are affected by environmental harm. She added that her concern with the EHD map, is that it is a cumulative impacts map, not an EJ map. She said in her practice, she uses it in conjunction with EJ Screen to add the income and race layers. She said using them together, helps to determine which communities are affected by environmental injustice. Co-Chair Batayola said that the Department of Health has always said that the EHD map is a starting

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point and lived experience needs to be factored in. Member Blancas said we need a process for identifying overburdened communities that is consistent across agencies and be mindful that self-attestation does not place additional burden on those communities. She said she doesn't know what self-attestation would look like, but she is excited to explore. Rowena Pineda said agencies are creating a process document for identifying overburdened communities and vulnerable populations and hopefully, it can be shared with the Council soon. Co-Chair Batayola thanked the agencies for all the work they are doing outside of the meetings.

The Council took a break at 5:39pm and reconvened at 5:45pm.

VIII. Public Comment

Member Guillen opened up the second public comment period.

John Worthington, shared his opinion that work to implement the HEAL Act is "globalist". He stressed the need to educate youth so they can decide their priorities.

IX. Continue Discussion on Environmental Justice Assessments

Rowena Pineda referred members to the memo in their meeting packet. She said the newest version of the EJ Assessment template is being reviewed by the Assistant Attorney Generals and the Tribal Liaisons' workgroup. She said the EJ Assessment implementation at each agency will be phased in with starts and stops based on Significant Agency Actions requiring EJ Assessments. In the next few months, there will be time for updates as the agencies start to implement the EJ Assessment.

Member Martin stressed the need for agencies to engage communities during the EJ Assessments.

Co-Chair Batayola commented on how the first version of the EJ Assessment was very robust and the second version is a much shorter checklist. Ex Officio Member Ahmer Nizam said the form is short, but a completed assessment could be much more significant. Member Mendoza said the checklist is only the minimum requirements and agencies can add to it. He added that the process

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for how to complete the EJ Assessment will be included in the guidance and is still under development. Members discussed how EJ Assessments could be shared with community and how the community engagement guidance could inform that communication. Co-Chair Batayola said community engagement needs to be on both ends of the process. She said agencies will host workshops in July and August for EJC members on the EJ Assessment tool.

X. Executive Committee Update

Co-Chair Batayola shared a proposed agenda for the Council retreat in August. Member Blancas asked for it to be a location with outdoor space so they could get some fresh air. Co-Chair Batayola asked members to look at their calendars for August 21 and August 25 and took an informal poll for availability. She directed staff to reach out to members not in attendance to identify the best day. She encouraged members to share ideas for how to make the retreat a positive experience.

XI. Appreciation and Adjournment

Co-Chair Batayola thanked everyone and adjourned the meeting at 6:27 pm.