

Environmental Justice Council

October 26, 2023 Meeting Materials

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Public Comments	No Written Comments When Meeting Packet Posted

Consejo de Justicia Ambiental (EJC)

Jueves 26 de octubre de 2023

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

Para unirse al webinar, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/81747864781>

Id. del webinar: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del webinar: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/u/kd6MqgTvTL>

Objetivos de la reunión:

1. Debatir, editar según sea necesario y adoptar una recomendación del Consejo sobre si la ecología debería o no vincular el Programa de Limite e Inversión de Washington con los programas de California y Quebec.
2. Debatir, editar según sea necesario y adoptar recomendaciones presupuestarias adicionales específicas para las solicitudes de financiamiento de agencias presentadas a la Oficina de Gestión Financiera en septiembre y una recomendación suplementaria sobre la calidad del agua.
3. El Consejo y las agencias de la HEAL (por su sigla en inglés, Medioambiente Sano para Todos) debatirán el borrador del informe del Consejo, las ediciones necesarias y la información esencial que debe comunicarse al público, la legislatura y el gobernador.
4. Continuar debatiendo el proceso del Consejo para interactuar con el gobernador y la legislatura antes y durante la sesión legislativa de 2024. Potencialmente adoptar un proceso o partes de un proceso centrado en las actividades previas a la sesión.

Orden del día

A las 3:20 p. m., los invitamos a participar de una presentación sobre cómo activar los subtítulos descriptivos y cómo unirse al canal de interpretación en español.

De 3:30 p. m. a 3:35 p. m.	I. Bienvenida y pasaje de lista para verificar que haya cuórum	El honorable Jarred-Michael Erickson Copresidenta Maria Batayola Miembros del Consejo
De 3:35 p. m. a 3:40 p. m.	II. Aprobación del orden del día por parte del Consejo	Miembro del Consejo Aurora Martin
	III. Aprobación de las notas de la reunión del 28 de septiembre de 2023 por parte del Consejo - Posibles medidas del Consejo	Miembros del Consejo
De 3:40 p. m. a 3:50 p. m.	IV. Consulta popular	Miembro del Consejo Rosalinda Guillen
De 3:50 p. m. a 4:35 p. m.	V. Considerar la adopción de una recomendación del Consejo sobre si la ecología debería o no vincular el Programa de Limite e Inversión de Washington con los programas de California y Quebec Objetivo: Debatir, modificar según sea necesario y adoptar un lenguaje de recomendación - Posibles medidas del Consejo	Copresidenta Maria Batayola Comité de la CCA Jonathan Chen, miembro del equipo del Consejo
Receso de 5 minutos		
De 4:40 p. m. a 5:00 p. m.	VI. Considerar la adopción de las recomendaciones adicionales sobre el presupuesto de 2024 para la Ley de Compromiso Climático y Ley HEAL Objetivo: Debatir, editar según sea necesario y adoptar recomendaciones presupuestarias	Copresidenta Maria Batayola Comité presupuestario <i>ad hoc</i> Sierra Rotakhina, miembro del equipo del Consejo Miembros del Consejo

	<p>adicionales específicas para las solicitudes de financiamiento de agencias presentadas a la Oficina de Gestión Financiera en septiembre y recomendaciones suplementarias sobre la calidad del agua</p> <p>- Posibles medidas del Consejo</p>	
De 5:00 p. m. a 5:35 p. m.	<p>VII. Debatir el borrador de actualización e informe para el público, la legislatura y el gobernador</p> <p>Objetivos: El Consejo y las agencias de la HEAL debatirán el borrador del informe del Consejo, las ediciones necesarias y la información esencial que debe comunicarse al público, la legislatura y el gobernador.</p>	<p>El honorable Jarred-Michael Erickson</p> <p>Miembros del Consejo</p>
Receso de 5 minutos		
De 5:40 p. m. a 5:50 p. m.	<p>VIII. Consulta popular</p>	<p>Miembro del Consejo Rosalinda Guillen</p>
De 5:50 p. m. a 6:15 p. m.	<p>IX. Debatir el proceso del Consejo para interactuar con el gobernador y la legislatura antes y durante la sesión legislativa de 2024</p> <p>Objetivo: Continuar el debate que el Consejo inició en su reunión del 25 de agosto de 2023 sobre el proceso que el Consejo quiere utilizar. Potencialmente adoptar un proceso o partes de un proceso centrado en las actividades previas a la sesión.</p>	<p>Miembro del Consejo Esther Min</p>

- Posibles medidas del Consejo		
De 6:15 p. m. a 6:25 p. m.	X. Actualización sobre la planificación para el Consejo Asesor Juvenil Objetivo: Recibir una actualización y brindar comentarios sobre la planificación del Comité de Participación Comunitaria para que un Consejo Asesor Juvenil garantice que las voces de los jóvenes informen el trabajo del Consejo.	Miembro del Consejo NiRae Petty Markez Jackson, Grupo de Trabajo para Aportar Ideas del Consejo Asesor Juvenil
De 6:25 p. m. a 6:30 p. m.	XI. Agradecimientos y cierre	Copresidenta Maria Batayola El honorable Jarred-Michael Erickson

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 diferente o formato alternativo, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council (EJC)

Thursday, October 26, 2023

3:30pm – 6:30pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81747864781>

Webinar ID: 817 4786 4781

Or Join by Phone: +1 253 215 8782

Webinar ID: 817 4786 4781

International numbers available: <https://us02web.zoom.us/u/kd6MqgTvTL>

Meeting Goals:

1. Discuss, edit as needed, and adopt a Council recommendation on whether or not Ecology should link Washington's Cap and Invest Program to California and Quebec's programs.
2. Discuss, edit as needed, and adopt additional budget recommendations specific to agency funding requests submitted to the Office of Financial Management in September and one supplemental water quality recommendation.
3. Council and HEAL agencies discuss the draft Council report, edits needed, and essential information that needs to be communicated to the Public, Legislature, and Governor.
4. Continue discussing the Council process for engaging with the Governor and Legislature before and during the 2024 legislative session. Potentially adopt a process or portions of a process focused on pre-session activities.

Agenda

Please join us at 3:20pm for a presentation on how to turn on closed captions and join the Spanish interpretation channel.

3:30 PM – 3:35 PM	I. Welcome and Roll Call for Quorum	The Honorable Jarred-Michael Erickson Co-Chair Maria Batayola Council Members
3:35 PM – 3:40 PM Meeting notes on page 9 .	II. Approval of Agenda by Council III. Approval of September 28, 2023 Meeting notes by Council -Possible Council Action	Council Member Aurora Martin Council Members
3:40 PM – 3:50 PM	IV. Public Comment	Council Member Rosalinda Guillen
3:50 PM – 4:35 PM Materials on page 18 .	V. Consider Adoption of Council Recommendation on Whether or Not Ecology Should Link Washington’s Cap and Invest Program to California and Quebec’s Programs Goal: Discuss, edit as needed, and adopt recommendation language -Possible Council Action	Co-Chair Maria Batayola Climate Commitment Act Committee Jonathan Chen, Council Staff
5 Minute Break		

<p>4:40 PM – 5:00 PM</p> <p>Materials on page 24.</p>	<p>VI. Consider Adoption of Additional Climate Commitment Act & HEAL Act 2024 Budget Recommendations</p> <p>Goal: Discuss, edit as needed, and adopt additional budget recommendations specific to agency funding requests submitted to the Office of Financial Management in September and supplemental water quality recommendation</p> <p>-Possible Council Action</p>	<p>Co-Chair Maria Batayola</p> <p>Ad Hoc Budget Committee</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>5:00 PM – 5:35 PM</p> <p>Materials on page 70.</p>	<p>VII. Discuss Draft Update and Report Due to the Public, Legislature, and Governor</p> <p>Goals: Council and HEAL agencies discuss the draft Council report, edits needed, and essential information that needs to be communicated to the Public, Legislature, and Governor.</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Council Members</p>
<p>5 Minute Break</p>		
<p>5:40 PM – 5:50 PM</p>	<p>VIII. Public Comment</p>	<p>Council Member Rosalinda Guillen</p>
<p>5:50 PM – 6:15 PM</p> <p>Materials on page 100.</p>	<p>IX. Discuss Council Process for Engaging with the Governor and Legislature before and during the 2024 Legislative Session</p>	<p>Council Member Esther Min</p>

	<p>Goal: Continue discussion the Council started at their August 25, 2023 meeting about the process the Council wants to use. Potentially adopt a process or portions of a process focused on pre-session activities.</p> <p>-Possible Council Action</p>	
<p>6:15 PM – 6:25 PM</p> <p>Materials on page 105.</p>	<p>X. Update on Planning for Youth Advisory Council</p> <p>Goal: Receive an update and provide feedback on the Community Engagement Committee’s planning for a Youth Advisory Council to ensure youth voices inform the Council’s work.</p>	<p>Council Member NiRae Petty</p> <p>Markez Jackson, Youth Advisory Council Brainstorming Workgroup</p>
<p>6:25 PM – 6:30 PM</p>	<p>XI. Appreciations and Adjournment</p>	<p>Co-Chair Maria Batayola The Honorable Jarred-Michael Erickson</p>

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

09/28/2023

Virtual 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/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 Co-Chair Maria Batayola
- 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 Delegate AJ Dotzauer on behalf of The Honorable Misty Napeahi
- Council Member NiRae Petty
- Council Member Faaluaina Pritchard
- Council Member Raeshawna Ware

Council Members absent:

- Council Member Nichole Banegas
- Council Member Maria Blancas
- Council Interim Co-Chair, the Honorable Jarred-Michael Erickson

Agency Ex Officio Liaisons present:

- Lea Anne Burke, 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:

- Jonathan Chen
- Christy Curwick Hoff
- Rowena Pineda
- Sierra Rotakhina

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the public meeting to order. She noted that there are two public comment periods. Rowena Pineda, Council Staff, facilitated roll call.

Nichole Banegas	Absent
Maria Batayola (EJ Council Co-Chair)	Present
Maria Blancas	Absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Absent
Running-Grass	Present
Rosalinda Guillen	Present
Aurora Martin	Present
David Mendoza	Present
Esther Min	Present
Todd Mitchell	Present
AJ Dotzauer on behalf of The Honorable Misty Napeahi	Present
NiRae Petty	Present
Faaluaina Pritchard	Present
Raeshawna Ware	Present

II. Approval of Agenda by Council

Aurora Martin, Council Member, facilitated adoption of the agenda.

Motion: The Council adopts the agenda.

No objections noted. The motion passed.

III. Approval of July 27, 2023 and August 25, 2023 Meeting Notes by Council

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Member Martin facilitated adoption of the July 27, 2023 and August 25, 2023 meeting notes.

Motion: The Council adopts the July 27, 2023 and August 25, 2023 Meeting notes.

No objections noted. The motion passed.

IV. Public Comment

Rosalinda Guillen, Council Member, opened up the public comment period.

Nico Wedekind, Front and Centered, shared recommendations for identifying overburdened communities. In cases where the Legislature or an agency is taking action, they recommend a broader definition of areas ranked 7+ on the Environmental Health Disparities Map, or Tribal lands, or areas that are on the White House CEQ Climate and Economic Justice Screening Tool. In programmatic definitions, they recommend including households that are 200% below the poverty level, those with limited English proficiency, those working outdoors, or those with other vulnerabilities that are relevant to the program. For budget items, they recommend using a more targeted approach – identifying need similar to the broad definition but also narrowing down to recognize there may be limited funding opportunities. All uses should result in publicly available lists and a petition for inclusion/exclusion and should recognize the need for community input.

Guillermo Rogel, Front and Centered coalition, thanked members for their service. They analyzed the budget and found less than 7% of CCA funding was explicitly and exclusively allocated to the benefit of overburdened communities when isolating for non-tribal appropriations – this is short of the 35% minimum. Tribes will decide if their portion has been realized. They conclude that the appropriations did not meet the CCA requirements. He said changes can be made for the supplemental budget. He encouraged the Council to continue advocacy.

Marcy Bowers, Statewide Poverty Action Network, spoke on community assemblies. She said the proposal was developed after 20 years of listening to communities. They've heard about a lack of resources and how people feel treated badly by the system. They engaged in the Poverty Reduction Workgroup. They had a steering committee that created a 10-year plan, which was guided by

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community members. They have requested funding to pilot statewide assemblies that build on many years of work.

Faduma Fido, Peoples Economy Lab, added to points that the previous speaker shared and emphasized the cross-boundary collaboration in piloting assemblies across the state. She provided information on the statewide, geographically diverse organizations that are collaborating on this project. She said assemblies are an opportunity to strengthen communities' institutional leadership at the grassroots level to understand and diagnose policy.

Camille Gipaya, said she is supporting the recommendation to make school environments healthy and safe. She spoke to how students spend a lot of time in these environments. As climate change increases, weather events, such as flooding and fires, will exacerbate health inequities and children will face the consequences of indoor air quality problems. The health and wellness of students must be priorities. She emphasized the need to prioritize funding for upgrades and system maintenance for K-12 schools. She spoke to the need to monitor the school environment.

Paulina Lopez, Duwamish River Community Coalition, thanked the Council for its work and said it is an important time to acknowledge environmental justice. She stressed the importance of centering community voice and working with communities to design policies. She spoke to the cumulative impacts facing her community and how it influences life expectancy. She added the importance of centering the voice of youth of color.

Ahlmahz Negash, Principal Investigator at UW, invited Council Members to participate in an energy justice project. She said they have seen a large increase in energy justice laws, and they all have provisions for equitable costs and benefits. The laws are vague in definitions or lacking in accountability. There are differences in definitions. For these policies to achieve intended goals we need a well understood definition of energy justice. The research aims to develop a model to allow decision makers to understand the complexity of energy justice factors and how they interact as a system. She said she is available to answer questions.

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Jean Mendoza submitted the following written comments: My computer connection is weak. Here are my public comments. The WA State Dept. of Commerce has allocated half a million dollars for an anaerobic manure digester to be built in Sunnyside, WA. This will be one of the largest manure digesters in the nation, if not the largest. It will be constructed in the midst of family homes, in a part of Washington designated as underserved and overburdened. There was a SEPA review for this project with a determination of mitigated non-significance. Ecology did not comment on air emissions. Neither did the Yakima Regional Clean Air Agency, even though the plan calls for 140 truck trips per day hauling manure to and through the City of Sunnyside. The SEPA review was only advertised by posting a sign in the corn fields where the digester will be built, and by sending letters to properties that directly border the project. I ask Millie & Michael to take this [information] back to your respective agencies. Thank you.

V. Discussion and Potential Adoption of Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work

Running Grass, Council Member, and Co-Chair Batayola provided some background information for the proposal. Members discussed whether support individuals could be assigned to multiple committees or not. They agreed to pilot the policy as written and assess how it goes.

Motion: The Environmental Justice Council adopts the “Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work” with any amendments agreed to by the full Council on September 28, 2023.

The 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.

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.

Nichole Banegas	Absent
Maria Batayola (EJ Council Co-Chair)	A
Maria Blancas	Absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Absent
Running-Grass	B
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Esther Min	Absent
Todd Mitchell	A
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	D
Raeshawna Ware	B

VI. Adopt Climate Commitment Act & HEAL Act 2024 Budget Recommendations

Co-Chair Batayola said adopting budget recommendations at today's meeting would be timely for influencing the Governor's 2024 supplemental budget proposals. Council members discussed the budget proposals. Members discussed the proposal for a CCA mitigation fund and whether it should be turned into an anti-displacement fund to prevent green gentrification. They agreed that a new anti-displacement fund could be developed as an additional recommendation for the future.

Motion 1 (Recommendations with Agreement): The Environmental Justice Council adopts the following [2024 Supplemental Budget Recommendations](#) as presented by the Budget Committee of the Council: #'s 1, 2, 5, 6, 7, 8, 10, 11, 12, 13, and 14.

The Council directs staff to work with Council Members (appointed and ex officio members), the Governor's Office, the Office of Financial Management, relevant agencies, and others as needed to continue to refine the budget estimates and other details (such as identifying the most appropriate implementing agency) while centering the intent of the recommendations adopted today.

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.

The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets.

The Motion Passed (#’s 1, 2, 5, 6, 7, 8, 10, 11, 12, 13, and 14 adopted without edits)

- 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	Absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Absent
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Esther Min	Absent
Todd Mitchell	B
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	A
Raeshawna Ware	A

Motion 2: The Environmental Justice Council adopts the following [2024 Supplemental Budget Recommendations](#) as presented by the Budget Committee of the Council with any amendments agreed to by the full Council on September 28, 2023: #3 (Community Assemblies).

The Council directs staff to work with Council Members (appointed and ex officio members), the Governor’s Office, the Office of Financial Management, relevant agencies, and others as needed to continue to refine the budget estimates and other details (such as identifying the most appropriate implementing agency) while centering the intent of the recommendations adopted today.

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.

The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets.

The Motion Passed (#3 adopted with edits agreed to by the full Council)

- 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	Absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Absent
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	F
David Mendoza	A
Esther Min	Absent
Todd Mitchell	A
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	Absent
Raeshawna Ware	A

Motion 3: The Environmental Justice Council adopts the following [2024 Supplemental Budget Recommendations](#) as presented by the Budget Committee of the Council with any amendments agreed to by the full Council on September 28, 2023: #4 and #9

The Council directs staff to work with Council Members (appointed and ex officio members), the Governor’s Office, the Office of Financial Management, relevant agencies, and others as needed to continue to refine the budget estimates and other details (such as identifying the most appropriate implementing agency) while centering the intent of the recommendations adopted today.

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The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets. **The Motion Passed (#4 and #9 adopted with edits to #9 agreed to by the full Council)**

- 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	Absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Absent
Running-Grass	A
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Esther Min	Absent
Todd Mitchell	A
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	Absent
Raeshawna Ware	B

VII. Discussion on Linking Washington’s Cap and Invest Program

The Council discussed the draft statement on linkage developed by the Council Climate Commitment Act (CCA) Committee. David Mendoza, Council Member, said there would be drop-in workshops for members to ask questions. He invited members to attend the next CCA Committee and said the committee would bring a proposal to the Council for a possible vote at their October meeting.

VIII. Appreciation and Adjournment

Co-Chair Batayola adjourned the meeting.

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: October 26, 2023

To: Environmental Justice Council

From: Jonathan Chen, Council Climate Justice Advisor

Subject: Environmental Justice Council Letter to Ecology Re: Linkage

Background

The Department of Ecology (Ecology) is exploring whether to link Washington's Cap-and-Invest program to carbon market programs in California and Quebec (linkage) as described in [RCW 70A.65.060\(3\)](#) and [RCW 70A.65.210](#).

[RCW 70A.65.040](#) gives the Environmental Justice Council (Council) the responsibility to provide recommendations to the Legislature, agencies, and the Governor about linkage. The Climate Commitment Act Committee (Committee) analyzed the potential impacts of linkage on overburdened communities and vulnerable populations to develop a recommendation for the Council to consider adopting.

The Committee made the recommendation that Washington not link at this time after taking the following actions to fully consider this issue: hosted a presentation on linkage by Ecology on 4/13/23; hosted subsequent meetings with Ecology for them to respond to the Committee's questions on 6/8/23 and 9/14/23; hosted an informational presentation by Dr. Leah Stokes and Dr. Matto Mildenberger about carbon markets and linkage on 7/13/23; received analysis of linkage from Danny Cullenward; received analysis of the public health impacts of linkage from Dr. Jonathan London and Dr. Lara Cushing (please refer to the Council's [7/27/23 meeting](#)

[materials](#) for more information); hosted a discussion with the Council during the meeting on [9/28/23](#). In addition, the Council hosted a presentation on linkage by Ecology on [7/25/23](#).

In preparation for the vote today, the Committee invited Council Members to discuss their recommendation during their meeting on 10/12/23. Council staff also invited Council Members to meet individually to discuss any questions or concerns they had. In addition, Ecology provided five drop-in sessions for Council Members to ask them questions.

Recommended Action

The Committee recommends the Council discuss, amend as necessary, and adopt the following motion:

The Environmental Justice Council adopts the Letter to Ecology Re: Linkage as drafted by its Climate Commitment Act Committee.

Staff Contact

Jonathan Chen, Climate Justice Advisor, jonathan.chen@ejc.wa.gov, 564.669.3837

This draft Letter to Ecology is for discussion only by the Environmental Justice Council.
The Council has not adopted this.

Director Laura Watson
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98501-7600

October 26, 2023

Dear Director Watson,

[RCW 70A.02.110](#) gives the Environmental Justice Council (Council) the responsibility to incorporate and uphold environmental justice, as defined in RCW [70A.02.010](#), in state government. RCW [70A.65.040](#) gives the Council the responsibility to provide recommendations to the Legislature, agencies, and the Governor in the development and implementation of the program established in RCW 70A.65.060 through 70A.65.210, including linkage with other jurisdictions.

When fulfilling such responsibilities, the Council utilizes the Precautionary Principle, a key approach to environmental justice that emphasizes caution, pausing, and careful review before leaping into new innovations that may prove harmful (Morello-Frosch, et al., 2002; Read and O'Riordan, 2017).

The Precautionary Principle shifts the responsibility for assuring safety of a proposed action or innovation to the proponent of the action and not on those who might be impacted by the action and oppose it. The information Ecology has provided to the Committee leaves a great deal of uncertainty whether linking Washington's carbon market with California and Quebec, Canada will have a negative impact on overburdened communities and vulnerable populations (as defined in RCW 70A.02.010) and whether linking would diminish the ultimate success of Washington's greenhouse gas reduction and air quality programs. While Ecology has articulated a number of strategies and tools to mitigate potential harms, Council confidence in their efficacy and the ability of Ecology to identify and act expeditiously is low. Furthermore, the potential benefits to impacted communities are based on models and projections that are speculative and uncertain. Ecology has not met a precautionary principal standard because it

This draft Letter to Ecology is for discussion only by the Environmental Justice Council.
The Council has not adopted this.

has not been able to guarantee linkage will not harm overburdened communities or analogous communities in the aggregate. As such, the Council recommends that Ecology not link Washington's carbon market with California and Quebec at this time based on these concerns to date:

1. A linked market may have an overall negative effect on overburdened communities or analogous communities in any jurisdiction relative to the baseline level of greenhouse gas (GHG) emissions.
2. A linked market may not provide overall economic benefits and improved health outcomes to vulnerable populations and overburdened communities in Washington.
3. A linked market may negatively impact Washington's ability to meet the GHG emissions reduction commitments set in state law or negatively impact air quality in overburdened communities.
4. A decrease in allowance price may disincentivize covered entities in Washington from significantly reducing their GHG emissions or prevent sufficiently funding critical investments in decarbonization and in overburdened communities through the Climate Commitment Act.
5. Unused allowances from covered entities that exist in both Washington and another linking jurisdiction may result in an increase of GHG emissions in Washington.
6. There has been no study or consideration of protocols, other than linkage, to mitigate the impacts of increased energy prices on low-income consumers.
7. The ability for Washington's air quality program to reduce criteria pollutants in overburdened communities may be negatively impacted through linkage.

To address the concerns we have identified, the Council recommends Ecology provide precautionary protections to overburdened communities and vulnerable populations in addition to providing assurances that such protections will be upheld when entering Linkage negotiations. Examples of precautionary protections include ideas such as:

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1. [Facility specific caps](#) (to address Concerns #1, #2, #7).
2. Prohibiting the use of unused allowances issued prior to Washington linking to California and Quebec (to address Concerns #3, #4, #5).
3. The establishment of [“no-trade zones”](#) in or near overburdened communities (to address Concerns #1, #2, #7).
4. Limiting the use of offsets (to address Concerns #3, #4, #5).
5. The establishment of expiry dates for stored allowances (to address Concerns #3, #4, #5).

The Climate Commitment Act was designed to directly address concerns found in programs in California, Quebec, and other jurisdictions with similar programs. If Ecology decides, against our recommendation, to further pursue linkage without the needed assurances, it should only do so by adhering to the goals and standards in Washington’s program, agreeing only to conditions that maintain or strengthen critical components of our own program.

Further, should any legislation to facilitate linkage be needed, consistent with RCW 70A.02.060, the legislation must undergo an environmental justice assessment, requiring Ecology to work cooperatively and iteratively with the Council and any relevant committee.

The Council welcomes and expects collaboration and continuing dialogue to ensure environmental justice is a priority when considering linkage. We are committed to continuing dialogue with Ecology and further exploring incentives to reducing greenhouse gas emissions.

Respectfully,

Environmental Justice Council

CC: Heather Bartlett, Luke Martland, Andrew Hayes, Stephanie Potts, Kathy Taylor, Claire Boyte-White, Becky Kelly, Carrie Sessions, Sierra Rotakhina, Jonathan Chen, Rowena Pineda, Christy Hoff, Angie Ellis, Sauncha Romey, Amina Al-Tarouti

This draft Letter to Ecology is for discussion only by the Environmental Justice Council.
The Council has not adopted this.

Rupert Read & Tim O'Riordan (2017) The Precautionary Principle Under Fire. *Environment: Science and Policy for Sustainable Development*. 59:5, 4-15, DOI: 10.1080/00139157.2017.1350005

Morello-Frosch, R., Pastor, M., & Sadd, J. (2002). Integrating Environmental Justice and the Precautionary Principle in Research and Policy Making: The Case of Ambient Air Toxics Exposures and Health Risks among Schoolchildren in Los Angeles. *The Annals of the American Academy of Political and Social Science*, 584, 47–68.

<http://www.jstor.org/stable/1049766>

DRAFT

Environmental Justice Council

Date: October 26, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Additional 2024 Supplemental Budget Recommendations

Background and Summary:

[RCW 70A.65.040](#) gives the Council authority to provide recommendations to the Legislature, agencies, and the Governor in spending Climate Commitment Act (CCA) revenues. At its September meeting, the Council adopted [14 recommendations](#) for funding in the 2024 supplemental budget. These have been submitted to the Governor and Legislature. State agencies were required to submit their budget requests (i.e., Decision Packages) to the Office of Financial Management by September 13, 2023. This deadline did not allow sufficient time for the Council to consider whether it wanted to endorse any of those budget requests during its last meeting.

In addition, Council Members and staff have recently become engaged in conversations about drinking water crises that are affecting communities across Washington, and particularly impacting overburdened communities.

Today's meeting provides an opportunity for the Council to learn about and consider adopting recommendations to support agency budget requests that are directly related to HEAL implementation and to provide funding for communities who do not have access to drinkable water across the state.

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.

Recommended Action:

The Council will discuss, amend as necessary, and consider adoption of the following motion:

The Environmental Justice Council adopts the additional 2024 Supplemental Budget Recommendations as presented with any amendments agreed to by the full Council on October 26, 2023.

The Council directs staff to work with Council Members (appointed and ex officio members), the Governor's Office, the Office of Financial Management, relevant agencies, and others as needed to continue to refine the budget estimates and other details while centering the intent of the recommendations adopted today.

The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets.

Staff Contact

Sierra Rotakhina, Environmental Justice 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 2024 Supplemental Budget Recommendations

Draft for discussion by the EJ Council on October 26, 2023

This document has been prepared by staff for Council discussion only – it has not been approved by the Environmental Justice Council

Newly Identified Urgent Community Needs

15. Clean and Safe Drinking Water

Background and Rational: Communities across Washington State are experiencing drinking water crises. Many communities do not have consistent access to clean and safe drinking water. According to a 2021 Department of Health update, almost a dozen Group A public water systems and over 200 private wells in five areas of the state are known to have PFAS (per- and polyfluoroalkyl substances) contamination in their groundwater supplies above EPA advisory and state health action levels.¹ Communities across Washington have experienced drinking water alerts advising them to not drink the water as a result of a variety of contaminants such as nitrates, *E. coli*, and PFOS (perfluorooctane sulfonic acid) and PFOA (perfluorooctanoic acid) (which are members of the PFAS chemical group).² Many additional communities only have access to water with unregulated contaminants causing taste, odor issues and/or water discoloration issues that make their water undrinkable. While some communities have managerial and financial capacity to access the funding to install voluntary treatment systems, overburdened communities are hit particularly hard by these water quality issues as cumulative environmental contaminants create and exacerbate health inequities. In addition, low-income households are less likely to be able to purchase bottled water and water filters and are more likely to have to sacrifice other essentials in order to purchase clean, safe drinking water.

¹ Washington State Department of Health. PFAS, Drinking Water, & State Action Levels Overview. 2021. Accessed October 12, 2023. Available at [PFAS Overview Adopt.pdf \(wa.gov\)](#).

² Washington State Department of Health. Drinking Water Alerts. Accessed October 12, 2023. Available at [Drinking Water Alerts | Washington State Department of Health](#)).

Current funding levels and sources such as the Drinking Water State Revolving Fund and the Public Works Board Loan Program are meaningful but are not sufficient to address the need. There is a need for additional funding (similar to the Emergency Rapid Response funding at Commerce), funding that can be rapidly deployed, and funding that does not require a match or repayment by the local government. The lack of access to clean drinking water in many communities across the state is a pressing environmental justice issue that is being exacerbated by climate change, increasing drought emergencies, and growing demands on the water sources.

Proposal: Fund a spectrum of immediate, medium-term, and long-term solutions for overburdened communities who do not have access to drinkable water across the state. This funding should have diverse geographic distribution and reach both rural and urban areas; be low-barrier to access; be accessible for Group A and Group B water systems as well as private wells; and be set up in a way that allows the funds to be administered very quickly when requested by an overburdened community facing a drinking water crisis. The funds should not require a match or repayment by the local government and should be set up to allow for prepayment rather than reimbursement so that communities without resources to pre-purchase needed supplies and be reimbursed later are not prevented from accessing these funds. The funds should be flexible to meet the needs identified by the community, including, but not limited to, water sampling and testing, installing and purchasing treatment systems, providing bottled water and/or trucked in water, providing water filters, setting up watering stations, drilling new wells, replacing old pipes, technical assistance and capacity building to apply for grants, and community engagement and education resources. It is important that the funds are not only available to overburdened communities with drinking water contaminants with set maximum contamination levels but also to overburdened communities who are reporting health and other issues (such as taste and odor issues) that make their water undrinkable. Every community in Washington should have access to clean, clear drinking water. This funding is not intended to displace the responsibility of drinking water systems to comply with state and federal laws, regulations, and rules.

HEAL Implementation Agency Decision Packages

16. Environmental Justice Council Decision Package (Department of Health) (see [page 32](#) of meeting packet for full decision package)

Background and Rationale: Last year the Department of Health submitted a decision package for ongoing funds for work to implement the Healthy Environment for All (HEAL) Act. That decision package was not fully funded. The Environmental Justice Council staff are requesting the funding that was not allocated last year to address unmet need. In addition, the Council staff are requesting funding for a new body of work that Council staff will need to complete as a result of new programs funded in the 2023-2025 biennial budget. Specifically, the budget provided Climate Commitment Act funds for 15 non-HEAL agencies. Per statute, these agencies are now required to develop community engagement plans using Council guidance. This creates a new workload for Council staff to provide technical assistance and to support the Council in reviewing the plans. The decision package would support 2.5 FTE and contracts to fund EJ Council community engagement and facilitation and project management support for the HEAL Interagency Work Group.

Proposal: The Council endorses the Department of Health 2024 Supplemental Decision Package for the Environmental Justice Council for \$444,000 in FY25 and ongoing.

17. Implementing HEAL Act: Department of Health (see [page 38](#) of meeting packet for full decision package)

Background and Rationale: Last year the Department of Health (DOH) submitted a decision package for HEAL Implementation that was not fully funded and DOH has had to prioritize which positions to fill and which to remain unfunded. DOH requires fiscal support to help manage, track, and report on HEAL budget expenditures and support implementation of the budget and funding obligation of HEAL. DOH also requires contract funds for overall

implementation efforts. In addition, DOH is planning to: 1) migrate the Environmental Health disparities map to its Enterprise Geographic Information System to create sustainability for the map and will require additional Information Technology support for the transition, 2) add additional features requested by community and tribes, and 3) maintain the map moving forward. DOH also requests support to fulfill its requirement to provide training and consultation to agencies on the use of the map. The decision package would support 3.5 FTE and funding for personal services and contracts to support the implementation of HEAL obligations.

Proposal: The Council endorses the Department of Health 2024 Supplemental Decision Package for Implementing HEAL Act for \$164,000 in FY24, \$570,000 in FY25, and ongoing.

18. Tribal Affairs Liaison: Department of Agriculture

(see [page 45](#) of meeting packet for full decision package)

Background and Rationale: The Washington State Department of Agriculture (WSDA) is requesting funding for a Tribal Liaison position to manage tribal relationships and responsibilities to comply with federal and state regulations, the Centennial Accord, and to support implementation of the HEAL Act and the Pro-Equity Anti-Racism (PEAR) plan. This position would be responsible for ensuring government-to-government relationships with Tribes.

Proposal: The Council endorses the WSDA's 2024 Supplemental Decision Package for a Tribal Affairs Liaison for \$251,000 in FY24, \$257,000 in FY25, and ongoing.

19. Strengthening Tribal Relations: Department of Commerce

(see [page 51](#) of meeting packet for full decision package)

Background and Rationale: In a bid to fortify ties with tribal partners, an expansion of the Office of Tribal Relations is proposed. This office will support agency staff in tribal relations and consultations while forging and upholding relationships with tribal nations. The plan aims to ensure:

- Consistent tribal consultation experiences.
- Targeted tribal technical assistance.
- Enhanced unit coordination.
- Opportunities for work experience in state-tribe relations.

The staffing requirements for this expansion are detailed, showcasing the need for various Commerce Specialist roles over the coming fiscal years.

Proposal: The Council endorses the Department of Commerce’s 2024 Supplemental Decision Package for Strengthening Tribal Relations for 1.2 FTE and \$195,000 in FY24 and 4.0 FTE and \$724,000 in FY25 and ongoing.

20. Contracts Equity & Data Modernization: Department of Commerce (see [page 60](#) of meeting packet for full decision package)

Background and Rationale: The proposed plan is to enable Commerce to uphold its equity commitments by enhancing data management. By standardizing demographic and geographic data collection from organizations that benefit from Commerce, either directly or indirectly through grants, informed decision-making becomes feasible. This venture will allow Commerce to evaluate its impact, dissect data to pinpoint opportunities, and pursue equitable investments. Furthermore, this will also promote effective collaboration with other agencies and partners in Washington.

However, there are challenges:

- The existing data practices at Commerce are disjointed and not centralized. This fragmentation means there's no clarity on the demographic and geographic distribution of funds.

- The desire to distribute support equitably across the state is hampered by this lack of clarity.
- The rapid expansion of Commerce – from 300 employees in 2018 to over 550 in 2023 – without a corresponding growth in data governance has exacerbated this issue.
- Data practices have become decentralized without significant agency-wide coordination due to the limited capacity for data governance.

Proposal: The Council endorses the Department of Commerce’s 2024 Supplemental Decision Package for Contracts Equity and Data Modernization for 7.0 FTE and \$2,192,000 in FY25 and 12.5 FTE and \$2,290,000 in FY26 and ongoing.



Agency Recommendation Summary

Funding is for staffing capacity to fully support the Environmental Justice Councils statutory obligations per chapter 70A.02 RCW.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.0	2.5	1.25	2.5	2.5	2.5
Operating Expenditures						
Fund 001 - 1	\$0	\$444	\$444	\$431	\$431	\$862
Total Expenditures	\$0	\$444	\$444	\$431	\$431	\$862

Decision Package Description

Last year the Department of Health (DOH) submitted a decision package for ongoing funds for three buckets of Healthy Environment for All (HEAL) Act work (chapter 70A.02 RCW):

- 1) Staffing the Environmental Justice Council (EJ Council) and the HEAL Interagency Workgroup
- 2) Maintenance and updates to the Environmental Health Disparities Map
- 3) DOH's implementation of HEAL

That decision-package was not fully funded. The EJ Council staff are requesting that the funds not received last year be allocated to the EJ Council (through DOH) to address the unmet need. Without these additional funds the EJ Council will not have the staff capacity to fully support the Council in meeting their statutory obligations under the HEAL Act and the Climate Commitment Act (CCA).

Additionally, during the 2023 session, the budget added 15 new agencies who received CCA funds to the list of agencies required to develop community engagement plans using guidance from the EJ Council. This creates a new workload for the EJ Council staff.

There are two problems being addressed by this decision package:

1. Unfunded portion of DP from last year

Last year the Department of Health (DOH) submitted a \$7.9 million package for ongoing funds for three buckets of HEAL Act work:

- 1) Staffing the Environmental Justice Council (EJ Council) and the HEAL Interagency Workgroup
- 2) Maintenance and updates to the Environmental Health Disparities (EHD) Map
- 3) DOH's implementation of the HEAL Act as a covered agency

That decision-package was not fully funded (allocated funding was \$5.9 million compared to the requested \$7.9 million). This resulted in the EJ Council not being able to hire 1.5 FTE (1.0 FTE MA4 and 0.5FTE AA3) that were included in the budget request from last year. The EJ Council staff are requesting that the funds not received last year be allocated to the Council (through DOH) to address the unmet need. EJ Council staff already do not have the capacity to meet the request of Council Members regarding providing all the requested analysis, research, and document and information synthesis that the Council needs to fully engage on the myriad of topics they are statutorily required to provide guidance on. Additionally, the Council's administrative needs are not being fully addressed as the Council requires significant administrative support with processing stipends, procurement, meeting planning, notetaking, and meeting scheduling. Without these additional funds the EJ Council staff will not have the capacity to sufficiently support the Council in meeting their statutory obligations under the HEAL Act and the Climate Commitment Act (CCA; chapter 70A.65 RCW).

Additionally, last years' decision-package not being fully funded lead to a scenario where the Council will see a slight reduction in funding from FY 2024 to FY 2025. We are requesting \$40,000 a year starting in FY 2025 to offset this reduction and avoid having to reduce 1) our community and Tribal engagement budget and 2) our budget for facilitation and project management support for the HEAL Interagency Workgroup.

2. Funding for new work created by the 2023 legislative session

During the 2023 legislative session, the budget provided CCA funds for 15 non-HEAL agencies. Per statute, these agencies are now required to develop community engagement plans using guidance from the EJ Council. This creates a new workload for the EJ Council staff who will both provide technical assistance to these 15 agencies and support the Council in tracking and reviewing these 15 new community engagement plans (need is 1.0 FTE MA4 in addition to the unfunded positions from last year's decision package). Council staff currently staff the HEAL Interagency Workgroup which already includes 14 state agencies. This workgroup recently discussed how they will coordinate their work with the 15 other agencies who have a new requirement to develop community engagement plans. Adding 15 new agencies into this work will create a significant new workload for Council staff. Additionally, we anticipate that this will be an ongoing workload as these 15 additional agencies will need to update their community engagement plans if they receive new CCA funding for additional projects in future years or if the Council updates their Community Engagement Values and Guidance. New agencies may also be added to this list if they receive CCA funds in future years.

The unfunded portion of DP from last year we are requesting 1.5 FTE (1.0 MA4 and 0.5 AA3) plus \$40,000/year ongoing funds to address the unfunded portion of our decision package from 2023. This will improve the EJ Council's ability to meet their statutory requirements under the HEAL Act and CCA. If the Council cannot meet their requirements, this harms state agencies who are depending on Council guidance to implement the HEAL Act within their agencies and it harms overburdened communities and vulnerable populations who depend on the Council to amplify their voice as the Council guides agencies in implementing HEAL, developing the Cap and Invest program under the CCA, and investing the CCA funds into communities.

The funding for new work created by the 2023 legislative session we are requesting ongoing funds for 1.0 FTE MA4 (in addition to the 1.5 FTE unfunded from last year's decision package) to support this new workload. This will allow the EJ Council and Interagency Workgroup staff to support the 15 agencies with new statutory requirements to develop community engagement plans. Without this funding staff will not have capacity to provide technical support or coordination for these agencies which is harmful to those agencies, the Council, and the communities the Council is meant to serve.

The challenges the EJ Council and Interagency Workgroup are facing are a direct result of insufficient staff capacity. This can be addressed by increasing FTE and/or by contracting. This decision-package propose a hybrid of these two options, primarily meeting the staffing needs by hiring new FTE plus a small \$40,000 budget ask to support contracting for facilitation and project management support for the HEAL Interagency Workgroup when needed. There are not other viable options for meeting this need.

Maintaining the status quo would result in the Council not being able to meet its statutory obligations as outlined in more detail above.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This supplemental budget request focuses on:

- 1) Securing the funding we requested previously but did not receive.
- 2) Increasing staff capacity to respond to a new statutory requirement for 15 non-HEAL agencies to develop Community Engagement Plans incorporating EJ Council guidance. The Council has received zero dollars in funding in any past biennia to support this new statutory requirement that went into effect on July 1, 2023.

FUND & APPN	EJC		Total
	SFY24	SFY25	BIEN 23-25
001/01*	\$ 646,653	\$ 655,157	\$ 1,301,810
26C/BF0	\$ 647,000	\$ 638,000	\$ 1,285,000
			\$ 2,586,810
Projections By Object			
	SFY24	SFY25	
A	494,380	552,180	
B	179,742	203,016	
C	112,000	115,000	
E	164,941	78,877	
G	16,772	26,000	
J	13,500	-	
T	53,330	59,832	

Detailed Assumptions and Calculations:

- 2.0 FTE MA4s
- 0.5 FTE AA3
- \$40,000/year for contracts to fund EJ Council community engagement and facilitation and project management support for the HEAL Interagency Workgroup
- \$5,218/year in goods and services
- \$10,378 for one-time costs for new staff equipment

Workforce Assumptions:

FY 2025 through FY 2029

2.0 FTE MA4

- Salaries: \$177,596
- Benefits: \$63,929
- Start-up costs (standard equipment): FY 2025 only: \$8,302
- Goods and services: \$4,174 annually

0.5 FTE AA3

- Annual Salaries: \$27,097
- Benefits: \$12,560
- Start-up costs (standard equipment): FY 2025 only: \$2,076
- Goods and services: \$1,044 annually

Estimated expenditures include salary, benefit, and related costs to assist with administrative workload activities. These activities include policy and legislative relations; information technology; budget and accounting services; human resources; contracts; procurement; risk management, and facilities management.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington

This package will directly support the Governor's goals for sustainable energy and a clean environment, healthy and safe communities, and efficient, effective and accountable government. The HEAL Act and the EJ Council specifically prioritizes the needs of overburdened communities and vulnerable populations and is entirely focused on incorporating environmental justice principles and considerations into agency policies, practices, and procedures.

Department of Health Transformational Plan

This proposal supports DOH's Health's Transformational Plan Priority I. Health and Wellness, II. Health Systems and Workforce Transformation, III. Environmental Health, V. Global and One Health, in that all Washingtonians have the opportunity to attain their full potential of physical, mental, and social health and well-being. All Washingtonians are well served by a health ecosystem that is robust and responsive, while promoting transparency, equity, and trust. All Washingtonians will thrive in a broad range of healthy environments — natural, built, and social, and that all Washingtonians live in ever-connected environments that recognize and leverage the intersection of both global and domestic health as well as the connections of humans, animals, and the environment.

Performance Outcomes:

By fully funding the HEAL Act, DOH will ensure statutory compliance with the law. Specific performance outcomes for DOH specific to the EJ Council and the HEAL Interagency Workgroup will include:

Providing all needed administrative and staff support for the EJ Council as required by chapter 70A.02 RCW.

Providing all needed administrative and staff support for the HEAL Interagency Work Group created by chapter 70A.02 RCW.

Supporting the EJ Council in complying with its obligations under the Climate Commitment Act (chapter 70A.65 RCW).

Equity Impacts

Community outreach and engagement:

This funding would both directly fund community outreach and engagement for the EJ Council and support the Council in ensuring state agencies' community engagement plans align with the Council's Community Engagement Values and Guidance.

Disproportional Impact Considerations:

This funding is needed transform the governmental systems that currently result in environmental injustices and disproportionate impacts.

The EJ Council values and strives to center community co-governance and community participatory budgeting in all its work. The Council itself is made up of community leaders, Tribal leaders, business and union leaders, and academic environmental justice experts. This budget request is needed to fully support the immediate needs of the Council in their work to support the transformation of state government with equity and environmental justice at the center. The Council is looking to future budget years to define the broader budget needs of the Council in partnership with community and Tribes.

Target Populations or Communities:

This funding supports the work of the EJ Council and the HEAL Interagency Workgroup whose work is entirely dedicated to improving environmental and health outcomes for overburdened communities and vulnerable populations as defined by the HEAL Act and the CCA.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Tribal:

There are seats for four Tribal Representatives on the Council and the Council needs to engage with all Tribes across Washington as well as Tribes with traditional lands in Washington. Increasing staff capacity for the EJ Council increases our ability to work directly with Tribes to ensure our work is informed by each Tribe. In addition, the Tribal Representatives on the Council will receive better support from staff if we increase our staff capacity.

State:

Seven state agencies are named in the HEAL Act and are subject to compliance with the law. The EJ Council works in close partnership with these seven agencies as well as one opt-in agency (the Attorney General’s Office) and six listen and learn agencies through direct engagement with each agency and through the HEAL Interagency Workgroup. Our staff will be engaging with 15 additional agencies who are now required to develop community engagement plans after receiving CCA funds as outlined above. Our budget ask is in direct response to hearing from members of the HEAL Interagency Workgroup that they need additional staff support, so we anticipate support from other agencies for this proposal.

Local Government:

While the EJ Council and the HEAL Act are focused on state government, we engage with and partners with local governments as well. Increasing our staff capacity will increase our ability to build these partnerships.

Stakeholder Response:

The HEAL agencies and any agency receiving CCA funds will be impacted by this proposal as increasing our staff capacity increases our ability to partner with and provide support to these agencies, particularly the HEAL Interagency Workgroup.

Overburdened communities and vulnerable populations will also be impacted by this proposal, as without sufficient funding for the EJ Council to meet the statutory obligations of the HEAL Act, the Council and HEAL agencies will be less able to address environmental justice issues.

Many local governments are also anticipating using the tools, guidance, and resources that the EJ Council and state agencies will develop to meet their HEAL obligations—so adequately funding this proposal will impact these stakeholders as well.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

These proposals are in response to the environmental justice law, RCW 70A.02, and the EJ Council’s obligations under the Climate Commitment Act (chapter 70A.65 RCW). Failure to comply with these laws put DOH at risk of legal liability and litigation.

HEAL Act Agencies Supplemental Questions

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

This funding supports the work of the EJ Council and the HEAL Interagency Workgroup whose work is entirely dedicated to improving environmental and health outcomes for overburdened communities and vulnerable populations as defined by the HEAL Act and the CCA.

2. Please describe any potential significant impacts to Indian tribes’ rights and interest in their tribal lands.

HEAL Act agencies are required to offer Tribal Consultation on HEAL Act deliverables. The staff requested in this decision package would support the Interagency Workgroup and the HEAL Tribal Liaison Workgroup (as requested) in coordinating (if appropriate) offers of Tribal Consultation to reduce burden on Tribes. We believe that this has potential to increase Tribal influence on state decision-making in a way that

supports Tribal rights.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

We did not engage directly with Tribes for this proposal. We are seeking funding to increase EJ Council staff capacity that will help us better engage with Tribes and communities in all of our work.

4. Has an Environmental Justice Assessment been completed? If so, please submit the assessment as an attachment in ABS.

An EJ Assessment has not been completed for this budget request.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A – see answer to question 5 above.

Reference Documents

[Envrio Justice Council DP Calc - DRAFT_jlh_7.17.23.xlsm](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$0	\$205	\$205	\$205	\$205	\$410
Obj. B	\$0	\$76	\$76	\$76	\$76	\$152
Obj. C	\$0	\$40	\$40	\$40	\$40	\$80
Obj. E	\$0	\$94	\$94	\$91	\$91	\$182
Obj. J	\$0	\$10	\$10	\$0	\$0	\$0
Obj. T	\$0	\$19	\$19	\$19	\$19	\$38

Agency Contact Information

Kristin Bettridge
 (360) 236-4126
 kristin.bettridge@doh.wa.gov



Agency Recommendation Summary

Funding is for Healthy Environment for All (HEAL) implementation shortfall and environmental health disparities mapping. This work is necessary for full compliance with the Department of Health’s obligations under HEAL.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.5	3.5	2.0	3.5	3.5	3.5
Operating Expenditures						
Fund 001 - 1	\$164	\$570	\$734	\$554	\$554	\$1,108
Total Expenditures	\$164	\$570	\$734	\$554	\$554	\$1,108

Decision Package Description

Background/Context:

The Department of Health (DOH) is one of the seven named agencies in chapter 70A.02 RCW, the environmental justice (EJ) law commonly referred to as the Healthy Environment for All (HEAL) Act. DOH is charged with 1) implementing the agency-specific obligations of the bill and incorporating EJ principles in its policies, practices, procedures, budgetary and funding decisions and managing a \$500,000 HEAL-related pass-through grant and 2) completing tasks outlined in chapter 43.70 RCW related to the Environmental Health Disparities (EHD) map, which is part of the Washington Tracking Network. These two tasks have distinct responsibilities that require both staff and funding to ensure the DOH complies with statutory obligations.

Problem:

Despite some additional funding provided starting in FY24, the decision package from the previous budget cycle was not fully funded and we’ve had to adjust which positions are funded to cover priority positions which has left others unfunded. The purpose of this supplemental ask is to request the remainder of those funds, with some minor additions given the current state of implementation and funding. These funds are necessary to support full compliance with DOH obligations under HEAL.

DOH HEAL IMPLEMENTATION

DOH requires a fully funded fiscal analyst to help manage, track and report on HEAL budget expenditures as well as support implementation of the budgeting and funding obligation of HEAL. The remaining, unfunded contract funds from the previous FY are required for implementation efforts overall.

ENVIRONMENTAL HEALTH DISPARITIES (EHD) MAP

The EHD map is a key resource for the covered agencies implementing the HEAL Act. It is currently hosted on a custom-built platform that was designed and launched in the 2010s. The current infrastructure is not currently supported by DOH IT. DOH is planning to migrate the EHD map to our Enterprise Geographic Information System to create sustainability for the EHD map. The additional IT FTE is required to assist with the transition, adding additional features requested by community and tribes, and maintaining the map into the future. DOH is also required to provide support training and consultation to agencies on the use of the EHD map and needs an additional FTE to ensure we meet this requirement.

Proposed Solution/Supporting Evidence for Solution:

DOH HEAL IMPLEMENTATION

DOH requests the remaining 0.5 FTE to make 1.0 FTE for the fiscal analyst role requested last year and the remaining \$35K in contracts that was also requested but unfunded last year.

ENVIRONMENTAL HEALTH DISPARITIES (EHD) MAP

DOH 2.0 FTE for positions that have been requested in the past but remain unfunded. In the original 21-23 FY budget, the EHD map had 1.0 FTE to support training and consultation to agencies on the use of the EHD map, however that position remains unfunded. In FY23-25 DOH requested 1.0 FTE to help transfer the current EHD map to ESRI and that FTE also remains unfunded. In this request, we are asking for 2.0 new FTE, 1.0 FTE to support training and consultation with agencies and 1.0 IT FTE to support the transition of the EHD map to the ESRI platform and to continue to enhance and streamline the maintenance of the EHD map.

Timing:

DOH HEAL IMPLEMENTATION

The HEAL Act requires named agencies to begin EJ assessments and to fulfill the budgeting and funding requirements of the law beginning July 1, 2023. DOH has identified dozens of programs across the agency that will need to comply with these obligations of HEAL, all of which require dedicated staff support, training, and additional resources. The number of programs that require this support will continue to increase each year and will require additional support from the HEAL implementation team and staff, especially as we look ahead to upcoming reporting deadlines beginning in 2024.

ENVIRONMENTAL HEALTH DISPARITIES (EHD) MAP

The EHD map is a key resource for the covered agencies implementing the HEAL Act. Starting July 1, 2023, agency staff are being asked to begin conducting environmental justice (EJ) assessments. These are required in the HEAL Act for significant agency actions. The purpose of the EJ assessments is to include overburdened communities and vulnerable populations in agency decision making processes, and the EHD map is a key resource for identifying overburdened communities and vulnerable populations. The current staffing does not support the training and consultation to agencies on the use of the EHD map or the infrastructure that the EHD map is built on. The current infrastructure is outdated and does not support the ability to add community requested functionality communities.

The solution to being under-staffed and under-resourced is to acquire funding for 2.5 additional FTE and funding to support the required work. Details are provided here by the two aspects of DOH's HEAL statutory requirements (DOH implementation and the Environmental Health Disparities map).

The cumulative result of hiring these additional 2.5 positions will be increased capacity to implement the obligations of the HEAL Act, which are far reaching and complex, support ongoing adoption of the HEAL Act over time, and ensure that DOH fulfills the policy, metrics and reporting obligations of the HEAL Act.

DOH will need additional support outlined below to stay in compliance with the HEAL Act.

DOH HEAL IMPLEMENTATION

DOH is requesting \$126,000 in FY25 and \$120,000 in FY26 ongoing to add: 0.5 FTE to the previous funding for a fiscal support (so that we can have 1.0 FTE ongoing) and \$35,000 for contracting to support implementation, which was requested but unfunded the previous budget cycle.

The fully funded fiscal analyst FTE will support managing the budget for all the DOH obligations under HEAL (implementation, EHD map, and staffing the EJC) and will serve as the financial and budget expert and lead for implementing the budgeting and funding obligation of HEAL. This role will report to the Office of Financial Services at DOH and work closely with the HEAL implementation team, the interagency workgroup and OFM to support the complex fiscal aspects of complying with and reporting on the budgeting and funding obligations under HEAL.

The remaining \$35,000 requested per year will support contracting, goods and services, travel, equipment, AAG consultation, grants, and client services. This funding will ensure that we can hire additional contracting support to help with HEAL implementation as needed and effectively partner with community organizations.

EHD MAP

DOH is requesting \$373,852 in FY25 and \$365,777 in FY26 and ongoing plus a 3% increase each year for cost-of-living increases to add: 1

FTE IT Application Developer – Journey Level and 1 FTE Equity and Social Justice Consultant. These additional staff are needed to support the transition of the EHD map to ESRI and to continue to develop and streamline the maintenance of the EHD map and support training and consultation to agencies on the use of the EHD map.

The Equity and Social Justice Consultant will support the training and consultation to agencies on the use of the EHD map. They will coordinate with staff from the covered state agencies on training needs, they will plan, develop materials (videos, story maps and guidance) and provide training and consultation on the use of the EHD map.

The IT Application Developer will work to transition the EHD map from the current platform to ESRI to ensure sustainability for the EHD map on a more modern and robust platform. It will also allow for adding functionality that has been requested from partners and community members and required in statute, such as the ability to track changes in environmental health disparities over time in an interactive, regularly updated display. This staff will also help maintain the sustainability of the EHD map by assisting with acquiring data from the different data sources and preparing data pipelines.

Without the funding requested, DOH will risk failure to meet the obligations of the HEAL Act, failure in our statutory commitments to overburdened communities and vulnerable populations, and risk DOH's and the state's reputation among the people we serve. In addition, DOH won't have the needed capacity to transition current data to ESRI and a platform that will be supported by DOH IT; and therefore, create a sustainable platform into the future. Without the transition to ESRI, DOH will have limited capacity to add the ability to track changes in environmental health disparities over time in an interactive, regularly updated display or to make needed improvements on the EHD map, including those already provided by overburdened communities.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This supplemental budget request focuses on securing the funding we requested previously but did not receive. It also reflects an emerging need due to unforeseen organizational, staffing and resource reallocation changes in the agency. The requests included here are not an expansion since they reflect the emerging needs and needs identified but unfunded the previous legislative cycle.

Detailed Assumptions and Calculations:

DOH HEAL IMPLEMENTATION

- DOH will support 0.5 additional FTE to create 1.0 FTE for a fiscal analyst position.
- \$35,000/yr. for personal services and contacts to support implementation of HEAL obligations (previously requested but unfunded)

EHD MAP

- DOH will support 1.0 additional FTE for a Social and Equity Justice Consultant
- DOH will support 1.0 additional FTE for an IT application developer – journey level.
- DOH will need to purchase standard equipment (computer, docking station, monitors) for this FTE at \$4,857/FTE.

Workforce Assumptions:

DOH HEAL IMPLEMENTATION

Fiscal Analyst (0.5 FTE)

- Classification: MA4
- Annual Salary: \$86,208 per FTE
- Benefits: \$31,035
- Start-up costs: \$4,857

EHD MAP

IT Application Developer (1.0 FTE)

- Classification: IT APP Development - Journey

- Annual Salary: \$107,154 per FTE
- Benefits: \$36,944
- Start-up costs: \$4,857

Equity and Social Justice Consultant (1.0 FTE)

- Classification: Health Services Consultant 4
- Annual Salary: \$88,798 per FTE
- Benefits: \$30,615
- Start-up costs: \$4,857

Rule Making Support (1.0 FTE)

- Classification: MA5
- Annual Salary: \$95,184 per FTE
- Benefits: \$34,266
- Start-up costs: \$4,857

Estimated expenditures include salary, benefit, and related costs to assist with administrative workload activities. These activities include policy and legislative relations; information technology; budget and accounting services; human resources; contracts; procurement; risk management, and facilities management.

Strategic and Performance Outcomes

Strategic Framework:

This package will directly support the Governor's goals for sustainable energy and a clean environment, healthy and safe communities, and efficient, effective and accountable government. The HEAL Act specifically prioritizes the needs of overburdened communities and vulnerable populations and is entirely focused on incorporating environmental justice principles and considerations into agency policies, practices, and procedures. Supporting full implementation of the HEAL Act will ensure that DOH prioritizes environmental justice into all agency activities.

This package will support the DOH strategic plan goals around outward mindset; funding; and equity, diversity, and inclusion. The HEAL Act also requires that agencies incorporate environmental justice into their strategic plans, which is included in the 2022 DOH transformational plan. Without fully funding HEAL implementation, DOH will not fulfill these EJ-specific strategic goals.

One of the obligations of HEAL is specific to budgeting and funding decisions and requires that DOH incorporate EJ principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits. Through the incorporation of environmental justice principles into its decision processes, including by conducting environmental justice assessments where required under RCW 70A.02.060, each covered agency (to the extent allowed by law and consistent with legislative appropriations) must equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations. As such, HEAL will have an impact on agency funding and budgeting decisions.

Performance Outcomes:

By fully funding both the implementation and EHD requirements of the HEAL Act, DOH will ensure statutory compliance with the law. Specific performance outcomes will include:

- Incorporating EJ principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits
- Collecting data and outcomes for reporting requirements to the EJ Council, Governor's Office, and legislature on an annual basis
- Developing and maintaining the environmental health disparities map with the most current available information necessary to identify cumulative environmental health impacts and overburdened communities as required by RCW 43.70.815
- Developing a publicly available interactive display that will track changes in environmental health disparities over time.

Developing technical guidance for agencies for the EHD map that includes an online training video and consultation on the use of the map.

Equity Impacts

Community outreach and engagement:

Community Outreach and Engagement: This proposal not only will help DOH meet the obligations of the law but fundamentally improve equity in the state by ensuring resources are dedicated to the underlying policy of the legislation. The writing and drafting of the HEAL Act were a community-driven effort and was directly informed by the extensive community participation and outreach of the Environmental Justice Task Force, whose report and recommendations are the basis of the HEAL Act. Each of the obligations of the HEAL Act were direct outcomes of feedback from communities who have historically been excluded and marginalized and who are most impacted by EJ issues in our state. The Environmental Justice Council recognizes the vital and highly complex nature of HEAL implementation work and recommended the previous legislative session that the DOH's funding request be fully realized.

Disproportional Impact Considerations:

Disproportionate Impact Considerations: HEAL specifically works to target those populations and communities that have been historically and currently excluded from strategic planning, budgeting, and funding decisions, and decisions around our programs and policies. One potential impact that we are conscious of is the potential to overburden these communities with increased requests and opportunities to engage with DOH (and the other agencies names and opting-in to HEAL) as we comply with the obligations in the bill, all of which require community engagement. We are working to mitigate against this by building mechanisms to coordinate engagement within and across HEAL agencies and exploring tracking systems that would enable us to avoid having multiple state employees contacting the same communities for different engagement opportunities or, at a minimum, coordinate our efforts so that they are not confusing or overwhelming. We are actively exploring ways to mitigate undue burden from state agency employees on these populations as we seek to increase and improve community engagement.

By adequately funding the work of DOH HEAL implementation and funding the EHD map, overburdened communities and vulnerable populations will directly benefit as our agency works to meet the obligations of the HEAL Act.

Target Populations or Communities:

Target Populations and Communities: The HEAL Act specifically focuses on promoting the equitable distribution of environmental benefits, and reducing and eliminating environmental harms, to overburdened communities and vulnerable populations (as defined in the law).

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Seven state agencies are named in the HEAL Act and are subject to compliance with the law. DOH is working in close partnership with these agencies through the HEAL Interagency Workgroup on the agency-specific obligations of HEAL. DOH plays an important role within the

Interagency Workgroup given our leadership role within the HEAL Act and additional statutory obligations, such as staffing the EJ Council, the HEAL Interagency Workgroup, and maintaining and developing the EHD map. Without DOH's leadership, the other state agencies subject to the HEAL Act will be unable to meet their statutory obligations.

State agencies, local governments, community-based organizations, and other partners also use the EHD map frequently to inform funding and policy decisions—so sufficient funding to support maintaining and updating the EHD map and providing support, guidance and technical assistance related to their use of the EHD map are important to these partners as well.

Stakeholder Response:

Overburdened communities and vulnerable populations will also be impacted by this proposal, for without sufficient funding for DOH to meet the statutory obligations of the HEAL Act, the agency will be unable to prioritize EJ and these communities as the law requires. This is likely to result in an undermining of trust between DOH and overburdened and vulnerable populations.

Local governments are also anticipating the tools, guidance, and resources that state agencies and the EHD map team will develop to meet their HEAL obligations—so adequately funding this proposal will impact these stakeholders as well.

State Facilities Impacts:

N/A

Changes from Current Law:

N/A

Legal or Administrative Mandates:

These proposals are in response to the environmental justice law, RCW 70A.02 and 43.70 RCW related to the Environmental Health Disparities (EHD) map. DOH risks legal liability and litigation if we fail to comply with these laws.

HEAL Act Agencies Supplemental Questions

1. Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

The HEAL Act specifically focuses on promoting the equitable distribution of environmental benefits, and reducing and eliminating environmental harms, to overburdened communities and vulnerable populations (as defined in the law). The impact to these communities if HEAL is not fulfilled will be widespread and varied. Fully funding and staffing HEAL implementation work is vital to support the 3000+ employees of DOH that are required to fulfill the obligations of the law. The EHD map is used as a resource for state agencies to assist several parts of HEAL, including identifying overburdened communities and vulnerable populations and equitable distribution of resources.

2. Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands.

A fully staffed HEAL implementation team is vital to ensure that the Tribal obligations within HEAL are met. DOH staff require support and coordination on these obligations to ensure that the agency is coordinating our invitations for consultation and collaboration so that we do not overwhelm our tribal partners.

3. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

The purpose of this proposal is to ensure we have a fully funded and staffed HEAL implementation team so that we can support and coordinate all the Tribal consultation and collaboration invitations we are required to initiate with EJ assessments and the budgeting and funding obligations of the law.

4. Has an Environmental Justice Assessment been completed? If so, please submit the assessment as an attachment in ABS.

No; the staff and funding requested in this DP will help support DOH staff to complete EJ assessments in the coming years.

5. Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

N/A

Reference Documents

- [HEAL Act-EHD Map_ITaddendum_2024Supp.docx](#)
- [HEAL DP REcalc_9.11.23.xlsm](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$43	\$250	\$293	\$250	\$250	\$500
Obj. B	\$16	\$99	\$115	\$99	\$99	\$198
Obj. C	\$35	\$35	\$70	\$35	\$35	\$70
Obj. E	\$38	\$44	\$82	\$44	\$44	\$88
Obj. J	\$6	\$13	\$19	\$0	\$0	\$0
Obj. T	\$26	\$129	\$155	\$126	\$126	\$252

Agency Contact Information

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Agency Recommendation Summary

The Washington State Department of Agriculture (WSDA) is requesting \$508,000 in the 2024-25 biennium in General Fund State funds, and \$514,000 thereafter, to fund a Tribal Liaison position; to manage tribal relationships and responsibilities in accordance with federal and state regulations, Centennial Accord, including the Healthy Environments for All (HEAL) Act, Pro-Equity Anti-Racism (PEAR), and contribute to the success of the agency's efforts. This position would facilitate government-to-government relationships with the 29 federally recognized tribes in Washington State. Ensuring that policies, programs, and agency actions that affect Native American peoples are accessible to these same people is imperative, and the Tribal Liaison position creates the opportunity to promote communication between all involved parties.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.0	1.0	1.0	1.0	1.0	1.0
Operating Expenditures						
Fund 001 - 1	\$251	\$257	\$508	\$257	\$257	\$514
Total Expenditures	\$251	\$257	\$508	\$257	\$257	\$514

Decision Package Description

WSDA requests funding for 1.0 FTE (Tribal Liaison) to work directly with the 29 federally recognized tribes in Washington State and other legally recognized tribes. In recent years, State agencies have increased the focus on the equity initiatives such as Healthy Environment for All (HEAL) Act and Pro-Equity Anti-Racism (PEAR). Tribal Liaison will aid in the WSDA coordinating activities with other government agencies to collaborate on projects and activities with other agencies to alleviate pressures and concerns from tribes and ensure that tribes can access grant programs managed by WSDA.

Currently, WSDA works with tribes through staff in programs, which can include several different contacts for tribes. Creating a Tribal Liaison position will allow for more streamlined communication, improve response times with tribes and build meaningful relationships between our agency, tribal leadership, and tribal staff. Further, the Liaison will work with other agencies to coordinate activities and requests from tribes, thereby reducing burdens on tribal staff. Tribes have historically been underrepresented or excluded from agency conversations regarding policy planning, budget development, strategies, and agency activities. This problem continues today, though tribes have deep-seated knowledge, interest, and rights regarding land and natural resources. As such, authentically engaging tribes is critical in creating the best policies for WSDA programs to ensure our programs fund high-quality, well-rounded projects that reduce impacts on cultural and natural resources.

This position will provide outreach, coordination, and engagement with tribes across Washington to protect natural and cultural resources and treaty rights. In addition, this position will be responsible for relationship-building with tribal members and service as a resource for agency staff. Currently, the WSDA Senior Policy Advisor to the Director fills the Tribal Liaison role, while individual programs interact with tribal staff on a project-by-project need. This coordination will create efficiencies for state and tribal staff to ensure well-coordinated projects and reduce the risk to natural and cultural resources.

WSDA does not have an FTE dedicated to tribal relations, even though our work can potentially affect tribal treaty rights. The WSDA Senior Policy Advisor to the Director fills the role of "Tribal Liaison," with staff filling in on projects and program specifics. However, due to increased interactions with tribes, and an agency's desire to interact proactively on issues and opportunities, it would be best suited for this work and relationships to be coordinated by a specific position.

WSDA considered a no-action alternative, where coordination would have continued through projects and programs. The preferred alternative was selected because there has been an increase in engagement with tribes, and more is needed, especially as programs and funding at WSDA increase. Coordination between tribal governments, WSDA, and project proponents will bring better projects and efficiently use limited WSDA and tribal staff resources. In addition, adding a tribal liaison was a recommendation for the equity review of WSDA's grant programs.

WSDA works toward continuous improvement in connecting with tribes; the Tribal Liaison position is a critical next step to best handle the agency's increasing desire and growing responsibilities to engage with Tribes and Tribal communities. Not funding this proposal will continue the status quo, which needs to be more coordinated and efficient.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

NA

Detailed Assumptions and Calculations:

This request is in response to the growing responsibilities of the agency. Granting this request will allow the agency to carry out those responsibilities more thoroughly.

The position would provide a single point of contact to coordinate government-to-government interactions, serve as extension agents, facilitate research, connect Tribal needs to available resources, and coordinate training, workshops, forums, and exchanges, creating efficiencies for state and tribal staff to ensure well-coordinated projects and reduce the risk to natural and cultural resources.

Workforce Assumptions:

WSDA proposes this position as a new staff member in our exempt management service, hired at an EMS Band 3.

	2024	2025	Total
Salary	\$ 138,000	\$ 142,140	\$ 280,140
Benefits	37,870	38,580	76,450
Good and Services	15,970	15,990	31,960
Travel	15,000	15,000	30,000
Debt Services	600	600	1,200
Agency overhead	43,300	44,500	87,800
Total	\$ 250,740	\$ 256,810	\$ 507,550

Strategic and Performance Outcomes

Strategic Framework:

The funding of this decision package will allow WSDA to effectively fulfill its mandate to improve public policy development and the delivery of government services to the tribal communities. Following the guidance of strategic work plans, WSDA priorities, and the Governor's Results WA priorities, funding for these positions will allow the Executive Director, program manager, and the commissioners to concentrate on work in the following areas:

Goal 1: World Class Education

Working with state legislators and OSPI in reducing the educational opportunity gap.

Goal 2: Prosperous Economy

Working with the Office of Minority and Women's Business Enterprises (OMWBE) and WSDOT to increase the participation of minority owned businesses in contracting opportunities.

Goal 3: Sustainable energy and a clean environment: Tribes have been stewards of natural resources since time immemorial. It is critical to engage tribes to building and sustaining natural resources into the future.

Goal 5: Efficient, effective, and accountable Government: This position will coordinate on issues and opportunities with tribes, creating a single point of contact.

WSDA Strategic Plan

Priority 1: Ensure Washington's Agricultural System is equitable, resilient, and prosperous.

Priority 2: Ensure the availability, safety, and integrity of Washington's food supply for humans and animals.

Priority 4: Protect Washington's animals and plants from invasive species and diseases.

Priority 5: Deepen Environmental Justice practice within WSDA programs to improve the health and environment of overburdened communities and vulnerable populations.

Performance Outcomes:

- Improve collaborative efforts, communication, and engagement with tribes.
- Increase in tribal participation in grant programs.
- Increase in the amount of grant funding received by tribes.
- Improved coordination between project proponents and tribal governments.

Equity Impacts

Community outreach and engagement:

This decision package funds a tribal liaison. This position will work on several items associated with equity:

1. The Native American population will benefit from a having a more effective and robust position to focus on the Tribal Governments and community's concerns and interest.
2. Coordinate with tribes to ensure they are included in the creation of new programs, problem solving opportunities, and other opportunities
3. Create a direct and single point of contact for tribes when issues or opportunities arise regarding WSDA funded projects or agency policies.

Disproportional Impact Considerations:

Agency staff lacking a comprehensive understanding of Tribal sovereign and inherent rights, Tribal treaty resources can negatively impact government-to-government, tribal communities, and tribal members. The state Native American population will benefit from WSDA having a Tribal liaison as a single contact to coordinate government-to-government interactions, serve as extension agents, facilitate research, link Tribal needs to available resources, and coordinate training, workshops, forums, and exchanges, creating efficiencies for state and tribal staff to ensure well-coordinated projects and reduce the risk to natural and cultural resources.

Target Populations or Communities:

The target population/community that will benefit from the proposed legislation are the Native American people of Washington State, as well as some Indigenous people who reside outside of state lands but have historical claim to lands within the state. They will benefit by being able to communicate directly with WSDA about how their work is affecting Indigenous peoples. Because of this, they will be able to affect change in this governmental system, which means that they will be able to better support their communities.

Other Collateral Connections

Puget Sound Recovery:

NA

State Workforce Impacts:

NA

Intergovernmental:

This decision package is specifically for a tribal liaison, which will positively impact tribal governments, and indirectly positively impact the projects of other cities, counties, and other political subdivisions.

Stakeholder Response:

WSDA anticipates support from stakeholders in around the state. An increase in staffing will allow WSDA to fully participate and partner with external stakeholders in issues identified in relation to government services or policy decisions that affect the Native American community.

State Facilities Impacts:

NA

Changes from Current Law:

NA

Legal or Administrative Mandates:

RCW 43.376.030 outlines the roles of a Tribal Liaison at state agencies. Although the WSDA Senior Policy Advisor currently fulfills the role, this decision package allows proactive, regular engagement as outlined in state law.

The RCW outlines the duties:

1. Assisting the state agency in developing and implementing state and agency policies that promote effective communication and collaboration between the state agency and tribal governments;
2. Serving as a contact person with tribal governments and maintaining communication between the state agency and affected tribal governments; and
3. Coordinating training of state agency employees in government to government relations.

HEAL Act Agencies Supplemental Questions

Please describe specific likely or probable environmental harms and/or benefits and their associated health impacts to overburdened communities and vulnerable populations.

- Historically, Native Americans face risks related to environmental problems like water contamination, dumping, air pollution, mining waste, and climate change. The environmental issues have led to polluted rivers, lakes, tribal lands, and traditional gathering and hunting lands being altered, leading to health disparities and reduced access to cultural foods and other natural resources. WSDA anticipates that the Tribal Liaison position will serve as an extension agent, facilitate research, connect Tribal needs to available resources, create efficiencies for state and tribal staff to ensure well-coordinated projects, and reduce the risk to natural and cultural resources.

Please describe any potential significant impacts to Indian tribes' rights and interest in their tribal lands.

- The state Native American population will benefit from WSDA having a Tribal liaison as a single contact to coordinate government-to-government interactions, serve as extension agent, facilitate research, link Tribal needs to available resources, and coordinate training, workshops, forums, and exchanges, creating efficiencies for state and tribal staff to ensure well-coordinated projects and reduce the risk to natural and cultural resources.

Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation, and any direction provided by Tribes through this engagement.

- RCW 43.376.030 outlines the roles of a Tribal Liaison at state agencies.

Has an Environmental Justice Assessment been completed? If so, please submit the assessment as an attachment in ABS.

- No EJA will be completed.

Describe how your agency used the Environmental Justice Assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits? If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.

- N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$138	\$142	\$280	\$142	\$142	\$284
Obj. B	\$38	\$39	\$77	\$39	\$39	\$78
Obj. E	\$16	\$16	\$32	\$16	\$16	\$32
Obj. G	\$15	\$15	\$30	\$15	\$15	\$30
Obj. P	\$1	\$1	\$2	\$1	\$1	\$2
Obj. Y	\$43	\$44	\$87	\$44	\$44	\$88

Agency Contact Information

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Agency Recommendation Summary

In response to numerous calls to action from tribal partners we propose an expanded Office of Tribal relations to serve tribal partners and agency staff as we work in collaboration to strengthen tribal communities. We propose adding capacity for internal requests for support, engagement and consultation to ensure Commerce is meeting our obligations under the Centennial Accord. Expanded capacity will ensure equitable access to Commerce programming and funding opportunities that is on par with our sibling agencies for all tribes within the state.

Program Recommendation Summary

ADM - Program Support

In response to numerous calls to action from tribal partners we propose an expanded Office of Tribal relations to serve tribal partners and agency staff as we work in collaboration to strengthen tribal communities. We propose adding capacity for internal requests for support, engagement and consultation to ensure Commerce is meeting our obligations under the Centennial Accord. Expanded capacity will ensure equitable access to Commerce programming and funding opportunities that is on par with our sibling agencies for all tribes within the state.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	1.2	4.0	2.6	4.0	4.0	4.0
Operating Expenditures						
Fund 001 - 1	\$195	\$724	\$919	\$724	\$724	\$1,448
Total Expenditures	\$195	\$724	\$919	\$724	\$724	\$1,448

Decision Package Description

The Office of Tribal Relations does not have the capacity to serve all areas of Commerce and the tribes within the state. Additionally, we aim to provide access that is more equitable and to partner with tribes at all levels of administrative capacity. We aim to solve the routine problems we hear from tribal partners and their representatives, which are: “we do not engage with you because we cannot afford to” and “we had to pass on accepting a grant that we were awarded because you ask for too much in reporting, [for which] we do not have capacity”.

The Office of Tribal Relations was recently established as its own unit. Prior to that, the Tribal Liaison did not have an operating budget or dedicated staff beyond a newly hired deputy tribal liaison. These two positions serve the entire agency — from supporting tribal outreach and helping programs engage in tribal consultation to building relationships with tribal partners including community visits and helping tribal staff navigate the agency.

As history reveals, tribes have practiced commerce on these lands since time immemorial. Considering the growth of Commerce programs, the state agency focus on equity, and personnel expansion across units, this request to provide equitable and accessible services to Commerce staff and tribal partners supports the goal of improving Commerce’s relationships with tribes and serves our mission of strengthening communities (both internal and tribal).

There are three compelling reasons that support the timing of this request.

As a new unit, the Office of Tribal Relations has invested a great deal of time building relationships and listening to the needs of the tribes. We have heard repeatedly that there needs to be more staff dedicated to tribal issues, most often mentioned in the context of broadband and clean energy, so the agency can fulfill its obligations under the centennial accord, among other agreements.

Additionally, to ensure equitable access to Commerce programs and funding there is a great need for technical assistance in application and reporting processes. While most tribes need technical assistance, it is especially true for smaller tribal nations; without this support, they have no real access to Commerce funding.

The lack of proper consultation or means of providing appropriate contract management practices continues to leave Commerce in the place of not meeting its mission to strengthen (tribal) communities and leaves the agency open to legal action from tribes. Providing staff moves the agency toward a complete solution for all three of these issues.

A phased approach to the expansion of the Office of Tribal Relations team will allow the unit to first meet the demand for support agency staff already working in tribal relations and consultation while building and maintaining relationships with tribal nations. The expanded staff capacity will allow for the following:

1. focused, coordinated and consistent tribal consultation experiences across the agency;
2. targeted tribal technical assistance to remove barriers to access to Commerce programming and funding;
3. expand unit coordination by welcoming a coordinating position to ensure all work is being handled; and
4. provide an opportunity to gain valuable work experience in state-tribe relations.

The expanded capacity will be necessary to meet our current demand for services and will ensure the level of service delivered remains consistent going forward providing a proper reflection of the agency's respect for and dedication to supporting tribal sovereignty.

As we are able to meet the current demand, we will have the ability to evaluate and improve tribal relations at Commerce and move from phase I of meeting current demand to phase II of improving services and support delivered by the Office of Tribal Relations.

This proposal (staffing to meet current demands) ensures that the agency meets its obligations under the Centennial Accord and other requirements to consult; the proposal will also demonstrate that Commerce has the ability to be a powerful partner with the tribes located in Washington. Once we are able to provide a stable and consistent experience of partnering with Commerce, we will be able to co-create the best means of evaluating and improving our tribal relations practices and co-creating the best way to move forward. A phased approach allows Commerce and the Office of Tribal Relations to ensure that our work and proposed changes are intentional and inclusively planned with our tribal partners.

We have shared this vision and incorporated feedback from tribal partners who support the shared vision of the expanded Office Tribal Relations to continue developing our dedication supporting tribal sovereignty.

Agency staff will be greatly and positively impacted; affording the Office of Tribal Relations the capacity to give detailed and specialized technical assistance in the area of tribal consultation and tribal engagement, including background and educational opportunities, will build the strong foundation our agency needs to partner with tribal nations. It will also equip Commerce to fulfill our Centennial Accord, treaty, and mission obligations. Tribal nations, their elected leadership and their staff will be greatly impacted by this decision package as Commerce will reduce the administrative burden created by partnering with our agency. By removing administrative barriers, we will see an increase in the number of tribes engaging with and receiving grants/funds from Commerce. As the tribes receive more funding, the tribal citizens and communities will be the ones that benefit.

The majority of Commerce staff, currently nearing 600, will be served by the Office of Tribal Relations staff. Additionally, OTR and Commerce program staff will partner to serve the staff members and elected officials of the 29 federally recognized tribes and staff of tribal organizations.

This funding package will purchase additional capacity in the Office of Tribal Relations to adequately serve Commerce staff and tribal partners based on Commerce current book of business, specifically by using our agency authority to consult with tribes under EO 21-02 and providing more equitable access to Commerce programs and funding opportunities through targeted tribal technical assistance. This proposal will reduce inconsistencies in the consultation experience and ensure a consistent level of professionalism and care for our agency's relationship with our tribal partners.

The package will be purchasing internal capacity to ensure existing Commerce staff are not overburdened by expanding tribal relations work while providing more robust preparation of Commerce staff who are engaging or partnering with tribal nations. These services will impact Commerce staff whose work requires them to engage or consult with tribal nations. Tribal governmental officials and their staff.

To track the impact of this position the Office of Tribal Relations is implementing a cyclic evaluation system that will elevate feedback received from the tribal communities we work with. As this is our first year in operation, it will serve as our baseline data and shape our unit strategic plan as we play our role in the agency mission of strengthening communities. Our first goals and benchmarks are going to be focused on how Commerce delivers services to tribal communities and will maintain a focus on continuous improvement year after year. The proposed changes will allow us to address the areas of work where we hear the most frequent request for expanded services.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

No historical details, Office of Tribal Relations has not existed as a standalone unit until 2023

Detailed Assumptions and Calculations:

A phased approach to the expansion of the Office of Tribal Relations team will allow the unit to first meet the demand for support agency staff already working in tribal relations and consultation while building and maintaining relationships with tribal nations. The expanded staff capacity will allow for the following:

1. focused, coordinated and consistent tribal consultation experiences across the agency;
2. targeted tribal technical assistance to remove barriers to access to Commerce programming and funding;
3. expand unit coordination by welcoming a coordinating position to ensure all work is being handled; and
4. provide an opportunity to gain valuable work experience in state-tribe relations.

The expanded capacity will be necessary to meet our current demand for services and will ensure the level of service delivered remains consistent going forward providing a proper reflection of the agency's respect for and dedication to supporting tribal sovereignty. The expanded staff to accomplish this work is as follows:

.30 FTE Commerce Specialist 5 (528 hours) FY24 and 1.0 FTE Commerce Specialist 5 (2,088 hours) in FY25-FY27

.60 FTE Commerce Specialist 2 (1,056 hours) in FY24 and 2.0 FTE Commerce Specialist 2 (4,716 hours) in FY25-FY27

.30 FTE Commerce Specialist 1 (528 hours) FY24 and 1.0 FTE Commerce Specialist 1 (2,088 hours) FY25-27

Salaries and Benefits

FY24: \$123,000

FY25-FY27: \$423,000 each fiscal year

Professional Service Contracts:

The department assumes 400 hours at a rate of \$250 per hour for the professional service contract for grant identification, application preparation and reporting processes.

FY25-FY27: \$100,000 each fiscal year

Goods & Services

FY24: \$12,000

FY25-FY27: \$38,000 each fiscal year

Travel

Includes per diem travel costs such as lodging, mileage, flight, and meals for staff to provide technical assistance through Washington.

FY25-FY27: \$25,000 each fiscal year

Equipment

FY24: \$20,000 one-time cost associated with new staff

Intra-agency Reimbursements

FY24: \$40,000

FY25-FY27: \$138,000 each fiscal year

Fiscal Year 2024:

Salaries: \$90,000

Benefits: \$33,000

Goods & Services: \$12,000

Equipment \$20,000 (one-time FY24)

Intra-agency Reimbursements: \$40,000

Fiscal Year 2024 Total: \$195,000

Fiscal Year 2025-Fiscal Year 2027:

Salaries: \$307,000

Benefits: \$116,000

Professional Services Contracts \$100,000

Goods & Services: \$38,000

Travel: \$25,000

Intra-agency Reimbursements: \$138,000

Fiscal Year 2025-Fiscal Year 2027 Total: \$724,000 each fiscal year

Note: Standard goods and services costs include supplies and materials, employee development and training, Attorney General costs, central services charges and agency administration. Agency administration costs (e.g., payroll, HR, IT) are funded under a federally approved cost allocation plan.

Workforce Assumptions:

.30 FTE Commerce Specialist 5 (528 hours) FY24 and 1.0 FTE Commerce Specialist 5 (2,088 hours) in FY25-FY27

.60 FTE Commerce Specialist 2 (1,056 hours) in FY24 and 2.0 FTE Commerce Specialist 2 (4,716 hours) in FY25-FY27

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Salaries and Benefits

FY24: \$123,000

FY25-FY27: \$423,000 each fiscal year

Goods & Services

FY24: \$12,000

FY25-FY27: \$38,000 each fiscal year

Travel

FY25-FY27: \$25,000 each fiscal year

Equipment

FY24: \$20,000 one-time cost associated with new staff

Strategic and Performance Outcomes

Strategic Framework:

The expanded capacity in the Office of Tribal Relations will elevate equitable access to Commerce programs and funding opportunities, including bringing broadband, healthcare in the form of telehealth, justice and safety through community services and clean energy to tribal lands and communities.

Under the Commerce 21-23 strategic plan this package will support the following areas:

- Equity in community development:
 1. Prioritize investment in underserved, historically disadvantaged and vulnerable communities.
 2. Build capacity through community engagement, outreach and technical assistance.
 3. Partner with racial, geographic, and marginalized communities to understand needs and challenges affecting their access to resources.
 4. Dismantle barrier to access so that communities are positioned to access resources, both through competitive processes and alternative mechanisms when appropriate.
- Equitable economic recovery:
 1. Provide economic stimulus through sustainable infrastructure and clean energy investments.
 2. Create digital equity and connectivity through broadband.
 3. Expand affordable housing and reduce homelessness.

Performance Outcomes:

The objective of this proposal is to bring the Office of Tribal Relations to a level of capacity that can meet the current internal and external demand. This funding to expand capacity aims to increase benchmarks set by the Office of Tribal Relations to track specific tribal engagement, number of tribes applying to Commerce opportunities, number of applications received by tribes, number of contracts awarded and completed contracts. In order to see how we are strengthening tribal communities, qualitative and quantitative data will be collected annually. We surmise that there will be an increase in the above benchmarks and outcomes. We also believe Commerce staff will report more positive working conditions as they related to tribal relations work as reported in our annual survey. In the last survey there was a noted request for more education and direction in conducting tribal relations.

Equity Impacts

Community outreach and engagement:

The target population are the 29 federally recognized tribes located in Washington, their elected leadership, governmental staff, legal representatives, and community members who will benefit from engaging with Commerce programs. Tribal people are still tribal even when they leave their reservation land so the target population also includes Indigenous communities inside the metropolitan areas (Urban Indian Organizations) who will benefit from having easier and more equitable access to Commerce programs and staff in order to deliver services to tribal people.

The Office of Tribal Relations is the front line of tribal engagement at Commerce and we equally service our program staff when working with tribal nations and ensure their competencies to spend time in tribal communities. Engagement and outreach is our first priority and it is an ongoing effort that permeates every aspect of our work. Office of Tribal Relations staff prioritize meeting each tribe where they are, including the physical aspect of making time to travel to tribal gatherings and to visit and establish connections with tribal communities. These relationships are necessarily continuous and require tending, which is both culturally relevant and concurrently delivers more equitable access to our agency for marginalized tribal communities. Developing and maintaining strong relationships allows the agency to hear shared concerns that range from budget or technical capacity problems, to proposing changes to reduce exclusion from funding opportunities, and expressing interest in developing deep partnerships. Commerce tribal engagement and outreach is growing beyond the bounds of the Office of Tribal Relations — Director Fong has been visiting tribal communities and attending tribal events and program staff have been partnering with the Office of Tribal Relations to run tribal engagement campaigns. It is our intention that this level of engagement continues and the only change we foresee is for our engagements to deepen.

The proposal has been shaped by requests and feedback we have received from tribal partners and addresses the needs of tribes and Commerce staff who provide services to tribes. The intention is to target the efforts and resources of this proposal to that specific population. Because tribal populations have been historically marginalized and excluded from governmental processes, this proposal provides Commerce an opportunity to right those wrongs. Although not focused on other groups, it will significantly increase services provided to tribal governments and communities.

Disproportional Impact Considerations:

The target population are the 29 federally recognized tribes located in Washington, their elected leadership, governmental staff, legal representatives, and community members who will benefit from engaging with Commerce programs. Tribal people are still tribal even when they leave their reservation land so the target population also includes Indigenous communities inside the metropolitan areas (Urban Indian Organizations) who will benefit from having easier and more equitable access to Commerce programs and staff in order to deliver services to tribal people.

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Target Populations or Communities:

The target population are the 29 federally recognized tribes located in Washington, their elected leadership, governmental staff, legal

representatives, and community members who will benefit from engaging with Commerce programs. Tribal people are still tribal even when they leave their reservation land so the target population also includes Indigenous communities inside the metropolitan areas (Urban Indian Organizations) who will benefit from having easier and more equitable access to Commerce programs and staff in order to deliver services to tribal people.

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Other Collateral Connections

Puget Sound Recovery:

None

State Workforce Impacts:

None

Intergovernmental:

This proposal is focused on benefiting tribal governments and the communities they serve. There may be residual benefits to the local government around the tribal lands but they are not the focus. There could be benefits to interagency partnership in engagement in more well organized state-tribal engagement and consultation.

Stakeholder Response:

Urban Indian Organizations & Urban Indians

Tribal citizen owned businesses

State Facilities Impacts:

There are new FTEs being requested with this proposal, however, the department anticipates accommodating new space allocations with a continued and increased telework environment in the 23-25 biennium. As such, approximately 400-500 square feet of space associated with this request may not need to be allocated.

Changes from Current Law:

None

Legal or Administrative Mandates:

Not applicable

HEAL Act Agencies Supplemental Questions

Please see equity impact response.

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$90	\$307	\$397	\$307	\$307	\$614
Obj. B	\$33	\$116	\$149	\$116	\$116	\$232
Obj. C	\$0	\$100	\$100	\$100	\$100	\$200
Obj. E	\$12	\$38	\$50	\$38	\$38	\$76
Obj. G	\$0	\$25	\$25	\$25	\$25	\$50
Obj. J	\$20	\$0	\$20	\$0	\$0	\$0
Obj. T	\$40	\$138	\$178	\$138	\$138	\$276

Agency Contact Information

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Agency Recommendation Summary

This proposal helps Commerce meet our equity commitments by improving data management and standardizing demographic and geographic data collection from organizations that receive direct or indirect grants from Commerce. This investment will provide Commerce and its stakeholders with critical data for decision-making. Commerce will be able to report on impact at the agency level, analyze data to identify opportunities and direct investments equitably, and collaborate more effectively with other Washington agencies and partners. This effort aligns with Commerce’s long-term vision to use data to achieve equitable outcomes for all people in Washington.

Program Recommendation Summary

ADM - Program Support

This proposal helps Commerce meet our equity commitments by improving data management and standardizing demographic and geographic data collection from organizations that receive direct or indirect grants from Commerce. This investment will provide Commerce and its stakeholders with critical data for decision-making. Commerce will be able to report on impact at the agency level, analyze data to identify opportunities and direct investments equitably, and collaborate more effectively with other Washington agencies and partners. This effort aligns with Commerce’s long-term vision to use data to achieve equitable outcomes for all people in Washington.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Staffing						
FTEs	0.0	7.0	3.5	12.5	12.5	12.5
Operating Expenditures						
Fund 001 - 1	\$0	\$2,192	\$2,192	\$2,290	\$2,290	\$4,580
Total Expenditures	\$0	\$2,192	\$2,192	\$2,290	\$2,290	\$4,580

Decision Package Description

Commerce’s current data practices are decentralized and fragmented, and as a result, the agency is not able to evaluate demographic and geographic distribution of funds. Improving the distribution of support across the state with an eye towards equity and inclusion is a top priority for Commerce, however, we cannot be successful in this unless we have a clear understanding of what communities are receiving funding and exactly where the support is going.

By standardizing demographic and geographic data collection across programs, Commerce will be able to make decisions based on analysis of this data, as well as build a more comprehensive understanding of how its resources drive prosperity and equity throughout the state.

Higher quality, more accessible demographic and geographic data will also help Commerce communicate and collaborate with communities, as well as effectively collaborate with the Legislature and other state agencies using data-driven analysis. Commerce will be able to better track the impact of its spending, and work with the Legislature to ensure that the legislative intent of specific programs is met. Commerce will be able to work more easily cross-departmentally with shared data and outcomes, and with other state agencies tracking similar information. Further, as Commerce’s data collection and tracking practices become unified with those of other agencies, by developing and IT data management team, it will be possible to draw a more accurate picture of the state’s overall impact on the lives of Washington residents. Finally, greater demographic and geographic data collection allows for greater transparency and accountability for communities, increasing confidence in the work of the agency and the work of state government, and can drive more equitable distribution of resources.

What is the relevant history or context in which the DP request is made?

In [Sect. 128\(216\) of Chapter 297, Laws of 2022](#), the Washington State Legislature provided funding for Commerce to report on how the Department will collect demographic and geographic information from organizations that receive direct or indirect grants from the agency, including estimation of cost and time to implement changes to allow for complete, aligned data tracking. This request is based on the findings of

that report.

Additionally, Commerce is making this request in the context of significant growth in the agency’s programmatic portfolio. The agency has grown rapidly in recent years, from about 300 employees in 2018 to more than 550 in 2023. In 2022, it more than doubled the total number of grants distributed compared to 2015. While Commerce programming has expanded significantly, capacity for data governance has been limited to a single position attempting to meet the needs of an entire agency, and as a result, data practices (e.g., decisions about what data to collect, how to collect data, where and when to report data) are decentralized with little agency-wide coordination.

Why is this the opportune time to address this problem?

This effort aligns with Commerce’s long-term vision to champion best practices data collection to achieve equitable outcomes for all people in Washington and is part of a growing movement in Washington to use data to advance equity.

Have you previously proposed this request?

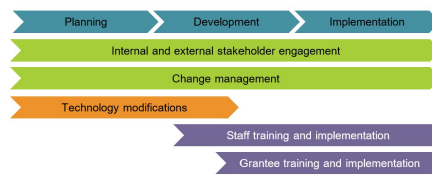
No.

How do you propose to address this problem, opportunity, or priority?

Commerce proposes addressing the need for standardized data collection and management by: 1) formally changing policy / grantee data requirements, and 2) adopting a three-phase project roll-out approach (i.e., planning, development, and implementation).

Programs that provide grants, contracts, or loans and provide direct services to beneficiaries should be required to collect standardized demographic and geographic data on beneficiaries. To be able to tell the story of who is benefiting from Commerce funding, programs should not be allowed to opt out of data collection and reporting.

Commerce proposes a phased project roll-out that includes three stages: 1) planning, 2) development, and 3) implementation.



Key funded activities / supports include:

- Modifying Commerce’s Contract Management System (CMS) to serve as a repository for this data.
- Capacity for internal and external change management to ensure successful implementation. We recommend that Commerce engage both its grantees and the beneficiaries or potential beneficiaries of its funding. Engaging grantees can help Commerce build awareness of the new requirement, and better understand grantees’ needs and strategies for support.
- Capacity for strong data governance, including data privacy and security. Currently, Commerce programs’ data collection is highly fragmented and individualized. To support broad, standardized data availability and appropriate use of data, additional staff capacity is needed to develop standards and guidelines, and secure Commerce’s broad and varied data footprint. Transparent data governance can also support communication and building trust with the community. The resource recommendation includes the cost of development of this foundational capacity, as well as capacity for data cleaning, anonymization, and aggregation.

Why is this proposal the best option?

This new data requirement is a significant change in policy for Commerce, its grantees, and the communities that the agency serves. This proposal is the best option because:

- It is informed by engagement with Commerce leadership and program staff (interviews, listening sessions, and survey), best practice research, and other state agencies.
- It purposefully builds awareness and buy-in amongst Commerce staff, Commerce current and prospective grantees.
- It creates new opportunities to authentically engage communities.
- It enhances an existing Commerce platform that almost all program staff are already using and familiar with (Commerce's Contract Management System or "CMS") to serve as a single repository to collect and store standardized demographic and geographic data.
- It includes capacity for data governance and support for a robust data culture. This is necessary to ensure that the data is analyzed and used appropriately in decision making.
- When it comes to the implementation stage, Commerce proposes revising all new grant agreements going forward, while piloting a process to revise existing agreements with subset of grantees. With lessons learned from this pilot, Commerce will be well positioned to implement the new data practices at-scale.

Identify who will be affected by this decision package and how.

Commerce staff will need training and support on new data practices and reporting requirements. Staff were asked to provide their thoughts on what would be needed for their programs to successfully adopt new data practices. Of the respondents representing programs who provide grants, contracts or loans, 72% indicated that some training would be required. When asked to specify what kind of training, respondents indicated that training was required across the gamut, including training on new policies and procedures, data collection practices, data quality assurance, visualization, reporting, privacy, storage, security, sharing, and ethical data practices. Beyond the technical aspects of adopting new data practices, there is a need for general training around diversity, equity, inclusion, and cultural competency.

New data practices and reporting requirements will create additional work for grantees/subgrantees. In our survey, we asked Commerce program staff to estimate the effort needed for their grantees/ subgrantees to adopt new technology to update their data collection practices. The biggest need cited is the people time that grantees/subgrantees need to do the work required to implement these data collection and reporting practices, and the monetary resources needed to pay for this additional effort. In conversation, program staff suggested that grantee needs will vary widely, and direct engagement is needed to understand the training, capacity and resources needed for each grantee.

Engaging directly with communities can help Commerce incorporate community perspectives and ensure the effort benefits (and does not harm) communities. Community voices should be intentionally and authentically included in the planning and implementation process. Personal identity is complex, and the collection of demographic data can be sensitive. For example, questionnaire design has the potential to affirm some identities, while obscuring others.

How many clients will or will not be served? Served by whom?

When fully implemented, this proposal will benefit communities state-wide. Commerce strengthens communities through the disbursement of more than \$2 billion per year in grants, contracts, and loans via more than 100 programs in areas such as climate, public facilities, housing, and public safety. With access to detailed demographic and geographic data, collected in a uniform manner across the agency, Commerce can better tailor its resources, programs, and grants to ensure it is truly reaching all people who live in Washington, particularly those in highest need.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

Not applicable.

Detailed Assumptions and Calculations:

Contract Management System Enhancements Planning and Development

To complete this work the department assumes the enhancement of the Contract Management System to collect the necessary data, program staff to participate in program development, stakeholder engagement and system enhancements; information technology staff to provide oversight on system enhancements, development of agency data governance, project management, and program development.

2.0 FTE Management Analyst 5 (4176 hours) in FY25 to participate in system enhancement development, stakeholder engagement and

socialization (i.e., listening sessions with grantees, engagement with the Office of Equity, One Washington, and other state agencies), system enhancement testing and training.

1.0 FTE Management Analyst 5 (2088 hours) FY25-29 to guide internal use of tribal data; support consistent coding of tribal and urban Indian data agency wide; and assist the Office of Tribal Relations in developing the appropriate contract language, document retention policies, and MOU's with regards to Tribal data sovereignty.

1.0 FTE IT Project Manager Sr/Specialist (2088 hours) FY25 to provide project management, coordinate OCIO oversight, coordination with stakeholders and program staff, lead agency change management, vendor management, and resource management.

1.0 FTE IT Data Management Manager (2088 hours) FY25 this includes staff capacity to create new data governance policies and data collection procedures, and support change management (i.e., the communication and roll-out of new policies and procedures).

1.0 FTE IT Data Management Entry (2088 hours) FY25 this includes staff capacity to create new data governance policies and data collection procedures, and support change management (i.e., the communication and roll-out of new policies and procedures).

0.5 FTE IT Business Analyst Senior/Specialist (1044 hours) FY25 to provide project management, design, system requirements, testing, training and technical advice on development of the system enhancement.

0.5 FTE IT Application Developer Senior/Specialist (1044 hours) FY25 to assist with system development, perform data development, align system with state and agency standards, develop system updates to keep system updated to current business needs, and perform annual system maintenance.

0.1 FTE Communications Consultant 3 (208 hours) in FY25, to support the development of communications materials including the required educational brief, to prepare guidance materials related to reporting standards, to edit materials and ensure that all communications materials meet department standards and guidelines including those related to accessibility.

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Demographic and Geographic Program Implementation

3.0 FTE Management Analyst 5 (6264 hours) in FY26-29 to participate in stakeholder engagement and socialization, grantee data collection, grantee training, data visualizations and dashboard development and maintenance, program policy updates, contract template changes and program outcomes.

1.0 FTE IT Project Manager (2088 hours) FY26-29 to provide project management, coordination with stakeholders and program staff, lead agency change management, vendor management, and resource management.

1.0 FTE IT Data Management Manager (2088 hours) FY 26-29 implement data governance policies and data collection procedures, coordinate data visualizations and dashboards, and support change management (i.e., the communication and roll-out of new policies and procedures).

1.0 FTE IT Data Management Journey (2088) FY 26-29 implement the data warehouse, agency level data visualizations, program coordination and data validations, data architecture, and enhancement implementation.

4.0 FTE IT Data Management Entry (8352 hours) FY 26-29 data stewards for each agency division, programmatic data visualizations and reporting, coordinate data validations and collections as assigned to each division.

0.5 FTE IT Business Analyst Sr/Specialist (1044 hours) FY26-FY29 to provide business analysis and technical advice and maintenance for the system.

0.5 FTE IT Application Developer Sr/Specialist (1044 hours) FY26-FY29 to assist with system development, perform data development, align system with state and agency standards, develop system updates to keep system updated to current business needs, and perform annual system maintenance.

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Salaries and Benefits

FY25: \$ 834,000

FY26-27 \$ 1,449,000 per fiscal year

Professional Service Contracts:

One professional services contract, \$865,000 in FY25 (4331 hours @ \$200/hour – 9 month project) for system enhancements. Assumes an application developer, business analyst, system tester, project manager and quality assurance representative for OCIO oversight.

Professional Service Contracts:

One professional services contract, \$80,000 in FY26 (4000 hours @ \$200/hour) for support with stakeholder and community outreach, program implantation and programmatic coordination.

Professional Services

FY25: \$ 865,000

FY26: \$ 80,000

Goods and Services, Equipment and Travel

FY25: \$ 79,00

FY26-27 \$ 144,00 per fiscal year

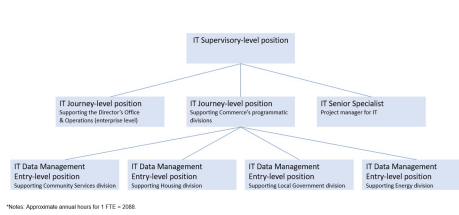
Intra-agency Reimbursement

FY25: \$ 274,000

FY26-27 \$ 477,00 per fiscal year

Workforce Assumptions:

Workforce assumptions include expansion of Commerce’s centralized data governance and analysis function. Ongoing IT support is estimated as a percentage of capacity from an additional eight staff members, depicted in the org chart below. The total annual cost for additional IT personnel capacity is \$1.5 million.



Assumptions about ongoing program staff capacity are based on responses to an agency-wide survey of programs. Program staff were asked in the survey about the number of hours per program needed to support: 1) data collection and quality assurance, and 2) data analysis, reporting, and visuals. Assuming the median hours estimated by program staff per program (50 hours and 40 hours, respectively) and 150 total programs, an additional staff capacity will be needed, assuming a Management Analyst 5 level.

Strategic and Performance Outcomes

Strategic Framework:

How does this decision contribute to the Governor’s Results Washington goal areas and statewide priorities?

This decision has the potential to contribute to all five Results Washington goal areas. Given the diverse nature of Commerce’s programs, using data to identify opportunities and invest equitably can support efforts around 1) education and workforce; 2) economic prosperity; 3) sustainable energy and clean environment; and 4) healthy and safe communities. This decision to address the need to collect standardized demographic and geographic information is directly aligned with Goal 5 (“Efficient, effective and accountable Government”). Collecting and analyzing this critical data will create new opportunities for data-driven improvement, assessing impact, and accountability.

Additionally, this decision is directly aligned to WaTech’s Enterprise IT Strategic Plan. One of WaTech’s four goals is “better data, better decisions, better government, better Washington.” The goal is to “use data and insights to improve the experience of those we serve, prioritize service improvements, drive strategic decisions and improve transparency.” This decision will dramatically increase the availability and use of demographic and geographic data to inform strategic decisions and transparency around investments and impact.

How does this package support the agency’s strategic plan?

- This package supports the agency’s pro-equity anti-racist principles, which are described in its public-facing [Equity Statement](#).
- This package is in alignment with goals and recommendations from other agency efforts focused on equity in funding. For example, the [Equity in Capital Funding Review](#) set the following goal: “Commerce provides significant transparency and shared decision-making opportunities with systemically oppressed communities in funding processes.” This decision would allow Commerce to collect, analyze and share new data on its fundings and impacts with communities, and use that data in conversations about accountability.
- Additionally, this change supports the executive order on [Equity in Public Contracting](#).

Performance Outcomes:

Describe and quantify the specific performance outcomes you expect from this funding change.

- Year 1: Achievement of key milestones and outputs, particularly related to planning, change management and technology modifications.
- Year 2: Training for Commerce staff and engagement with grantees / prospective grantees. Inclusion of data requirements in a subset of existing grants and all new grants going forward.
- Year 3: Increasing footprint of data collection, early insights from analysis.
- Year 4: Increasing data collection, analysis, and use of the data in decision making.

Equity Impacts

Community outreach and engagement:

How did your agency revise this proposal based upon the feedback provided through your community outreach and engagement?

Not applicable.

Disproportional Impact Considerations:

Which target populations or communities are not included, would be marginalized, or disproportionately impacted by this proposal? Explain why and how these equity impacts will be addressed.

Not applicable.

Target Populations or Communities:

Which target populations or communities benefit from this proposal? How will the population/community benefit? Include both demographic and geographic communities.

This proposal is intended to benefit the full state of Washington. Commerce will be able to more readily answer questions such as: “What are the demographic and geographic characteristics of the beneficiaries of Commerce funding?” Analyzing this detailed data will allow the agency to develop targeted strategies to ensure resources are reaching all people who live in Washington, particularly those in highest need. This proposal can support a wide range of demographic and geographic communities.

Additionally, Tribal data management practices are subject to the sovereign oversight of Federally Recognized Tribes. Tribes give and outline permission for the agency to utilize data for a set period of time and for specific stated purposes, with the understanding that the agency does not own the data. For Commerce to be mindful of tribal sovereignty additional subject matter expert supports are needed. A Tribal Data Specialist will ensure that Commerce will not use any tribal data in reporting or reports without permission and review of the tribe who owns that data by writing guidance for internal use of tribal data; supporting consistent coding of tribal and urban Indian data agency wide; and assist the Office of Tribal Relations in developing the appropriate contract language, document retention policies, and MOU’s.

Describe how your agency conducted community outreach and engagement by relationally partnering with communities and populations who have historically been excluded and marginalized by governmental budget decisions.

In developing the proposal, Commerce consulted with the Office of Equity and presented to multiple Commissions and partner agencies (i.e., representatives from the Governor’s Office of Indian Affairs, Commission on Hispanic Affairs, Commission on African American Affairs, Commission on Asian Pacific American Affairs, Women’s Commission, LGBTQ Commission, Department of Veterans Affairs, and Governor’s Committee on Disability & Employment Issues).

Additionally, this proposal includes funding for capacity for internal change management to help prepare and support Commerce staff and leadership, as well as capacity to build grantee awareness of new practices. The estimate does not include capacity for deep engagement with community or more intensive dialogue with grantees, which we recommend to maximize the benefit of collecting standardized data for Commerce and its stakeholders (the Legislature and people who live in Washington). Community voices should be intentionally and authentically included in the planning and implementation process.

Other Collateral Connections

Puget Sound Recovery:

None.

State Workforce Impacts:

None.

Intergovernmental:

Tribal, regional, county or city governments that receive funding from Commerce will be impacted. A mix of support and opposition is expected. Support is expected as a result of the increased visibility into government spending and the impacts of that spending. Opposition is expected as a result of the increased time that it will take grantees to collect and report standardized demographic and geographic data.

Washington State Office of Equity, Office of Minority & Women's Business Enterprises, and Washington State Department of Veterans Affairs will be impacted. This decision is broadly supportive of the work of these state agencies. Support is expected from the Washington State Office of Equity. The decision is aligned to the agency's principles of equity and the emphasis on supporting policies and procedures that distribute and prioritize resources to people in identify groups who have historically been and currently are marginalized. This decision will increase availability of relevant information for the Office of Minority & Women's Business Enterprises and Washington State Department of Veterans Affairs. Sharing and analysis of this data is expected to inform the work of these agencies.

Stakeholder Response:

Non-governmental stakeholders impacted by this proposal are Commerce's grantees and vendors. While some are expected to support the change, opposition is expected due to the additional work (i.e., time burden) that data collection and reporting will require.

State Facilities Impacts:

There are new FTEs being requested with this proposal, however, the department anticipates accommodating new space allocations with a continued and increased telework environment in the 23-25 biennium. As such, approximately 400-500 square feet of space associated with this request may not need to be allocated.

Changes from Current Law:

Not applicable.

Legal or Administrative Mandates:

Not applicable.

HEAL Act Agencies Supplemental Questions

Please see equity impact response.

Reference Documents

[CQ-Contracts Equity and Data Modernization IT Addendum Final.docx](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2024	2025	2023-25	2026	2027	2025-27
Obj. A	\$0	\$741	\$741	\$1,196	\$1,196	\$2,392
Obj. B	\$0	\$218	\$218	\$378	\$378	\$756
Obj. C	\$0	\$865	\$865	\$80	\$80	\$160
Obj. E	\$0	\$89	\$89	\$151	\$151	\$302
Obj. J	\$0	\$5	\$5	\$8	\$8	\$16
Obj. T	\$0	\$274	\$274	\$477	\$477	\$954

Agency Contact Information

Joyce Miller
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Environmental Justice Council

Date: October 26, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Legislative Report

Background:

The Council's authorizing statute ([RCW 70A.02.110](#)) includes requirements for the Council to submit two legislative updates in 2023.

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

At the Council's July meeting, staff presented a proposed plan to combine both reporting requirements into a single report that would be due by November 30, 2023. The staff proposal included a report outline and workplan and timeline, which included preparing an initial draft for review and discussion at today's meeting.

Discussion:

During today's meeting, Council Members will have an opportunity to share any feedback and direction on the draft report. Staff will incorporate feedback into a final draft for the Council's review and possible adoption at the November meeting.

Staff Contact:

Christy Hoff, Policy Advisor, christy.hoff@doh.wa.gov, 360-688-4699

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.

This is a draft report prepared by staff for the Environmental Justice Council’s review and discussion at its October 26, 2023 meeting. It has not been approved by the Council.

Environmental Justice Council

Report to the Community, Governor, and Legislature

RCW 70A.02.110
November 2023



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To request this document in another format, call 360-584-4398. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email envjustice@ejc.wa.gov.

Para solicitar este documento en otro formato, llame al 360-584-4398. Clientes sordos o con problemas de audición, favor de llamar al 711 (servicios de relé de Washington) o envíe un correo electrónico a envjustice@ejc.wa.gov.

For more information / Para más información:

[Environmental Justice Council | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncil)

[Consejo de Justicia Ambiental | WaPortal.org](https://www.wa.gov/ConsejoDeJusticiaAmbiental)

Staff Contact:

Sierra Rotakhina

Environmental Justice Council Manager

Sierra.rotakhina@ejc.wa.gov

Message from the Co-Chairs:

TBD

This is a draft report prepared by staff for the Environmental Justice Council’s review and discussion at its October 26, 2023 meeting. It has not been approved by the Council.

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Section 1: Introduction

1.1 Background and Significance of the HEAL Act

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

HEAL Covered Agencies

- Department of Agriculture
- Department of Commerce
- Department of Ecology
- Department of Health
- Department of Natural Resources
- Department of Transportation
- Puget Sound Partnership
- Office of the Attorney General (opt-in)

1.2 Overview of the Environmental Justice Council

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

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

1.3 Report Purpose

The Council has two reporting requirements under the HEAL Act:

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

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

Council Membership

Tribal Representatives

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

Community Representatives

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

Environmental Justice Practitioner

- Running-Grass
- Esther Min

Business Representative

- Nichole Banegas

Labor Representative

- Todd Mitchell

Representative At Large

- David Mendoza

Ex Officio Members

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

Section 2: Environmental Justice Council

Progress Report

2.1 Public Forum

Public Testimony

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

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

Community Engagement

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

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The Council convened a Community Engagement Committee, which has been focused on developing community engagement values and guidance for HEAL agencies (see **Section 2.2**). While the values and guidance fulfill the Council’s statutory responsibilities to provide guidance to agencies as they integrate environmental justice into their agency community engagement plans, the values and guidance are also useful for the Council as it continues to develop its own community engagement strategy.

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

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

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

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

2.2 Guidance for Agency Community Engagement Plans

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

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

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

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

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2.3 Guidance for Agency Strategic Plans

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

2.4 Guidance on Identification of Significant Agency Actions

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

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

By July 1, 2025, agencies, in iterative consultation with the Council and HEAL Interagency Work Group, are directed to identify any significant agency actions in addition to those defined in statute. As significant agency actions are clearly defined in statute and agencies have until July 1, 2025 to identify additional actions, this is not an area that the Council has engaged in at this time.

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2.5 Guidance on Environmental Justice Assessments

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

Efforts to date include:

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

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

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

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

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

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2.6 Guidance on Budgeting and Funding Criteria

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

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

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

Section 3: Environmental Justice Council

Guidance

3.1 Guidance on the Environmental Health Disparities Map

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

Statement on the Environmental Health Disparities Map

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

3.2 Community Engagement Values and Guidance

At its August 25, 2023 meeting, the Council adopted Community Engagement Values and Guidance. The values and guidance fulfill the Council's responsibility to provide guidance to agencies on incorporating environmental justice into agency community engagement plans. See **Appendix A** for the full text of the Council’s Community Engagement Values and Guidance.

Section 4: Summary of Agency Progress

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

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

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

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

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

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

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

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

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Further, the Council has unique barriers resulting from its structure as an advisory Council composed of volunteers. The work of the Council is significant—it has statutory requirements under both the HEAL and Climate Commitment Acts, as well as responsibilities under numerous other statutes and provisos (see **Appendix B**). The Council acknowledges that it has not had the capacity to meet all of its obligations as a result of these barriers and that has had an impact on the agencies. HEAL implementation is iterative work, so the Council strives to engage with the agencies in co-governance¹ to improve each deliverable at each iteration moving forward.

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

¹ Co-governance means “a collection of participatory models and practices in which government and communities work together (through formal and informal structures) to make collective policy decisions, co-create programs to meet community needs, and ensure those policies and programs are implemented effectively.” Source: [Co-Governing Toward Multiracial Democracy | Race Forward](#).

Section 5: Reflections and Recommendations

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

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

Recommendation: The Environmental Justice Council requests that the Governor’s Office and Legislature shift how they have historically thought about the resources and timelines needed for agencies to implement legislative mandates. Significantly longer timelines and more financial resources are needed for agencies to ensure equity, anti-racism, and environmental justice principles and practices are embedded into service delivery. Therefore, as agencies submit fiscal notes and decision packages for the resources needed (or request additional time be added to a statutory deadline) to accomplish legislative mandates, those funding requests should be included in the budgets.

Similarly, as detailed throughout the progress report section of this report, the Council has had to prioritize its work and has simply been unable to meet all its statutory deadlines due its numerous responsibilities under the HEAL Act, the Climate Commitment Act, and other recently

Appendix A: Community Engagement Values and Guidance

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

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington State. The HEAL Act established the Environmental Justice Council to provide guidance to state agencies on how to integrate environmental justice into different facets of their work. The Community Engagement Committee was created by the Council to lead the discussion on community engagement with the agencies. The committee and the Council believe that authentic community engagement is the heart of environmental justice. Community engagement is a two-way communication process between government and the public.³ As such the following values are foundational to community engagement, and the guidance are reflective of these values. While the guidance is designed for state agencies, they can be useful for communities as they review and evaluate how agencies are engaging with communities. (Appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.)

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

³ From Metropolitan Area Planning Council’s (MAPC) Community Engagement Guide, [MAPC-Community-Engagement-Guide-2016.pdf](#).

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

3. **Accessible:** Work should be done in locations where community is in partnership with community-based organizations and community leaders, in ways that utilize multiple ways of knowing, in ways that share power, and with results that are usable by community. Translation services and disability inclusion through accommodations should be provided.
4. **Authentic:** Community is the expert of their lived reality. Engagement with community should be authentic, ongoing and non-extractive, and value community knowledge through reciprocity.
5. **Accountable (Reciprocal Trust):** Government must acknowledge their past and current missteps and take action to create a better relationship currently and in the future through Truth and Reconciliation⁴. At the same time, government often distrusts community knowledge and work if it is not based on quantitative data (even if the numbers are not accurate or real). Authentic partnership with community can lead to data that is a more accurate representation of their truth.
6. **Intersectional:** We coalition build by doing intersectional work to make a more inclusive, equitable, and sustainable movement that explores the nuance of how identities such as gender, race, disability, sexuality, religion, citizenship, age, and more have led to disproportionate burdens from environmental inequities.
7. **Interconnectedness:** We are interwoven with all people of the world, the environment, and the living and non-living world. Only through working together and seeing the humanity of us all can we replace individualism that leads to extractive relationships

⁴ Truth and Reconciliation: “Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior” (Canada’s TRC Report 2008).

https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

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

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

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

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

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

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

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

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

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

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

(Reflective of Value #3: Accessible)

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

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

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

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

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

(Reflective of value #1: Community Centered)

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

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

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

Climate Commitment Act, Chapter 70A.65 RCW
Passed by the Legislature in 2021
<p>RCW 70A.65.030: Agencies allocating funds from the accounts developed by the CCA must develop community engagement plans and conduct EJ assessments consistent with the HEAL Act even if they are not covered agencies under the HEAL Act. RCW 70A.65.040: The EJ Council is also tasked with providing recommendations to these agencies on issues such as meaningful consultation with vulnerable populations including on these agencies' community engagement plans.</p>
<p>RCW 70A.65.040: The EJ Council must provide recommendations to implementing agencies on meaningful consultation with vulnerable populations including on Ecology's community engagement plan supplement required under RCW 70A.65.020.</p>
<p>RCW 70A.65.040: The EJ Council must provide recommendations to Legislature, agencies, and the Governor on development and implementation of the cap and invest program established in the CCA.</p>
<p>RCW 70A.65.040: The EJ Council must provide recommendations to Legislature, agencies, and the Governor in the development of investment plans and funding proposals for the programs funded from the Climate Investment Account.</p>

RCW 70A.65.040: The EJ Council must provide recommendations to Legislature, agencies, and the Governor on development and implementation of programs funded from the Carbon Emissions Reduction Account and the Climate Investment Account.

RCW 70A.65.040: The EJ Council must recommend EJ and environmental health goals for programs, activities, and projects funded from the Climate Investment Account and review agency annual reports on outcomes and progress toward meeting these goals.

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

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

RCW 70A.65.040: The EJ Council must recommend EJ and environmental health goals for programs, activities, and projects funded from the Climate Investment Account and review agency annual reports on outcomes and progress toward meeting these goals.

RCW 70A.65.040: The EJ Council must evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities.

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

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

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

Legislation Passed in 2023

<p>E2SHB 1216, Clean Energy Siting</p>	<p>Sec 101 adds EJ Council staff to the Interagency Clean Energy Siting Coordinating Council</p> <p>Sec 307 directs Department of Commerce to analyze benefits and impacts of changes to the energy system, including for rural communities -- Commerce must use community engagement plan to consult with stakeholders with input from the EJ Council.</p>
<p>E2SHB 1170, Improving Climate Resilience</p>	<p>Sec 2 directs Department of Ecology to update the integrated climate response strategy -- Ecology must develop an engagement plan using guidance from the Office of Equity and the EJ Council, and Ecology’s HEAL community engagement plan.</p>
<p>ESHB 1853, Corrective Changes to Transportation Resources</p>	<p>Sec 12 directs local transit agencies applying for the local transit grant program "to the extent possible" to align their zero-fare policies for youth with EJ principles consistent with EJ Council recommendations.</p>

This is a draft report prepared by staff for the Environmental Justice Council’s review and discussion at its October 26, 2023 meeting. It has not been approved by the Council.

<p>ESSB 5187, Operating Budget, Data Portal</p>	<p>Sec 302(13) directs the EJ Council to coordinate with Ecology on Climate Commitment Act tracking/reporting process. EJ Council has responsibilities for public engagement with Tribes and vulnerable populations within overburdened communities and to distribute stipends for participation.</p>
<p>ESSB 5187, Operating Budget, Participatory Budgeting</p>	<p>Sec 222(124) directs the EJ Council to partner with the Department of Health in engaging in participatory budgeting with five communities.</p>
<p>ESSB 5187, Operating Budget, Workplace Safety & Health Program</p>	<p>Sec 222(26) directs the Department of Health to consult with the EJ Council and others to evaluate mechanisms to provide workers with financial assistance to cover lost wages or other hardships caused by extreme weather and climate threats.</p>
<p>ESSB 5187, Operating Budget, Deliberative Democratic Processes</p>	<p>Sec 222(104) directs the Department of Health to consult with EJ Council (staff or Council) to develop best practices for incorporating deliberative processes into community engagement practices.</p>

Environmental Justice Council

Date: October 26, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: 2024 Legislative Process for Engaging with the Governor and Legislature

Background and Discussion:

Washington State Legislature and the Budget Development Process:

The Washington State Legislature is comprised of 98-members in the House of Representatives and 49-members in the Senate. The House of Representatives is controlled by a Democratic majority, 58-40, while the Senate Democratic majority is 29-20. The entire House is elected every two years, while Senators serve four years with half the chamber being up for election every two years. Legislative session lasts 105-days during odd numbered years, and 60-days during even numbered years; and begins on the second Monday in January.

During “long” 105-day sessions, the Legislature passes Operating, Capital, and Transportation Budgets for the biennium (lasting two years), with the new fiscal year beginning July 1 each year. During “short” 60-day sessions, the Legislature passes Supplemental Operating, Capital, and Transportation Budgets. Larger investments are usually negotiated during long sessions however, new investments can still be made during supplemental budget years.

The Governor is responsible for proposing a budget before the start of session. This process begins with state agencies submitting budget requests (decision packages) to the Governor’s office for their consideration in September. The Governor typically publishes his proposed

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budget by the end of November or early December, and it is heard in House and Senate committees during the first week of session.

Both chambers' majorities are responsible for proposing budgets, with one chamber publishing before the other. Budget writers can use the Governor's proposed budget in its entirety, in part, or not at all. Budget negotiations begin in earnest between chambers and parties several weeks before the end of session; with a deal usually being struck in the final days, and often hours, of regular session.

Ahead of the 2024 legislative session, members will convene for Committee Assembly Days where they will elect new leadership, including committee membership and chairs, and establish agendas for their future work. This year, the Senate will meet November 30 – December 1, and the House will meet December 4-5. Regular session will begin on January 8, 2024, and run for 60-days.

Council Staff Activities During Session

Once session starts, there are often just a few days or less to respond to policy proposals. For example, sometimes bills are introduced and public hearings are scheduled for the next day. Council staff will monitor pre-filed bills and bill introductions to identify bills of potential interest to the Council:

- 1) Bills that affect the Council's authority or membership, give it extra responsibilities, or otherwise directly impact the Council;
- 2) Budget bills (to determine whether or not the Council's adopted budget recommendations are included); and
- 3) Bills related to any other policy priorities that the Council may choose to formally adopt.
- 4) Bills that may harm or impede the Council and the State from accomplishing the goals of the HEAL Act and Climate Commitment Act.

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Staff need guidance from the Council on how to relay the Council's position in these four areas. Today the Council will have time to discuss the process it wants to follow that will guide how staff and members operate this upcoming legislative session.

Discussion Topics and Questions:

1. Last session, Council staff advocated for inclusion of the Council's budget recommendations in the Governor's and Legislature's (House and Senate) budget proposals, and for inclusion in the budget (Operating, Capital, and Transportation) that ultimately passed.
 - Is this the same process the Council wants to use this session?
 - While we have limited staff capacity to organize "lobby days" this session, does the Council want staff to facilitate meetings between Council members and Governor's Office staff and/or individual Legislators so Council members can advocate for the Council's budget recommendations? If yes, what are the ideal times before and during session for these meetings?
2. Can any Council Member speak to Legislators, legislative staff, and staff in the Governor's Office about positions formally adopted by the Council on behalf of the Council?
3. Who may speak to the media on behalf of the Council regarding Council position on bills or budget items?
4. Last session, the Council adopted talking points that were helpful for staff in relaying the Council's position that it wants to work with legislators on bills that would impact the Council's authority or membership (see [page 104](#) for the full talking points adopted last session).
 - Does the Council want to reaffirm those talking points?

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5. While last year's adopted talking points were useful, when a bill was introduced that would have removed and replaced all Council Members, the talking points did not give Council staff the ability to directly oppose the bill on behalf of the Council.
 - Going into this session, does the Council want to adopt more specific statements/positions that would allow staff or Council Members to weigh in on specific legislation without the full Council having to convene to adopt a position on that specific bill? Staff recommend the Council consider the following statements/positions:
 - The Council opposes any legislation that would significantly alter the Council's membership, duties, or authority in ways that are counter to the intent of the HEAL Act.
 - The Council supports legislation that both aligns with the intent of the HEAL Act to promote environmental justice AND significantly aligns with the intent of, or would be necessary to implement, any 2024 supplemental budget recommendations formally adopted by the Council.
6. Does the Council want staff to work with Co-Chairs, the Executive Committee, or a special committee of the Council to direct staff actions before taking a position on legislative or budgetary proposals or responding to emergent issues?
7. Are members aware of possible legislation that may be introduced this session that they may want to support or oppose? Or broader topics that they anticipate may be hot topics on which they may want to take a position?

Staff Contact:

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Environmental Justice Council

Talking Points for the 2023 Legislative Session

Adopted by the Environmental Justice Council on February 25, 2023

- 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.

Environmental Justice Council

Date: October 26, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Youth Advisory Council

Background and Discussion:

The Community Engagement Committee of the Council has been exploring the creation of a Youth Advisory Council that would ensure more an equitable representation of youth voices inform Council decision-making, decrease the pressure on the Council's youth representative, spread awareness of the Council to Washington's youth population, and expand opportunity for youth involvement in the Council.

Council Member NiRae Petty, Council Youth Community Representative, has been leading the work to create a vision for a Youth Advisory Council in partnership with Markez Jackson. Council Member Petty and Markez Jackson are serving as the first two members of a Youth Advisory Council Brainstorming Workgroup. Today they will provide an update on their work so far and their vision for next steps, including their goal of recruiting more youth to join the brainstorming workgroup (see [page 108](#) for a draft application for the workgroup). Today Council Members will have an opportunity to share feedback, ideas, and insights to inform next steps in this work.

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EJC Youth Advisory Council Strategic Plan

Purpose: The Youth representative for the Environmental Justice Council is vital to ensuring youth voice is considered in Council decisions, advice to HEAL Agencies, and in CCA policy and revenue decisions. Having one representative for the state does not ensure equitable representation and can exert a tremendous amount of pressure on the EJC youth representative. The creation of a Youth Advisory Committee has several benefits: spreading awareness of the EJC to Washington's youth population and expanding the opportunity for youth involvement in the EJC.

Distribution of Washington population by age and gender

Goals of the Committee:

- Creating space and opportunity for youth centered voice in decision making in a system that leans toward gerontocracy.
- Providing schools and programs with education around environmental justice and its inherent ties to social and racial justice.

Brainstorming Workgroup: The YAC Brainstorming Workgroup (YACBW) will begin meeting in December and will work up to 20 hours a month to develop the outreach plan and YAC proposal for the EJC and legislature. The Workgroup will consist of six community members, between the ages 16-25, with direct personal lived experience of environmental health disparities and/or environmental racism. There will be a chair of the workgroup nominated during the initial meetings, and roles will be appointed throughout the whole workgroup. The compensation is set at \$45 per hour and stipends will be issued monthly.

Below is the proposed timeline for the YACBW:

July to October 2023:

- Finalize YACBW Structure, Compensation, and Membership
- October EJC meeting provide short briefing to EJC and make sure no concerns with moving forward to form a YACBW

November to December 2023:

- YACBW forms

January 2024:

- YACBW begins meeting bi-weekly to develop outreach plan, confirm timeline, locations, and budget, and proposal to EJC

September 2024:

- YACBW presents proposal to EJC for feedback and guidance on a YAC

January to February 2024:

- Youth Rep presents proposal to EJC for adoption to begin doing community research for EJC YAC

March to July 2024:

- YAC Brainstorming Workgroup begins statewide outreach in March through July

August to October 2024:

- YAC Brainstorming Workgroup and partners use feedback to finalize proposal to legislature for adoption and budget for EJC YAC

October to December 2024:

- Build momentum, support, and solid proposal for 2025 legislative session

January 2025:

- Legislative session begins
- Advocate for policy adoption and budget provisions for YAC

June 2025:

- Start appointing members to EJC YAC

This is a draft document for Environmental Justice Council Discussion. This is not an active application.

Youth Advisory Council Brainstorming Workgroup (Application)

Purpose:

The HEAL and Climate Commitment Acts collectively put environmental justice and equity at the center of its policy goals and outcomes. Essentially, it prioritizes co-governance for the communities most impacted by environmental health disparities. The Environmental Justice Council (EJC) was a product of these policy decisions. The duties of the EJC are, but are not limited to, providing a forum for environmental justice concerns, analyzing policies to determine whether they lead to improvements for overburdened communities, recommending how to support public participation through capacity funding, and providing recommendations to the governor, legislature, and HEAL agencies on actions to advance environmental justice in Washington State.

As the Father of Environmental Justice, Robert Bullard, stated, *“One of the key components in EJ is getting people to speak for themselves”*, and to get them *“in the room where policy is being made”*. Due to a gerontocratic society, youth disenfranchisement is a barrier for youth to influence decision-making that directly impacts our future. The Youth representative for the Environmental Justice Council is vital to ensuring youth voice is considered in Council decisions, advice to HEAL Agencies, and in CCA policy and revenue decisions. Though there is a position for a youth representative on the EJC to help reduce that gap, youth engagement continues to be inequitable with one young adult representative representing all interests of youth statewide. Having one representative for the state does not ensure equitable representation and can exert a tremendous amount of pressure on the EJC youth representative.

The goal of the Youth Advisory Council Brainstorming Workgroup is to create a framework and plan for a youth advisory council (YAC) for the Environmental Justice Council, which will work with and report to the youth representative Council Member. Ultimately, the creation of a Youth Advisory Council has several benefits, which includes spreading awareness of the EJC to Washington’s youth population and expanding the opportunity for youth involvement in the EJC.

Goals of the Youth Advisory Council:

- Consult with the Youth Representative Council Member to provide input on matters related to transportation, food, air, and water etc. and advancing environmental justice within the state for both rural, urban, and tribal communities.
- Creating space and opportunity for youth centered voice in decision making in a system that leans toward gerontocracy.
- Providing schools and programs with education around environmental justice and its inherent ties to social and racial justice.

However, the duties of the YAC are subject to change as the YAC Brainstorming Workgroup and external youth engagement inform its structure in real time, until approved by EJC (and potentially the Legislature).

Brainstorming Workgroup: The YAC Brainstorming Workgroup (YACBW) will begin meeting in December and will work up to 20 hours a month to develop the outreach plan and YAC proposal for the EJC (and potentially the Legislature). The Workgroup will consist of six individuals, between the ages 16-25, with

This is a draft document for Environmental Justice Council Discussion. This is not an active application.

direct personal lived experience of environmental health disparities and/or environmental racism. The compensation is set at \$45 per hour and stipends will be issued monthly.

YACBW Application Information:

To be eligible for selection, you must be 16-25 years old, and identify as a Black, Brown, and/or Indigenous person of color, LBQTQIA+, resident of a low-income household, or a resident of a rural area. Preference is given to applicants who have experience in environmental and/or social justice work through education or community service.

The application consists of four questions and a professional reference. The answers to the questions are limited to 2,000 characters. Please include at least one professional or educational reference at the end of your response, with their full name, relationship to you, and contact information (e-mail and phone number). You can submit your application via email to _____. Applications must be submitted no later than **November 30th**.

Application Questions:

- 1) How do you think you could best contribute to the environmental justice movement?
- 2) Share an example of when you exercised leadership as the youngest person in a group.
- 3) What is your experience with project management?
- 4) Are you passionate about youth representation in policymaking and implementation? If yes, why?