

Environmental Justice Council

September 28, 2023 Meeting Materials

Table of Contents

Agenda - Español	1
Agenda - English	
Approval of Past Meeting Notes	
Draft July 27, 2023 Meeting Notes	
Draft August 25, 2023 Meeting Notes	
Discussion and Potential Adoption of Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work	
Memo	
Draft Interim Policy	2
Adopt Climate Commitment Act & HEAL Act 2024 Budget Recommendations	
Memo	
Draft 2024 Budget Recommendations	
Discussion on Linking Washington's Cap and Invest Program	
Memo	
Memo	
Memo	
Public Comments	

Consejo de Justicia Ambiental (EJC)

Jueves, 28 de septiembre 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

Encuentre su número local: <https://us02web.zoom.us/j/kd6MqgTvTL>

Objetivos de la reunión:

1. Debatir, modificar en caso necesario y adoptar una política provisoria para respaldar el desarrollo del liderazgo y la cogobernanza mediante el aumento de la capacidad de los miembros para participar en el trabajo de los comités.
2. Debatir, modificar en caso necesario y aprobar las recomendaciones presupuestarias para 2024.
3. Discutir la recomendación del Consejo a Ecología sobre la posibilidad de conectar o vincular el Programa Washington Limite e Inversión con los programas de California y Quebec.

Orden del día

Los invitamos a participar a las 3:20 p. m. en una presentación sobre cómo activar los subtítulos 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

Copresidenta Maria Batayola
El honorable Jarred-Michael
Erickson

Miembros del Consejo

De 3:35 p. m. a 3:40 p. m.	<p>II. Aprobación del orden del día por parte del Consejo</p> <p>III. Aprobación de las notas de la reunión del 27 de julio y el 25 de agosto de 2023 por parte del Consejo</p> <p>- Posibles medidas del Consejo</p>	<p>Aurora Martin, miembro del Consejo</p> <p>Miembros del Consejo</p>
De 3:40 p. m. a 3:50 p. m.	IV. Comentarios públicos	Miembro del Consejo Rosalinda Guillen
De 3:50 p. m. a 4:30 p. m.	<p>V. Debate y posible adopción de una política provisoria para respaldar el desarrollo del liderazgo y la cogobernanza mediante el aumento de la capacidad de los miembros para participar en el trabajo de los comités.</p> <p>Objetivo: Debatir, modificar en caso necesario y adoptar una política provisoria.</p> <p>- Posibles medidas del Consejo</p>	<p>El honorable Jarred-Michael Erickson Comité Directivo Sierra Rotakhina, miembro del equipo del Consejo</p>
Receso de 5 minutos		
De 4:35 p. m. a 5:45 p. m.	<p>VI. Adopción de las recomendaciones sobre el presupuesto de 2024 para la CCA y la HEAL (por sus siglas en inglés, Ley de Medioambiente Sano para Todos).</p> <p>Objetivo: Debatir, modificar en caso necesario y aprobar las recomendaciones presupuestarias para 2024.</p>	<p>Copresidenta Maria Batayola</p> <p>Comité Presupuestario <i>ad hoc</i> Sierra Rotakhina, miembro del equipo del Consejo Miembros del Consejo</p>
Receso de 5 minutos		

<p>De 5:50 p. m. a 6:25 p. m.</p>	<p>VII. Discusión sobre el enlace del programa Limite e Inversión de Washington</p> <p>Objetivo: Discutir la recomendación del Consejo a Ecología sobre la posibilidad de conectar o vincular el Programa Washington Limite e Inversión con los programas de California y Quebec</p>	<p>El honorable Jarred-Michael Erickson</p> <p>Comité de la CCA</p> <p>Jonathan Chen, miembro del equipo del Consejo</p> <p>Andrew Hayes, Departamento de Ecología</p> <p>Miembros del Consejo</p>
<p>De 6:25 p. m. a 6:30 p. m.</p>	<p>VIII. Agradecimientos y cierre</p>	<p>El honorable Jarred-Michael Erickson</p> <p>Copresidenta Maria Batayola</p>

Información importante:

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

Environmental Justice Council (EJC)

Thursday, September 28, 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

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Webinar ID: 817 4786 4781

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

Meeting Goals:

1. Discuss, edit as needed, and adopt Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work.
2. Discuss, edit as needed, and adopt 2024 budget recommendations.
3. Discuss the Council's recommendation to Ecology on whether or not to link Washington's Cap and Invest program to carbon market programs in California and Quebec, Canada

Agenda

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

3:30 PM – 3:35 PM

I. Welcome and Roll Call for Quorum

Co-Chair Maria Batayola
The Honorable Jarred-
Michael Erickson
Council Members

<p>3:35 PM – 3:40 PM</p> <p>Draft meeting notes starting on page 7.</p>	<p>II. Approval of Agenda by Council</p> <p>III. Approval of July 27, 2023 and August 25, 2023 Meeting notes by Council</p> <p>-Possible Council Action</p>	<p>Council Member Aurora Martin</p> <p>Council Members</p>
<p>3:40 PM – 3:50 PM</p> <p>Written public comments on page 93.</p>	<p>IV. Public Comment</p>	<p>Council Member Rosalinda Guillen</p>
<p>3:50 PM – 4:30 PM</p> <p>Materials on page 20.</p>	<p>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</p> <p>Goal: Discuss, edit as needed, and adopt interim policy.</p> <p>-Possible Council Action</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Governance Committee</p> <p>Sierra Rotakhina, Council Staff</p>
<p>5 Minute Break</p>		
<p>4:35 PM – 5:45 PM</p> <p>Materials on page 25.</p>	<p>VI. Adopt Climate Commitment Act & HEAL Act 2024 Budget Recommendations</p> <p>Goal: Discuss, edit as needed, and adopt 2024 budget recommendations</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 Minute Break</p>		

<p>5:50 PM – 6:25 PM</p> <p>Materials on page 53.</p>	<p>VII. Discussion on Linking Washington's Cap and Invest Program</p> <p>Goal: Discuss the Council’s recommendation to Ecology on whether or not to link Washington’s Cap and Invest Program to Carbon Market Programs in California and Quebec, Canada</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Climate Commitment Act Committee</p> <p>Jonathan Chen, Council Staff</p> <p>Andrew Hayes, Department of Ecology</p> <p>Council Members</p>
<p>6:25 PM – 6:30 PM</p>	<p>VIII. Appreciations and Adjournment</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Co-Chair Maria Batayola</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

July 27, 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/EnvironmentalJusticeCouncilMeetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing envjustice@ejc.wa.gov or by calling 360-584-4398.

Council Members present:

- Council Member Maria Batayola, present
- Council Member Nichole Banegas, present
- Council Member Maria Blancas, present
- Council Member Running-Grass, present
- Council Member Rosalinda Guillen, present
- Council Member Aurora Martin, present
- Council Member David Mendoza, joined at 3:40pm
- Council Member Esther Min, present
- Council Member Todd Mitchell, present
- Council Member Nirae Petty, joined at 3:43pm
- Council Member Raeshawna Ware, present

Council Members absent:

- The Honorable Jarred-Michael Erickson
- Council Member Faaluaina Pritchard
- AJ Dotzauer on behalf of The Honorable Misty Napeahi

Agency Ex Officio Liaisons present:

- Laura Blackmore, Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture

- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health

Council Staff:

- Amina Al-Tarouti
- Jonathan Chen
- Christy Curwick Hoff
- Angie Ellis
- Rowena Pineda
- Sauncha Romey
- Sierra Rotakhina

Guests and other participants:

- Stephanie Potts, Department of Ecology
- Carrie Sessions, Governor’s Office

I. Welcome and Roll Call for Quorum

Rowena Pineda, Council Staff, facilitated roll call.

Nichole Banegas	present
Co-Chair Maria Batayola	present
Maria Blancas	present
Tribal Rep (vacant)	vacant
The Honorable Jarred-Michael Erickson	absent
Running-Grass	present
Rosalinda Guillen	present
Aurora Martin	present
David Mendoza	joined at 3:40pm
Esther Min	present
Todd Mitchell	present
AJ Dotzauer on behalf of The Honorable Misty Napeahi	absent
Nirae Petty	joined at 3:43pm
Faaluaina Pritchard	absent
Tribal Rep (vacant)	vacant
Raeshawna Ware	present

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Carrie Sessions, Senior Policy Advisor for Environment and Water in the Governor's Office, shared that they plan to hire a HEAL Implementation Coordinator to oversee and coordinate HEAL Act implementation. They also plan to convene a Subcabinet of agency directors to provide executive level support and leadership on HEAL implementation.

II. Approval of Agenda by Council

Aurora Martin, Council Member, called for adoption of the agenda.

Motion: The Council adopts the agenda.

Motion/Second: Member Guillen/ Member Mendoza

The motion passed.

III. Approval of June 22, 2023 Meeting Notes by Council

Council Member Martin called for adoption of the meeting notes.

Motion: The Council adopts the June 22, 2023 meeting notes.

Motion/Second: Member Min/ Member Blancas

The motion passed.

IV. Overview and Discussion of Outline for Council Report and Update due to the Public, Legislature, and Governor

Christy Hoff, Council Staff, outlined the Council's legislative reporting requirements and the plan to combine both requirements into a single legislative report, which would be submitted by November 30, 2023. Christy Hoff and Amina Al-Tarouti, Council Staff, shared an outline of the contents for the report.

V. Public Comments

Faduma Fido, People's Economy Lab, provided information on the Just Futures Project and co-governance. She defined co-governance as the adoption of a deeper form of democracy, in which government and communities work together to make collective policy decisions and ensure they

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are implemented effectively. Just Futures recommends funding for Community Assemblies. She invited the Council to attend a virtual meeting on August 7, 2023 at 10:00am to learn more.

Gerry Pollet, House Representative, asked the Council to support his budget proposal for Community Based Health Assessments for Health Equity Zones. He said the goal is to develop community prioritized proposals for health interventions.

John Worthington, said he did not support linkage with California or Quebec because they make poor environmental choices (provided an example of alfalfa growing). He asked the Council to consider shipping emissions before making a recommendation on linkage.

Jean Mendoza, Friends of Toppenish Creek, said in the Columbia Basin on the Hanford Reservation, there is a building leaking high levels of radioactive waste into the soil and groundwater. The area is very polluted, and the discharge is at risk of going into the Columbia River. This is a crisis needing to be addressed. Second, she shared that the residents of Mabton are low income, and are paying 10% of their income for safe drinking water due to pollution. Their drinking water is so polluted that they have purchased water rights to drill two new wells. She said there is evidence that this pollution is caused from nearby concentrated animal feeding operations. She said both the city of Mabton and the Yakima River are suffering because the river is recharged from ground water.

VI. Briefing and Discussion of HEAL Agency Budget and Funding Guidance

Sierra Rotakhina, Council Staff, said the Budget Committee has asked staff to gather a list from HEAL agencies of the areas where they would like guidance from the Council as they integrate environmental justice into their budgeting and funding decisions. Members discussed topics that the Council could provide guidance on to the HEAL agencies.

VII. Propose Climate Commitment Act & HEAL Act 2024 Budget Proposal

Sierra Rotakhina referred Council Members to the relevant budget documents in their meeting materials. Members discussed the need to adopt budget recommendations at the September

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Council meeting so they could influence the Governor's budget. Members encouraged each other to submit proposals to reflect the needs they are hearing in the community.

VIII. Introduction: Department of Ecology's Decision Whether to Link Washington's Cap and Invest Program to California and Quebec Programs

Stephanie Potts, Department of Ecology, gave a presentation that covered the background on linkage, process and timeline, draft analysis of environmental justice impacts, and next steps. She said they would share a report on the preliminary analysis in September and a preliminary decision on whether to pursue linkage in October. If all jurisdictions decide to pursue linkage, they would explore whether statutory changes and rulemaking are needed. She said they expect the process to take several years with linkage (if approved) taking place in 2025 or later. She said there will be a number of opportunities for public comment before any linkage occurs. Council Members shared concerns. David Mendoza, Council Member, said the CCA Committee will bring a proposal for the Council to consider at the September meeting to prepare for a vote in October on whether the Council wants to recommend linkage or not.

IX. Discussion and Possible Adoption of Council Community Engagement Values and Guidance and Council Process for Responding to Public Comments

Rowena Pineda reviewed the values and guidance with members. She said the committee is still working on appendices and will bring those to the full Council in the future. She said the committee cross-walked the values and guidance to make sure they were reflecting the values in the guidance. Members thanked the Community Engagement Committee for their work. Members discussed the appendices and their complexity. They discussed adopting the values and guidance and continuing to work on the appendix as a living document.

Motion: The Council adopts the following motion pending legal review: The Environmental Justice Council adopts the Community Engagement Values and Guidance developed by its Community Engagement Committee with edits made at the July 27, 2023 Council meeting, with implementation by departments accordingly. The Council strongly suggests and urges:

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- The Interagency Work Group to integrate the guidance and values in the Interagency community engagement guide.
- The HEAL agencies to integrate the guidance and values in their agency-specific community engagement plans.

The Council directs Council staff to:

- 1) Collect questions and comments from agencies on the Council’s Community Engagement Values and Guidance document for the Council.
- 2) Provide preliminary review of the agency community engagement plans in reference to the Council’s Community Engagement Values and Guidance document to synthesize and analyze for the 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	E
Co-Chair Maria Batayola	A
Maria Blancas	A
The Honorable Jarred-Michael Erickson	Absent
Running-Grass	B
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Esther Min	A
Todd Mitchell	F
The Honorable Misty Napeahi	Absent
Nirae Petty	A
Faaluaina Pritchard	Absent
Raeshawna Ware	F

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The motion does not pass.

X. Executive Committee Updates

The Council did not get to this agenda item.

XI. Adopt Articles I, II, III, and VI of Bylaws and Discuss Articles IV and V of Bylaws

The Council did not get to this agenda item.

XII. Appreciation and Adjournment

Co-Chair Batayola adjourned the meeting at 6:33pm.

Draft Minutes of the Environmental Justice Council

8/25/2023

Virtual ZOOM Platform

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Council Members present:

- Council Member Maria Batayola
- Council Member Maria Blancas
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- AJ Dotzauer on behalf of The Honorable Misty Napeahi
- Council Member Nirae Petty

Council Members absent:

- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell
- The Honorable Jarred-Michael Erickson
- Council Member Nichole Banegas
- Council Member Raeshawna Ware

Agency Ex Officio Liaisons present:

- Melissa Schutten, Puget Sound Partnership (virtually)
- 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:

- Amina Al-Tarouti
- Jonathan Chen
- Christy Curwick Hoff
- Angie Ellis
- Rowena Pineda
- Sauncha Romey
- Sierra Rotakhina

Guests and other participants:

- Joe Nguyễn, Washington State Senator (virtual recording)
- Rebecca Saldaña, Washington State Senator (virtual)

I. Welcome and Roll Call for Quorum

Esther Min, Council Member, called the meeting to order at 2:49pm. Rowena Pineda, Council Staff, facilitated roll call.

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

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II. Approval of Agenda by Council

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

Motion: The Council adopts the agenda.

No objections. The motion passed.

III. Public Comment

Daryl Williams, Environmental Consultant for the Tulalip Tribes and Chair of Washington State Conservation Commission, shared his appreciation for the EJ Council and thanked the members for their service.

John Worthington, said he has been trying to figure out the emissions pie chart. He said this requires going into different stores to track product (e.g., watermelons from Mexico that are shipped to Seattle.) He told the EJ Council that they need to consider his input before writing any rules.

Katherine Woolverton, 350 Seattle's Community Action Team, said she was speaking on behalf of their aviation group. She said the idea of adding new airports or expanding existing airports is an environmental justice issue that isn't getting enough attention. She said the Commercial Aviation Coordinating Commission did not adequately evaluate community health, environmental justice, climate impacts, and land use and the new workgroup's mission is narrow in scope and incomplete. She said without these analyses, we risk making choices that burden communities proximal to airports. She said aviation is also a significant climate pollution contributor. She asked that the Council support a comprehensive study that looks at race, health, equity, climate, land use and find ways to provide transportation while meeting climate goals and providing equitable outcomes.

Ekaterina Ench, co-founder of United Stateless, asked the Council to include stateless constituencies in environmental justice efforts. She said there are about 218,000 stateless persons in the United States and they are a largely invisible and underserved population. She said stateless individuals face unique challenges, including lack of data, disproportionate vulnerability, and

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resource barriers. Stateless individuals are often unaccounted for in data. They lack access to healthcare, education, ability to secure legal employment, and are unable to leave the US to address their problems elsewhere. Stateless persons lack legal status in most cases. She said the Council can serve as a vital advocate for the rights of stateless persons.

IV. Discussion and Possible Adoption of Community Engagement Values and Guidance

Nirae Petty, Council Member, addressed the concerns expressed during the last meeting regarding the Community Engagement Values and Guidance and that everyone should have input into government decision making. She said the last motion didn't have the votes and she received feedback on why. She asked for approval of the values and guidance to serve as a living document.

Motion: The Environmental Justice Council adopts the Community Engagement Values and Guidance drafted by its Community Engagement Committee.

Motion Passed.

- A: Yes, I approve.
- B: Yes, with reservations.
- C: Not voting until we have further discussions.
- D: I don't approve, but I won't block.
- E: I block, have serious concerns.
- F: I stand aside, recuse myself.

Nichole Banegas	Absent
Maria Batayola (EJ Council Co-Chair)	Approve
Maria Blancas	Approve
Tribal Rep (vacant)	Vacant
The Honorable Jarred-Michael Erickson (EJ Council Co-Chair)	Absent
Running-Grass	Approve
Rosalinda Guillen	Approve
Aurora Martin	Approve

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David Mendoza	Approve
Esther Min	Approve
Todd Mitchell	Absent
AJ on behalf of The Honorable Misty Napeahi	Approve
Nirae Petty	Approve
Faaluaina Pritchard	Absent
Tribal (vacant)	Vacant
Raeshawna Ware	Absent

V. Discussing Council Member Capacity and Improving Council Member Ability to Engage

Sierra Rotakhina, Council Staff, said last year some of the community representatives expressed that the time demands on the Council were high. She said the Governor’s Office clarified that the HEAL Act doesn’t allow for alternates for non-Tribal Council members to attend full Council meetings, but that does not prevent the Council from determining who can attend their committee meetings. Council members shared their own experiences, the ways they’ve felt the strain, and strategies they’ve used to balance their capacity. Members expressed support for a policy solution to address the problem while also exploring other solutions simultaneously. Co-Chair Batayola said next steps were for Members to look at the proposal and share feedback and they would consider potential adoption of the proposal in September.

VI. The Original Vision for the HEAL Act

Senator Saldaña shared the history of the creation of the HEAL Act and the original vision. She acknowledged some of the challenges with implementation and said her job was to listen carefully to what is and is not working. She thanked the Members for their service. Members expressed gratitude for Senator Saldaña’s commitment to environmental justice.

VIII. Lessons and Insights from the 2023 Legislative Session for the Council’s Engagement in the 2024 Legislative Session

Senator Nguyễn submitted a pre-recorded video message, in which he provided some information about the state budget development process and tips for the Council’s engagement. Sierra

Rotakhina shared some additional lessons learned from working with legislators during the last session. Members shared their appreciation that legislators have been eager to receive the Council's recommendations.

IX. Council 2024 Legislative Process for Educating, Advocating, and Lobbying the Governor and Legislature on Council Priorities

Members discussed and reflected on the processes used last session and the need for a process to share Council position on specific bills and/or broader policy issues. Co-chair Batayola suggested forming a small group to continue discussion and to develop a plan.

X. Appreciation and Adjournment

Co-chair Batayola thanked everyone for a productive day.

Environmental Justice Council

Date: September 28, 2023

To: Environmental Justice Council Members

From: Environmental Justice Council Governance Committee

Subject: Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work

Background:

The Environmental Justice Council (Council or “EJC”) recognizes the promise of the HEAL Act as embodying the environmental justice principles and values of co-governance and leadership development. Originally this interim policy was narrowly framed to support Non-Tribal EJC Members, given that the Council understands and respects the Tribal Representatives represent Sovereign Nations and therefore determine who will attend committee meetings on behalf of their Tribe. The larger question from the EJC retreat was how to engage non-EJC members to participate in EJC ad hoc/standing committees and workgroups to benefit from their perspectives, knowledge, and expertise to better understand statewide EJ issues and develop relevant and effective EJC policy and guidance. Opportunities to participate in the EJC and the proposed activities of Non-Tribal EJC Member support person(s) serve as leadership development and co-governance. Therefore, the Governance Committee is recommending the Council adopt an interim policy today in anticipation of the Governance Committee, at a future meeting, recommending Bylaws for Leadership Development and Co-Governance Opportunities to the full EJC for adoption.

Recommended Action:

The Governance and Executive Committees of the Council recommend the Council discuss, amend as necessary, and adopt the following motion:

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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.

Staff Contact:

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

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Environmental Justice Council

Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work

Whereas:

1. The Environmental Justice Council (Council or “EJC”) recognizes the promise of the HEAL Act as embodying the environmental justice principles and values of co-governance and leadership development;
2. There is a need for Council Members to have relief from their various obligations;
3. The Council deliberations and decisions will benefit from a broader universe of input from people who are working at the grassroots level;
4. The HEAL Act, in essence, is about increasing co-governance and community engagement and the Council has a responsibility to model these values in our own governance and policies; and
5. The Council understands and respects the Tribal Representatives represent Sovereign Nations and therefore determine who will attend committee meetings on behalf of their Tribe.

Therefore:

1. Non-Tribal EJC Members are urged to remain mindful of their capacity to meet their commitments to Council and committee work. This interim policy is adopted to provide support to said Members when their community, work and/or EJC workload exceeds their capacity. This policy augments other steps and strategies available to the Council and Council Members to manage workload.
2. The Non-Tribal EJC Members may bring or send a support person to a committee meeting where no formal action is taken pursuant to [RCW 42.30.020](#) of the Open Public Meetings Act. Consistent with the goals of co-governance and leadership development, and to ensure the productive and informed role of the support person, the EJC Member designating or bringing a support person to EJC committees must brief the person on the

composition and culture of the Environmental Justice Council; decision-making and committees; its enabling HEAL Act legislation; Climate Commitments Act and other enabling laws and executive orders; EJ issues and topics; and their thoughts and opinions on said matters. The support person must understand the intention and role of providing support to an EJC Member.

3. The support person may be a paid or unpaid person from the Non-Tribal EJC Member's organization, coalition, and/or their ally network(s). They must have the relevant knowledge, skills, and abilities appropriate to the committee work. The support person's organizational affiliation should be disclosed in writing and, if paid by their organization, this should be disclosed in writing as well.
4. When the Non-Tribal EJC Member is attending the committee meeting, the support person can take notes and will not participate in the committee discussion. The notes and observations of the meeting and discussion will be transmitted to the Council Member.
5. When the Non-Tribal EJC Member is absent, the support person can represent the Councilmember's thoughts and opinions in the discussion and assist in formulating committee recommendations. The support person may assist in formulating committee recommendations but not participate in consensus decision-making regarding the elevation of a draft recommendation to the full EJC for consideration.
6. Given the iterative process of committee and Council deliberations and decision-making and the high level of trust necessary thereof, to the extent possible, the Non-Tribal EJC Member's support person attending committee meetings will be the same person to maintain consistent support.

7. This interim policy will be in effect until January 31, 2024 giving the Governance Committee four months to develop recommendation(s) and the EJC to adopt a regular policy on this matter.
8. The EJC Executive Committee acknowledges that the Governance Committee can recommend, and the EJC can adopt, an EJC standard for Council Member attendance and participation.
9. Members will notify the committee and EJC staff of the name of their support person before inviting them to join any committee meeting.
10. The EJC Committee Member(s) will engage the relevant Non-Tribal Council member who brought in the support person when there are concerns regarding mutual respect and ability to help maintain productive meetings, for dialogue and resolution.
11. The EJC staff will track support persons and summarize the learnings from the implementation of this interim policy as to the usefulness and effectiveness of support staff, and report to the EJC Council and the Governance Committee.

Environmental Justice Council

Date: September 28, 2023

To: Environmental Justice Council Members

From: Environmental Justice Council Ad Hoc Budget Committee

Subject: 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. The Legislature will convene in January 2024 and will be tasked with developing the supplemental budget. Prior to that, in December of this year, Governor Inslee will release his proposed supplemental operating, capital, and transportation budgets. In order to be timely in informing the Governor's budgets, the Council should consider adoption of its budget recommendations at today's meeting.

To facilitate the formation of budget proposals, the Council convened an ad hoc Budget Committee in June. All Council members were invited to submit budget proposals and proposals were submitted by many members, including those not serving on the Budget Committee. Budget Committee Members and staff worked with Council Members, state agency staff, Tribal government staff, representatives of community-based organizations, and others to refine the details of the budget proposals. The Committee met monthly to discuss proposals submitted by Council Members and determine which should be considered for the 2024 supplemental budget and which need more time for discussion, including with communities and Tribes, and therefore, were recommended to be considered for the 2025-2027 biennial budget cycle.

Recommended Action:

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

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

The Environmental Justice Council adopts the 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. The Council directs staff to work with Council 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. 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

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

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Draft 2024 Supplemental Budget Recommendations

Draft for discussion by the EJ Council on September 28, 2023

This document has been prepared by the Environmental Justice Council’s Ad Hoc Budget Committee. This document is for Council discussion only – recommendations have not been approved by the Environmental Justice Council. Recommendations are not in any priority order. The full document includes the background and rationale for each proposal. Appendix A lists only the budget proposals without the background and rationale to be used as a quick reference guide.

Table of Contents

Amendments to Existing Allocations	2
1. Participatory Budgeting	2
2. Capacity Grants	4
Major Areas of Community Investment	5
3. Community Co-Governance Framework Pilot (Community Assemblies)	5
4. Environmental Justice CCA Mitigation Fund	8
5. Community-Led Decarbonization and Energy Resilience	9
6. School Environmental Justice	10
7. Infrastructure and Land Reacquisition for Tribal Climate Adaption and Mitigation	11
Technical Assistance, Studies, and Assessment Programs	12
8. Technical Assistance and Planning for Tribes and Communities for Climate Adaptation	12
9. Reducing Barriers to Grant Programs	12
10. All Transportations Systems Study for Commercial Aviation Work Group.....	13
11. Centralizing Communication on HEAL- and CCA-Related Opportunities (Grant Funding, Rulemaking, Public Input, Etc.)	15
12. Community Based Health Assessments and Health Equity Zone Initiative	16
13. Study State Government Administrative Processes that Prevent Rapid Responses to Urgent Issues	16
14. Frequent Accessible Transit	17
Appendix A: Budget Proposal Summary Document	19

Amendments to Existing Allocations

1. Participatory Budgeting

Background: The Environmental Justice Council (Council) adopted a set of 2023-2025 [biennial funding and budget priorities on January 26, 2023](#). One of those recommendations was for Climate Commitment Act (CCA) funds to be allocated for Community Participatory Climate and Environmental Justice Planning. The Council's recommendation specified funding to: (1) build community capacity to engage in the participatory budgeting¹ process, (2) provide adequate resources to administer the process, (3) minimize barriers to community participation, and (4) fund the Council to partner with applicable agencies in the work. The recommendation also specified that funding guidelines should not exceed any restrictions already in the CCA.

Proposed Changes to the Operating Budget, ESSB 5187, Section 222(124):

\$38,600,000 of the climate commitment account—state appropriation is provided solely for the department² to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010. Of the amount provided in this subsection:

- (a) \$6,000,000 of the climate commitment account—state appropriation is provided ~~solely for fiscal year 2024~~ for the department and the environmental justice council created in RCW 70A.02.110 to engage in a participatory budgeting process with at least five geographically diverse overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The process

¹ Community Participatory Budgeting is a democratic process where community members decide how to spend allocated public funding. Many local jurisdictions, including those in Washington State, have successfully allocated funds through community participatory budgeting. Jurisdictions in Washington such as Seattle and Tacoma are currently working to allocate millions of dollars through participatory budgeting. These processes ensure projects are relevant and informed by community needs and priorities. See, for example, National Association of County and City Health Officials. Innovation Snapshots #4: Participatory Budgeting. Innovation-Snapshot-4-Budgeting.pdf (naccho.org). 2021; Seattle Office of Civil Rights webpage. Seattle's Participatory Budgeting Process. Available at Seattle's Participatory Budgeting Process - CivilRights | seattle.gov. Accessed November 11, 2022.

² Department of Health

must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities ~~to achieve the greatest gain for decarbonization and resiliency~~ in alignment with 70A.65.260. A report of the outcomes of the participatory budgeting process detailing ~~its recommendations~~ the communities' decisions for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, ~~2023~~ 2024.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided solely ~~for fiscal year 2025~~ for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. ~~The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.~~

Proposed Changes to Funding: The Council recommends that funding continue beyond the 23-25 biennium. As long as the grant program continues, the Department of Health will also need continued funding to administer the program and provide the necessary community and Tribal engagement for program success. In addition, it is likely that the Department of Health may not be able to finish executing all the community contracts in such a short amount of time. Therefore, the Council recommends that any unspent funds from the 2023-2025 biennium be reappropriated to the next biennium.

Rationale for Proposed Changes: The requirement for legislative approval of the project list runs counter to the principles of participatory budgeting. Communities know best what their needs are and what solutions will best meet their needs. To be effective, the Department of Health must radically change how it works with the community. This transformative work takes time to hire specialized community engagement and Tribal engagement staff and to develop trusting relationships and innovative community-led processes. It is not feasible for the Department to finalize work with communities and submit a report by December 31, 2023 that

includes a list of projects. Further, the Council finds that the grant program should extend beyond the biennium to avoid potential harms to community relationships by creating and disbanding a program so quickly. Overburdened communities need sustained partnership and funding. There are also co-benefits to participatory budgeting that will not be realized if the program is quickly disbanded. Building relationships and making connections requires time and sustained commitment.

2. Capacity Grants

Background: The Council adopted a [second set of detailed budget recommendations on February 28, 2023](#). One of those recommendations was for the Department of Health to administer a capacity grant program for Tribes and communities to provide guidance on HEAL Act implementation and updates to the Environmental Health Disparities Map.

Proviso Language in the Operating Budget, ESSB 5187, Section 222(28):

No Proposed Changes to Proviso Language

\$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

- (i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and
- (ii) To the department on updates to the environmental health disparities map.

At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

The department may use a reasonable amount of funding provided in this subsection to administer the grants.

Proposed Changes to Funding: The Council recommends that these funds continue beyond the 23-25 biennium. Additionally, hiring a team to administer a large grant and setting up that grant in an equitable way with community co-creation and Tribal Consultation takes time. The Council recommends that any unspent funds from the 2023-2025 biennium be reappropriated to the next biennium.

Rationale for Longer Term Funding: Per RCW 43.70.815, the Environmental Health Disparities Map must be evaluated and updated at least every three years. Similarly, agency implementation of the HEAL Act is ongoing as is the EJ Council's work. Because of the ongoing nature of this work, and the need for continual input and feedback from communities and Tribes, the Council recommends that funding for capacity grants continue beyond the 23-25 biennium to enable communities and Tribes to sustain the necessary engagement with the state on these efforts.

Major Areas of Community Investment

3. Community Co-Governance Framework Pilot (Community Assemblies)

Background and Rationale:

Climate change is a society-wide challenge that calls for a transition in our economy to regeneration and well-being for people and the environment simultaneously. We must build

collective resilience, which requires participation from everyone, especially from communities most historically marginalized and excluded from decision-making and well-being. We can achieve transformative change by: (1) empowering overburdened communities and vulnerable populations to identify measures of human and ecological well-being for state agencies and (2) resourcing overburdened communities and vulnerable populations to organize and provide leadership, direction, and oversight in the co-creation of solutions to address environmental, climate, and economic injustices.

This work is in alignment with the HEAL Act and Climate Commitment Act, specifically the community engagement requirements. The Economic Justice Alliance (“Alliance”) hosted by the Department of Social Health & Services (DSHS), in collaboration with Peoples Economy Lab, Front and Centered, and Statewide Poverty Action Network, seek an equitable investment of \$3,000,000 to pilot a statewide network of community assemblies centering historically overburdened communities and involving vulnerable populations at the front end of state government decision-making. The creation and resourcing of assembly platforms, hosted by community-based organizations, will elevate community expertise and solutions to inform state policy, program, and funding decisions. When feasible, the Alliance agencies, including DSHS and the Department of Health, should partner on Participatory Budgeting and Community Assemblies to ensure alignment in these complimentary processes.

This community assembly pilot will:

- Test a concrete, community-developed model for decision-making that could be scaled up to transform state agency community engagement to true partnership and problem-solving with communities.
- Create trusting partnerships and collaborations between community and agencies.
- Develop and track community solutions/resolutions coming out of the assembly efforts; distill and analyze lessons-learned from the pilot; and disseminate those findings so the lessons-learned can be incorporated into any scaling up of Community Assemblies following the pilot.
- Reflect the local leadership, culture, and practices of the participants and organizers.

- Strengthen community institutions and leadership at the grassroots level to play a significant role in implementing the solutions/resolutions.

Assuming this funding will allow for community assemblies on about six state policy, program, or funding decisions—the Council recommends that one of those six topics address a just transition toward sustainable, climate-resilient agriculture in Washington.

Background and Rationale for focusing on a just transition toward sustainable, climate-resilient agriculture in Washington:

In 2022, Washington-grown or processed food and agricultural imports totaled \$8 billion. Up to 90% of crops are exported each year. The current climate crisis and the HEAL Act requires the urgent just transition of the agricultural industry towards: 1) promoting sustainable food production to ensure food security; 2) mitigating health risks for farmworkers caused by climate change outcomes such as hotter temperatures; 3) eliminating pesticide use that causes air pollution and that contaminates land and water tables, causing long term health issues to workers and community members as well as wildlife and salmon; 4) mitigating the economic imbalance between large corporate growers and small organic and people of color farmers; 5) practicing environmental protections; 6) respecting Tribal Sovereignty and rights, including those reserved by treaty; and 7) providing equitable return from state investments via subsidies.

Systems change and problem solving of this magnitude requires a holistic revisioning of the industry involving farmworkers, members of agricultural communities, small farms, industrial agriculture, state government, researchers and academics, Tribal Governments, and others.

Proposal:

\$3,000,000 over a period of two years to the Department of Social Health & Services (DSHS) to pass through to the Peoples Economy Lab, Front and Centered, and Statewide Poverty Action Network to pilot a statewide network of community assemblies centering historically

overburdened communities and involving vulnerable populations at the front end of state government policy, program, and funding decision-making processes. An additional \$371,300 to the Economic Justice Team in DSHS to administer the pass-through grant and provide technical and other support to the community assemblies. One of the topics that must be included as part of this pilot project is convening community assemblies of overburdened communities and vulnerable populations to recommend climate sustainable, pollution free, and economically equitable agricultural industry just transition elements and recommend mechanisms to achieve this just transition (for example, to assess and confer with community whether a Sustainable Food Industry Council would be a trusted and effective mechanism and potentially co-create means of operationalizing community resolutions).

4. Environmental Justice CCA Mitigation Fund

Background and Rationale: The Environmental Justice Council has heard from communities about specific environmental justice concerns and requests for remediation for unintended or unavoidable harms that may arise from a transition to a new technology/pollution solutions. For example, digesters can be used to capture and dry manure in Concentrated Animal Feeding Operations (CAFOs); however, trucks that are needed to transport the byproducts add to greenhouse and noxious gasses that pollute the local community. A fund is needed to provide systemic solutions to support environmental justice mitigation of projects intended to reduce carbon pollution.

The fund would be available for community groups, Tribes, tribal organizations, state agencies, and local governments to provide additional funding to already funded projects in order to mitigate unintended environmental harms that may arise from a project whose purpose is to reduce greenhouse gas or criteria pollutants. Projects funded must significantly reduce or eliminate anticipated harm from the carbon reduction project. An application for a grant through this fund must detail the projected carbon reduction of the original project, the specific environmental harm anticipated, a statement on why the anticipated environmental harm cannot be mitigated by other means, and the extent of mitigation of the environmental harm

that funding would provide. This program will specifically support tribal, overburdened, rural, and vulnerable communities in Washington. Funding will be used to meet communities where they are and support them in planning for and executing place-based environmental justice remediation decarbonization projects.

Proposal: Create an \$100,000,000 per biennium Environmental Justice CCA Mitigation fund available to community groups, Tribes, tribal organizations, state agencies, and local governments to provide additional funding to already funded projects in order to mitigate unavoidable environmental harms that may arise from a project whose purpose is to reduce greenhouse gas or criteria pollutants and its downstream impacts. This fund is not intended to displace the responsibility of private entities to mitigate harms from their projects. This fund covers departmental resources needed to administer the grant.

5. Community-Led Decarbonization and Energy Resilience

Background and Rationale: Fundamental inequities exist among overburdened populations and vulnerable communities in terms of energy burden, access, and security. Members from these communities are often the ones that know what is needed to correct these inequities, however they often lack the capacity and/or resources to plan, design, and implement the solutions.

Proposal: Fund community engagement, technical assistance, planning, and implementation of community-led (planned, designed, and built) decarbonization/energy resilience for homes, businesses, various elements of community infrastructure (e.g., community centers, libraries, places of worship), and critical infrastructure (e.g., water/wastewater facilities, utility substation upgrades) in overburdened and vulnerable communities. Investments can vary, depending on what a community identifies as a need. Some examples are community renewable energy, supplemental energy, energy efficiency upgrades, battery storage, and electric vehicle charging stations.

6. School Environmental Justice

Background and Rationale: The State Board of Health has authority to adopt rules for environmental health and safety in schools. The Board last updated the rules in 2009, and that same year the Legislature included a budget proviso in the operating budget that prevented the updated rules from being implemented. This means the state is still using school environmental health and safety rules last updated over 30 years ago (in 1991). The Board's [2022 State Health Report](#) notes that climate change will likely worsen indoor air quality and impacts on health, particularly for children with asthma, diabetes, and other pre-existing diseases. The report also notes that schools are community hubs that often provide shelter for surrounding communities during adverse weather events, including wildfire smoke. The report stresses the need to ensure "minimum standards for school environmental health and safety are up to date and reflect the best possible science."

Proposal: Remove the budget proviso that blocks revision and implementation of the school environmental health and safety rules and, in alignment with the recommendations in the State Health Report:

- Fund Local Health Jurisdictions to stand up environmental health and safety programs to assess and inspect schools and to help schools identify, prioritize, and address environmental public health risks.
- Direct the Department of Health to work with local health jurisdictions, Office of Superintendent of Public Instruction, and the State Board of Health to conduct a school environmental health and safety review and needs assessment, including of existing inequities, to inform updates to the K-12 School Health and Safety Guide and future rulemaking and to prioritize schools in need of repair or replacement that serve overburdened communities.
- Fund K-12 school heating, ventilating, and air conditioning system maintenance and necessary upgrades, particularly for schools in overburdened communities.
- Fund the State Board of Health to develop cross-disciplinary partnerships to review the current and suspended school rules and make recommendations for next steps.

7. Infrastructure and Land Reacquisition for Tribal Climate Adaption and Mitigation

Background and Rationale: As traditional stewards of lands and waters, Indigenous Peoples' customs, culture, community, and place are all highly impacted by climate change. The limited geographic scope of reservation lands can restrict a Tribal Nation's capacity to adapt to climate change. When Tribes become displaced or experience a loss of land due to the impacts of climate change, their sovereignty to make decisions for adaptation and resettlement may be challenged because of their limited relocation options.¹

Investments made through the Climate Commitment Act include funding for, "activities to support efforts to mitigate and adapt to the effects of climate change affecting Indian tribes, including capital investments in support of the relocation of Indian tribes located in areas at heightened risk due to anticipated sea level rise, flooding, or other disturbances caused by climate change." RCW 70A.65.260 (1)(m)

Proposal: Fund infrastructure and land reacquisition needs identified within Tribal Nations' climate adaptation plans and or climate vulnerability assessments for the purposes of community relocation, managed retreat, place-keeping, or maintaining Indigenous ways of being.³

³ Note: The catalyst for this budget recommendation came from a budget request Shoalwater Bay Indian Tribe sent to the Environmental Justice Council staff for financial assistance to relocate as result of climate change. The Tribe requested \$22,040,000 to complete road construction and housing development for their relocation project. Recognizing that Tribes throughout the state also can benefit from funding to adapt to climate change, the language was modified to be more inclusive/expansive.

Technical Assistance, Studies, and Assessment Programs

8. Technical Assistance and Planning for Tribes and Communities for Climate Adaptation

Background and Rationale: Low-income communities, people of color, Indigenous people, people with disabilities, and older or very young people are the most vulnerable to the impacts of climate change because of policies that created inequities in healthcare, education, housing, employment, etc. Because these communities are often the first and worst ones to experience the harms brought on by climate change, they are also the closest to the solution and are subject matter experts. However, because a lack of funding, time, capacity, language access and other resources, these communities may be unable to fully develop and implement community-driven climate solutions. For these reasons and more, one of the Council's 2023 budget recommendations was to provide communities highly impacted by climate change with funding for mitigation and adaptation. This continues to be a priority for the Council.

Proposal: Fund technical assistance and planning for Tribes and communities highly impacted by climate change to develop and implement climate mitigation strategies, climate adaptation plans, climate vulnerability assessments, and/or feasibility studies.

9. Reducing Barriers to Grant Programs

Background and Rationale: In June 2022, a [comprehensive review](#) was conducted of the Washington State Recreation and Conservation Office's (RCO) recreation grant programs. Major recommendations from that review were to:

- Prioritize funding for high-needs areas
- Modify scoring criteria to elevate projects addressing inequities
- Change processes and procedures to support equitable proposal development and review
- Build applicant capacities to attract and support equity-driven sponsors and projects

- Build in structures and criteria to promote community involvement in shaping project proposals
- Fund projects that address intersecting social and economic challenges in communities.

RCO hired an Equity Coordinator (WMS 2) for \$312,000 per biennium and ongoing to implement these recommendations. As HEAL agencies implement Climate Commitment Act (CCA) funded grant programs, they can use the findings from RCO's grant equity review to assist applicants, particularly small community-based organizations.

Proposal: Provide funding for each HEAL agency to hire a dedicated staff person to be focused on assessing and addressing equity barriers in their agencies for implementing CCA funded grant programs. It's important that agencies work toward parity in pay for their equity, justice, and community engagement positions and that these positions are highly valued and compensated for their essential expertise.

10. All Transportations Systems Study for Commercial Aviation Work Group

Background and Rationale: ESHB 1791 created the Commercial Aviation Work Group (Work Group) to evaluate the long-range commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of Western Washington. The statute requires the Work Group to consider non-aviation multimodal transportation capacities as alternatives to adding aviation capacity in their evaluation.

To move the anticipated research by this Work Group forward, it is best to understand what studies currently exist on state transportation needs and capacities, and where there are gaps of information and then to fund research to fill those gaps in the literature.

Also, during the evaluation process, the Work Group will convene subject matter experts to present on various issues such as environmental assessments, multimodal forms of transportation, and airports. The Work Group does not have the capacity to engage impacted communities. Residents of overburdened communities and community-based organizations impacted by air and noise pollution caused by airports and aircraft are also subject matter experts. However, because of a lack of capacity and resources, these community members and community-based organizations do not often have the means to adequately provide their input and expertise to government entities.

Proposal: Provide \$125,000 to the Washington State Institute for Public Policy (WSIPP) to conduct 1) an independent, non-partisan assessment of the passenger and air cargo forecasts cited in the PSRC Regional Aviation Baseline Study including an evaluation of the underlying data, assumptions, methodologies, and the calculation of the level of uncertainty around the forecast and 2) a comprehensive literature review to identify effective national and international strategies to reduce demand for air travel including diverting it to other modes, to avoid environmental impacts to overburdened communities and vulnerable populations. The WSIPP shall submit a report with findings by December 31, 2024.

\$250,000 for the Commercial Aviation Work Group to address the gaps in the literature and data identified through the comprehensive literature review by conducting a study of the state's transportation needs via alternatives to additional aviation capacity.

\$250,000 for the Work Group to conduct meaningful community engagement and partnership with community to address the state's transportation needs and the environmental justice impact of aviation.

11. Centralizing Communication on HEAL- and CCA-Related Opportunities (Grant Funding, Rulemaking, Public Input, Etc.)

Background and Rationale: Communities, including those disproportionately impacted by environmental inequities, have an interest in providing input into agency activities to promote environmental justice. Communities also have an interest in learning about opportunities for grant funding. As agencies implement the HEAL Act and administer programs funded by the Climate Commitment Act Accounts, they have a need to reach and seek input from diverse community organizations and individuals. Currently, agency communications about HEAL and CCA related grant announcements and opportunities for public comments, listening sessions, etc., are decentralized. Agencies and programs have their own individual listservs and websites and other mechanisms for sharing information about these opportunities with the general public. This leaves community members scrambling to find needed information across multiple agencies and programs. Therefore, agencies need tools to further support coordination and standardization for how grant funding and public comment opportunities related to environmental and climate justice are communicated and accessed. Currently, under RCW 70A.02.090, the Office of Financial Management has a [webpage](#) that serves as a centralized space for interested parties to learn when HEAL covered agencies initiate Environmental Justice Assessments for Significant Agency Actions.

Proposal: Fund a communication system to collect and share out in a systematic way any opportunity for grant funding (supported by CCA accounts) or opportunities for public comment or input on Significant Agency Actions by HEAL covered agencies (e.g., listening sessions or public comment on agency rulemaking). Community engagement is essential to co-design the communication system to align with community needs, which include but are not limited to cultural competency, functionality for language, and disability access. The communication system should align with existing requirements under RCW 70A.02.090 such that interested parties have a centralized place to access such communications.

12. Community Based Health Assessments and Health Equity Zone Initiative

Background and Rationale: The Legislature created the [Health Equity Zone \(HEZ\)](#) Initiative through statute in 2021 with dedicated funding for the Washington State Department of Health to stand up the initiative and select HEZs (project Phase 1 and Phase 2). However, funding was not provided for the HEZ's to then identify their health priorities and implement projects to improve health outcomes that are unique to their community (Phase 3). Resources are needed to empower community-led decision-making, prioritization, and project implementation in the selected Health Equity Zones. Health Equity Zones can utilize Community Based Health Assessments, which use a broad range of data sources to assess the health assets and obstacles to health in communities, to identify and implement solutions.

Proposal: Support the budget proposal submitted by Representative Pollet for \$485,000 in FY 2025 and \$1,440,000 for each of the following two years in the 2025-2027 biennium for Health Equity Zone communities to complete Community Based Health Assessments and implement priority health improvement projects chosen by the communities.

13. Study State Government Administrative Processes that Prevent Rapid Responses to Urgent Issues

Background and Rationale: Many administrative processes in state government create barriers to rapid action needed to secure meeting locations to convene groups, establish contracts, transfer funds, procure resources, compensate communities, move money as expenditures, and to build capacity. This often means that urgent work to address environmental and climate injustices are slowed down by administrative processes, communities decline compensation because of the administrative burden and time delay, and/or state employees are directed toward procurement and contracting processes that are easier and faster but not always the most equitable. There is a need for a study of the administrative processes in state agencies that create barriers to rapid and equitable action.

Proposal: Provide funding to conduct an analysis of state government administrative processes that create barriers to rapid action needed to convene groups, transfer funds, procure resources, compensate communities, move money as expenditures, and to build capacity. Identify short term, intermediate term, and long-term solutions. Addressing these barriers becomes more essential as climate change and environmental injustices create urgency for action that should not be slowed down by administrative processes. The analysis should include recommendations for systems level changes to address administrative barriers in state government.

14. Frequent Accessible Transit

Background and Rationale: The [WSDOT Frequent Transit Service Study](#) finds that “...expanding public transportation would improve the relative performance of the transportation system for vulnerable populations in overburdened communities, decrease carbon emissions, reduce vehicle miles traveled, lower out-of-pocket costs per trip, and improve resiliency.” The Frequent Transit Service study concludes with a list of recommendations for future study on page 14:

- In addition to fixed-route service, research the levels and types of demand-response service and measure access to these services within the state.
- In collaboration with other departments, examine policy options that could integrate land use, energy, transportation, and other expansion requirements.
- Collect data and develop systems to achieve more accurate and precise analysis of disparities in access to fixed-route transit with a focus on accessibility and the inclusion of people with disabilities and other underserved communities.
- Explore funding scenarios that provide stable and long-term funding sources to transit agencies, other municipal entities, and nonprofits to expand fixed-route transit, demand-response transit, Complete Streets, and other accessible infrastructure.

In addition to the recommended studies outlined in the report, there is a need for an analysis of the level of funding needed to ensure statewide frequent, accessible, public transportation.

Proposal: Provide funding for the Washington State Department of Transportation to conduct the recommended studies outlined in the 2023 [Frequent Transit Service Study](#). Also provide funding to analyze the level of funding needed to ensure statewide frequent, accessible, public transportation in order to determine the level of funding that needs to be allocated next biennium. Additionally, the Legislature should pursue a long-term stable and consistent funding source to fulfill the funding needs identified in the 2023 Frequent Transit Service Study for frequent accessible transit statewide. In the interim of a permanent funding source, the Legislature should appropriate CCA revenue to provide transit operating funding where strategic, build accompanying infrastructure that will support the service level frequency identified, and provide accessibility walking and rolling to transit statewide.

Appendix A: Budget Proposal Summary Document

Amendments to Existing Allocations

1. Participatory Budgeting

[\(link back up to background and rationale for this recommendation\)](#)

Proposed Changes to the Operating Budget, ESSB 5187, Section 222(124):

\$38,600,000 of the climate commitment account—state appropriation is provided solely for the department⁴ to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010. Of the amount provided in this subsection:

(a) \$6,000,000 of the climate commitment account—state appropriation is provided ~~solely for fiscal year 2024~~ for the department and the environmental justice council created in RCW 70A.02.110 to engage in a participatory budgeting process with at least five geographically diverse overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The process must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities ~~to achieve the greatest gain for decarbonization and resiliency in alignment with 70A.65.260~~. A report of the outcomes of the participatory budgeting process detailing ~~its recommendations~~ the communities' decisions for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, ~~2023~~ 2024.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided ~~solely for fiscal year 2025~~ for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. ~~The department shall not sign contracts or otherwise financially~~

⁴ Department of Health

~~obligate funds under this section until the legislature has approved a specific list of projects.~~

Proposed Changes to Funding: The Council recommends that funding continue beyond the 23-25 biennium. As long as the grant program continues, the Department of Health will also need continued funding to administer the program and provide the necessary community and Tribal engagement for program success. In addition, it is likely that the Department of Health may not be able to finish executing all the community contracts in such a short amount of time. Therefore, the Council recommends that any unspent funds from the 2023-2025 biennium be reappropriated to the next biennium.

2. Capacity Grants

[\(link back up to background and rationale for this recommendation\)](#)

Proviso Language in the Operating Budget, ESSB 5187, Section 222(28):

No Proposed Changes to Proviso Language

\$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

- (i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and
- (ii) To the department on updates to the environmental health disparities map.

At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

The department may use a reasonable amount of funding provided in this subsection to administer the grants.

Proposed Changes to Funding: The Council recommends that these funds continue beyond the 23-25 biennium. Additionally, hiring a team to administer a large grant and setting up that grant in an equitable way with community co-creation and Tribal Consultation takes time. The Council recommends that any unspent funds from the 2023-2025 biennium be reappropriated to the next biennium.

Major Areas of Community Investment

3. Community Co-Governance Framework Pilot (Community Assemblies)

[\(link back up to background and rationale for this recommendation\)](#)

Proposal:

\$3,000,000 over a period of two years to the Department of Social Health & Services (DSHS) to pass through to the Peoples Economy Lab, Front and Centered, and Statewide Poverty Action Network to pilot a statewide network of community assemblies centering historically overburdened communities and involving vulnerable populations at the front end of state government policy, program, and funding decision-making processes. An additional \$371,300 to the Economic Justice Team in DSHS to administer the pass-through grant and provide technical and other support to the community assemblies. One of the topics that must be included as part of this pilot project is convening community assemblies of overburdened communities and vulnerable populations to recommend climate sustainable, pollution free, and economically equitable agricultural industry just transition elements and recommend mechanisms to achieve

this just transition (for example, to assess and confer with community whether a Sustainable Food Industry Council would be a trusted and effective mechanism and potentially co-create means of operationalizing community resolutions).

4. Environmental Justice CCA Mitigation Fund

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Create an \$100,000,000 per biennium Environmental Justice CCA Mitigation fund available to community groups, Tribes, tribal organizations, state agencies, and local governments to provide additional funding to already funded projects in order to mitigate unavoidable environmental harms that may arise from a project whose purpose is to reduce greenhouse gas or criteria pollutants and its downstream impacts. This fund is not intended to displace the responsibility of private entities to mitigate harms from their projects. This fund covers departmental resources needed to administer the grant.

5. Community-Led Decarbonization and Energy Resilience

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Fund community engagement, technical assistance, planning, and implementation of community-led (planned, designed, and built) decarbonization/energy resilience for homes, businesses, various elements of community infrastructure (e.g., community centers, libraries, places of worship), and critical infrastructure (e.g., water/wastewater facilities, utility substation upgrades) in overburdened and vulnerable communities. Investments can vary, depending on what a community identifies as a need. Some examples are community renewable energy, supplemental energy, energy efficiency upgrades, battery storage, and electric vehicle charging stations.

6. School Environmental Justice

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Remove the budget proviso that blocks revision and implementation of the school environmental health and safety rules and, in alignment with the recommendations in the State Health Report:

- Fund Local Health Jurisdictions to stand up environmental health and safety programs to assess and inspect schools and to help schools identify, prioritize, and address environmental public health risks.
- Direct the Department of Health to work with local health jurisdictions, Office of Superintendent of Public Instruction, and the State Board of Health to conduct a school environmental health and safety review and needs assessment, including of existing inequities, to inform updates to the K-12 School Health and Safety Guide and future rulemaking and to prioritize schools in need of repair or replacement that serve overburdened communities.
- Fund K-12 school heating, ventilating, and air conditioning system maintenance and necessary upgrades, particularly for schools in overburdened communities.
- Fund the State Board of Health to develop cross-disciplinary partnerships to review the current and suspended school rules and make recommendations for next steps.

7. Infrastructure and Land Reacquisition for Tribal Climate Adaption and Mitigation

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Fund infrastructure and land reacquisition needs identified within Tribal Nations' climate adaptation plans and or climate vulnerability assessments for the purposes of community relocation, managed retreat, place-keeping, or maintaining Indigenous ways of being.⁵

⁵ Note: The catalyst for this budget recommendation came from a budget request Shoalwater Bay Indian Tribe sent to the Environmental Justice Council staff for financial assistance to relocate as result of climate change. The Tribe requested \$22,040,000 to complete road construction and housing development for their relocation project. Recognizing that Tribes throughout the state also can benefit from funding to adapt to climate change, the language was modified to be more inclusive/expansive.

Technical Assistance, Studies, and Assessment Programs

8. Technical Assistance and Planning for Tribes and Communities for Climate Adaptation

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Fund technical assistance and planning for Tribes and communities highly impacted by climate change to develop and implement climate mitigation strategies, climate adaptation plans, climate vulnerability assessments, and/or feasibility studies.

9. Reducing Barriers to Grant Programs

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Provide funding for each HEAL agency to hire a dedicated staff person to be focused on assessing and addressing equity barriers in their agencies for implementing CCA funded grant programs. It's important that agencies work toward parity in pay for their equity, justice, and community engagement positions and that these positions are highly valued and compensated for their essential expertise.

10. All Transportations Systems Study for Commercial Aviation Work Group

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Provide \$125,000 to the Washington State Institute for Public Policy (WSIPP) to conduct 1) an independent, non-partisan assessment of the passenger and air cargo forecasts cited in the PSRC Regional Aviation Baseline Study including an evaluation of the underlying data, assumptions, methodologies, and the calculation of the level of uncertainty around the forecast and 2) a comprehensive literature review to identify effective national and international strategies to reduce demand for air travel including diverting it to other modes, to avoid environmental impacts to overburdened communities and vulnerable populations. The WSIPP shall submit a report with findings by December 31, 2024.

\$250,000 for the Commercial Aviation Work Group to address the gaps in the literature and data identified through the comprehensive literature review by conducting a study of the state's transportation needs via alternatives to additional aviation capacity.

\$250,000 for the Work Group to conduct meaningful community engagement and partnership with community to address the state's transportation needs and the environmental justice impact of aviation.

11. Centralizing Communication on HEAL- and CCA-Related Opportunities (Grant Funding, Rulemaking, Public Input, Etc.)

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Fund a communication system to collect and share out in a systematic way any opportunity for grant funding (supported by CCA accounts) or opportunities for public comment or input on Significant Agency Actions by HEAL covered agencies (e.g., listening sessions or public comment on agency rulemaking). Community engagement is essential to co-design the communication system to align with community needs, which include but are not limited to cultural competency, functionality for language, and disability access. The communication system should align with existing requirements under RCW 70A.02.090 such that interested parties have a centralized place to access such communications.

12. Community Based Health Assessments and Health Equity Zone Initiative

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Support the budget proposal submitted by Representative Pollet for \$485,000 in FY 2025 and \$1,440,000 for each of the following two years in the 2025-2027 biennium for Health Equity Zone communities to complete Community Based Health Assessments and implement priority health improvement projects chosen by the communities.

13. Study State Government Administrative Processes that Prevent Rapid Responses to Urgent Issues

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Provide funding to conduct an analysis of state government administrative processes that create barriers to rapid action needed to convene groups, transfer funds, procure resources, compensate communities, move money as expenditures, and to build capacity. Identify short term, intermediate term, and long-term solutions. Addressing these barriers becomes more essential as climate change and environmental injustices create urgency for action that should not be slowed down by administrative processes. The analysis should include recommendations for systems level changes to address administrative barriers in state government.

14. Frequent Accessible Transit

[\(link back up to background and rationale for this recommendation\)](#)

Proposal: Provide funding for the Washington State Department of Transportation to conduct the recommended studies outlined in the 2023 [Frequent Transit Service Study](#). Also provide funding to analyze the level of funding needed to ensure statewide frequent, accessible, public transportation in order to determine the level of funding that needs to be allocated next biennium. Additionally, the Legislature should pursue a long-term stable and consistent funding source to fulfill the funding needs identified in the 2023 Frequent Transit Service Study for frequent accessible transit statewide. In the interim of a permanent funding source, the Legislature should appropriate CCA revenue to provide transit operating funding where strategic, build accompanying infrastructure that will support the service level frequency identified, and provide accessibility walking and rolling to transit statewide.

Environmental Justice Council

Date: September 28, 2023

To: Environmental Justice Council

From: Jonathan Chen, Council Climate Justice Advisor

Subject: Discussion on Linking Washington's Cap and Invest program

Background:

[California](#) (CA) and [Québec, Canada](#) (QC) have a linked carbon emissions market. The Washington State Department of Ecology (Ecology) is currently exploring whether to link Washington's Cap-and-Invest program (linkage) with these other jurisdictions as described in [RCW 70A.65.060\(3\)](#) and [RCW 70A.65.210](#) (please refer to the Council's [7/27/23 meeting materials](#) for more information). At the Council's meeting on 7/27/23, Ecology staff gave a presentation on linkage ([this](#) recording includes that presentation).

Ecology will make their preliminary decision whether to pursue linkage in late October, after the Council's meeting on 10/26/23. If Ecology decides to pursue linkage, several steps will happen including, but not limited to, making changes to the Cap-and-Invest program regulations, proposing new rule changes, initiating linkage agreement negotiations with California and Quebec, and completing a formal environmental justice assessment.

Discussing Council's Recommendation to Ecology

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.

The Climate Commitment Act Committee (Committee) has been exploring the potential impacts of linkage on overburdened communities and vulnerable populations. The Committee has reviewed materials provided by Ecology and has had discussions with their staff to learn more. The Committee has also received input on linkage from several researchers (please refer to the Council's [7/27/23 meeting materials](#) for more information).

The Committee members will lead today's discussion and Ecology staff will be present to answer questions. Today's goal is to prepare Councilmembers to adopt a recommendation to Ecology at the October Council meeting.

Recommended Action:

Discuss the Council's recommendation to Ecology on whether or not to link Washington's Cap and Invest program to carbon market programs in California and Quebec, Canada

Staff Contact

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

Environmental Justice Council

Date: September 28, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Council Staff

Subject: Annual reports from the HEAL covered agencies and the Attorney General's Office

As required by [RCW 70A.02.090](#), the following pages contain the annual update from the covered agencies on HEAL implementation. The slides are organized in the same way they were last year. The first part is the collective report, and the appendices include a slide from each agency.

In addition, you will find the annual Environmental Justice Report from the Attorney General's Office, a HEAL opt-in agency.

Staff Contact

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

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



HEAL Agency Updates to the Environmental Justice Council

September 1, 2023

Healthy Environment For All (HEAL) Act: Chapter 70A.02 RCW

Content

- Review of submitted Strategic and Implementation Plans
- Community and Tribal Engagement Plan update
- EJ Assessment process update
- Budgeting and Funding update
- Agency Budget information
- Common barriers
- Opportunities to Overcome Barriers
- What the IAWG needs from EJC
- Appendices

Strategic Plans

Agriculture	Commerce	Health	Transportation	Natural Resources	Ecology	Puget Sound Partnership
<p>WSDA Strategic Plan published Jan 1, 2023</p> <p>WSDA Implementation Plan published Jan 1, 2023</p>	<p>Agency strategic plan has been drafted, incorporates EJ Implementation Plan.</p> <p>Commerce Director publishes first agency statement on Equity</p>	<p>DOH Transformational Plan published Aug 2022</p> <p>Full DOH EJ Implementation Plan published December 2022</p>	<p>WSDOT Strategic Plan (Sept 2022)</p> <p>WSDOT Diversity, Equity and Inclusion Plan (Aug 2022 incorporates the HEAL Act)</p> <p>WSDOT Strategic Plan Brochure (Sept 2022)</p> <p>WSDOT EJ Implementation Plan (Jun 2023)</p>	<p>DNR 2022-2025 Strategic Plan (Jan 2023)</p> <p>DNR HEAL Implementation Plan (July 2023)</p> <p>DNR Forest Resilience Environmental Justice Plan (June 2023)</p> <p>DNR Boards & Commissions Action Plan (est. Sept. 2023)</p>	<p>Ecology's 2023-2025 Strategic Plan</p> <p>Ecology and EPA Environmental Performance Partnership Agreement State Fiscal Years 2022-2023</p> <p>Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW): Summary of Progress and Implementation Goals</p> <p>Ecology Pro-Equity and Anti-Racism Strategic Action Plan</p> <p>Language Access Plan (updates forthcoming 2024)</p> <p>Diversity Equity Inclusion and Respect Plan (forthcoming 2024)</p>	<p>PSP Strategic Plan (2020-2025)</p> <p>Puget Sound Action Agenda (2022-2026)</p> <p>EJ Implementation Plan (adopted Aug 2023) Puget Sound Partnership - HEAL Implementation (wa.gov)</p> <p>Equity and EJ Program Strategic Plan (adopted Feb 2023)</p>

Community Engagement

DESIRED OUTCOMES

Equitably engage with overburdened communities and vulnerable populations.

UPDATE

- The provisional Community Engagement plans are being used by the agencies to varying degrees.

NEXT STEPS

- Individual agencies will continue to host community listening sessions and other forms of engagement.
- Review provisional Community Engagement plans and incorporate the EJ Council's Community Engagement values and guidance as well as what has been learned from listening sessions.

Tribal Engagement

DESIRED OUTCOMES

To facilitate and develop coordinated engagement guides, outreach and consultation opportunities

UPDATE

- Offer of formal government to government consultation on the suite of agency Tribal and Community Engagement Plans, facilitated by the Governor's Office of Indian Affairs

NEXT STEPS

- Tribal and Community Engagement Guides listening session scheduled for September 26th
- Coordinate with other IAWG subcommittees for a second offer of formal government to government consultations and listening sessions on the suite of policies on Budget and Financing, Environmental Justice Assessment, and Identification of Overburden Communities and Vulnerable populations, facilitated by the Governor's Office of Indian Affairs
- Request time on the agenda during the 2024 Affiliated Tribes of Northwest Indian Winter Convention plenary session

EJ Assessments

DESIRED OUTCOMES

Identify and take action to eliminate or reduce potential harm to communities most impacted by environmental hazards and to equitably distribute environmental benefits.

UPDATE

- Created a common EJA template that is being adopted and tailored by agencies to fit their needs.
- OFM has a website where EJA notices can be found: [Environmental justice assessment notices | Office of Financial Management \(wa.gov\)](https://www.ofm.wa.gov/eja).

NEXT STEPS

- Community listening sessions will further inform this process
- Engage EJ Council and incorporate their guidance
- Working with Tribal Liaisons and GOIA on how to offer joint tribal consultation on significant agency actions with impacts to tribes
- Workshops with EJ Council members on the EJ Assessment process

EJ Assessments FY24

Environmental Justice Assessments (anticipated EJAs for different SAAs)	Agriculture	Commerce	Health	Transportation	Natural Resources	Ecology	Puget Sound Partnership
Development and adoption of significant legislative rules	✓	✓	✓	✓	✓	✓	
Development and adoption of any new grant or loan program		✓	✓	✓	TBD	✓	
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;		TBD		✓	✓	TBD	✓
Submission of agency request legislation	✓	✓	TBD	TBD	TBD	✓	
Any other agency actions deemed significant by a covered agency		✓	62	✓	✓		✓

EJ in Budgeting and Funding

DESIRED OUTCOMES

Equitable distribution of agency budgets, expenditures, and funding opportunities towards overburdened communities, with a focus on the elimination of harm and equitable distribution of environmental benefits, and increased access to participation and decision-making.

UPDATE

- Agencies have done an initial review of the budget and funding processes subject to this law.
- Posted budget and funding decision-making processes on agency websites.

NEXT STEPS

- Determine how to interpret the 40% requirement and apply it throughout the agency
- Gather data for reporting requirement at the end of the year
- Explore potential solutions for standardized data collection

Budget Information	Agriculture (877 employees)	Commerce (591 employees)	Health (3,100 employees)	Transportation (6,945 employees)	Natural Resources (2,054 employees)*	Ecology (1,680 employees)	Puget Sound Partnership (56 employees)
FY23-25 Request: (put funding source)	\$584,709 (HEAL/EJ) \$386,000 (PEAR/EJ) TOTAL = \$970,709	\$3,094,000	\$3,897,929	None	None	None	\$778K 2 FTE Budget request
FY23-25 Actual:	\$584,709 (HEAL/EJ) \$386,000 (PEAR/EJ) TOTAL = \$970,709	\$3,096,000 biennium (Operating budget, CCA)	Totals \$1.17M in FY2024, \$1.2M in FY2025+	\$2,075,000	\$3,812,000	Carry Forward Level: \$1,608,000 per biennia	\$778K 2 FTE Budget request
How funds are being used:	*EJ staff *EJ implementation *Community Engagement *Travel to support activities	<ul style="list-style-type: none"> EJ staff EJ implementation Community and Tribal engagement IT support Travel 	<ul style="list-style-type: none"> EJ staff EJ implementation Community and Tribal engagement Travel 	*EJ staff *EJ implementation *EJ analysis, supports, and review *Community Engagement (translation services, interpretation, accessibility) *Travel to support activities	*EJ staff *EJ implementation *EJ analysis, supports, and review *Community Engagement *Travel to support activities	* HEAL + EJ staff * HEAL implementation * EJ analysis, support and review * Community engagement	EJ Coordinator & Community Engagement Coordinator
Portion that are ongoing & portion of one-time only	*100% ongoing (HEAL/EJ) *100% ongoing (PEAR/EJ)	100% one-time	\$1,124,000 to support permanent staff	100% ongoing (HEAL/EJ)	100% ongoing (HEAL/EJ)	* 100% ongoing (HEAL/EJ)	100% ongoing
Requested from supplemental budget and what for	N/A- not currently planning to request additional funds in the supplemental session.	N/A - not requesting additional funds in supplemental 23-25	\$321,000 to fund contracting that wasn't funded through original request and small amount to support ongoing staffing costs	N/A	N/A- not currently planning to request additional funds in the supplemental session.	N/A- not currently planning to request additional funds in the supplemental session.	N/A

Common Barriers

- Statutory timelines inhibit appropriate time to develop processes and relationships to enhance meaningful community engagement.
- Need for enterprise-wide community engagement and performance metric tracking systems.
- Risk of overburdening impacted communities and Tribes with multiple redundant requests of engagement and consultation.
- Resources to embed meaningful and sustained community engagement in agency practices/decision-making.
- Developing infrastructure is challenging.

Opportunities and Resources to Overcome Barriers

- Coordinated outreach and consultation effort between agencies, whenever feasible. Go beyond those community groups who are most vocal to ensure we can directly and meaningfully engage with impacted communities.
- Continue to adapt HEAL deliverables as we become more informed and engaged with overburdened communities.
- Centralized tracking systems.

IAWG Needs from EJC

- Review of provisional community engagement plans.
- Guidance on the process for identification of overburdened communities and vulnerable populations.
- Guidance on what is meant by environmental benefits & environmental harms.
- Guidance on budget and funding recommendations/expectations.

Appendices

Department of Agriculture Updates

Implementation Updates

- WSDA [Strategic Plan](#) and [EJ Implementation Plan](#) published Jan 1, 2023.
- Develop external facing [HEAL Act webpage](#) with resources and EJ Team contact information.
- Initial approach to incorporating [EJ in budget and funding decisions](#) posted July 1, 2023
- Held five (of 6 planned) monthly webinars to train agency staff on each HEAL Act obligation area.
- Began conducting EJ Assessments for significant agency action (primarily ARLs and rulemaking for WSDA).
- EJAs that have been officially initiated are posted to the WSDA webpage.
- Planning community-based listening sessions this Fall focused on obtaining input into our agency's community engagement efforts.
- Developing internal facing SharePoint site to catalogue EJ tools and resources for agency staff
- Plans to recruit Communications specialist who will dedicate a portion of their time on agency EJ communication

Funding Resources & Requests

FY23-25 Budget Funding: \$970,709

How funds are being used:

- EJ staff
- EJ implementation
- Community Engagement
- Travel to support implementation activities

FY23-25 Budget Request:

- \$584,709 (HEAL/EJ)
- \$386,000 (PEAR/EJ)
- TOTAL = \$970,709**

Implementation Barriers:

- Lack of clarification on competing guidance from multiple partners.
- Agency-created processes and documents are in draft form due to delays in obtaining guidance and feedback.
- Statutory timelines continue to mal-align EJHEAL implementation and state enterprise processes (guidance/staffing resources/etc.).
- Statutory timelines inhibit appropriate time to develop processes and relationships to enhance meaningful community engagement.

Who identified these barriers?

- WSDA EJ Team

Needs to overcome barriers:

- Centralized process for gathering and sharing information that impacts enterprise-level decision making.

Contact Information:

- IAWG Representative: Jill Wisehart jwisehart@agr.wa.gov
- EJC Agency Liaison/Ex-Officio: Nicole Johnson, nyjohnson@agr.wa.gov

Department of Commerce Updates

Implementation Updates

- [Agency strategic plan has been drafted](#), incorporates EJ Implementation Plan draft, published Jan 1, 2023
- Initial approach to incorporating [EJ in budget and funding](#) decisions posted July 1, 2023
- Solicited feedback on SAA's, [adopted additional SAA](#) to create a path to opt-in programs as SAA's that wouldn't otherwise qualify per the statute.
- Co-led interagency workgroup that drafted the uniform EJ Assessment form and process guide. Developed Commerce-specific process form and guide -- available upon request.
- Held four webinars to train staff on the EJ process. Stood up "EJ helpdesk" to provide technical assistance to program staff. Started conducting EJ Assessments for ARLs and new 23-25 grant and loan programs.

Funding Resources & Requests

- FY 23-25: \$3,096,000, one-time funding via the Operating Budget, Climate Commitment Account.
- Funds are being used for staffing, community and tribal engagement, IT, travel

Implementation Barriers:

- Commerce's strength, a diverse portfolio of programs, creates a challenge with so many new budget provisos that require an initial "desk audit" to determine if an EJ assessment is required. Commerce will need to engage with communities on many different programs simultaneously, creating a strong likelihood of information overload and bandwidth constraints at the community level.
- Lack of enterprise-wide community engagement and performance metric tracking systems

Who identified these barriers?

- Agency staff

Needs to overcome barriers:

- Centralized tracking systems
- Coordinated outreach and consultation effort between agencies, whenever feasible

Contact Information:

EJC Agency Liaison/Ex-Officio: Michael Furze, michael.furze@commerce.wa.gov

IWG representative: Jennifer Grove, jennifer.grove@commerce.wa.gov

Department of Ecology Updates

Implementation Updates

- Adopted Provisional Community Engagement Plan (2022)
- Adopted HEAL implementation plan (2022)
- Hired EJ Engagement Coordinator

Milestones – 2023

- Began implementation of [EJ Assessments](#)
- Published [Budget and Funding Equity Priorities](#)
- Held listening sessions on [community engagement with Ecology](#)

Implementation barriers:

1. Developing novel infrastructure within and between agencies (reporting, dashboards, assessments)
2. Matching statutory timelines with meaningful and effective outcomes
3. Risk of burden and capacity limits in communities and with Tribes related to covered agencies striving to comply with HEAL engagement and consultation obligations.

Opportunities and resources to overcome barriers:

1. Covered agency coordination on community outreach and Tribal consultation effort
2. Coordination on protocols for community compensation, civil rights compliance (.e.g., language access), and other best practice compliance practices

Contact Information:

EJ Senior Policy Advisor/IAWG Rep: Courtney Cecale, courtney.cecale@ecy.wa.gov

EJ Engagement Coordinator: Chelsea Batavia chelsea.batavia@ecy.wa.gov

Civil Rights Compliance Coordinator: Megan MacClellan megan.macclellan@ecy.wa.gov

EJ Council Ex-Officio Liaison: Millie Piazza, millie.piazza@ecy.wa.gov

Department of Health Updates

Implementation Updates

- [DOH Transformational Plan](#) published Aug 2022. Full [DOH EJ Implementation Plan](#) published December 2022
- Initial approach to incorporating [EJ in budget and funding](#) decisions posted July 1, 2023
- EJAs that have been officially initiated are posted to the [DOH EJ Assessment site](#). Will use IAWG EJA template for reporting. Creating DOH-specific EJA guidance, which will be posted to website before end of year.
- Hiring four additional HEAL implementation staff.

Funding Resources & Requests

FY23-25 Budget Funding Request: \$1.1M for HEAL Implementation and \$1.3M for EHD Map. Total: \$1.4M

How funds are being used:

- EHD Map – Staffing, academic support contracts, travel
- HEAL Implementation – Staffing, contracts, ATG services, travel, funding to support community engagement

FY24 Supplementary Budget Request:

EHD Map: for FY23-25 \$238K only asking for additional funds for SFY25

HEAL Implementation: for FY23-25 \$321K

Implementation Barriers

- DOH reorganization and subsequent changes to HEAL staffing and support
- Emerging data-related needs, including data analyst and mapping expertise
- Additional staff support needed due to complexity and scale of helping DOH staff meet EJA and budgeting and funding obligations
- Need for enterprise-wide community engagement and performance metric tracking systems
- Need for coordinating community engagement and tribal consultation to avoid overburdening

Who identified these barriers?

- DOH staff

Needs to overcome barriers:

- Support for DOH supplementary budget request and forthcoming FY25-27 budget requests
- Centralized tracking systems
- Coordinated outreach and consultation effort between agencies, whenever feasible

Contact Information:

IAWG representative: Charmila Ajmera; Charmila.Ajmera@doh.wa.gov

EJC Agency Liaison/Ex-Officio: Lauren Jenks; Lauren.Jenks@doh.wa.gov

DOH | EHD Map Budget Updates

Budget Information	EHD Map
FY23-25 Request: (put funding source)	EHD Map – \$1,737,964
FY23-25 Actual:	EHD Map – Totals \$1,165,000 in FY2024, \$1,179,000 in FY2025, \$1,077,000 in FY2026+
How funds are being used:	EHD Map – Staffing, academic support contracts, travel
Portion that are ongoing & portion of one-time only	\$1.2M – Total for EHD Map and HEAL implementation. Ongoing funds will be directed to ensure staff positions are permanent.
Requested from supplemental budget and what for	EHD Map - \$238,000 in FY25 and \$230,000 in FY26 and ongoing to add: 2 FTE

Department of Natural Resources Updates

Implementation Updates

- Hired EJ External Affairs Manager
- Hired Boards & Commissions Manager
- Hired EJ Communications and Outreach Specialist
- Adopted: [Draft Community Engagement Guide](#) (July 2022)
- Adopted: [Forest Resilience EJ Action Plan](#) (June 2023)
- Adopted: [HEAL Implementation Plan](#) (July 2023)
- Adopted: Boards and Commissions Action Plan (August 2023)
- In progress: Community Participation and Public Meeting Policy (Est. Oct 2023)

- Solicited feedback on SAA's, created agency-wide screening portal to create a path to opt-in programs and actions for SAA's that wouldn't otherwise qualify per the statute, but have significant impact on community.

- Hosted all-agency Open Houses on EJ Implementation: "Assessing Cumulative Health and Environmental Impacts through HEAL" and released DNR's EJ 101 training for all staff.

Funding Resources & Requests

- FY23-25 Budget Funding Request: \$3.812M for ongoing HEAL Implementation with \$1.2M of that for expanded Environmental Justice programming. **Total: \$3.812m**
- FY24 Supplementary Budget Request: No EJ or HEAL specific asks anticipated.

How funds are being used:

- HEAL Implementation – Staffing, contracts, ATG services, travel, funding to support community engagement
- Planning and Innovation: Discover Pass Access Pilot Program, Recreation Access Strategic Planning, community support and Boards and Commissions Action Plan implementation.

Barriers

1. Educational and technical infrastructure does not match needs.
2. Agency-wide community engagement standards vary by function.
3. Requires culture change across a large agency with varied functions.

Opportunities and Resources to overcome barriers:

- Coordinated outreach and consultation effort between agencies, whenever feasible.
- Opportunity to update and adapt implementation plans based on engagement.
- Identify, create, and monitor adoption of EJ competencies across the agency.
- Centralized services for and compliance with new EJ policies and procedures.

Contact Information:

- EJC Agency Liaison/Ex-Officio: EJ Juarez; ej.juarez@dnr.wa.gov
- IAWG representative : Carlos Lugo; carlos.lugo@dnr.wa.gov

Department of Transportation Updates

Implementation Updates

- **Community Engagement Plan** (July 2022)
- **Strategic Plan** (September 2022)
- **Diversity, Equity and Inclusion Plan** (August 2022 Embedded in the Strategic Plan - incorporates the HEAL Act/EJ)
- **EJ Assessment Process Update** (Draft)
- Project Development **Community Needs Assessment** (Draft)
- **HEAL Act EJ Implementation Plan** (June 2023)
- **EJ Principles in Budget and Funding Processes** (June 2023)
- **EJ Webpage** (public facing)
- **Internal EJ/Community Engagement Practitioners SharePoint Site**
- **Hiring EJ positions across the agency** (3 HEAL FTEs hired to date)

Funding Resources & Requests

FY21-23 Budget Funding: \$1,026,000

FYI 23-25 : \$2,075,000 (\$1,026,000 +\$1,049,000 carry forward)

How were funds used:

- Staffing resources for HEAL Act/ EJ implementation, analysis, community and tribal engagement, and travel)

FY23-25 Budget Request: None

Barriers

Implementation barriers:

- Requires transformational culture change across large agency with various functional areas
- Lack of resources to concurrently develop and facilitate transformational change
- Guidance and expectations on incorporating EJ principles in budgeting practices and metrics
- Resources to embed meaningful & sustained community engagement in agency practices/decision-making
- Resources for continuous EJ education

Who identified the barriers?

- WSDOT HEAL Act Co-Project Managers

Needs to overcome barriers

- Sustained implementation of the WSDOT DEI plan including EJ education and internal communications
- § Community engagement training and sustained implementation throughout WSDOT decision-making
- § Identify, fulfill, and monitor EJ /Community Engagement staffing needs (including education and implementation in all WSDOT divisions and regions)

Contact Information

EnvironmentalJustice@WSDOT.WA.GOV

IWG Representatives:

Charlene Kay kayc@wsdot.wa.gov

Alberto Valentin valenta@wsdot.wa.gov

EJC Agency Liaison/Ex-Officio:

Ahmer Nizam nizama@wsdot.wa.gov

Puget Sound Partnership Updates

Milestones – 2022

- Hired project EJ Coordinator (May)
- Adopted Draft Community Engagement Guide (July)
- Adopted HEAL implementation plan (September)

Milestones – 2023

- Adopted and began implementation of EJ Assessment Policy & Budget and Funding Policy (June/July)
- Initiated first EJ Assessment of an agency SAA (July)
- Converted EJ Coordinator to a permanent position
- Hiring permanent Community Engagement Coordinator
- Updated HEAL Implementation Plan (September)

Contact Information:

Lea Anne Burke, Tribal Affairs Manager: lea-anne.burke@psp.wa.gov

Stephanie Sayo, EJ Coordinator: stephanie.sayo@psp.wa.gov

Melissa Schutten, Equity and EJ Manager & EJC Ex-Officio:

melissa.schutten@psp.wa.gov

Implementation barriers:

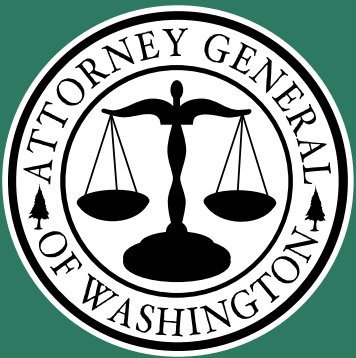
Delays in obtaining guidance and feedback on mandatory deliverables; statutory timelines limit alignment of ensuring meaningful community engagement.

Risk of overburdening impacted communities and Tribes with multiple redundant requests of engagement and consultation.

Opportunities and Resources to overcome barriers:

Coordinated outreach and consultation effort between agencies, whenever feasible. Go beyond those community groups who are most vocal to ensure we can directly and meaningfully engage with impacted communities.

Continue to adapt HEAL deliverables as we become more informed and engaged with overburdened communities.



Washington State Attorney General's Office

2023 ENVIRONMENTAL JUSTICE REPORT

Letter from Attorney General Ferguson

August 31, 2023

Dear Washingtonians:

In 2020, I launched the Environmental Justice Initiative at the Attorney General's Office (AGO) to strengthen environmental policies and enforcement with meaningful involvement from the people most affected by environmental issues. Environmental justice is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies.”¹ As Dr. Robert Bullard, widely viewed as the father of environmental justice, noted: “Environmental justice is nothing more than this whole principle: people have the right to a clean, healthy, sustainable environment without regard to race, color, national origin. It’s just that simple.”² Some communities, particularly low-income and Black, Indigenous, and communities of color, have historically borne, and continue to bear, a disproportionate amount of environmental harms. Environmental harms include lack of access to heating or cooling systems, proximity to high pollution areas, and adverse health impacts, such as increased rates of asthma, cancer, and preterm births, from harmful environmental factors.



In 2021, the Legislature passed the Healthy Environment for All (HEAL) Act, and I committed my office to voluntarily implementing this historic piece of environmental justice legislation. My office remains the only agency to opt-in to implementing the HEAL Act.

The HEAL Act is the result of decades of hard work by community activists, organizers, individuals, and groups, particularly Black, Indigenous, and people of color, across Washington. My office is committed to implementing the provisions of the HEAL Act in a way that is meaningful and impactful for communities who face environmental injustices. This report details my office's actions and activities to implement the HEAL Act and further environmental justice.

I look forward to the continued work to achieve environmental justice for all Washingtonians.

Sincerely,

Bob Ferguson
Washington State Attorney General

Table of Contents

Letter from Attorney General Ferguson	1
Table of Contents.....	2
The Healthy Environment for All (HEAL) Act	3
HEAL Act Deliverables.....	3
Environmental Justice and the HEAL Act at the Attorney General’s Office.....	6
Environmental Protection Division.....	6
Tribal Issues	6
Community Outreach and Engagement.....	7
Environmental Justice Principles.....	7
Actions to Further Environmental Justice and the HEAL Act	8
Crown Resources Violated the Clean Water Act.....	8
Letter of Support for Chemical Accident Safety Rule	8
Extreme Heat Utilities Shutoff Moratorium Signed into Law	8
Electron Hydro to Pay Largest Financial Penalty for Environmental Crimes in State History.....	9
Letter of Support Urging Federal Action to Address Health and Safety Risks of Gas Stoves.....	9
Letter of Opposition to Pesticide Worker Protection Rule Rollbacks	9
Lawsuit Against Manufacturers of “Forever Chemicals”	9
Letter of Support for Stronger Coal Power Plant Emission Standards	10
2023 HEAL Act Deliverables	10
Appendix A: Tribal Consent and Consultation Policy	11
Endnotes	14

The Healthy Environment for All (HEAL) Act

The Legislature passed the Healthy Environment for All (HEAL) Act, codified at RCW 70A.02, in 2021.³ The HEAL Act is Washington’s first state law to define environmental justice and impose requirements on state agencies to incorporate environmental justice. This law is the result of decades of hard work and activism by community and Black, Indigenous, and people of color (BIPOC) individuals, organizers, and groups across Washington.

The HEAL Act seeks to address the impacts of environmental racism in Washington by reducing environmental and health disparities across the state and prioritizing frontline communities by incorporating environmental justice principles into state agency actions. Seven state agencies are mandated by the HEAL Act to apply specific requirements to agency actions: the departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation, as well as the Puget Sound Partnership. The HEAL Act invites all other state agencies to opt-in and implement the HEAL Act at any time; the Attorney General’s Office (AGO) is the only opt-in agency to date.

The HEAL Act established the Environmental Justice Council to advise agencies on the integration of environmental justice into agency activities and provide a public forum for environmental justice concerns and priorities. Information on the Environmental Justice Council can be found at <https://waportal.org/partners/environmental-justice-council/home>.

Agencies implementing the HEAL Act are required to develop and adopt a variety of deliverables. The following table shows the current status of HEAL Act deliverables at the AGO.

HEAL Act Deliverables

Statutory Deadline	Deliverable	Description	Current Status
No deadline	Tribal Consultation Framework	Implementing agencies must adopt a tribal consultation process, created in coordination with tribal governments, which includes best practices, protocols for communication and collaboration with federally recognized tribes.	COMPLETED – the AGO adopted the Tribal Consent and Consultation Policy in May 2019. This policy can be found at https://www.atg.wa.gov/tribal-consent-consultation-policy or in Appendix A.
July 1, 2022	Community Engagement Plan	Implementing agencies must create and adopt a Community Engagement Plan that describes methods, practices, and principles for meaningful, direct, and equitable participation and involvement of community when an agency engages in a significant agency action and/or environmental justice work.	DRAFT – the AGO released a draft Community Engagement Plan on July 1, 2022, and will conduct outreach and engagement to receive input and feedback on the central themes, best practices, methods, and principles in the AGO Community Engagement Plan. The AGO will also work with our Tribal Liaison to offer consultation to Tribes per the requirements of the HEAL Act. After feedback, input, and consultation, the AGO will release an updated Community Engagement Plan.

Annually, beginning September 1, 2022	Annual Environmental Justice Council Report	Implementing agencies are required to provide an annual update to the Environmental Justice Council by September 1 of each year on the implementation of the HEAL Act.	COMPLETED for 2022 and 2023. The AGO will release an Environmental Justice Report every year by September 1 on our website detailing our environmental justice and HEAL Act activities. This report will also be transmitted to the Environmental Justice Council every year by September 1. The 2022 Environmental Justice Report can be found at https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/2022%20EJ%20Report.pdf
No deadline	Environmental Justice Principles	Implementing agencies are required to incorporate principles of environmental justice into agency activities, and ground HEAL implementation in principles of environmental justice.	COMPLETED – the AGO’s Environmental Justice Principles can be found at https://www.atg.wa.gov/environmental-justice-initiative .
January 1, 2023	Environmental Justice Implementation Plan	Implementing agencies are required to create and adopt an Environmental Justice Implementation Plan. The implementation plan must describe how the agency plans to incorporate principles of environmental justice into agency activities, including goals and actions to implement environmental justice and reduce environmental and health disparities, metrics to track and measure those goals and actions, facilitating equitable participation with community, strategies for compliance with various laws related to environmental justice, and timelines for HEAL Act implementation.	DRAFT – the AGO released its draft Environmental Justice Implementation Plan on August 17, 2023. Per the requirements of the HEAL Act, the AGO will offer consultation to Tribes on the Environmental Justice Implementation Plan. The AGO will also solicit feedback and input from community, and will release an updated plan incorporating feedback.
July 1, 2023	Environmental Justice Assessments on Significant Agency Actions	Implementing agencies are required to create an Environmental Justice Assessment to conduct when engaging in significant agency actions.	DRAFT – AGO EJ Policy staff will coordinate with the AGO Tribal Liaison to offer consultation with Tribes, and engage community to receive input and feedback before finalizing the AGO’s Environmental Justice Assessment template, which will be used to identify potential environmental harms and benefits of proposed significant agency actions, such as agency request legislation for the AGO. Individual Environmental Justice Assessments will be released on the AGO’s website as they are completed.

	Publish Significant Agency Actions on Website & Notify Washington State Register of Significant Agency Actions	Implementing agencies are required to post which of their agency actions fall within the category of “significant agency action” to their website, and notify the Washington State Register of those actions.	COMPLETED – the AGO determined that agency request legislation is the only applicable significant agency action that the agency engages in. More information can be found at https://www.atg.wa.gov/about-heal-act .
	Environmental Justice Principles and Considerations in Financial Actions	Implementing agencies are required to incorporate environmental justice principles into decision processes for budget development, making expenditure, and granting or withholding environmental benefits.	COMPLETED – the AGO determined that the fiscal actions and activities outlined in the HEAL Act are not applicable to the agency due to the nature of the AGO’s work. In an effort to operate within the spirit of the HEAL Act, AGO EJ Policy staff are working with the AGO Financial Services Division to identify opportunities to incorporate environmental justice considerations into AGO budget development, requests, and expenditures.
September 1, 2024	Annual Dashboard Report with Office of Financial Management	Implementing agencies are required to publish a dashboard report, in a uniform format, on the Office of Financial Management’s (OFM) website. The dashboard report must be updated annually and describe the progress of the agency’s implementation of EJ into agency strategic plans, obligations related to budgeting and funding, and EJ assessments.	Not yet started.
July 1, 2025	Define Additional Significant Agency Actions	Implementing agencies have the authority to define additional agency actions as significant agency actions. Agencies shall consider guidance from the EJ Council on what could be a significant agency action, and actions deemed as significant agency actions must be those that “may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.”	ONGOING – the AGO is evaluating agency actions that may rise to the statutory definition of “additional significant agency actions” under the HEAL Act.

Environmental Justice and the HEAL Act at the Attorney General's Office

In April 2020, Attorney General Ferguson launched the AGO's Environmental Justice Initiative, which, notably, elevated the Counsel for Environmental Protection Unit to a permanent legal division at the AGO, renamed the Environmental Protection Division. The Environmental Justice Initiative also included a 2021 symposium on environmental justice, in partnership with Gonzaga University.

In 2021, the AGO was the first agency to opt-in to the HEAL Act. The AGO Policy Unit leads implementation of the HEAL Act, working closely with both affirmative litigation and client-advice legal divisions to integrate the HEAL Act and environmental justice into agency activities.

Environmental Protection Division

The Environmental Protection Division (EPD) is an affirmative litigation division bringing civil and criminal lawsuits to enforce environmental protection laws on behalf of Washingtonians and Washington's environment, natural resources, and human health. Since 2013, environmental crimes prosecutions have resulted in over 50 criminal convictions and almost \$6 million in fines, penalties, and restitution orders, while civil litigation targeting human health and environmental harms has resulted in over \$95 million in recoveries.

Tribal Issues

Tribes and Indigenous people have historically been deeply harmed by environmental injustices, and are essential partners in working toward environmental justice. AGO Tribal Liaison Asa Washines is an integral part of the AGO's environmental justice efforts. Asa serves as co-chair of a work group consisting of Tribal liaisons from agencies implementing the HEAL Act. The work group has developed guidance for Tribal government-to-government engagement and for Tribal community engagement for HEAL Act agencies to follow.

The key priorities for the Tribal government-to-government guide are to reduce exposure to environmental hazards within Tribal lands, ensure Tribal sovereignty and rights in environmental justice, and eliminate environmental and health disparities in disadvantaged, vulnerable, and low-income populations. Engagement with Tribal governments will be guided by 15 principles for each agency to follow. In addition, the Tribal government-to-government engagement guide outlines the process for consultation with Tribes, methods for Tribal government engagement, working with citizens of consulting Tribes, and methods for Tribal citizen engagement.

In 2019, the AGO adopted a [Tribal Consent and Consultation policy](https://www.atg.wa.gov/tribal-consent-consultation-policy), the first of its kind at a Washington state agency. The policy requires the AGO to obtain free, prior and informed consent before initiating programs or projects that directly and tangibly affect Tribes, Tribal rights, Tribal lands, and sacred sites. The AGO must also engage in government-to-government consultation before filing civil litigation against a Tribe or a business owned by a Tribe in an effort to resolve a dispute, to the extent that it does not violate the Rules of Professional Conduct, and requires the AGO to provide notice to Tribes prior to taking actions that may directly affect Tribes or Tribal lands. The AGO's Tribal Consent and Consultation Policy can be found at <https://www.atg.wa.gov/tribal-consent-consultation-policy>.

The key priorities for the Tribal community engagement guide are different from the Tribal government-to-government engagement guide. Many Native American people were forcibly displaced or encouraged to relocate to urban areas through various federal policies that sought to assimilate native people. As a result, cities like Seattle, Tacoma, Aberdeen, and Spokane, among others, have high Tribal populations who are not represented by Tribes that consult with the state of Washington. Many of these people, however, have formed communities and are considered vulnerable populations and overburdened communities under the HEAL Act. One way to engage Tribal communities is to work with and through Tribal organizations created to serve them. Engaging with these Tribal organizations is distinct from consultation with Tribal governments, and can be done concurrently with public engagement.

Community Outreach and Engagement

AGO staff across multiple divisions engage in continuous outreach and engagement with community organizations and individuals across the state on a variety of issues, including environmental justice. The AGO plans to host listening sessions and public comment on environmental justice and HEAL Act deliverables for the remainder of 2023 and into 2024.

Environmental Justice Principles

The AGO developed a set of environmental justice principles to provide a foundation of shared beliefs and values about environmental justice to inform the development and execution of the HEAL Act's deliverables and environmental justice work. The principles are based on the 17 Principles of Environmental Justice⁴ developed by the delegates to the First National People of Color Environmental Leadership Summit in 1991, the 2020 Washington State Environmental Justice Task Force Report,⁵ and the HEAL Act. The work of the Environmental Justice Council will also guide the evolution of these principles. The principles are as follows:

1. Environmental Justice uses an intersectional lens to address disproportionate environmental and health impacts by prioritizing highly impacted populations, equitably distributing resources and benefits, and eliminating harm.
2. Environmental Justice requires focusing on racial equity and recognition of the ways in which systemic racism leads to disproportionate environmental impacts and health disparities in Black communities, Indigenous communities, communities of color (BIPOC communities), and low-income communities, and demands deliberate anti-racist action.
3. Environmental Justice necessitates meaningful engagement with impacted communities about the development, implementation, and enforcement of laws, rules, and policies that impact the environment and health of Washingtonians, and requires ongoing transparent and accessible communication throughout, without compromising the integrity of the AGO's legal work.
4. Environmental Justice demands recognition that self-determination is a core principle to tribal sovereignty and the AGO Tribal Consent and Consultation Policy is integral in decision making that affects tribes, tribal lands, and tribal rights.

Actions to Further Environmental Justice and the HEAL Act

2022

Oct.

Crown Resources Violated the Clean Water Act

The AGO filed a lawsuit against Crown Resources and its parent company, Kinross Gold, in May 2020 for violating its water quality permit and water containment requirements during the operation of Buckhorn Mountain gold mine in Okanogan County, WA. Attorney General Ferguson announced on October 20th that Judge Mary K. Dimke issued an order of partial liability against Crown Resources.⁶ The order found that Crown Resources committed over 3,000 violations of the Clean Water Act while operating the Buckhorn Mountain gold mine, resulting in contamination of groundwater and nearby streams. Penalties for these violations will be determined at a later date.

Letter of Support for Chemical Accident Safety Rule

On October 31, Attorney General Ferguson joined 19 state attorneys general in a multi-state comment letter of support to the Environmental Protection Agency (EPA) for a proposed rule to restore a number of chemical safety protections that were rolled back under the Trump administration.⁷ The letter commended the EPA's restoration of safeguards for communities repealed in 2019, and also urged the EPA to further strengthen the proposed rule to prevent and mitigate chemical accidents. The letter discussed the environmental justice issues that the proposed rule would address, highlighting the fact that chemical accidents occur at a disproportionate rate in historically marginalized communities because facilities containing chemical hazards are disproportionately located within marginalized communities. The letter also expressed the need for the EPA to advance environmental justice in their rulemaking by making chemical hazard information available in multiple languages.

2023

April

Extreme Heat Utilities Shutoff Moratorium Signed into Law

Attorney General Ferguson partnered with Rep. Sharlett Mena (29th District) to prevent public utilities from shutting off power and water in instances of extreme heat. House Bill 1329, agency request legislation from the AGO, was passed by the Washington State Legislature and signed into law by Governor Jay Inslee during the 2023 legislative session. Sen. Joe Nguyen (34th District) sponsored the Senate companion bill. HB 1329 prevents utility operators from shutting off Washingtonians' electricity or water when the National Weather Service issues a heat-related warning or alert, and allows Washingtonians to request reconnection of utilities for those days that a heat-related warning or alert is issued. The bill also requires utility operators to report, on an annual basis, the number of disconnections that occur for each day that there is a heat-related warning or alert. In recent years, Washington has experienced record-breaking heat waves, including the 2021 heat wave that claimed 157 lives.⁸ HB 1329 protects access to things like electric fans, air conditioning, working refrigerators and freezers, and running water, which can mitigate heat-related illnesses, dangers, and fatalities.⁹

Electron Hydro to Pay Largest Financial Penalty for Environmental Crimes in State History

The AGO filed criminal charges against Electron Hydro, LLC and its Chief Operating Officer Thom Fischer in January 2022 for polluting the Puyallup River during construction of the Electron Dam in Pierce County, WA. Attorney General Ferguson announced on May 8th that Electron Hydro and Thom Fischer will plead guilty and pay a total of \$1 million in fines and restitution for its violations.¹⁰ The AGO consulted with the Puyallup Tribe regarding restitution prior to the court hearing, and the penalties are believed to be the largest for an environmental crime in Washington state law history. Of the \$1 million, the Puyallup Tribal Fisheries will receive \$745,000 to help restore the Puyallup River, which was polluted by toxic debris from artificial turf and crumb rubber placed on the riverbed and covered by a plastic liner by workers during construction on the Electron Dam. The river was diverted over the plastic liner, which ripped and released the turf and rubber into the river.

Letter of Support Urging Federal Action to Address Health and Safety Risks of Gas Stoves

On May 8, Attorney General Ferguson joined a multistate comment letter of support for the Consumer Product Safety Commission's (CPSC) initiative to collect information on the health hazards associated with gas stove emissions.¹¹ The States recommended that the CPSC develop uniform performance and ventilation standards that will reduce the emissions of harmful pollutants from gas stoves that degrade indoor air quality in U.S. households. Gas stove emissions often have a disproportionate effect on sensitive groups, especially children, who are susceptible to developing asthma at an early age. Also, Black and Latino households are more likely to face harmful cumulative health effects from the combined exposures to both indoor and outdoor air pollutants based on where they reside. Additionally, the multistate letter urged the CPSC to increase consumer awareness of the harms posed by gas stoves through more informative warning labels and public education.

Letter of Opposition to Pesticide Worker Protection Rule Rollbacks

On May 12, Attorney General Ferguson joined five state attorneys general in a multi-state comment letter of opposition to the Environmental Protection Agency (EPA) for a proposed rule for pesticide worker protection to rollback several provisions of the 2015 Worker Protection Standard.¹² The letter urged the EPA to retain several provisions of the 2015 Worker Protection Standard that protect workers from adverse effects from exposure to pesticides, including vulnerable groups, such as minority or low-income populations, child farmworkers, and farmworker families. The letter also highlighted that the new rule would fail to comply with Executive Order 12898, which directs federal agencies to address environmental justice in minority and low-income populations.

Lawsuit Against Manufacturers of "Forever Chemicals"

PFAS, which stands for per- and polyfluoroalkyl substances, are chemicals used to create water-resistant substances, such as chemical foams used in firefighting and emergency responses, particularly around airports and military bases. PFAS are commonly called "forever chemicals" because they do not break down in the environment or in the human body. These chemicals cause harmful human health effects such as reproductive and hormonal effects, developmental effects or delays in children, increased risk of cancers, reduced ability of the body's immune system to fight infections, and increased cholesterol levels.¹³ Attorney General Ferguson filed an environmental lawsuit on May 31st against 20 manufacturers of PFAS, asserting violations of a number of state laws, including public nuisance laws, the Products Liability Act, and the Consumer Protection Act. In Washington, PFAS have been found in the groundwater, surface water, sediments, wastewater treatment plant sewage, soil, fish tissue, and osprey eggs. Nearly 200 water sources have tested positive for PFAS, with impacted areas including Moses Lake, Issaquah, Fairchild Air Force Base, Joint Base Lewis-McChord, Naval Base Kitsap Bangor, Naval Air Station Whidbey Island and the Yakima Training Center. The lawsuit asserts that manufacturers, including 3M, DuPont, and 18 others, knew of the dangers of PFAS, but intentionally kept that knowledge hidden from the government and the public. The lawsuit asks the court to order the companies to pay the costs associated with cleaning up PFAS contamination.¹⁴

Letter of Support for Stronger Coal Power Plant Emission Standards

On June 23, Attorney General Ferguson joined 15 state attorneys general in a multi-state comment letter of support to the Environmental Protection Agency (EPA) for a proposed rule to strengthen standards for mercury and other hazardous air pollutants from coal-fired power plants.¹⁵ The letter commended the EPA's proposal, highlighting the commitment to environmental justice and addressing environmental justice concerns in communities and populations who have been historically marginalized and overburdened, such as those who live near coal power plants.

2023 HEAL Act Deliverables

On July 1, the AGO posted updates pertaining to a number of HEAL Act deliverables, including identifying significant agency actions, integrating environmental justice principles into budget, funding, and expenditure decisions, and completing environmental justice assessments on significant agency actions. These statements are available on the AGO HEAL Act webpage,¹⁶ and are summarized as follows:

- **Significant agency actions:** the AGO identified agency request legislation as the only significant agency action specifically listed in the HEAL Act applicable to agency actions and operations.
- **Fiscal activities:** the AGO determined that the obligations related to budget, funding, and expenditure decisions in the HEAL Act do not apply to the types of fiscal activities that the AGO engages in. The AGO will work to identify opportunities to incorporate environmental justice principles and considerations into the agency's fiscal activities.
- **Environmental Justice Assessments:** per the request of Tribes, the AGO will engage in Tribal consultation before finalizing the agency's Environmental Justice Assessment. The AGO will also engage with community to solicit feedback and suggestions to the Environmental Justice Assessment. The Environmental Justice Assessments will be done on agency request legislation, and filed with the Office of Financial Management.

Appendix A: Tribal Consent and Consultation Policy

CENTENNIAL ACCORD PLAN

Washington State Office of the Attorney General

I. The Role of the Attorney General in State Government

The Attorney General for the state of Washington is an independent constitutional officer and the legal adviser to state agencies, officers and officials. Among the duties assigned to the Attorney General by law is the duty to “represent the state and all officials, departments, boards, commissions and agencies of the state . . . in all legal or quasi legal matters . . . and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions . . .” RCW 43.10.040. With few exceptions, the Attorney General is the exclusive source of legal counsel and representation for state officers and agencies.

Because of its role in state government and its comprehensive legal duties and responsibilities, the Attorney General’s Office (AGO) is involved in a wide array of issues which potentially impact state agencies and tribal governments in their relations with one another. Because of this unique role, the AGO may be in a position to assist with communications and the facilitation of solutions that employ the diverse expertise and resources of multiple agencies and officials.

II. Overview of the Centennial Accord Plan

This plan covers AGO commitments and the process for consent, consultation and notice. Section IV describes the specific situations where the AGO will request consent from Tribes. Consent in this plan entails receipt of free, prior and informed consent prior to taking the actions specified in this plan that directly and tangibly affect Tribes, rights or tribal lands. Section V and VI describe the consultation between the AGO and Tribes. Consultation is a process where the AGO will share information regarding AGO actions with affected Tribes to ensure a complete understanding of the action and to identify and address tribal concerns. Specifically, Section V describes consultation prior to the AGO initiating litigation and Section VI states that Tribes may request consultation with the AGO. Section VII describes situations where the AGO will provide notice of AGO actions to Tribes.

In this plan, “Tribe” refers to the federally recognized American Indian Tribes in Washington State or the governing body of that Tribe. “Tribal land” includes “Indian Country” as defined in federal law as well as trust lands and lands which have been identified by a Tribe to the AGO as containing cultural, historic or archaeological resources.

III. Contact Within the Attorney General’s Office

- Asa Washines
 - Tribal Liaison
 - 1125 Washington Street SE
 - P.O. Box 40100
 - Olympia, WA 98504-0100
 - Phone: (360) 878-0664
 - Email: Asa.Washines@atg.wa.gov

IV. Consent from Tribes on Certain AGO Actions

The AGO will receive free, prior and informed consent prior to taking certain actions specified in this section that directly and tangibly affect Tribes, rights or tribal lands.

A. Actions Subject to Consent

1) Unless prior consent is received, the AGO will not initiate an AGO program or project that directly affects a Tribe that the AGO undertakes under the independent authority of the Attorney General. Consent will not be requested related to AGO investigations, litigation, employment and other internal business decisions, or in circumstances where a failure to act may subject the AGO to sanction from a court.

2) AGO actions on behalf of any other entity in the AGO's role as legal counsel to state officials, agencies, departments, boards and commissions are not subject to consent. Consent also will not, and cannot, be requested on statutory duties and functions of the AGO, including but not limited to issuing legal opinions and formulating ballot titles for state initiatives or referendum measures.

3) Consent will not be requested on broad issues that impact many or all Washington Tribes, because a requirement for "consensus" from all affected Tribal governments would be both impractical and inconsistent with the independent sovereignty of each Tribe.

4) Actions specifically covered in the consultation and notice requirements of this plan are not subject to consent. The requirements for notice and consultation are covered in Sections V, VI and VII of this plan. However, the AGO may choose to request consent for programs and projects outside the scope of this section.

B. Request for Consent

1) The AGO will request consent by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribes to receive the request. The AGO will send a copy of the request to each member of the Tribe's governing body.

2) The request will provide clear information about the AGO program or project and describe its potential impact to the Tribe.

3) Tribes may identify persons to receive the request by sending the name, address and contact information to an AGO Tribal Liaison.

C. Consent

1) Consent is a written resolution from the governing body of the affected Tribe.

2) If a Tribe does not respond within the timeframe designated in the request then the AGO will interpret that as a grant of consent.

3) If a Tribe responds to a request for consent by objecting to the project or program, the AGO may request consultation with the Tribe to see if issues raised by the Tribe can be addressed.

V. Consultation with Tribes Prior to Litigation Initiated by the AGO

The goal of consultation is to further the government-to-government relationship between Tribes and the State, and ensure the mutual respect for the rights, interests and obligations of each sovereign. A further goal of consultation is to share information regarding AGO actions to ensure a complete understanding of the action and to identify and address tribal concerns. Consultation is independent of and in addition to any other public participation process required by law.

A. Litigation Consultation

1) To the extent consistent with the Rules of Professional Conduct, and with the goal to avoid litigation whenever possible, the AGO will consult with a Tribe prior to filing civil litigation against a Tribe or a business owned by a Tribe. The AGO may request consultation on other issues to further the goals of this plan.

B. Consultation Request

1) The AGO will request consultation by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribe to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending contact information to an AGO Tribal Liaison.

2) The notice will provide clear information about the dispute or issue.

3) The notice will provide a time of no less than thirty days for the Tribe to respond to the AGO accepting the invitation to consult or declining consultation. Thirty days will run from the date of actual receipt or five days after date of mailing for notices sent by first class mail. The notice will clearly state the timeframe for response and how to respond.

4) If a statute of limitations, court rule, or other factor requires the AGO to provide less than 30 days notice, the AGO will clearly identify the deadline in the notice and make every reasonable effort to consult within the time available.

5) If the Tribe does not respond within thirty days of receipt of the notice, or the amount of time provided under (4), the AGO may conclude that the Tribe has declined consultation on the project.

C. Consultation Process

1) Where a Tribe accepts the invitation to consult, the AGO will contact the Tribe to establish a mutually agreed timeline for completion of consultation. The AGO will communicate any time constraints on the process.

2) The AGO and the Tribe will identify to each other a point of contact and persons who will participate in the consultation. The AGO and Tribe's point of contact will schedule any necessary meetings. Whenever feasible, the Attorney General or Chief Deputy will personally participate in the consultation.

3) The AGO will work in good faith during the consultation process to identify and address the Tribe's concerns.

4) The Tribe may choose how to provide feedback and identify concerns including whether in writing, verbally during a meeting or in other form.

5) The AGO will provide a response to the Tribe detailing how the AGO will respond to the Tribe's feedback and concerns.

VI. Consultation with the AGO at the Request of Tribes

The AGO is always open to consultation at the request of Tribes on any issue or topic contemplated by the Centennial Accord. The AGO is also amenable to assisting Tribes in resolving disputes with state agencies or officials or with the AGO itself. The nature and extent of the consultation or dispute resolution process may vary depending on the role the AGO occupies in relation to the issue or topic. Tribes may request consultation with the AGO or AGO participation or assistance with dispute resolution by contacting the Attorney General or an AGO Tribal Liaison.

VII. Notice to Tribes of Other AGO Actions

The AGO will provide notice to Tribes prior to:

- Proposing legislation that may directly affect Tribes, rights or tribal lands;
- Filing an amicus brief that may directly affect Tribes, rights or tribal lands.

The AGO will provide notice to Tribes after:

- Filing a ballot title for a state initiative or referendum measure with the Office of Secretary of State on an initiative or referendum measure that directly affects Tribes, rights or tribal lands.

A. Notice to Tribes

1) The AGO will send notice to the chair of the Tribe's governing body or to any person identified by the Tribes to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending the name, address and contact information to an AGO Tribal Liaison.

2) The notice will provide clear information about the action, the timelines associated with the action and will provide information for the Tribe to contact the AGO for additional information.

DATED this 10th **day of May, 2019.**

Endnotes

- 1 WASH. REV. CODE § 70A.02.010(8) (2022).
- 2 Jamil Smith, *The Father of Environmental Justice, On Whether We're All Doomed*, Vox (December 10, 2021), <https://www.vox.com/2021/12/10/22826247/robert-bullard-environmental-justice-vox-conversations-interview>.
- 3 WASH. REV. CODE § 70A.02 (2022).
- 4 *Principles of Environmental Justice*, EJNET.ORG (October 24-27, 1991), <https://www.ejnet.org/ej/principles.html>.
- 5 Environmental Justice Task Force, *Recommendations for Prioritizing EJ in Washington State Government*, GOVERNOR'S INTERAGENCY COUNCIL ON HEALTH DISPARITIES (October 31, 2020), https://healthequity.wa.gov/sites/default/files/2022-01/EJTF%20Report_FINAL%281%29.pdf.
- 6 *Court Rules Gold Mining Company Violated the Law More than 3,000 Times in Okanogan County*, WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL (October 20, 2022), <https://www.atg.wa.gov/news/news-releases/court-rules-gold-mining-company-violated-law-more-3000-times-okanogan-county>.
- 7 New York State Office of the Attorney General et al., Rulemaking Comment Letter on EPA's Proposed Rule: Safer Communities by Chemical Action Prevention (October 31, 2022), <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0444>.
- 8 *Heat Wave 2021*, WASHINGTON STATE DEPARTMENT OF HEALTH (last visited August 10, 2023), <https://doh.wa.gov/emergencies/be-prepared-be-safe/severe-weather-and-natural-disasters/hot-weather-safety/heat-wave-2021>.
- 9 *AG Ferguson, Rep. Mena Bill Protecting Washingtonians from Utility Shutoffs During Extreme Heat Signed into Law*, WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL (April 21, 2023), <https://www.atg.wa.gov/news/news-releases/ag-ferguson-rep-mena-bill-protecting-washingtonians-utility-shutoffs-during-0>.
- 10 *Electron Hydro Dam Owner Ordered to Pay Largest Financial Penalty in an Environmental Criminal Case in State History*, WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL (May 8, 2023), <https://www.atg.wa.gov/news/news-releases/electron-hydro-dam-owner-ordered-pay-largest-financial-penalty-environmental>.
- 11 Attorney General for the District of Columbia et al., Rulemaking Comment Letter on CPSC's Request for Information: Chronic Hazards Associated with Gas Ranges and Proposed Solutions (May 8, 2023), <https://www.regulations.gov/comment/CPSC-2023-0009-4132>.
- 12 New York State Attorney General et al., Rulemaking Comment Letter on EPA's Proposed Rulemaking: Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (May 12, 2023), <https://www.regulations.gov/comment/EPA-HQ-OPP-2022-0133-0023>.
- 13 *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (last updated June 7, 2023), <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>.
- 14 *AG Ferguson Files Lawsuit Against 20 Manufacturers of "Forever Chemicals,"* WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL (May 31, 2023), <https://www.atg.wa.gov/news/news-releases/ag-ferguson-files-lawsuit-against-20-manufacturers-forever-chemicals>.
- 15 Commonwealth of Massachusetts Office of the Attorney General and Local Governments et al., Rulemaking Comment Letter on EPA's Proposal: National Emission Standards for Hazardous Air Pollutants – Coal and Oil-Fired Electric Utility Steam Generation Units Review of the Residual Risk and Technology Review (June 23, 2023), <https://www.regulations.gov/comment/EPA-HQ-OAR-2018-0794-5988>.
- 16 *About the HEAL Act*, WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL (last visited August 10, 2023), <https://www.atg.wa.gov/about-heal-act>.



Written Public Comments

The following section of the meeting packet includes written public comments submitted to the Council that do not necessarily reflect the positions or values of the Environmental Justice Council.

From: Ekaterina E

Sent: Friday, August 25, 2023 10:00 AM

To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>

Subject: Public comment: Please consider stateless persons in your work!

External Email

Dear members of the Environmental Justice Council,

I am writing to you as a long-time resident of Washington State, a dedicated taxpayer, and a nominee for the Eleanor Stopps Environmental Award.

However, I also represent a group of individuals who often go unnoticed in discussions surrounding environmental justice - the estimated 218,000 stateless persons living in the United States.

I am a co-founder of United Stateless, the only national organization working tirelessly to address the issue of statelessness in the USA.

Through our efforts, we have come to understand the unique challenges faced by stateless individuals, especially in the context of environmental issues. Stateless persons, like myself, are disproportionately affected by environmental problems, yet our experiences are often obscured due to the lack of statistical data.

We find ourselves in a position of invisibility, making it difficult for our concerns to be heard and our needs to be addressed. As you gather to discuss matters of environmental justice, I urge you to consider the presence and needs of stateless constituents.

Environmental justice is about ensuring that all communities have equal access to a healthy environment, and this must include those who do not fit neatly into statistical categories. United Stateless is working diligently to raise awareness of our situation and advocate for our rights. However, the impact of your decisions and recommendations is far-reaching and can significantly influence our well-being.

I kindly request that you incorporate the unique challenges faced by stateless individuals into your deliberations. By doing so, you not only acknowledge our existence but also take a significant step towards achieving true environmental justice for all residents of Washington State. Thank you for your time and consideration.

I look forward to the day when environmental justice truly encompasses every voice, including those who might not be officially counted.

Sincerely,

Catska (Ekaterina) Ench

www.unitedstateless.org