

# Environmental Justice Council

## Making Policy Guidance and Recommendations

and

## Responding to Requests for Non-Guidance/Recommendations Input

Adopted by the Council on January 25, 2024

### I. Background and Context:

#### A. Environmental Justice Council (EJC) Requirements to Provide **Guidance** or **Recommendations**:

1. Under [chapter 70A.02 RCW](#), the Healthy Environment for All (HEAL) Act, the EJC is required to (in an iterative fashion with the HEAL Interagency Workgroup) provide **guidance** to HEAL agencies on:
  - a. Environmental justice implementation into covered agency strategic plans Under RCW 70A.02.040,
  - b. Environmental justice assessments under RCW 70A.02.060 and when and how to use cumulative environmental health impact analysis,
  - c. Budgeting and funding criteria for making budgeting and funding decisions under RCW 70A.02.080; and
  - d. Community engagement plans under RCW 70A.02.050.
  
2. Under the HEAL Act, the EJC (in consultation with the HEAL Interagency Workgroup) is required<sup>1</sup> to provide **recommendations** to HEAL agencies on:
  - a. Which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community

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<sup>1</sup> Note that under the HEAL Act the EJC may also choose to provide other recommendations.

The guidance and recommendations listed here are only those required by the HEAL Act.

or a vulnerable population and therefore should be considered significant agency actions; and

- b. The identification and prioritization of overburdened communities and the use by covered agencies of the Environmental Health Disparities Map in agency efforts to identify and prioritize overburdened communities.
3. Under [chapter 70A.65 RCW](#), the Climate Commitment Act (CCA):
- a. Agencies allocating funds or administering grants or programs from the CCA accounts must report annually to the EJC and consider “recommendations” by the EJC.
  - b. The EJC must provide **recommendations** to the Legislature, agencies, and the Governor in the development of:
    - i. The Cap and Invest program, including, but not limited to, linkage with other jurisdictions, protocols for establishing offset projects and securing offset credits, designation of emissions-intensive and trade-exposed industries under RCW [70A.65.110](#), and administration of allowances under the program; and
    - ii. Investment plans and funding proposals for the programs funded from the CCA accounts for the purpose of providing environmental benefits and reducing environmental health disparities within overburdened communities.
  - c. The EJC must **recommend**:
    - i. Procedures and criteria for evaluating programs, activities, or projects.
    - ii. Co-pollutant emissions reduction goals in overburdened communities.
    - iii. Environmental justice and environmental health goals for programs, activities, and projects funded from the climate investment account, and review agency annual reports on outcomes and progress toward meeting these goals;

- iv. Approaches for meaningful consultation with vulnerable populations (including community engagement plans under RCW [70A.65.020](#) and [70A.65.030](#)); and
- v. How to support public participation through capacity grants for participation.

**B. EJC Requirements to Collaborate, Coordinate, and Consult:**

In addition to their statutory duties to provide formal “guidance” or “recommendations,” the EJC is directed in the HEAL Act to work in an “iterative fashion” with the HEAL Interagency Workgroup. The EJC is additionally directed in the 2023-2025 Operating Budget to work in “collaboration,” “consultation,” “coordination,” or otherwise work in partnership with state agencies on various bodies of work. See the endnotes for a list of areas where the Council is statutorily tasked with collaborating, consulting, or coordinating.<sup>i</sup>

These statutory directives move state government toward meaningful engagement with communities. The Council believes that to collaborate, coordinate, and consult, Council Members and agency staff need opportunities to come to a common table for dialogue, exchange of ideas, and shared problem-solving. This means that individual Council Members, Council Committees, and/or Council staff may engage with agency staff in the development of implementation tools, rules, community engagement plans, and other deliverables through a number of mechanisms, including but not limited to:

1. Developing products together from the ground up.
2. Providing feedback and input into each other’s products throughout the development process with authentic intent on both sides to integrate feedback or work together to develop a shared solution.
3. Ask each other questions and engage in authentic curiosity and inquiry that leads to improved deliverables and implementation that meaningfully benefits overburdened communities and vulnerable populations.

Partnership and engagement with the Council as outlined above does **not** relieve agencies of the responsibility to engage in Government to Government and formal Consultation with Tribes and **equitable community engagement** with the communities that they serve beyond those members represented on the Council. **Equitable community engagement** is referenced in the HEAL Act and further described by the Council's adopted [Community Engagement Values & Guidance](#), and by several [Principles of Environmental Justice](#) adopted at the 1991 People of Color Environmental Leadership Summit including principle #7:

Environmental Justice demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

Similarly, the Council centers its obligation and value to serve as a forum for Tribes and communities to ensure the Council's work is driven by overburdened communities and vulnerable populations.

## II. Process for EJC Guidance/Recommendations & Coordination and Consultation:

### A. EJC Policy Guidance/Recommendations

Where necessary and as requested, the Council shall adopt by consensus and provide HEAL and CCA-related guidance<sup>2</sup> or recommendations<sup>3</sup> in policy areas only as required by the HEAL Act and CCA.

#### B. EJC Non-Guidance/Recommendations Input

In the spirit of meaningful engagement and partnership, HEAL agencies and other departments may request HEAL Act and/or CCA-related non-guidance/recommendation input from the Council which may include individual Environmental Justice Council Members or relevant Council Committees engaging as follows:

- a. The agency informs Council staff of the request for HEAL Act and CCA related non-guidance/recommendation Council input.
- b. Council staff sends the request to the relevant Council committee(s) and to the full Council for voluntary input that may lead to various engagement such as dialogue, thought-partnership, feedback, input, inquiry, etc.
- c. Council Members will disclose any perceived or real conflicts of interest.
- d. Committee or individual Member engagement should not be interpreted as formal Council guidance.

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<sup>2</sup> “Guidance” is defined by the Merriam-Webster Dictionary as the “act or process of guiding.” Accessed January 24, 2024. Available at <https://www.merriam-webster.com/dictionary/guidance>. “Guide” as a verb is defined as “to act as a guide to direct in a way or course,” “to direct, supervise, or influence usually to a particular end,” and “to superintend the training or instruction of.” Accessed January 24, 2024. Available at [Guide Definition & Meaning - Merriam-Webster](#).

<sup>3</sup> “Recommend” is defined by the Merriam-Webster Dictionary as “to present (something) as worthy of acceptance or trial,” “to [endorse](#) (someone) as fit, worthy, or [competent](#),” “to suggest (an act or course of action) as advisable,” “to make (someone or something) acceptable or attractive,” or “entrust, commit.”

- e. Staff, Council members, and/or Committees shall share observations with the Council when they deem the matter needs EJC policy guidance/recommendations first. For example, the proposed implementation has an embedded HEAL Act and/or CCA policy direction that would need Council guidance first.

Note: Request(s) for input that may lead to various forms of engagement such as dialogue, thought-partnership, feedback, input, and inquiry, etc. with a Council committee and/or individual Members of the Council does not bind or limit the full Council’s capacity to guide, comment, or evaluate such matters.

<sup>i</sup>Footnotes:

Provisions of the 2023-2025 state Operating Budget that require EJC consultation, coordination, or other forms of collaboration:

- Sec. 222(26)(b) The Department of Health, in **consultation** with the **Environmental Justice Council**, community groups, and the Department of Labor and Industries, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats. [emphasis added]
- Sec. 222 (104) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Department [of Health] to contract with a community-based organization to host a deliberative democratic processes workshop for the HEAL Act Workgroup established under RCW 70A.02.110, then develop, in **consultation** with **Environmental Justice Council or its staff**, best practices for how agencies can incorporate deliberative democratic processes into community engagement practices. [emphasis added]
- Sec. 222 (124) \$38,600,000 of the Climate Commitment Account—state appropriation is provided solely for the Department [of Health] to develop a grant program to fund

projects that benefit overburdened communities as defined in RCW 70A.02.010(11). 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 [of Health] and the **Environmental Justice Council** created in RCW 70A.02.110 to engage in a participatory budgeting process with five 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.

- Sec. 222 (38) \$200,000 of the Climate Investment Account—state appropriation is provided solely for the **Environmental Justice Council** to **coordinate** with the Department of Ecology on a process to track state agency expenditures from Climate Commitment Act accounts, as described in section 302(13) of this act. [emphasis added]
- Sec 302: (13)(a) \$640,000 of the Climate Investment Account—state appropriation is provided solely for the Department [of Ecology], in **consultation** with the Office of Financial Management and the **Environmental Justice Council**, to develop and implement a process to track, summarize, and report on state agency expenditures from climate commitment act accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as described in RCW 70A.65.030 and 70A.65.230, and expenditures that are formally supported by a resolution of an Indian Tribe as described in 33 RCW 70A.65.230. [emphasis added]
- Sec 302: (13)(c) The Department [of Ecology], in **consultation** with the **Environmental Justice Council** and the Office of Financial Management, and in coordination with reporting under RCW 70A.65.300, must report to the appropriate committees of the Legislature by September 30, 2024, on the development and implementation of a process to track, summarize, and report on state agency expenditures from Climate Commitment Act accounts. [emphasis added]
- Sec. 1114 (89)(a) \$225,000 of the general fund—state appropriation for fiscal year 2022 and \$175,000 of the general fund—state appropriation for fiscal year 2023 are provided

[the Department of Commerce] solely to conduct a comprehensive equity review of state capital grant programs administered by the department...

(d) The Department must **collaborate** with the Washington State Commission on African American Affairs; the Washington State Commission on Asian Pacific American Affairs; the Washington State Commission on Hispanic affairs; the Governor's Office of Indian Affairs; the Governor's Committee on Disability Issues and Employment; the Office of Equity; the Office of Minority and Women's Business Enterprises; the **Environmental Justice Council** if established by passage of Engrossed Second Substitute Senate Bill No. 19 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review. [emphasis added]

- Sec. 1304 (2)(a) \$375,000 of the general fund—state appropriation for fiscal year 2022 is provided [to the Recreation and Conservation Office] solely to conduct a comprehensive equity review of state grant programs administered by the Office...

(d) The Office must **collaborate** with the Washington State Commission on African American Affairs; the Washington State Commission on Asian Pacific American Affairs; the Washington State Commission on Hispanic affairs; the Governor's Office of Indian Affairs; the Governor's Committee on Disability Issues and Employment; the Office of Equity; the Office of Minority and Women's Business Enterprises; the **Environmental Justice Council** if established by passage of Engrossed Second Substitute Senate Bill No. 19 5141; and other interested parties as appropriate to develop and conduct a community engagement process to inform the review. [emphasis added]