

Environmental Justice Assessments

Compilation of Agencies' Responses Questions from the Council's EJA Committee

Revised: July 17, 2024

When the Council's EJA Committee met with the IAWG's EJA Subcommittee on June 24<sup>th</sup>, the committee requested responses to the following questions to get a sense of how EJAs are going.

Staff compiled agencies' responses below.

**1. How many Environmental Justice Assessments has your agency started, and for which significant agency actions?**

More details about each EJA can be found on OFM's EJA website: [Environmental justice assessment notices | Office of Financial Management \(wa.gov\)](#).

AGENCY	Agency Request Legislation	Significant Legislative Rules	New grant or loan program	Capital project, grant, or loan of at least \$12 million	Transportation project, grant, or loan of at least \$15 million	Other
Agriculture	20					
Commerce	7	2	16	2		2
Ecology	2	11	2	6		1
Health	2	2	3			
Natural Resources	7					
Puget Sound Partnership			1			2
Transportation			1		6	

TOTAL # of EJAs started = 95

**2. How many Environmental Justice Assessments have been completed, and for which significant agency actions?**

AGENCY	Agency Request Legislation	Significant Legislative Rules	New grant or loan program	Capital project, grant, or loan of at least \$12 million	Transportation project, grant, or loan of at least \$15 million	Other
--------	----------------------------	-------------------------------	---------------------------	--	---	-------

				least \$12 million		
Agriculture	2	1				
Commerce	5		1			
Ecology	2					
Health	3	1				
Natural Resources						
Puget Sound Partnership						
Transportation						

TOTAL Completed = 15

**3. What are some highlights or lessons learned and applied that your agency found beneficial?**

- Environmental Justice Assessments (EJA) on Significant Agency Actions (SAA) related to Agency Request Legislation are not yielding usable information for community partners.
- Cross program collaboration, connection, and support – bridging across programs, buy-in from implementors,
- Addressing internal barriers accordingly
- Getting buy-in early on
- To engage as early as possible
- Combining and utilizing multiple sources of data
- To embed the EJA process within existing workflows, provide adequate resources, and allocate necessary lead time for community and tribal engagement planning.
- The Process required some updating for greater ease and comprehension for agency staff
- Tried to seamlessly weave the assessment into existing agency processes. By doing so, it makes it more challenging to ever extricate, however, the order or timing of things required updating some of those processes for more streamlined workflows.
- Learning how many FTEs are needed, and what types of expertise are required, for a good assessment. Determined that extensive support is needed, hoping to move forward with a budget proposal this year.
- With tracking commonly asked questions from staff, generated a more robust and interactive FAQ, self-education resources, HEAL office hours, and more routine trainings.
- Building a greater community around HEAL work between staff across the agency.

#### 4. What challenges have you identified?

- Capacity – Lack of funding for sufficient staff, legislative decline of budgeting for EJA FTE and Community Engagement costs. EJAs specifically, it takes *at least* .5 FTE of folks who have different skillsets to conduct an EJA (GIS, data analyses, engagement staff, translation/interpretation, graphic design, knowledge and skills of working with Tribes, analyses of environmental effects, analyses of promising practices, developing metrics for success for each action, etc.)
- Data limitations: EHD map, Inability to map projects that impact Tribal treaty resources outside of reservations, limited data
- Identifying and accessing agency silos to identify projects that should be doing EJAs takes time, education, and research
- Complex and siloed aspects of agency, HEAL staff learning about complex processes within the agency like rulemaking, contracting, etc. These processes are constantly changing and evolving.
- Balancing competing or additional legislative mandates, directives from higher up, additional agency processes/practices/limits in the development of shared inter-agency work (in other words, aiming to produce shared uniform work for multiple agencies with different charges and authorities, but it requires tremendous agency literacy that doesn't exist in one place and requires a lot of exploration)
- Hyper condensed timeframes for some actions (specifically agency request legislation)
- Challenges with both over and under communication
- Challenges coordinating cross-agency engagement activities (funding, planning, strategizing efforts)
- For SAAs that are statewide, identifying overburdened communities, vulnerable populations, and Tribes requires more complicated and technical analyses, which can be time intensive
- Sometimes infrastructure needs are only revealed once staff hit a wall in practice. Because of this, it's not totally systematized until more EJAs are completed that can be reflected on.
- Funding and Timeline challenges:
  - Legislative and funding timelines are often too short to implement mandated processes, let alone conduct an EJA. Community Engagement also gets rushed to meet these timeline requirements

- Translator shortage and request backlog (exacerbated by timelines)
- Inability to contract community engagement/consulting firms due to funding and timeline issues.
- Need time to build trust with communities
- Community engagement challenges
  - Identifying points of contact, identifying appropriate forms of communication, arranging and identifying translation needs, for community engagement. No way to access data about communities already engaged to reduce overburdening.
  - Inter and intra-agency trust and buy in for sharing CE contact data and collaboration
  - Insufficient training and skill resources for CE
  - Many agency actions and activities are so complex, with so many barriers and constraints, that it can either: (1) feel incredibly difficult to put into layman’s terms and (2) to make it feel relevant to impacted/interested parties.
  - Agency contracting processes are not set up to support community compensation, including disclosure of personally identifiable information like SSI’s, tax reporting, etc. Disbursements can take months.
  - Lack of trust development
- We have not yet identified appropriate indicators to evaluate population-level changes in environmental and social health. Guidance and technical assistance needed
- EJAs for Agency Request Legislation have limited public benefit according to our community partners and external steering committee. Finding ways for Agency Request Legislation EJAs to be meaningful and provide information is a challenge.
- Challenges in recognizing that there are two “tiers” of assessments, those that have an impact on OBC and VP, and those that have no impact

**5. Have you had an opportunity to include community feedback during the EJA process?**

- For an agency request legislation action –Community Engagement led to removing some elements from request legislation and adding others to generate greater benefits
- Prioritized to support as much community engagement as possible for all EJAs. However, each activity has different timelines, staff capacity, and funding support – all of which

impact how much engagement can be done. Also had to figure out how to tailor engagement activities to different agency actions.

- Language opted to automatically include tribes in the definition of “disadvantaged community” to eliminate potential barriers for funding or technical assistance.
- Rule language is currently being developed in partnership with advocates through a Rules Advisory Committee (RAC). Program and policy staff meet with advocates biweekly in addition to the RAC. Input from the RAC and from the biweekly advocates meeting is currently being incorporated into rule language including topics such as indoor air quality, cleaning schedules, infection control and prevention, access to healthcare, telecommunications, and more.
- Community members ultimately defined what supplies would be most helpful for workers impacted by climate change. Community input is also informing processes for both procurement and distribution of supplies. Both community and tribal engagement are currently ongoing.
- In alignment with input from tribal consultation, the RFA for the tribal grants was restructured for rolling applications. Both community and tribal engagement are currently ongoing.
- A Community Advisory Committee (CAC) convened in early 2024 to identify geographic areas to focus on for project development.
- An informational 2-pager and survey were distributed state-wide in English and Spanish. Survey results will be used to structure two listening sessions. Input from all engagement will be used to shape the Agency Request Legislation and decision package that will be submitted for 2026 legislative consideration.
- Community feedback in English and Spanish is currently being incorporated into the final Agency Request Legislation package to the legislature for 2025.
- It informed the impacted geographic areas and how the work occurring is described.

**6. Does your agency have a threshold criterion it has to meet in order for a significant agency action to either move forward or not move forward?**

- Screening for environmental benefits or harms for significant agency actions. If there is some type of discernable environmental benefit or harm, or staff is unsure, they are directed to reach out to the HEAL implementation team to discuss further and/or begin

planning an EJ assessment. If a significant agency action is determined to have no discernable environmental benefit or harm by both agency staff and the HEAL implementation team, then an EJ assessment is not pursued.

- Don't have threshold criteria for terminating an action, and for now, are unlikely to develop this. Much of the work that is covered as an SAA are things that agency is legislatively directed to do. For instance, legislators may decide that there will be a new grant or loan program that does something specific – an agency cannot not stand up that program. Or there may be a directive and some parameters established in law to conduct rulemaking, which agency also cannot not do.
- There are examples of when an agency has discretion over some elements, and that discretion can be meaningful! For instance, removing some of the things being pursued in agency request legislation and adding other elements after learning about how they might impact Tribes. Will seek to find discretion where it can, and to limit, mitigate, and hopefully all together avoid harm when it thinks that may be a possibility. Each case is being treated with special consideration and intensive review rather than having broad, sweeping rules that may miss important details.

## **7. What institutional barriers have you found that the EJC may be able to provide support on?**

- Identifying and inviting community to the table
- Guidance on how to approach the different scopes of EJAs (impactful vs. non-impactful)
- Through whatever mechanisms available to the EJC, enhance legislators' understanding of how much time and resources are required to implement agency actions and activities and support as agencies make requests to legislative partners and the governor's office to lengthen timelines for these actions to allow for support staff to be hired to administer programs and grants (which takes at least 4-6 months), meaningful and accessible community and tribal engagement, equitable grant and funding distribution, and ample time for grant awardees to use the money they were awarded.
- The council could support agencies by reinforcing the need to approve and provide funding for Community Engagement activities and staffing when they are included in agency decision packages and fiscal notes.