

Adopted Minutes of the Environmental Justice Council

05/03/2024

Virtual ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes now include only very high-level points and the final decisions made along with voting records. The full meeting recordings can be found on the Council's website: [Environmental Justice Council Meetings | WaPortal.org](https://www.wa.gov/EnvironmentalJusticeCouncil/Meetings). However, it is important that meeting notes are useful to the Council Members and the public. Please share feedback with Council staff on how we can make these notes most useful to you by emailing envjustice@ejc.wa.gov or by calling 360-584-4398.

Council Members present:

- Maria Batayola (Co-Chair)
- Maria Blancas
- Tatiana Brown
- The Honorable Jarred-Michael Erickson (Interim Co-Chair)
- Running-Grass
- Rosalinda Guillen
- Aurora Martin
- David Mendoza
- Esther Min
- AJ Dotzauer on behalf of the Honorable Misty Napeahi
- The Honorable Monica Tonasket

Council Members absent:

- Nichole Banegas
- Todd Mitchell
- Faaluaina Pritchard
- Raeshawna Ware (on a leave of absence)
- The Honorable JJ Wilbur

Agency Ex Officio Members present:

- Lea Anne Burke, Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation

- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health

Council staff:

- Jonathan Chen
- Angie Ellis
- Christy Curwick Hoff
- Dana Myers
- Rowena Pineda
- Sierra Red Bow
- Sierra Rotakhina

Guests and other participants:

- Jerry Rivero, Office of the Governor
- Jimmy Kralj, Department of Ecology
- Jill Wisehart, Department of Agriculture

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order. Rowena Pineda, Council staff, facilitated roll call.

Nichole Banegas	Business Representative	Absent
Maria Batayola (Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Present
Tatiana Brown	Youth Community Representative	Present
The Honorable Jarred-Michael Erickson (Interim Co-Chair)	Tribal Representative	Present
Running-Grass	EJ Practitioner	Present
Rosalinda Guillen	Community Representative	Present
Aurora Martin	Community Representative	Present
David Mendoza	Representative At Large	Present
Esther Min	EJ Practitioner	Present
Todd Mitchell	Union Representative	Absent

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AJ Dotzauer On behalf of the Honorable Misty Napeahi	Tribal Representative	Present
Faaluaina Pritchard	Community Representative	Absent
The Honorable Monica Tonasket	Tribal Representative	Present
Raeshawna Ware	Community Representative	Leave of Absence
The Honorable JJ Wilbur	Tribal Representative	Absent

II. Approval of Agenda by Council

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

Motion: The Council adopts the agenda.

No objections noted. **The motion passed.**

III. Approval of March 28, 2024 Meeting Notes by Council

Member Martin facilitated adoption of the March 28, 2024 meeting notes.

Motion: The Council adopts the March 28, 2024 meeting notes.

No objections noted. **The motion passed.**

IV. Updates on Environmental Justice Council Committee Work

Esther Min, Council Member, introduced the agenda item and Sierra Rotakhina, Council staff, provided a brief update on each of the Council’s committees. Jerry Rivero, Office of the Governor, gave an update on the Task Team that is working to identify overburdened communities and vulnerable populations. Jimmy Kralj, Climate Resilience Planner for the Department of Ecology, provided an update on the state’s Climate Resilience Strategy. The draft will be released for public comment, likely in June. They will update the strategy every four years. Co-Chair Batayola requested an opportunity for the Council to provide feedback on the strategy after the agency had incorporated public feedback.

V. Staff Briefing on What We Heard on Local Issues and EJ Council Action

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Rosalinda Guillen, Council Member, shared her reflections on the community meetings. Sierra Rotakhina shared [slides](#), which covered examples of potential actions that the Council can take to be responsive to community comments. She said staff would complete a more thorough analysis of all the comments to bring back to the Council at its July meeting. They will also report back to community members who shared contact information.

VI. Public Comments

Paul Tabayoyon, APIC Yakima, shared comments on four issues: Transportation, Pollution, Governance, and Funding. Regarding transportation, he said high speed trains on the western corridor take funding away from eastern Washington. On the topic of governance, he talked about how Yakima is labeled as an agricultural area. He shared that pollution is also an important issue for the community. He said it is one of the most polluted cities and that the pollution is the result of permitting and vehicle emissions. Regarding funding, he said small community-based organizations should be receiving the funding since they serve the community. He encouraged the Council to learn from the city and county governments if they have regional plans, adding that the local committees have been disbanded so community members have a harder time being engaged.

Monica Zazueta, from Vancouver Washington, recommended the book, Doughnut Economics. They said the book is about the social and ecological conditions that establish wellbeing and highlighted some of the 12 social dimensions, including food, health, education, income, and work. Monica said they would send resources to the Council.

VII. Continue Discussion on “direct and meaningful benefits” under the CCA and “environmental benefits and harms” under the HEAL Act

Co-Chair Batayola said this agenda item provided the opportunity to continue the discussion around these terms to inform possible future guidance to agencies, legislators, and the Governor. Jonathan Chen, Council staff, provided background information and Rowena Pineda and Jill

Wisehart, Department of Agriculture, provided examples of programs they are administering and considerations for operationalizing the terms. Members discussed whether staff expenses to administer grant programs should be considered direct and meaningful benefits. Some members suggested they should if staffing is needed to ultimately provide benefit to the community. Others suggested there should be some level of service as a threshold. Members discussed how consideration should be given to whether staffing is benefiting community capacity or state agency capacity. They also discussed how metrics are needed to measure improvements in the community. AJ Dotzauer, Council Member, said that Tribes work in a government-to-government relationship with the state so they have a different perspective on funding costs for staff.

VIII. Discussion: HEAL Agency Annual Report

Member Min provided background on this agenda item, stating that HEAL agencies are required to update the Council on HEAL implementation. She referred members to the memo in the [meeting packet](#) on page 28. Members offered the following informal input during the discussion on what they wanted to see in the agency reports:

- Agencies should report on the results of EJ Assessments and how they minimized harm and maximized benefits, rather than reporting only on the number of EJ Assessments completed.
- Agencies should report on how they incorporated guidance from the Council and how they have shifted the culture and practices within the agencies.
- In addition to successes, agencies should also report on barriers and how they overcame the barriers.
- Agencies should include baseline data so they can measure reductions in pollution and improvements in social determinants of health over time (disaggregated data).

Members also discussed how the Council has provided both formal guidance and informal guidance, which includes the wisdom shared by members in these discussions. They also discussed

how in the previous reports, it may look like an agency is not meeting requirements, but it is likely because the agency doesn't do that kind of work.

IX. Discussion: 2024 Legislative Session

Member Min introduced the topic and Christy Hoff, Council staff, referred members to the the memo on page 51 of the [meeting packet](#). She asked if members had any feedback on last legislative session activities and recommendations for moving forward. Members discussed how the Council cannot testify on a bill unless it has adopted a formal policy position on the topic. Members also discussed how when the Council adopts broad policy positions (rather than very specific language), staff must be careful in interpreting whether bill language directly aligns or not. David Mendoza, Council Member, suggested expanding the Budget Committee to also cover policy so it can provide guidance to staff throughout session.

X. Discussion and Possible Adoption: Appropriate Resourcing to Perform HEAL and CCA Required Work

Sierra Rotakhina shared the Council staff organizational chart and said that staff are developing concept papers for decision packages for the 2025 legislative session. She shared staff [proposals](#) for additional staffing resources. Members voiced broad support for staff recommendations and indicated that Sierra's position should be upgraded to the Director level.

XI. Public Comment

Jonathan Chen read a public comment that was submitted anonymously. The commenter suggested that the subcommittee working on EJ assessments consider the connection between the SEPA checklist, the environmental impacts analysis exercise, and the HEAL Acts EJ Assessments. They added that merging of the tools could benefit elements of the SEPA checklist that are lacking.

Ashley Mocorro Powell, long-term resident of Pierce County, asked how the Council is addressing high turnover in state agencies and academic institutions. This is problematic from a community

perspective and hinders relationship building. They shared that it is unclear to community members who to contact at the various government levels regarding enforcement of environmental laws. They also shared that the funding from the CCA should be shared in one place so community can easily track the projects. Ashley shared information on topics she wanted the Council to be aware of. The first is that the community is not given adequate time to respond to projects in Pierce County under the environmental impacts statement process. The second is in the City of Milton where a development did not require any permits and a forest of over a hundred acres was destroyed. They also shared information about the superfund site and how there is a lack of transparency around the water quality near the site. They shared a final example from Pierce County where property next to Joint Base Lewis McCord has been acquired and they are planning to remove old growth forest, including endangered species.

Maria Fernandez, Empowering Latina Leadership & Action (ELLA), said they felt like they have truly been heard. She spoke to the lack of monitoring and enforcement by agencies and how not enforcing existing laws costs residents their lives. She cautioned the Council against any weakening of the recommendation language and urged the Council to be bold.

Jean Mendoza, Friends of Toppenish Creek, shared the mission of her organization and the impacts that the Concentrated Animal Feeding Operations (CAFOs) have had on the lower Yakima Valley. She spoke to the research that manure from dairy cows is polluting groundwater. She said the Department of Ecology has mandates to enforce the Clean Water Act and their biggest tool is to issue NPDES permits. She said the agency lacks resources to issue the permits, which are complex contracts. She added that the previous person in that role left their job because they didn't have enough support to do the work. She said that the law indicates that when the agency issues NPDES permits they are supposed to cover the cost of implementation, but Ecology doesn't collect enough fees to pay for adequate staffing.

Paul Tabayoyon, APIC Yakima, shared concerns about a hop extraction company that emits CO2 during inversions, and it settles into an underpass and creates a suffocation zone. He said it should have gone through a SEPA study. He added that they do not have CO2 monitoring equipment. He shared another example when he submitted complaints to the Yakima Health District, they didn't take his name or give him a filing number. He never got a call back. He said there should be a process to document and respond to complaints.

Reflections and Adjournment

Co-Chair Batayola said the community meetings were meaningful. She invited community to join them for dinner and share appreciations and reflections. Member Guillen said bringing public comment to the Council puts it on official record and gives them an opportunity to review.