Environmental Justice Council

Date: October 24, 2024

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice and HEAL Interagency Workgroup Section Manager

Subject: Summary of HEAL covered agencies' updates to the EJC

Background

Per the HEAL Act, by September 1st of each year, each covered agency must annually update the Environmental Justice Council on the development and implementation of environmental justice in agency strategic plans, budget and funding, community engagement, and environmental justice assessments. In 2024, the Council's executive committee and Council staff recommended that the due date for the HEAL agencies annual update to the Council be delayed to October 15th for the following reasons:

- The budget and funding data will not be posted on the HEAL dashboard until October 15 because the closure of the state fiscal year occurs on September 6 and agencies are given until September 18 to submit their budget and funding data to the Office of Financial Management (OFM).
- The HEAL dashboard will go live on September 1st to meet what was stated in the HEAL Act. It will have information on agencies' strategic plans and environmental justice assessments but will be incomplete until the posting of the budget and funding data on October 15th.
- It will be more efficient for both the Interagency Work Group and the Council to align the due date of the agencies' annual update for when the budget and funding data is posted on October 15th. Otherwise, the Council will receive two updates: one on September 1st focusing on strategic plans and the environmental justice assessments and another on October 15th focusing on budget and funding.

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The HEAL Act dashboards contain information on agencies' strategic plans, environmental justice assessments, and budget and funding: HEAL Act dashboards | Office of Financial Management (wa.gov).

The data available on the HEAL dashboards are complemented by written updates submitted by the HEAL agencies which are summarized in this document. They responded to a questionnaire and shared additional information on:

- Specific examples of how agencies have incorporated environmental justice into their strategic plans.
- Metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions.
- How agencies focused applicable expenditures towards creating environmental benefits and/or reducing environmental harm to overburdened communities and vulnerable populations.
- How agencies incorporated environmental justice principles into the broad scope of grants and contracting opportunities.
- Examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
- How agencies communicated the environmental justice goals and performance metrics for their expenditures.
- Opportunities that the HEAL Act opened up for agencies.
- Challenges and barriers encountered in the implementation of HEAL.

EJ Council staff reviewed the reports and below is a summary that highlights throughlines and common themes across the eight agencies complying with HEAL requirements. Staff also included a few examples from each agency. These examples are meant to be illustrative and are not intended to highlight one agency over another or be interpreted as

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some agencies doing more than others. The full reports from each individual agency are attached.

Strategic Plans

Each HEAL agency's strategic plan can be found in the strategic plans dashboard: HEAL Act dashboards | Office of Financial Management (wa.gov). The dashboard summarizes how environmental justice is being incorporated into each agency's strategic plan. The updates provide examples of ways agencies are operationalizing environmental justice in their work.

Environmental Justice Assessments

Environmental Justice Assessments (EJAs) that have been initiated and/or completed can be found here: Environmental justice assessment notices | Office of Financial Management (wa.gov). Council staff did a briefing on environmental justice assessments at the Council's July 2024 meeting. During the briefing, staff shared a progress report on the implementation of EJAs and the opportunities and challenges they have presented for agencies. For the agencies' annual update to the Council, they had an opportunity to provide more information, including how they are tracking progress. Below are common themes:

- The HEAL agencies have diverse books of business. They are implementing projects and programs that often take years from planning to completion. Though it is too early to tell if the use of EJAs has improved air, water, land, and ecosystem functions, there is growing understanding among agencies' staff that environmental justice is also about people's health and wellness.
- EJAs support agency staff in considering the human and community-level impacts of program design and policy development. Many staff who have gone through the EJA process have become enthusiastic partners and champions for this work.

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- The expectation of robust engagement with Overburdened Communities and Vulnerable Populations (OBC and VP) has been made clear through EJA requirements.
- The HEAL agencies are using an EJA reporting template developed by the interagency workgroup (IAWG).

Budget and Funding

The Budget and Funding Dashboard can be accessed through the main page for the dashboards which is here: HEAL Act dashboards | Office of Financial Management (wa.gov)HEAL Act dashboards | Office of Financial Management (wa.gov). To review, the HEAL Act requires each covered agency to incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding environmental benefits. It establishes a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities, and it calls for opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions. The updates provided to the Council share the steps agencies have taken to fulfil this obligation and the challenges of implementation. Common themes include:

- Though the HEAL agencies vary in their functions, the legislature, the federal government, or ongoing regulations inform how their funding can be used. For instance, agencies such as the Departments of Agriculture, Ecology, and Natural Resources each play important roles in using, regulating, and maintaining lands and waters in the state. Fulfilling their statutory requirements and the funding that accompany those requirements is dictated by the legislature and the federal government. The same is true with the Department of Transportation. Many agency expenditures have limited discretion in how funds can be used.
- Though limitations on how funds can be used can be a challenge, agencies are working within existing parameters to still meaningfully meet the budgeting and

funding requirements of HEAL. For example, agency staff can often use their discretion to develop applications and selection criteria and processes that incorporate environmental justice principles.

- The HEAL Act provides an opportunity for agencies to analyze budget and funding processes and expenditures in order to determine if and how they are meeting this obligation.
- Agencies are engaging with communities across the state and investing in methods and resources to reach more people each year. They are also involving community members in decision-making around grants. For example, the Departments of Commerce and Health coordinated their efforts to recruit community members with lived experience to Community Advisory Committees to inform the development of grant applications and the selection process for grant recipients.

Opportunities/Challenges

The HEAL Act opened up opportunities for agencies as well as surfaced challenges. These include:

- The HEAL Act has been an effective catalyst to break down silos between agencies and within each agency. The opportunity to collaborate with other state agencies to advance environmental justice has improved information sharing, collaborative process development, cross-training, resource sharing and more.
- There is work to do to build relationships with environmental justice communities that agencies have missed, left out, and been complicit in harming in the past. Agencies need to be intentional to better understand their priorities and needs.
- Fulfilling HEAL Act requirements around community and tribal engagement has helped program staff better understand the diverse lived experiences of overburdened communities and vulnerable people.

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- The HEAL Act facilitates a more coordinated and standardized approach to various policy, program and budget processes within and across agencies and attaches accountability mechanisms that help agencies move towards their environmental justice goals.
- Regardless of their location, investments that benefit Tribal treaty resources should provide direct and meaningful benefits to Tribes, and therefore should be tracked and reported and contribute to the state's overall understanding of its investments in environmental justice.
- Systemic and structural barriers can lead to fragmented communication from HEAL-covered agencies with the same communities. This can lead to confusion and overburdening of some communities who receive multiple requests for engagement from multiple HEAL agencies.
- The state budgeting and legislative process operates at a more accelerated pace than community timelines. Bills and provisos also often have deadlines that are shorter and more constrained than agencies, communities, and tribes can meaningfully engage and operate within. This makes community engagement and tribal consultation difficult to align with legislatively mandated deadlines.
- Misalignment between public expectations and interpretation of HEAL and the law's legal requirements have emerged over the last year and has resulted in more dialogue with local communities that have provided new information and perspectives to both parties.
- Culture change is required within agencies to implement the HEAL Act. More EJ education and training is needed to build staff capacity within agencies.
- Though the HEAL Act provided opportunities for state agencies to work together, building a shared infrastructure across agencies with different charges, practices, norms, staff, support resources, data, metrics, etc. continues to be challenging. This is made more complicated by having too many layers of structure within interagency coordination: EJC, Ex-Officios meetings, Sub-Cabinet Meetings, IAWG

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meetings, Sub-Committee of IAWG meetings, ad-hoc EJC meetings, etc, without clear function or authority on how these groups can effectively work together and where decisions are ultimately made.

- There is unclear distinction between Council guidance and informal directives on agency operations.
- Non-cabinet agencies are not afforded the same level of consultation between implementation teams like IAWG, Sub-Cabinet, etc. as Governor's cabinet agencies in HEAL implementation decision making. With the Department of Natural Resources led by an independently elected official, and potential future agencies joining, the process determined for standard operations or procedures are not equally considered in core implementation directives. This leads to missed opportunities/efficiencies to explore the complexities of multiple executives leading implementation with different structures of authority.

Staff Contact

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HEAL Agencies' Updates to the Environmental Justice Council

October 24, 2024

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

Outline

Dashboards

- HEAL Act strategic planning dashboard
- Environmental Justice Assessment dashboard
- Budget and Funding dashboard

Annual Update

- Strategic plans
- Environmental Justice Assessments
- Budget and funding
- Opportunities and Challenges

Dashboards

Version 1 of the HEAL dashboards hosts a wealth of information

HEAL agencies worked with Office of Financial Management to develop the dashboards and provide updates and data

There are three dashboards:

- HEAL Act strategic planning dashboard
- Environmental Justice Assessment dashboard
- Budget and funding dashboard

HEAL Act Strategic Planning

Summary

With the passage of the Healthy Environment for All (HEAL) Act, seven state agencies including the Departments of Agriculture, Commerce, Ecology, Health, Natural Resources, Transportation, and the Puget Sound Partnership, updated their strategic plans in 2023 to incorporate environmental justice. Each HEAL covered agency shared how this is being done. Click on an agency's logo to find out more. Embedded in each narrative are links to where the public can find additional information.

Environmental justice is being integrated into broader equity work within agencies and overarching agency priorities. Given the distinct nature (No available actions) y. As they continue to implement the different aspects of the HEAL Act, the application of environmental justice into their work will continue to evolve.

Washington State Department of Agriculture

Washington State Department of Commerce

Department of Ecology State of Washington

Washington State Department of Health

Washington State Department of Natural Resources

Washington State Department of Transportation

Puget Sound Partnership

[HEAL Act Strategic Planning dashboard link]

Environmental justice assessments

| Chapter 70A.02 RCW | Definitions |

Data as of 10/7//2024

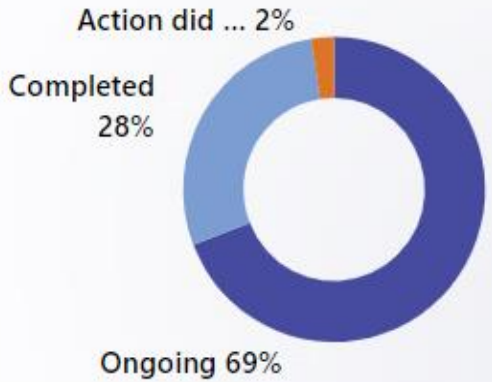
Clear all slicers | Details

Fiscal Year: All | Agency: All | Status: All | Category: All

123
Number of assessments

Agency

Status



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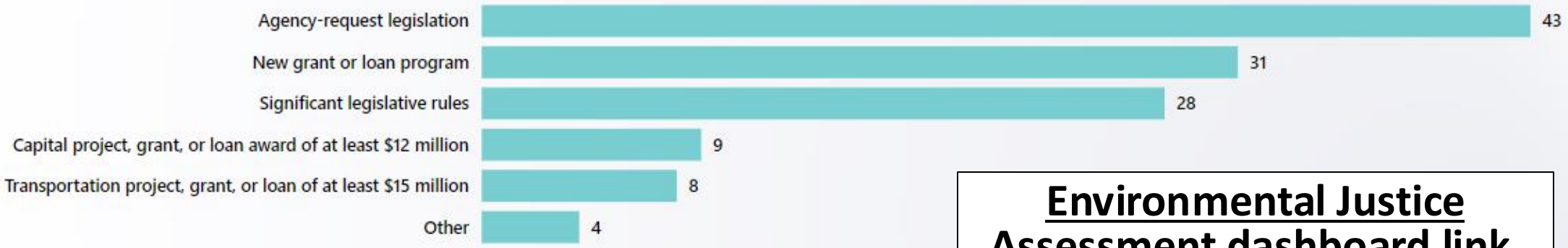


Environmental Justice Assessment dashboard link

Budget and Funding

The budget and Funding dashboard is in development. When the dashboard is complete, the link will be found here: HEAL Act dashboards | Office of Financial Management (wa.gov)

Annual update in collaboration

The Governors office and the EJ Council gave input on the annual update this year.

The updates include:

- How Environmental Justice strategic plan implementation developed this year
- How EJ assessments shaped community interactions and programs
- What agencies have done to fulfill budget and funding obligations under HEAL
- A thorough and introspective identification of opportunities and challenges
- A glimpse of the changes, learning, and deepening understanding of HEAL and the agency wide shaping of environmental justice
- And specific stories, summaries, and metrics with a couple of pictures and examples to share today

Strategic plans: Examples of operationalizing EJ

Agencies incorporate environmental justice into their work by, for example…

Department of Health: developing performance metrics in Environmental Public Health operational plan

Department of Commerce: streamlining Tribal relations with quarterly HEAL briefings for improved communication, transparency, and accountability

Department of Transportation: including community engagement in significant action planning; track progress

Department of Agriculture: including environmental justice questions in decision package submissions to better target investments for reduction of environmental harms

Department Natural Resources: establishing Office of Equity and Environmental Justice, launching plans to support EJ in forests, watersheds, and climate resilience planning

Department of Ecology: equitably improving environmental reporting, pollution prevention, site cleanup and solid waste management; developing environmental justice protocols in enforcement and compliance activities.

Puget Sound Partnership: creating a Community Advocacy Council to support the work of communities

Environmental Justice Assessments

Agencies are sharing that…

- It is too early to tell if the use of EJ Assessments has improved air, water, land, and ecosystem functions, yet there is **growing understanding among staff that EJ is also about people's health and wellness**.
- EJ Assessments support agency staff in considering the human and community-level impacts of program design and policy development.
- EJ Assessments don't just lead to changed minds but, in at least some cases, **co-development** of agency work.
- Many staff who have gone through the EJA process have **become enthusiastic partners and champions for this work**.
- **Robust engagement** with Overburdened Communities and Vulnerable Populations has been spurred by EJ Assessment requirements.

Highlight:
EJ Assessments have human impact

"...colleagues across the agency are learning to **think of environmental justice as more than just the impacts on air, trees, or water**. Staff are beginning to understand that environmental justice is also **about people's health and wellness** and our agency's broad portfolio has the potential to improve the quality of life."
-Department of Commerce

Highlight: celebrating working with overburdened communities (Puget Sound Partnership)

Pictured: touring a family farm property proposed for a salmon recovery project, looking out onto wetland habitat area. Photo credit: Signe Lindquist

Pictured: Local citizen and technical committee members visit the site for the proposed Smokehouse Dike Setback Restoration project along the Swinomish Channel located on Swinomish tribal lands. Photo credit: Marlies Wierenga

Budget and Funding

- The legislature, the federal government, and regulations inform how agencies' funding can be used. Many agency expenditures have **limited discretion in how funds can be used**.
- Many award opportunities have **pre-determined** recipients, or recipient types (for instance, only eligible for local governments or regulated facilities).
- Agencies are working within existing parameters to **meet the budgeting and funding requirements of HEAL**.
- Agencies are **engaging with communities** across the state and investing in methods and resources to reach more people each year. They are also **involving community members in decision-making around grants**.

Highlight: Agencies design budget and funding processes around EJ

- Agency staff can often **use their discretion to develop applications, selection criteria, and processes** that incorporate environmental justice principles.
- For Ecology, 63% of funding opportunities have **included equity and/or environmental justice in their scoring criteria** and more than 60% now consider equity and environmental justice when developing engagement materials, and this work is growing**.**
- Department Of Health's HEAL staff conducted an **agency-wide audit** to identify significant agency actions and budgeting & funding activities subject to HEAL requirements.
- Puget Sound Partnership **added environmental justice criteria into the request for proposals** for 2023-2024 grant rounds and offered formal consultation to Puget Sound Tribes

Highlight: Agencies involve community in expenditure decisions

- **Departments of Commerce and Health co-developed a Community Advisory Committee** process to recruit, train and compensate **lived experience** in grant application and award selection processes.
- Department Natural Resources now has a screen to **stop applications without community engagement** and **expedite applications that have substantial community support**.
- Puget Sound Partnership co-manages two councils to **ensure Tribal and community input** on agency operations.
- Ecology developed a new position dedicated to **supplemental environmental projects**, which redirect enforcement penalties back into harmed communities to create a community-identified environmental benefit.

Opportunities and Challenges

Highlight: Agencies identified opportunities and challenges in the annual updates. They show commitment and interest in progressing the work collaboratively and illustrate a comprehensive approach to integrating environmental justice into practices and policies.

Opportunities and Challenges: Relationships

- There is work to do to build relationships with environmental justice communities that agencies have missed, left out, and been complicit in harming in the past. Agencies need to be intentional to better understand their priorities and needs.
- Fulfilling HEAL Act requirements around community and tribal engagement has helped program staff better understand the diverse lived experiences of overburdened communities and vulnerable people.
- Misalignment between public expectations and interpretation of HEAL and the law's legal requirements have emerged over the last year and has resulted in more dialogue with local communities that have provided new information and perspectives to both parties.

Opportunities and Challenges: Scale of Work

- Culture change is required within agencies to implement the HEAL Act. More EJ education and training is needed to build staff capacity within agencies.

Opportunities and Challenges: Legislative Constraints

- The state budgeting and legislative process operates at a more accelerated pace than community timelines. Bills and provisos also often have deadlines that are shorter and more constrained than agencies, communities, and tribes can meaningfully engage and operate within. This makes community engagement and tribal consultation difficult to align with legislatively mandated deadlines.

Highlight: agencies adapt to challenges

- The HEAL Act has been an effective catalyst to break down silos between agencies and within each agency.
- The opportunity to collaborate with other state agencies to advance environmental justice has improved information sharing, collaborative process development, cross-training, resource sharing and more.

Questions?

2024 HEAL Agencies' Update to the EJC
AGENCIES: Departments of Agriculture, Ecology, and Natural Resources

ANSWERS to QUESTIONS:
Section 1: Strategic Plans
The HEAL dashboard includes links to each agency's strategic and implementation plans. Furthermore, each agency already responded to the following question: "How has your agency incorporated environmental justice into strategic planning activities?" For the update to the EJC, take one of the ways your agency has incorporated environmental justice and share a story of how that went.

Key Takeaway:
This question has been satisfied within the OFM Dashboard. Reports meeting this mandate were due in July of 2024. Beginning in 2022, each agency approached the incorporation of Environmental Justice into their plans.

AGR:
This information has already been provided, here are the links for the Strategic planning dashboard and Environmental justice assessment dashboard.

WSDA endeavors to incorporate and weave environmental justice principles into all of our work, not just that which is HEAL Act reportable. In the last two years, the inclusion of environmental justice questions in decision package submittals has allowed us to further evaluate targeted programmatic investments. For instance, the addition of monies for implementation of the Lower Yakima Valley nitrate project was supported by robust community engagement as well as feedback from our producers on needed tools. This led to the inclusion of both monies directed at the local conservation district and the targeted addition of two staff skilled in agronomy and irrigation water, but also risk communication skills. Since that funding came through, we have a much more significant presence on farms and in meetings in the Lower Yakima Valley, which long-term will aid both farmers and regulators in reducing further nitrate contamination of the groundwater. This project is only two years old, and only fully staffed as of June 2024, but so far, both regulated community and impacted water drinkers are positive about the increased oversight and technical support being offered.

DNR:
This information was previously submitted to the EJC earlier in 2024. The Department of Natural Resources has made its plan available online since December of 2022. Commissioner Franz is committed to ensuring that public lands thrive and remain bountiful, both today and for future generations. A central component of that commitment is the meaningful incorporation of Environmental Justice practices and principles within

our Strategic Plan. The creation of DNR's 2022-2025 Strategic Plan was led by the Office of Equity and Environmental Justice. It incorporates Environmental Justice across all of its goals and strategies with measurable outcomes that are meant to reduce environmental disparities, increase our organization's commitment to transparency, community engagement, and science-based stewardship of Washington's public lands. Further information on DNR's Strategic Plan and its HEAL Act requirements are available on OFM's Strategic Planning Dashboard and the Environmental Justice Assessment Dashboard. Of note, several new initiatives and programs have been launched by Commissioner Franz to meet these obligations. These include the establishment of the Office of Equity and Environmental Justice, the launch of the WA State Tree Equity Collaborative with cities across the state, Snohomish Watershed Resilience Action Plan, and a substantial update to the DNR Plan for Climate Resilience- all actions rooted in closing existing environmental disparities and maximizing benefit for overburdened communities in Washington.

ECY:
One of the ways that Ecology has incorporated environmental justice into strategic planning was through the development and adoption of an Environmental Justice Assessment process. This process was adapted and woven into agency processes for our significant agency actions, to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions. To date, Ecology has initiated 28 Environmental Justice Assessments, and the agency is already assessing how to make process improvements. One example of an Environmental Justice Assessment, is the Air Quality in Overburdened Communities Grant, which is a new grant opportunity to incentivize and support the reduction of non-regulated sources of criteria air pollutant emissions in communities overburdened and highly impacted by air pollution, including Tribes participating in Ecology's Initiative to Improve Air Quality in Overburdened Communities Highly Impacted by Air Pollution are also eligible recipients. $10 million will be available to organizations serving these communities to identify, develop, and implement local projects to reduce criteria air pollution in communities that are historically overburdened with health, social, and environmental inequities. To learn more about the program, please read our published assessment, and to apply please visit our website. To learn more about all ongoing assessments, please see more on the HEAL Act Dashboard for Strategic Planning on OFM's website.

Section 2: Environmental Justice Assessments
Thank you for sharing your experience doing EJAs at the Council meeting in July. For the annual update to the EJC, please describe the metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions. Specifically,

- Please share the process you used.
- What were the results?

- What was the impact? What should we celebrate? What can be built upon?

If you have celebration photos, please share them.

Key Takeaway:
All three agencies are challenged by various elements of the HEAL Act reporting expectations. These expectations include both measurement and how those measurements can be reflected into meaningful information for public and government use. AGR, ECY, and DNR have diverse books of business that include thousands of public servants executing on projects that often take years from planning to completion. Annual reporting on created benefit or harm arbitrarily applies a timeframe onto projects that would not naturally represent how benefit or harm is deployed onto the landscape or populations.

AGR, ECY, and DNR are unable to evaluate if the use of EJAs has improved air, water, land, and ecosystem functions since utilizing this tool. However, the EJAs support agency staff in considering the human and community level impacts of their program design. The expectation of robust engagement with Overburdened Communities and Vulnerable Populations (OBC and VP) has been made clearer at all levels of our respective agencies through the use of this tool.

AGR:
WSDA has not yet established a specific method for tracking metrics related to Environmental Justice Assessments (EJAs) apart from keeping a general count of ongoing versus completed EJAs. Currently, WSDA has finished five environmental justice assessments, is actively conducting six more, and plans to start five additional assessments within the next three months. The agency is dedicated to improving the process of determining the impact of environmental justice assessments on communities and tribes, as well as enhancing community and tribal engagement.

In a recent reorganization, WSDA established an Equity and Environmental Justice Office. As this new office develops new processes and procedures, it is expected that a metric process for EJAs will be adopted. Potential future developments in measuring EJAs could involve assessing how environmental burdens disproportionately affect specific communities based on social factors, environmental exposure, community engagement, and policy implementation metrics. In advance of metric reporting tools, WSDA has completed guidance for subject matter experts to complete EJA's for significant agency actions; that is now being used by WSDA's six divisions to complete this work in a uniform manner, which will allow for metrics-based reporting.

DNR:
DNR has adopted the metrics as developed by the Interagency Work Group, OFM and GOV that are reflected on the HEAL Act Dashboard from OFM.

Currently, DNR has completed all Assessments on Agency Request Legislation from the 2024 Legislative Session. While DNR will likely have less EJA that meet the statutory requirement for completion than other agencies, the Department anticipates a robust list of Significant Agency Actions in 2025. Due to the limited scope of EJAs completed (in only one category) we have a limited understanding of the emerging trends and patterns. What is apparent from the initial round of EJAs is the agency is eager to expand Assessments now that the process and instructions on how to conduct them have been finalized. One common concern from frontline staff was the trepidation around filling out EJAs incorrectly or not including information that community members would find most useful.
It has also become evident that DNR is conducting a substantial amount of community engagement, interest party consultation, and public comment for thousands of actions every year. Documentation and analysis of that body of work, at the agency level, exceeds current capacity. An encouraging development related to these Assessments was the establishment of DNR's Environmental Justice Advisory Committee. This group provides specific advice and guidance on DNR's programs and is majority frontline community members. This body is central in supporting our implementation and refinement of EJ programming in the future.

DNR has also increased investment in our Wildfire Ready Neighbors program supporting OBC and VP work within their communities to build climate and fire resilience across the state. Wildfire Ready Neighbors was founded in 2021 and has since launched in six Eastern Washington counties including Chelan, Okanogan, Spokane, Yakima, Kittitas and Klickitat County, and launched in Pierce, Mason and Thurston County this spring. To date, more than 4,000 residents across the state have signed up to receive their free, custom action plan and have pledged to take over 20,000 actions to prepare their homes and property for wildfire. One of our largest program partners is with Latino Community Fund and is a multi-year partnership that is helping our agency be more efficient, support families, and grow this vital program with communities most at risk of wildfire.

ECY: We used the metrics as developed by the Interagency Work Group, OFM, and GOV that are reflected on the HEAL Act Dashboard. We have initiated 26, and have completed 3 at the time of this reporting. With so few completed Environmental Justice Assessments at the time of this report, it's challenging to have metrics that reflect meaningful patterns. Anecdotally, we can share that the assessment process has led to greater engagement, and work that is more informed by people from overburdened communities and vulnerable populations, and Tribes. One example is our agency request legislation on the state's climate resilience strategy, which establishes a long-lasting way for state agencies to collaborate and align work strategically on climate resilience. The agency partnered with Front & Centered to convene a statewide collaborative of climate and social justice organizations representing overburdened communities and vulnerable populations who worked together to inform the strategy. The proposed legislation also includes outreach and engagement approaches recommended by representatives from environmental and

social justice groups such as hosting climate assemblies and topic-based meetings, supporting community-based organizations as partners, attending and presenting at gatherings hosted by other groups, and providing compensation for those with lived-experiences or otherwise addressing barriers to participation (e.g. funding travel). Climate assemblies were specifically recommended as a way to establish a co-governance model and build relationships between overburdened communities and vulnerable populations and state agencies. The published assessment documents the recommendations that were made, and later adopted. Ecology is committed to growing in this work, and will continue to learn, refine, iterate, and improve this process over time. To see our three completed Environmental Justice Assessments, please visit OFM's Environmental Justice Assessment webpage to read the full reports.

Section 3: Budget and Funding

1. How did your agency focus applicable expenditures towards creating environmental benefits and/or reducing environmental harms to overburdened communities and vulnerable populations?
    - What was your process?
    - What were the results?
    - What were the impacts?

Key Takeaway:

All three agencies have clear commitments to serving the people of Washington state with evidence-based practices and programs that meet community needs as they arise. AGR, ECY, and DNR each play important roles in using, regulating, and maintaining the lands and waters of our state. Every program within these agencies creates benefit for the public or upholds the vital functions necessary to conduct benefit producing programs. Due to the function of our agencies, the statutory requirements with the majority of our funding is dictated by the legislature, Federal Government, or ongoing regulation. For instance, in some cases funding is appropriated to emergency hazard management, for which all three agencies have some responsibility, occurs where emergent need occurs. This could also be said for the management of wildfire, spills, and chemical exposures (such as pesticides). AGR, ECY, and DNR are currently developing processes to ensure funding is equitably directed to overburdened communities and vulnerable populations within our mandated funding categories.

All three agencies did not advance any budget item that did not create benefit for the public and communities impacted by environmental disparities.

AGR:

The agency's core mission is to provide services to all communities, promote the safety of agricultural products in Washington, ensure compliance with regulations, and protect

consumers, public health, and the environment. We are committed to enhancing environmental benefits and minimizing harm to communities through our regulatory initiatives. When the agency allocates direct funding to communities, it uses the Health Disparities Map and consolidated OBC/VP map to identify overburdened communities and vulnerable populations, ensuring the most significant benefit and more sustainable future.

Further, WSDA policy staff did evaluate budget and funding requests for their nexus and evaluation of both benefits and possible negative outcomes for overburdened communities. In our 2025 legislative submittals, WSDA did not move forward any projects or request program funding for agency activities unless they were targeted on streamlined government and reduced community burden, regardless of location.

DNR:
In 1957, the legislature created the Department of Natural Resources (DNR) to manage state trust lands for the people of Washington. Under the elected leadership of the Commissioner of Public Lands, DNR manages seven specific trusts to generate revenue and preserve forests, water, and habitat. DNR now manages 5.6 million acres of forest, range, agricultural, aquatic, and commercial lands for more than $200 million in annual financial benefit for public schools, state institutions, and county services. Our mission is to manage, sustain, and protect the health and productivity of Washington's lands and waters to meet the needs of present and future generations. Our creation of benefit is both our raison d'être and present in every aspect of our programs.

DNR initially modeled our compliance with this section of the HEAL Act from guidance from the Department of Ecology. Their years of experience and expertise have been invaluable in DNR's budget equity design. Therefore, our steps to direct expenditures towards overburdened communities and vulnerable populations are nearly identical to Ecology. They include, but are not limited to, developing criteria in competitive grant evaluations, improving accessibility to opportunities (ADA and language access), considering equity in developing and offering technical assistance, working closely with community groups to drive the development of select funding opportunities, developing engagement materials and activities with equity and environmental justice considerations, and incorporating environmental justice considerations into budget development processes. Basic information on this is being posted on the DNR Environmental Justice Budget Equity page- which will grow over the next year with more content and analysis as capacity grows.

ECY: Our agency's mission is to protect, preserve, and enhance Washington's environment for current and future generations, and our innovative partnerships protect and sustain healthy land, air, water, and climate in harmony with a strong economy. As an agency, our primary charge is to create environmental benefits and reduce environmental harms within our scope of authority across the state. Steps to direct expenditures towards overburdened communities and vulnerable populations include, but are not limited to, developing criteria

in competitive grant evaluations, improving access to opportunities (by addressing accessibility and language barriers), considering equity in developing and offering technical assistance, working closely with community groups to drive the development of select funding opportunities, developing engagement materials and activities with equity and environmental justice considerations, and incorporating environmental justice considerations into budget development processes. To learn more, please see our Budget Equity Report.

2. Describe how your agency incorporated environmental justice principles into a broad scope of grants and contracting opportunities. Did you have a strategy? If so, please share it.

Key Takeaway:
Grants and contracting opportunities remain some of the most challenging aspects of implementation reaching its 40% goal. Some challenges faced by AGR, ECY, and DNR are that much of the funding opportunities entrusted to our agencies do not come with discretion in terms of who is eligible, types of eligible projects , and other criteria – this is set externally, by groups like our federal partners, the legislature, and others. For example, some opportunities are designed to support technical assistance for regulated facilities, provide farmworker pesticide training opportunities, forest health actions, or fund large infrastructure projects like water treatment plants. Others are focused on supporting specific terrestrial or aquatic species and particular ecosystems. All three agencies continue to develop best practices for our work that is connected to improving environmental and health disparities.

AGR:
WSDA currently operates nine competitive grants, many of which create significant environmental benefits for overburdened communities and vulnerable populations. However, despite their positive impact, these grants do not meet the qualifications to be included in the HEAL Act Budget & Funding Dashboard.

WSDA embraces the following environmental justice principles to inform and guide us on initiatives, assessments, and the implementation of our programs. These principles also guide WSDA through the process of identifying where we will direct funds and services.

WSDA is committed to:

- Prioritizing vulnerable populations and overburdened communities.
- Developing budgets and funding processes that recognize the importance of environmental justice.
- Developing policy; reviewing implementation processes; and enforcing environmental laws, rules, and policies.

- Identifying and actively seeking opportunities that promote meaningful engagement with tribes and communities that have historically been harmed or faced barriers to incorporating their voices in decisions.
- Mitigating, reducing, and eliminating environmental harms.
- Collaborating with other state and federal agencies to reduce the burden on communities to gain access to resources.

DNR:
In partnership with various Tribal Governments, DNR has accelerated its Grants Program. Coordinated by our Grants Director, DNR helps communities and DNR programs apply, secure, and manage various funding opportunities. In flipping the conventional approach to government grants, DNR has dedicated significant time at the program level to support community sourced grants that are deployed by community groups or are direct investments into ecosystem interventions performed by community. These include our Kelp and Eelgrass work, Natural Heritage Program, the Outdoor Recreation Programs, and a historic investment in Derelict Vessel removal with the Squaxin Island Tribe- who is not permitted to receive state funding for this work. DNR secured Federal funding with Tribal consent to build a multi-year partnership that will both clean shorelines and enhance Tribal assets. We hope to replicate this work across many divisions.

Additionally, DNR has implemented an EJ Grants screen for all solicitations being made on DNR's behalf that require programs to document prior consent and engagement with affected communities on the potential grant opportunity. This evaluation scores and ranks various applications on its efficacy in providing benefit and potential harm. DNR now has a screen to stop applications without community engagement and expedite applications that have substantial community support.

DNR's granting and procurement strategies are currently undergoing an agency-wide review that has been in progress for nearly a year. Inclusive of external partners and internal programs, the strategies are being updated to clearly articulate EJ goals and enhance community ability to directly influence and access DNR capacity in securing funding for projects of their choice.

ECY: Ecology has been incorporating environmental justice considerations, criteria, and analytics into our grant and contracting opportunities for over a decade, prior to the passage of the HEAL Act. Across the agency, we are working on better embedding equity and environmental justice considerations into our engagement activities, program design, technical assistance, and performance metrics. Because of this, 63% of all of our funding opportunities have included equity and/or environmental justice in our scoring criteria, and 61% of our opportunities have considered equity and environmental justice when developing our engagement materials. Through our initial evaluation, we have additionally been able to identify programs with opportunities for people from overburdened communities and vulnerable populations to be able to influence program design (21% of

programs). Ecology has hired a Senior Budget Equity Analyst to lead improvements in this work, and to develop new opportunities to effectuate the goals of the law.

3. Provide examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
    - What was your process?
    - What were the results?
    - What were the impacts?

Key Takeaway:
Because of the unique nature of our agencies, we all have different opportunities in this work. AGR, ECY, and DNR have developed differently historically. That development has led to organizations with various capacities to do the meaningful community work that the EJ Council expects. Agencies are doing substantial community engagement across the state and investing deeply to reach more people every year. As we evolve our practices, considerable effort is being made to recalibrate expectations for programs to meaningfully engage impacted communities.

AGR:
WSDA received a proviso of $250,000 to form a workgroup that is focused on evaluating and creating a robust grant program for green nitrogen fertilizer (scheduled to be produced in large quantities in WA by 2028). This proviso included development of a framework for equitable access to small and medium -sized farmers and overburdened populations. In developing this workgroup, WSDA included the hire of two consultants; one is focused on the economic goals and development of the grant program framework to be recommended to the legislature, and the other is focused solely on increased community feedback and incorporating environmental justice goals and principles both into the workgroup as well as into the final grant program structure. This has included listening session opportunities for community, more than 20 targeted interviews with possible program users, briefing the Environmental Justice Council, and the inclusion and expansion of the workgroup to include tribal members and vulnerable farming communities in eastern and western Washington. The final report to the legislature is due by November 1, 2024, so there is no final analysis of the impacts yet. However, the broad goal of this work is to redefine the way WSDA conducts this type of work, engages with overburdened communities and vulnerable populations to increase access and reduce impacts from new funding opportunities. We are hopeful that one of the final products will be a toolkit for future funding work at WSDA, streamlining our future grant programs and reducing access barriers.

DNR:

An incredible example of how communities have been brought into the agency's decision-making structures and been able to meaningfully guide investments is within our Outdoor Access and Responsible Recreation Planning. To ensure that DNR-managed lands are developed and managed sustainably and proactively for the coming decade, DNR collaborated with Tribes, trust beneficiaries, partners, and the public from summer 2023 to summer 2024 to develop its first statewide Outdoor Access and Responsible Recreation (OARR) Strategic Plan. This plan will serve as a guide to DNR in prioritizing decisions and funding allocations to protect natural and cultural resources while offering high-quality and equitable recreation opportunities across Washington.

The OARR Strategic Plan enables DNR to leverage those benefits, identify ways to remove barriers, and enhance recreation opportunities for communities who have not traditionally had access. With this plan, communities most affected by disparities are guiding the parameters of future investments and priorities with their guidance in this document.

This is further illustrated by the changes suggested by parties and public on how DNR manages lands in a way that balances public use with its fiduciary obligation to state trust beneficiaries. The OARR Strategic Plan, which was informed by consultation with Tribes and broad engagement with multiple parties and the public, will help DNR meet the needs of all partners. This plan holds sometimes competing priorities with clear strategies for investments that are measurable and assigned to highest needs first.

At its heart, the OARR is a roadmap for the outdoor recreation community- informed by OBC and VP with clear direction in how to invest resources. The OARR Strategic Plan not only helps DNR establish an internal agency-wide approach to recreation, it also provides a roadmap for what to expect and how to engage in future recreation management processes for DNR's external partners, including Tribes, volunteers, and user groups.

ECY:
To learn more about all ongoing engagement activities at Ecology, please see this website.

Example 1: Partnership with Mother Africa on Safer Products for WA
Ecology partnered with Mother Africa, a nonprofit organization that supports African immigrant and refugee women and their families. Through this partnership we collaborative developed culturally relevant outreach materials for the Safer Products for Washington program. Materials included a coloring book on how to identify certified safer household products in stores, and a pamphlet on safer products for household use. These outreach materials were translated into several languages and used in workshops with the Mother Africa communities.

Example 2: Focus Group on Toxic Free Cosmetics Act
The Toxic Free Cosmetics Act enables Ecology to regulate certain toxic chemicals in cosmetics. Many of these chemicals are of concern to Black women and cosmetologists who specialize in Black women's hair care. This is largely because of the disproportionate exposure to some chemicals like formaldehyde and formaldehyde-releaser chemicals in certain hair straighteners and hair smoothing processes. Exposure to these chemicals can have negative health impacts. To better improve the implementation of the Toxic Free Cosmetics Act, Ecology supported formation of a focus group of cosmetologists who specialize in Black women's hair. Their feedback helped Ecology design the forthcoming technical assistance and reimbursement program for cosmetologists.

Example 3: Supplemental Environmental Projects
Enforcement actions play an important role in environmental protection by deterring violations and ensuring that violators do not obtain an unfair economic advantage over their competitors who made the required investments to comply in a timely manner. A Supplemental Environmental Project (SEP) is an environmentally-beneficial project funded through settlement of an enforcement action. A SEP has the potential to redirect resources back into harmed overburdened and vulnerable communities. One example of a SEP emerged from a penalty to Tumwater Development LLC for an oil spill from a vandalized transformer at the site of the former Olympia Brewery in Tumwater. 587 gallons of oil spilled into Brewery Park at Tumwater Falls and into the Deschutes River, which flows to Capital Lake and Puget Sound. In addition to returning to compliance, reimbursement to the state for $2.25 million in expenses to responding to and clean up the spill, and paying a $14,000 penalty, the Squaxin Island Tribe received $750,000 toward restoration work in the Lower Deschutes River Watershed. These projects were selected and are managed by the Tribe.

4. How did you communicate the environmental justice goals and performance metrics for your agency expenditures?
    - What was your process?
    - What were the results?
    - What were the impacts?

Key Takeaway:

As directed in statute, this was communicated initially (2023) by publishing on our website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take action. Since then, AGR has published a Environmental Justice webpage that includes budget equity materials, Ecology has developed a Budget Equity webpage that additionally hosts our annual Budget Equity Report (with greater details, analytics, successes, challenges, and more), and DNR has published a Budget Equity resource page on its website.

As we review and assess the current process for identifying environmental justice goals and performance metrics, we recognize that this work is an ongoing effort for improvement. Looking forward, AGR, ECY, and DNR intend to thoroughly evaluate our current process and procedures for performance metrics.

Section 4: Opportunities and Challenges

1. What opportunities did the HEAL Act open up for your agency?

AGR:

In implementing the HEAL Act and other related processes, WSDA has experienced several successes in working toward environmental justice.

These include:

- Recognizing team members championing equity and environmental justice, leading to positive organizational changes.
- Extensive collaboration among the agency's projects and activities fosters cross collaboration and information sharing, a crucial step in breaking down internal silos.
- Pooling resources from HEAL and Pro Equity Anti-Racism activities has allowed WSDA to strengthen our agency's focus on equity and environmental justice.
- Targeted discussions at the Executive Leadership level to push uniform inclusion of environmental justice principals in the “what”, “why”, and “how” of our work.
- An understanding that adding additional steps to our process produces better community outcomes through increased engagement, reduced burden, and increased access.

DNR:

- Statewide Language Access Pilot- Design and piloting of an emergency message and communications hub for under-resourced jurisdictions who need specialized language support during natural disasters.
- Developed first-ever Boards and Commissions Action Plan (100 bodies), to assess the agency’s diversity, set measurable recruitment and retention goals, and ensure the guidance given by the public in our official advisory bodies is informed by people identifying as members of Overburdened Communities or who belong to Vulnerable Populations.
- Instituted DNR’s first Community Compensation Policy that provides not only honorariums for the expertise given in formal settings by the public, but that also provides child and adult care assistance- exceeding minimum recommendations from the Office of Equity.

- Created three agency-wide trainings on Environmental Justice, Historic Environmental Trauma, and Conducting Environmental Justice Assessments that have been taken by hundreds of staff members.
- Implemented a first-ever Public Meetings and Comment Policy at DNR that exceeds the mandates of the Open Public Meetings Act by ensuring the public is guaranteed reliable and predictable comment periods, increases translation and interpretation services for public meetings, and guarantees that DNR meetings provide proper notice to Community Based Organizations serving OBC and VP.

ECY:

- Ecology has developed new processes to evaluate environmental justice impacts of our work.
- Developed first-ever assessment of equity of the agency's grants and expenditures (over $550 million), to assess the agency's starting point in distributing resources equitably to overburdened communities and vulnerable populations.
- The agency has long embedded environmental justice considerations into a wide suite of agency work, but the HEAL Act empowers a more coordinated and standardized approach and attaches accountability mechanisms that help us towards our goals.
- Dozens of talks and trainings related to the HEAL Act and environmental justice. were offered to staff across the agency (including executive leadership, engagement staff, and more), the Washington Conservation Corps, students, advisory boards, community groups, and others.
- Identified internal processes that can be adapted to seamlessly integrate environmental justice analyses into a wide range of agency activities, such as developing budget proposals, conducting rulemaking, planning investigative activities, etc.
- Empowered to develop agency-wide Community Engagement Plan and more. Currently developing guidance related to improving equity outcomes in grants, and a Tribal Consultation Framework.
- Expanded environmental justice expertise at the agency through hiring, training, and education.
    - Invested in 3 new positions in the Office of Equity and Environmental Justice related to policy, engagement, and budget equity.
    - Invested in 3 new positions embedded in select programs for environmental justice and HEAL Act implementation leads.
        - This has shown the need for even greater support in this work across all environmental programs, and as a result we are pursuing more funding for additional FTE this upcoming biennium. Since Ecology is expected to address environmental justice across the entire agency (with 11 environmental programs and over 2,000 staff), it requires additional support.

2. What challenges/barriers have you encountered in the implementation of HEAL? Are these challenges systemic, structural, internal, external?
    - Working within Resources:
        - Limited capacity
        - Existing staff don't necessarily have relevant environmental justice expertise
        - Agency ability to swiftly adjust to new guidance has been impeded by fixed funding that does not shift with EJC guidance
        - Lack of resources for dedicated non-HEAL EJ programming required for implementation
        - Agency investments across HEAL covered agencies vary widely and don't seem to be calibrated by work function, mission, or agency size. For instance, AGR has funding for only 1.5 full-time equivalent positions that are dedicated to implement the HEAL Act.
        - Technical and data limitations
        - Balancing competing legislative mandates, agency policies and directives, agency processes and practices, and more.
        - Lacking the authority to address the changes requested of us
    - Working with challenging timeframes:
        - Tight implementation timelines
        - Timelines between receiving guidance and reporting make it difficult to engage with the community and gather quality data.
        - Timeframes are not informed by change-management or operational considerations before being set- for example budget equity reporting due before close of fiscal year- one week before annual HEAL reporting and two weeks after CCA reporting.
        - Timelines that are not supportive or desirable for the work required – such as meaningful community engagement and Tribal consultation.
    - Working together across agencies:
        - Building shared infrastructure across agencies with different charges, practices, norms, staff, support, resources, data, metrics, etc.
        - Too many layers of structure within interagency coordination- EJC, Ex-Officios meetings, Sub-Cabinet Meetings, IAWG meetings, Sub-Committee of IAWG meetings, ad-hoc EJC meetings, etc, without clear function or authority. In addition to the internal agency level implementation meetings.
        - The lack of unified metrics, reporting, and tracking standards across all HEAL-covered agencies, which may limit enterprise-wide analysis.
    - Working with the council:
        - Unclear distinction between Council guidance and directives on agency operations.
            - Example: Unclear boundaries on the deployment of Co-Governance and Community Engagement strategies.

        - Example: Conversation in collaborative Agency/Council Meetings as official guidance that may contradict or exceed legislative authority.
    - Non-cabinet agencies are not afforded the same level of consultation as Governor's cabinet agencies in HEAL Implementation decision making.

Section 1: Strategic Plans

1. **The HEAL dashboard includes links to each agency's strategic and implementation plans. Furthermore, each agency already responded to the following question: "How has your agency incorporated environmental justice into strategic planning activities?" <u>For the update to the EJC, take one of the ways your agency has incorporated environmental justice and share a story of how that went.</u>**

   One of the ways Commerce has incorporated environmental justice into our strategic planning activities includes how our agency engages internally and externally with tribes and on tribal relations as it relates to environmental justice. The HEAL Implementation Team worked closely with our Office of Tribal Relations to develop a HEAL-focused quarterly briefing for tribes in order to maximize opportunities for early input and collaboration and reduce the extractive burden on tribes.

   The briefings occur quarterly and in preparation for each briefing, our HEAL team compiles a briefing book of all active Environmental Justice Assessments (EJAs). The HEAL briefing book is accompanied by a Dear Tribal Leader Letter (DTLL) issued by the Director of Commerce's Office of Tribal Relations. This book and letter go out to all 29 federally recognized tribes in Washington.

   The briefings are <u>not a substitute for tribal consultation</u>, which occurs directly with each interested or affected tribe. Commerce program staff present, in conjunction with HEAL staff, each EJA – giving an overview of the significant agency action and its potential impact on tribal interests. These briefings are not public and therefore, the information shared during them is also not public. Upon completion of the briefing, and if no further consultation is requested, then program managers integrate general themes from the briefing into their EJAs and integrate important program changes into the implementation of their SAA. Further, tribes attending the briefing can request formal consultation, ideally within 10 business days, but they can request it at any point in time. To date the agency has conducted two briefings and third is scheduled for October 10th at our agency's annual tribal convening.

Dates - 2024	# of Tribal leaders/representatives	# of SAAs presented
April 5	10	7
July 29	29	11
October 10	TBD	10 + updates from prior briefing, and a separate session for decision packages and ARLs

   Some key outcomes from these briefings have included:

   - **Improved communication, transparency, and accountability with tribes:** These briefings give tribes a consistent and dependable avenue to learn about SAAs and determine which SAAs are their priorities for requesting consultation or giving guidance.
   - **Decreased extraction and duplication of efforts:** With the volume of SAAs at Commerce, tribes asked for a more efficient means of structuring tribal engagement and consultation for the SAAs. The quarterly briefings accomplish this and help manage the demand on the Commerce Office of Tribal Relations. This briefing schedule has allowed Commerce to coordinate internally on HEAL-related topics, across the 700+ person agency.
   - **Increased staff capacity and learning:** The briefings have increased Commerce staff engagement and understanding of the role of the briefings, and the different types of tribal interaction in a government-to-government context. They have sharpened our agency-wide analysis of potential or anticipated tribal

impact, and our understanding of which tribes may have most interest in which SAAs. Commerce has also learned about some of our agency blind spots, and ways to improve our program inclusivity and accessibility for tribes and overburdened communities and vulnerable populations.

Section 2: Environmental Justice Assessments

1. **Thank you for sharing your experience doing EJAs at the Council meeting in July. For the annual update to the EJC, please describe the metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions. Specifically:**

   a) **Please share the process you used.**

   Of the 110 EJ assessments tracked on the OFM dashboard, Commerce has completed or initiated 45 EJAs, more than any other state agency. The majority of our EJAs relate to Agency Request Legislation or new grant and loan programs. We have a five-step process from the identification of an SAA to publishing a complete EJA.

   1. We train people to understand whether they have an SAA and how the HEAL Act works at Commerce. Commerce uses EJ training modules, agency-wide Real Talk webinars, and publications in the agency Daily Digest.
   2. Program managers complete a HEAL Intake Form (via Smartsheets platform), where we collect information about the kind of significant agency action (SAA), a brief description of the SAA, the SAA's anticipated environmental harms or benefits, the geography of likely impacts, the tribes who may be impacted, and the kinds of community engagement they anticipate doing. This intake form is shared automatically with Commerce's HEAL team, Office of Equity and Belonging, Office of Tribal Relations and the Community Engagement Unit. The Intake Form also feeds into an internal process tracker and metrics dashboard.
   3. Once the SAA has been confirmed by the EJ consultant and an EJA is deemed required, the assigned divisional EJ consultant will work directly with program managers to complete a first draft of the EJA. This draft is then routed internally to divisional and HEAL leadership for review and approval.
   4. The draft EJA is then posted publicly to our SAA dashboard and the OFM dashboard.
   5. After a public comment period and tribal briefing, the program manager finalizes the EJA and posts it to our SAA dashboard, which is updated. Engagement data for the EJAs is tracked on the Box platform, where they are saved and linked to the SAA and OFM dashboards.

   b) **What were the results?**
   An intake form and dashboard process allow us to better understand the complexity of new SAAs and what resources we need to address them. We are also able to easily share with others in the agency an overview of all past and current EJAs and the trends emerging in community engagement, tribal consultation and engagement, and high-level impacts on environmental harms and benefits.

   Through the EJA process, we have learned that our growing agency needs access to consistent and continued internal education and capacity building regarding environmental justice principles, practices, and processes. To this end, we are preparing additional training—both real-time and recorded—to meet this need.

   Other examples include comments from staff regarding how the EJA process is resulting in more targeted community engagement efforts, substantive reflection and incorporation of feedback received, and

inviting the community to participate in new ways in state processes such as agency request legislation and funding decisions. For example the 2024 Clean Energy Grant program was completely redesigned based on insights provided by overburdened communities, tribes and vulnerable populations as well as the funding goals of the HEAL Act and CCA.

c) What was the impact? What should we celebrate? What can be built upon? If you have celebration photos, please share them.

Broadly, programs across the agency are applying their learnings from the SAA process to improve the design of their funding application processes, the design of their programs, and the opportunities available for impacted communities to participate in both.

Systemically, colleagues across the agency are learning to think of environmental justice as more than just the impacts on air, trees, or water. Staff are beginning to understand that environmental justice is also about people's health and wellness and our agency's broad portfolio has the potential to improve the quality of life.

We are also celebrating the strides made in understanding and expanding tribal engagement and consultation. The tribal briefing has really helped people understand why HEAL is important, beyond what the law states, and the tremendous opportunity our agency has to be respectful partners with tribal nations. We have received very positive responses from tribes in regard to our engagement and consultation processes.

In April 2024, the Commerce HEAL team was selected to present at the National Environmental Justice Conference to share the work our state is doing. The resulting workshop included impromptu participation by other HEAL agencies' representatives who attended the session and shared their unique observations to the audience of over 100 EJ professionals and government officials across the country.

Section 3: Budget and Funding

1. How did your agency focus applicable expenditures towards creating environmental benefits and/or reducing environmental harms to overburdened communities and vulnerable populations?

a) What was your process?

Given the size and rapid growth of the agency (from just under 400 FTE in early 2020 to over 700 FTE in early 2024), our first year of analyzing budget and funding processes and expenditures was a manual process that entailed cycles of analyses, discussion and recommendations between HEAL staff, program leads, budget and agency leadership. This was done for each expenditure authority for our agency. During FY25, we will develop a more automated approach that will include codes in our contract management system to "flag" expenditures at the program/grantee level. Additionally, we aim to review the data quarterly so that we can monitor coding and data expenditures more frequently – rather than all at once at year end. This will significantly ease reporting until One Washington is launched.

b) What were the results?

Our preliminary analysis shows that of the programs that address or may cause environmental harms or provide environmental benefits, Commerce has allocated over 60% of pass through funding to non-tribal overburdened communities and vulnerable populations. Further, awards to tribe constitute close to 15%. Both of these metrics exceed the 40% HEAL goal and 10% tribal CCA goal.

This baseline year has helped us conduct a gap analysis of our budgeting, funding and tracking systems and processes. This has helped us identify areas for both growth and reform. It has also helped us understand how we will need to anchor our capacity development and budget trainings in order to increase understanding across the agency.

c) What were the impacts?

Many programs elected to include a 40% OBC/VP and 10% tribal funding goal in their programs from the onset of program design and throughout the implementation. Two examples from our Energy division that comprehensively changed how they approach funding decisions are included below.

- The Energy Programs in Communities Unit's 2024 Clean Energy Grant program pooled nine funding sources to offer three tailored grant opportunities that prioritized energy equity and environmental justice. The funding goal across the three grant opportunities amounted to a minimum of 10% of the funds allocated for tribal clean energy projects, and 40% for community resiliency projects that mitigate environmental harms and/or reduce energy burden. These goals were set in response to community feedback and to align with the HEAL Act and Climate Commitment Act funding targets. To date, of the $110.6 million awarded, 43% will be directed toward overburdened communities and 15% to tribes. In addition the funding round assessed co-benefits of community resiliency to provide backup power to vulnerable community members during weather events and power outages. The final round of grants, exclusively available to tribes, wraps up in November. Further, this team recruited and compensated tribal and lived experience to evaluate the EJ and equity aspects of proposals and make funding recommendations to agency leadership. A funding and impact dashboard is currently under design to communicate the results of this re-designed process.

  Related story: Communities lead the way in deciding how Climate Commitment Act funds should be spent | by Washington State Department of Commerce | Medium

- The results of the inaugural Electric Vehicle Charging program also illustrate environmental justice progress at Commerce. The highest greenhouse gas emissions in Washington come from the transportation sector. Because of this, Commerce prioritized helping communities transition to cleaner transportation options. The EV Charging program awarded close to $100 million in funding to support electric vehicle charging infrastructure (chargers) across the state. This program had an initial goal of allocating 40% of funding to overburdened communities and exceeded this goal – achieving 54%. For additional equity metrics, please visit: Funding Dashboard | Washington Electric Vehicle Charging (waevcharging.org)

2. Describe how your agency incorporated environmental justice principles into a broad scope of grants and contracting opportunities. Did you have a strategy? If so, please share it.

Agency staff focus on incorporating EJ principles in individual program design and the proposal process (RFPs) to ensure they are included and scored accordingly when selecting program recipients. Further, our

agency has updated contract policies and procedures to include more equitable and consistent practices asked for by the community.

The agency has also piloted a new memorandum of understanding process with tribal nations that seeks to remove administrative barriers, improve communications, implement culturally appropriate data privacy and security measures, and expedite contracting. So far, our agency has executed four MOUs with tribal nations. Related press release: Confederated Tribes of the Chehalis Reservation and Department of Commerce sign agreement establishing government-to-government relations – Washington State Department of Commerce

Throughout the fiscal year, the HEAL team has offered and will continue to offer training both informally (through 1-hour agency-wide community spaces such as Real Talk and agency intranet Daily Digest articles) and formally (through budget and funding-focused webinars and training on The Learning Center).

3. Provide examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.

a) What was your process?

Processes varied by programs and divisions. However, there are some examples that stand out.

Commerce partnered with the Department of Health to include deeper community involvement in funding decisions. This partnership grew out of the agencies working together on HEAL Act implementation and having similar grant programs to administer. Specifically, Commerce enlisted a committee of paid advisors with experience in social equity, anti-racism, tribal rights, climate justice and more to evaluate proposals and develop funding recommendations. This was an overall success and we are exploring ways to continue this advisory committee work going forward. A few quotes from community members who participated in the process:

> *“If we want to successfully address climate change, we need to center the voices of underrepresented community members, especially those that identify as the global majority. Not just because pursuing diversity is a good thing to do, and not even because diversity leads to better decision-making and more effective strategies, but because those of the global majority are often most at risk of the injustices caused by climate change. The opportunity to provide a community review lens on grant applications was a great way for Commerce to center those that are feeling the pain of climate change first, worst, and longest. “*
>
> *"We must lead with action, collaboration and connection to the greater good. The opportunity to read, evaluate and support our state's entities, tribal sovereign nations and non-profits that are closest to the work has been a beneficial experience. Thank you for providing facets of community engagement to be a voice, as I identify as an "intersectional environmentalist" who has lived experience and the education to help bring together designing a better world for us to inhabit through my climate education lens. Thank you to all, this has been a very thought provoking and engaging program.”*

Another example is the Housing division, where a new pilot program was launched for homeless youth. The program convened focus groups from various regions in the state with a high density of vulnerable youth. These groups helped design a future program that will directly homeless youth services.

b) What were the results?
Community members and tribal partners saw their insights into the design and rollout of new grant and loan programs adopted in close to real time. For example, one program completely eliminated the match requirement for projects that delivered environmental benefits. This improved both the application experience and the equitable distribution of funds, especially to those who had previously been left out.

c) What were the impacts?
The impacts are still being assessed, but the lessons learned from the innovations in FY24 will be highlighted and integrated into the agency training in FY25 so that more divisions and programs can learn from their examples.

4. How did you communicate the environmental justice goals and performance metrics for your agency expenditures?

In 2023, Commerce's draft Strategic Plan included, for the first time, goals related to Environmental Justice. The Department of Commerce is currently updating the agency's strategic plan and will continue to prioritize and incorporate environmental justice principles and practices in strategic planning processes and resulting plans. The EJ implementation plan includes metrics that were posted on our website. We are currently reviewing the metrics and will progress towards our metrics in the coming year. We are in the process of developing a publicly available dashboard that will also be linked with the OFM dashboards that include metrics on our expenditures. Program-level achievements are communicated through agency press releases, medium stories, and local media. We are also working with Information Services and the Central Budget Office on integrating EJ tracking into our Contracts Management System. This will help collect recipient data on environmental harms and benefits.

Section 4: Opportunities and Challenges

1. What opportunities did the HEAL Act open up for your agency?
The HEAL Act has been an effective catalyst to break down silos between state agencies and within our agency. The opportunity to collaborate with other state agencies to advance environmental justice has improved information sharing, collaborative process development, cross-training, resource sharing and more. In addition, our HEAL team collaborates with the Commerce Community Outreach & Engagement Team and our Commerce Office of Equity & Belonging.

Within Commerce, requiring explicit analysis of EJ impacts and community engagement and tribal consultation opportunities has helped program staff better understand the diverse lived experiences of overburdened communities and vulnerable people. This is critical in helping to create a culture and practice shift in the agency.

A few examples of EJ and equity initiatives that were aligned with the broad goals of the HEAL Act and the guidance from the Environmental Justice Council include:

- Published Director's Intent on Equity – Equity Statement for the Department
- Created the Office of Equity and Belonging
- Created the Office of Tribal Relations
- Updated Tribal Relations Policy to create consistency between Commerce divisions and programs when engaging with tribal partners

- Launched new tribal memorandum of understanding (MOU) process that formalizes partnerships, removes administrative barriers and ensures data and tribal sovereignty
- Adopted a policy for compensating community members for their participation in Commerce workgroups including a lived experience recruitment toolkit
- Launched Rooting Equity in Commerce (REC), including a REC team focused on environmental justice. These all-agency equity workgroups are helping team members build skills, knowledge and confidence to become adept equity practitioners.
- Conducted internal trainings on environmental justice principles, practices, and HEAL requirements. Developed three on-demand EJ training modules accessible via the Washington State Learning Center.
- Updated contracts policies and procedures to include more equitable and consistent practices asked for by community
- Built a toolkit for hiring managers to incorporate lived experience into the job qualifications for recruitments

2. What challenges/barriers have you encountered in the implementation of HEAL? Are these challenges systemic, structural, internal, external?

Commerce experiences challenges in all four categories.

Systemic and structural barriers include fragmented communication from HEAL-covered agencies with the same communities. The structure of the state budgeting and legislative process operates on a more accelerated pace than community timelines. This makes community engagement and tribal consultation work difficult to align. For example, we have found that interested and affected parties are more likely to engage in agency request legislation (that requires an EJ assessment) after the legislative session begins.

Internally, incorporating environmental justice practices often requires slowing down our work in order to provide training, identify HEAL activities and connect with communities. This runs counter to traditional expectations to expend funds quickly. Additional work will be required to better integrate HEAL compliance within our culture and processes. In the end, EJA as a mandate will be part of business as usual.

Commerce has a broad book of business with over 150 diverse programs that cover housing, economic development, infrastructure, planning, clean energy, and community services. Interpreting how the HEAL Act requirements apply to this broad portfolio has required significant internal dialogue, as well as consultation, analysis, and guidance from our assistant attorney general. This is particularly true for new grant and loan programs which make up the majority of our SAAs. Misalignment between public expectations and interpretation of HEAL and the law's legal requirements have emerged over the last year and has resulted in more dialogue with local communities that have provided new information and perspectives to both parties.

HEAL Agencies Annual Update to the EJC

Instructions:
For the 2024 annual update to the EJC, agencies are being asked to complete the following questionnaire. The content will be used for:

1. A presentation to the Environmental Justice Council. This presentation will be broad and the data you share will be aggregated.
2. A report to the Governor's Office that will include the details you provide. This more detailed report will be shared with the Environmental Justice Council but will not be presented at a public meeting.

The questions being asked are rooted in the following principles:

- When responding to questions, please use what you're already using to implement the different obligations of the HEAL Act. The EJC understands that each agency has its own processes and may use different tools and resources.
- All inquiries are based on the HEAL Act.
- Agencies strategic plans and implementation plans reflect the agencies' core values.
- Metrics can cover process, results, and impact.
- Stand alone HEAL strategic plan or embedded in existing agency strategic plan has equal value.

Completing the Questionnaire:
Please limit your response for each question to 4 paragraphs or less. We realize that several of the questions have sub-questions. What we are looking for is a summary. We do encourage you to include relevant links. More detailed description of processes and metrics, if you have them, are appreciated and can be included as appendices. If you do decide to include appendices, please label them to correspond to specific questions they are connected to.

Please submit your responses by COB October 1, 2024, to allow time for the EJC staff to compile them and share with you the summary points that will be presented to the Council at its October meeting. When submitting your questionnaire, please put the document in your agency's folder here: Environmental Justice Interagency Work Group - Annual report responses - All Documents (sharepoint.com). NOTE: Your agency's response to the strategic planning question for the HEAL dashboard is in your folder in case you need it.

Thank you!

WASHINGTON STATE DEPARTMENT OF HEALTH

Section 1: Strategic Plans

The HEAL dashboard includes links to each agency's strategic and implementation plans. Furthermore, each agency already responded to the following question: "How has your agency incorporated environmental justice into strategic planning activities?" For the update to the EJC, take one of the ways your agency has incorporated environmental justice and share a story of how that went.

As an example of how the Department of Health (DOH) has further incorporated EJ into our planning, **the Environmental Public Health (EPH) division has embedded EJ principles and measures into the division-specific operational plan.**

The EPH division created a strategic planning committee with representatives from each office within the division, including a representative from the DOH HEAL implementation team. Over the course of 2023 and 2024, this committee met and developed office and division-wide performance metrics. These metrics were designed to support evaluation of each office's key programs and inform operational and strategic planning. Representatives worked together to ensure that EJ principles were incorporated throughout these metrics.

Measures included, but were not limited to: percent/number of programs engaging with Tribes; percent/number of programs engaging with Overburdened Communities and Vulnerable Populations; percent of Environmental Justice Assessments (EJAs) completed; percent/number of EPH offices with policies and practices that do not create additional pollution in already overburdened communities; and percent/number of new position descriptions that include lived experience relevant to the position duties (vs. just requiring a degree) as a desired qualification. These EPH performance measures will be reflected in a divisional dashboard.

Additional details on how DOH is meeting the strategic planning obligations of HEAL can be found using the links below:

- OFM Strategic Planning Dashboard
- DOH Environmental Justice in Strategic Plan
- Environmental Justice Implementation Plan for 2022-2025

Section 2: Environmental Justice Assessments

Thank you for sharing your experience doing EJAs at the Council meeting in July. For the annual update to the EJC, please describe the metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions. Specifically,

- Please share the process you used.
- What were the results?
- What was the impact? What should we celebrate? What can be built upon?

If you have celebration photos, please share them.

EJA Process

1:1 Coaching & Project Management Support

The DOH HEAL implementation team provides individualized, hands-on coaching, consultation, and project management support to program and policy staff responsible for completing EJAs. Tools like process maps and reporting templates support this approach.

Process Maps

- See Appendix A for an overview of the general EJA process
- See Appendix B for the EJA process specific to rulemaking, which layers together the general EJA process (detailed in Appendix A) and the EPH rulemaking process. The DOH HEAL implementation team collaborated with EPH divisional rulemaking staff to develop the combined EJA + Rulemaking process. This enabled staff to identify roles & responsibilities, deliverables, timelines, and dependencies. The DOH HEAL implementation team has also found process mapping useful for onboarding new staff, getting agency leadership buy-in on the EJA process, and supporting change management more broadly. DOH plans to develop additional process maps to integrate the EJA process with agency request legislation and grant program processes.

Template Development

- The Roles and Responsibilities Matrix in Appendix C summarizes how each team member contributes to the completion of an EJA.
- To facilitate reporting by DOH staff, the HEAL implementation team has revised the Interagency Workgroup (IAWG)-developed EJA report template. See Appendix D for a table of what revisions were made and why.

EJA Results

The DOH HEAL implementation team has chosen to demonstrate results by:

1. Showing how **community and Tribal feedback was incorporated into decision making** for Significant Agency Actions (SAAs) through the EJA process (see Appendix E)
2. Sharing an overview of the DOH **approach to evaluating implementation of HEAL requirements** through Results Based Accountability (RBA). DOH selected the RBA approach for evaluation of its strategic plan, referred to as the Transformational Plan. Because HEAL is one of DOH's priority initiatives for Environmental Health, the team has been working to create performance measures to evaluate agency progress against implementation goals and requirements. For more details on RBA and specific performance measures, please refer to Appendix F.

EJA Impact

What should we celebrate?

- **Many staff who have gone through the EJA process have become enthusiastic partners and champions for this work**.
- As detailed in Appendix E, **agency decision-making has been shaped by community and Tribal input** through the EJA process.
- The DOH HEAL implementation team and other DOH staff have become more familiar with some of the agency resources that exist to support community engagement, such as the community compensation process, childcare/adult care reimbursement, and translation/interpretation services.

What can be built upon?

- Collaboration with DOH staff to create additional detailed process maps for agency request legislation and grant programs.
- Promoting DOH staff knowledge about use of Geographic Information System (GIS) tools, including the Environmental Health Disparities Map, to support environmental health impact analysis and identification of overburdened communities and vulnerable populations.
- **Coordinated, agency-wide efforts to move towards 'collaborate' and 'defer to' along the spectrum of community engagement**. Further detail is included in Section 4: Opportunities and Challenges.
- **It will take multiple years to see, understand, and evaluate the impacts of DOH HEAL implementation efforts in communities** based on changes in agency policy, procedure, and decision making. It is too early to identify the community-level impacts at this point in implementation.

Section 3: Budget and Funding

1. How did your agency focus applicable expenditures towards creating environmental benefits and/or reducing environmental harms to overburdened communities and vulnerable populations?
   - What was your process?
   - What were the results?
   - What were the impacts?

Budget and Funding Process

Determining which programs need to comply:

- **Agency-wide audit** – At DOH, grants are tracked and managed at the office or program level. In 2024 HEAL staff conducted an agency-wide audit with divisional and office leadership teams to identify significant agency actions and budgeting & funding activities that may be subject to HEAL requirements. Process steps are detailed below:
  1. Divisional and office leadership were asked to complete a survey to help DOH HEAL implementation staff identify grant programs, loan programs, and contracts with likely environmental benefits and/or harms.
  2. DOH HEAL implementation staff reviewed responses and scheduled meetings with program staff to better understand the potential environmental impacts that were identified.
  3. DOH HEAL implementation staff will repeat this agency-wide audit process annually.
- **Review provisos after each legislative session** – HEAL staff will review passed budget provisos following each legislative session to proactively identify programs that may need to comply with HEAL requirements.

1:1 Coaching & Project Management Support

Mirroring the EJA approach outlined in Section 1, the DOH HEAL implementation team provides coaching, consultation, and project management support to program staff subject to HEAL budgeting and funding requirements. Current guidance for program staff is attached as Appendix G. The details of how HEAL budgeting & funding requirements for each program were met are recorded in a qualitative report. The template for this qualitative report is linked here.

Template Development

To facilitate reporting, the DOH HEAL implementation team has adapted the IAWG-developed EJA report template to capture compliance with the HEAL budgeting & funding requirements. The template for this qualitative report is linked here.

Budget and Funding Results and Impacts

The results of where funding was awarded for each of the grants DOH reported on for FY24 can be found on the OFM-hosted Budgeting and Funding Dashboard.

2. Describe how your agency incorporated environmental justice principles into a broad scope of grants and contracting opportunities. Did you have a strategy? If so, please share it.

Agency discretion within grant programs

Grant programs administered by DOH are either created by proviso or originate as federal pass-through funds. Both scenarios create very specific parameters and restrictions around how a grant program may use these funds. As a result, **the agency has very little to no discretion around the scope of the grant programs where HEAL requirements applied**. Within these grant programs, **agency staff do have some discretion around the application process, selection criteria and process, provision of technical assistance, and outreach strategy**. The DOH HEAL implementation team has focused effort on the areas where agency staff have discretion.

Incorporating EJ Principles into grant programs

The DOH HEAL implementation team is developing a strategy to incorporate EJ principles into grant programs where staff have discretion. **Best practices and areas for further development within grant processes are summarized in Appendix H.**

3. Provide examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
    - What was your process?
    - What were the results?
    - What were the impacts?

Opportunities for Overburdened Communities and Vulnerable Populations to Meaningfully Participate in Agency Expenditure Decisions

DOH has taken a program-level approach to provide opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions. The table below describes how input from overburdened communities and vulnerable populations was incorporated into expenditure decisions.

Name of Grant Program	Status of Grant Program	Opportunities for Overburdened Communities and Vulnerable Populations to meaningfully participate
Workplace Safety & Climate Change	In Progress	Community members ultimately defined what supplies would be most helpful for workers impacted by climate change. Community input informed processes for both procurement and distribution of supplies. Tribal consultation was completed. 20% of total funds were set aside for Tribal governments in alignment with input from consultation.
HEAL tribal & community capacity grants	In Progress	In alignment with input from tribal consultation, the request for applications for the tribal grants was restructured to accommodate rolling applications (instead of having a singular application due date). Tribal consultation has been completed. Two Community Advisory Committees were convened. The first designed the request for applications, and the second group reviewed and scored applications.
Community Informed Budgeting	In Progress	A Community Advisory Committee convened in early 2024 to identify geographic areas to focus on for project development. A youth steering committee will be convened in 2025 to create recommendations for a participatory budgeting process. This participatory budgeting process will be used to create community-driven decarbonization and climate resilience projects. Community engagement is ongoing. Tribal consultation was completed and served as an opportunity for information sharing with Tribes.

4. How did you communicate the environmental justice goals and performance metrics for your agency expenditures?
   - What was your process?
   - What were the results?
   - What were the impacts?

EJ Goals and Performance Metrics Process

The current DOH process **incorporates EJ goals on a grant-by-grant basis** alongside any overarching program objectives, with the goal of 40% of funds going to overburdened communities and vulnerable populations. Examples for the two grant programs that have completed a Budgeting & Funding report can be found below.

EJ Goals and Performance Metrics Results and Impact

Program name	Environmental Justice Goal	Performance Metrics	Results
School Climate Plus Indoor Air Quality Grant Program	Incorporate environmental justice as a priority in award selection.	Points were awarded to applicants based on 3 criteria: 1. The school's proposal to improve indoor air quality 2. Extreme heat and wildfire smoke in the given geography 3. Places or people that would be especially vulnerable to these hazards Please refer to Section 1, Question 1 in the published report for additional details.	At least one facility in each school district will provide children with health risks due to poor air quality, extreme weather events, and resource disparities, with access clean, cool indoor air during extreme heat events, wildfire smoke events, or combined events.
Alternative Drinking Water Grant Program	Assist people with homes and businesses connected to Group B water systems that are contaminated with PFAS, nitrates and other harmful substances.	Scoring criteria prioritized areas with known contamination and that serve overburdened communities and members of vulnerable populations most at risk from drinking water contamination. Please refer to Section 1, Question 1 in the published report for additional details.	Yakima County and three LHJs in eastern WA that are all located within and serve overburdened communities received awards to provide water testing and access to alternative near-term sources of safe drinking water.

Section 4: Opportunities and Challenges

1. What opportunities did the HEAL Act open up for your agency?

Opportunities

- The HEAL Act requirement to **identify overburdened communities and vulnerable populations** has created opportunities to leverage existing DOH data and resources to improve outreach efforts, involve communities earlier and more often, and direct resources more effectively.
- HEAL requirements have created more **opportunities to educate and engage DOH** staff on EJ issues. Staff who self-select for HEAL and EJ education opportunities are enthusiastic and engaged.
- The cross-functional nature of HEAL implementation has created opportunities for HEAL staff to **collaborate across teams and offices and explore and update internal processes** within DOH. This cross-functional work also creates opportunities to make a variety of **policies and business processes within the agency more accessible and equitable** in general.
- The **Interagency Workgroup (IAWG) presents a rare opportunity for collaboration** among state agencies. In IAWG spaces, agency staff not only collaborate on how to meet requirements, but also share tools and lessons learned.
- Under the Community Engagement requirement of HEAL, DOH staff are in the process of forming an **Environmental Justice Workgroup** consisting of representatives from frontline communities. This workgroup is an opportunity to **center the agency on frontline communities' voices** and find opportunities to **align DOH work with community priorities**.
- The work done by HEAL Capacity grant program staff has opened the opportunity to continue **building relationships** with community-based organizations that either represent or directly serve overburdened communities and vulnerable populations.

2. What challenges/barriers have you encountered in the implementation of HEAL? Are these challenges systemic, structural, internal, external?

Challenges

- **Identifying actions subject to HEAL** can be challenging due to the broad book of business within the agency. It is not immediately clear which DOH actions and activities outside the EPH division may have environmental benefits or harms. HEAL implementation staff are actively working with partners across the agency to identify actions that require HEAL compliance on an ongoing basis.
- **Staffing and Funding** – For DOH actions and activities that are identified as subject to HEAL, it is challenging to ensure appropriate staff resources and funding are available to support implementation over multiple years. This is especially critical to fulfill the community engagement requirements of HEAL.

- **Legislative and funding timelines** don't always align with the time it takes to implement mandated processes, let alone comply with HEAL requirements. These timelines greatly inhibit what is possible for community and tribal engagement, as staff often feel rushed to meet statutory deadlines.

Community Engagement

- It can be difficult to identify who to reach out to within a given community. Even if DOH staff can identify impacted demographic groups or geographies, it can be hard to **find and connect with real people and community-based organizations (CBOs)**.
- **Identifying the best communication methods** (e.g., survey, 2-pager, social media, website) to use with various communities can be a challenge.
- **Interpretation and translation:**
    - It can be difficult to determine which languages are spoken across different geographies and communities and how to prioritize for translation, especially with limited funding.
    - Preparing plain-talked written materials in English, let alone for translation, is time-intensive and challenging for complex and technical policy work. Many DOH actions and activities are so complex, with so many barriers and constraints to understanding, that it can (1) feel incredibly difficult to put into layman's terms and (2) be difficult to make it feel relevant to impacted communities and interested parties.
    - Accessing interpretation and translation services can be difficult, time-intensive and costly. A shortage of contracted translators and interpreters at the DOH has created a backlog of requests, extending the typical timeline needed to secure these services.
    - DOH's interpretation and translation services are designed for one-way communication from DOH to community, so it can be challenging to access timely two-way communications in non-English languages with community members without multilingual staff members.
- **Lack of agency-wide coordination**
    - There is currently no centralized database or directory of existing community contacts within DOH.
    - There is not a clear way to gain insight into agency-wide community engagement activities and practices. Visibility into past, current, and planned engagement would enable staff to: 1) combine efforts or coordinate if they are reaching out to or interested in engaging with the same communities/CBOs and 2) help prevent overburdening the same individuals or groups with repeated requests for engagement from different DOH staff.
    - Agency staff that have fostered relationships with community members are sometimes reticent to share them with colleagues, largely due to fear that other staff may (unintentionally) harm these carefully cultivated relationships.

    - Coordination can help ensure that community relationships do not fall on one single point of contact (e.g., when the single-primary agency staff member leaves and community members get an email delivery failure auto-reply)
- **Lack of agency staff community engagement skills:** Many DOH staff have little to no experience, skills, or training on how to engage with communities in an inclusive, culturally competent way. This skillset is not currently included in most position descriptions. The agency also has very few staff whose full-time job is to support DOH staff to do this, though this is slowly changing.
- **Community Compensation**
    - **Required disclosure of personally identifiable information** poses a barrier to compensation. Community members are often required to submit their social security numbers and banking information to receive compensation, which can be a deterrent and barrier.
    - **Disbursement of compensation can take months.** This delay in payment poses a barrier as well. If community members need to find caregiver coverage or take time away from other paid work to engage, then a payment three months away does not serve them.
    - **Compensation is process-heavy and time-intensive for community members and DOH staff.** Many layers of paperwork and tracking are required before a community member can receive payment. Streamlining the process would allow staff to focus on the engagement and remove barriers to participation.

Appendix A: General EJA Process Map

High Level Process

High Level Processes have less than 10 steps that capture the broad activities that encompass the entire process. At this point, we do not assign individuals to specific steps. This is the provide a big picture view of the process from beginning to end.

Detailed Process

In Detailed Process Mapping, we expand upon the high level process into specific tasks. We have one action/verb per process step. Each step must have an individual person assigned to completing the action. All decision points are represented by Yes or No questions. Arrows only flow in one direction.

Symbol Key

Start/End Points

Provide clarity to reader

Process Step

Must have:

- 1 action/verb per process step
- 1 person assigned to completing the aciton

Decision Point

Must have:

- Arrows flowing into top point
- Yes/No question only
- Yes/No arrows flow out of left/ right points

Arrow

- Only flows in one direction
- Cannot cross paths
- Read left-to-right, top-to-bottom

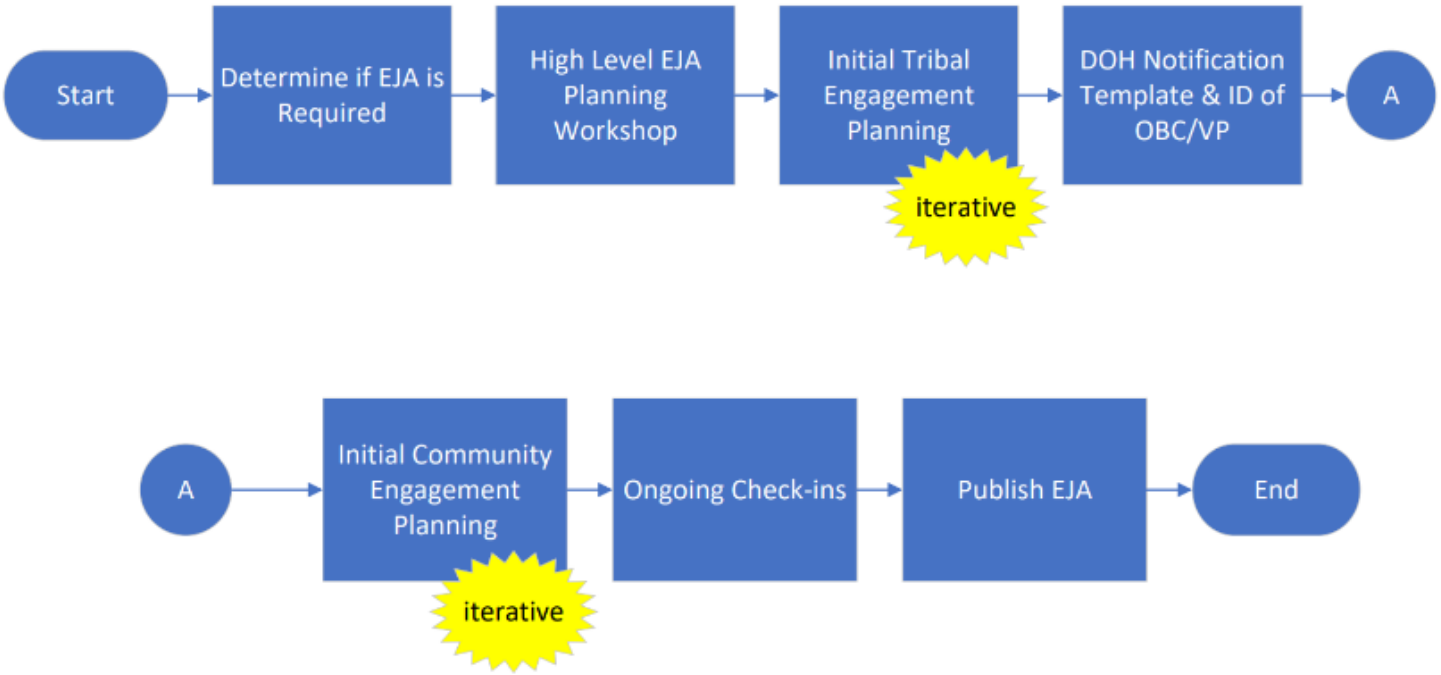
On-Page Reference

- Connects workflows on the same page
- Improves readability, avoids crossing arrows
- Labeling matches to connect

Off-page Reference

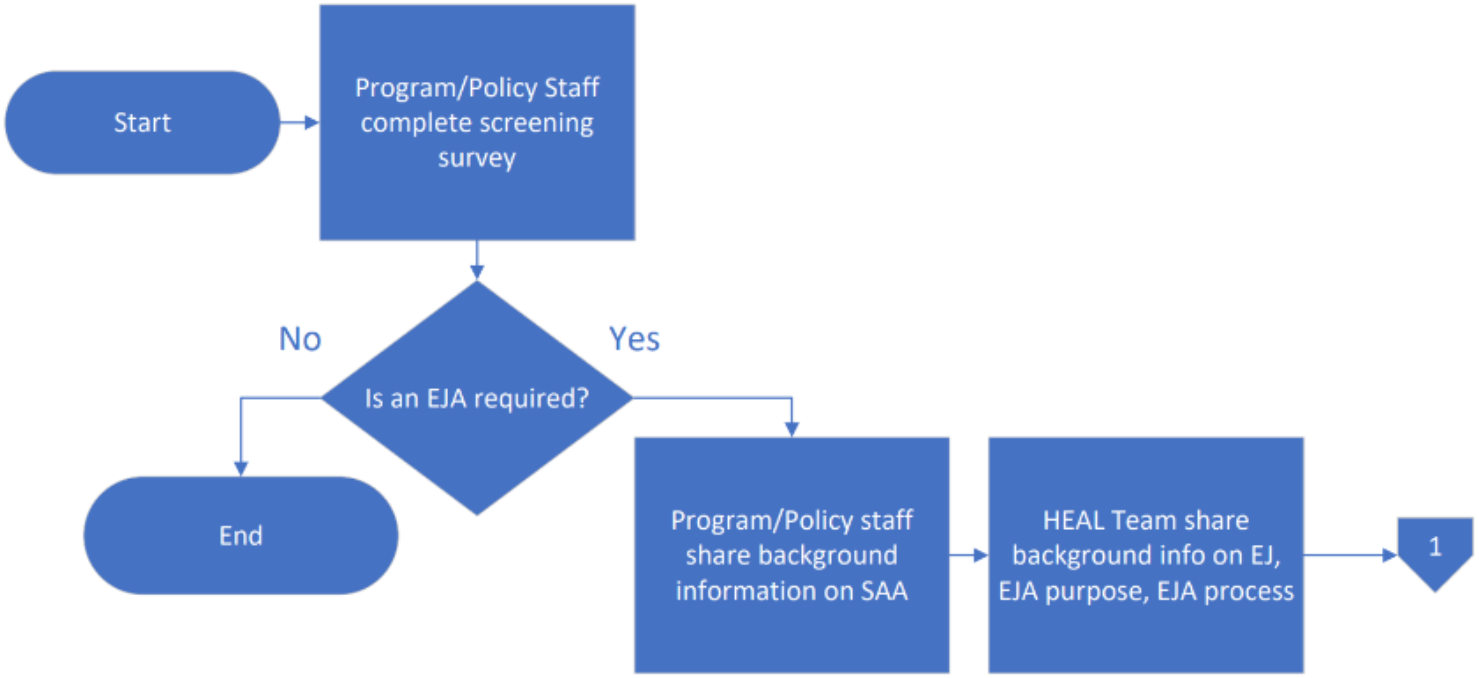
- Connects pages
- Labeling matches to connect

High Level Process



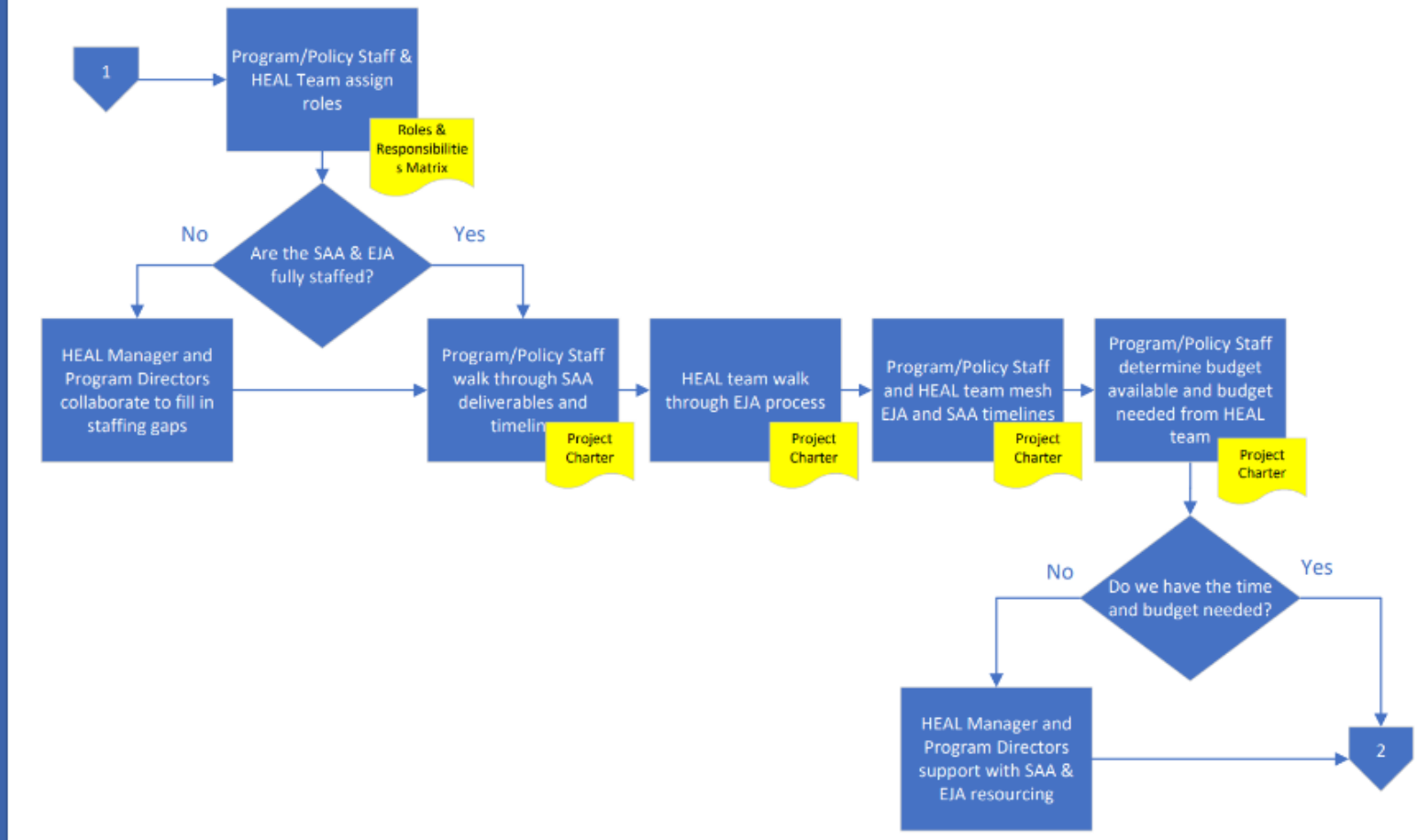
Environmental Justice Assessment by Meeting

Meeting 1: Determining EJA Requirement



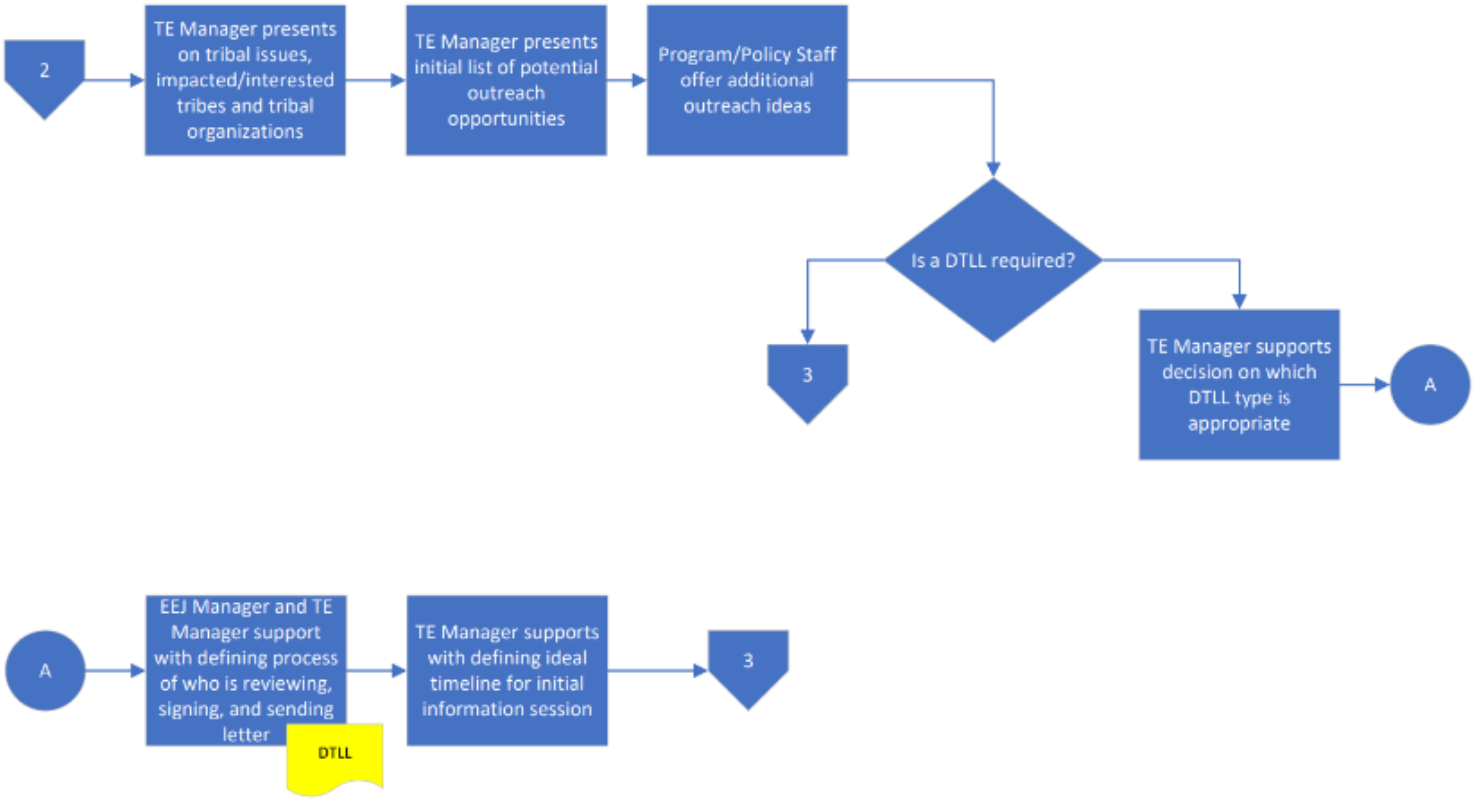
Environmental Justice Assessment by Meeting

Meeting 2: EJA Planning Workshop



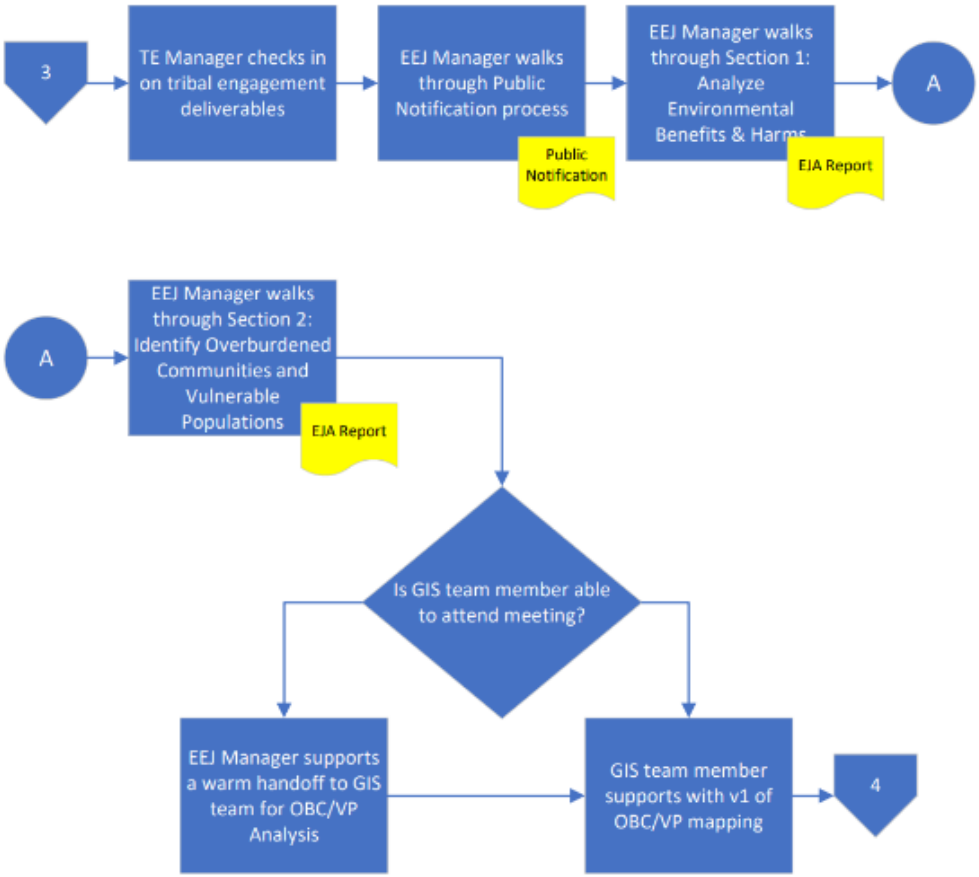
Environmental Justice Assessment by Meeting

Meeting 3: Early Stage Tribal Engagement Planning



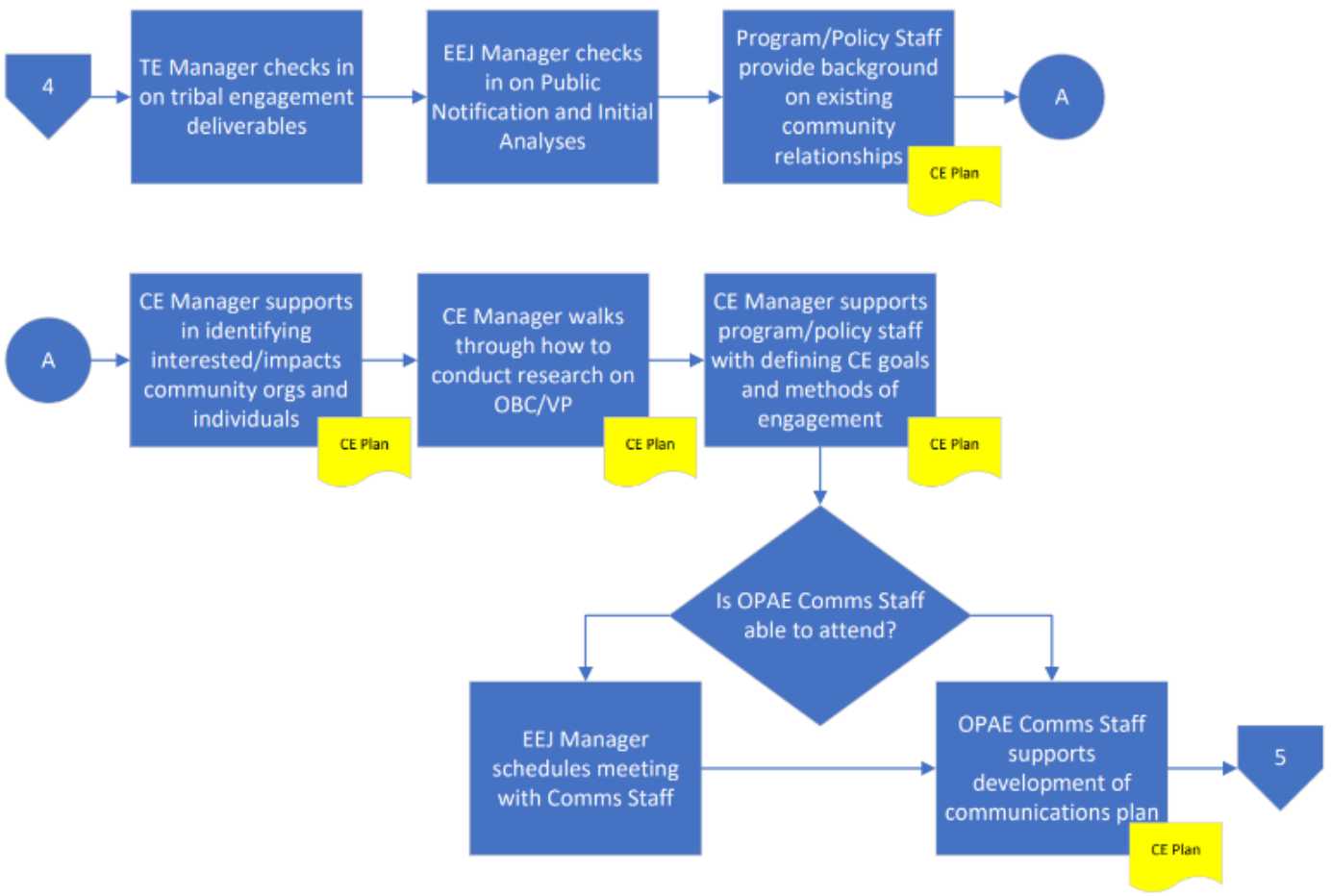
Environmental Justice Assessment by Meeting

Meeting 4 – EJA Notification & Initial Analysis



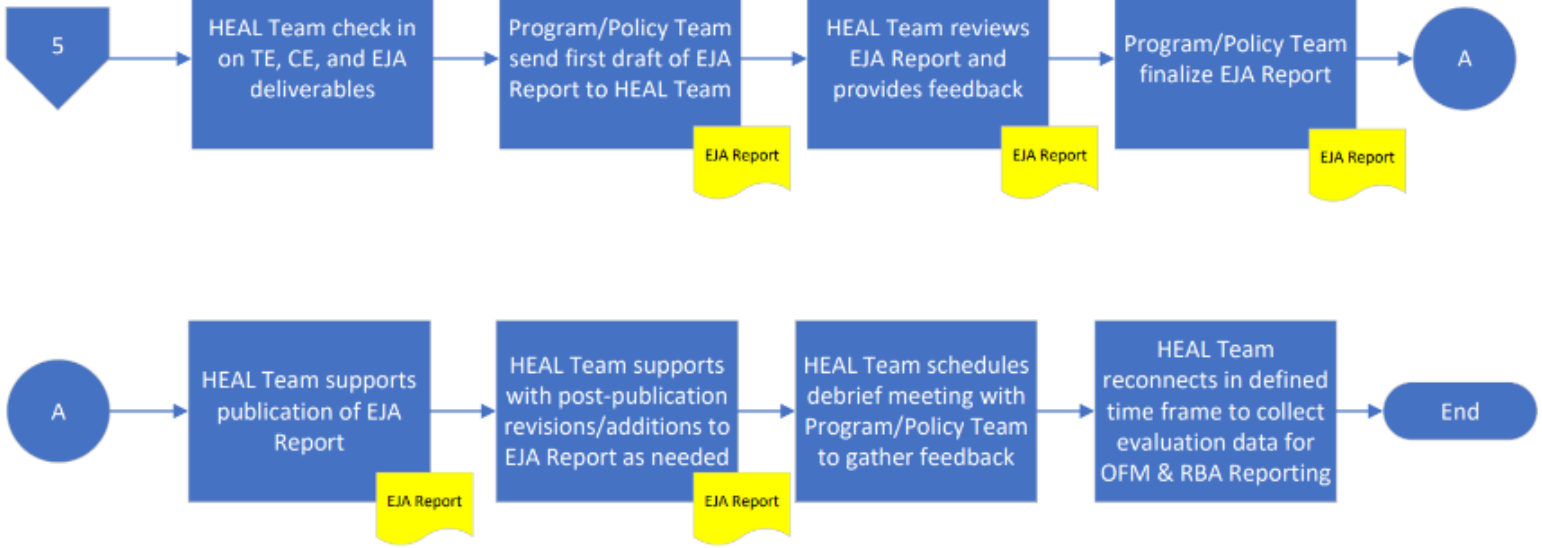
Environmental Justice Assessment by Meeting

Meeting 5: Early Stage Community Engagement Planning



Environmental Justice Assessment by Meeting

Ongoing Meetings



Appendix B: Rulemaking + EJA Process Map

High Level Process

High Level Processes have less than 10 steps that capture the broad activities that encompass the entire process. At this point, we do not assign individuals to specific steps. This is the provide a big picture view of the process from beginning to end.

Detailed Process

In Detailed Process Mapping, we expand upon the high level process into specific tasks. We have one action/verb per process step. Each step must have an individual person or party assigned to completing the action. All decision points are represented by Yes or No questions. Arrows only flow in one direction. The following pages represent a detailed process map.

Symbol Key

Start/End Points

Provide clarity to reader

Process Step

Must have:

- 1 action/verb per process step
- 1 person/party assigned to completing the action

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Off-page Reference

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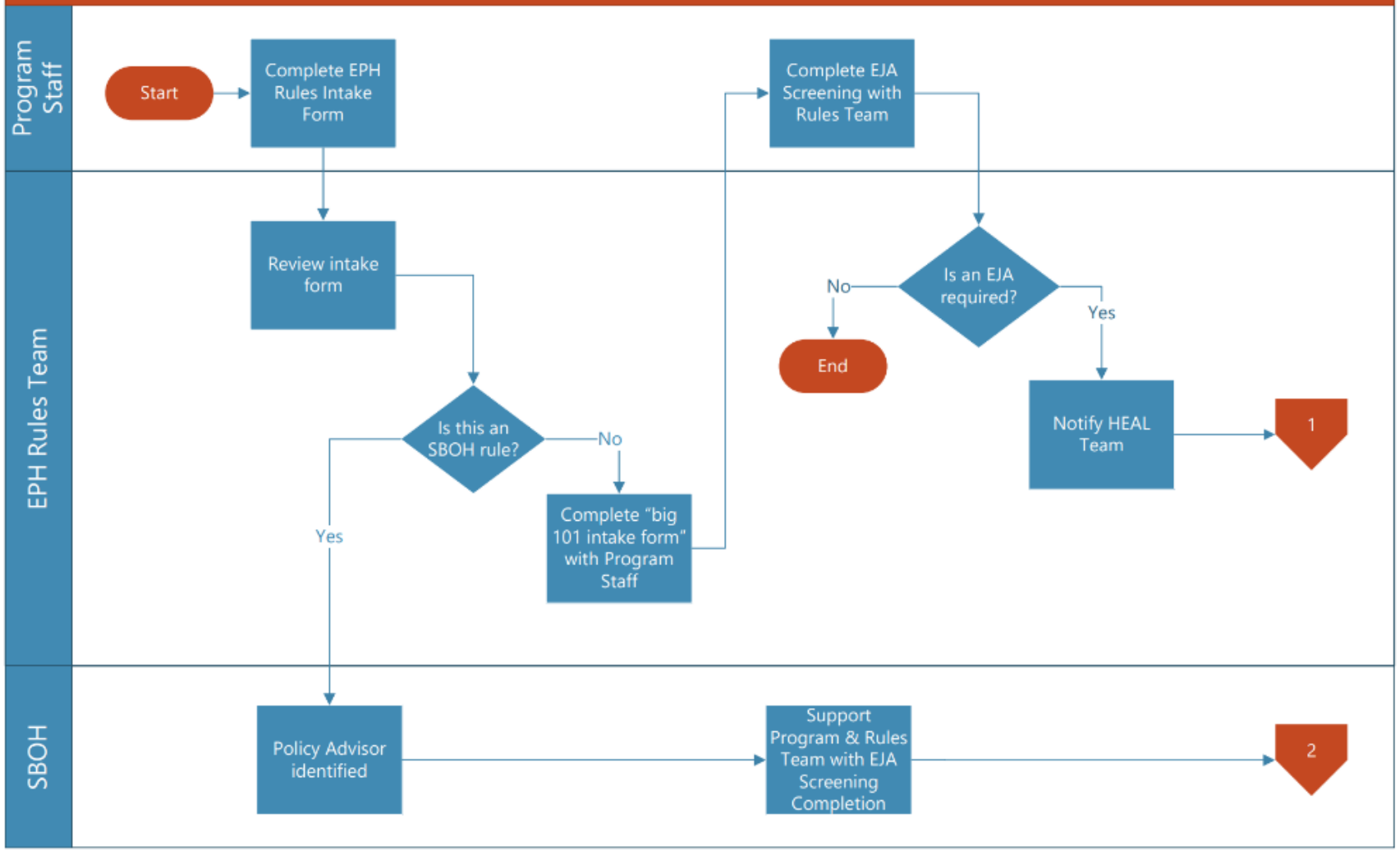
- Labeling matches to connect

Combined Significant Rulemaking and Environmental Justice Assessment Process

High Level Process Map

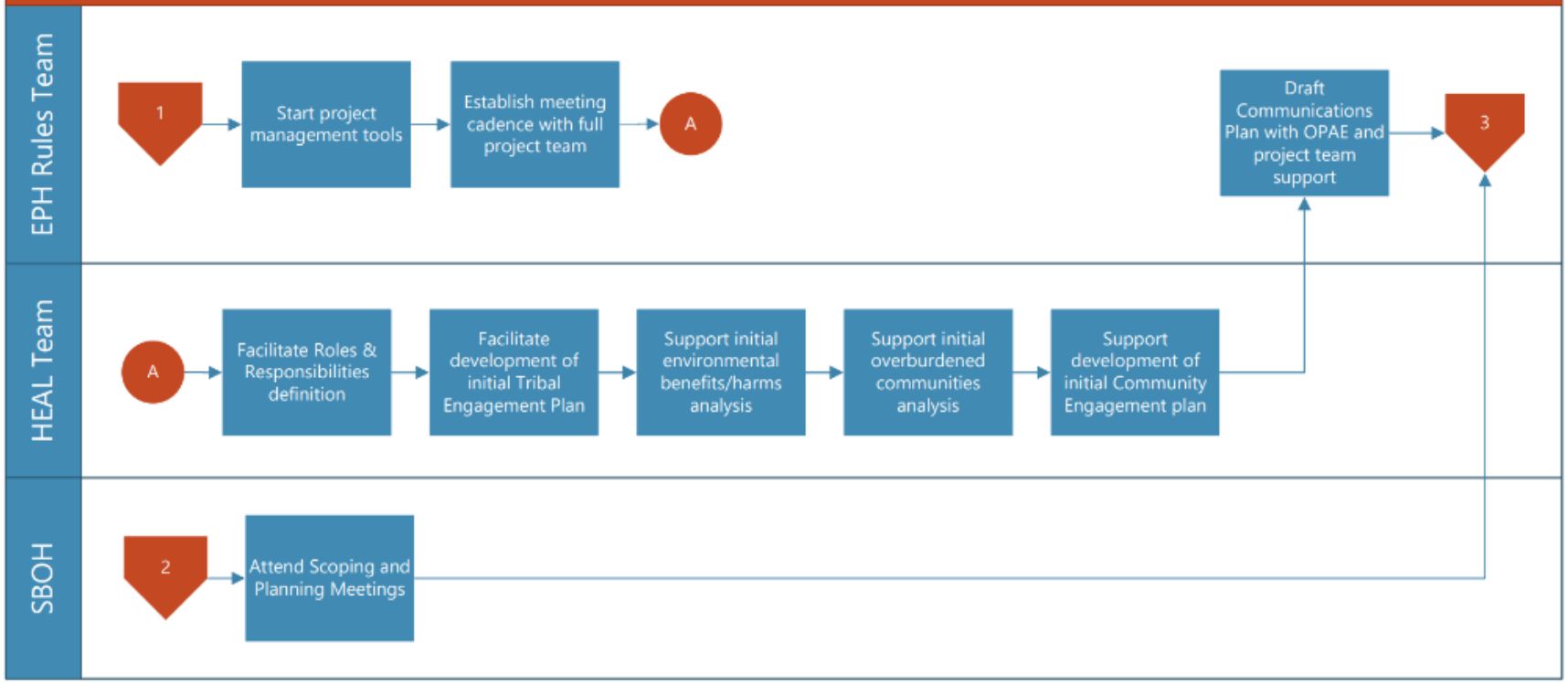
Combined Significant Rulemaking and Environmental Justice Assessment Process

Preparation and Scoping Phase: Part 1 of 2



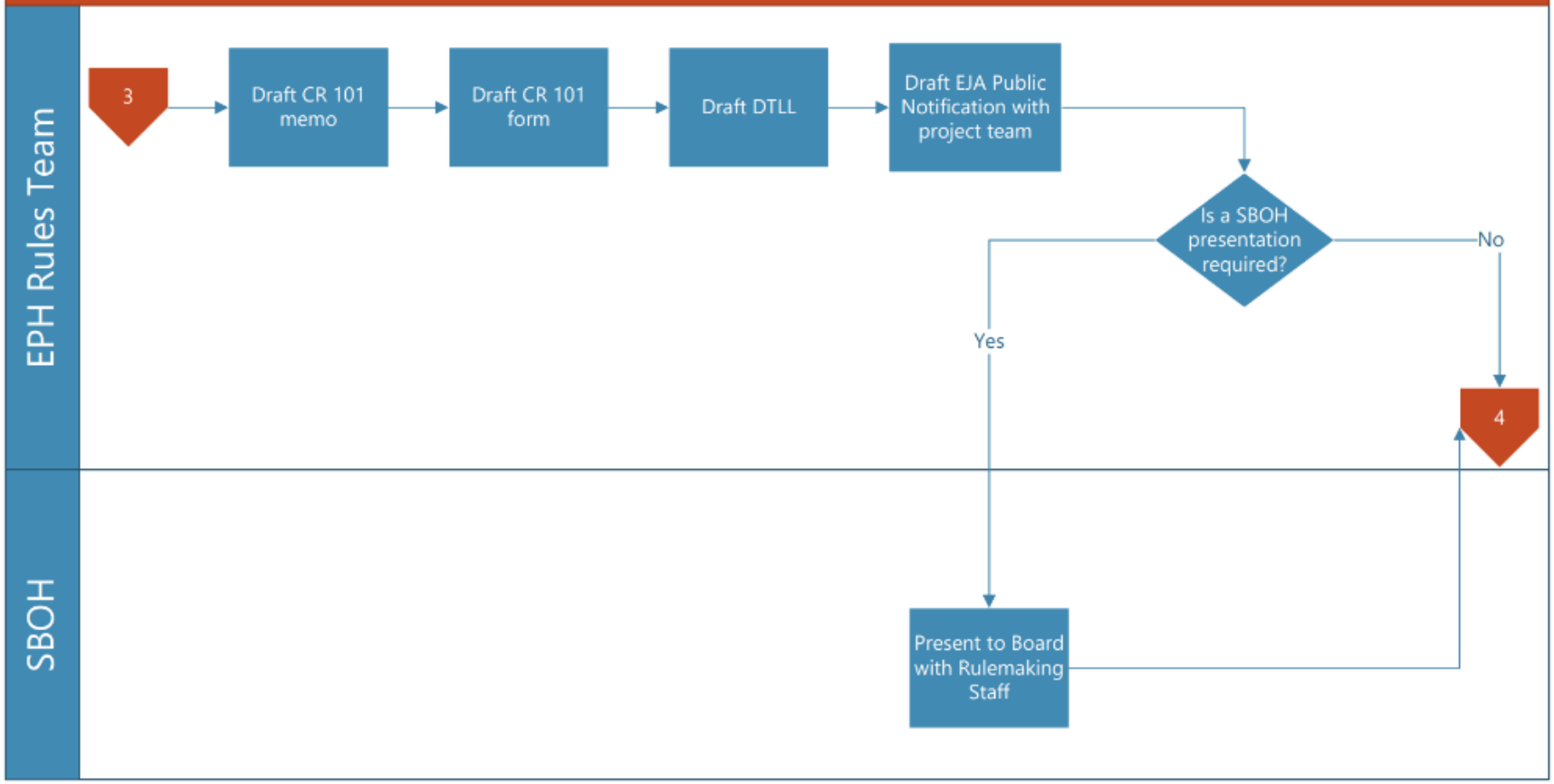
Combined Significant Rulemaking and Environmental Justice Assessment Process

Preparation and Scoping Phase: Part 2 of 2



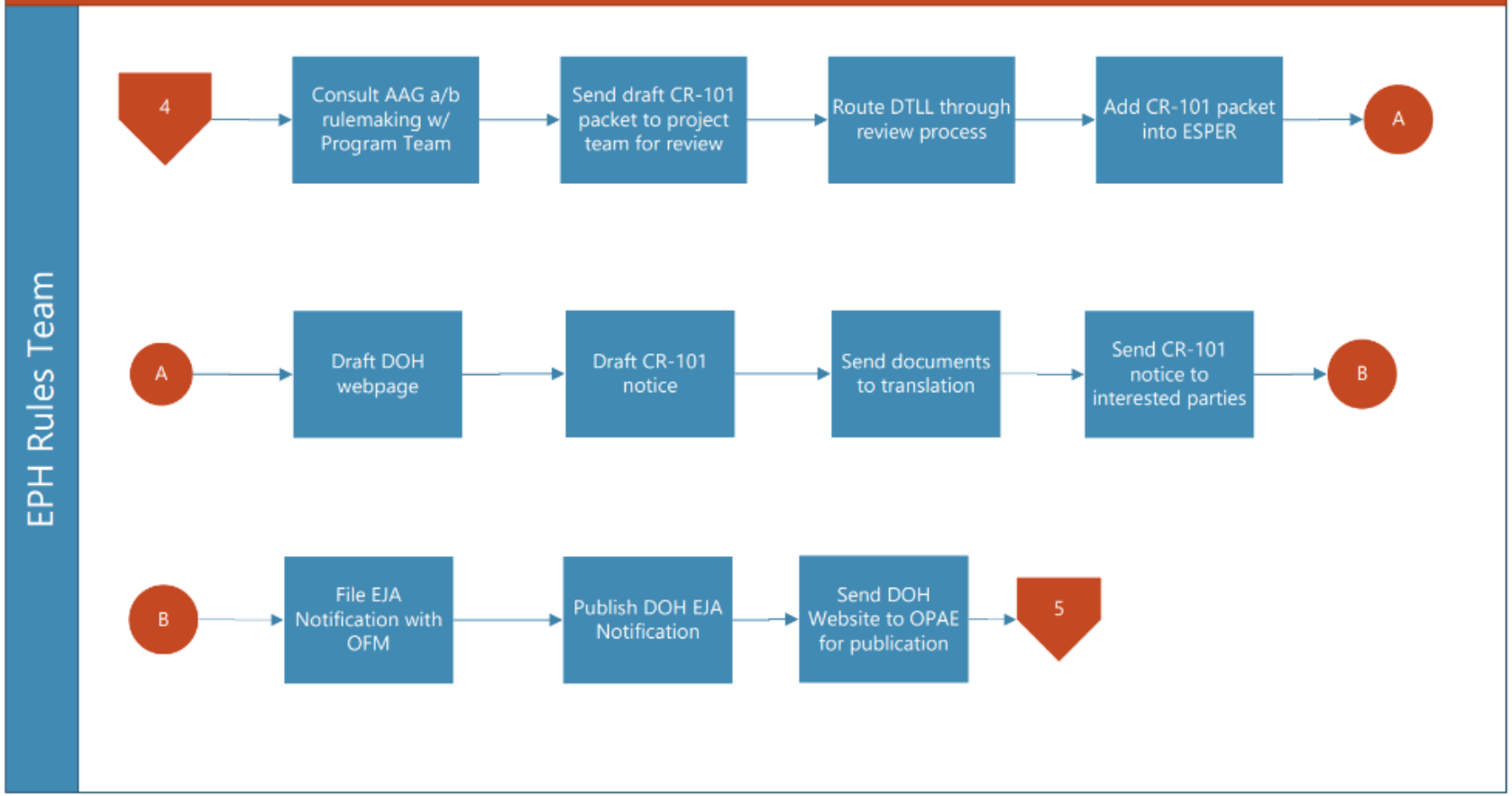
Combined Significant Rulemaking and Environmental Justice Assessment Process

CR-101 Phase: Part 1 of 2



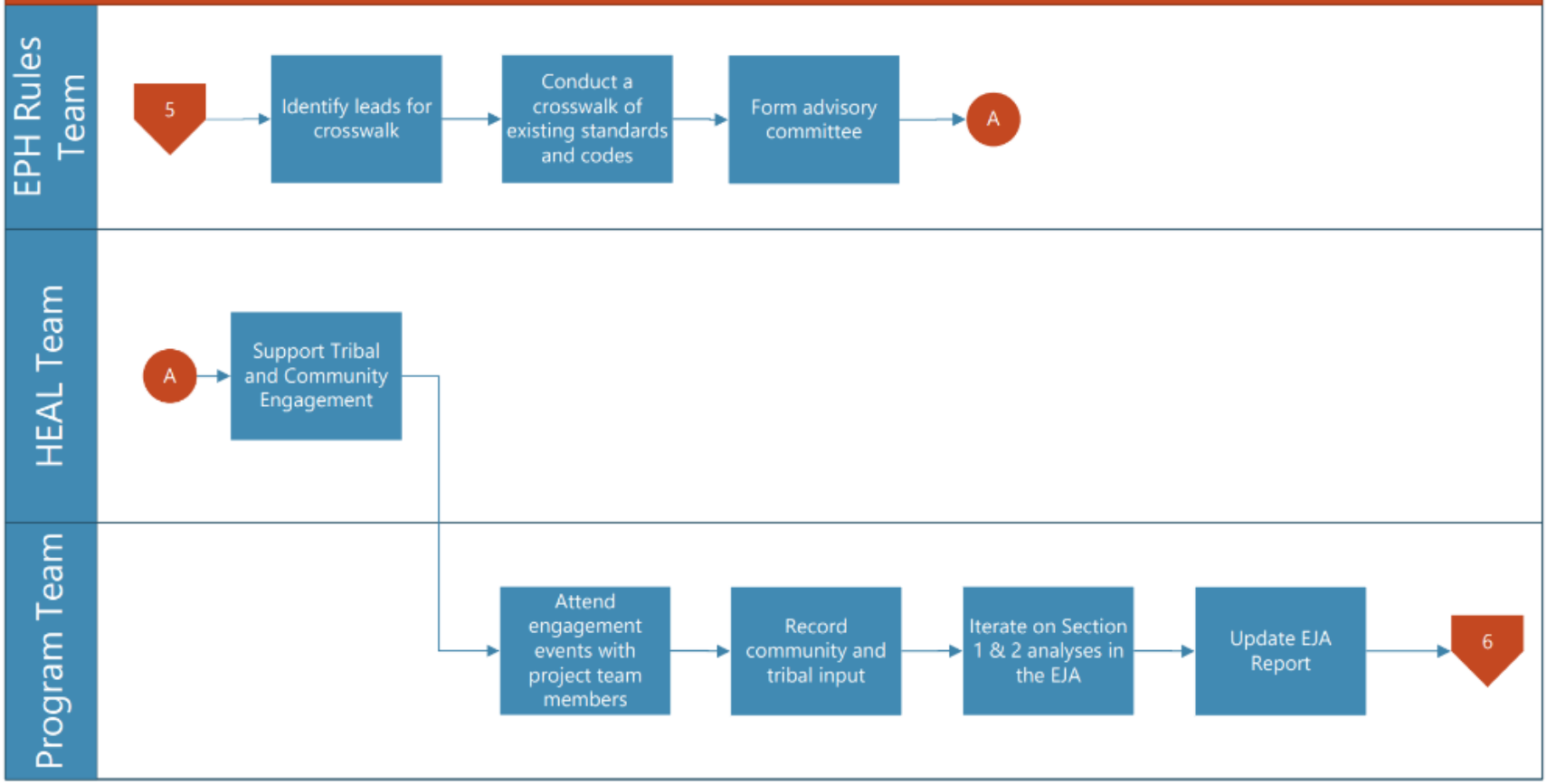
Combined Significant Rulemaking and Environmental Justice Assessment Process

CR-101 Phase: Part 2 of 2



Combined Significant Rulemaking and Environmental Justice Assessment Process

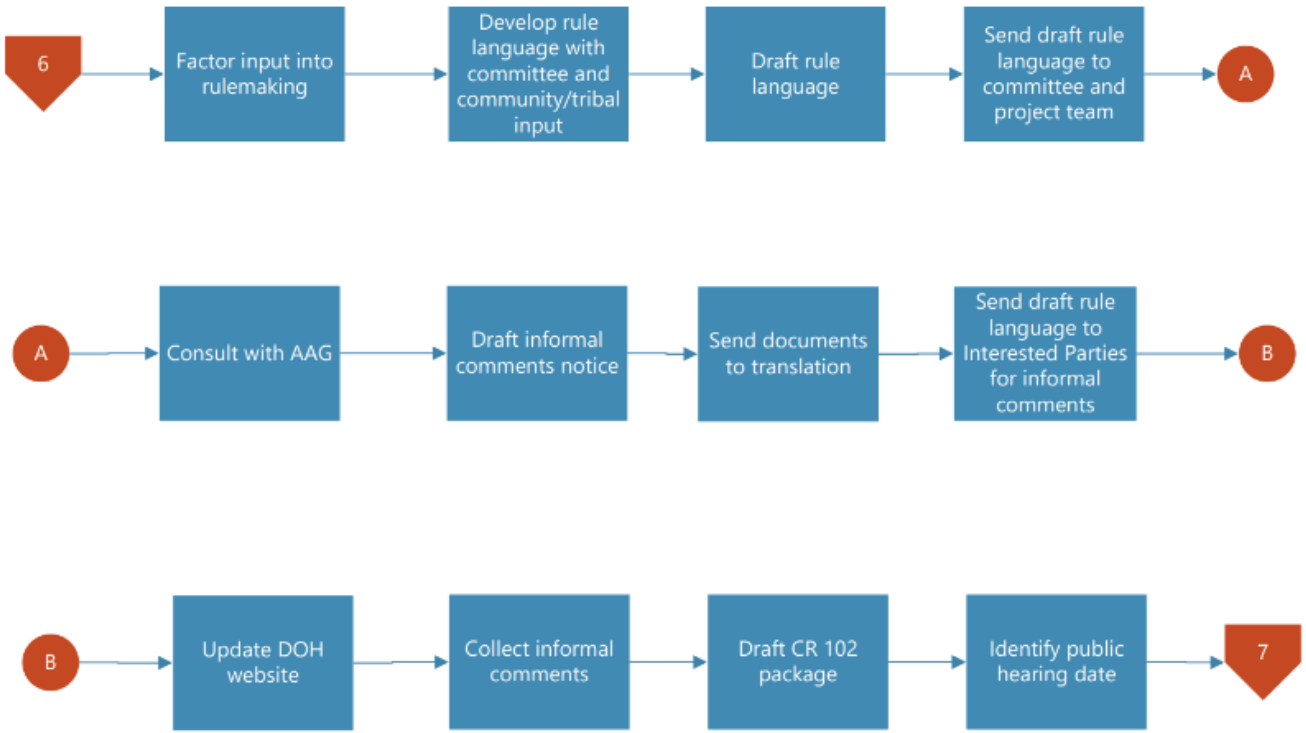
Rule Development: Part 1 of 3



Combined Significant Rulemaking and Environmental Justice Assessment Process

Rule Development: Part 2 of 3

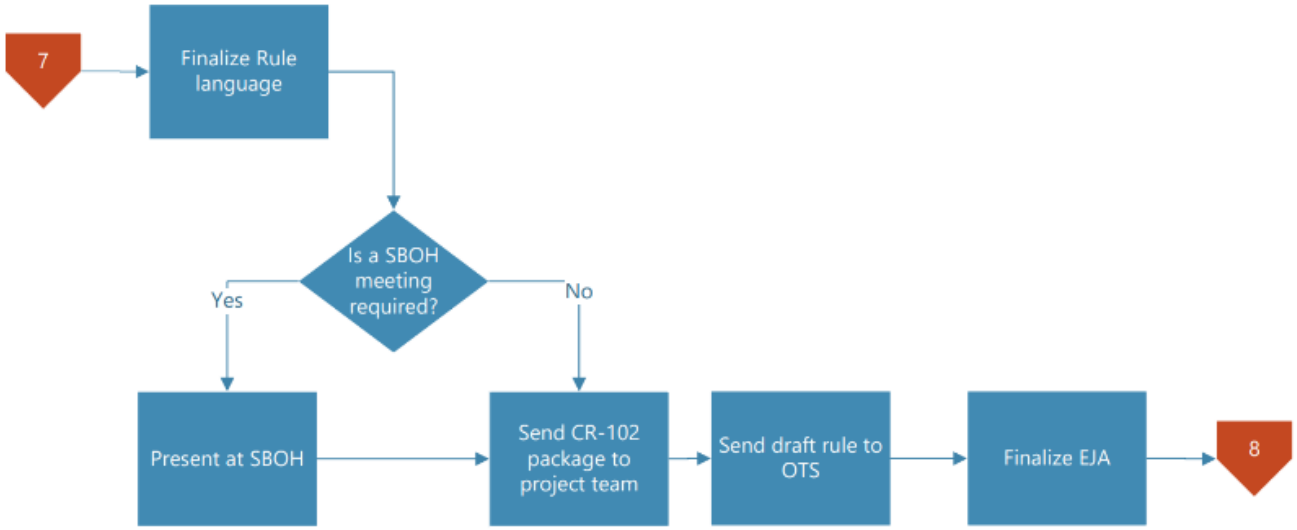
EPH Rules Team



Combined Significant Rulemaking and Environmental Justice Assessment Process

Rule Development: Part 3 of 3

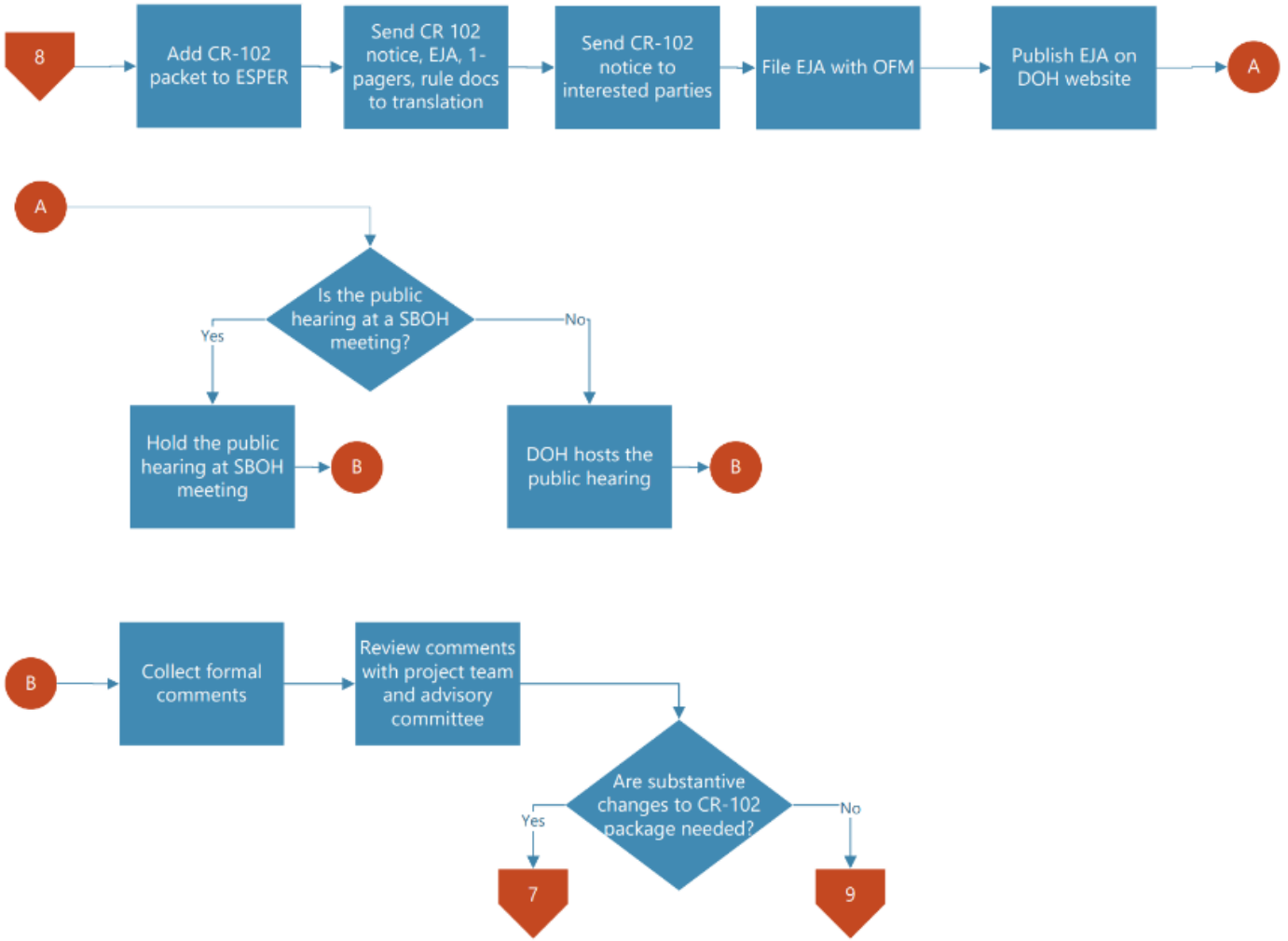
EPH Rules Team



Combined Significant Rulemaking and Environmental Justice Assessment Process

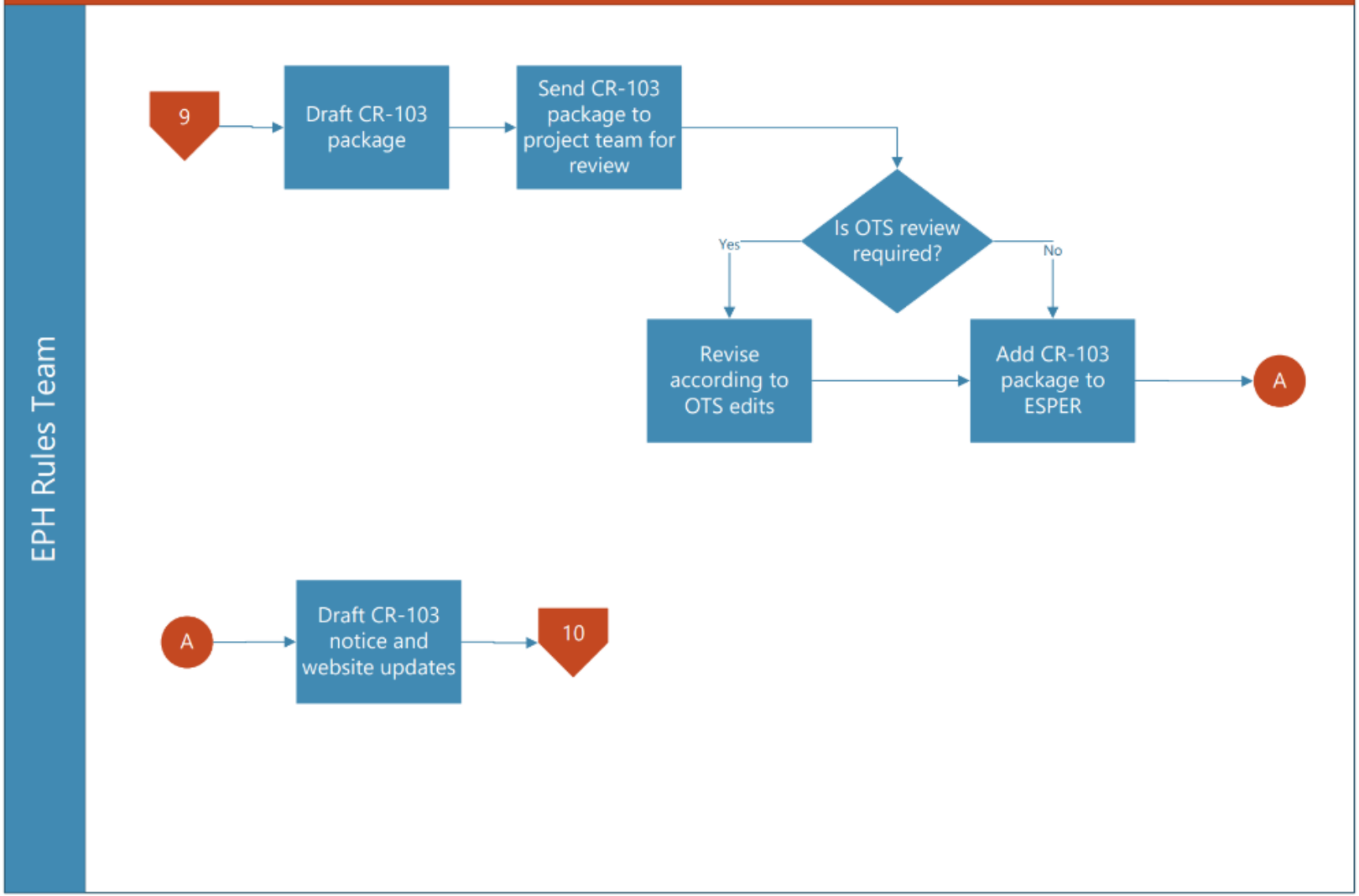
CR-102

EPH Rules Team



Combined Significant Rulemaking and Environmental Justice Assessment Process

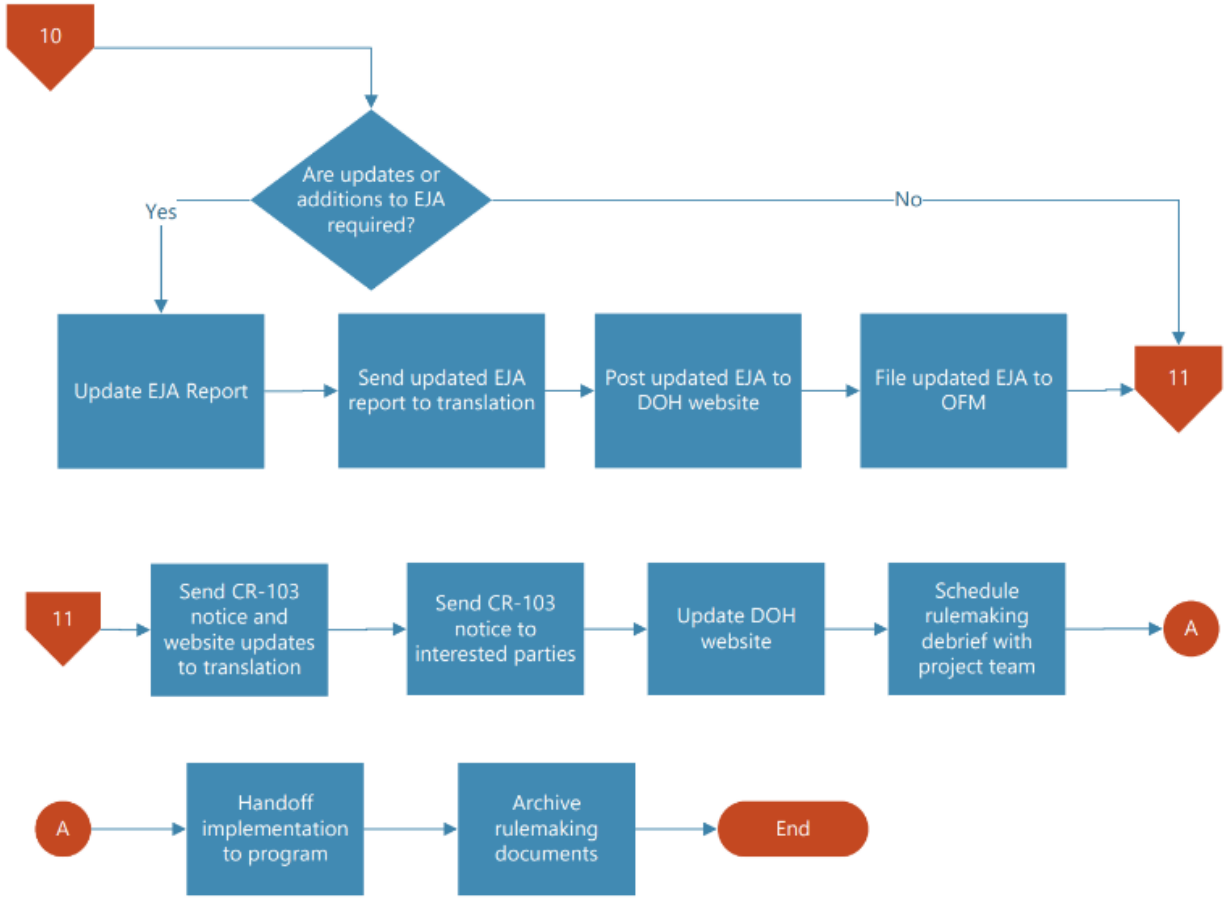
CR-103: Part 1 of 2



Combined Significant Rulemaking and Environmental Justice Assessment Process

CR-103: Part 2 of 2

EPH Rules Team



Appendix C: Roles & Responsibilities Matrix

Name	Role	Responsibilities
	Program/Policy Director	• Sets over-arching direction for [fill in significant agency action] timeline. • Provides authorization to team to make decisions. • Ensures resources are freed up for all phases of [fill in significant agency action]. • Assists team in removing obstacles; provides supportive communication and interventions when needed. • Engages employees to own the work and celebrates risks and learning along with successes.

	Program/ Policy Coordinator	• Builds relationships (with team, director, interested parties, and others) and drives collaboration and cooperation.
		• Ensures the correct team members are committed to participating in the entire effort.
		• Sets clear expectations about rules timeline and milestone deadlines.
		• Manages process:
		  ○ Ensures assignments are completed on time.
		  ○ Schedules and leads meetings for rule coordination.
		  ○ Prepares grant documentation.
		  ○ Guides document approval flow.
		  ○ Coordinates communications efforts.
		  ○ Tracks progress of rulemaking.
		• Works with director and other team members to remove obstacles.

	Program Team Members	• Fully participate in [fill in significant agency action] effort – own the work. • Explore new ideas and be open to new suggestions. • Fulfill commitments during all phases of EJ assessment process • Co-create the EJ assessment timeline and plan. • Draft and finalize EJA notification for DOH website(s) and submit notification to OFM. • Conduct Tribal outreach and engagement, draft and send DTLLs, etc. • Conduct community/advocate outreach and ensure all necessary voices are involved/heard

		• Ensure language access is appropriate and comprehensive • Draft EJA report and finalize. • Contribute subject matter expertise. • Work with the team to remove obstacles. • Support final decisions made by the team or director. • Participate in and contribute to report outs, post-event tasks, and activities such as debriefings and progress reports.
	HEAL Supervisor	• Helps clarify process for EJ assessments as needed. • Provides guidance and support (can review EJA notification, drafts of EJA Report, etc.) • Addresses and removes barriers as needed. • Can provide funding support for community engagement, if needed.
	Equity & EJ Manager	• Directs and supports team in EJ assessment process and implementation • Coordinates completion of individual EJ assessment process requirements • Coordinates with Rule Coordinator on OFM and DOH notification requirements of EJ assessment • Coordinates resources needed to support EJ assessment process, including HEAL staff support • Contributes subject matter expertise related to EJ Assessments and metrics-reporting requirements • Reviews EJA notice and EJA Report drafts
	HEAL Community Engagement Manager	• Supports program staff in development of community engagement plan using EJ Assessment practices. • Provide resources, tools and processes to identify and engage with overburdened communities and vulnerable populations. • Recommend strategies for follow-up engagement as needed throughout action.
	HEAL Tribal Engagement Coordinator	• Advise program staff how to best to integrate and implement Environmental Justice principles with Tribal and Urban Indian communities • Provide support to engage and collaborate with Tribal communities • Support DOH government-to-government responsibilities to collaborate and consult with Tribal Nations

Appendix D: DOH Revisions to IAWG-EJA Report Template

Change	Details	Why?
Section 3 – Tribal Engagement	Added question: "Summarize how information received from Tribes informed decision-making about this action"	Mirror Section 4 on Community Engagement, have an explicit space for how input from Tribes was incorporated
RCW language	Pulled language into footnotes and removed links to app.leg.wa.gov	In the event that the RCW is amended, DOH staff don't want a future reader to hold the EJA to a future statute
Citation formatting	Using APA format	Align with rulemaking documents
Response formatting	Remove text boxes	Align with rulemaking data system

Appendix E: How community and Tribal feedback was incorporated into SAA decision making through EJA process

Name of Significant Agency Action	Status of EJA Report	How was community and Tribal feedback incorporated in the EJA process?
Significant Rulemakings		
Drinking Water State Revolving Fund	Complete	In alignment with tribal feedback, the rule language automatically includes tribes in the definition of "disadvantaged community" in order to eliminate potential barriers for funding or technical assistance.
Private Detention Facilities	In Progress	Input from a Rules Advisory Committee and monthly meetings with community advocates is being incorporated into rule language. Written comments from a respected tribal organization confirmed rulemaking approach to environmental health and safety standards.
School Environmental Health and Safety Rule Review	In Progress	Proposed rule language is currently being developed in partnership with a Technical Advisory Committee. DOH HEAL implementation staff are helping the policy staff develop focus groups with impacted communities to provide input on the proposed rule language.
New Grant Programs		
Workplace Safety & Climate Change	In Progress	Community members ultimately defined what supplies would be most helpful for workers impacted by climate change. Community input informed processes for both procurement and distribution of supplies. Tribal consultation was completed, with Tribes requesting that 20% of total funds be set aside for Tribal governments. Applications for this pool of funding is currently open.
HEAL tribal & community capacity grants	In Progress	In alignment with input from tribal consultation, the request for applications for the tribal grants was restructured to accept applications on a rolling basis. Community engagement is ongoing. Tribal consultation has been completed.
Community Informed Budgeting	In Progress	A Community Advisory Committee convened in early 2024 to identify geographic areas to focus on for project development. Community engagement is ongoing. Tribal consultation has been completed.

Agency Request Legislation		
Cottage Food Operations	In Progress	An informational 2-pager and survey were distributed state-wide in English and Spanish to community members and tribes to solicit feedback on the existing program, opportunities for its improvement, and specific foods that people would like permitted. DOH conducted two listening sessions in July 2024 in English and Spanish. Additional outreach is planned for fall 2024. Input from all engagement will be used to shape the agency request legislation (ARL) and Decision Package that is planned for 2026 legislative consideration.
Water Recreation Facilities	Complete	Community feedback in English and Spanish was provided related to proposed changes in insurance requirements and other aspects of the water recreation ARL. This information was incorporated into the final ARL package and submitted for 2025 legislative consideration.

Appendix F: Results Based Accountability

Results Based Accountability (RBA) is the framework DOH has chosen to evaluate the agency strategic plan, referred to as the Transformational Plan. RBA methodology starts with the desired outcomes and works backwards to focus on the distinction between program/organization level vs. population level outcomes.

Below are the performance measures HEAL Implementation identified using the RBA methodology. The DOH HEAL implementation team will begin collecting data for completed EJAs and budget activities subject to the HEAL budgeting & funding requirements in late 2024. Results will be published on a Transformational Plan RBA dashboard for priority initiatives, which includes HEAL Implementation, in 2025.

HEAL Implementation Performance Measures
# of agency actions (i.e. - rules, grant and loan programs, ARL, etc.) where communities were engaged
% of actions where community members were engaged within the planning stage
% of actions where community input and priorities were incorporated into agency actions*
# of agency actions that included Tribal collaboration and/or consultation
% of actions where Tribal partners were engaged through collaboration and/or consultation within the planning stage
% of actions where Tribes' input and priorities were incorporated into agency actions*
# SAAs that initiated EJ assessments
% of SAAs that with a changed outcome due through the EJ assessment process*
# of grants, loans, ARLs, DPs, FNs subject to HEAL budgeting & funding requirements
$ amount awarded to overburdened communities and vulnerable populations
$ amount awarded to Tribes
Percent of BFO projects that met the 40% goal for $ distributed to Overburdened Communities and Vulnerable Populations to create Environmental Benefits

Appendix G: Budgeting & Funding Guidance for DOH Staff

**Please note that many of the links below go to internal resources and documents and will not work for non-DOH employees*

Screenshot of Home Page

Download the Reporting Template for HEAL Budgeting & Funding Obligations (BFO Report)

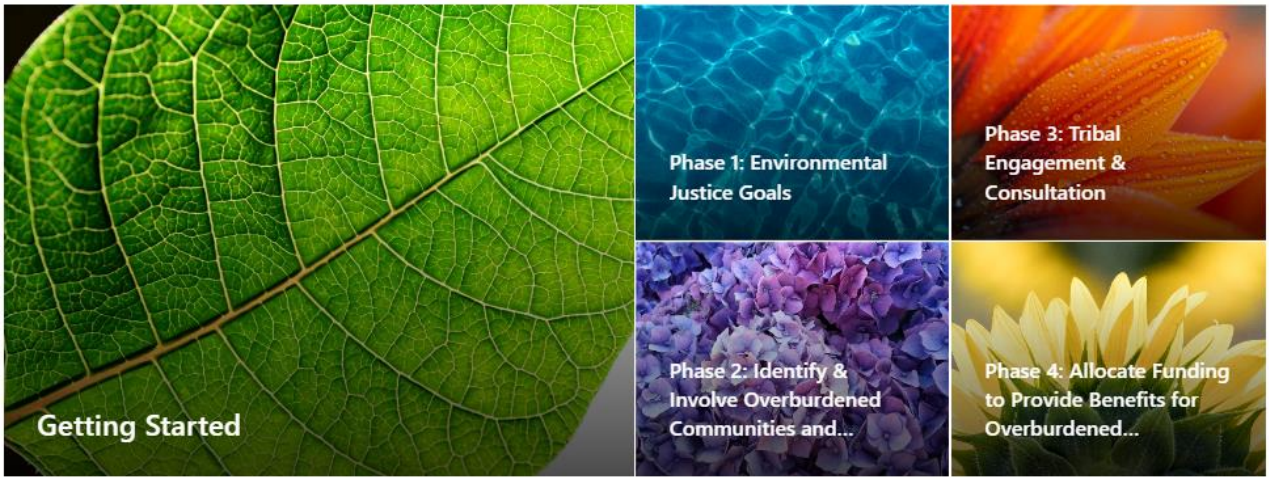
Click here

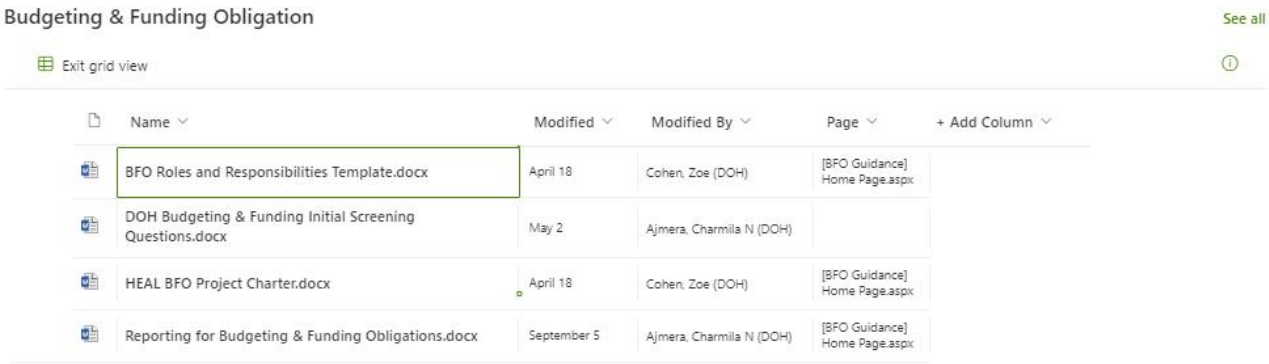
If you have questions or feedback, please contact the HEAL team at HEALImplementationteam@doh.wa.gov

The Department of Health is subject to many obligations under the Healthy Environment for All (HEAL Act), including several related to budgeting and funding per RCW 70A.02.080. DOH must consider environmental justice principles when making decisions about budgets or funding for programs that create environmental benefits or cause environmental harms.

This SharePoint page is a companion to the Budgeting & Funding Reporting Template and provides detailed guidance and instructions for DOH staff on how to meet the obligations of the law and complete the report.

We plan to update this SharePoint page and accompanying template over time and incorporate lessons learned through practice, community engagement, Tribal Consultation, and guidance shared by the Environmental Justice Council.





Content of "Getting Started" Page

Identifying If Your Activity Causes Environmental Benefits or Harms

To identify if your activity may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population and is therefore subject to HEAL Budgeting & Funding Obligations (BFO), we have developed the following screening criteria.

Complete this screening document for budgeting & funding obligations of HEAL. If you answer "yes" to any of the included screening questions, your budgeting or funding activities are subject to HEAL BFO processes.

The screening document will prompt you to answer the following questions:

1. Does this activity have the potential to positively or negatively impact individual or community exposure to toxic chemicals, pollutants, hazards, or other harms? (ex. Lead, wildfire smoke, PFAS, nitrates, etc.)
2. Does this activity have the potential to positively or negatively impact the built environment for individuals or communities? (ex. Internet access, transportation infrastructure, access to health services, etc.)

3. Does this activity have the potential to positively or negatively impact access to environmental resources or benefits for individuals or communities? (ex. Cultural resources, clean air or water, access to nature, etc.)
4. Does this activity have any other foreseeable potential positive or negative impacts to environmental health?
5. Are there any other reasons not otherwise stated why this activity may cause environmental harms or benefits, as defined under by RCW 70A.02.010?

If you answer "yes" or "unsure" to any of the above questions, you will be required to comply with the budgeting and funding obligations under HEAL and complete the Budgeting & Funding Report.

If you determine that you will need to comply with this part of the law and complete the Budgeting & Funding Report, please contact the HEAL Team at HEALImplementationteam@doh.wa.gov as soon as possible

Planning for Compliance and Reporting

Once you have determined that your budgeting or funding activities are subject to the budgeting & funding obligations under HEAL, we recommend spending deliberate time planning out how you will meet these requirements and document your process in the report. Below, please find two templates with corresponding guidance to support your planning. To be clear, these templates are intended to help you meet the requirements of the law and report on how you met these obligations. These requirements will shape how you develop your activity to align with environmental justice principles and meet the intention of the HEAL Act.

Roles & Responsibilities

Roles & Responsibilities Matrix [template linked here] – This document is intended to clarify project team roles and responsibilities. Taking time to assign individuals to specific roles can help save time throughout the duration of the project as tasks need to be assigned and questions arise.

- **Program staff** act as subject matter experts on the budgeting & funding activities and are responsible for completing the Budgeting & Funding Report. They lead coordination of community engagement, tribal engagement, and other activities related to completion of the budgeting & funding obligations.
- **Program managers** are responsible for assembling a team for the development of the program's budgeting and funding activities, the program's statutory obligations under HEAL, and for leading that team through that process. They are also responsible for an initial review and approval of the completed Budgeting & Funding Report.
- **HEAL Implementation Team Members** act as subject matter experts in HEAL Act requirements and support program staff to meet the budgeting and funding obligations. They should be included as soon as program staff have identified budgeting & funding activities that are subject to HEAL requirements. The HEAL

Implementation Team can be reached at HEALImplementationteam@doh.wa.gov and is made up of the following roles:

- **Equity & Environmental Justice Managers** support program and policy staff in planning for and complying with the budgeting & funding obligations under HEAL. They are also responsible for tracking completion of these obligations across the agency and data collection and reporting as required by the HEAL Act.
- **Tribal Engagement Manager** – supports program staff to create and implement a tribal engagement plan for budgeting & funding activities. They are the subject matter expert on tribal relations and consult with staff on how to best work with tribal governments and organizations.
- **Community Engagement Manager** - supports program staff to create and implement a community engagement plan for budgeting & funding activities. This includes supporting staff with resources, tools and processes to identify and engage with overburdened communities and vulnerable populations.

In addition to the above, it may be helpful or necessary to connect with the following staff at different times throughout the completion of the budgeting & funding obligations. HEAL Implementation team members will be able to help you understand when bringing on additional support would be appropriate during your budgeting & funding activities.

- **Tribal Relations Staff** are available if needed to provide further support or guidance with tribal engagement and consultation. The HEAL Tribal Engagement Manager can help you identify when it is appropriate to request support from the Tribal Relations Office. To request support from the DOH Tribal Relations Office, please download and complete a request for support and email it to DOHTribalRelations@doh.wa.gov.
- **Health Education Staff** are available to help with developing health education messaging and materials for community engagement, including audience research and tailoring communications approaches. They can also support navigating resources available for staff through the Office of Public Affairs and Equity (OPAE), including translation and interpretation services, the Community Relations and Equity team, and communications support. As our Community Engagement Manager works with you to develop a community engagement plan, they may include a consultation with the Health Education team prior to engagement. To request a consultation, submit a Request for Work ticket through OPAE's SharePoint page and select 'Work with Health Education and Promotion team'.
- **Communications Staff** can support internal and external communications related to budgeting & funding activities, including social media, blog posts, news releases, web updates, and other communications. To request a consultation, submit a Request for Work ticket through OPAE's SharePoint page and select 'Communication Planning.'
- **Enterprise Analytics and GeoSpatial Intelligence Office (GIO) Staff** can help with mapping or GIS-related needs for identifying existing environmental and health concerns as well as potential impacts on overburdened communities and

vulnerable populations. Before contacting the GIO team, please review the resources available on the GIO SharePoint. You can contact the GIO team at dohdlhtsgis@doh.wa.gov.

- **Washington Tracking Network (WTN) Staff** are available to support with questions around what data are available through WTN and how to best use available data tools, which include Community Reports, Dashboards, Data Portal, and Information by Location tool, which houses the Environmental Health Disparities (EHD) Map and other helpful health indices. Before contacting the WTN or EHD Map teams, explore what resources are available on the WTN webpage to see if there is an existing tool that can meet your needs. You can contact the EHD map team at EHDmap@doh.wa.gov.

Project Charter

Project Charter [template linked here] – This document is intended to clarify the project scope, timeline, and budget as it relates to the HEAL Budgeting & Funding Obligations

- Scope –
    - Outline the statutory requirements relevant to your budgeting & funding activities. Review the questions in the Budgeting & Funding Report and our corresponding guidance in order to define deliverables, determine what qualitative and quantitative data need to be collected, and what performance metrics need to be defined.
    - Work with the HEAL Community and Tribal Engagement Managers to define your engagement plans in broad strokes. The intention here is to define the scope of work. The HEAL Act requires agencies to meaningfully engage impacted communities and Tribes and incorporate their input. If you are unable to meaningfully engage impacted communities and/or Tribes within the scope of your funding decisions, document why this is the case.
- Timeline-
    - Is there a deadline for grant funds to be distributed? How can you ensure you incorporate the budgeting & funding requirements and considerations into your timeline?
- Budget - What resources will be needed to engage affected communities within your timeline? Examples include:
    - Translation for any public facing materials
    - Interpreters for live engagement sessions
    - Travel for staff to in-person community events for outreach purposes
    - Travel for staff to in-person listening sessions
    - Inclusion of community members or Tribal representatives in grant review committees and compensation for these members

Content of "Phase 1: Environmental Justice Goals" Page

Step 1:
Identify several (3-5) measurable performance measures or indicators related to the action. These performance measures should be used in the evaluation of your program(s) associated with the budgeting and funding decisions being reported on.

There are two types of performance measures you might consider:

Process Measures
May be known as "leading" indicators.

<table>
<tr><th>Examples applicable to all budgeting and funding activities under HEAL requirements</th><th>Example for a grant program supporting drinking water infrastructure</th><th>Examples for a grant providing climate resilience equipment to impacted workers</th></tr>
<tr><td># of community members or groups providing input into decision making process</td><td rowspan="3"># of systems servicing overburdened communities and vulnerable populations receiving funds</td><td># of impacted workers receiving equipment within the defined timeframe</td></tr>
<tr><td># of representatives of Tribal governments and/or tribal organizations providing input into decision making process</td><td rowspan="2">% of total grant funds spent on administration vs. equipment</td></tr>
<tr><td>Dollar amount or % of total funds going to overburdened communities and/or vulnerable populations to distribute environmental benefits or mitigate environmental harms</td></tr>
</table>

Outcome Measures
May be known as "lagging" indicators.

Examples of health outcome data for a grant program supporting drinking water infrastructure	Examples of health outcome data for a grant providing climate resilience equipment to impacted workers
% change in people experiencing waterborne illness in funded water systems	% change in workers experiencing heat exhaustion/heat stroke during extreme heat events
	% change in workers experiencing respiratory symptoms during wildfire season

Step 2:
Document your data sources, as well as how the data were verified/vetted.

Step 3:
Describe how interested members of the public can find this information.
Recommended Best Practices:

- Performance measures and indicators should be measurable, quantifiable, and directly related to the budgeting & funding activities being reported on.
- Involve members of overburdened communities and vulnerable populations in determining performance measures or indicators that meaningfully capture environmental and health outcomes related to this agency activity.

Content of "Phase 2: Identify & Involve Overburdened Communities and Vulnerable Populations" Page

The HEAL Act requires agencies to identify and involve overburdened communities and vulnerable populations when conducting budgeting & funding activities that create environmental harms and/or benefits. In the Budgeting & Funding Report, this statutory requirement has been broken down into two subsections:

1. Identify Overburdened Communities and Vulnerable Populations (Who are the people affected by these budgeting & funding activities that are currently and historically most impacted by environmental harms? Where do they live, work, and recreate?)
2. Involve Overburdened Communities and Vulnerable Populations (Community & Tribal Engagement Plans)

Identify Overburdened Communities and Vulnerable Populations
In June 2024, the Governor's Office published guidance for how to identify overburdened communities. This uniform approach is intended to inform agencies for the purpose of making and tracking investments under the HEAL and CCA for the remainder of the biennium (FY 24-25). This guidance also ensure that investments are effectively targeted to benefit overburdened communities and vulnerable populations across state agencies.

Involve Overburdened Communities and Vulnerable Populations

In this section, you are asked to describe engagement with people from overburdened communities and vulnerable populations throughout the course of your budgeting & funding activities. Record your responses to each step. Feedback, guidance and considerations gathered through community engagement should inform all other aspects of the budgeting & funding activities. Community engagement methods will vary according to the activities and the communities with which you're working.

Use your overburdened community & vulnerable population analysis as a starting place to inform how to prioritize for engagement. Please note that is likely that your answers for Section 2 will change throughout engagement as this is an iterative process.

The HEAL Community Engagement Manager can help you develop a community engagement plan. In this plan, they will help you determine how to prepare for, implement, and evaluate culturally appropriate and respectful engagement with members of overburdened communities and vulnerable populations. The DOH Provisional Community Engagement Plan for HEAL Act Implementation is another great resource for guidance.

Recommended Best Practices:

- Some ways you can include community members and Tribal representatives in your budgeting and funding activities include:
    - Hosting informational sessions in areas with overburdened communities and vulnerable populations with targeted outreach to representatives of those communities. The purpose of this is to get feedback and perspective from these folks to help shape your grant or loan application process to make sure you have materials available in the languages spoken by potential applicants, that you reduce or address barriers to applying for the grant as much as possible, ensure that your application process is relevant, accessible and culturally responsive, etc.
    - In the grant or loan application, consider including requirements that applicants share data and information about if/how they will use grant funds to address environmental harms and equitably distribute benefits to overburdened communities and vulnerable populations
    - Think about ways you might include addressing environmental harms and distributing benefits to overburdened communities and vulnerable populations in your review criteria in an effort to work towards 40% of available funds going to these communities (as stipulated in HEAL).
    - Consider including community and Tribal representatives in the grant or loan application review committee (ensuring there's no conflicts of interest with grant applicants). Consider using a Community Advisory Committee model to do this.
- Communities are experts in their own experiences – some ways to honor that expertise are to compensate them for their time, show up prepared and on-time to engagements, be accountable to your words and actions, practice transparent and open communication, and to meet them on their terms. Communities should be

able to see how their perspectives and leadership are reflected in the outcomes of the budgeting and funding activities.
- Track and document all outreach and engagement activities, including community partners, populations, type of engagement, topics covered, date, location, and contact information for people who would like to stay engaged throughout the course of your budgeting & funding activities.
- Track and document lessons learned through community engagement and how it will inform your budgeting & funding decisions. Make sure you plan for how you will report back to communities how you incorporated their guidance and feedback, addressed their concerns, etc.
- Work in collaboration with a trusted community partner organization or partners through all phases of engagement.
- Tailor your engagement to the specific communities you are engaging with. There is no "one-size-fits-all" approach to community engagement.
- If working with a community partner organization, develop a contract to pass through funding for them to provide compensation, space rental, food, childcare, etc. Compensate your partner for time spent doing outreach and coordinating with DOH.
- Center accessibility by providing interpretation, translation, ADA compliant locations, ASL interpretation, live captioning, etc.

Available Resources:
- DOH Provisional Community Engagement Plan for HEAL Act Implementation
- DOH Community Compensation Hub (sharepoint.com)
- DOH-Community Collaborative - Home (sharepoint.com)
- DOH EJ Community Participation Fund Grant – Community Advisory Committee Case Study
- Culturally and Linguistically Appropriate Services - Home (sharepoint.com)
- 2023.08.25 ADOPTED Community Engagement Guidance.pdf

Step 1: Summarize engagement with people from overburdened communities and vulnerable populations to date.
Summarize any engagement with people from overburdened communities. Include information such as the date, location, and type and purpose of each engagement activity. There is no need to include the content or results of engagement, as that information will be summarized in a subsequent section below.
- Consider formatting your response to this section as a table or matrix showing the date, location, purpose, type of engagement, and populations represented by each engagement activity.
- Work with the HEAL Community Engagement Manager and Community Collaborative Team to share updates at Collaborative meetings and through the HEAL Newsletter.

Step 2: Summarize information received from people from overburdened communities and vulnerable populations.
Summarize what you learned through community engagement. This includes feedback and responses to publicly posted materials, consolidated findings from listening sessions, and summarized notes from meetings with community leaders and advocates.

Step 3: Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making throughout the course of your budgeting & funding activities.
Summarize how information learned was integrated into the decision-making process. This response should also include which findings were not integrated into your budgeting & funding activities.

Recommended Best Practices:

- Consider formatting this section as a table or matrix showing the summarized themes identified from community engagement, responses from program staff, and actions taken as a result of each finding. See here for an example of how this was done following an informal public comment period.

Step 4: Describe plans for ongoing engagement with people from overburdened communities and vulnerable populations.
Describe plans for ongoing or future engagement including how final decisions will be communicated to the public and to people from overburdened communities and vulnerable populations.

Content of "Phase 3: Tribal Engagement and Consultation"

If you determined potential Tribal impacts for your budgeting and funding activity in Section 2, you should work with the HEAL Tribal Engagement Manager to create a thoughtful Tribal engagement plan and include informal collaboration and/or formal consultation. The learnings from this engagement should be incorporated into your planning.

This section of the BFO Report describes tribal engagement that DOH staff should complete in preparing the BFO Report and planning their budgeting & funding activities, as well as any identified impacts to tribal rights or resources. Record your responses to each step in the Budgeting & Funding Report [link to template].

Engagement with Native American communities is separate and distinct from Tribal Consultation, which refers to the specific government-to-government relationship of state agencies and sovereign tribal nations and is determined through the 1989 Centennial Accord, 1999 Millennium Agreement and chapter 43.376 RCW.

Throughout the process, it is essential to respect tribal data sovereignty and avoid sharing any confidential information related to tribal engagements or tribal rights and

resources. Do not include any confidential material shared during consultations in the BFO Report. Protocols should be in place including consent about what information is incorporated and consideration of unintended impacts. Ideally outreach should be conducted by people familiar with and with relatable lived experience from the Native communities being engaged.

The Tribal Engagement Manager on the HEAL Team is available to support DOH staff in developing a Tribal Engagement Plan. They will be able to identify when DOH Tribal Relations staff should be consulted.

Available Resources:

- Staff Resources for Tribal Public Health Partnerships (sharepoint.com)
- Former Human Resources Site - Tribal Relations (sharepoint.com)
- HEAL Tribal Engagement Site (sharepoint.com)

Step 1: Summarize tribal engagements and invitations for consultation to date
Summarize in the BFO Report any engagement with tribes that occurred as part of the BFO process or the development of the budgeting & funding activities, including both consultations and less formal forms of government-to-government engagement. Include information such as the date, location, and purpose of each engagement or consultation activity. There is no need to include the content or results of engagement or consultation, as that information will be summarized in a subsequent step.

Recommended Best Practice:

- Format your response to this section as a table or matrix showing the date, location, purpose, and tribes represented by each engagement or consultation activity.
- Work with the HEAL Implementation Team to share updates and briefings at the DOH-HCA Monthly Tribal Meeting, American Indian Health Commission (AIHC), Northwest Portland Area Indian Health Board (NPAIHB), and other forums as appropriate.
- Start preparing for engagement early in the BFO and budgeting & funding activities development processes.
- Make a commitment to building relationship and increasing capacity to collaborate and consult through valuing tribal expertise, the need for increased specialized training, and an engagement team that includes people from tribal nations or background and experience related to the focus of collaboration.

Step 2: Describe potential impacts to tribal rights and resources associated with this activity
Responses to this question should reflect identified impacts from the action to local or regional tribal rights and resources. These impacts should be confirmed through tribal engagement and consultation.

The term "tribal rights and resources" is not formally defined in HEAL statute and the scope may vary by treaty and by tribe. As such, the full scope may be best understood through engagement. The term "tribal rights and resources" may include, but is not limited to:

- Impacts to the air, land, or water of Tribal Lands as defined in HEAL statute. "Tribal Lands" include (see Key Terms and Definitions):
    - Reservation lands;
    - Off-reservation trust lands;
    - Sacred sites, traditional cultural properties, and burial grounds; and
    - Other tribal sites protected by state or federal law.
- The right to hunt, fish, and gather in usual and accustomed territories. This may include:
    - Impacts to traditional foods and materials, including any impact to current or future availability;
    - Current or future impacts to tribal citizens' access to usual and accustomed territories, or current or future impacts to tribal citizens' access to hunt, fish, and gather in usual and accustomed territories; and
    - Impacts to the health and wellbeing of people who hunt, fish or gather traditional foods and materials in these places.
- Any other rights or resources protected by treaty, executive order, or federal law.

For more information, see the DOH Tribal Consultation and Collaboration Procedure.

Step 3: Describe any plans for ongoing and/or future consultation

Responses to this question may reflect consultation that is ongoing, or which is planned to continue over the course of developing and/or implementing the budgeting & funding decisions. This may include specific dates or events that would trigger additional consultation, along with specific tribes that would be involved.

Content of "Phase 4: Allocate Funding to Provide Benefits for Overburdened Communities & Vulnerable Populations" Page

Once you have identified overburdened communities and vulnerable populations, consider how you can allocate funding to provide benefits targeting these groups. Some examples of benefits include:

- Reducing or eliminating environmental harms such as pollution or exposure to toxins
- Creating community and population resilience
- Increasing access to environmental resources for overburdened communities and populations
- Improving the quality of life of overburdened communities and populations

Recommended Best Practices:

- Create a logic model to demonstrate how your funding or budgeting decisions provide these benefits. For example, if your funds support infrastructure

improvements with the intention of creating community resilience, draw the theoretical causal link between the funds, the infrastructure improvements, the benefits, **and** the overburdened communities, vulnerable populations, and/or tribes you identified. Remember that this reporting is intended for the public to understand how your funding or budgeting decisions are supported by environmental justice principles.
- When possible, provide both quantitative and qualitative data supporting your logic model. Document your data sources and analytical processes.
- Above all else, be sure to document your decision-making process as you allocate funding or administer your program.

What proportion of funds went to overburdened communities, vulnerable populations, and tribes? Please provide a dollar amount in addition to a percentage of total funds allocated.

The HEAL Act requires covered agencies, including DOH, to set a goal of distributing 40% of applicable funds to overburdened communities, vulnerable populations, and tribes, as described in RCW 70A.02.080. With this in mind, this question intends to capture a dollar amount and percentage of total program funds that were distributed to these groups. Some guiding questions to help you populate this section include:

- What was the total amount of funding available through this activity?
- Where/to whom were these funds distributed?
- What percentage of the recipients of these funds went to the overburdened communities and vulnerable populations you identified in Section 2?
- What additional data or information do you have from recipients about how the funds they received are being used to either reduce or mitigate environmental harms or equitably distribute environmental benefits to these populations?

If applicable, did you consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles for your program?

If so, please indicate which of the below options outlined in statute you incorporated into your program:

- Community grants to monitor pollution;
- Grants focused on building capacity and providing training for community scientists and other staff;
- Making technical assistance available for communities that may be new to receiving agency grant funding; and
- Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth
- Other:

We recognize that the majority of grants are prescriptive in nature and in most scenarios, DOH program and policy staff do not have the discretion to consider the above options

listed in the reporting template and in statute. This question includes a checklist which directly quotes language from statute (RCW 70A.02.080). If you have discretion to consider the above, please select the relevant options.

You can use the "Other" field to describe any ways your funds support environmental justice principles beyond what is listed. If you need more support with understanding what each of the examples included mean, or if your funding or budgeting decisions apply to any of the included examples, please contact HEALImplementationTeam@doh.wa.gov

Appendix H: Best practices and areas for further development within grant processes

The DOH HEAL implementation team is developing a strategy to incorporate EJ principles into DOH grant programs where staff do have discretion. Best practices and areas for further development within grant processes are summarized below:

- The design of grant processes (e.g., Request for applications, awardee selection, use of Community Advisory Committees) should **include representatives from overburdened communities and vulnerable populations.**
- Now that OFM has finalized what reporting information will be collected from covered agencies for the budgeting and funding dashboard, the DOH HEAL implementation team will work with program staff to **include EJ-specific questions in each grant application** subject to HEAL requirements that address the below:
    - If and how applicants will use grant funds to address environmental harms and equitably distribute benefits to overburdened communities and vulnerable populations
    - Who overburdened communities and vulnerable populations are and where they are concentrated geographically (including opportunities for these communities to self-identify as overburdened or vulnerable if they are applying for the grant themselves)
    - What outreach and communication efforts applicants will use to include overburdened communities and vulnerable populations in their use of grant funds
- Some of the program staff for FY24 grant programs subject to HEAL requirements were able to **provide technical assistance to applicants**. When this is not possible, DOH staff will direct applicants to outside resources like:
    - UW Center for Environmental Health Equity - Technical Assistance Request Form
    - Northwest Environmental Justice Center Technical Assistance
    - National Indian Health Board Tribal Environmental Justice Technical Assistance Center
- To center the goal of directing 40% of environmental benefits to overburdened communities and vulnerable populations (RCW 70A.02.080), the DOH HEAL implementation team is developing recommendations for how to **incorporate the equitable distribution of environmental benefits into selection criteria for grant awardees**.

2024 HEAL Agencies Update to the EJC
AGENCY: Department of Transportation

ANSWERS to QUESTIONS:
Section 1: Strategic Plans
The HEAL dashboard includes links to each agency's strategic and implementation plans. Furthermore, each agency already responded to the following question: "How has your agency incorporated environmental justice into strategic planning activities?" For the update to the EJC, take one of the ways your agency has incorporated environmental justice and share a story of how that went.

The Washington State Department of Transportation's (WSDOT) Strategic Plan, providing the agency's vision, mission, values and goals, was updated to improve the way we do business. Supported and empowered by leadership, WSDOT's employees are responsible for understanding, learning, and leading change in pursuit of an inclusive workplace culture and an equitable transportation system for all users. In 2020, WSDOT worked with Western Washington University to explore the overall equity of the agency's operations resulting in WSDOT's Equity Study. In July 2021, Secretary Roger Millar signed WSDOT's Anti-Racism Policy. This agency policy renewed WSDOT's commitment to stand against bias and racism and to remain steadfast in upholding federal and state civil rights laws. As part of WSDOT's anti-racism commitment, a Diversity, Equity, and Inclusion (DEI) Plan was adopted in August 2022 to incorporate DEI strategies into the agency's Strategic Plan. WSDOT's Strategic Plan now focuses on three key goals: DEI, Workforce Development and Resilience.

To deliver the agency's mission, WSDOT's DEI efforts strive for purposeful connections between employees, communities and partners. Resilience guides the agency in preserving and sustaining multimodal transportation systems in the face of challenges presented by aging infrastructure, climate change, natural disasters and other emergencies. WSDOT seeks to be an employer of choice by hiring, training, and retaining a skilled workforce to meet Washington's legislative, regulatory, service and public transportation needs. WSDOT strives to advance a culture of belonging and access, so all are included, supported, valued and safe. These efforts in coordination with extensive collaboration between both internal and external partners, WSDOT developed DEI focus areas including:

- Internal workforce.;
- Data-informed decisions.
- Diversity Advisory Groups.
- Learn and Grow.
- External workforce and contracting.
- Community engagement.
- Healthy Environment for All (HEAL) Act.

The DEI Plan is a living document that will evolve and be updated regularly. The incorporation of the HEAL ACT into WSDOT's Strategic Plan through the DEI goal prioritizes reducing environmental and health disparities. The legacy and consequences of past decisions persist in disparities and inequities today. Adopting environmental justice (synonymous with the HEAL Act) as a key area in the Strategic Plan seeks to provide equity for all people in Washington state served by WSDOT. The agency has reinforced environmental justice in practice by creating an Environmental Justice Implementation Plan in 2023.

Section 2: Environmental Justice Assessments

Thank you for sharing your experience doing EJAs at the last Council meeting. For the annual update to the EJC, please describe the metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions. Specifically,

- Please share the process you used.
- What were the results?
- What was the impact? What should we celebrate? What can be built upon?

If you have celebration photos, please share them.

WSDOT has taken a collaborative approach to the development of environmental justice (EJ) assessment processes as directed by the HEAL Act. The agency co-developed an EJ assessment template with the HEAL Act Interagency Work Group, establishing consistent expectations across significant agency actions. WSDOT also launched internal task teams to develop policies and processes for HEAL Act EJ assessments. These task teams continue to integrate new requirements with existing processes for federal environmental justice requirements for transportation projects as well as with other agency actions, such as grant and loan programs, rulemaking, and agency-request legislation. EJ assessment guidance resources for planning, research and project management have been developed for staff, including ongoing technical assistance training. Additionally, WSDOT launched an EJ assessment landing web page to improve accessibility of information for overburdened communities, vulnerable populations, tribes and the general public. This webpage provides access to information about ongoing and completed EJ assessments and serves as a resource for tracking and monitoring our progress.

Implementation of the HEAL Act EJ assessment efforts at WSDOT have focused initially on transportation projects over $15 million and most recently a small number of agency request legislation proposals. WSDOT has identified but has not initiated further action on a few new grant programs and rulemaking efforts. WSDOT will continue to identify additional significant agency action types by July 1, 2025. WSDOT continues to identify opportunities for initiating EJ assessments early on in existing agency processes to inform decision-making.

WSDOT's EJA landing webpage was an important accomplishment, however, WSDOT recognizes the need for better internal and external communication and awareness of the types of significant agency actions that our agency will be conducting EJAs on. This involves continuing to build staffing capacity to further support this effort.

Various impacts have occurred as WSDOT implements HEAL Act-required EJ assessments. As a large state agency with wide-ranging responsibilities, integrating state-level EJ assessment processes across different action types has presented many opportunities for learning. However, this has also led to lengthy implementation timeframes due to the complexity of associated interconnected changes required. Although staff are familiar with conducting EJ analyses under federal requirements, they are facing challenges with implementing the new assessment methodologies under the HEAL Act and are looking for efficiencies between state and federal EJ requirements.

The HEAL Act presents WSDOT with the opportunity to re-examine culture, processes and procedures, with a focus on environmental justice. One benefit of these re-examinations is that staff at various levels in the agency have reconsidered how WSDOT processes function in relation to the decisions the agency undertakes. Staff are critically analyzing how relationships and engagement are built with the people the agency serves across Washington state. WSDOT has multiple ongoing EJ assessments, but has not finalized any EJ assessments under the HEAL Act due to the long-term development nature of large transportation projects.

Section 3: Budget and Funding

1. How did your agency focus applicable expenditures towards creating environmental benefits and/or reducing environmental harms to overburdened communities and vulnerable populations?
    - What was your process?
    - What were the results?
    - What were the impacts?

For the first year of the HEAL Act Budgets and Funding reporting requirements, WSDOT concentrated on establishing a baseline of applicable expenditures from activities that create environmental benefits and/or reduce environmental harms. A majority of WSDOT's expenditures have limited discretionary ability, so the agency focused first on existing practices and activities that direct benefits to overburdened communities and vulnerable populations. Additionally, being a large agency with many diverse books of business has presented challenges to comprehensively assess all aspects of WSDOT's collective budgets and funding activities. Therefore, the agency emphasized practical considerations on activities already achieving HEAL Act goals. With this starting place in mind, WSDOT anticipates exploring additional opportunities to prioritize investments for people and places most in need across Washington state.

Initial determinations on HEAL Act-applicable expenditures were made through an agency task team comprised of subject matter experts for agency budgeting, accounting, program management and environmental justice. The task team considered which agency programs could result in environmental benefits, while also not being restricted by legislative directives or provisos limiting WSDOT's alternative decision-making ability. Applicable expenditures were determined if:

- Funded through the climate commitment act.
- Funded through regulatory or legal directives, such as the WSDOT fish passage program and stormwater retrofit program.
- Transportation system improvements or grant programs creating environmental co-benefits through reducing vehicle congestion and/or vehicle miles travelled, increasing capacity for transit and active transportation, and improving highway resilience in anticipation of climate change impacts.

WSDOT highway system programs are mostly paid for by motor-vehicle funds constitutionally restricted to highway purposes. Therefore, the purpose of these projects is to create highway-system benefits, and any environmental benefits are typically co-benefits or mitigation actions. WSDOT identified over 1,000 applicable expenditures aligned with HEAL Act budgets and funding requirements, many of which benefit both the environment and vulnerable populations. Many of these projects and grants are early in their years-long delivery cycle, but WSDOT anticipates benefits, such as:

- Improved salmon habitat recovery.
- More transportation choices beyond single-occupancy vehicles, e.g., bike paths and improved sidewalks, that meet diverse mobility needs.
- Increasing charging infrastructure for electric vehicles.
- Reduced diesel consumption through ferry fleet conversion.

At this time, the extent of direct benefits is uncertain as many of WSDOT's grants and state-managed construction activities have not yet started or are early in their development. WSDOT will continue to improve benefit evaluation methodologies for investments made across the state. The task team will identify additional program elements and projects that create environmental benefits to include in future reporting.

The agency will continue to identify opportunities and meaningfully direct expenditures to benefit overburdened communities and vulnerable populations. WSDOT depends on collaboration and guidance from the Environmental Justice Council to help refine this strategy.

2. Describe how your agency incorporated environmental justice principles into a broad scope of grants and contracting opportunities. Did you have a strategy? If so, please share it.

On July 1, 2023, WSDOT identified decision-making processes that put environmental-justice principles into practice, they include:

- Complete Streets assessments.
- Administering agency grant programs.
- Climate Commitment Act investments.
- Allocating discretionary program funding.
- Conducting environmental justice (EJ) assessments for significant agency actions.
- Developing agency funding requests for significant agency actions.
- Aligning policies with HEAL Act budgets and funding requirements.

WSDOT will expand environmental justice principles into decision-making over the next several years. Potential opportunities may include:

- Comprehensive plan development.
- Funding allocations to municipal/regional transportation planning organizations.
- Decisions that may impact health or the environment, such as:
    - Noise abatement.
    - Vibration abatement.
    - Chemical treatments in maintenance activities.
    - Material types applied in construction projects.
    - Fleet-vehicle conversion to lower greenhouse gas (GHG) emissions.
    - Programs and projects for public transit and active transportation.

As the Environmental Justice Council provides guidance on HEAL Act budgets and funding implementation and WSDOT identifies effective process improvements, the agency will update the list of decision-making processes incorporating EJ principles.

The HEAL Act is not the only law requiring state government expenditure goals to reduce environmental and health disparities. The Climate Commitment Act (CCA) requires programs receiving CCA funding to direct at least 35% (with a goal of 40%) of associated investments to benefit communities that are disproportionately burdened with environmental and health harms. Additionally, a minimum of 10% of CCA investments must be directed to projects and programs supported by tribal governments. For WSDOT, several grant programs are funded through and already meet CCA requirements, including:

- Safe Routes to School.
- Various bike and pedestrian programs.
- Connecting Communities grants.
- Transit-support grants.
- Green transportation.

Some of these programs, such as Safe Routes to School and other active transportation grant programs, had been in place and incorporating environmental justice and equity principles prior to the passage of the CCA and the HEAL Act. Administration of these grant programs to achieve CCA compliance aligns with HEAL Act intent and make up a large part

of WSDOT's unrestricted funding distribution decision-making abilities. The agency will continue to identify additional programmatic opportunities to align with the 40% investment goals of both the CCA and the HEAL Act.

3. Provide examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
   - What was your process?
   - What were the results?
   - What were the impacts?

Despite WSDOT's discretionary constraints to date, the agency is establishing opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions. Two grant programs are implementing new strategies in addition to agencywide efforts exploring opportunities to compensate community members for engaging during various public involvement processes.

WSDOT is contracting with a community-based organization partner to co-develop and implement a grant program to support development of community-driven carbon reduction strategies that will be:

- Community-centered, building capacity for community-led efforts to leverage available funding.
- Equitable, defined as vulnerable populations making decisions to meet needs within overburdened communities.
- Adaptable, meeting local needs while building community funding and implementation capacity.

Front and Centered, serving as the prime contracting partner, is collaboratively establishing this grant program with WSDOT. Front and Centered is a diverse and powerful coalition of communities of color-led groups across Washington state, whose missions and work intersect on equity, environmental and climate justice. The program is expected to provide $2.25 million in direct support to develop community-centered carbon reduction solutions.

WSDOT is also working to provide pathways to shared decision-making and transparent funding processes via the Sandy Williams Connecting Communities Program. This grant program seeks to improve community connectivity for areas with high equity needs via walking, biking, and rolling investments along and across current and former state highways. A steering committee is being piloted for this program with people from overburdened communities and vulnerable populations to provide leadership for program development and funding award decisions. People will receive compensation for their participation. This pilot provides opportunities for WSDOT to learn from community power-sharing during decision making and establishing best practices for future opportunities.

4. How did you communicate the environmental justice goals and performance metrics for your agency expenditures?
    - What was your process?
    - What were the results?
    - What were the impacts?

Over the first year of the HEAL Act budgets and funding requirements, WSDOT focused on establishing a baseline of information for the associated decision-making processes identified on July 1, 2023. Before the agency is able to establish additional budgets and funding goals or performance metrics, an initial assessment was needed to understand the status of WSDOT practices in comparison to the overarching goal of directing 40% of applicable grants and expenditures to benefit overburdened communities and vulnerable populations. WSDOT's 2024 HEAL Act budgets and funding reporting analysis will assess the status of current applicable investments in relation to meeting the 40% goal for over $800 million over the past year and over $1.9 billion over the 23-25 biennium. WSDOT acknowledges that the agency's strategies and outcomes will improve through collaboration with and guidance from the Environmental Justice Council.

Section 4: Opportunities and Challenges

1. What opportunities did the HEAL Act open up for your agency?

The HEAL Act opened multiple opportunities for WSDOT including re-examining assumptions underpinning decision making processes and actions as well as structurally looking at opportunities for the agency to function differently. The HEAL Act have prompted WSDOT to integrate new expectations into pre-existing work while also critically thinking how to achieve the intent of the HEAL Act. This included identifying existing processes and limitations in order to develop sustainable long-term solutions. Some examples of these changes include incorporating environmental justice (EJ) assessments earlier in the project delivery decision-making process, so community input better informs what gets built. The HEAL Act also prompted more meaningful community engagement through consistent practices and expectations. Some examples demonstrating a shift in WSDOT's valuing of community insights included compensating people via gifts cards for engaging in a highway system planning survey while visiting food banks across Washington.

The HEAL Act also opened opportunities to operate differently. WSDOT can better coordinate environmental justice efforts with other state agencies, creating consistency for the public when working with state agencies on interconnected topics. The level of change required by the HEAL Act allowed WSDOT to identify internal siloing challenges and strive for more collaborative and connected changes in agency culture. Also, new funding to implement the law let WSDOT create new positions providing agencywide support on equitable community engagement, environmental justice, data analysis and mapping, and accessible communication efforts.

2. What challenges/barriers have you encountered in the implementation of HEAL? Are these challenges systemic, structural, internal, external?

The challenges and barriers WSDOT has experienced while implementing HEAL Act-related changes center around two key themes: the extent of change required and conflicts arising while integrating new expectations with existing processes. As a large agency of nearly 7,500 employees, providing multiple transportation options that improve communities and economic vitality means we have a lot of people and processes already in place. The extent of culture change required at WSDOT to meet HEAL Act expectations has been challenging from a scope perspective. The agency's varied actions and associated processes make multiple forms of change associated with implementing the HEAL Act complex leading to slower roll out of new processes.

Furthermore, resources and staff capacity of new environmental justice-focused team members are not yet proportional to the scale required for effectively developing and facilitating transformational change at WSDOT. More EJ education and training is needed agencywide to reinforce the multitude of changes currently attempting to be enacted. Ongoing development of environmental justice expectations and associated guidance from the Environmental Justice Council and communities at large add to the complexity implementation within the agency. Overwhelmingly, environmental justice related changes do not occur in a vacuum. WSDOT staff face challenges of change fatigue leading to some resistance for accommodating new expectations.

Other common challenges WSDOT experiences center around conflicts arising from integrating changes into the agency's existing and diverse processes. Challenges are compounded when divisions strive to meet expectations for more meaningful community engagement without associated increases in administrative funding. As a result, changes are viewed as unfunded mandates, hindering willingness to operate differently. Also, a lack of consistent experience incorporate community feedback into agency decisions has generated internal conflicts that require further efforts to resolve.

2024 HEAL Agencies Update to the EJC
Agency name: Puget Sound Partnership

ANSWERS to QUESTIONS:
Section 1: Strategic Plans
The HEAL dashboard includes links to each agency's strategic and implementation plans. Furthermore, each agency already responded to the following question: "How has your agency incorporated environmental justice into strategic planning activities?" For the update to the EJC, take one of the ways your agency has incorporated environmental justice and share a story of how that went.

Environmental justice (EJ) is a movement that was started by Black communities responding to toxic dumping in their own neighborhoods. EJ grew alongside the Civil Rights movement and has resonated with many communities of color. That history is something that we strive to honor and remember, because it shows how environmental justice is about the power of grassroots community leaders, particularly Black leaders and other leaders of color. This movement uplifts and affirms communities who are fighting for their rights to a healthy environment.

The Puget Sound Partnership is responsible for ensuring that we enable and support the work of communities and community leaders. One way that we are doing this is through the creation of a Community Advocacy Council (CAC). This council was conceived by and with community advocates and Partnership staff and it strives to be a space for co-creation of and accountability around shared priorities related to Puget Sound recovery work.

This group is still in its infancy, but it has been about two years in the making. Partnership staff spent about a year socializing the concept, gathering ideas, and building relationships with community members before initiating the creation of the council. In January 2024, we hired Jessica Rojas, a consultant and community organizer, to lend her expertise in creating community-centered spaces and help us officially form the council. For the first half of the year, our staff worked with Jessica, focusing on having open conversations with community contacts to share the vision for the Community Advocacy Council and invite people in to start imagining and building the group's structure with us. Staff worked hard to be candid about our hopes for the group and the limitations that the group will need to work within, such as the Partnership's budget and scope of influence. We were intentional about inviting voices from groups around the Puget Sound watershed that serve the most overburdened communities and lack platforms to advocate for needs related to Puget Sound recovery.

Currently, a group of three community leaders is forming the initial Community Advocacy Council, working with the Partnership's Community Engagement Coordinator to co-create a structure and define a scope of work that will meet the group's goals. We are proud of the intentional and caring way that staff and community partners have come together to form this group. We are still early on in this work, and we are not attached to any specific

outcome. We defer to the council's expertise and what they determine as the most important work to tackle, rather than our agency's leadership defining a narrow directive for them based on the Partnership's understanding alone. The group has the power to evolve to suit their needs. What is most important to our agency is the process: that we make space to uplift community advocates championing Puget Sound recovery. We are encouraged by the ways that this process has taken us closer to the heart of environmental justice work so far.

Section 2: Environmental Justice Assessments

Thank you for sharing your experience doing EJAs at the Council meeting in July. For the annual update to the EJC, please describe the metrics used to identify and track the process related to environmental justice assessments of proposed significant agency actions. Specifically,

- Please share the process you used.
- What were the results?
- What was the impact? What should we celebrate? What can be built upon?

If you have celebration photos, please share them.

Puget Sound Partnership is currently working on environmental justice assessments (EJA) of our three significant agency actions (SAA). For more information about our significant agency actions, please visit this website. This document describes the process we use, including our EJA checklist. We are developing metrics to use for future EJA, such as demographics and ZIP codes of community members who participate with us, number of engagement opportunities, and number of communications.

Since all three EJA are ongoing, it is too early to evaluate the results or impacts. However, we have learned from each one and identified aspects to celebrate:

- Puget Sound Acquisition and Restoration (PSAR) grant round: this EJA demonstrated the need for our PSAR program to work to more fully understand, hear from, and connect with overburdened communities and vulnerable populations in Puget Sound that are overburdened and/or include vulnerable populations. We celebrate Tribal engagement in development of the program's Request for Proposals.
- Action Agenda: we developed a method to identify geographies in Puget Sound with concentrations of overburdened communities and reached out to community leaders and organizations who represent and/or serve vulnerable populations in those areas. This process has helped us center EJ in the development of the next Action Agenda.
- Science Work Plan: we are seeking feedback about ways in which science activities might provide environmental benefits or cause harms. We are honored that Tribal representatives engaging with us seem to appreciate our overall approach.

We have developed a Tribal consultation process that has multiple phases, and depending on the SAA, spans multiple years. Other agencies could use or build upon this structure for similar types of SAA.

Below, we have included a picture from this year's PSAR grant round site visits, which showcased a variety of salmon recovery projects, proposed by a range of partners.

Pictured: touring a family farm property proposed for a salmon recovery project, looking out onto wetland habitat area.

Pictured: Local citizen and technical committee members visit the site for the proposed Smokehouse Dike Setback Restoration project along the Swinomish Channel located on Swinomish tribal lands.

Section 3: Budget and Funding

1. How did your agency focus applicable expenditures towards creating environmental benefits and/or reducing environmental harms to overburdened communities and vulnerable populations?
    - What was your process?
    - What were the results?
    - What were the impacts?

The Partnership has three types of applicable expenditures in addition to staff salaries: the Puget Sound Acquisition and Restoration (PSAR) grant program, grants, and contracts. In 2023-2024, we took the following steps to increase the likelihood that our applicable expenditures would benefit overburdened communities and vulnerable populations:

- PSAR: added environmental justice criteria into the request for proposals for the grant round and offered formal consultation on the draft request for proposals to Puget Sound Tribes. Although the environmental justice criteria were unscored in this year's grant round, answers to the questions were required, and we hope to learn from the answers to design better questions and scorable criteria for the next grant round.
- Grants: worked with our sub-awardees to identify ways for them to incorporate environmental justice into their own decision-making processes and activities.
- Contracts: included an environmental justice checklist in every request for proposals.

The Partnership's goal is to accelerate the collective effort to recover and sustain Puget Sound. All our applicable expenditures are designed to deliver environmental benefits as defined in the HEAL Act.

- In 2023-2024, according to the methodology agreed upon by the Governor's Office and the HEAL Act agencies, 40.9% of our applicable expenditures benefited overburdened communities and vulnerable populations.
- We celebrate that four of six funded Salmon Science projects included Tribal staff as part of their research teams and allocated budget to them. Tribes sponsored or co-sponsored six of twelve PSAR applications, and five of the remaining applications described Tribal engagement.

In addition to focusing our expenditures, we learned from this approach:

- We now have baseline data on the frequency with which applicants intend to engage Tribes, overburdened communities, and vulnerable populations.
- We better understand how to develop EJ criteria or questions, and what support applicants need from Partnership staff to integrate EJ and community engagement into their projects.

We recognize that we have much to learn about how these benefits from our expenditures are experienced by overburdened communities and vulnerable populations, and about any unintended consequences resulting from our applicable expenditures.

2. Describe how your agency incorporated environmental justice principles into a broad scope of grants and contracting opportunities. Did you have a strategy? If so, please share it.

The Partnership incorporated environmental justice principles into <u>all</u> grants and contracts in 2023-2024, as described above. This choice reflects our ongoing efforts to embed equity and EJ in our work.

Internally, our Executive Director communicated this approach to Partnership staff, and our Fiscal Team worked with prospective grant and contract managers to incorporate EJ criteria and checklist into their programs.

Externally, we hosted deliberate conversations to ensure that all members of the Partnership's policy and science boards were well-informed about and involved in implementing HEAL Act mandates (including those pertaining to grants and contracting). These boards were involved in decisions to incorporate environmental justice into PSAR (Leadership Council, Salmon Recovery Council) and scientific research and monitoring (Science Panel, Puget Sound Ecosystem Monitoring Program). Since these key groups are involved in Puget Sound Partnership's grants and contracting work in various ways, we

made sure to bring them along in this new phase of environmental justice work that the HEAL Act called for.

We celebrate the success of having incorporated EJ principles in all our grants and contracts this past fiscal year while also recognizing that this work is ongoing. We will continue to work internally, with the partners mentioned above, and other appropriate experts to identify opportunities to go deeper in our work to meaningfully embed environmental justice principles in grants and contracting.

3. Provide examples of opportunities provided to overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
    - What was your process?
    - What were the results?
    - What were the impacts?

The Partnership co-manages two groups that engage with us to provide input on our agency operations:

- The Partnership-Tribal Co-Management Council (PTCC), in place since 2010. Tribal representatives co-chair this group with the Chair of the Partnership's Leadership Council. PTCC meets approximately monthly.
- The Community Advocacy Council, started in 2024, is composed of community advocates interested in building a space for co-creation, mutual benefit, and state agency accountability related to the Puget Sound Partnership's work. We are developing this group in partnership with its members now.

In addition, the Puget Sound Salmon Recovery Council provides oversight and guidance to the agency, and recommendations to the agency's Leadership Council, on the management of the PSAR program. Every Puget Sound Tribe has a seat at the Salmon Recovery Council, and two of the Leadership Council's seven members are Tribal leaders. The Salmon Recovery Council provided meaningful and substantial feedback on the development of the request for proposals for the grant program in 2023, and on the development of the final list of projects proposed for funding in 2024. The Leadership Council made the final decisions. The Partnership also offered formal government-to-government consultation on the draft request for proposals in 2024 and is conducting an Environmental Justice Assessment on the PSAR program. Lastly, all Leadership Council and Salmon Recovery Council meetings are open public meetings.

4. How did you communicate the environmental justice goals and performance metrics for your agency expenditures?
    - What was your process?
    - What were the results?
    - What were the impacts?

We published our environmental justice goals on our HEAL Budget and Funding Policy webpage, and our performance metrics in our HEAL Implementation Plan on our HEAL Implementation webpage.

We also announced our goals to our staff at an all-staff meeting in June 2023, to ensure that all staff understood our commitment to them.

Section 4: Opportunities and Challenges

1. What opportunities did the HEAL Act open up for your agency?

Our agency has talked about ways to grow the community of folks engaged in Puget Sound recovery for many years. Before the HEAL Act passed, the Puget Sound Partnership was open to environmental justice work and striving towards better community partnerships. However, we needed a clearer view of our opportunities for growth.

The HEAL Act shone a needed spotlight on a major gap, showing us that we were missing the ideas, critique, and priorities of huge swathes of the Puget Sound community. It showed us that while we were focused on correcting the environmental injustice of lack of salmon and shellfish, we didn't do a comprehensive job of examining or addressing other kinds of environmental injustices. We now realize that honest relationships with community members will help us understand the scope of that gap, and where to focus efforts to fill it. The legislature has provided us with resources to begin to address this gap.

We have work to do to build relationships with environmental justice communities that we have missed, left out, and been complicit in harming in the past. It is our intention to do better moving forward and to better understand their priorities and needs. Once this happens, our agency's work will become stronger and more effective. The HEAL Act helps to provide structure to support this process.

Finally, our staff have taken the HEAL Act to heart. Each person now sees that we were missing major pieces in our approach. We are all working to do better at incorporating environmental justice into our daily work.

2. What challenges/barriers have you encountered in the implementation of HEAL? Are these challenges systemic, structural, internal, external?

The map-based methodology agreed upon by the Governor's Office and the HEAL Act agencies is a strong and necessary first step toward tracking and reporting how state investments benefit overburdened communities and vulnerable populations. However, it does not account for all state investments that benefit Tribal treaty resources, especially salmon and shellfish.

The Partnership believes that regardless of their location, investments that benefit Tribal treaty resources provide direct and meaningful benefits to Tribes (see Attachment 1), and therefore should be tracked and reported and contribute to the state's overall understanding of its investments in environmental justice. For example, except for the amount reserved for administering the program, all funds invested in PSAR are intended to benefit treaty resources. Once these expenditures are included, the Partnership's percentage of expenditures on environmental justice is 79.8%.

Similarly, the Partnership invests substantially in scientific research designed to help us answer pressing questions related to Puget Sound and salmon recovery. Scientific research that may result in benefits to overburdened communities and vulnerable populations is another type of expenditure that does not lend itself well to a map-based tracking and reporting system.

The Partnership looks forward to working with Tribes, community, the Environmental Justice Council, the Governor's Office, and our sister agencies to determine whether and how to include these investments in our reporting in the future.

ATTACHMENT:
Letter from NWIFC Chair Lorraine Loomis to Governor Jay Inslee, October 30, 2020