

Environmental Justice Council

May 9, 2025 Meeting Materials

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Consejo de Justicia Ambiental (Consejo de EJ)

Viernes, 9 de mayo de 2025

De 1:00 p. m. a 4:00 p. m.

Para unirse al seminario web, haga clic en el siguiente enlace:

<https://us02web.zoom.us/j/81747864781>

Id. del seminario web: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del seminario web: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/u/kd6MqgTvTL>

Objetivos de la reunión

1. Debatar y posiblemente adoptar un plan de trabajo del Consejo basado en las prioridades que identificaron los miembros del Consejo en la reunión del Consejo de marzo.
2. Recibir información sobre cómo se incorporaron las recomendaciones presupuestarias del Consejo de EJ (por su sigla en inglés, Justicia Ambiental) en el presupuesto bienal 2025-2027.
3. Discutir el panorama federal actual y su impacto en el trabajo por la justicia ambiental.
4. Tomar conocimiento de preocupaciones, problemas, ideas, soluciones y victorias en materia de justicia ambiental de la Comisión Intertribal de Pesca del Río Columbia.
5. Conocer los resultados de las sesiones de escucha de la Duwamish Valley Sustainability Association sobre movilidad y transporte, y un medioambiente sano.

Orden del día

A las 12:50 p. m., los invitamos a participar de una presentación sobre cómo activar los subtítulos descriptivos y cómo unirse al canal de interpretación en español o ASL (por su sigla en inglés, lenguaje de señas americano).

De 1:00 p. m. a 1:05 p. m.	I. Bienvenida y pasaje de lista para verificar que haya cuórum	Copresidenta Tatiana Brown Honorable Jarred-Michael Erickson Miembros del Consejo
De 1:05 p. m. a 1:10 p. m.	II. Aprobación del orden del día por parte del Consejo III. Aprobación de las notas de la reunión del 20 de marzo de 2025 por parte del Consejo - Posibles medidas del Consejo	Maria Batayola, miembro del Consejo Miembros del Consejo
De 1:10 p. m. a 1:25 p. m.	IV. Consulta popular	David Mendoza, miembro del Consejo
De 1:25 p. m. a 2:20 p. m.	V. Debate y posible adopción: Plan de trabajo del Consejo Objetivo: Debatir y posiblemente adoptar un plan de trabajo del Consejo basado en las prioridades que identificaron los miembros del Consejo en la reunión del Consejo de marzo. - Posibles medidas del Consejo	Copresidenta Tatiana Brown Sierra Rotakhina, personal del Consejo Miembros del Consejo
Receso de 10 minutos		

De 2:30 p. m. a 2:40 p. m.	<p>VI. Sesión informativa sobre el presupuesto</p> <p>Objetivo: Recibir información sobre cómo se incorporaron las recomendaciones presupuestarias del Consejo de EJ en el presupuesto bienal 2025-2027.</p>	<p>David Mendoza, miembro del Consejo</p> <p>Christy Hoff, personal del Consejo</p> <p>Miembros del Consejo</p>
De 2:40 p. m. a 3:00 p. m.	<p>VII. Colaboración con la justicia ambiental</p> <p>Objetivo: Discutir el panorama federal actual y su impacto en el trabajo por la justicia ambiental.</p> <p>- Posibles medidas del Consejo</p>	<p>David Mendoza, miembro del Consejo</p> <p>Jonathan Chen, personal del Consejo</p> <p>Miembros del Consejo</p>
De 3:00 p. m. a 3:15 p. m.	<p>VIII. Conexión con la comunidad del Consejo de EJ Elaine Harvey, directora del Departamento de Cuencas Hidrográficas para la Comisión Intertribal de Pesca del Río Columbia</p> <p>Objetivo: Tomar conocimiento de preocupaciones, problemas, ideas, soluciones y victorias en materia de justicia ambiental de la Comisión Intertribal de Pesca del Río Columbia.</p>	<p>Cristina González, miembro del Consejo</p> <p>Sierra Red Bow, personal del Consejo</p> <p>Elaine Harvey, directora del Departamento de Cuencas Hidrográficas para la Comisión Intertribal de Pesca del Río Columbia</p> <p>Miembros del Consejo</p>

De 3:15 p. m. a 3:35 p. m.	IX. Presentación y conversación con la Duwamish Valley Sustainability Association (por su sigla en inglés, DVSA) Objetivo: Conocer los resultados de las sesiones de escucha de la DVSA sobre movilidad y transporte, y un medioambiente sano.	Cristina González, miembro del Consejo Sierra Red Bow, personal del Consejo Edwin Alberto Hernandez Reto, director ejecutivo de la Duwamish Valley Sustainability Association Miembros del Consejo
Receso de 10 minutos		
De 3:45 p. m. a 3:55 p. m.	X. Consulta popular	David Mendoza, miembro del Consejo
De 3:55 p. m. a 4:00 p. m.	XI. Agradecimientos y cierre	Honorable Jarred-Michael Erickson Copresidenta Tatiana Brown

Información importante

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

Environmental Justice Council (EJ Council)

Friday, May 9, 2025

1:00pm – 4:00pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81747864781>

Webinar ID: 817 4786 4781

Or Join by Phone: +1 253 215 8782

Webinar ID: 817 4786 4781

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

Meeting Goals

1. Discuss and possibly adopt a Council Work Plan based on priorities identified by Council Members at the March Council meeting.
2. Receive a briefing on how the EJ Council's budget recommendations were incorporated into the 2025-2027 biennial budget.
3. Discuss the current federal landscape and impact to environmental justice work.
4. Learn from the Columbia River Inter-tribal Fish Commission about environmental justice concerns, issues, ideas, solutions, and victories.
5. Learn about the results of Duwamish Valley Sustainability Association's listening sessions on mobility and transportation, and healthy environment.

Agenda

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

1:00 PM – 1:05 PM	I. Welcome and Roll Call for Quorum	Co-Chair Tatiana Brown The Honorable Jarred-Michael Erickson Council Members
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1:05 PM – 1:10 PM Meeting notes on page 9	II. Approval of Agenda by Council III. Approval of March 20, 2025 Meeting Notes by Council -Possible Council Action	Council Member Maria Batayola Council Members
1:10 PM – 1:25 PM	IV. Public Comment	Council Member David Mendoza
1:25 PM – 2:20 PM Materials on page 18	V. Discussion and Possible Adoption: Council Work Plan Goal: Discuss and possibly adopt a Council Work Plan based on priorities identified by Council Members at the March Council meeting. -Possible Council Action	Co-Chair Tatiana Brown Sierra Rotakhina, Council Staff Council Members
10 Minute Break		
2:30 PM – 2:40 PM Materials on page 43 .	VI. Budget Briefing Goal: Receive a briefing on how the EJ Council's budget recommendations were incorporated into the 2025-2027 biennial budget.	Council Member David Mendoza Christy Hoff, Council Staff Council Members
2:40 PM – 3:00 PM Materials on page 44 .	VII. Standing with Frontline Tribes and Communities Goal: Discuss the current federal landscape and impact to environmental justice work.	Council Member David Mendoza Jonathan Chen, Council Staff Council Members

	-Possible Council Action	
3:00 PM – 3:15 PM Materials on page 45 .	VIII. EJ Council Community Connection: Elaine Harvey, Watershed Department Manager for the Columbia River Inter-tribal Fish Commission Goal: Learn from the Columbia River Inter-tribal Fish Commission about environmental justice concerns, issues, ideas, solutions, and victories.	Council Member Cristina González Sierra Red Bow, Council Staff Elaine Harvey, Watershed Department Manager for the Columbia River Inter-tribal Fish Commission Council Members
3:15 PM – 3:35 PM Materials on page 46 .	IX. Presentation from and Conversation with Duwamish Valley Sustainability Association (DVSA) Goal: Learn about the results of DVSA's listening sessions on mobility and transportation, and healthy environment.	Council Member Cristina González Sierra Red Bow, Council Staff Edwin Alberto Hernandez Reto, Executive Director, Duwamish Valley Sustainability Association Council Members
10 Minute Break		
3:45 PM – 3:55 PM	X. Public Comment	Council Member David Mendoza
3:55 PM – 4:00 PM	XI. Appreciations and Adjournment	The Honorable Jarred-Michael Erickson Co-Chair Tatiana Brown

Important Information

- The Council may move agenda items around on the day of the meeting.
- Emergency contact number during the meeting is 360-584-4398.
- To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398.

Draft Minutes of the Environmental Justice Council

March 20, 2025

Virtual ZOOM Platform

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

Council Members present:

- Nichole Banegas (joined at 4:13pm)
- Maria Batayola
- Tatiana Brown, Co-Chair
- David Mendoza (joined at 3:41pm)
- Esther Min (joined at 3:43pm)
- Todd Mitchell
- Faaluaina Pritchard
- Running-Grass
- Raeshawna Ware

Council Members absent:

- Maria Blancas
- The Honorable Jarred-Michael Erickson, Co-Chair
- Cristina González
- Rosalinda Guillen (On leave of absence)
- The Honorable Monica Tonasket
- The Honorable JJ Wilbur

Agency Ex Officio Liaisons present:

- Jennifer Grove, Department of Commerce
- Lauren Jenks, Department of Health

- Jay Carmony for Nicole Johnson, Department of Agriculture
- Eliseo (EJ) Juárez, Department of Natural Resources
- Emilie Litsinger, Puget Sound Partnership
- Ahmer Nizam, Department of Transportation
- Millie Piazza, Department of Ecology

Council staff:

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

Guests and other participants:

- Kate Brouns, Climate and Energy Policy Advisor, Office of the Governor

I. Welcome and Roll Call for Quorum

Tatiana Brown, Council Co-Chair, called the meeting to order. Rowena Pineda, Council Staff, facilitated roll call. At the time of the initial roll call, there were 6 voting members present, not meeting quorum (see table). Two additional members joined by 3:45, meeting the quorum (see Council Member list, above).

14 Members / 1 Vacancy / 1 Leave of Absence / Current Quorum = 8		
The Honorable JJ Wilbur	Tribal Representative	Absent
Raeshawna Ware	Community Representative	Present
The Honorable Monica Tonasket	Tribal Representative	Absent
Running-Grass	EJ Practitioner	Present
Faaluaina Pritchard	Community Representative	Present
Todd Mitchell	Union Representative	Present
Esther Min	EJ Practitioner	Absent
David Mendoza	Representative At Large	Absent

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Rosalinda Guillen	Community Representative	Leave of Absence
Cristina González	Community Representative	Absent
The Honorable Jarred-Michael Erickson (Co-Chair)	Tribal Representative	Absent
Tatiana Brown (Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Absent
Maria Batayola	Community Representative	Present
Nichole Banegas	Business Representative	Absent
Vacant	Tribal Representative	Vacant

Co-Chair Brown welcomed Kate Brouns, the Climate and Energy Policy Advisor to Governor Ferguson, who introduced herself, saying she was looking forward to working with the EJ Council.

II. Approval of Agenda by Council

Sierra Rotakhina, Council Manager, facilitated adoption of the [agenda](#).

Motion: The Council adopts the agenda.

Todd Mitchell, Council Member, moved to adopt the agenda. No objections noted. **The motion passed.**

III. Approval of January 30, 2025 Meeting Notes by Council

Sierra Rotakhina facilitated adoption of the January 30, 2025 [meeting notes](#) (see page 8).

Motion: The Council adopts the January 30, 2025 meeting notes.

Motion/Second: Maria Batayola/Lua Pritchard. No objections noted. **The motion passed.**

IV. EJ Council Community Connection

This item was not covered at the meeting.

V. Public Comment

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Rowena Pineda opened up the public comment period.

Amara Schermerhorn, Partnerships Manager at Taskar Center for Accessible Technology at the University of Washington, shared information about a project called OS Connect, Washington State's first statewide pedestrian dataset. Infrastructure decisions rely on these data. The OS Connect dataset shows where pedestrian infrastructure exists and where it doesn't and where neighborhoods can be unsafe due to missing sidewalks. These data are essential for environmental justice efforts by giving communities the tools to identify where areas have been neglected. OS Connect uses partnerships with environmental justice groups such as Front and Centered to connect with people in underserved areas. The data need community input and local knowledge. OS Connect makes pedestrian access visible and can be a tool for advocating for smarter and fairer infrastructure investments.

Anat Caspi, Director of the Taskar Center for Accessible Technology at the University of Washington, said the Taskar Center works at the intersection of technology, mobility, and accessibility justice. They said they co-design with people most impacted by transportation barriers and hope to expand the work now that these data are available to people who are left out of transportation decisions. They are holding a conference and want to invite environmental justice advocates as it is tied together with mobility. The conference will bring together policymakers, transportation leaders, and grassroots organizers. They hope to highlight how participatory data collection can ensure that these public projects reflect real mobility needs. They hope to build the connected partnership and stewardship to support the data downstream.

Sumayo Mohamed, MPH Candidate at the University of Washington, said they are working with the Duwamish River Community Coalition on air quality monitoring. They appreciate the EJ Council's commitment to ensuring communities have a voice in decision-making, including making sure air quality data reflect the lived experience of overburdened communities. Right

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now, community-based air quality monitoring is not being funded at the state level. In Seattle, community led efforts have shown differences in pollution levels. They encourage the Council to recommend to Ecology that they support community-based air quality monitoring and prioritize funding projects with pollution reduction impacts, so communities see tangible improvements in air quality.

Joseph Santana, Duwamish River Community Coalition, shared information about the coalition and provided recommendations related to Ecology's duties to monitor air quality in overburdened communities. They suggested that Ecology should develop an air monitoring network to establish baseline data to protect public health. They ask Ecology to look into protective air quality standards set by the World Health Organization. They suggest Ecology should prioritize reducing emissions from mobile sources through stronger tailpipe emission standards and indirect source regulations. Their last recommendation is to monitor pollution in overburdened communities, not just near them. David Mendoza, Council Member, said there has been additional monitoring in the 16 overburdened communities and \$10 million for additional monitoring. Millie Piazza, Ex Officio Member from the Department of Ecology, said she will bring these comments back to Ecology.

Davin Diaz, Environmental Justice Program Manager with Front and Centered, said he looks forward to how the conversation about prioritization goes. He said community members in Toppenish and Yakima highlighted the need for a better environmental reporting system. He said they generated a report that was published last week. The current reporting systems are fragmented and inaccessible. In the report, they draw from the IVAN model, a successful community led tool to propose a transparent, community driven approach. They call for a one stop shop reporting system that improves public access, enhances agency coordination, and builds community trust. One key recommendation is to establish community and agency workgroups.

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Maricella Santana-Walle, Environmental Justice Coordinator for ELLA, said on May 1, they are hosting their first May Day March in Lower Yakima Valley in collaboration with other partners. They will march to highlight workers' rights and environmental issues and push for a healthier and safe environment. There will be a resource fair after the march to connect community members to resources. They welcome folks to participate at the event. There will be a space where leaders and community members can share stories and resources. They sent a flyer to Council's email and they ask that staff please forward it along. The event will be from 3:30 to 5:00pm in Sunnyside.

VI. Briefing: Current State and Federal Context to Inform Council Work Planning

Co-Chair Brown shared how the Presidential Executive Orders and the state budget shortfall have had, and will continue to have, an impact on communities. She introduced Kristen K. Mitchell, Deputy Attorney General, Washington State Attorney General's Office and Enoka Harat, Policy Director at the Attorney General's Office. Enoka said their office reviews federal actions to see if they are illegal/unconstitutional, whether they impact Washingtonians, and whether they have standing to bring a case. Kristen Mitchell said Executive Orders are not law, but rather direction from the President to federal agencies. She highlighted that in Washington State, state law has Washington fully in compliance with federal civil rights law. She shared information about the Executive Orders that restrict environmental justice work and other diversity, equity, inclusion, and accessibility initiatives and those that stop the flow of federal funds. She said that the obligations under state laws, including the HEAL Act, remain unchanged and work to implement HEAL may proceed. Member Mendoza commented on the deregulation at the Environmental Protection Agency, asking if it will be possible for the state to maintain its standards with these rollbacks. Kristen Mitchell said rollbacks of federal rules cannot happen by Executive Order. Member Batayola asked about federal funding and Kristin said there is a current lawsuit to restore funding.

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Sierra Rotakhina, Council Manager, provided information about the significant budget shortfall facing the state over the next four years, including the March revenue forecast. She shared how program cuts and layoffs could impact staff capacity, including in the HEAL agencies in the near term. She stressed the uncertainty and anxiety and increased workload, including extra administrative work, that would be impacting staff.

VII. 2025-2026 EJC Work Prioritization Process

Running-Grass, Council Member, shared the goals for the agenda item and the process the Work Planning Group used. He referred Members to the draft Guiding Principles and Considerations developed by the Work Planning Group (see page 24 of the [meeting packet](#)). Member Running-Grass asked if Members generally felt okay about the principles and considerations – no concerns were noted.

Raeshawna Ware, Council Member, referred Council Members to the draft prioritization process developed by the Work Planning Group (see page 26 in the [meeting packet](#)). Member Mendoza asked If they would be pausing the current committee work. Member Ware said they are suspending the use of the committees so they can pilot a new way of working together. Esther Min, Council Member, said projects have a very different scale and capacity and added that Members should think about statutory responsibility. Members discussed how some of the projects on the list are interconnected. Member Batayola said they also want to mobilize all members, including Ex Officio Members, in projects. Maria Batayola, Council Member, facilitated adoption of the Guiding Principles and Considerations and the project prioritization process.

Motion: The Council adopts the 6-month pilot Work Planning Guiding Principles and Considerations and the project prioritization process proposed for today’s work

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prioritization. The pilot will be effective March 20, 2025 through September 20, 2025 with iterative reporting after 3-months.

Motion/Second: David Mendoza/Lua Pritchard. **The motion passed.**

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

E: I block, have serious concerns.

F: I stand aside, recuse myself.

14 Members / 1 Vacancy / 1 Leave of Absence / Current Quorum = 8		
The Honorable JJ Wilbur	Tribal Representative	Absent
Raeshawna Ware	Community Representative	A
The Honorable Monica Tonasket	Tribal Representative	Absent
Running-Grass	EJ Practitioner	A
Faaluaina Pritchard	Community Representative	A
Todd Mitchell	Union Representative	A
Esther Min	EJ Practitioner	A
David Mendoza	Representative At Large	A
Rosalinda Guillen	Community Representative	Leave of Absence
Cristina González	Community Representative	Absent
The Honorable Jarred-Michael Erickson (Co-Chair)	Tribal Representative	Absent
Tatiana Brown (Co-Chair)	Community Representative	A
Maria Blancas	Community Representative	Absent
Maria Batayola	Community Representative	A
Nichole Banegas	Business Representative	Absent
Vacant	Tribal Representative	Vacant

Member Batayola, walked the Council through the steps of identifying three projects to focus on first in 2025. Member Mendoza said all the work is needed and important. He said the CCA

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requirements are complicated, and he provided some context about each of them and whether some could be handled in other ways (e.g., a briefing at a Council meeting). Sierra Rotakhina noted that none of the Council's Tribal Representatives were present at the meeting, so the Council may want to wait to make a final decision about which projects to focus on first until the Tribal Representatives have a chance to weigh-in. Members then took some time to vote for their top 3 priority projects. Member Batayola said follow up items include fleshing out the project descriptions and checking in with Tribal Representatives. Member Min discussed the impacts of not sustaining momentum on projects with smaller numbers (single votes). Sierra said staff would check in with members who were not at the meeting and map out how projects could sequence and bring that to the May meeting for full Council discussion.

VIII. Public Comment

No additional public comments shared during this period.

IX. Appreciation and Adjournment

Member Batayola adjourned the meeting.

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Environmental Justice Council

Date: May 9, 2025

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: 2025-2026 EJ Council Work Planning

Background and Summary

At the January meeting, Council Members began a discussion to reimagine how it approaches its work in 2025. A small group of Council Members formed a Work Planning Group, which met twice in March to develop a set of guiding principles and considerations to inform work planning as well as a process for selecting work priorities. At the March Council meeting, the Council adopted the work planning guiding principles and considerations and agreed to pilot a new way of working through September 20, 2025.

At the March meeting, Council Members also voted on their top project priorities. Following the vote, members discussed how they wanted to obtain input from members who were not at the meeting, as well as from staff. Staff were directed to map out how projects could be sequenced. The Work Planning Group (with some new membership) then met on April 17 and April 24. Work Planning Group participants reviewed and discussed the top five projects identified by all Members and staff (see presentation on [page 20](#)) and a draft work plan and timeline. The Work Planning Group centered the following concepts during this second phase of work planning in April:

1. How did the Council utilize dedicated time for Tribal and community priorities and emerging issues, and what were those priorities?

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2. Match level of effort with impact it can have for community.
3. Does the project advance justice or address disparities?
4. Does it create desirable outcomes as identified by the Tribes and communities affected?
5. For each project, build in adequate time to request/accept information from Tribes, community, advocates, academia and government to inform the work and shape recommendations to full Council.

The Council will have time today to discuss and consider adopting the May 2025-December 2026 proposed workplan ([page 35](#)). You can find a support document on [page 38](#) that provides more detailed timelines and information.

Council Staff Recommended Actions:

The Council may wish to consider, amend if necessary, and adopt the following motion:

The Council adopts the proposed Work Plan and Timeline with any changes agreed upon by the full Council at the May 9, 2025 meeting.

Staff Contact:

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

Work Planning Overview

May 9, 2025

Environmental Justice Council Meeting

March EJ Council Meeting

- Present Council Members agreed on a process for prioritizing Council work and voted for their top three project priorities.
- Heard concerns that the process of just choosing three priorities wasn't nuanced enough, didn't show how projects are connected and could be sequenced, and didn't account for WHEN a project needed to be completed.
- The Council didn't want to move forward with choosing three priorities without Tribal Members present and without hearing from other absent Members.
- Council decided on next steps:
 - Council staff work with absent members to get their votes.
 - Staff identify their top three priorities.
 - Use these data to work with a small group of Council Members to develop a two-year workplan to bring back to the Council for discussion in May.

Work Done in March After the Council Meeting



Staff contacted all absent Members and got top three priorities from four additional Members.



Staff documented their top three priorities and identified projects that hadn't received any votes but that may need further discussion (e.g. projects almost ready for adoption).



Running-Grass shared ideas on how to approach next steps.



Staff built from Running-Grass' proposed framework to group projects, map out how they interconnect, and build out a draft Gantt chart/workplan based on these groupings.

Category	Project	Votes (3.20.25 Council Meeting)	Project Status %	Notes
Community/Public Engagement				
	Public comment process (G/O)	3	25	Viable process
	CCA Community Engagement Plan (G/O) (CCA Stat Re'q)	2	0	
	May 24 Community Follow-up (G/O)	0		
	Public Comment Database (G/O)	1		Concept level
	Public Comment Dashboard (G/O)	0	0	
	CE Community Guidance and Values (G/O)	3		
	EJC Community Engagement Plan (G/O)	3		
	CE Guidance for Non-Heal Agencies (HEAL Stat/Re'q)	1		
	Council Tribal Engagement Plan	1		
Finance				
	CCA Budget Recs (CCA Stat/Re'q)	3		
	AQ Overburdened Community Grants (CCA)	2		

Votes at March Meeting (absent Member votes not included)

Project Name	Counts (Value)
Tribal and Community Engagement	9
HEAL Performance Measures and Metrics	6
HEAL Budgeting and Funding Guidance	6
Environmental Justice Assessment Guidance	4
CCA Budget Recommendations	3
Rulemaking for Air Quality	3
Guidance defining environmental benefits and direct and meaningful benefits (and/or Tip Sheets)	2
Air Quality in Overburdened Communities Grant Program	1
Linkage	1
CCA Committee Engagement Plan	1

Combined Votes for All Members Who Voted at March Meeting or After

Project Name	Counts (Value)
Tribal and Community Engagement	10
HEAL Performance Measures and Metrics	7
HEAL Budgeting and Funding Guidance	7
Environmental Justice Assessment Guidance	6
CCA Budget Recommendations	3
Rulemaking for Air Quality	3
Guidance defining environmental benefits and direct and meaningful benefits (and/or Tip Sheets)	2
EJ Council Strategic Plan	1
Air Quality in Overburdened Communities Grant Program	1
CCA Committee Engagement Plan	1
Council Expectations	1
Linkage	1
CCA Committee Engagement Plan	1

EJ Council Staff Votes

Project Name	Counts (Value)
HEAL Performance Measures and Metrics	5
CCA Budget Recommendations	3
Environmental Justice Assessment Guidance	3
Tribal and Community Engagement	3
EJ Council Strategic Plan	1
HEAL Budgeting and Funding Guidance	1

Member and Staff Votes Combined

Project Name	Counts (Value)
Tribal and Community Engagement	13
HEAL Performance Measures and Metrics	12
Environmental Justice Assessment Guidance	9
HEAL Budgeting and Funding Guidance	8
CCA Budget Recommendations	6
Rulemaking for Air Quality	3
Guidance defining environmental benefits and direct and meaningful benefits (and/or Tip Sheets)	2
EJ Council Strategic Plan	2
Air Quality in Overburdened Communities Grant Program	1
CCA Committee Engagement Plan	1
Council Expectations	1
Linkage	1
CCA Committee Engagement Plan	1

Council Member Votes	Staff Votes	Member plus Staff Votes Combined
Tribal and Community Engagement	HEAL Performance Measures and Metrics	Tribal and Community Engagement
HEAL Performance Measures and Metrics	CCA Budget Recommendations	HEAL Performance Measures and Metrics
HEAL Budgeting and Funding Guidance	Environmental Justice Assessment Guidance	Environmental Justice Assessment Guidance
Environmental Justice Assessment Guidance	Tribal and Community Engagement	HEAL Budgeting and Funding Guidance
CCA Budget Recommendations	EJ Council Strategic Plan tied with	CCA Budget Recommendations
tied with Rulemaking for Air Quality	HEAL Budgeting and Funding Guidance	

Member Plus Staff Vote Combined

1. Tribal and Community Engagement
2. HEAL Performance Measures and Metrics
3. Environmental Justice Assessment Guidance
4. HEAL Budgeting and Funding Guidance
5. CCA Budget Recommendations

Work Done in April

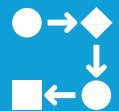
Work Planning Group



All Members invited to Join the Work Planning Group for the next phase of this process.



Work Planning Group met on April 17 and April 24.



Work Planning group edited work plan/timeline drafted by staff.

Work Planning Group Considerations

The Work Planning Group centered the following concepts during this second phase of work planning in April:

- 1.How did the Council utilize dedicated time for Tribal and community priorities and emerging issues, and what were those priorities?
- 2.Match level of effort with impact it can have for community.
- 3.Does the project advance justice or address disparities?
- 4.Does it create desirable outcomes as identified by the Tribes and communities affected?
- 5.For each project, build in adequate time to request/accept information from Tribes, community, advocates, academia and government to inform the work and shape recommendations to full Council.

Accounting for Workload

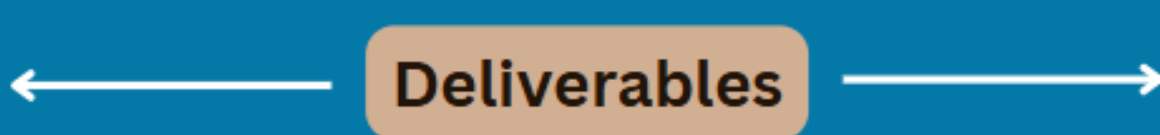
The Work Planning Group centered elevating and preserving capacity for Tribal and Community priorities and other emerging issues.

The work planning process accounts for the daily operational workload for Council staff (e.g. Council meeting planning, contract management, human resources functions, etc.)

The process also accounts for the reality that each product requires significant work outside of Council meeting (see next slide).

Understanding Staff Capacity & Workload

Number of deliverables and volume of work has a major impact on timelines. It is important to consider the steps in this work and the reality that there may be additional work we are unable to anticipate. Insufficient planning and reevaluation can result in elongated timelines and/or affect the quality of the work.

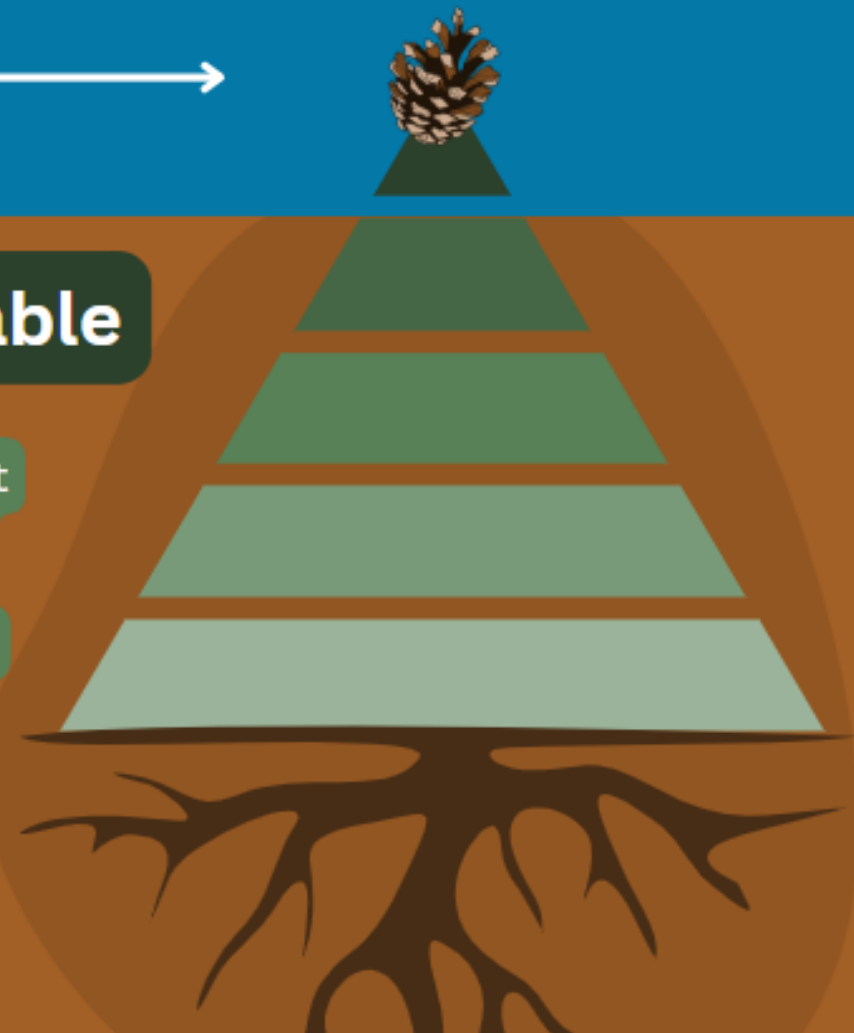


Steps towards deliverable

Examples

Tribal and Community Engagement
Co-Creation with HEAL Agencies
Translation/Interpretation
Meeting Planning, prep, and post-meeting work
Research and analysis
Legal review
Ethics review

Rooted in Values



For more information or to request this presentation in a different format or language email: envjustice@ejc.wa.gov in any language.

DRAFT: Environmental Justice Council May 2025-December 2026 Workplan. For discussion and possible adoption by the Council at their May 9, 2025 meeting.

Draft Council Workplan: May 2025-December 2026																						
Project	Description	May 2025	June 2025	July 2025	Aug 2025	Sep 2025	Oct 2025	Nov 2025	Dec 2025	Jan 2026	Feb 2026	March 2026	April 2026	May 2026	June 2026	July 2026	Aug 2026	Sep 2026	Oct 2026	Nov 2026	Dec 2026	
Council Meeting Dates		5/9		7/24		9/25	10/23		12/4	2026 Council Meetings Not Yet Scheduled												
ONGOING: Tribal and Community Priorities (Ongoing and responsive work)	Reserving capacity to focus on Tribal and community priorities and emerging issues.																					
ONGOING: Tribal and Community Engagement (Ongoing to address tasks on page 38 and for continued improvement and accountability)	This project includes the tasks listed on page 38 that the project workgroup will scope, sequence, and build into a timeline.																					
PROJECT 1: HEAL Performance Measures/Metrics	Develop performance measures and metrics for the Council and HEAL. This project includes the tasks listed on page 39																					
PROJECT 2: HEAL EJ Assessment Guidance	Develop guidance for HEAL agencies for implementation of Environmental Justice Assessments.																					
PROJECT 3: HEAL Budgeting and Funding Guidance	Develop guidance for EJ implementation into budgeting and funding decisions.																					
PROJECT 4: CCA Budget Recommendations	Advocate for and track budget recommendations during Legislative session. Work with partners in the interim to adopt budget recommendations as they are ready.	Identify and Develop								Advocate and Track				Identify and Develop								
Draft Council Meeting Agenda Items																						
Draft Council Meeting Agenda Items																						
Council Meeting Dates		5/9		7/24		9/25	10/23		12/4	2026 Council Meetings Not Yet Scheduled												
Updates and Presentations from Tribes and Communities	Identify time throughout the year to hear Tribes and communities, including HEAL Capacity Grantees.								Hold to meet if needed													
Discussion/Adoption: CCA Budget Recommendations (Year- Round Process)	CCA Budget Recommendations will be on Council agendas for discussion and adoption as they are ready year-round.																					
Briefing: CCA Air Quality in Overburdened Communities Grant Program (date for briefing to be determined)	Learn about Ecology's Air Quality in Overburdened Communities Grant recipients and their specific project details. Provide feedback if needed.																					

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Council Meeting Dates		5/9		7/24		9/25	10/23		12/4	2026 Council Meetings Not Yet Scheduled											
Briefing: Expanding Air Monitoring (date for briefing to be determined)	Learn about Ecology’s work to add air monitors in overburdened communities.																				
Adoption: Council 2025-2026 Workplan	Amendments to this draft workplan as needed and adoption.																				
Adoption: Ethics Procedure and Form	Adoption of ethics procedure and form (needed to implement Ethics Article of the Council’s Bylaws).																				
Briefing: CCA Rulemaking for Improving Air Quality for Overburdened Communities.	Briefing from Ecology on Rulemaking for Improving Air Quality for Overburdened Communities.																				
Discussion: Periodic Review of the Pilot Approach to Work Planning	Discuss how the new pilot approach to work planning is going three months in to the pilot.																				
Discussion: Council Legislative Statement/Positions	Discuss Council’s legislative positions in preparation for the 2026 Legislative session.																				
Briefing: CCA Linkage	Briefing from Ecology: Linking Washington’s Cap and Invest program to California & Quebec programs.																				
Discussion: Periodic review of Pilot Approach to Work Planning and 2026 Council Meeting Schedule and Workplan	Discuss how the new pilot approach to work planning is going and changes needed for the Council’s 2026 meeting schedule/workplan.																				
Adoption: Council Legislative Statement/Positions	Adopt Council’s legislative positions for the 2026 Legislative session.																				
Adoption: EJ Council Legislative Update Measures/Metrics Developed to Date	Adopt legislatively required update to the public, Legislature, and Governor. Due December 1, 2025.																				
Adoption: 2026 Council Meeting Schedule and Workplan	Adopt the Council’s 2026 meeting schedule and workplan (with any needed changes to pilot approach).																				
Project Workgroups Agenda Item	Agenda items will be added based on the timelines developed by project workgroups for projects outlined in workplan above.																				

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Executive Committee Elections	The current Executive Committee terms end on January 29, 2027. Elections will need to be held at the end of 2026.																			Hold elections on last scheduled 2026 meeting.		
Discussion and Adoption: 2027 Council Meeting Schedule and Workplan	Discuss and adopt 2027 meeting schedule and updated or new workplan for 2027-2028.																			Adopt 2027 schedule and workplan at end of 2026.		

Support Document: To support Council discussion and possible adoption of draft Environmental Justice Council May 2025-December 2026 Workplan on page 35.

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Council Meeting Dates			5/9		7/24		9/25	10/23		12/4	2026 Council Meetings Not Yet Scheduled											
Tribal and Community Priorities (Ongoing and responsive work)		Reserving capacity to focus on Tribal and community priorities and emerging issues.																				
Tribal and Community Engagement (Ongoing work to address tasks below and for continued improvement and accountability)		This project includes the below tasks that the project workgroup will scope, sequence, and build into a timeline.																				
➤ MOU between the EJ Council and Department of Health		Develop an MOU between Dept. of Health and the EJ Council to cover data ownership, IT & HR support, etc.	Details of the specific timelines for each of these tasks will be developed by the Tribal and Community Engagement Project Workgroup. The Workgroup may choose to adjust the phases and sequencing as well.																			
➤ Data Protections Policy & Procedure		Develop Council policy/procedure to protect information collected through public comment, etc.																				
➤ EJ Council Communications Plan		Develop Council communications goals, process, and outcomes. This is a precursor to the full engagement plans.																				
➤ Confidential & Anonymous Public Comments		Develop protocol or policy for if and how the Council will accept confidential and anonymous public comments.																				
➤ Public Comment Process		Develop formalized process for collecting, analyzing, and being responsive to public comments.																				
➤ Public Comment Database		Develop database for public comment intake, tracking, and analysis.																				
➤ Council Tribal Engagement Plan and/or Collaboration/Consultation Policy		Develop plan/policy for how we will engage Tribes when the Council takes actions/makes recommendations that impact Tribes.																				
➤ Council Community Engagement Plan		Develop plan for how the Council will engage and work with communities.																				
➤ Public Comment Dashboard		Develop a way to display public comments, EJC actions taken to be responsive, status, etc.																				
➤ May 2024 Community Meeting Follow Up		Continue to work with community members on next steps from the May 2024 community meeting in Toppenish.																				
➤ Community Engagement Values and Guidance Appendix		Finalize appendix to support interpretation of Council’s Community Engagement Values and Guidance.																				
To request this document in a printable format or in a different language email envjustice@ejc.wa.gov .																						

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Council Meeting Dates			5/9		7/24		9/25	10/23		12/4	2026 Council Meetings Not Yet Scheduled											
HEAL Performance Measures/Metrics		Develop performance measures and metrics for the Council and HEAL. This project includes the below tasks.																				
➤ HEAL EJ Assessment Measures/Metrics		Develop measures/metrics for EJ Assessments (EJA). Timeline aligns with development of EJA Guidance below.																				
➤ Tribal Engagement Measures/Metrics		Develop measures/metrics for Tribal engagement.																				
➤ Community Engagement Measures/Metrics		Develop measures/metrics for community engagement.																				
➤ CCA Budget Recommendations Measures/Metrics		Develop measures/metrics for CCA Budget Recommendations.																				
➤ Adoption of Council Legislative Update - Summary of Measures/Metrics Developed to Date		Adopt legislatively required update to the public, Legislature, and Governor. Due December 1, 2025																				
➤ HEAL Budgeting and Funding Measures/Metrics		Develop measures/metrics for HEAL Budgeting and Funding. Timeline aligns with development of guidance below.																				
➤ Remaining Measures/Metrics		Identify and develop additional measures/metrics needed.																				
HEAL EJ Assessment Guidance		Develop guidance for HEAL agencies for implementation of Environmental Justice Assessments.																				
HEAL Budgeting and Funding Guidance		Develop guidance for EJ implementation into budgeting and funding decisions.																				
CCA Budget Recommendations		Advocate for and track budget recommendations during Legislative session. Work with partners in the interim to adopt budget recommendations as they are ready.	Identify and Develop								Advocate and Track				Identify and Develop							
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HEAL/CCA Guidance defining environmental benefits and direct and meaningful benefits (and/or Tip Sheets)	Develop a guidance document outlining what investments qualify as environmental benefits (HEAL) and direct and meaningful benefits (CCA).	These projects were voted for as priorities by at least one Council Member. Projects that received the most votes were added to the workplan through December 2026 first. These additional projects can be worked on as capacity allows and/or built into workplans for 2027. Some of these projects may also be connected to the early priority projects listed above.																				
EJ Council Strategic Plan	Develop a strategic plan for the Council. Development of measures/metrics above begins to support this project.																					
CCA Community Engagement Plan	Develop guidance to Dept. of Ecology on meaningful engagement for Ecology's community engagement plan.																					
Council Expectations	Develop Council expectations related to attendance, engagement during public comment, etc.																					
External Timelines																						
Comment Period for CCA Rulemaking for Improving Air Quality for Overburdened Communities (This timeline may change as the Council receives more or updated information from Ecology)	Processes and strategies for emission reduction to achieve air quality targets. The Council could choose to develop recommendations to ensure the reduction of health harming emissions. The proposed draft rule language will be ready for the EJ Council to review and provide feedback on by October 2025. Ecology will be able to receive Council feedback until the end of January.						Estimated timeline (subject to change)															
Possible changes to processes for agency reporting on applicable expenditures under HEAL (to the Office of Financial Management [OFM]) and investments under CCA (to Ecology) (This timeline may change as the Council receives new or updated information from OFM or Ecology)	Agencies are required to report to Ecology (under the CCA) and OFM (under HEAL) each year in the Fall. Changes and improvements to the reporting process for the next biennium would have to happen in this time window to be in place before the Fall of 2026 reporting cycle.			Estimated timeline (subject to change)																		
Comment Period for CCA Linkage (This timeline may change as the Council receives more or updated information from Ecology)	The Council could choose to develop a position statement on a linkage agreement and/or rule changes to facilitate linkage. May include potential policy recommendations that address the potential negative impacts of linkage from an analysis by Resources for the Future. The Council has invested significant time on this topic over the past 2 years. Would aim to provide input before 2027.						Estimated timeline (subject to change)															

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To request this document in a printable format or in a different language email envjustice@ejc.wa.gov .																					
External Timelines Continued																					
CCA Budget Recommendations Due to the Governor	The Council’s budget recommendations have the best chance of being incorporated into the Governor’s budgets (which are generally released in mid-December) if they are submitted by September. A year-round budget recommendation development process could mean recommendations are submitted as they are adopted.																				
Washington State Legislative Session	2026 is a short legislative session (January through early March).																				
Draft Council Meeting Agenda Items																					
Updates and Presentations from Tribes and Communities	Identify time throughout the year to hear Tribes and communities, including HEAL Capacity Grantees.																				
Discussion/Adoption: CCA Budget Recommendations (Year- Round Process)	CCA Budget Recommendations will be on Council agendas for discussion and adoption as they are ready year-round.																				
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Briefing: CCA Linkage	Briefing from Ecology: Linking Washington’s Cap and Invest program to California & Quebec programs.																					
Discussion: Periodic review of Pilot Approach to Work Planning and 2026 Council Meeting Schedule and Workplan	Discuss how the new pilot approach to work planning is going five months in and changes needed for the Council’s 2026 meeting schedule/workplan.																					
Adoption: Council Legislative Statement/Positions	Adopt Council’s legislative positions for the 2026 Legislative session.																					
Adoption: EJ Council Legislative Update Measures/Metrics Developed to Date	Adopt legislatively required update to the public, Legislature, and Governor. Due December 1, 2025																					
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Project Workgroups Agenda Items	Agenda items will be added based on the timelines developed by project workgroups.																					
Executive Committee Elections	The current Executive Committee terms end on January 29, 2027. Elections will need to be held at the end of 2026.																			Hold elections on last scheduled 2026 meeting.		
Discussion and Adoption: 2027 Council Meeting Schedule and Workplan	Discuss and adopt 2027 meeting schedule and updated or new workplan for 2027-2028.																			Adopt 2027 schedule and workplan at end of 2026.		
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Environmental Justice Council

Date: May 9, 2025

To: Environmental Justice Council

From: Christy Hoff, Policy Advisor

Subject: Budget Briefing

Background:

The Environmental Justice Council has authority under [RCW 70A.65.040](#) of the Climate Commitment Act (CCA) to make recommendations to the Governor and Legislature on how CCA revenue should be spent. Last year, the Council adopted 14 budget recommendations and endorsed 17 agency decision packages and advocated with the Governor's Office and Legislature for them to be incorporated into the 2025-2027 biennial budget.

- [2025-2027 Biennial Budget Recommendations](#)
- [2025-2027 Agency Decision Package Endorsements](#)

Budget development was a particular challenge for legislators this year, as the state faced an estimated \$16 billion budget shortfall. To address the shortfall, agencies were directed to propose budget savings, and Governor Ferguson submitted his budget priorities and recommendations for budget reductions.

During this agenda item, Council staff will provide a briefing on the 2025-2027 biennial budget including an analysis of how the Council's budget recommendations were incorporated.

Staff Contact:

Christy Hoff, Policy Advisor, Christy.Hoff@ejc.wa.gov, 360-688-4699.

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

Environmental Justice Council

Date: May 9, 2025

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Standing with Frontline Communities and Tribes

Background and Summary:

At the March Council meeting the Council received a briefing from the Attorney General's Office on the current federal context as it relates to environmental justice and the impacts on communities. At today's meeting the Council will have an opportunity to further discuss this topic, including if the Council wants to take any actions.

Staff Contact:

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

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Environmental Justice Council

Date: May 9, 2025

To: Environmental Justice Council Members

From: Sierra Red Bow, Council Community and Tribal Engagement Supervisor

Subject: Community Connection

Background:

Each Council meeting includes time on the agenda for “Community Connections.” The goals of this agenda item are for the Council to learn from Tribes and community groups about environmental justice issues, ideas, and solutions in their communities. Today we welcome Elaine Harvey, Watershed Department Manager for the Columbia River Intertribal Fish Commission for this agenda item.

Staff Contact:

Sierra Red Bow, Council Community and Tribal Engagement Supervisor,

Sierra.RedBow@ejc.wa.gov, 564-669-4791

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Environmental Justice Council

Date: May 9, 2025

To: Environmental Justice Council Members

From: Sierra Red Bow, Council Community and Tribal Engagement Supervisor

Subject: Duwamish Valley Sustainability Association Presentation and Conversation

Background:

At the November 21, 2024 Council meeting Edwin Alberto Hernandez Reto, Executive Director for the Duwamish Valley Sustainability Association (DVSA), updated the Council on listening sessions DVSA was holding with community members. We welcome Edwin back today to present and have a conversation with the Council on the results of the listening sessions.

Staff Contact:

Sierra Red Bow, Council Community and Tribal Engagement Supervisor,

Sierra.RedBow@ejc.wa.gov, 564-669-4791

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Written Public Comments

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

No one but each Tribe can speak for the Tribe and the Council is committed to their Tribal sovereignty.



March 19, 2025

VIA EMAIL TO: anthony.bruma@ecy.wa.gov

Anthony Bruma
Air Quality Program
Department of Ecology
300 Desmond Drive SE,
Lacey, WA 98503

Re: Chapter 173-448 WAC – Air Quality in Overburdened Communities Rulemaking

Dear Anthony Bruma & Ecology Program Staff:

These comments are submitted on behalf of 350 Tacoma, Communities for a Healthy Bay, Duwamish River Community Coalition, Front and Centered, and Earthjustice. We are environmental, climate, environmental justice, and community-led social justice organizations who represent the interests of thousands of members and supporters across Washington State who want to see improved air quality in communities overburdened by air pollution, which in turn will provide for better health outcomes for Washingtonians across the state.

In this letter we chart a vision for how Ecology can improve air quality for overburdened communities. We explain how poor air quality affects the lives and livelihoods of environmental justice communities in Washington State. We advocate that Ecology set stronger health protective air quality targets in designated overburdened communities. We propose emission control measures, and other methods to reach air quality targets, and we make recommendations on how Ecology can improve its methodology for designating overburdened communities and assessing air quality within those communities.

I. Summary of Recommendations:

- **Procedural Recommendation:** Ecology should develop workshops for this rulemaking on three additional topics, specifically (1) emission controls, (2) other

methods for reducing air pollution, and (3) designating overburdened communities, pollution monitoring, and improving methodology for biennial air assessments.

- **Air Targets:** Relying on science showing disparate health outcomes, Ecology should set stronger air quality standards for PM_{2.5} pollution which harms overburdened communities and directly affects health by shortening the lives of community members. Ecology should look to health protective standards recommended by the World Health Organization for controlling particulate matter pollution.
- **Data Disclosure:** Ecology should publish disaggregated data gathered through the Fleet Reporting Requirement to document the location of trucking fleets and to provide transparency regarding how movement of these fleets impact overburdened communities.
- **Emission Controls:** Ecology must adopt innovative regulatory approaches to curb mobile source pollution through indirect source regulation and promulgating emission standards for mobile sources consistent with California's more protective standards.
- **Emission Controls:** For stationary sources, Ecology must consider the cumulative impacts these sources cause to public health and prohibit construction of new facilities or facility expansion in overburdened communities.
- **Other Methods:** Ecology should exercise its authority pursuant to the State Environmental Policy Act to act as lead agency when preparing environmental review of proposed projects that would increase air pollution in overburdened communities.
- **Other Methods:** Ecology should look to use funding opportunities to encourage public investment into overburdened communities that will result in improved health outcomes for residents.
- **Assessment of Air Quality in Overburdened Communities:** As Ecology prepares to re-assess air quality conditions in overburdened communities for its 2025 report, it should make changes to its methodology for identifying overburdened communities to prioritize public health.

II. About us:

350 Tacoma is volunteer-led 501(c)(3) nonprofit working towards environmental justice in Tacoma and the broader Salish Sea region. Our goal is to make Tacoma a healthier, safer, more equitable and more sustainable place to live and work.

Communities for a Healthy Bay (CHB) is a 501(c)3 nonprofit working with residents, businesses, and government to offer practical, solutions-based environmental leadership in the Puget Sound area. For over 30 years, CHB has been working to engage people in the protection of Commencement Bay, the waters of the South Sound, and the diversity of life they sustain. We strive to mobilize support for decisions that make our communities healthier and more vibrant.

The Duwamish River Community Coalition (“DRCC”) is a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following 100 years of industrial dumping of toxic waste and historic disinvestment in the community. DRCC and the community we seek to uplift reside in one of the sixteen identified overburdened communities for this rulemaking. Therefore, we hold uniquely valuable insights on how Ecology can create an equitable rule that supports the community’s health and wellbeing, and addresses current air quality conditions.

Front and Centered is a climate justice coalition of organizations led by and serving communities of color in Washington. Our mission is to advocate for the interests of frontline communities, who are first and worst impacted by the climate crisis, in advocating for a just transition from an extractive to a regenerative economy.

Earthjustice is a 501(c)(3) nonprofit environmental law organization that uses the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. Earthjustice partners with thousands of groups, supporters, and citizens to take on the critical environmental issues of our time and bring about positive change.

III. Procedural Recommendations

The scoping process for this rulemaking should include consideration of three more workshop topics three issues (1) Emission Controls, (2) Other Methods for reducing air pollution, and (3) designating overburdened communities and improving methodology for biennial air assessments. Rulemaking workshops provide an opportunity for the public to provide in depth analysis and comments on particular issues. Each of these topics are critically important to establishing a final rule that will improve air quality in overburdened communities. We respectfully request that Ecology note these topics for further workshops in this rulemaking docket.

IV. Air pollution harms the health of environmental justice communities

A. Near-Port Communities

Cumulative health impacts are a major issue of concern in overburdened communities, and mobile source pollution in particular, directly harms these communities. If agencies fail to consider cumulative pollution impacts when reviewing permits, then systemic injustice will flourish in industrial projects that continue to target and harm overburdened communities. South Tacoma is a prime example of this. The life expectancy for much of South Tacoma, a previously redlined area which has the highest concentration of Black residents in the city, is 25 years lower than Tacoma neighborhoods with the highest concentrations of White residents.

Despite the existing health disparities, Bridge Industrial was recently given a SEPA Mitigated Determination of Non-Significance for a 2.5 million square foot warehouse complex that could bring up to 12,000 additional vehicles per day through the residential streets of South Tacoma, without even conducting a Health Impact Assessment. What this

says to residents is that your health is non-significant, that diesel emissions taking even more years off your life is non-significant, that the city of Tacoma and the state of Washington view environmental justice as a non-significant priority.

The insult and injury are made worse by the lack of mobile-source emissions being included when projects are analyzed. Thousands of trucks and passenger vehicles idling at intersections, traveling through several school zones to reach freeway entrances, and further backing up existing traffic will significantly increase toxic particulate matter, carcinogens and other harmful emissions. Industry must be accountable for the actual impacts a project will have on a community, and that cannot happen when we pretend pollution stops at a property line.

Similar to the experience of Tacoma residents, communities in the Duwamish Valley are disproportionately exposed to and overburdened by air pollution compared to other communities in King County. Residents in the 98108 area have the highest rates of childhood asthma hospitalization, heart disease death rates are 1.5 times higher, and life expectancy is 13 years shorter when compared to wealthier neighborhoods like Laurelhurst and eight years shorter when compared to the Seattle and County average.

Our community also lives in close proximity to several contaminated waste sites, including the five and a half mile-long Duwamish River Superfund site, and suffers from severe air pollution caused by drayage trucks, industry, Port operations, traffic congestion, manufacturing facilities, 6 Title V Air Operating Permits, two state highways, and one interstate highway. Additionally, South Seattle is home to two international airports - the Seattle-Tacoma International Airport and the King County International Airport – which emit ultrafine particulates (UFP) and utilize leaded aviation fuel. Finally, South Park and Georgetown residents have a mere 140 square feet of accessible green space per resident compared to 387 square feet per resident in Seattle.

In 2013, Just Health Action (“JHA”), the University of Washington School of Public Health (“UW”), and DRCC released the Cumulative Health Impact Assessment (“CHIA”), which examined 15 disproportionate health exposures and impacts affecting people in the Duwamish Valley (the 98108 zip code). As aforementioned, among other disproportionate impacts, the CHIA found that the Duwamish Valley has the highest rates of childhood asthma hospitalizations in the County. This finding was especially alarming to the community given their proximity to roadways, industry, and contaminated and toxic waste sites, and, in 2014, DRCC responded by creating the Duwamish Valley Clean Air Program (“DVCAP”).

Many studies have documented the sources of air pollution and the harms they cause to near-port communities such as Tacoma and the Duwamish Valley. These studies show that:

- Communities underneath and downwind of jets landing at Sea-Tac Airport are exposed to a type of ultrafine particle pollution that is distinctly associated with aircraft. The Washington State Department of Health found that “UFPs have many

unique qualities that make them possibly more harmful to human health than larger particles [like PM_{2.5} and PM₁₀]. UFPs are able to travel deeper into the lung than larger particles... Certain groups of people are more sensitive to UFP exposure. These groups include people with preexisting heart and lung disease, infants, older adults, people with diabetes, communities with a lower socio-economic status, and pregnant women.”¹

- In 2019, in collaboration with the United States Forest Service (USFS), the Duwamish Valley Youth Corps (DVYC) completed the Moss Study. The USFS, DVYC, and other partners collected samples of moss – a bioindicator of air pollution – from trees in South Park and Georgetown. All samples were analyzed for 25 heavy metals and other elements in a US Forest Service laboratory. The main findings from the project were 1) levels of Arsenic, Chromium, Cobalt, and Lead in moss sampled in the Duwamish Valley were higher than similar studies of moss in Seattle area parks and in residential areas of Portland, Oregon; and 2) metal concentrations found in the samples were highest in the industrial areas of South Park and Georgetown, especially along the Duwamish River, and lower in the residential areas². These findings, coupled with community pressure to better understand the air quality in the Duwamish Valley, spurred the Puget Sound Clean Air Agency (“PSCAA”) to complete an air toxics study.
- From 2021-2022, PSCAA sampled for air toxics at their six regulatory sites (one in the Duwamish Valley) and from July 29 to Sept 2, PSCAA sampled for air toxics at six community-directed locations in the Duwamish Valley. The data – primarily from the regulatory sites – showed that the greatest cancer risk was from diesel particulate matter (85%), then hexavalent chromium (~6%), wood smoke (~4%), and other compounds (~5%). In this study, PSCAA found that in the Duwamish Valley, 73% of the total diesel was from maritime sources (285 per million), and 27% was from on-road sources. In Tacoma, at PSCAA’s Tideflats monitor, they found that 35% of the total diesel was on-road (114 per million) and 65% was maritime (213 per million)³.

¹ See *Summary of Health Research on Ultrafine Particles*. WA State Dep’t. of Health. <https://doh.wa.gov/sites/default/files/legacy/Documents/4000/334-454.pdf>

² See Kirkland, J., Jovan, S., and Derrien, M. *The more the mossier: Using community science to map air quality in environmental justice investigations*. 2023. <https://research.fs.usda.gov/treesearch/65953>

³ See Carvlin, G., et. al. *Tacoma and Seattle Air Toxics Trends: Technical Report*. The Puget Sound Clean Air Agency. 2023, December. <https://www.pscleanair.gov/DocumentCenter/View/5369/2023TacomaSeattleAirToxicsReport?bidId=>

B. Southeastern Washington

Industrial sources also play a significant role in air pollution in Southeastern Washington. Food processing plants in the area emit particulate matter and volatile organic compounds (VOCs) from operations such as dehydration and refrigeration. In the Tri-Cities, manufacturing and chemical production facilities release carbon dioxide (CO₂) and nitrogen oxides (NO_x) from fuel combustion and industrial processes.⁴ Agriculture is also a source of air pollution from pesticide applications, which emits VOCs and particulate matter into the air. These emissions contribute to ozone formation and can affect both environmental and human health, especially for farmworkers and nearby residents.⁵ The communities in Yakima, Benton, and Franklin counties, often deal with windblown dust from farm fields, which can make it hard to breathe and worsen conditions like asthma.⁶

Greenhouse gas emissions from the region mostly come from transportation, agriculture, and industry. Farmers rely on fertilizers to grow crops, but these release nitrous oxide (N₂O), a potent greenhouse gas, while livestock operations contribute methane (CH₄) emissions. Large dairy farms, particularly in Yakima and Franklin counties, are major sources of methane due to manure management practices and enteric fermentation from cattle. Many community members depend on cars and trucks for work and daily life, adding to carbon dioxide (CO₂) emissions from fuel use. Lastly, as wildfires become more common, communities are seeing the effects of climate change firsthand, from smoky summers, drier landscapes, and unhealthy air, it is hard for families, outdoor workers, and vulnerable populations to stay safe.⁷

C. The Problem of Mobile Source Pollution

Emissions from the movement of goods in particular, including trucking and shipping, deteriorates air quality in near-port communities including Tacoma, South Seattle and the

⁴ Benton Clean Air Agency. "Air Pollutants and Trends", <https://bentoncleanair.org/air-quality/air-pollutants-and-trends>, accessed February 19, 2025

⁵ Washington State Department of Ecology. "Improving air quality in overburdened communities" <https://ecology.wa.gov/air-climate/climate-commitment-act/overburdened-communities>, accessed February 19, 2025

⁶ Washington State Department of Ecology. "Improving air quality in overburdened communities" <https://ecology.wa.gov/air-climate/climate-commitment-act/overburdened-communities>, accessed February 19, 2025

⁷ Washington State Department of Ecology. "Washington's greenhouse gas inventory" <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases/ghg-inventories>, accessed February 19, 2025

Duwamish Valley, and Vancouver.⁸ Ocean-going vessels are a major source of particulate matter, NO_x, and sulfur dioxide—air toxins that harm lung function and contribute to smog formation. Shipping accounts for 15% of global NO_x emissions, and diesel fuels used by ships can contain up to 500 times more sulfur than on-road diesel.⁹ Ocean-going vessels are the largest source of emissions for both diesel particulate matter and greenhouse gasses in the Duwamish Valley, and likely in other near-port communities as well.

Further, heavy-duty trucks that drive goods to and from ports primarily use diesel-engines that emit dangerous air toxins including diesel particulate matter and NO_x, which can cause serious health ailments including heart problems, respiratory disease and cancer. The vast majority of trucks use diesel powered engines—75% of all trucks in America, and up to 97% of the heaviest classes.¹⁰ These heavy-duty diesel vehicles amongst the largest source of diesel exhaust in the state.¹¹ When diesel fuel is burned, it emits several criteria pollutants known to have serious consequences for the health of both humans and the environment. In particular, pollution from diesel exhaust includes carbon monoxide (CO), particulate matter (PM), nitrogen oxides (NO_x), hydrocarbons (HC), as well as other hazardous air pollutants (HAPs) and air toxics.¹² In California, which also has a large trucking industry, heavy duty vehicles alone account for 31% of all NO_x emissions in the state.¹³

Curbing on-road gasoline and diesel emissions is also necessary to achieve Washington’s climate goals—consistent with the Climate Commitment Act. The transportation sector is the largest contributor of greenhouse gas emissions in Washington, and accounts for *close to half* of the state’s Greenhouse Gas (“GHG”) emissions.¹⁴ Transportation-sector

⁸ Ecology identified each of these three communities as overburdened with air pollution, particularly from particulate matter pollution—a byproduct of pollution from mobile sources.

⁹ J. Plester, “Dirty diesel: why ships are the worst offenders,” *The Guardian*, May 18, 2017, <https://www.theguardian.com/uk-news/2017/may/18/dirty-diesel-ships-worst-offenders-pollutionwatch>.

¹⁰ See Engine Technology Forum, <https://enginetechnologyforum.org/press-releases/posts/57percent-of-all-commercial-diesel-trucks-on-the-roads-are-near-zero-emissions-models>

¹¹ Reducing Diesel Emissions, Wash. Dep’t. Ecology (2021) <https://ecology.wa.gov/air-climate/air-quality/vehicle-emissions/diesel-emissions>.

¹² About Diesel Fuels, U.S. Env’tl. Prot. Agency (March 1, 2021), <https://www.epa.gov/diesel-fuel-standards/about-diesel-fuels>.

¹³ Staff Report: Initial Statement of Reasons, Public Hearing to Consider the Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments, Cal. Air Resources Board ES-1 (2020).

¹⁴ Washington State Greenhouse Gas Emissions Inventory: 1990–2018, Wash. Dep’t Ecology (2021), <https://apps.ecology.wa.gov/publications/documents/2002020.pdf>.

emissions are the principal factor causing an increase in total statewide GHG emissions.¹⁵ On-road emissions from gasoline and diesel account for 30.8% of Washington’s total GHG emissions, with diesel vehicles contributing 8.7% of the total state-wide GHG emissions.¹⁶

With the expansion of e-commerce, warehouses and distribution hubs are becoming an increasingly large source of diesel pollution. For example, the Bridge Industrial warehouse in Tacoma would bring an estimated [4,980 additional vehicles \(including 1,411 heavy-duty diesel trucks\) through a populous residential area](#). Residences are located as close as 250 feet from the property, and residences are located along the primary and secondary truck routes for the facility.

The Bridge Industrial case exemplifies the broader issue of environmental justice, as industrial pollution and associated health risks disproportionately affect historically marginalized communities. The absence of robust regulations to manage indirect pollution sources allows environmental health disparities to persist, highlighting the urgent need for comprehensive policy reforms that proactively address all facets of pollution tied to industrial development. Without stronger air quality safeguards, South Tacoma and similar communities will continue to bear the brunt of industrial expansion without adequate protections against its harmful effects.

Emissions from diesel exhaust can have disastrous effects on the human respiratory, cardiovascular, and immune systems.¹⁷ Diesel particulate matter and nitrous oxide (“NOx”) emissions can harm respiratory function—causing asthma and asthmatic attacks, inflammation in the lungs, and decreased lung functionality.¹⁸ These air toxins also harm the heart—causing alterations in blood pressure and heart rate, heart disease, and can lead to plaque instability.¹⁹ Diesel particulate matter and NOx can also increase the prevalence and severity of allergic reactions to environmental conditions.²⁰ Further, diesel pollution can aggravate health harms for people with pre-existing asthmatic conditions and otherwise compromised pulmonary systems.²¹ Diesel exhaust can cause cancer. The U.S. Centers for Disease Control and

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ A. Sydbom et al., *Health Effects of Diesel Exhaust Emissions*, 17 Eur. Respiratory J. 733 (2001).

¹⁸ *Id.*

¹⁹ Simon Wilson et al., *Effects of Diesel Exhaust on Cardiovascular Function and Oxidative Stress*, 28 Antioxidants & Redox Signaling 819, 826-27 (2018).

²⁰ *Id.*

²¹ Sydbom, *Health Effects* at 741.

Prevention (CDC) notes that up to 65% of diesel PM is made up of a group of organic compounds that includes several known carcinogens.²²

Diesel engines also emit large quantities of NO_x, a criteria pollutant regulated under the Clean Air Act because of its harmful health effects. NO_x irritates airways in the human respiratory system, and chronic exposure can contribute to the development of asthma. Further, NO_x can react with other air toxins including particulate matter and ozone to form smog—a noxious mix of air toxins that harm respiratory function.²³ One study found that in a single year, high levels of NO_x emissions from diesel engines contributed to 10,000 premature deaths across Europe.²⁴

Lastly, chronic exposure to diesel is more deadly than short-term or acute exposure. Every 10 micrograms per cubic meter increase in the concentration of diesel exhaust over an extended period of time is associated with an 11% increase in cardiovascular mortality.²⁵

D. Port related activities and emissions

In 2021, Port activities – the Ports of Anacortes, Everett, Olympia, Seattle, and Tacoma and the Northwest Seaport Alliance (“NWSA”) – contributed 1,586,676 carbon dioxide equivalents²⁶ (“CO₂e”) to the Puget Sound’s airshed. The largest contributors to these emissions were Ocean-going vessels (“OGV”) (609,081 CO₂e), Harbor vessels (476,977 CO₂e), Heavy-duty vehicles (238,471 CO₂e), and recreational vessels (132,379 CO₂e). In the region, OGVs are the highest contributing source of nitrogen oxide (“NO_x”) and sulfur dioxide (“SO₂”) emissions²⁷.

More granularly, in 2021, the Port of Seattle contributed 22,696 CO₂e to the atmosphere. The largest contributors to these emissions were OGV (20,609 CO₂e),

²² Carcinogenic Effects of Exposure to Diesel Exhaust, Ctrs. for Disease Control & Prevention, <https://www.cdc.gov/niosh/docs/88-116/>.

²³ U.S. Env’tl Prot. Agency, *Basic Information About NO₂*, <https://www.epa.gov/no2-pollution/basic-information-about-no2#Effects>.

²⁴ J. E. Johnson et al., *Impact of Excess NO_x Emissions from Diesel Cars on Air Quality, Public Health and Eutrophication in Europe*, 12 Env’tl. Res. Letters 1, 9 (2017), <https://doi.org/10.1088/1748-9326/aa8850>.

²⁵ Wilson, *Cardiovascular Function* at 821.

²⁶ CO₂e is a greenhouse gas unit of measurement that accounts for carbon dioxide, nitrous oxide, and methane.

²⁷ See *Puget Sound Maritime Air Emissions Inventory: Volume 1*. Puget Sound Maritime Air Forum. 2021 [https://s3.us-west-2.amazonaws.com/nwseaportalliance.com.if-us-west-2-or/2024-06/FINAL%202021%20PSEI%20Report%20Volume%201%20\(3%20April%2024\)scg.pdf](https://s3.us-west-2.amazonaws.com/nwseaportalliance.com.if-us-west-2-or/2024-06/FINAL%202021%20PSEI%20Report%20Volume%201%20(3%20April%2024)scg.pdf)

recreational vehicles (802 CO₂e), cargo-handling equipment (552 CO₂e), and fleet vehicles (434 CO₂e). At the Port of Seattle, OGVs are the largest source of NO_x, SO₂, PM_{2.5}, and PM₁₀ emissions. In 2021, the NWSA contributed 192,955 CO₂e to the atmosphere. The largest contributors to these emissions were OGV hoteling and maneuvering (91, 473 CO₂e), cargo-handling equipment (52,204 CO₂e), Locomotives (29,627 CO₂e), and Heavy-duty vehicles (18,629 CO₂e). At the NWSA, OGVs are the largest-source of NO_x, volatile organic compound (VOC), carbon monoxide (CO), SO₂, PM_{2.5}, PM₁₀, and diesel particulate matter (“DPM”) emissions²⁸.

V. Ecology Should Set Health Protective Air Quality Targets For Overburdened Communities.

Ecology is promulgating this rulemaking pursuant to the Environmental Justice Review provision of the Climate Commitment Act, codified at RCW 70A.65.020. Pursuant to that section, Ecology is required to (i) identify communities overburdened with air pollution—specifically criteria pollutants, (ii) deploy an air monitoring network in those communities, and (iii) identify within those communities what are the greatest sources of criteria air pollutants. RCW 70A.65.020(1). Additionally, Ecology must determine the levels of criteria pollutants and greenhouse gas emissions in those overburdened communities, and identify an assessment of health impacts resulting from that pollution. RCW 70A.65.020(2)(a). It must conduct biennial reviews to update this review. RCW 70A.65.020(2)(a).

Based on the data developed, Ecology must establish air quality targets to achieve the most health protective air quality in those communities, which is either—compliance with the National Ambient Air Quality Standards, or the air quality of communities unburdened by air pollution. RCW 70A.65.020(2)(b). The statute then requires Ecology achieve these air quality targets through “adoption of air quality standards, emission standards, or emissions limitations on criteria pollutants[.]” RCW 70A.65.020(2)(b)(iii), (iv). Ecology may also “consider alternative mitigation actions that would reduce criteria pollution by similar amounts.” RCW 70A.65.020(2)(b)(iv). Ecology is required to regulate pollution from both stationary and mobile sources. RCW 70A.65.020(2)(b)(ii). The statute also requires Ecology to work with local air authorities to ensure compliance with air quality targets. *See id.* Lastly, upon adoption of these air quality standards and emission control measures, Ecology has the power to issue enforcement orders to mitigate air pollution consistent with air quality targets. RCW 70A.65.020(2)(b)(v).

²⁸ See *Puget Sound Maritime Air Emissions Inventory: Volume 2*. Puget Sound Maritime Air Forum. 2021 [https://s3.us-west-2.amazonaws.com/nwseaportalliance.com.if-us-west-2-or/2024-06/FINAL%202021%20PSEI%20Ports%20Report%20Voume%20%20\(6%20April%202024\)scg.pdf](https://s3.us-west-2.amazonaws.com/nwseaportalliance.com.if-us-west-2-or/2024-06/FINAL%202021%20PSEI%20Ports%20Report%20Voume%20%20(6%20April%202024)scg.pdf)

Specifically with regard to setting air quality targets, the Climate Commitment Act provides that Ecology must:

“Establish air quality targets to achieve air quality consistent with *whichever is more protective for human health*: (A) National ambient air quality standards established by the United States environmental protection agency; or (B) The air quality experienced in neighboring communities that are not identified as overburdened;”

RCW 70A.65.020(2)(b)(i) (emphasis added).

As explained above in Part II, overburdened communities in Seattle, Tacoma, and Southeastern Washington breathe dirtier air compared to less polluted communities in Washington. According to Ecology’s analysis, communities overburdened by air pollution experienced more frequent exceedances of air quality standards for PM_{2.5} pollution compared with other Washington communities.²⁹ These higher levels of pollution translated into worse health outcomes for overburdened communities—shortening lifespans, and doubling the risk of death for individuals over 65 years old.³⁰ This means that grandparents over 65 years-old living in Tacoma are twice as likely to die prematurely than grandparents living on Camano Island.

The national ambient air quality standards (“NAAQS”) have failed to prevent these communities from experience disproportionately worse health outcomes than communities with cleaner air. Washington is already in compliance with the NAAQS for criteria pollutants, meaning these standards are insufficient to adequately protect public health because overburdened communities continue to experience disproportionate health harms caused by air pollution despite compliance with these regional air quality standards. We urge the Department of Ecology (“Ecology”) to use its authority pursuant to RCW 70A.65.020(2)(b)(i) to set stronger air quality targets in overburdened communities.

The Climate Commitment Act (“CCA”) requires Ecology to strengthen air quality targets if disparities in health outcomes exist in overburdened communities. In setting stronger air quality targets, the CCA directs Ecology to consider the “air quality experienced in neighboring communities that are not identified as overburdened” when setting targets. RCW 70A.65.020(2)(b)(i). The statute does not define the term “air quality experienced” nor does it define the term “neighboring communities.” Given the intent of the CCA and the plain language of the statute, Ecology should interpret these terms in a manner that is most protective of human health. RCW 70A.65.020(2)(b)(i). Here, this means that Ecology should

²⁹ Washington State Dept. of Ecology, Pub. No. 24-02-011, *Focus on: Air Quality Environmental Justice Report 1* (2024), <https://apps.ecology.wa.gov/publications/documents/2402011.pdf>.

³⁰ *Id.*

set health protective targets for overburdened communities that will reduce pollution levels in those communities, which are causing health harms and health risks.

When determining what the “air quality experienced” in a neighboring community is, Ecology should determine the comparison point for each pollutant individually. Further, to be most protective of human health, Ecology should also consider the cumulative impact of air pollutants, as well as the potentially exacerbating effects of pollution hot spots. Finally, to determine the “air quality experienced by neighboring communities not identified as overburdened,” Ecology must expand its current air monitoring network in order to better capture air quality experiences across the state.

Ecology has acknowledged it lacks sufficient monitoring data to determine air pollution levels in communities with cleaner air.³¹ Ecology should first develop its air monitoring network³² to establish baseline information regarding the “air quality experienced in neighboring communities.” Without real-time monitoring data that documents the air quality in neighboring communities, Ecology risks setting air quality targets at levels insufficient to protect public health.

In the interim, while it develops the air quality monitoring network, Ecology can look to health protective air quality standards set by the World Health Organization.³³ Specifically, Ecology can look to WHO’s recommended air quality standard for PM_{2.5}, since this was the primary pollutant of concern identified by Ecology in its initial assessment of air quality in overburdened communities. The WHO recommends setting the annual PM_{2.5} standard at 5 ug/m³, and it recommends setting the 24 hour maximum standard at 15 ug/m³, which allows for 3-4 exceedances of the standard per year.³⁴ These guidelines from the WHO are based on scientific data that prioritizes reducing health harms.

³¹ See Washington State Dept. of Ecology, Pub. No. 23-02-115, *Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution: 2023 Report* 20 (2023) (noting that the need for better air quality monitoring to obtain more detailed data about air quality across the state).

³² As the department places more sensors, they must work with local community members to identify the areas of most concern and place sensors in a location that is capable of best monitoring those spaces. RCW 70A.65.020(4)(a)(ii). In addition, the department should focus on investing in sensors that are able to gather data on both criteria air pollutants and air toxics so as to better understand where the sources of pollutants are coming from, rather than just concentrations of pollutants.

³³ World Health Organization, “What are the WHO Air quality guidelines? Improving health by reducing air pollution” <https://www.who.int/news-room/feature-stories/detail/what-are-the-who-air-quality-guidelines> (accessed March 3, 2025).

³⁴ *Id.*

VI. Ecology should reduce pollution from mobile sources.

Given the substantial contribution of mobile sources to particulate matter pollution throughout the state, Ecology should prioritize reducing emissions from mobile sources through stronger tailpipe emission standards, and indirect source regulations. Vehicles used in goods movement—ships and trucks in particular—contribute a significant amount of diesel pollution into near port communities.

Importantly, diesel pollution includes both criteria pollutants (PM_{2.5} and NO_x), as well as air toxics in the form of diesel particulate matter. The Puget Sound Clean Air Agency (“PSCAA”) found that 85% of the potential cancer risk from air toxics in the Seattle and Tacoma area is caused by diesel particulate matter.³⁵ “This is because of the high toxicity of diesel particulate matter and relatively high concentration.”³⁶ Given that diesel pollution both contributes to smog formation, and is the most toxic air pollutant in the state, Ecology should regulate this pollutant to reduce emissions.

Emission Standards: First, Ecology should adopt mobile source standards from California to reduce diesel pollution including (1) the At Berth rule to reduce emissions from ships, and (2) the Commercial Harbor Craft rule. Each of these rules are designed to reduce emissions from vehicles used in goods movement, particularly ships. Ecology has the authority to adopt these emission standards promulgated by California pursuant to the federal Clean Air Act.

Indirect Source Regulation: Second, Ecology should adopt indirect source regulation to control diesel particulate emissions that come from distribution hubs. Control of diesel pollution from distribution hubs is especially important for warehouses and logistics centers located near to residential neighborhoods. Ecology can look to examples from California on how to regulate and control indirect sources of air pollution, such as the Warehouse Indirect Source Rule developed by the South Coast Air Quality Management District.

Warehouses and logistics centers directly affect the health of nearby communities because they concentrate diesel pollution in residential neighborhoods. Bridge Industrial (Bridge Point Tacoma) is developing a 2.5 million square foot warehouse facility in South Tacoma, located on a historically contaminated site known as the [Commencement Bay, South Tacoma Channel Superfund Site](#). This project illustrates an important gap in current air quality regulations—how to address non-point emission sources interacting with large-scale industrial developments.

In December 2023, Ecology issued a Construction Stormwater General Permit (CSGP) for the project, accompanied by an administrative order outlining conditions to protect water quality and mitigate air quality/traffic impacts from diesel trucks. Although Bridge Industrial appealed these conditions, both the order and permit remained effective during the appeal

³⁵ PSCAA, Tacoma and Seattle Air Toxics Trends Technical Report at 16 (2023).

³⁶ *Id.* at 77.

process. As part of an eventual settlement agreement, Bridge Industrial agreed to withdraw its appeal and pay \$8.95 million to address traffic and air pollution in South Tacoma. Ecology plans to use these funds to implement protective measures and enhance local air monitoring in the affected neighborhoods. In the coming months, they will seek community input on the best use of the settlement funds to address these issues, including permanent air quality monitoring actions. Additionally, the administrative order accompanying the project's construction

In the settlement agreement, Ecology noted that “[l]ocal, state, and federal requirements and enforcement are insufficient to mitigate the adverse air quality and human health impacts attributable to the Project.”³⁷ “[T]here is no air permitting pathway to sufficient mitigation of the impacts associated with increased emissions of diesel particulate matter and nitrogen oxides.”³⁸

Without an indirect source rule, Washington lacks regulatory mechanisms to protect communities like South Tacoma who are vulnerable to indirect source emissions from warehouses and logistics centers. Warehouses and logistics centers are anticipated to increase given the high demand for e-commerce. To regulate this serious air pollution problem, California’s South Coast Air Quality Management District (South Coast AQMD) [Indirect Source Review \(ISR\) Rule](#) implemented a system to reduce air pollutants associated with warehouse operations. This rule requires warehouses to take measures to reduce diesel emissions from trucks that use the warehouse as a home base, thereby improving air quality in communities near to these facilities.³⁹

Data Disclosure – Fleet Reporting Requirement: Given the substantial impact of mobile source pollution, and diesel pollution particularly on overburdened communities, Ecology should make available information on fleets gathered through the Fleet Reporting Requirement. Owners of vehicle fleets that operate five or more trucks must report on the trucks operated within their fleets. WAC 173-423-083. Fleet owners must disclose average number of trips per day, typical destinations, vehicle home base, model year of the engine, and other data. *Id.* This information is valuable in determining how many trucks operate in overburdened communities, and whether these vehicles should be prioritized for receiving electrification rebates. To improve transparency regarding mobile source emissions in overburdened communities, Ecology should make this data public in a disaggregated format, that allows communities to see how much trucking activity occurs in their neighborhoods.

³⁷ ³⁷ Department of Ecology, “Settlement Agreement: Sierra Construction Company Bridge Point Tacoma LLC,” Exhibit A, pg 12, https://ecology.wa.gov/getattachment/7b161b64-4f06-47ea-a11a-1f2fdccb0849/2024-11-04_BridgePoint_Settlement_FullyExecuted.pdf

³⁸ *Id.*

³⁹ Earthjustice, “Southern California’s Air District Votes to Electrify and Clean Up Air Pollution from Mega-Warehouses,” May 7, 2021, <https://earthjustice.org/press/2021/southern-californias-air-district-votes-to-electrify-clean-up-air-pollution-from-mega-warehouses>.

VII. Ecology should control pollution from stationary sources:

No new permits: To control pollution from stationary sources in communities identified as overburdened, Ecology should restrict issuance of new permits for facilities that would emit PM_{2.5} pollution. This includes prohibiting issuance of new permits, and prohibiting modification of existing permits that allow for an increase of emissions. Overburdened communities already experience adverse health outcomes from poor air quality. Adding additional sources of pollution into these communities will further deteriorate air quality and worsen disproportionate impacts.

When reviewing notice of construction applications that request to operate a new polluting source, Ecology must consider “whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.” RCW 70A.15.2210(4). Further, Ecology has authority to deny permit applications if they fail to comply with Washington’s clean air laws. RCW 70A.15.2210(3) (“If on the basis of plans, specifications, or other information required under this section the department of ecology or board determines that the proposed new source will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted under this chapter, it shall issue an order denying permission to establish the new source.”). If Ecology determines that overburdened communities require more stringent air quality targets, as is consistent with the evidence before it, Ecology has the authority in this rulemaking to restrict new permit applications and permit modifications that would increase particulate matter pollution overburdened communities.

Cumulative Impacts: Ecology should develop rules to incorporate cumulative impact analysis into the review of all air permits issued in Washington state. As discussed above, RCW 70A.65.020(2)(b)(iii) provides the department with the authority to achieve air quality targets through the use of methods other than just emissions control strategies. Ecology therefore should promulgate regulations directing regional air agencies and the department to incorporate cumulative impact analysis into the permit review process for all air permits issued in Washington state.

Cumulative impact analysis should incorporate the consideration of pollution from sources located within or sources whose outputs flow into overburdened communities, as well as the population characteristics, such as socioeconomic factors, that may influence how the environmental and public health stressors added by the permitted facility currently affect or would affect community members’ health, well-being, and quality of life. By incorporating cumulative impact analysis into air permit reviews, the department, as well as regional air agencies, will have a fuller understanding of the impacts of a proposed project on the communities in which a facility is to be located and would therefore be able to make a decision that is more rooted in the interest of protecting human health.

SEPA Review: Ecology should act as lead agency or co-lead agency for any proposed project in an overburdened community that requires SEPA review and would have probable significant impacts on air quality or greenhouse gas emissions. “Any local government or

state agency in Washington can be lead SEPA agency as long as all agencies with jurisdiction agree. A lead agency is not required to have jurisdiction on the proposal.”⁴⁰

VIII. Funding and Investment

Pursuant to RCW 70A.65.030(1), Ecology must establish a minimum of 35 percent and a goal of 40 percent of investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities when allocating funds from Climate Commitment Act accounts. The article further establishes that such benefits can be achieved through:

“(a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.” RCW 70A.65.030(1).

While the Climate Commitment Act sets forth the intent for the Washington State Legislature, it is ultimately the responsibility of administering agencies to meet the 35 percent threshold. The Legislature has fallen short of explicitly allocating 35 percent of Climate Commitment Act investments in the 2023-2025 biennium and 2024 supplemental budgets. It now falls on Ecology to prioritize community-identified and community-centered programs and investments in overburdened communities.

Thus far, the Legislature has appropriated \$3 billion of Climate Commitment Act revenue. This presents numerous opportunities for Ecology to direct air quality improvement efforts to overburdened communities. For example, the Medium and Heavy-Duty Vehicles Incentive Program under development by the Department of Transportation would distribute point-of-sale vouchers for zero emission medium and heavy-duty vehicles. Ecology should collaborate with the Department of Transportation to prioritize investment of these vehicle rebates in overburdened communities—especially near-port communities. Consistent with the goals of the CAA, distribution of rebates should prioritize reducing emissions and improving air quality in overburdened communities. By directing rebates to trucks that depot in or drive through overburdened communities, Washington can achieve reductions in PM_{2.5}—of which diesel particulate matter is a major source. Further, Ecology has information available to assist with prioritizing overburdened communities. As part of the rulemaking on the

⁴⁰ Dep’t of Ecology, “Lead agency determination and responsibilities,” <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/guide-for-lead-agencies/lead-agency-determination-and-responsibilities>.

Advanced Clean Truck rule, Ecology promulgated a fleet reporting requirement. Data from this rulemaking can, and should be used to prioritize distribution of vehicle rebates.⁴¹

Similarly, investing in heat pumps for frontline communities in Washington state is crucial for environmental and economic justice. These communities often face higher energy burdens and will benefit from heat pumps' efficiency, lowering their energy burden. By targeting investments in these areas, we can reduce energy costs, improve indoor air quality, and reduce reliance on fossil fuels.

Ecology can greatly accelerate the improvement of air quality in overburdened communities by guiding implementation of Climate Commitment Act programs and projects. Thus, we urge Ecology to direct investments aimed at reducing air pollutants to overburdened communities in accordance with RCW 70A.65.030(1).

IX. Recommendations for Future Assessments

Front and Centered originally provided comments on the process the Department used to identify communities overburdened by air quality across Washington and finds it necessary to repeat them again, in the context of this rulemaking on air quality target setting.

Ecology's process for identifying overburdened communities for the purposes of administering RCW 70A.65.020 was flawed from the beginning: instead of identifying all overburdened communities across the state, improving air monitoring within those communities, and then identifying which were most impacted by air quality, Ecology used its existing air monitoring network. The department itself acknowledged that the network needed improvements in order to more accurately reflect the air quality experienced in communities.⁴²

Given the overly stringent criteria that Ecology decided to use to define "overburdened communities," multiple commenters on Ecology's initial identification proposal suggested that Ecology consider opening alternative pathways for communities to qualify as an overburdened community and therefore receive increased air monitoring. In response, Ecology argued that "Ecology believes it has a reliable path forward to start this effort but acknowledges and

⁴¹ "As the transportation sector continues to electrify and transition to less-polluting vehicles, the collected information will be useful in designing and targeting incentive programs to assist fleet owners and operators in electrifying their fleets and transitioning to low-pollution technologies." Dep't of Ecology, *Fleet Reporting Platform Guidebook for Fleet Managers*, 2023, <https://apps.ecology.wa.gov/publications/summarypages/2302068.html>.

⁴² See Washington State Dept. of Ecology, Pub. No. 23-02-115, *Improving Air Quality in Overburdened Communities Highly Impacted by Air Pollution: 2023 Report 20* (2023) (noting that the need for better air quality monitoring to obtain more detailed data about air quality across the state).

understands that there will be need for improvement and adjustments.”⁴³ Further, Ecology plans to re-evaluate both the indicators used and the communities identified every 5-7 years, which it links to the amount of time it takes to gauge changes in air quality.⁴⁴

Multiple parties noted that this 5-7 year gap is inadequate when dealing with overburdened communities, many of whom will continue to face the negative health impacts of cumulative pollution exposure in those interim years. As such, many commenters suggested that Ecology implement an alternative pathway to recognition as an overburdened community. Instead, Ecology responded that it was not directed to create an alternative process for communities to be considered through self identification, nor nomination and that communities should wait until “expanded air monitoring provid[es] a more granular level of information” to be reconsidered.⁴⁵

When one looks at the list of communities identified by Ecology for the purposes of Section 3, 10 of the 16 identified already have existing air monitors, and 3 more have nearby air monitors.⁴⁶ Front and Centered is in support of updating and increasing the number of air monitors in the communities identified, but also questions whether Ecology can truly claim that it is “expanding” air monitoring. Instead, it appears that Ecology has identified communities with poor air quality given existing air monitors and has elected to put more air monitoring equipment in those areas, rather than doing the work of finding areas that may be overlooked by Ecology’s existing air quality monitoring network.

Given the circular process used by Ecology, it is even more important that there be an alternative pathway to recognition as an overburdened community before 5-7 more years have passed. It is unlikely that Ecology will identify communities outside of the communities it has already identified if it narrows its definition by looking only at overburdened communities “highly impacted by air quality,” but then does nothing to expand air quality monitoring outside of those areas.

While Front and Centered acknowledges that there are resource constraints felt by agencies when embarking on statewide measures, such as the air monitoring Ecology must perform as part of its CCA Section 3 duties, Front and Centered also believes agencies have a responsibility to identify communities without consideration to resources. Only once those communities have been identified should resources come into consideration—it is at this point

⁴³Washington State Dept. of Ecology, Pub. No. 23-02-018, *Response to Comments Section 3, Climate Commitment Act The Improving Air Quality in Overburdened Communities Initiative* 25 (2023).

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Washington State Dept. of Ecology, Pub. No. 23-02-017, *Community Summary Report: Improving Air Quality in Overburdened Communities Initiative* 15-16 (2023).

that agencies can truly begin a meaningful dialogue with communities about where money and time should be spent, given resource constraints.

In other words, agencies should follow the simple maxim of: identify need in full, then acknowledge resource constraints. This will help not only agencies understand their limitations, but will also provide greater transparency to communities, as well as highlight to the legislature which projects may need more funding.

X. Conclusion

350 Tacoma, Front and Centered, The Conversation 253, DRCC, Communities for a Health Bay, and Earthjustice offer these comments with the spirit of collaboration, and the goal of working with Ecology to improve air quality in overburdened communities. We look forward to continuing this conversation with Ecology, and urge Ecology to adopt these measures to control air pollution in overburdened communities that will quite literally save lives.

Respectfully Submitted,

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