

Environmental Justice Council

2026 Legislative Session Policy Statement

Adopted December 4, 2025

1. Purpose and Background

Purpose:

The purpose of this policy statement is to document the Environmental Justice Council's (Council) policy positions ahead of the 2026 Legislative session. This document will guide Council Members and staff in determining whether the Council may want to take a position on legislation this session.

Background:

The Healthy Environmental for All (HEAL) Act, [RCW 70A.02.110](#), and the Climate Commitment Act (CCA), [RCW 70A.65.040](#), give the Council statutory authority and direction to make recommendations to the Governor and Legislature in several areas:

- The Council may, in consultation with the HEAL Interagency Work Group, make recommendations to the Governor and Legislature on ways to improve agency compliance with the HEAL Act;
- The Council may make recommendations for amendments to the HEAL Act, proposed laws, or other existing laws to promote environmental justice;
- The Council may recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental injustices;

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- The Council must provide recommendations to the Legislature, agencies, and the Governor on the development and implementation of the cap and invest program established in the CCA (RCW 70A.65.060 through 70A.65.210); and
- The Council must provide recommendations to the Legislature, agencies, and the Governor on the programs funded by the CCA accounts.

2. Policy Positions

2.1 The Council opposes policies that would alter the Council's membership, duties, and/or authority in ways that are counter to the intent of the HEAL Act or would significantly disrupt or delay the Council's work.

- Note: The Council's positions on alignment with the HEAL Act regarding topics like community engagement and environmental justice assessments can be extrapolated from official Council letters or position statements.

2.2 The Council supports policies that would direct the Department of Labor and Industries, the Department of Fish and Wildlife, the Department of Archaeology and Historic Preservation, and the Energy Facility Site Evaluation Council to comply with the HEAL Act, Chapter 70A.02 RCW.

2.3 The Council requests that it (the Council) only be added to legislation or budget proposals when the inclusion is directly related to the HEAL Act or CCA and when doing so aligns with the Council's capacity, authority, and structure as an advisory body of volunteer community members. The Council believes that legislative and budgetary proposals should center free, prior, and informed consent from Federally Recognized Tribes; community engagement; co-

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governance; and co-design. For example, the Council opposes being included in any legislation or budgetary proposals when the sole reason for doing so would be for the Council to serve as a proxy for meaningful Tribal Government Consultation and community engagement.

2.4 The Council has adopted a [statement](#) uplifting Tribal Sovereignty; Self Determination; and Free, Prior, and Informed Consent. The Council supports policies that are supported by Tribes that affirm sovereignty and self-determination and that would codify the practice of free, prior, and informed consent into state law.

2.5 The Council supports policies that would ensure Tribes have opportunities if desired for diverse Tribal representation, including but not limited to at least one representative from both Eastern and Western Washington, and representatives of overburdened communities in the membership of the Interagency Clean Energy Siting Coordinating Council created by [chapter 43.394 RCW](#).

2.6 The Council supports policies that would ensure Tribes have opportunities if desired for diverse Tribal representation, including but not limited to at least one representative from both Eastern and Western Washington to the Energy Facility Site Evaluation Council created by [chapter 80.50 RCW](#).

2.7 The Council supports HB 1262/SB 5228, Updating the Governor's Interagency Coordinating Council on Health Disparities. The Health Disparities Council was established in 2006 as an advisory body charged with making recommendations to eliminate health disparities. During the 2025 legislative session, the Health Disparities Council's request

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legislation was introduced (HB 1262/SB 5228) to modernize its authorizing statute in alignment with community priorities. The EJ Council supports the Health Disparities Council's efforts to update its statute, and it will look to and follow the Health Disparities Council's positions on the legislation moving forward.

2.8 The Council supports policies informed by Tribes and communities that aim to address the recent loss of federal environmental, health, and cultural resource protections, and potential risks to Tribal and community data. This includes, but is not limited to, changes to Presidential Executive Orders on Environmental Justice; changes to National Environmental Protection Act (NEPA) regulations and implementing procedures; and state to federal data exchanges, breaches, and/or misuse placing Tribes' and communities' wellbeing (including immigrant communities) and knowledge at risk.

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