

## ENVIRONMENTAL JUSTICE COUNCIL

### COMMUNITY REPRESENTATIVE MEMORANDUM

DATE: September 20, 2022

TO: Sierra Rotakhina, Rowena Pineda, Theo Cielos  
Staff - WA Environmental Justice Council

Cc: Environmental Justice Council, State Agency Representatives and Liaisons

FROM: Rosalinda Guillen, Maria Batayola, Maria Blancas, Lua Pritchard,  
Nirae Petty, Aurora Martin

RE: Next Steps for EJ Council Leadership, Administration, Staff Support of Council  
Priorities and Community Policy Review

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As we head into the last quarter of the year, we find it important and necessary for environmental justice community members of the Council to give feedback and reset priorities for the Environmental Justice Council (EJC). The Council is in its formative stage, and it has already faced significant challenges in getting appointed on time, a packed agenda that has been dominated by the requirements of the new cap and trade program, all while trying to fulfill its core obligations of the HEAL Act.

As environmental justice community representatives on the EJC, we want to bring our collective thoughts regarding the EJC to re-anchor us to the HEAL Act. We are also mindful of Tribal sovereignty and tribal interests. We look forward to learning from and working together with EJC tribal representatives to understand what might be the areas of shared interests and specific collaboration between community and tribal efforts, and also to identify the areas which prompt a pathway for government-to-government consent and consultation.

The creation of the HEAL Act and Council was a community-led effort to advance environmental justice with a particular goal of "**[meaningfully involving] all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies.**" Its unique role is to provide the voice of community to guide and complement the much more robust capacity and influence of agencies and the governmental interagency work group with the aim to reduce the health disparities of our most overburdened communities and enshrine environmental justice practices that are responsive to overburdened community demands.

As a community-led effort, it requires community leadership in the form of Council co-chairs to be immediately selected. See item 1 on requested EJC staff actions.

As community representatives serving on the EJC, it is critical to recognize and appreciate the collective expertise which is as broad and deep as the diversity of the many communities we each represent and serve. The thousands of people we represent across the state are some of the most at-risk frontline communities who not only endure the environmental health disparities, but also have some of the most forward-thinking ideas and solutions aimed to address the root problems of the climate crisis we face. We draw upon not only our lived experiences and knowledge from rural and urban regions, but also from the interdisciplinary collective expertise touching on many areas from community practices, law, policy, health sciences, social sciences, and many other interests and skills. Conversely, it is critical to support the development of advisory networks of impacted groups to not fall in the trap of falsely expecting singular EJC community members to know all EJ community issues.

**We want the EJC to operate as authorized under the HEAL Act with these principles:**

- The Promise and Power of HEAL centers on **Equitable Governance**. The Council serves as a critical partner with governmental and nongovernmental stakeholders to ensure Washington State fulfills the spirit and substance of the HEAL Act. To this end, we understand that our work as Council members is to ensure that the environmental justice principles and goals laid out in the HEAL Act are effectively addressing the systemic environmental health disparities so many communities have endured over generations. As we engage with many HEAL state agencies, our Council members are uniquely positioned to examine the influential drivers and potential solutions to the intersectional issues which include environmental racism, economic opportunity, local pollution, energy justice, mobility and transportation, food systems, climate resilience and more.
- **Equitable Participation and Process**. Our Council's ability and effectiveness to examine, analyze and advise the Executive Office and state agencies, necessarily depends on a meaningfully robust process of Council review and deliberation. The unprecedented nature of this moment and what HEAL calls for, are significant. We understand the enormity of what is at stake – the institutional changes and implications for agency resource allocations outlined by HEAL, together with the projected revenue and expenditure goals of the Climate Commitment Act. We imagine and are rising to the occasion of what we believe is the uncharted nature of this ambitious set of processes and plans.
- Our Council represents the possibilities of **Participatory** Governance and that our insight and input will inform the rebalancing of laws, policies, practices, and resources of state agencies so that they may enshrine the environmental justice values to which the

HEAL Act aspires. We need support to rebalance the resource disparity with departments so we can do our part in assessing and advising on the community engagement and strategic plans, environmental justice assessments, and other issues brought before the Council. We aim to also engage in thoughtful deliberation of proposed rules and investments stemming from the new Climate Commitment Act (CCA), whose key provisions also refer to HEAL and the importance and role of the EJC and overburdened communities. Case in point, our EJC should have its own EJ consultants to ensure a balanced approach and discussion of issues.

- Therefore, **the HEAL Act should serve as EJC's policy guidance and framework** for our Council, CCA and other Policy Review. To the extent that the HEAL Act and CCA are intended to address the issues of environmental justice and climate change, the HEAL Act guides our Council role. In our equitable governance and advisory role, we will examine the related rules and implementation of changes in HEAL agencies *and* the CCA as a complex mechanism for revenue generation, community investments, as well as climate change solutions through the lens of a cohesive approach to environmental justice, and thus with deference to HEAL where there may be an appearance of ambiguity or contradiction.

It is within this context that we request the immediate next steps to ensure the effective and efficient organization and administration of the EJ Council and its work assignments.

1. **Nominations and election of council co-chairs**: Nominations and elections for community co-chairs and executive leadership must take place and selections made no later than September 2022 EJC meeting. Upon the election of a chair, EJC staff should take direction from the chairs in determining the agenda, formats, timing etc. of meetings and all other aspects related to Council.
2. **Agenda items that move the council towards obligations of HEAL**: All upcoming meetings of the EJC should focus on understanding the current health disparities in Washington and tools that the council can use to remedy and prevent further harm to overburdened communities.
3. **Consulting with EJC on any new staff funding requests**: As the Department of Health and the EJC staff put together their decision packages for the upcoming legislative session, the EJC should be consulted on new funding requests and programs related to the HEAL Act. While the HEAL Act doesn't call for agencies until next July, the Department of Health and the EJC staff should get ahead and actively work with the EJC now until the end of session on agency request legislation.
4. **Staff support for Council Members**: The HEAL Act describes the Council staff roles as being in support of the Council. Therefore, EJC staff should first seek to understand the priorities of Council and respond to inquiries and issues driven by Council concerns rather, and prior to considering the Interagency Work Group or other agency driven priorities in EJ Council use of time. Council staff should be in regular conversation with Councilmembers within meetings and outside meetings as appropriate to understand

direction and use of staff capacity desired by the Council. In particular the members designated to represent communities should be given leeway to more deeply involve communities and community resources to ensure there is not a bottleneck in ability to participate, including invited participants to select meetings or ensure access to information.

5. **Agenda and scheduling of EJC meetings**: Meetings for the EJC have been scheduled for 4 hours or longer, with often very little time for EJC members to discuss agenda items among themselves. The length of these meetings is not conducive to the goals and productivity of the EJC. Moving forward, meetings should not be longer than 3 hours with a built-in break. If there is a need for the council to meet for more than 3 hours the EJC staff should consider breaking up meetings longer into 2 days. Furthermore, EJC meetings and subcommittee meetings should not be announced with less than a seven days' notice. EJC members currently all volunteer their time and have other obligations outside of the EJC. It is not fair and counter to the HEAL Act to schedule meetings with little notice.
6. **List of Contact information**, especially Emails for EJ Council Members and agency staff liaisons or point people with whom EJ Council will regularly engage.

We look forward to dialogue and a positive response.