

Environmental Justice Council

July 27, 2023 Meeting Materials

Table of Contents

Agenda - Español	1
Agenda - English	6
June 22, 2023 Meeting Notes	11
Overview and Discussion of Outline for Council Report and Update due to the Public, Legislature, and Governor	20
Memo	20
Draft Report Outline	22
Briefing and Discussion of HEAL Agency Budget and Funding Guidance	23
Memo	23
Propose Climate Commitment Act & HEAL Act 2024 Budget Proposal.....	25
Memo	25
Document 1: Draft Budget Recommendations Related to Changes to Last Year’s Provisos and Previous Proposals Not Fully Funded	27
Document 2: New Ideas for Draft Budget Recommendations	35
Introduction: Department of Ecology’s Decision Whether to Link Washington’s Cap and Invest Program to California and Quebec’s Programs	43
Memo	43
Council June 22, 2023 Motion on Linkages – Letter to Ecology	48
Ecology Response Letter to Council Linkage Motion.....	49
Discussion and Possible Adoption of Council Community Engagement Values and Guidance and Council Process for Responding to Public Comments.....	52
Memo	52
Draft Community Engagement Values and Guidance	55
Executive Committee Updates.....	60
Memo	60
February 28, 2023 Memo from Carrie Sessions, Governor’s Senior Policy Advisor on Environment and Water (clarifying the use of delegates for Environmental Justice Council Tribal seats.....	62
EJ Council 2023 Workplan/Agenda Items (tracking status of work).....	64
Adopt Articles I, II, III, and VI of Bylaws and Discuss Articles IV and V of Bylaws.....	68
Memo	68
Draft: Articles I, II, III, and VI of Bylaws	69
Public Comments	78

Consejo de Justicia Ambiental (EJC)

Jueves 27 de julio de 2023

De 3:30 p. m a 6:30 p. m.

Para unirse al webinar, haga clic en el siguiente enlace:

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

Id. del webinar: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del webinar: 817 4786 4781

Encuentre su número local: <https://us02web.zoom.us/j/kd6MqgTvTL>

Objetivos de la reunión:

1. El personal informará al EJC (por su sigla en inglés, Consejo de Justicia Ambiental) sobre el informe y la actualización requeridos por la Ley HEAL (por su sigla en inglés, Ley de Medioambiente Sano para Todos) que deben presentarse al público, la Legislatura y el gobernador el 30 de noviembre de 2023, y el 1 de diciembre de 2023, propondrá el proceso y cronograma de desarrollo del informe, y recibirá opiniones y pautas.
2. El Comité Presupuestario *ad hoc* informará al EJC sobre el proceso y las ideas para integrar la orientación del EJC en las decisiones presupuestarias y de financiación de las agencias de la Ley HEAL, y recibirá la opinión y las pautas del EJC.
3. El Comité Presupuestario *ad hoc* informará al EJC sobre el primer borrador de las recomendaciones presupuestarias del Consejo para 2024 y recibirá opiniones e ideas con el fin de adoptar una versión actualizada en la reunión del EJC de septiembre.
4. Orientar al EJC sobre la vinculación de la Ley de Compromiso Climático con otras jurisdicciones, destacar las inquietudes que existen en cuanto al impacto que reciben las comunidades más afectadas y los sectores vulnerables de la población, y abrir un debate sobre el EJC.

5. Debatar y adoptar los valores y pautas de la participación comunitaria actualizados según la opinión del EJC recibida en junio. Si alcanza el tiempo, debatir el borrador del procedimiento del Consejo para responder a los comentarios públicos.
6. Presentar y debatir el borrador de las definiciones de “pautas del Consejo” y “asistencia técnica”.
7. Presentar la política provisional propuesta para los delegados no tribales.
8. Debatar y adoptar los artículos procedimentales de los proyectos de reglamentos (artículos I, II, III y VI). Si alcanza el tiempo, debatir los borradores de los artículos que necesitan más deliberación (artículos IV y V).

Orden del día

Lo invitamos a participar a las 3:20 p. m. a una presentación sobre cómo activar los subtítulos y cómo acceder al canal de interpretación en español.

De 3:30 p. m. a 3:35 p. m.	I. Bienvenida y pasaje de lista para verificar que haya cuórum	El honorable Jarred-Michael Erickson Copresidenta Maria Batayola Miembros del Consejo
De 3:35 p. m. a 3:40 p. m.	II. Aprobación del orden del día por parte del Consejo III. Aprobación de las notas de la reunión del 22 de mayo de 2023 por parte del Consejo	Miembro del Consejo Aurora Martin Miembros del Consejo
De 3:40 p. m. a 3:55 p. m.	IV. Resumen y debate sobre el esquema del informe y la actualización del Consejo que deben presentarse al público, a la Legislatura y al gobernador. Objetivo: El personal informará al EJC sobre el informe y la actualización requeridos por la Ley HEAL, que deben presentarse al público, la Legislatura y el gobernador el 30 de noviembre de 2023, y el 1 de diciembre de 2023, propondrá el proceso y	Miembro del Consejo Aurora Martin Christy Hoff, Personal del Consejo Amina Al-Tarouti, Personal del Consejo Miembros del Consejo

	<p>cronograma de desarrollo del informe, y recibirá opiniones y pautas.</p>	
De 3:55 p. m. a 4:05 p. m.	<p>V. Comentarios públicos</p>	<p>Miembro del Consejo Rosalinda Guillen</p>
De 4:05 p. m. a 4:25 p. m.	<p>VI. Sesión informativa y debate sobre las pautas de presupuestación y financiación de la agencia HEAL</p> <p>Objetivo: El Comité Presupuestario <i>ad hoc</i> informará al EJC sobre el proceso y las ideas para integrar la orientación del EJC en las decisiones presupuestarias y de financiación de las agencias de la Ley HEAL, y recibirá la opinión y las pautas del EJC.</p>	<p>Miembro del Consejo Esther Min</p> <p>Comité Presupuestario <i>ad hoc</i></p> <p>Sierra Rotakhina, Personal del Consejo</p> <p>Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		
De 4:30 p. m. a 4:50 p. m.	<p>VII. Proponer el presupuesto de 2024 para la Ley de Compromiso Ambiental y la Ley HEAL</p> <p>Objetivo: El Comité Presupuestario <i>ad hoc</i> informará al EJC sobre el primer borrador de las recomendaciones presupuestarias del Consejo para 2024 y recibirá opiniones e ideas con el fin de adoptar una versión actualizada en la reunión del EJC de septiembre.</p>	<p>Miembro del Consejo Esther Min</p> <p>Comité Presupuestario <i>ad hoc</i></p> <p>Sierra Rotakhina, Personal del Consejo</p> <p>Miembros del Consejo</p>

<p>De 4:50 p. m. a 5:20 p. m.</p>	<p>VIII. Introducción: Decisión del Departamento de Ecología sobre la vinculación del Programa de Capitalización e Inversión de Washington con los programas de California y Quebec.</p> <p>Objetivo: Orientar al EJC sobre la vinculación de la Ley de Compromiso Climático con otras jurisdicciones, destacar las inquietudes que existen en cuanto al impacto que reciben las comunidades más afectadas y los sectores vulnerables de la población, y abrir un debate sobre el EJC.</p>	<p>El honorable Jarred-Michael Erickson</p> <p>Comité de la Ley de Compromiso Ambiental</p> <p>Jonathan Chen, miembro del equipo del Consejo</p> <p>Stephanie Potts, Departamento de Ecología</p> <p>Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		
<p>De 5:25 p. m. a 5:55 p. m.</p>	<p>IX. Debate y posible adopción de los valores y las pautas de participación comunitaria y el procedimiento del Consejo para responder a los comentarios públicos</p> <p>Objetivo: Debatar y adoptar los valores y pautas de la participación comunitaria actualizados según la opinión del EJC recibida en junio. Si alcanza el tiempo, debatir el borrador del procedimiento del Consejo para responder a los comentarios públicos.</p>	<p>Copresidenta Maria Batayola</p> <p>Comité de Participación Comunitaria</p> <p>Rowena Pineda, miembro del equipo del Consejo</p> <p>Sauncha Romey, miembro del equipo del Consejo</p> <p>Miembros del Consejo</p>
<p>De 5:55 p. m. a 6:05 p. m.</p>	<p>X. Actualizaciones del Comité Ejecutivo</p> <p>a. Actualización y debate sobre la política provisional propuesta para los delegados no tribales</p> <p>b. Introducción: Definiciones de “pautas del Consejo” y “asistencia técnica”</p> <p>Objetivos: a. Presentar y debatir el borrador de las definiciones de “pautas del Consejo” y “asistencia</p>	<p>Copresidenta Maria Batayola</p> <p>Miembros del Consejo</p>

	técnica”, y b. Presentar la política provisional propuesta para los delegados no tribales.	
De 6:05 p. m. a 6:25 p. m.	XI. Adopción de los artículos I, II, III y VI de los reglamentos y debate sobre los artículos IV y V de los reglamentos Objetivo: Debatar y adoptar los artículos procedimentales de los proyectos de reglamentos (artículos I, II, III y VI). Si alcanza el tiempo, debatir los borradores de los artículos que necesitan más deliberación (artículos IV y V).	Copresidenta Maria Batayola Comité Directivo Sierra Rotakhina, Personal del Consejo
De 6:25 p. m. a 6:30 p. m.	XII. Agradecimientos y cierre	Copresidenta Maria Batayola El honorable Jarred-Michael Erickson

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.
- Si desea solicitar este documento en un idioma o formato alternativos, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council (EJC)

Thursday, July 27, 2023

3:30pm – 6:30pm

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. Staff brief EJC on HEAL Act required report and update due to the Public, Legislature, and Governor on November 30, 2023 and December 1, 2023, propose report development process/timeline, and obtain feedback and guidance.
2. Ad Hoc Budget Committee brief EJC on process and ideas to integrate EJC guidance on HEAL agencies' budgeting and funding decisions and obtain EJC feedback and guidance.
3. Ad Hoc Budget Committee brief EJC on first draft of the Council's 2024 budget recommendations and obtain input/feedback with a goal of adopting an updated version at the September EJC meeting.
4. Orient EJC to Climate Commitments Act linkage to other jurisdictions, highlight concerns over impacts on overburdened communities and vulnerable populations, and have EJC discussion.
5. Discuss and adopt updated Community Engagement Values and Guidance based on June EJC feedback. If time allows, discuss draft Council Process for Responding to Public Comments.
6. Introduce and discuss draft definitions of "Council Guidance" and "Technical Assistance."

7. Introduce proposed Interim Policy for EJC Non-Tribal Delegates.
8. Discuss and adopt the procedural articles of the draft bylaws (Articles I, II, III, and VI). If time allows, discuss drafts of the articles which need more deliberation (Articles IV and V).

Agenda

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

3:30 PM – 3:35 PM	I. Welcome and Roll Call for Quorum	The Honorable Jarred-Michael Erickson Co-Chair Maria Batayola Council Members
3:35 PM – 3:40 PM See page 11	II. Approval of Agenda by Council III. Approval of June 22, 2023 Meeting notes by Council	Council Member Aurora Martin Council Members
3:40 PM – 3:55 PM See page 20	IV. Overview and Discussion of Outline for Council Report and Update due to the Public, Legislature, and Governor Goal: Staff brief EJC on HEAL Act required report and update due to the Public, Legislature, and Governor on November 30, 2023 and December 1, 2023, propose report development process/timeline, and obtain feedback and guidance.	Council Member Aurora Martin Christy Hoff, Council Staff Amina Al-Tarouti, Council Staff Council Members

<p>3:55 PM – 4:05 PM</p> <p>See page 78 for written public comments</p>	<p>V. Public Comment</p>	<p>Council Member Rosalinda Guillen</p>
<p>4:05 PM – 4:25 PM</p> <p>See page 23</p>	<p>VI. Briefing and Discussion of HEAL Agency Budget and Funding Guidance</p> <p>Goal: Ad Hoc Budget Committee brief EJC on process and ideas to integrate EJC guidance on HEAL agencies’ budgeting and funding decisions and obtain EJC feedback and guidance.</p>	<p>Council Member Esther Min</p> <p>Ad Hoc Budget Committee</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>5 Minute Break</p>		
<p>4:30 PM – 4:50 PM</p> <p>See page 25</p>	<p>VII. Propose Climate Commitment Act & HEAL Act 2024 Budget Proposal</p> <p>Goal: Ad Hoc Budget Committee brief EJC on first draft of the Council’s 2024 budget recommendations and obtain input/feedback with a goal of adopting an updated version at the September EJC meeting.</p>	<p>Council Member Esther Min</p> <p>Ad Hoc Budget Committee</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>4:50 PM – 5:20 PM</p> <p>See page 43</p>	<p>VIII. Introduction: Department of Ecology’s Decision Whether to Link Washington’s Cap and Invest Program to California and Quebec’s Programs</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Climate Commitment Act Committee</p> <p>Jonathan Chen, Council Staff</p>

	<p>Goal: Orient EJC to Climate Commitment Act linkage to other jurisdictions, highlight concerns over impacts on overburdened communities and vulnerable populations, and have EJC discussion.</p>	<p>Stephanie Potts, Department of Ecology</p> <p>Council Members</p>
5 Minute Break		
<p>5:25 PM – 5:55 PM</p> <p>See page 52</p>	<p>IX. Discussion and Possible Adoption of Council Community Engagement Values and Guidance and Council Process for Responding to Public Comments</p> <p>Goal: Discuss and adopt updated Community Engagement Values and Guidance based on June EJC feedback. If time allows, discuss draft Council Process for Responding to Public Comments.</p>	<p>Co-Chair Maria Batayola</p> <p>Community Engagement Committee</p> <p>Rowena Pineda, Council Staff</p> <p>Sauncha Romey, Council Staff</p> <p>Council Members</p>
<p>5:55 PM – 6:05 PM</p> <p>See page 60</p>	<p>X. Executive Committee Updates</p> <p>a. Update and discussion about Proposed Interim Policy for EJC Non-Tribal Delegates</p> <p>b. Introduction: Definitions of “Council Guidance” and “Technical Assistance”</p> <p>Goals: a. Introduce and discuss draft definitions of “Council Guidance” and “Technical Assistance” and b. Introduce</p>	<p>Co-Chair Maria Batayola</p> <p>Council Members</p>

	proposed interim policy for EJC Non-Tribal Delegates.	
6:05 PM – 6:25 PM See page 68	XI. Adopt Articles I, II, III, and VI of Bylaws and Discuss Articles IV and V of Bylaws Goal: Discuss and adopt the procedural articles of the draft bylaws (Articles I, II, III, and VI). If time allows, discuss drafts of the articles which need more deliberation (Articles IV and V).	Co-Chair Maria Batayola Governance Committee Sierra Rotakhina, Council Staff
6:25 PM – 6:30 PM	XII. Appreciations and Adjournment	Co-Chair Maria Batayola The Honorable Jarred-Michael Erickson

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

June 22, 2023

Virtual ZOOM Platform

Due to limited staff capacity, Environmental Justice Council (Council) staff are working to streamline the Council meeting notes. The notes 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:

- Council Member Maria Batayola
- Council Member Maria Blancas
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Nirae Petty
- Council Member Faaluaina Pritchard
- Council Member Todd Mitchell joined at 3:40pm
- The Honorable Jarred-Michael Erickson joined at 3:55pm
- AJ Dotzauer on behalf of The Honorable Misty Napeahi joined at 4:10pm

Council Members absent:

- Council Member Raeshawna Ware
- Council Member Running-Grass
- Council Member Nichole Banegas
- Council Member Esther Min
- The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller

Agency Ex Officio Liaison Members present:

- Laura Blackmore, Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources

- Ahmer Nizam, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Chamila Ajmera on behalf of Lauren Jenks, Department of Health

Council staff:

- Christy Curwick Hoff
- Angie Ellis
- Rowena Pineda
- Sierra Rotakhina

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order at 3:33pm. Rowena Pineda, Council staff, facilitated roll call.

Nichole Banegas	absent
Co-Chair Maria Batayola	present
Maria Blancas	present
Tribal Rep TBD	vacant
The Honorable Jarred-Michael Erickson	joined at 3:55pm
Running-Grass	absent
Rosalinda Guillen	present
Aurora Martin	present
David Mendoza	present
Esther Min	absent
Todd Mitchell	joined at 3:40pm
AJ Dotzauer on behalf of The Honorable Misty Napeahi	joined at 4:10pm
Nirae Petty	present
Faaluaina Pritchard	present
Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	absent
Raeshawna Ware	absent

II. Approval of Agenda by Council

Aurora Martin, Council Member, called for a motion to adopt the agenda.

Motion: The Council adopts the agenda.

Motion/Second: Member Pritchard/ Member Guillen

The motion passed.

III. Approval of May 24, 2023 Meeting Notes by Council

Member Martin called for a motion to adopt the May 24, 2023 meeting notes.

Motion: The Council adopts the May 24, 2023 minutes.

Motion/Second: Member Pritchard/Member Guillen

The motion passed.

IV. Public Comments

Rosalinda Guillen, Council Member, opened the public comment period, announcing that this was an opportunity to hear from community members who wanted to provide comments on agenda items before the Council took action.

Katherine Woolverton, volunteer with 350 Seattle, 350 Washingtons Climate Action Team. She said she shared detailed written comments on CCA linkage and urged members to review. She said 350 Seattle urged a delay in any linkage implementation until the Council and Ecology could demonstrate that linkage would not dilute the strength of Washington's program, distract us from achieving environmental justice goals, and impede the state's ability to achieve targeted greenhouse gas emissions reductions.

Rosemary Sweeney said linking the CCA programs will undermine environmental justice goals and broader goals of the Climate Commitment Act. She said California had a lot of allowances and the price was lower. She said there would be less money in the investment accounts for overburdened communities and EJ projects would suffer a huge setback with linkage.

John Worthington said cap and trade never worked and will not work because of shipping emissions. He said the Department of Transportation has started to look at the shipping emissions and they expect to correct the problem in 2050.

Brock Howell, Executive Director with the Snohomish County Transportation Coalition, said how agencies prioritize their 2023-2025 CCA grant funding will set a precedent. He shared information from statute about how grant funding needs to be allocated by agencies. He said it is not clear that agencies are taking these requirements seriously, citing that at least one agency intends to allocate requirements for 35% of funding to go to overburdened communities at the agency level, rather than the specific grant program level. He said it is not clear how agencies will meet the 35% requirement or how they intend for communities to have direct and meaningful benefits.

Arvia Morris said she submitted written comments. She said there was an independent report on the ultra-high-speed rail project. She said the presentation to the Joint Transportation Committee is available on TVW. She said there are three important findings, including lack of analysis of climate benefits, inaccurate capital costs, and inaccurate time to completion estimates. She said she hoped the report helps people focus on other options for improved rail and why CCA funding is being used for this when there are no climate benefits.

V. Continue Discussion and Possible Council Action on CCA Linkage Program Needing an Environmental Justice Assessment

Co-Chair Batayola said they started discussing linkage at the May meeting and members wanted more time to discuss. David Mendoza, Council Member, said the Department of Ecology must conduct an Environmental Justice (EJ) Assessment but it is unclear when the assessment must be done. He hopes that the agency will conduct the assessment prior to making a preliminary decision in August. He said California has linked its system with Quebec but they have not had enough time to provide evaluation results. Member Guillen shared concerns on the impact on overburdened communities. Member Mendoza said the goal of the EJ Assessment is for Ecology to do the assessment to determine what those potential impacts would be and then the Council can make a

recommendation whether to link the systems. Member Martin asked when they expected the analysis to be completed. Member Mendoza said late July or early August.

Motion: RCW 70A.65.060(3) requires the Department of Ecology to conduct an environmental justice (EJ) assessment on the decision to link carbon markets with Quebec and California to inform its decision if and when, to implement the linkage. Given that the law is unclear on when in the process Ecology needs to conduct that assessment, the Environmental Justice Council (Council) requests that the Department of Ecology 1) conduct an EJ assessment/cumulative impact analysis prior to making a decision on if and when to link markets with other jurisdictions, 2) open public comment after the EJ assessment is finalized and made publicly available, and 3) present the results of items 1 and 2 to the Council for review and development of its policy recommendation on linkage. The Council requests Ecology to respond in writing to this motion providing an estimated timeline to complete the actions in this motion and describing any barriers in meeting these requests the agency may face.

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.

Nichole Banegas	absent
Maria Batayola (EJ Council Co-Chair)	A
Maria Blancas	A
Tribal Rep TBD	--
The Honorable Jarred-Michael Erickson (EJ Council Co-Chair)	A, 2 nd motion
Running-Grass	absent
Rosalinda Guillen	A
Aurora Martin	A

David Mendoza	A, 1 st motion
Esther Min	absent
Todd Mitchell	A
AJ on behalf of The Honorable Misty Napeahi	A
Nirae Petty	A
Faaluaina Pritchard	A
The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller	absent
Raeshawna Ware	absent

VI. Discuss Guidance on HEAL Act Budgeting and Funding Requirements

Sierra Rotakhina, Council Staff, said the Council has convened an ad hoc Budget Committee. She referred members to a series of discussion questions in the meeting packet. Members discussed what EJ principles the Council might recommend agencies use and the purpose and utility of principles. Members shared that both the 1991 principles adopted by the First National People of Color Environmental Leadership Summit and the principles from the Environmental Justice Task Force provided good guidance for decision-making.

VII. Update and Discussion: Community Engagement Committee Projects

Member Martin provided an update on the HEAL Community Participation Fund. Front and Centered convened a community group to meet over three sessions to help define what the community grant would look like. Outreach activities are happening now and they anticipate the application to roll out in July. There are two tiers of funding—the first level is \$15,000-\$25,000 and the second level is \$5,000-\$10,000.

Member Petty presented the draft community engagement values and guidance. She said they were hoping the Council would consider adoption at their July meeting. She referred members to the draft guidance document (on file in meeting materials) and specifically highlighted the seven values. She said they are values and guidance for the Council itself as well as the HEAL agencies. She asked for member comments on the values and if there was anything missing. Member Guillen said she appreciated inclusion of interconnectedness and intersectionality. Co-Chair Batayola said it was consistent with their original in person committee meeting to develop these and she

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appreciated the references. She suggested defining community engagement as distinct from outreach. She also suggested calling out transparency, which implies honesty, candidness, and timely communication. Member Petty said transparency wasn't in values, but it is included in the guidance. Member Guillen agreed that outreach doesn't always involve a human connection. She said community engagement involves true connecting. Member Petty said they also need to add not reinventing the wheel and relying on community leadership that is already there. Ex Officio Member Millie Piazza suggested adding age to #6 (intersectionality) since it is a protected status and part of EJ-oriented engagement.

Member Petty reviewed the nine guidance statements (on file in meeting materials). Co-Chair Batayola suggested adding something about coordination among agencies in order to limit exhaustion among community members.

Rowena Pineda, Council Staff, said the Council now had time to continue discussion about overburdened communities and vulnerable populations. Members discussed using a process versus a list and how it could be an iterative process that uses both and is refined over time. Member Blancas asked about the community listening sessions and Sierra Rotakhina said she would share a summary with members. Ex Officio Member Michael Furze said in Oregon, they were pursuing using lived experience as a rationale to attest that communities were overburdened or vulnerable. He asked for Council member's comments and thoughts on self-attestation. Member Martin said she would be open to it. She said if state agencies used a list of all census tracts scored as 7 or above on the Environmental Health Disparities (EHD) Map, it would be inclusive and include communities experiencing the majority of health disparities and give agencies the flexibility to make decisions based on resources available. Ex Officio Member Millie Piazza urged members to think about how this is approached nationally. She said race and income are the two leading indicators that predict which communities are affected by environmental harm. She added that her concern with the EHD map, is that it is a cumulative impacts map, not an EJ map. She said in her practice, she uses it in conjunction with EJ Screen to add the income and race layers. She said using them together, helps to determine which communities are affected by environmental injustice. Co-Chair Batayola said that the Department of Health has always said that the EHD map is a starting

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point and lived experience needs to be factored in. Member Blancas said we need a process for identifying overburdened communities that is consistent across agencies and be mindful that self-attestation does not place additional burden on those communities. She said she doesn't know what self-attestation would look like, but she is excited to explore. Rowena Pineda said agencies are creating a process document for identifying overburdened communities and vulnerable populations and hopefully, it can be shared with the Council soon. Co-Chair Batayola thanked the agencies for all the work they are doing outside of the meetings.

The Council took a break at 5:39pm and reconvened at 5:45pm.

VIII. Public Comment

Member Guillen opened up the second public comment period.

John Worthington, shared his opinion that work to implement the HEAL Act is "globalist". He stressed the need to educate youth so they can decide their priorities.

IX. Continue Discussion on Environmental Justice Assessments

Rowena Pineda referred members to the memo in their meeting packet. She said the newest version of the EJ Assessment template is being reviewed by the Assistant Attorney Generals and the Tribal Liaisons' workgroup. She said the EJ Assessment implementation at each agency will be phased in with starts and stops based on Significant Agency Actions requiring EJ Assessments. In the next few months, there will be time for updates as the agencies start to implement the EJ Assessment.

Member Martin stressed the need for agencies to engage communities during the EJ Assessments.

Co-Chair Batayola commented on how the first version of the EJ Assessment was very robust and the second version is a much shorter checklist. Ex Officio Member Ahmer Nizam said the form is short, but a completed assessment could be much more significant. Member Mendoza said the checklist is only the minimum requirements and agencies can add to it. He added that the process

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for how to complete the EJ Assessment will be included in the guidance and is still under development. Members discussed how EJ Assessments could be shared with community and how the community engagement guidance could inform that communication. Co-Chair Batayola said community engagement needs to be on both ends of the process. She said agencies will host workshops in July and August for EJC members on the EJ Assessment tool.

X. Executive Committee Update

Co-Chair Batayola shared a proposed agenda for the Council retreat in August. Member Blancas asked for it to be a location with outdoor space so they could get some fresh air. Co-Chair Batayola asked members to look at their calendars for August 21 and August 25 and took an informal poll for availability. She directed staff to reach out to members not in attendance to identify the best day. She encouraged members to share ideas for how to make the retreat a positive experience.

XI. Appreciation and Adjournment

Co-Chair Batayola thanked everyone and adjourned the meeting at 6:27 pm.

Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Christy Hoff, Council Policy and Budget Advisor; Amina Al-Tarouti, Environmental Justice Council Staff and Department of Health Workforce Pathways Fellow

Subject: Legislative Report Outline

Background:

The Council's authorizing statute ([RCW 70A.02.110](#)) includes requirements for the Council to submit two legislative updates in 2023.

By November 30, 2023, the Council must submit a report to the Governor and appropriate committees of the Legislature that includes the following elements:

- Council recommendations to agencies on identifying significant agency actions.
- Council guidance to agencies on how to integrate environmental justice into strategic plans, budgeting and funding criteria, and community engagement plans.
- A summary of agency progress reports (due to the Council by September 1, 2023).

In addition, by December 1, 2023, the Council must consider the information shared by agencies in their progress reports and communicate (via a report or other mechanism) to the public, Governor, and Legislature the following:

- A summary of the Council's progress on its statutory requirements under the HEAL Act.
- An evaluation of agency progress on applying Council guidance.
- Updated Council guidance (if needed).

Discussion:

During today's meeting, Council staff will share a proposed outline for a single report that combines the required elements of both legislative updates. The

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Council will have an opportunity to share any feedback on the proposed outline, including on the proposal to combine both updates into one report.

Staff Contact:

Christy Hoff, Policy Advisor, christy.hoff@doh.wa.gov, 360-688-4699

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2023 Legislative Report—DRAFT Combined Report Outline
For Discussion by the EJ Council
July 27, 2023

Executive Summary – Brief (1-2 page) summary of key points

Introduction

- Purpose and scope of report (requirements for two reports – combining into one report)
- Brief overview of HEAL Act
- Environmental Justice Council Overview
 - Membership (when appointments were made, when they convened, etc.)
 - Meetings (how often they meet, compliance with OPMA, public participation)
- IAWG Overview

Council Progress Report on HEAL Act Requirements

- Provide a public forum.
- Work with the Interagency Workgroup to develop guidance for agency community engagement plans.
- Work with the Interagency Workgroup to develop guidance for implementation of EJ into agency strategic plans.
- Work with the Interagency Workgroup to provide guidance to agencies on what should be classified as a “significant agency action.”
- Work with the Interagency Workgroup to develop guidance for implementation of EJ into environmental justice assessments.
- Work with the Interagency Workgroup to develop guidance to agencies on budgeting and funding criteria.
- Collaborate with the Department of Health (lead agency), other covered agencies, Office of Financial Management, and the State Office of Equity to create a statewide and agency-specific process and outcome measures to show performance in reducing environmental disparities.
- Collaborate with the Department of Health (lead agency), other covered agencies, the Office of Financial Management, and the State Office of Equity to establish standards for the collection, analysis, and reporting of disaggregated data as it pertains to tracking population level outcomes.
- Any other guidance or recommendations from the Council.

Council Guidance to Agencies

- Identifying Significant Agency Actions
- Integrating EJ into agency strategic plans
- Integrating EJ into environmental justice assessments
- Integrating EJ into funding and budgeting
- Integrating EJ into community engagement plans

Summary of Agency Progress

Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: HEAL Act Budgeting and Funding

Background:

The Environmental Justice Council (Council or EJC) ad hoc Budget Committee's scope includes two topics:

- 1) Developing draft 2024 Budget Recommendations for the Council's discussion and potential adoption; and
- 2) Developing draft guidance to bring to the Council on integrating environmental justice into agency budgeting and funding decisions as required by the HEAL Act. See page 21 of the [June 22, 2023 meeting packet](#) for more background information.

The Budget Committee asked Council staff to support their work for that second item by gathering a list from HEAL agencies of the areas where they would like guidance from the Council as they begin integrating environmental justice into their budgeting and funding decisions. The intent is for this list from agencies to serve as a starting point for the Budget Committee, in collaboration with the HEAL Interagency Workgroup, to begin drafting guidance that is responsive to questions the agencies are encountering. The HEAL Interagency Workgroup's Budget & Funding Subcommittee provided this list of areas where they would like Council guidance specific to their budgeting and funding requirements under the HEAL Act:

- [RCW 70A.02.080\(2\)\(a\)](#) asks agencies to focus applicable expenditures on vulnerable populations and overburdened communities. Does the EJC have any guidance on what "applicable expenditures" mean? Are all agency expenditures included, or only those addressing environmental harms? What activities should be included/excluded (for example: staff time)? What about activities that are not explicitly environmental justice but

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are being done by a HEAL covered agency? Note: This may, at least in part, be a question of the legal interpretation of the law.

- [RCW 70A.02.080\(2\)\(c\)](#) asks agencies to clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditure decisions. Are there particular metrics that the EJC think are important to make sure are captured? (Note: Perhaps the Metrics and Reporting subcommittee of the HEAL Interagency Workgroup can help determine a possible list of metrics to present to the EJC for feedback.)
- What does “meaningful participation” mean in budget and funding for their constituents?
 - It will be helpful to have guidance on what meaningful participation means over the course of the budget process (i.e., agency request, Governor’s budgets, House and Senate budgets). Note that the role of agencies and the scope of their influence changes as the budget moves through the approval process.
- How will the definitions for “overburdened communities” and “vulnerable populations” apply to budget and funding?

Discussion:

The Council has time today to begin discussing what guidance they may want to provide to agencies on the questions listed above.

Staff Contact:

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

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Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: 2024 Supplemental Budget Proposals

Background:

[RCW 70A.65.040](#) gives the Environmental Justice Council (EJC) statutory authority to provide recommendations to the Legislature, agencies, and the Governor on how Climate Commitment Act (CCA) revenue should be spent.

The 2024 legislative session will be a short session, in which the Legislature will need to develop a supplemental budget. Typically, supplemental budgets are focused on technical fixes to the biennial budget and any emerging priorities. However, the CCA auctions have raised more revenue than previously estimated, creating an opportunity for the Council to provide new funding recommendations for the supplemental budget.

Council staff have met with legislators and staff from the Governor's Office and the Office of Financial Management (OFM) and have developed a list of strategies and lessons learned from last session to help ensure that the Council's 2024 supplemental budget recommendations are as impactful as possible:

- The Council should aim to adopt any budget recommendations at its September 28th meeting for them to be considered in the Governor's proposed budgets.
- Because agency decision packages (budget requests) are due to OFM on September 13, the Council could consider adopting additional recommendations in October to support or align with agency budget requests.
- Adopting broad, general recommendations can make it difficult to track when funding is included in the budgets based on Council recommendations.
- Specific recommendations that are more fully developed are most useful.

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- Adopting specific recommendations and directing staff to finalize details and funding amounts, allows staff the flexibility to collaborate with the Governor’s Office and legislators on final details.

The Council recently convened an ad hoc Budget Committee to make recommendations for funding to bring to the full Council for consideration. To begin the work, Council staff drafted several proposals aimed at providing technical fixes to budget provisos from the 2023-2025 biennial budget or to fully fund previous Council recommendations that were not funded, in total or in part. In addition, some members of the Budget Committee put forward their own recommendations for funding.

Today, in your meeting materials, there are two documents for your review. The first includes proposals for technical fixes to provisos that were funded in the biennial budget and reaffirms recommendations from last session that were not fully funded. The second includes a longer list of budget proposals that are in various phases of development. Some of these proposals have been vetted by the Budget Committee and in meetings with Ex Officio Council members to get a sense of feasibility from the agency perspective. Others have not yet had that level of discussion.

Discussion:

Council Members have had an opportunity to review the draft budget materials included in today’s meeting packet. During today’s meeting staff will provide a brief introduction to the materials, but will not present them in-depth to allow for maximum time for Council discussion and for Members to share additional suggestions for budget recommendations or any concerns with the early draft proposals.

Staff Contact:

Christy Hoff, Policy Advisor, christy.hoff@doh.wa.gov, 360-688-4699

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NOTE:

This document has been prepared by staff for discussion purposes only – Recommendations have not been approved by the Environmental Justice Council

1. Participatory Budgeting

Background: The Environmental Justice Council (Council) adopted a set of 2023-2025 [biennial funding and budget priorities on January 26, 2023](#). One of those recommendations was for Climate Commitment Act (CCA) funds to be allocated for Community Participatory Climate and Environmental Justice Planning. The Council’s recommendation specified funding to: (1) build community capacity to engage in the participatory budgeting process, (2) provide adequate resources to administer the process, (3) minimize barriers to community participation, and (4) fund the Council to partner with applicable agencies in the work. The recommendation also specified that funding guidelines should not exceed any restrictions already in the CCA.

Proposed Changes to the Operating Budget, ESSB 5187, Section 222(124):

\$38,600,000 of the climate commitment account—state appropriation is provided solely for the department to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010. Of the amount provided in this subsection:

- (a) \$6,000,000 of the climate commitment account—state appropriation is provided ~~solely for fiscal year 2024~~ for the department and the environmental justice council created in RCW 70A.02.110 to engage in a participatory budgeting process with at least five geographically diverse overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The

process must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities in alignment with 70A.65.260. ~~to achieve the greatest gain for decarbonization and resiliency.~~ A report of the outcomes of the participatory budgeting process detailing ~~its recommendations~~ the communities' decisions for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, ~~2023~~ 2024.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided solely ~~for fiscal year 2025~~ for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. ~~The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.~~

Proposed Changes to Funding: The Council recommends that funding continue beyond the 23-25 biennium, and not be one-time funds. As long as the grant program continues, the Department of Health will also need continued funding to administer the program and provide the necessary community and Tribal engagement for program success. In addition, it is likely that the Department of Health may not be able to finish executing all the community contracts in such a short amount of time. Therefore, the Council recommends that any unspent funds from the 2023-2025 biennium be reappropriated to the next biennium.

Rationale for Proposed Changes: The requirement for legislative approval of the project list runs counter to the principles of participatory budgeting. Communities know best what their needs are and what solutions will best meet their needs. To be effective, the Department of Health must radically change how it works with the community. This transformative work takes

time to hire specialized community engagement and Tribal engagement staff and to develop trusting relationships and innovative community-led processes. It is not feasible for the Department to finalize work with communities and submit a report by December 31, 2023. Further, the Council finds that the grant program should extend beyond the biennium to avoid potential harms to community relationships by creating and disbanding a program so quickly. Overburdened communities need sustained partnership and funding. There are also co-benefits to participatory budgeting that will not be realized if the program is quickly disbanded. For example, communities are likely to identify needs that may be met by other parts of the governmental system through the participatory budgeting engagement process. Building relationships and making connections requires time and sustained commitment.

Staff note: The Budget Committee directed staff to work with Committee members to develop a plan to ramp up, administer, and then ramp down a participatory budgeting process over six to eight years. Staff are working on a draft of this plan.

2. Workplace Safety and Health

Background: The Council recommended that the 2023-2025 budget include funding to provide protections and payroll replacement for workers impacted by climate health threats. The biennial budget included funding for the Department of Health to implement a grant program and other activities.

Proposed Changes to the Operating Budget, ESSB 5187, Section 222(26):

(a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought, and flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers who face

the most risk from climate-related impacts. This amount shall be limited to supporting vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, ~~and~~ the department of labor and industries, and other relevant agencies, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats. The department shall submit a report by [insert date TBD] that outlines industries and occupations at highest risk for health-related climate impacts and a summary of findings and recommendations for further protections, including additional funding needs to scale up or improve the program as climate impacts worsen.

(c) ~~No more than five percent of this~~ The department may use an appropriate amount of funding ~~may be used~~ to administer this grant program and prepare the report.

Rationale for Proposed Changes: A reporting requirement is needed to provide transparency and to share findings regarding industries and occupations most at risk for climate related

health impacts. In addition, as climate impacts worsen over time, there may be needs to adapt or scale up the program and adding a reporting requirement provides an opportunity for the Department to make recommendations for future needs, including funding needs.

3. Capacity Grants

Background: The Council adopted a [second set of detailed budget recommendations on February 28, 2023](#). One of those recommendations was for the Department of Health to administer a capacity grant program for tribes and communities to provide guidance on HEAL Act implementation and updates to the Environmental Health Disparities Map.

Proviso Language in the Operating Budget, ESSB 5187, Section 222(28): No Proposed Changes

\$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

- (i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and
- (ii) To the department on updates to the environmental health disparities map.

At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

The department may use a reasonable amount of funding provided in this subsection to administer the grants.

Proposed Changes to Funding: The Council recommends that these funds continue beyond the 23-25 biennium.

Rationale for Longer Term Funding: Per RCW 43.70.815, the Environmental Health Disparities Map must be evaluated and updated at least every three years. Similarly, agency implementation of the HEAL Act is ongoing as is the EJ Council's work. Because of the ongoing nature of this work, and the need for continual input and feedback from communities and Tribes, the Council recommends that funding for capacity grants continue beyond the 23-25 biennium to enable communities and Tribes to sustain the necessary engagement with the state on these efforts.

4. Community Co-governance Framework (Community Assemblies)

Background and Rationale: One of the Council's 2023-2025 biennial budget recommendations was to fund the Department of Social and Health Services' (DSHS) request for the Community Assemblies program. DSHS had requested \$10 million to pilot a statewide network of community assemblies hosted by community-based organizations. As state agencies develop their capacity to better engage with communities, similar capacity and infrastructure needs to be built within communities to engage with the state.

Proposed Proviso Language: \$10,000,000 is provided for the Department of Social and Health Services, in collaboration with Peoples Economy Lab, Front and Centered, and Statewide Poverty Action Network, to pilot a statewide network of community assemblies hosted by community-based organizations in order to elevate community expertise and solutions to inform state policy, program, and funding decisions. The assemblies are intended to resolve key barriers to co-creation and lay foundational steps towards the practice of co-governance - participatory democratic process to

establish community-identified policy and programmatic solutions to address systemic issue(s) and challenges, as well as assess progress on measures of well-being in partnership with the Department of Health and other agencies, as necessary. When feasible, Department of Social and Health Services and and Department of Health should find opportunities to partner on Participatory Budgeting and Community Assemblies.

5. HEAL Implementation

Background and Rationale: HEAL covered agencies—the Departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation and the Puget Sound Partnership—along with any opt-in agencies require adequate, ongoing funding to implement HEAL. In some instances, agencies have received one-time funding that was not carried forward into future budgets. In other instances, agencies requested funding that was not funded in whole or in part. The Council supports agency requests for HEAL implementation funding for both of these situations.

Proposed Funding Recommendations:

- \$TBD for the Department of Health for 1) Additional FTE to support the EJ Council in meeting its statutory obligations under the HEAL Act and the Climate Commitment Act and to ensure the EJ Council funding is stable from FY 2024 to FY 2025 as it is currently set to absorb a funding reduction between those two years and 2) For additional resources requested by DOH to adequately support HEAL implementation within the agency and updates to the Environmental Health Disparities map (exact amount still to be determined)
- \$TBD for the Washington State Department of Agriculture to support X.X FTE to support HEAL implementation, including a Tribal Liaison focused solely on HEAL.

- Technical correction to make the \$3,096,000 that the Department of Commerce received for HEAL implementation in the 2023-2025 operating budget ongoing (not one-time) funds.

6. Other Recommendations that were not funded (or fully funded) from last session?

Does the Council want to amplify recommendations from 2023 that were not funded or not sufficiently funded?

NOTE:

This document has been prepared by staff for discussion only – Recommendations have not been approved by the Environmental Justice Council

1. Reducing Barriers to Grant Programs

Background and Rationale: As HEAL agencies implement Climate Commitment Act (CCA) funded grant programs, they will need to develop strategies for reducing barriers for small community-based organizations to access and apply for those funds, including by providing direct assistance to applicants from project development to understand grant processes and drafting applications. The Recreation and Conservation Office has started doing this with encouraging results. Assessing progress and ongoing resource needs can inform future budget requests for the 2025-2027 biennial budget recommendations.

Proposal: HEAL agencies should submit a report outlining their strategies to reduce barriers to CCA funded grant programs that includes recommendations and ongoing needs for funding and other system changes.

Staff note: We are already seeing barriers to equitably implementing the new environmental justice grants that are common in other grant programs as well. Namely, policies and processes usually require grantees to be reimbursed by the granting agency for deliverables already completed versus resourcing the grantee up front to do the work. This creates significant barriers for less resourced community-based organizations, Tribes, and Tribal organizations. The Council may wish to explore creative and innovative ways to eliminate this barrier with Legislators, OFM, the Governor's Office, and state agencies. Potential ideas to consider include exploring if provisos and budget language can be written to clarify that grant funds can be provided up front rather than through reimbursements or by creating a statewide revolving fund that provides funds up front when needed for grant

programs across state government and then is reimbursed by the grant programs as the deliverables are completed by the grantee.

2. Environmental Health Disparities Map Enhancements

Background and Rationale: There is a need for communities to access autogenerated reports from the Environmental Health Disparities (EHD) Map.

Proposal: Provide [funding amount TBD] to the Department of Health (DOH) to enhance the EHD map and create autogenerated reports. DOH should work collaboratively with community to identify commonly requested reports and to test them with community to ensure they are understandable and accessible.

3. Tracking Environmental Justice Complaints

Background and Rationale: Communities contact different state agencies and make complaints regarding hazards and other threats in their communities that result in environmental injustice. There is a lack of transparency in how these complaints are tracked, responded to, and used to inform policy and program development by the state. There is also a lack of follow up with community members who submit complaints.

Proposal: Funding (TBD) to create a workgroup staffed by (TBD) to make recommendations for the development of an enterprise-wide process and system to track environmental justice related complains submitted by community members to agencies across state government. The process and system must: (1) develop definitions for what complaints must be tracked in the system, (2) allow for complaints to be accessed transparently by the public, (3) refer complaints to the appropriate agency for follow-up, (4) track the complaint through resolution and follow up to the complainant, and (5) include protocols for how complaints can be used to inform EJ Assessments.

4. Centralizing Opportunities for HEAL and CCA Related Public Comments

Background and Rationale: There is a need for agencies to coordinate and standardize how opportunities for public comment related to environmental and climate justice are communicated and accessed. The current decentralized and non-standardized ways that agencies announce and make such opportunities available results in confusion and exhaustion among community members.

Proposal: Funding (TBD) for agency (TBD) to create a system to centralize opportunities for public comment related to environmental and climate justice activities. The system should be centralized so the public can identify and access opportunities across the enterprise. The system should also allow for agencies to coordinate on requests to ease the burden on community. The system should include functionality for language and disability access.

5. Process for Notification and Mitigation for Significant Agency Action

Background and Rationale: As agencies identify potential harms resulting from Significant Agency Actions, there should be processes in place to halt the actions. However, in instances when this is not legally allowable, agencies should be required to disclose findings and possible mitigation strategies.

Proposal: Funding is provided to agency (TBD) to develop standardized processes and requirements for agencies to disclose findings of possible harm on significant agency actions and possible mitigation strategies to the public.

6. Environmental Justice Analyses of Legislation

Background and Rationale: Legislative proposals should be reviewed prior to adoption for potential impacts on environmental justice. Currently there are ongoing activities in the state to identify processes for equity impact analyses of legislative proposals, but not to look explicitly at environmental justice or climate justice impacts. Legislative proposals are products of the Legislature and accountability to ensure such policy proposals do not have unintended adverse consequences on equity, environmental justice, and climate justice should be the responsibility of the Legislature.

Proposal: Funding is provided to the Legislature to develop in-house capacity for legislative proposals to be reviewed for potential impacts on environmental justice and climate justice.

7. Title VI Compliance

Background and Rationale: Title VI of the Civil Rights Act makes it unlawful to discriminate on the basis of race, color, or national origin in all programs and activities receiving federal funding. Currently there is no transparency to communities on the extent to which agencies are compliant with Title VI.

Proposal: Agencies should receive funding to complete Title VI compliance assessments and the Governor's Office should publish a report summarizing results of agency compliance with recommendations for improvement. The report should be made available to the public.

8. Tree Canopy and Public Water Assessment

Background and Rationale: The Department of Natural Resources has initiated urban tree canopy assessments but lacks ongoing responsibility to update the assessments, including to track tree canopy loss over time.

Proposal: Ongoing funding (TBD) is provided to the Department of Natural Resources to regularly update data and information on tree canopy and publicly owned water levels across the state and make recommendations to address inequitable canopy loss and to ensure vulnerable populations have access to publicly owned water and water storage.

9. Climate Resiliency Assessments

Background and Rationale: There is a need for ongoing assessment of community climate resiliency, including for specific populations such as urban Indians and those who are unsheltered or living in institutional settings (e.g., prisons or health facilities).

Proposal: Ongoing funding is provided to (agency TBD) to conduct assessments of community climate resiliency and to work collaboratively with communities to identify priorities for and fund activities to support climate resilient communities (e.g., climate resiliency hubs).

10. Climate Threat Studies

Background and Rationale: Currently there are some activities and studies underway by agencies, such as the Departments of Ecology and Commerce to assess Greenhouse Gas production and future projections, but there is a need for sustainable funding to continue and expand on these efforts.

Proposal: Funding (amount TBD) is provided to (agency(s) TBD) for ongoing and regular assessments of climate threats, including identification of sources, future projections, and recommendations.

The following (11-14) are recommendations from members that need further discussion:

Climate Impacted Industry related studies with economic inclusion:

- 11.** Agricultural industry redevelopment (e.g., hydro phonic agri-farming). High impact on Latinx and low-income farm workers.
- 12.** Alternative energy production for community (micro grids) solar and supplemental utility solar (e.g., Ann Arbor supplemental utility NREL connection) with direct energy transfer to low income given likely reduction of power from dams.
- 13.** Electrical energy distribution at state rest areas for commercial and private electrical vehicles.

Targeted and prioritized distribution of state resources:

- 14.** Oil and gas heating residential conversion needs mapping for 1) appropriate and just distribution of WA approved resources for heat pumps, electrical upgrades, energy assistance, and 2) participation in resource distribution systems. Note: Need to explore best agencies for this work (Ecology, Local Clean Air Authorities, Commerce, and Building Code Council).

The following (15 & 16) are recommendations by staff for Council discussion and consideration. They are general considerations for legislators when making policy and budget proposals.

15. Careful Consideration of EJC Inclusion in Legislative Proposals

Background and Rationale: The Environmental Justice Council was created to serve as a public forum on environmental justice issues and to provide guidance to HEAL covered agencies on integrating environmental justice into key agency activities. Alongside its creation, the Council was given additional legislative mandates around the Climate

Commitment Act and since then has been included in many other pieces of legislation and budget items in an advisory or consultative capacity, to create guidance, or to ensure accountability. The Council is made up of busy members, many of whom volunteer their time to serve, and as a result, they have limited time in meetings as a group to make decisions. In addition, it takes significant staff resources to support the Council and its committees with convening public meetings and providing the necessary support around research and policy development, project management, community engagement, communications, and other essential roles and responsibilities. The Council's responsibilities are ongoing, not one-time requirements. While the Council is mandated to make recommendations for how to spend the funding in the CCA accounts, the Council does not believe it needs to be legislatively included in all of the budget provisos that are based on its recommendations. The Council asks the Legislature to carefully consider whether including the Council in legislation or budget items adds sufficient value and aligns with its capacity, authority, and structure as an advisory body of volunteer community members. The Council believes that legislative language should always center free, prior, and informed consent from Tribes; community engagement; co-governance; and co-design; and discourages the legislature from including only the Council to meet this value. State agencies implementing policies and distributing funding should work with community members and Tribes beyond those just seated on the Council.

Proposal: The Environmental Justice Council requests that the Legislature carefully consider whether to include the Environmental Justice Council in legislation and budget items in order for the Council to reserve its limited capacity for existing legislative mandates around HEAL, CCA implementation, and others—while still ensuring that agencies must center free, prior, and informed consent from Tribes; community engagement; co-governance; and co-design.

16. Resources Needed to Implement Legislative Mandates

Background and Rationale: As agencies are working to implement requirements under the Pro-Equity Anti-Racism (PEAR) Plan & Playbook and the HEAL Act and to integrate equity, environmental justice, and anti-racism into their work, they will require significantly more resources and much longer timelines to accomplish tasks and to do this work well. Agencies have begun to radically shift how they develop policies, implement programs, allocate funding, and more by conducting Tribal Consultation, integrating meaningful community engagement opportunities, undergoing equity and environmental justice impact analyses, and planning and resourcing for language and disability access, as examples. These practices add immense value and will ultimately ensure that agencies are more effective in their work. But transforming state government in these ways, requires that agency staff build trusting relationships and provide sufficient time for authentic, non-extractive engagement with communities and Tribes. Timelines that revolve around the fiscal year or biennium are often insufficient to accomplish work in this new and better way. Similarly, consideration should be given to creating programs that are ongoing or implemented for longer periods. It can cause substantial harm for agencies to stand up new programs, hire staff on a temporary basis, and then disband programs too quickly. Additionally, agencies will need more resources to hire staff with specialized skill sets, such as community and Tribal engagement and communications access.

Proposal: The Environmental Justice Council requests that the Legislature shift how it has historically thought about the resources and timelines needed for agencies to implement legislative mandates.

Staff Note: Representative Gerry Pollet sent the Council a memo asking that the Council recommend funding for Community Based Health Assessments in Health Equity Zones. The memo is on [page 79](#) of the meeting packet. The Budget Committee has begun discussing this memo.

Environmental Justice Council

Date: 07/27/23

To: Environmental Justice Council

From: Jonathan Chen, Climate Justice Advisor

Subject: Information about linking Washington’s carbon allowance market with similar carbon allowance markets in other jurisdictions

Table of Contents

Table of Contents.....	1
Summary:.....	2
Background Information on the Climate Commitment Act:.....	2
Linkage in Statute:	2
Information About Linkage from Ecology:.....	2
Ecology’s Linkage Project Timeline:.....	3
Third-party Analysis:	3
Danny Cullenward.....	3
Dr. Leah Stokes and Dr. Matto Miltenberger.....	4
Discussion:	4
Recommended Action:	5
Staff Contact	5

[Go to top](#)

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Summary:

The purpose of this memo is to provide background information about linkage. Most of this information comes from statute passed by the Washington State Legislature or from the Department of Ecology (Ecology). Another memo with additional information will be provided as part of supplemental meeting materials for the EJ Council.

Background Information on the Climate Commitment Act:

The Climate Commitment Act (CCA) limits [greenhouse gas \(GHG\) emissions](#) from Washington's largest emitting sources and industries by putting a price on carbon (an allowance) and establishing a carbon allowance market. Ecology produced these video tutorials to explain different elements of the program:

[Basics of Cap and Invest Video Presentation](#)

[Basics of Cap and Invest Presentation Slides](#)

[The Mechanics of Allowance Auctions Video Presentation](#)

[The Mechanics of Allowance Auctions Presentation Slides](#)

Linkage in Statute:

[California](#) (CA) and [Québec, Canada](#) (QC) have similar carbon allowance markets to the CCA. Ecology is currently exploring whether to link the CCA with these other jurisdictions as described in [RCW 70A.65.060\(3\)](#) and [RCW 70A.65.210](#).

Information About Linkage from Ecology:

- Ecology's webpage about [Cap-and-Invest Linkage](#)
- Stephanie Potts (she/her), is Ecology's Senior Environmental Planner for the Cap-and-Invest Program and Linkage. She created two videos that explains linkage for the members of the Environmental Justice Council (EJC).
- Here is a [5-minute presentation](#) that summarizes linkage and its accompanying [presentation slides](#).

[Go to top](#)

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- For more details about the linkage criteria you can watch this [15-minute overview](#).
- Stephanie is available to meet one-on-one with any Councilmember to answer questions about linkage. Councilmembers can reach out to her directly at (425) 466-5358 or step461@ecy.wa.gov
- Ecology wrote a letter in response to Environmental Justice Council’s motion adopted on June 22, 2023 concerning linkage and an environmental justice assessment. You can find the Council’s motion on [page 48](#) of the meeting packet and Ecology’s response letter on [page 49](#).

Ecology’s Linkage Project Timeline:

In response to the EJ Council’s motion adopted on June 22, 2023, Ecology is working on updating their timeline. This revised timeline will be included as part of supplemental meeting materials for the EJ Council.

Third-party Analysis:

The CCA Committee welcomes input and feedback about linkage from different perspectives in the community. In addition to requesting information and analysis from Ecology, the CCA Committee has also received information from climate policy experts Danny Cullenward, Dr. Leah Stokes, and Dr. Matto Mildemberger. For reference, here are their biographies:

Danny Cullenward

Danny Cullenward is a lawyer and climate economist working on the design and implementation of scientifically grounded climate policy. He is the Policy Director at [CarbonPlan](#) and a Research Fellow at American University’s [Institute for Carbon Removal Law & Policy](#). Dr. Cullenward previously held research appointments at UC Berkeley, the Carnegie Institution for Science, and Stanford Law School, where he taught courses on energy and climate law. His book, *Making Climate Policy Work* (with David G. Victor), critiques the political economy of carbon markets.

[Go to top](#)

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Dr. Leah Stokes and Dr. Matto Mildenberger

Dr. Leah Stokes is a policy expert with nearly two decades of experience working on climate and energy, including championing a federal Clean Electricity Standard. She has four degrees, including her doctorate from MIT, and was recently recognized on the 2022 TIME100 Next and Business Insider Climate Action 30 lists. Leah is conversant in a wide variety of climate and energy topics, including public policy, political science, planning, and psychology. Her recent award-winning book *Short Circuiting Policy* examines why we are behind on climate action, telling the history of fossil fuel companies and electric utilities promoting climate denial and delay. She is the Anton Vonk Associate Professor of Environmental Politics at the University of California, Santa Barbara, the co-host of the popular climate podcast “A Matter of Degrees,” and a senior policy consultant at Rewiring America. Her academic work is published in top journals and is widely read and cited. Find her @leahstokes.

Dr. Matto Mildenberger is an associate professor of political science at the University of California Santa Barbara, where he directs [The 2035 Initiative](#) and co-runs the [Energy and Environment Transitions \(ENVENT\) Lab](#). His research explores the politics of climate change in the United States and around the world — including the real-world effects of carbon pricing programs. His work has been published in the “American Political Science Review”, “British Journal of Political Science”, “Nature Climate Change”, “Political Science Research Methods”, “Nature Energy” and elsewhere. Mildenberger's second book, *Carbon Captured*, examines policymaking trajectories in several countries and offers a new theory to explain cross-national differences in climate reform timing and content.

Discussion:

During today’s meeting, Stephanie Potts, Ecology’s Senior Environmental Planner for Cap-and-Invest Program and Linkage, will brief the EJ Council on Ecology’s draft analysis of the potential impacts of linkage on overburdened communities and vulnerable populations, followed by a discussion. Councilmembers are highly encouraged to watch the video presentations linked in this memo to fully engage on this topic.

[Go to top](#)

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Recommended Action:

Staff have no recommended action aside from engaging in today's discussion with Ecology.

Staff Contact

Jonathan Chen, Climate Justice Advisor, jonathan.chen@ejc.wa.gov, 564.669.3837

[Go to top](#)

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July 3, 2023

Kathy Taylor

Air Quality Program Manager

Washington Department of Ecology

Sent Electronically to Kathy.Taylor@ecy.wa.gov

Dear Kathy Taylor,

The Environmental Justice Council adopted the following motion related to linkages at their June 22, 2023 meeting. I informally shared the motion with Ecology linkage staff on the evening of June 22, but I wanted to relay this to you more formally here and offer to answer any questions that you or anybody on your teams may have about the motion. Please do not hesitate to reach out to me to discuss more.

Motion adopted by the EJ Council on June 22, 2023:

RCW 70A.65.060(3) requires the Department of Ecology to conduct an environmental justice (EJ) assessment on the decision to link carbon markets with Quebec and California to inform its decision on if and when to implement the linkage. Given that the law is unclear on when in the process Ecology needs to conduct that assessment, the Environmental Justice Council (Council) requests that the Department of Ecology 1) conduct an EJ assessment/cumulative impact analysis prior to making a preliminary and final decision on if and when to link markets with other jurisdictions, 2) open public comment after the EJ assessment is finalized and made publicly available, and 3) present the results of items 1 and 2 to the Council for review and development of EJC's policy recommendation on linkage. The Council requests Ecology to respond in writing to this motion providing an estimated timeline to complete the actions in this motion, describing any barriers in meeting these requests the agency may face, and share the results of alternative methods in which Ecology will be able to share their initial analyses of the environmental justice impacts of linkage if this request cannot be met.

Thank you for your continued partnership,

Sierra Rotakhina

Sierra Rotakhina, MPH

Environmental Justice Council Manager

Sierra.Rotakhina@EJC.wa.gov | 360-584-4398



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

July 17, 2023

Environmental Justice Council
C/o Sierra Rotakhina, Environmental Justice Council Manager
Via email: Sierra.Rotakhina@EJC.wa.gov

Re: Motion adopted by the Council concerning linkage and an environmental justice assessment

Dear Members of the Environmental Justice Council:

Thank you for your letter dated July 3, 2023, formally sharing with Ecology the Environmental Justice Council's (Council) adopted motion requesting that an environmental justice assessment be conducted before the Director reaches a preliminary decision on whether to pursue linkage. I am writing in response to your letter to outline Ecology's process, timeline, and considerations relative to the prospect of linking Washington's carbon allowance market with Québec and California.

The Climate Commitment Act directs Ecology to evaluate the benefits of linking the state's carbon market and includes provisions requiring specific criteria be met before pursuing such an agreement. As the Environmental Justice Council noted in their letter to Ecology, RCW 70A.65.060(3) and RCW 70A.65.210 require that Ecology conduct an environmental justice assessment and analyze if specified criteria have been met before deciding to link. In addition to the environmental justice assessment, some of the key provisions that must be considered in deciding on whether or not to link include:

- Joining markets would not negatively impact Washington's ability to meet the emissions-reduction commitments set in state law.
- Linking would reduce the cost of compliance for covered businesses.
- The linking jurisdictions have provisions to ensure their programs provide benefits to vulnerable populations and overburdened communities.
- Linking would not have an overall negative effect on highly impacted communities in any jurisdiction.

Ecology is fully committed to conducting the required environmental justice assessment prior to making a final decision on linking with other jurisdictions. Ecology will use the most complete and up-to-date information available to ensure the Council and the public have the best information for their review and feedback to Ecology prior to making a final decision.



Director Watson intends to reach a preliminary decision as to whether to pursue linkage with California and Québec in October. She had initially planned to reach her preliminary decision in September, but, in response to a request from the Council’s Climate Commitment Act (CCA) Committee, agreed to delay her decision until October. This will be only a preliminary decision, and the first step needed to begin gathering more detailed and specific information necessary to meet the statutorily outlined criteria and completing a robust environmental justice assessment for making a final decision. We do not have sufficient information at this time to complete an informative and robust environmental justice assessment. The time between a preliminary decision and **before** a final decision is made will be when Ecology will gather sufficient and meaningful information to complete a robust environmental justice assessment and ensure we can meet the statutorily outlined criteria.

Although it’s too early in the process to complete an environmental justice assessment, Ecology will evaluate the potential impacts on overburdened communities prior to the preliminary decision on pursuing linkage. In January, Ecology initiated a multi-month process to gather public input on linkage, including specifically input concerning potential adverse impacts on overburdened and highly impacted communities. RCW 70A.65.210(3)(c). As part of that process Ecology also committed to keeping the Council informed and sharing additional information and materials. In June, Ecology shared all the public comments we received during the process with the Council’s CCA Committee. Over the course of the next several months we would welcome opportunities to brief the CCA Committee or the Council if preferred to keep the Council up to date on progress, and key information and input(s). We will share an early draft of our analysis of linkage criteria, including criteria most relevant to the impact upon overburdened and vulnerable communities before that analysis is final or made public.

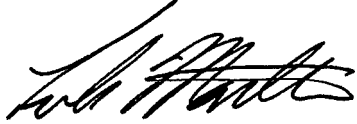
If Director Watson makes a preliminary decision to pursue linkage, there will be a number of steps to follow, including: engaging in detailed discussions with Québec and California as to how linkage might operate; weighing the impact of changes the other jurisdictions may make to their programs as to stringency and ensuring their programs provide benefits to vulnerable populations and overburdened communities; pursuing potential statutory and regulatory changes to harmonize the three programs; conducting a full environmental justice assessment; negotiating a proposed agreement; and then, conducting additional public outreach and engagement as to the terms of the negotiated linkage agreement **before** a final decision is reached. If Washington, California, and Québec each decide to pursue linkage, the three jurisdictions would begin discussing a linkage agreement and revising program regulations, as needed, for alignment – a process that would take at least a year. Ecology will ask for public input again before approving a linkage agreement.

The Legislature clearly envisioned a linked market, and we have built Washington’s program to dovetail as seamlessly as possible with those in other jurisdictions if Ecology determines that linkage meets the requirements set in the Climate Commitment Act. Though we can see the benefits of linking to programs in California and Québec, Ecology is committed to ensuring that any linkage agreement is in the best interest of Washington’s environment, economy, communities, and climate goals.



We appreciate the time and attention the Council and the CCA Committee have given to the topic of linkage. Ecology staff are available to provide additional resources or meet with Councilmembers, including in small groups or even individually if helpful, to provide information and listen to concerns. Please let me know if this might be of interest, or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Luke Martland". The signature is fluid and cursive, with a prominent initial "L" and "M".

Luke Martland
Climate Commitment Act Implementation Manager



Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Environmental Justice Council Community Engagement Committee

Subject: Community Engagement Values and Guidance

Background and Summary:

The Community Engagement Committee of the Environmental Justice Council (EJC or Council) developed draft community engagement values and community engagement guidance for HEAL agencies and for the Council which were initially introduced to the Council at its meeting in March 2023. During that meeting, the Council expressed its support of the effort and agreed that the committee should continue to develop the document. By the time of its introduction in March 2023, the document had seen considerable work by the committee including work which occurred in the first in-person meeting of the committee in 2022. It was there, with most committee members present including the community representatives, that the foundation of the current document was laid. The committee re-introduced a revised version at the Council's meeting in June 2023. Council Members discussed and suggested revisions to the document. The committee met twice to incorporate the feedback though limited capacity prevented participation from all committee members. Attached is the most recent version that the committee is requesting the Council adopts. Please note that the committee intends for this document to be revisited and revised regularly to reflect what we learn from communities. In addition, appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.

For additional background, at its meeting on June 22, 2022, the Council adopted agencies' draft community engagement plans and the following motion:

The Environmental Justice Council supports the adoption of the Interagency DRAFT community engagement guide and DRAFT agency-specific community engagement plans (as ready) by HEAL agencies with the following conditions:

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- The document is clearly marked DRAFT and the cover page contains language that it has not been reviewed by the EJ Council.
- A statement accompanies the DRAFT stating that agencies are posting provisional community engagement plans and awaiting guidance from the EJ Council before it is implemented.
- Representatives from the HEAL Interagency Work Group and the EJC's Community Engagement Committee will work together to develop a process and timeline for EJC review of the DRAFT Community Engagement Plans.
- Incorporating guidance from the EJC.
- Getting feedback from communities through listening sessions and incorporating the feedback.
- Offer Tribal consultation BEFORE a plan is implemented in HEAL agencies.
- Covered agencies must offer consultation with federally recognized Indian tribes on the creation and adoption or updating of a community engagement plan required under RCW 70A.02.050.

Recommended Action:

The Community Engagement Committee of the Council recommend the Council discuss, amend as necessary, and adopt the following motion:

The Environmental Justice Council adopts the Community Engagement Values and Guidance drafted by its Community Engagement Committee. In lieu of the Community Engagement Committee reviewing and providing guidance on each agency's community engagement plan, the Council strongly suggests and urges:

- 1) The Interagency Work Group integrate these guidance and values in the Interagency community engagement guide.
- 2) The HEAL agencies integrate these guidance and values in their agency-specific community engagement plans.

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Staff Contact

Rowena Pineda, Environmental Justice Advisor, rowena.pineda@ejc.wa.gov, 360.584.4197

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DRAFT Community Engagement Guidance and Values

Presented to the Environmental Justice Council on June 27, 2023

Revised on July 14, 2023

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington State. The HEAL Act established the Environmental Justice Council to provide guidance to state agencies on how to integrate environmental justice into different facets of their work. The Community Engagement Committee was created by the Council to lead the discussion on community engagement with the agencies. The committee and the Council believe that authentic community engagement is the heart of environmental justice. Community engagement is a two-way communication process between government and the public.ⁱ As such the following values are foundational to community engagement, and the guidance are reflective of these values. While the guidance is designed for state agencies, they can be useful for communities as they review and evaluate how agencies are engaging with communities. (Appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.)

1. **Community-Centered:** With a focus on those closest to the pain: Power, dialog, and knowledge production must be done with community as equal partners. The use of lived experience, story, participatory, qualitative, and arts-based methods that accurately convey community concerns must be prioritized as at least equal to western and quantitative methods for transformational change.
2. **Equity-Centered:** We work to make meaningful change with communities that have been historically oppressed, denied resources, and extracted from for the benefit of others. The goal is to eliminate racial hierarchies and advance collective liberation,

where Black, Indigenous and People of Color, in particular, have the dignity, resources, power, and self-determination to fully thrive.

3. **Accessible:** Work should be done in locations where community is in partnership with community-based organizations and community leaders, in ways that utilize multiple ways of knowing, in ways that share power, and with results that are usable by community. Translation services and disability inclusion through accommodations should be provided.
4. **Authentic:** Community is the expert of their lived reality. Engagement with community should be authentic, ongoing and non-extractive, and value community knowledge through reciprocity.
5. **Accountable (Reciprocal Trust):** Government must acknowledge their past and current missteps and take action to create a better relationship currently and in the future through Truth and Reconciliationⁱⁱ. At the same time, government often distrusts community knowledge and work if it is not based on quantitative data (even if the numbers are not accurate or real). Authentic partnership with community can lead to data that is a more accurate representation of their truth.
6. **Intersectional:** We coalition build by doing intersectional work to make a more inclusive, equitable, and sustainable movement that explores the nuance of how identities such as gender, race, disability, sexuality, religion, citizenship, age, and more have led to disproportionate burdens from environmental inequities.
7. **Interconnectedness:** We are interwoven with all people of the world, the environment, and the living and non-living world. Only through working together and seeing the humanity of us all can we replace individualism that leads to extractive relationships with people and the environment towards reciprocal relationships to address inequities and climate change.

Therefore, the Environmental Justice Council guidance is that outreach and community engagement shall:

1. Demonstrate respect and value for community cultural practices and expressions, ways of knowing, forms and sources of community leadership, and specific, local expertise.
(Reflective of Values #1: Community Centered and #4: Authentic)

2. Center, acknowledge, trust, and amplify voices of marginalized, vulnerable communities experiencing unaddressed environmental health disparities. Remember that community is the pre-eminent expert in their reality.

(Reflective of Values #4: Authentic and #7: Interconnectedness)

3. In planning and conducting community engagement, incorporate an understanding of the impacts of historical, contemporary and structural forms of racial and other oppressions. Incorporate this understanding into analytical methodologies agencies use when determining community impacts, mitigations, reparative benefits and the implementation of community engagement. The community engaged should be the primary beneficiary.

(Reflective of Values #3: Accessible, #4: Authentic, and #5: Accountable [Reciprocal Trust])

4. When planning and conducting community engagement, utilize multiple forms of culturally responsive research including quantitative, qualitative, and community driven methodologies and approaches to collaborative, and applied research that center community cultural values, voice, and agency. Ask the right questions, do the research in a non-extractive and anti-racist way to avoid disengagement, analyze the data in a non-deficit way, and the data/end product should be usable by community.

(Reflective of Values #1: Community Centered, #5: Accountable [Reciprocal Trust], #6: Intersectional, and #7: Interconnectedness)

5. Prioritize transparency in data collection by preserving raw data and creating opportunities for communities to re-analyze it. Recognize that publicly available data sometimes minimizes community-based data. Utilize community-based research methods including multiple qualitative and quantitative data sources to identify marginalized, vulnerable sub-populations within communities that might require unique approaches for engagement.

(Reflective of Values #1: Community Centered, #3: Accessible, and #6: Intersectional)

6. In collaboration with communities, identify and use culturally and linguistically responsive and effective outreach and community engagement methods and materials.

(Reflective of Values #1: Community Centered, #3: Accessible, and #4: Authentic)

7. Fully and concurrently utilize a wide variety of methods to conduct and engage communities in the ways and venues preferred by communities themselves. Make sure materials are accessible to community members without technology, prefer not to use technology, or have low literacy.

(Reflective of Values #1: Community-Centered, #2: Equity-Centered, #3: Accessible, and #4: Authentic)

8. Consider the impacts of community engagement on communities. Provide needed social supports such as funding for community-based resources that communities identify to help mitigate and process the trauma experienced from the engagement itself.

(Reflective of Values #1: Community-Centered, #2: Equity-Centered, and #3: Accessible)

9. Treat the valuable engagement with reciprocity in the form of gifts, food, and compensation which is a baseline of exchange for knowledge and experience communities are sharing with the state that they would otherwise not have access to.

(Reflective of Values #2: Equity-Centered and #3: Accessible)

10. Coordinate and collaborate among state agencies when engaging with communities.

(Reflective of value #1: Community Centered)

11. Provide a report on how the above guidance is integrated in community engagement, and lessons learned.

(Reflective of Value #5: Accountable [Reciprocal Trust])

ⁱ From Metropolitan Area Planning Council's (MAPC) Community Engagement Guide, [MAPC-Community-Engagement-Guide-2016.pdf](#).

ⁱⁱ Truth and Reconciliation: "Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior" (Canada's TRC Report 2008).
https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

DRAFT

Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Executive Committee Update

Background:

The Executive Committee will be updating the Environmental Justice Council (EJC or Council) on two items today. With limited time for this agenda item, the goal is to introduce these items and have some initial Council discussion today. The goal is then to have deeper discussion, amendments as needed, and adoption at a future meeting. These two items are:

1. Update and discussion about Proposed Interim Policy for EJC Non-Tribal Delegates
2. Introduction: Definitions of “Council Guidance” and “Technical Assistance”

The meeting packet also includes the Council’s workplan color-coded to track progress ([page 64](#)).

1. Update and discussion about Proposed Interim Policy for EJC Non-Tribal Delegates

The Council has discussed the need for increasing capacity, engagement, and equity for Council Members several times since the Council was first fully appointed in April of 2022. This was partially addressed for the Council’s Tribal Representatives by a memo from Carrie Sessions, Senior Policy Advisor on Environment and Water for the Governor, clarifying the use of delegates for EJC Tribal seats (see [page 62](#) of the meeting materials). However, the concerns raised for other members have not been addressed by the Council.

Several committees of the Council have discussed the benefits and concerns with various ideas that have been raised such as allowing delegates to attend committee meetings, allowing support staff to attend committee meetings, and/or opening committee membership up to

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non-Council members. The Governance Committee is continuing to discuss and workshop bylaws on this topic, but these bylaws are not scheduled to come to the Council for discussion and adoption until September of 2023. The Executive Committee is proposing that the Council adopt an interim policy to address this issue until the bylaws are in place. The Executive Committee plans to introduce an early draft of an interim policy for Council feedback and discussion at the July 27th Council meeting.

2. Introduction: Definitions of “Council Guidance” and “Technical Assistance”

Many Council Members and state agency staff have raised the question of what is defined as “Council Guidance” versus what is “technical assistance” or input and perspectives from individual Council Members or a committee of the Council. The Executive Committee would like to introduce a starting point for discussion with the full Council today about how to define these terms with the goal that the Council would amend these definitions and adopt them at a future meeting. Here is some early language for the Council to begin discussing and editing:

- “Guidance” means policy adopted by the full Environmental Justice Council
- Individual Environmental Justice Council Members or Committees of the Council can provide “technical assistance” for implementation purposes. However, their technical assistance does not bind or limit the EJC capacity to guide, comment, or evaluate the effectiveness.

Discussion:

During today’s meeting, the Executive Committee will introduce the two topics listed above and the Council will have an opportunity to begin discussing both items.

Staff Contact:

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

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To: Sierra Rotakhina, staff to the Environmental Justice Council

From: Carrie Sessions, Senior Policy Advisor on Environment and Water, Office of Governor Inslee

Date: January 31, 2023

Re: Use of delegates for Environmental Justice Council tribal seats

Staff for the Environmental Justice Council (the Council) asked the Governor's Office whether Councilmembers serving in the four tribal seats may use delegates to participate, speak, and vote on the Councilmember's behalf. The guidance provided in this memo is not intended to dictate whether the tribal representatives should use delegates; rather, this guidance should serve as parameters under which the Governor's Office is comfortable with the use of delegates, should the Council decide to go in this direction.

Consistent with the statutory requirement, the Governor's Office worked with Tribes on the selection of tribal representatives to serve on the Council. In collaboration with Tribes, we selected representatives whose qualifications uniquely position themselves to effectively represent tribal community voices in Council activities. Therefore, it is our preference that the appointed Councilmember participate in Council meetings and activities. However, we understand that is not always possible, especially for elected tribal leaders. Therefore, we are open to the use of delegates for the tribal Councilmembers, under certain parameters.

RCW 70a.02.110(2) states:

"The council consists of 14 members, except as provided in RCW 70A.65.040(3), appointed by the governor. The councilmembers must be persons who are well-informed regarding and committed to the principles of environmental justice and who, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state."

RCW 70a.02.110(2)(b) states that the Council must include:

"Two members representing tribal communities, one from eastern Washington and one from western Washington, appointed by the governor, plus two tribal members as specified in RCW 70A.65.040. The governor shall solicit and consider nominees from each of the federally recognized tribes in Washington state. The governor shall collaborate with federally recognized tribes on the selection of tribal representatives."

RCW 70a.65.040 adds two additional tribal members to the Council.

Other statutes that establish a Governor-appointed board or council, such as [RCW 28C.18.020](#), [RCW 43.20.030](#), and [RCW 50B.04.030](#), contain language that specifically allows for a member's delegate or designee. RCW 70a.02.110 lacks this language. However, we understand that our government-to-government relationship with Tribes warrants a unique approach to the tribal seats on the Council. Given the statutory language in RCW 70a.02.110(2)(b) and our government-to-government relationship

with Tribes, if tribal representatives on the Council wish to use delegates, we are comfortable with them doing so provided that it is done within the following parameters:

- Because all Council members are appointed by the Governor, we request that if a tribal Councilmember wishes to use a delegate, the delegate be identified to our office in writing by signed letter or tribal government resolution. We also request that the Councilmember only name one delegate.
- Per statute, the tribal seats are “representing tribal communities.” When selecting Councilmembers to serve in the tribal seats, the Governor’s Office solicited and prioritized applications from tribal leaders. We request that a named delegate also fulfill the requirement to “represent tribal communities,” for example by being an identified tribal member or person working in a leadership or senior staff position within tribal government. We offer to work with the tribal Councilmembers to ensure that a delegate fulfills this requirement.
- Lastly, the Governor’s Office retains the authority to not approve a named delegate.

If the above process and parameters are followed, we are comfortable with the four tribal Councilmembers using a delegate to participate and vote on the Councilmember’s behalf. We offer to work in partnership with the tribal Councilmembers on the process for naming delegates, should the Council decide to proceed with this option.

We value the contributions of all Councilmembers and deeply appreciate their service to the Environmental Justice Council.

Key	
	Complete
	In progress
	Barrier or issue encountered

Environmental Justice Council (EJC) 2023 Workplan/Agenda Items

Required Topics	May 3 hr meeting	June AS NEEDED	July 3 hr meeting	August Retreat	Sept 3 hr meeting	Oct AS NEEDED	November 3 hr meeting
First 30 min EJC Admin (Roll call, adoption agenda, minutes, Exec Committee Update, Public Comment)	Interim Exec/Co-Chair Elections		10 min Adopt Definition - Guidance (policy) v Technical Assistance (implementation tools)	AS NEEDED	FYI HEAL Agency Update Reports		
Last 30 min Public Comment/Eval				AS NEEDED			
GOAL/STANDARD - HAVE 3 DISCUSSION ITEMS PER MEETING							
Bylaws (Bylaws Committee)			Pass non-controversial Bylaws sections & get input on controversial ones (20 minutes)	AS NEEDED	Resolve/Pass controversial sections of the Bylaws		

Key	
	Complete
	In progress
	Barrier or issue encountered

Environmental Justice Council (EJC) 2023 Workplan/Agenda Items

Required Topics	May 3 hr meeting	June AS NEEDED	July 3 hr meeting	August Retreat	Sept 3 hr meeting	Oct AS NEEDED	November 3 hr meeting
Budget & Funding Guidance (ad hoc Budget Committee)	<p>2023 Leg Session results, CCA & Budget/Funding preliminary guidance - Get input on questions that need answers (Set up Budget work group)</p> <p>Note: The 2023 Leg Session update was postponed. Staff are recording the presentation and will post it online. Staff convened an ad hoc Budget Committee.</p>	<p>Discuss Guidance on HEAL Act Budgeting and Funding Requirements</p>	<p>Propose 1) Budget/Funding guidance, 2) CCA & HEAL 2024 Budget Proposal (includes 2023 Report for inclusion into EJC report). (40 min total)</p>	<p>AS NEEDED</p>	<p>Adopt CCA & HEAL 2024 Budget Proposal</p>	<p>Potentially adopt second round of 2024 budget recommendations focused on agency decision packages (budget requests)</p>	<p>Discuss Council Process for 2024 Legislative Session</p>
Community Engagement Guidance (Community Engagement Committee)		<p>Discuss Community Engagement Values and Guidance</p>	<p>Discuss and Adopt Community Engagement Values and Guidance</p>	<p>AS NEEDED</p>			
EJ Assessment Guidance (EJ Assessment Committee)	<p>EJ Assessment Briefing (EJAC)</p>	<p>Continue Discussion on Environmental Justice Assessments</p>		<p>AS NEEDED</p>		<p>EJ Assessment Committee briefing on learnings & proposed process adjustments</p>	<p>EJC adopt EJA guidance</p>

Key	
	Complete
	In progress
	Barrier or issue encountered

Environmental Justice Council (EJC) 2023 Workplan/Agenda Items

Required Topics	May 3 hr meeting	June AS NEEDED	July 3 hr meeting	August Retreat	Sept 3 hr meeting	Oct AS NEEDED	November 3 hr meeting
Health Disparities Map				AS NEEDED			
CCA Guidance and Air Monitoring (CCA Committee)			HOLD for Air Monitoring	AS NEEDED			HOLD for Air Monitoring
Guidance on Identifying Overburdened Communities and Vulnerable Populations (Community Engagement Committee)	Identifying Questions on Overburdened Communities and Vulnerable Populations	Discuss Identifying Vulnerable Populations and Overburdened Communities					
Cap & Invest Linkage Program		Continue Discussion and Possible Council Action on CCA Linkage Program Needing an Environmental Justice Assessment (adopted motion)	Briefing on Linkage program and components (40 min)	AS NEEDED	Ecology report on Linkage EJA & Public comments & CCAC Comments likely motion (workshop in between)	CCAC Linkage motion adopted	

Key	
	Complete
	In progress
	Barrier or issue encountered

Environmental Justice Council (EJC) 2023 Workplan/Agenda Items

Required Topics	May 3 hr meeting	June AS NEEDED	July 3 hr meeting	August Retreat	Sept 3 hr meeting	Oct AS NEEDED	November 3 hr meeting
EJC Report			EJC Report Outline (?Set workgroup)	(Continuous online review)	(Continuous online review)	Staff Report on Report Section on departmental 1) HEAL Impl Plans and 2) Community Engagement Plans based on HEAL & CCA RCW criteria	Adopt EJC 2023 Report

EJC Retreat can be scheduled as stand alone or in combination with one of the regular meetings resulting in a 6 or 7 hour day.	
1	Sen Saldaña vision for HEAL & what did not get in HEAL Act. Then Sen Saldaña & Sen Nguyen 2023 lessons, and 2024 legislative/budget changes they desire.
2	EJC Values, Direction, 2024 Legislative Priorities
3	Tribal Status, Consultation Training, Decision Making in EJC and Tribal engagement plans

Retreat date: August 25, 2023

CCAC= Climate Commitment Act Committee

EJAC = EJ Assessment Committee

Environmental Justice Council

Date: July 27, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Bylaws Articles I, II, III, and VI

Background:

The Council's Governance Committee has been meeting to discuss and make recommendations for the Council's bylaws. At its October 27, 2022 meeting, the Council adopted Article II, related to the Executive Committee. At today's meeting, the Council will have an opportunity to review, discuss and possibly adopt amendments to Article II proposed by the Governance Committee. In addition, the Council will have an opportunity review, discuss, and possibly adopt additional procedural articles (Articles I, III, and VI).

Staff Recommended Action:

The Council may discuss, amend if necessary, and adopt the following motion:

The Environmental Justice Council adopts the amendments to Article II of the bylaws with any changes agreed to by the Council on July 27, 2023. The Council adopts Articles I, III, and VI as presented with any changes agreed to by the Council on July 27, 2023.

Staff Contact:

Christy Hoff, Policy Advisor, christy.hoff@doh.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 Bylaws Articles I, II, III, and VI – For Discussion and Possible Adoption

Article I: Council Membership

Council Appointments

The Governor appoints 16 members to the Environmental Justice Council (Council) as described in [RCW 70A.02.110](#). Covered agencies shall serve as nonvoting, ex officio liaisons to the Council as described in [RCW 70A.02.110](#).

Council Member Terms

Council member term lengths are outlined in [RCW 70A.02.110](#).

Delegates

[RCW 70A.02.110](#) does not specifically allow members to have delegates or designees; therefore, the Governor’s Office does not authorize appointed members, other than members appointed to tribal seats, to name delegates. In recognition that the state’s government-to-government relationship with tribes warrants a unique approach, the Governor requests that members appointed to tribal seats who wish to use delegates observe the following process:

- Submit the name of the delegate to the Governor’s Office by signed letter or tribal resolution.
- Submit only one delegate per member.
- Ensure that any delegate fulfills the requirement to “represent tribal communities” by being an identified tribal member or person working in a leadership or senior staff position within tribal government.

The Governor’s Office has authority to deny the approval of a named delegate. Delegates may participate and vote during Council meetings; however, the original member appointed by the Governor will remain the appointed member for the remainder of the term.

Council Member Stipends and Reimbursement

Council members may be eligible to receive stipends and reimbursement for travel, lodging, and child and adult care, as funding allows, as members of a class one group in compliance with [RCW 43.03.220](#), [RCW 43.03.050](#), and [RCW 43.03.060](#) and in alignment with the Office of Equity guidance required under [RCW 43.03.270](#).¹

Article II: Council Executive Committee

Council Executive Committee Duties

The full Council elects three to five voting members of an Executive Committee from which two members will be elected to serve as Co-Chairs of the Council. The Executive Committee shall include at least one Tribal representative and at least one community representative. The Executive Committee may meet when at least three members are present, including one Co-Chair, one Tribal representative, and one community representative. A tribal representative can designate their delegate to participate on the Executive Committee, consistent with Article I.

The Executive Committee is responsive and accountable to the full Council. The Executive Committee works to implement the full Council’s decisions made by consensus and has a responsibility to report back to the full Council, keep the Council informed, and seek guidance and feedback from the Council to improve Executive Committee processes and ensure it is fulfilling the Council’s vision.

The Executive Committee helps organize the work of the Council by:

¹ [Community Compensation Guidelines](#), Washington State Office of Equity.

- Determining the issues that have the potential to impact Tribes and Tribal communities and notifying potentially impacted Tribal governments.
- Organizing the agenda with input from the Council committees and Council members.
- Ensuring accountability of the Council to equitable governance with communities highly impacted by environmental health disparities and their needs and solutions.
- Communicating and coordinating with the Council’s committees and receiving regular reports from the committees.
- Signing Council letters, memos, and other correspondence that have been adopted by the full Council. The Executive Committee may ask the Council Manager to sign Council-adopted correspondence as appropriate.

The Executive Committee works with Council staff by:

- Developing proposals for full Council review.
- Identifying the best Council members to serve as spokespeople for the Council on a case-by-case basis.

In addition to the duties of the Executive Committee outlined above, the duties of the Co-Chairs include but are not necessarily limited to:

- Facilitating at Council meetings or delegating meeting facilitation to staff, other Council members, or an outside facilitator as appropriate.
- Guiding staff in communicating with Council members to support engagement with the Council.
- Calling special meetings as needed in accordance with [RCW 42.30.080](#). The Co-Chairs will be responsive to requests from any Council member to call a special meeting.

In addition to the duties of the Executive Committee outlined above, the duties of the Executive Committee Tribal representative include but are not necessarily limited to:

- In collaboration with the other Tribal representatives on the Council, directing staff on the Council’s Tribal engagement.

- Facilitating discussions with the Tribal representatives to determine when an issue before the Council impacts Tribes (including but not limited to issues that impact treaty rights).
- Leading discussion on agenda items concerning issues that impact Tribes.

Nomination and Election of Executive Committee

Nominations

Any member of the Council can nominate themselves or another Governor-appointed Council member to one of the specific Executive Committee seats. Nominations may be made at a Council meeting or by communicating the nomination to Council staff prior to the meeting. Each Council member will be notified of their nomination. Each Council member accepting their nomination will review the duties of the Executive Committee as outlined in these bylaws and consider time, capacity, and ability to follow-through on these duties and then will then have an opportunity to share with the full Council how they would approach this role. After each nominee has had the opportunity to address the Council, the Council will hold a public vote.

Election of the Executive Committee

Each Executive Committee seat is elected by a majority vote of the Council. If no one nominee receives a majority of the votes, the Council will hold a run-off election between the two nominees who received the largest number of votes.

The full Council will elect the Executive Committee members in the following order: 1) Executive Committee Tribal representative 2) Executive Committee community representative and 3) Executive Committee open seat(s).

Election of Executive Committee in the Event of a Vacancy

In the event of a vacancy, election of Executive Committee members can also be done on an ad hoc basis through majority vote. A Council Co-Chair will call for nominations for the vacant seat(s) following the processes for nomination outlined above.

Election of Interim Executive Committee Members

In the event that the Council is not fully appointed, the Council may choose to fill a vacant Executive Committee seat on an interim basis through majority vote until the Governor has appointed all sixteen voting members. Once the Council is fully appointed, a Council Co-Chair may call for nominations to fill the interim seat on an ongoing basis through majority vote.

Election of the Co-Chairs

Following the election of the Executive Committee members, the Council will elect, through majority vote, two Co-Chairs from among the Executive Committee members. Any member of the Council can nominate Co-Chairs from among the Executive Committee members by communicating the nomination to Council staff. A Council member accepting their nomination will review the duties of the Co-Chairs as outlined in the bylaws and consider time, capacity, and ability to follow-through on these duties and will then have an opportunity to share with the full Council how they would approach this role.

The Council will vote for two Co-Chairs from a ballot including tickets with each possible combination of Co-Chairs who have been nominated. If no Co-Chair ticket receives a majority of the votes, the Council will hold a run-off election between the two tickets that received the largest number of votes.

Election of a Co-Chair in the Event of a Vacancy

In the event of a single Co-Chair vacancy, the Council can elect, through majority vote, a new Co-Chair from among Executive Committee members once the Executive Committee is again fully elected.

Election of an Interim Co-Chair

In the event that the Council is not fully appointed, the Council may choose to elect a Co-Chair on an interim basis through majority vote until the Governor has appointed all sixteen voting members. Once the Council is fully appointed, the Chair may call for nominations to fill the interim seat on a regular basis through majority vote.

Executive Committee Terms

The Executive Committee members are each elected to two-year terms as required by [RCW 70A.02.110\(2\)](#). Terms begin upon election and continue until one of the following occurs:

1. Two-year term as an Executive Committee member ends;
2. The term of appointment to the Council ends;
3. Resignation; or
4. A majority of members appointed by the Governor requests replacement and such replacement is made.

Article III: Meetings of the Council

Open Public Meetings

All Council meetings will comply with [RCW 42.30](#), the Open Public Meetings Act.

Quorum

A quorum is nine voting (Governor-appointed) members of the Council. If the Council is not fully appointed, then a quorum is a majority of the Governor-appointed members. The Council may discuss issues and deal with administrative matters in the absence of a quorum, but it may not take any significant action (including but not limited to adopting any resolution, letter, guidance, recommendation, or other position) during a meeting if a quorum is not present.

The Council may choose to postpone taking action on an item if there are fewer than 4 of the 7 community representatives and/or fewer than 2 of the 4 Tribal representatives present. Any voting member can ask for a roll call prior to a vote to determine how many community and Tribal representatives are present. The Council may entertain a motion to adjourn without a quorum.

Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken by the Council unless additional members join and re-establish a quorum.

Decision Making Process

Council decisions are potentially complex with far-reaching implications and impacts. The goal of the Council's decision-making process is to bring about consensus with rigorous and candid discussions towards shared understanding and appreciation where interests, agreements, and disagreements exist.

Routine & Simple Decisions

1. For routine decisions (e.g., adoption of the agenda or meeting notes) and simple decisions, after a motion is made, the facilitator shall ask if there are any objections.
2. If there are none, the facilitator declares the motion adopted.
3. If there are objections, the facilitator shall provide members the opportunity to state their objections and have staff or Council members respond. Council members may offer amendment(s) to resolve the objection if possible. When the discussion is complete, the facilitator shall call for a vote in favor of the motion, opposed, or abstaining. If there are no opposing votes, the motion passes. If there are opposing votes, the motion does not pass, and the Council may return to discussing the motion.
4. Staff will indicate the result of the vote on the motion in the meeting notes.

Substantive Decisions

1. For substantive decisions, any voting member can make a motion. When making a motion, the Council member will fully articulate the action to be considered by the Council.
2. After a motion is made, the facilitator will ask for discussion. When it appears that discussion is exhausted, the facilitator will ask for a vote using the following options:
 - a. Yes, I approve.
 - b. Yes, with reservations.
 - c. I don't approve, but I won't block.
 - d. I block, have serious concerns.
 - e. I stand aside, recuse myself.
3. If all members vote A, B, C, and E, the motion passes.
4. If any member chooses D, the motion does not pass, and the facilitator will ask the Council members blocking if they can share their reasons to identify points of disunity. Council members may offer an amended motion to move the Council toward consensus agreement.
5. For highly complex topics, the facilitator may ask for a straw vote using the choices outlined above (step 2).
6. The facilitator will announce the results of the vote and staff will record the result in the meeting notes.

Substantive Decisions Impacting Tribes

The Council may choose to outline a different process for decisions that impact Tribes. Until that process is adopted formally into the bylaws, the Council will use the decision-making process outlined above.

Article VI: Amendments to the Bylaws

The Governance Committee will review the bylaws at least every two years. If the committee determines changes are needed, they will make a recommendation for the full Council's consideration. Amendments to the bylaws will be considered using the consensus-based decision-making process outlined in Article III.

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.

To: Environmental Justice Council Members

From: Representative Gerry Pollet

Date: July 6, 2023

RE: Proposal for community-based health assessments and DoH's Health Equity Zone Initiative for highly impacted and overburdened communities and Tribes for inclusion in EJC budget recommendations

The Department of Health's (DoH's) **Health Equity Zones Initiative (HEZI)** and **community-based health assessments (CBHAs)** offer a significant opportunity to provide resources to overburdened and highly impacted communities and Tribes (and communities or populations who may want to document that they are overburdenedⁱ or highly impactedⁱⁱ) to identify and address major health disparities which reduce lifespan, impose disabilities, reduce quality of life, education and opportunity. Through discussions with the Department of Health I have developed a request for resources that aligns with the priorities and potential funding requests of the Department.

These are community driven programs that allow the communities, vulnerable populations and Tribes to identify and choose projects which address their most pressing health problems.

Through use of the HEZI and CBHAs, communities, Tribes and vulnerable populations may identify and prioritize health risks, identify evidence based projects to address priority health risks and prioritize which projects are most appropriate for implementation based on community values. As such, the HEZI and CBHAs also offer the Environmental Justice Council a means to ensure that future budget requests to address environmental related health problems are both community/Tribal priorities and are likely to achieve desired outcomes to improve health.

The HEZI and use of CBHAs fit closely with the EJ Council's work on Environmental Justice Assessments (EJ Assessments) under the HEAL Act. EJ Assessments will require significant additional community based health information to inform and support agencies' consideration of overburdened communities and vulnerable populations. Combined with the HEZI and CBHAs, the Council and agencies can ensure that the residents of overburdened communities and members of vulnerable populations are involved in identification of both the conditions of their communities and identification and development of solutions that consider the unique characteristics of their communities.

Community Based Health Assessments (CBHAs) are public health tools that utilize a broad range of data sources to assess the health of communities and populations within communities. CBHAs utilize tools involving (and which may be chosen or suggested by) community members to assess health, assets and obstacles to health. CBHAs involve the community in prioritizing interventions to address the identified health problems. Thus, CBHAs can capture the lived experiences of community members to inform public health interventions – improving their likelihood of success. Tribes across the US have conducted CBHAs, as well as non-profits and local health agencies, which have informed us on costs and timelines. Therefore, CBHAs are uniquely suited to provide supplemental information to existing screening tools.

We are asking the EJC to support a budget request to provide \$485,000 in FY 2025 and \$1,440,000ⁱⁱⁱ for each of the following two years in the 2025-27 biennium for:

- One urban, one rural and one urban AI/AN health equity zone with funding in subsequent years to implement a priority health improvement project chosen by the community following use of a community based health assessment;
- Three community-based health assessments conducted by Tribes each year starting in FY 2026, following DoH consultation with Tribes to establish the process for choosing and funding Tribal CBHAs.

ⁱ “Overburdened community” is defined in the HEAL (Healthy Environment for All) Act as “a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.” RCW 70A.02.010(11).

(14)(a) "Vulnerable populations" are defined in the HEAL Act RCW 70A.02.010(14)(a): as “population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations;

(iii) Populations disproportionately impacted by environmental harms; and

(iv) Populations of workers experiencing environmental harms.

ⁱⁱ “Highly impacted community” is defined in the Climate Commitment Act at RCW 19.405.020(23) as “a community designated by the department of health based on cumulative impact analyses in RCW 19.405.140 or a community located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151.”

ⁱⁱⁱ Request is for General Fund State funding or Climate Commitment Act funding. It is important that HEZI communities be able to identify projects that improve health outcomes for vulnerable populations without being pigeon holed into only funding projects that have bright-line connections to environmental exposures. We recognize that many of the significant health disparities faced by overburdened and highly impacted communities and Tribes have connections to environmental exposures along with social determinants of health. For example, it is not generally understood that there is a connection between pulmonary disease and diabetes. A community or Tribe may want to address diabetes as the best intervention supported by evidence to reduce harm to community/Tribal members suffering from lung disease and conditions. However, by seeking GFS funding we may avoid legislators not understanding those connections and allow community groups to address priority problems without the choice of health intervention being based on funding source.

From: Rosemary Sweeney
Sent: Wednesday, June 21, 2023 9:12 PM
To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>
Cc:
Subject: linkage information

External Email

Dear Environmental Justice Council,

I hope this finds you all well. I am writing to provide you with information I collected to provide public input to the Washington Department of Ecology in April of 2023 on whether I favor a linkage of Washington's Cap and Invest system with the California/Quebec Cap and Trade system. I thought you might find some of this useful. Below I list a series of facts I sent to the Department of Ecology, as well as a few additional facts. To alert you to my bias, I have concluded that linkage is a mistake for Washington at this time because it will threaten both environmental justice and greenhouse gas emission goals, which I will explain in more detail below.

Here are the facts I collected and sent to the Dept. of Ecology:

(1) Washington's Climate Commitment Act obligates the Department of Ecology (the department) to "evaluate and make a finding regarding whether the aggregate number of unused allowances in a linked program would reduce the stringency of Washington's program and the state's ability to achieve its greenhouse gas emissions reduction limits" (RCW 70A.65.210(3)),

(2) A linkage agreement approved by the department must

"(c) Be determined by the department to not yield net adverse impacts to either jurisdictions' highly impacted communities or analogous communities in the aggregate, relative to the baseline level of emissions; and

(d) Not adversely impact Washington's ability to achieve the emission reduction limits established in RCW [70A.45.020](#)" (70A.65.210(3)(c) and (d)),

(3) California currently has about 321 million unused allowances (which would cover about the amount of GHG emissions expected to occur in a year in California) in the possession of covered entities in this system (<https://apnews.com/article/climate-business-environment-pollution-california-air-resources-board-21d34adf68b5d612fbc37c3f10a13fef>),

(4) the Independent Emissions Market Advisory Committee (a committee of 5 experts appointed by the CA governor and legislature) has opined that these unused allowances could substantially interfere with CA's progress in reducing GHG emissions

(<https://apnews.com/article/climate-business-environment-and-nature-california-pollution-694060aa41a4e78dc8a436a71d57564d>),

(5) use of offset credits is viewed as being detrimental to progress in meeting GHG emissions goals in cap and trade systems (see, e.g. Cullenward and Victor, Making Climate Policy Work, polity, 2021, Chapter 5.)

(6) in CA offset credits could be used to meet up to 8 percent of a covered entity's compliance obligation for emissions through 2020, up to 4 percent from 2021-2025 and up to 6 percent for emissions from 2026-2030 (<https://ww2.arb.ca.gov/our-work/programs/compliance-offset-program/about>), whereas in WA offset credits can be used to meet no more than 5 percent of a covered entity's compliance obligation for emissions in the first compliance period (2023-2026) and no more than 4 percent in the second compliance period (2027-2030)(RCW 70A.65.170(3)(a) and (b)), although these limits can be modified by rule to align with jurisdictions with which WA has linked (RCW 70A.65.170(3)(c)),

(7) California's progress report based on data available through 2019 indicates that "many trends moved in the wrong direction, away from advancing climate goals and showing worsening inequality" (Draft 2022 Progress Report California's Sustainable Communities and Climate Protection Act), and

Further relevant facts:

(8) Current auction price for a carbon allowance (for one ton of carbon dioxide equivalents (CO₂e) in Washington is \$56.01 as of May 31, 2023 (<https://apps.ecology.wa.gov/publications/documents/2302057.pdf>), up from \$48.50 in March 2023 (<https://apps.ecology.wa.gov/publications/documents/2302022.pdf>). In California, a carbon allowance is worth \$30.05 as of May 2023, up from \$27.01 in February 2023. (https://ww2.arb.ca.gov/sites/default/files/2020-08/results_summary.pdf)

(9) The Climate Commitment Act reads in part as follows:

Investments—Legislative intent—Evaluation.

(1) It is the intent of the legislature that each year the total investments made through the carbon emissions reduction account created in RCW [70A.65.240](#), the climate commitment account created in RCW [70A.65.260](#), the natural climate solutions account created in RCW [70A.65.270](#), the air quality and health disparities improvement account created in RCW [70A.65.280](#), the climate transit programs account created in RCW [46.68.500](#), and the climate active transportation account created in RCW [46.68.490](#), achieve the following:

(a) A minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter [70A.02](#) RCW; and

(b) In addition to the requirements of (a) of this subsection, a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe. An investment that meets the requirements of both this subsection (1)(b) and (a) of this subsection may count toward the minimum percentage targets for both subsections.

(2) The expenditure of moneys under this chapter must be consistent with applicable federal, state, and local laws, and treaty rights including, but not limited to, prohibitions on uses of funds imposed by the state Constitution.

(3) For the purposes of this section, "benefits" means investments or activities that:

(a) Reduce vulnerable population characteristics, environmental burdens, or associated risks that contribute significantly to the cumulative impact designation of overburdened communities;

(b) Meaningfully protect an overburdened community from, or support community response to, the impacts of air pollution or climate change; or

(c) Meet a community need identified by vulnerable members of the overburdened community that is consistent with the intent of this chapter.

(4) The state must develop a process by which to evaluate the impacts of the investments made under this chapter, work across state agencies to develop and track priorities across the different eligible funding categories, and work with the environmental justice council pursuant to RCW [70A.65.040](#). (RCW 70A.65.230)

My analysis:

If Washington links with California/Quebec, the allowance price of the linked systems will likely be very close to the current California/Quebec price because the California/Quebec system is much bigger than the Washington system. *This means that Washington's allowance price will be slightly over half of what it might have been without linkage, and the investment accounts funded with money gleaned from auction of allowances (See RCW 70A.65.230, which is quoted above) will have much less money than they otherwise would have.* The total money taken in through auction of allowances in March 2023 was \$299,983,267 (<https://apps.ecology.wa.gov/publications/documents/2302023.pdf>), i.e., almost \$300 million dollars. *Since a minimum of*

35% of the funds destined for the various investment accounts must go to overburdened and vulnerable communities, the linkage would clearly undermine environmental justice goals in a big way.

I believe the linkage would also undermine environmental goals in general. Some of the money from the auction of allowances is supposed to be spent to fund projects that would further reduce carbon in our atmosphere. There would be less of that happening. Further, Emissions-Intensive Trade-Sensitive entities (EITEs), which are given free allowances with the hope that by selling some of these they might have money to figure out how to emit less, will also be impacted. They will be given less help in trying to solve some truly daunting issues in figuring out how to reduce their carbon footprint in an economically sustainable way. In addition, the numerous unused allowances held by entities participating in the California/Quebec system (see points (3) and (4) above) could seriously destabilize this market and further lower allowance prices, a situation that Washington would be part of if the linkage proceeds. Finally, with lower allowance prices, some entities may decide that they can afford to continue to emit as they please, rather than decrease their emissions as some commentators have predicted.

Looking at another aspect, the Department of Ecology has on their website a “market analysis” compiled by a group called Vivid Economics (<https://apps.ecology.wa.gov/publications/documents/2302010.pdf>). This analysis says that if Washington links with California/Quebec, it will meet its 2030 carbon emissions goals, and do so with less expense for market participants. That may be true. However, according to an official from the Department of Ecology, the carbon emissions goals discussed in the market analysis include only the 75% of carbon emissions in Washington that fall under the cap. The remaining 25% of emissions that do not fall under the cap are not addressed by this analysis, and, presumably, projects to address this 25%, in addition to projects aimed at addressing environmental justice issues, would receive *much* less funding than they would in the absence of linkage. Reducing this 25% of emissions and furthering environmental justice goals do not form part of the “goals” that the marketing analysis addresses. Thus, the marketing analysis is somewhat deceptive since it does not address all goals of the Climate Commitment Act.

I hope this little compilation is of some use to you. I will try to make tomorrow’s zoom meeting at 3:30 p.m., although I may have to be late. I wanted you to have this information. My email address is in the cc line. Thank you for your service.

Best regards,

Rosemary Sweeney



5031 University Way NE
Seattle, WA 98105
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May 15, 2023

Stephanie Potts
Cap-and-Invest Program Linkage Planner
CCALinkage@ecy.wa.gov

Re: Should Washington link its carbon market to California and Québec's?

Dear Ms. Potts,

Thank you for the opportunity to comment on the potential linkage of Washington's carbon market with California and Québec's (hereafter, "California" except where noted).

350 Seattle urges Ecology to delay any such linkage.

Linkage with California's carbon market is expected to lower Washington's Climate Commitment Act (CCA) allowance prices in future auctions. Some argue this is positive because polluters will have lower costs to pass on to consumers and that, in turn, would preserve public goodwill and avoid legislative or initiative attempts to curtail the CCA.

350 Seattle takes a different view. We recommend that Washington's allowance prices should be set exclusively by Washington's market. The allowance price is the primary driver for finding the right balance between a price high enough to force emissions down in time to meet our goals but not cause industry leakage. Allowing California's market price to dilute the strength of Washington's market will, in the words of RCW 70A.65.210, "*reduce the stringency of Washington's program and our state's ability to achieve its greenhouse gas emissions reduction limits*" ([1](#), see also References, below).

Here we elaborate eight reasons for our perspective, followed by two additional concerns and an observation.

Reason 1: Our system should be better established before linking

The CCA is just getting started. Covered entities need more time to find their footing. For example, before the first auction, fuel suppliers were proactively frontloading surcharges and/or using the CCA as an excuse to raise prices for end users (2). Even agricultural fuel companies that were exempted from the CCA took part (3).

Before committing Washington to linkage with another system that will introduce new complexities, Ecology should counter local misinformation and, to the degree possible, enforce a fair program here in Washington. Given that enforcement may require additional legislation, more time is needed. It is premature to consider linking with California's cap and trade system.

Reason 2: Early investments are the most impactful

Washington's CCA revenues have only just begun and our legislature has just started investing in infrastructure and programs to lower emissions and/or mitigate climate change impacts. Early investments are the most impactful at reducing emissions and we need to keep our focus local. This is crucial given our 2030 emission reduction goals, and the increasing instability of the climate. The upcoming El Nino ocean temperature warming cycle is expected to bring a new level of climate instability (4, 5). Emission reduction and resiliency investments in Washington are needed now more than ever. Lowering CCA allowance prices as the result of linking with California pulls our focus from our own developing programs and would be counterproductive at the worst possible time.

Reason 3: A baseline report should precede linkage

Before linking with another program, we need more data about the strength of our market over time, decarbonization initiatives by covered entities, effectiveness of investments at reducing emissions, and integration of the administration of investments into state government. A significant change in CCA auction prices has the potential to affect all of these elements, and will introduce new uncertainties.

By establishing a baseline report ahead of linkage, Ecology and the Legislature will be better able to evaluate the potential impacts of linkage agreements, and subsequent reports will better assist with modifications and course corrections. The first CCA progress report is not scheduled until 2027, whereas Ecology's current timeline expects to announce a linkage decision this summer, with actual linkage occurring as soon as 2025.

Ecology should produce at least one baseline report before linkage is complete. This may require enabling legislation.

Reason 4: Higher allowance prices are more effective

Emissions Intensive Trade-Exposed covered entities benefit from a high allowance price because their no-cost allowances provide them capital for their decarbonization investments. And a high price for compliance allowances provides a clear market signal that it is more cost-effective to address decarbonization.

Puget Sound Energy (PSE), one of Washington's largest climate polluters, has already provided evidence that the initial CCA auction price was not high enough. In their 2023 Gas Utility Integrated Resource Plan (6), PSE indicates that they intend to keep buying allowances in the CCA compliance market until 2050 rather than take the necessary steps to actually decarbonize because their electrification scenario is 15% more expensive -- see Fig. 2.11, Preferred Portfolio (7) vs Fig. 6.1, Electrification Scenario (8). Given that the initial CCA auction price wasn't high enough to incentivize change at PSE, a lower auction price as a result of linkage with California would remove any incentive for PSE to decarbonize their gas utility.

Reason 5: British Columbia's carbon price is more realistic and predictable

Washington's initial allowance auction price is only slightly higher than British Columbia's carbon tax, which has been aligned with the federal Canadian carbon tax. Meanwhile California's allowance prices are artificially low due to surplus banked allowances. British Columbia's carbon price is clearly more realistic, and because it is a defined tax, more predictable, providing more economic certainty for their covered entities. Washington should not lower its allowance price prematurely through linkage with California and should seek similar predictive certainty.

Reason 6: California's auctions are oversupplied and underpriced

California has, admirably, recently adopted net-zero carbon emissions by 2045, requiring accelerated emission reductions to meet its 2030 goals. A tighter market with fewer allowances will be necessary. Currently California's market suffers from price uncertainty, and low prices have led to allowance banking that suppresses their market's allowance price. In its 2022 report the state's Independent Emissions Market Advisory Committee (IEMAC, 9) advises *for the fifth consecutive year* reforms to California's auction system and how allowances are supplied (10).

Before entering into a linkage agreement, Ecology must evaluate and make a finding whether the aggregate number of unused allowances in a linked program would reduce the stringency of Washington's program and our state's ability to meet its emissions limits (1). In its 2021 report, IEMAC calculated that 321 million allowances have been banked, more than the emissions reductions expected from California's cap and trade program over the coming decade (11), and more than five times the number of allowances Washington has budgeted for 2023 (12).

Given the risk to Washington's ability to meet its climate goals through CCA investments posed by California's lower allowance price and volume of banked allowances, it would not be prudent

for Washington to link with California until auction reforms recommended by IEMAC, such as the creation of an emissions containment reserve, have been completed.

Reason 7: Washington and California need more time to ensure their individual programs meet environmental justice goals.

The Climate Commitment Act states in clear language that program design must be guided by the Environmental Justice Council (EJC, [13](#)). Yet the last two years have shown us that the work of forming and educating the council and establishing the council's working relationships with state agencies is a slow and arduous path. The EJC needs more time to build expertise in how Washington's program should be administered to ensure it meets its environmental justice commitments. Adding another state's program at this point would be counterproductive. This is especially true when California's system needs structural reforms to better address that state's environmental justice issues.

In an attempt to accomplish long overdue site-specific air quality reforms, California's Environmental Justice Advisory Committee (EJAC, [14](#)) has recommended that some polluting facilities be prohibited from using allowances ([15](#)).

Whether, and how, California's air quality reform will be implemented remains to be seen, but it may involve significant changes to how their carbon market provisions allowances and trades them, whether the use of offsets is modified, and how banked allowances are used.

Given that Washington is implementing a different methodology to pursue similar goals, we should delay linkage with California until there is more certainty regarding necessary changes to their program design and Washington's EJC can knowledgeably evaluate the impacts of linkage on our environmental justice goals.

This directly relates to RCW 70A.65.210 (3) (b), "*Ensure that the linking jurisdiction has provisions to ensure the distribution of benefits from the program to vulnerable populations and overburdened communities.*" ([1](#)).

Reason 8: Will California's system continue past 2030?

The legal authority of the California Air Resources Board (CARB, [16](#)) to implement their cap and trade system past 2030 has been called into question ([17](#)). Legislative remedies may be required to clarify CARB's authority to administer and enforce the program.

Given this statutory uncertainty, linking prematurely with California could create significant market uncertainties for Washington, with the potential result of curtailing CCA investments and compromising our state's ability to meet its climate goals.

IEMAC recommends that California act to reform its system before 2025. Washington should delay any linkage decision until it becomes clear whether California will meet that recommendation.

We have two additional concerns regarding linkage with California and Quebec.

Concern 1: California’s forest offset buffer pools are inadequate

We previously expressed our concerns with California’s forest offset protocol to Joshua Grice during public comment on WAC 174-446 (18). As noted there, California’s forest offset buffer pools are inadequate.

Purchasers of forest offsets in Washington’s carbon market should be protected from California’s forest offset products. While that protection does not have to preclude linkage with California, it should inform Ecology’s timeline for linkage and future linkage negotiations.

Concern 2: Québec’s new forestry offset protocol is flawed

Last December, Québec introduced a new forest offset protocol that adopts ton-year accounting, an approach for bundling short-term carbon storage into offset credits. Earlier this month, independent non-profit climate solutions analyst CarbonPlan expressed concerns regarding Québec’s new protocol:

“...ton-year accounting is at best an incomplete method for valuing temporary carbon storage. At worst, it is an unscientific justification for ongoing emissions.” (19)

Purchasers of forest offsets in Washington’s carbon market should be protected from Québec’s new forest offset credits.

“...credits originating from Quebec are eligible for use by regulated polluters in California. Washington State is currently considering linking its carbon market to these jurisdictions as well. We hope our analysis motivates regulators in both Washington and California to examine these issues and prevent the use of credits generated under Quebec’s reforestation protocol.” (19)

We urge Ecology to examine CarbonPlan’s concerns thoroughly. While Québec’s flawed protocol may not preclude linkage with California, it should inform Ecology’s timeline and future linkage negotiations.

We close with this observation:

Skepticism over linkage is justified

Skepticism regarding the virtues of linkage is longstanding (emphasis added):

“It is becoming clear that cap and trade works only under special circumstances — when one entity controls the market and parallel initiatives do not undermine it.” (20)

*“Linked carbon markets are difficult to manage when many regulatory authorities compete. Interactions with other climate policies trigger unintended outcomes. Policymakers find it hard to keep prices at the 'right' level — neither so high that a carbon market becomes politically unacceptable, nor so low that it fails to change behaviour. **California's case shows that lawmakers can be tempted to use regulatory loopholes to drive down prices and weaken the market's effectiveness. Such problems will only worsen when more markets are linked up.**” (20)*

This analysis is as true today as it was when it was published six years ago. In our view it speaks to inherent risks in any cap and trade system, and provides insight into why carbon prices differ between California and Washington.

Thanks to the proactive efforts of legislators, policy advisors and independent groups, Washington took lessons from California and succeeded in creating a cap and invest system that is now referenced as a model for other states, including California and, most recently, New York State. Given this success, Washington should not squander its leadership. Our state and agency leaders have a moral responsibility to incentivize California to make positive changes.

We urge Ecology to delay linkage with California or any other jurisdiction.

Again, thank you for the opportunity to comment, and thank you to all of the Ecology staff who are ensuring that the Climate Commitment Act is effective.

Sincerely yours,

David Perk
350 Seattle
davidperk@350seattle.org

350 Seattle works toward climate justice by organizing people to make deep system change: resisting fossil fuels; building momentum for healthy alternatives; and fostering resilient, just, and welcoming communities.

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From: john worthington
Sent: Friday, June 23, 2023 8:47 AM

Subject: Re: THE ACHILLES HEAL ACT...THE TROJAN HORSE

External Email

Hello,

To the members of the Council and the public that bothers to look,

The Heal Act (Heretofore "Achilles Heal Act" is officially now Agenda 21 remarketed.

Since 1991, state and local planners under contract with the ICLEI to function as an "International sphere of government" have used the goals of "Agenda 21", through "Local Agenda 21" controlled by the Seattle centric Puget Sound Regional Council and other NGO's. The Puget Sound Regional Council is a Non Government Organization (NGO), that is given decision making authority and money to leverage that authority. It was succession to an International sphere of government. The chosen rainbow of representation representing the international government siphoning America down like a group of vampires, off in the corner while America was too busy running on the hamster wheel to know what was happening.

The NGO is 90 percent ICLEI contractor who all collude to collate an International world policy. Most of the cities and counties of Pugetropolis are paying to join the ICLEI and are spending American money on setting up an International government to spread wealth around the globe. None of these people register as foreign agents and the ICLEI Charter is withheld from the public to shield these International contractors from being exposed to laws which should have costed these people American citizenship the second they send that check in and agree to make international policy under the ICLEI Charter. They also agree to use bogus ICLEI software called "Clear Path" which helps create the "Comprehensive plans" under the "Growth Management Act. The plans build predominantly residential only communities. The GMA actually contains language that permits "residential only" development. The GMA is a farce and has been from the start because they never actually had to consolidate economic activity. The GMA was always intended to hamstring American Industry. America was supposed to build smart cities that obtained what they needed from a world economy to spread the wealth. It was never going to pencil out. The problem is the shipping required to interconnect America to the world used bunker fuel, the dirtiest of all fossil fuels and the most economical of all fuels because the oil companies just have to pull it out of the ground with very little refining costs and send it out to customers, was way worse than local Industry and transportation. The planners just hid that from the public.

Along comes Sound Transit and they use the verbiage of Agenda 21/Local Agenda 21 to justify spending 150 billion dollars on a mass transit corridor where we all could live together under the banner of equity, racial equality and sing kumbaya. But before the corridor is finished....

Olympia happens. The Olympia sophists go to work and run a bill for more legislative tools for the world economy to use.

The Achilles Heal Act is born.

People from multiple races bemoan and testify that trucks are making left turns while they are choking on fumes waiting for a bus that barely comes in industrial area's they aren't even planned to live in. They want to set up "no trade zones" where American Industry resides. Now they signal the Tribes to join all the other races enlisted in the original Agenda 21 and help make it happen. People of color finally getting what they deserve after spending 150 billion to build them what they said they deserved. The Tribes, they must think, are hungry for power and revenge. They must have thought the Tribes will march with the racial equity gang and help us set the table for the world economy...America is bad... dirty.... Maybe..But not as dirty as the world economy and being "interconnected" to it.

Then, the list comes out. The manifesto for the Environmental Justice Council. The same 'Interconnected', interwoven with the world Agenda 21, Sound Transit language. Almost word for word the same as the Agenda 21 manifesto and Ron Sims' Sound Transit sales pitch. So, tell me. How does being interconnected to the world bring about a reckoning for "overburdened communities" in America. The committee, set up with heavy racial overtones, just showed the Achilles of the Heal Act. They are now exposed as world economy marketers.

Being interconnected to people 6-8000 miles away is going to be the magic bullet for racial equity and solve problems for "overburdened communities."...and we are going to spend billions on that now Give me a break. I may have been born at night but..not last night.

Humor aside, the Achilles Heal Act is not something to make a joke about. It's the reality of the World Economic Forum and the power they have over Washington State and the 51 other states. It is heinous. It is treason on a nationwide scale 51 times worse than January 6. It is the final hammer blow on American industry. First we build the residential only mass transit corridor, then we go after the industrial zones to drown American industry in the racial equity bath tub, Now the World economy can take over to serve the smart cities..That is 51 times worse than Ashley Babbit sticking her head into a broken window.

Before the manifest has brought forth, I presented information in large emails and provided public testimony harping on shipping emissions. I suspected the Achilles Heal Act was a racial equity trojan horse for the World Economic Forum. Why? Because everything Washington State does is leveraged by ICLEI contract and rich influential Americans like Bill Gates who support the world economic model. The Democrats are in control and most of them came through the ranks of NGO's and were converted to foreign agents for the World Economic Forum. The public just didn't know it because the FARA Act is only for pesky Republicans.

John Worthington knew this trojan horse was coming and he hawked over the Environmental Justice Committee meetings like Robert DeNiro waiting to pull the doll out of the bag in Backdraft, to be there when the World Economic Forum's troops came out of the racial equity trojan horse. Yesterday they poured out.

Its official, the World Economic Environmental justice council ignored pleas to set up a futuristic Washington State that utilized its abundant vertical waterdrop and storming tendencies to manufacture

and grow most of what it needed under environmentally friendly conditions using vertical waterdrop, scrubbers and technology. They comment that appeared to be out of their scope.... But helping us stay interconnected to an international community 6-8000 miles away somehow was. This is how our children get their future screwed. This is why the kids should be crying in Montana. They will choke on shipping emissions just to stay interwoven and interconnected. That is the magic bullet for us all. Racial equity has always been just a sales pitch to allow companies and corporations to avoid environmental laws and make a profit from cheap or slave labor. Its as simple as that.

The solution is not to be interconnected and interwoven with slave and cheap labor under the guise of "overburdened communities.". The solution for racial equity and the environment is to make large communities pay for their growth by investing in vertical water drop, solar and wind combined, installing the scrubbers and hoods in industrial zones and growing more food using robotics. In short, taking true responsibility for their growth. The solution is not drowning local industry in the "overburdened community" bathtub.

Washingtonians and the Tribes have been took.

Taken by the World Economic forum, the Democrats and the Achilles Heal Act.

Building smart cities, in mass transit corridors, being interconnected to slave and cheap labor has been a shameful manifesto for 33 years now. It was a federal and state crime to set it all up and the environmental damage from shipping emissions has been catastrophic . The people who took part in this fraud should not only be charged with crimes, but they should also be forced to admit their crimes on national tv to every person in America. They can start by addressing the kids crying in Montana. They need the truth and a hug.

JOHN WORTHINGTON