

Environmental Justice Council

March 22, 2023 Meeting Materials

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Consejo de Justicia Ambiental

Miércoles 22 de marzo de 2023

De 4:00 p. m. a 7:15 p. m.

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

<https://us02web.zoom.us/j/81473933611>

O únase por teléfono: +1 253 215 8782 (EE. UU.)

Id. del seminario web: 814 7393 3611

Encuentre su número local: <https://us02web.zoom.us/j/kcmwU8Zl4x>

Objetivos de la reunión:

- Solicitar recomendaciones de representantes tribales para el puesto de representante tribal del comité ejecutivo y elegir un copresidente interino.
- Implementar el calendario de reuniones, las prioridades y el plan de trabajo para 2023 del Consejo de Justicia Ambiental.
- Adoptar guías sobre la participación de la comunidad para las agencias HEAL (por su sigla en inglés, Medioambiente Saludable para Todos) y pautas relacionadas con las sesiones informativas de las agencias HEAL para 2023.
- Debatir y planificar lo siguiente:
 - Identificación de comunidades sobrecargadas y poblaciones vulnerables, evaluaciones de justicia ambiental y Justicia Ambiental en las decisiones de asignación de fondos y presupuestos.

Agenda

Le invitamos a participar a las 3:50 en una presentación sobre cómo acceder a las salas de interpretación en inglés y español y cómo activar los subtítulos.

De 4:00 p. m. a 4:05 p. m.	I. Bienvenida y pasaje de lista para verificar que haya cuórum	Copresidente Maria Batayola Miembros del Consejo
De 4:05 p. m. a 4:10 p. m.	II. Aprobación del orden del día por parte del Consejo	Miembro del Consejo Rosalinda Guillen
	III. Aprobación de las notas de la reunión del 28 de febrero de 2023 por parte del Consejo	Miembros del Consejo
De 4:10 p. m. a 4:20 p. m.	IV. Comité ejecutivo y novedades legislativas y presupuestarias	Copresidente Maria Batayola Miembros del Consejo

	<p>a) Apoyo para los miembros del Consejo de EJ (por su sigla en inglés, Justicia Ambiental) en la reunión del comité</p> <p>b) Medidas a partir de los comentarios públicos anteriores</p> <p>c) Novedades legislativas y presupuestarias</p>	
De 4:20 p. m. a 4:30 p. m.	V. Comentarios públicos	Miembro del Consejo Aurora Martin
De 4:30 p. m. a 4:50 p. m.	VI. Celebración y agradecimiento de las contribuciones del copresidente Patrick DePoe al Consejo, solicitud de recomendaciones de los representantes tribales para el puesto de representante tribal del comité ejecutivo y elección del copresidente interino.	Copresidente Maria Batayola Miembros del Consejo
Receso de 5 minutos		
De 4:55 p. m. a 5:25 p. m.	VII. Recomendaciones del comité de participación comunitaria del Consejo para debate y toma de medidas	Copresidente Maria Batayola Miembro del Consejo Nirae Petty Miembros del Consejo
De 5:25 p. m. a 5:55 p. m.	VIII. Prioridades de la carga de trabajo y planificación de las reuniones para 2023 - Debates y posibles medidas del Consejo	Copresidente Maria Batayola Sierra Rotakhina, Personal del Consejo Miembros del Consejo

Receso de 5 minutos		
De 6:00 p. m. a 6:20 p. m.	IX. Reafirmación de las pautas de evaluación de justicia ambiental de la Ley HEAL y del proceso propuesto por las agencias estatales	Miembro del Consejo Aurora Martin Rowena Pineda, Personal del Consejo Miembros del Consejo
De 6:20 p. m. a 6:50 p. m.	X. Reafirmación de la Ley HEAL, definición de comunidades sobrecargadas y poblaciones vulnerables, pautas y proceso propuesto por las agencias estatales	Copresidente Maria Batayola Rowena Pineda, Personal del Consejo Miembros del Consejo
Receso de 5 minutos		
De 6:55 p. m. a 7:05 p. m.	XI. Comentarios públicos sobre cualquier asunto relacionado con la justicia ambiental	Miembro del Consejo Aurora Martin
De 7:05 p. m. a 7:10 p. m.	XI. Debate sobre la justicia ambiental en las decisiones presupuestarias y de financiación, y debate sobre los principios de justicia ambiental	Copresidente Maria Batayola Rowena Pineda, Personal del Consejo Miembros del Consejo
De 7:10 p. m. a 7:15 p. m.	XII. Agradecimientos y cierre	Copresidente Maria Batayola Miembros del Consejo

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

Wednesday, March 22, 2023

4:00pm – 7:15pm

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85243883957>

Or Telephone: US: +1 253 215 8782

Webinar ID: 852 4388 3957

International numbers available: <https://us02web.zoom.us/j/85243883957>

Meeting Goals:

- Request for recommendation from Tribal Representatives for Executive Committee Tribal Representative and election of Interim Co-Chair
- Adopt the Environmental Justice Council’s 2023 meeting schedule, priorities, and workplan
- Adopt community engagement guidance for HEAL agencies and guidance related to the 2023 HEAL agency listening sessions
- Discussion and work-planning for:
 - Identification of overburdened communities and vulnerable populations
 - Environmental Justice Assessments
 - Environmental justice in funding and budgeting decisions

Agenda

Please join us at 3:50 for a presentation on how to turn on closed captions and join the Spanish interpretation channel.

4:00 PM – 4:05 PM	I. Welcome and Roll Call for Quorum	Co-Chair Maria Batayola Council Members
4:05 PM – 4:10 PM	II. Approval of Agenda by Council III. Approval of February 28, 2023 Meeting notes by Council	Council Member Rosalinda Guillen Council Members
4:10 PM – 4:20 PM	IV. Executive Committee and Legislative and Budget Updates a) Support for EJ Council Members at Committee meeting b) Actions from Past Public Comments c) Legislative and Budget Updates	Co-Chair Maria Batayola Council Members
4:20 PM – 4:30 PM	V. Public Comments	Council Member Aurora Martin
4:30 PM – 4:50 PM	VI. Celebration and Appreciation of Co-Chair Patrick DePoe’s Contributions to the Council, Request for Recommendation from Tribal Representatives for Executive Committee Tribal Representative, and Election of Interim Co-Chair	Co-Chair Maria Batayola Council Members
5 Minute Break		

4:55 PM – 5:25 PM	VII. Council Community Engagement Committee Recommendations for Discussion and Council Action	Co-Chair Maria Batayola Council Member Nirae Petty Council Members
5:25 PM – 5:55 PM	VIII. 2023 Workload Prioritization and Meeting Planning -Discussion and Possible Council Action	Co-Chair Maria Batayola Council Members Sierra Rotakhina, Council Staff
5 Minute Break		
6:00 PM – 6:20 PM	IX. Affirming HEAL Act Environmental Justice Assessment Guidance and State Agencies Proposed Process	Council Member Aurora Martin Rowena Pineda, Council Staff Council Members
6:20 PM – 6:50 PM	X. Affirming HEAL Act Defining Overburdened Communities and Vulnerable Populations Guidance and State Agencies Proposed Process	Co-Chair Maria Batayola Rowena Pineda, Council Staff Council Members
5 Minute Break		
6:55 PM – 7:05 PM	XI. Public Comment	Council Member Aurora Martin

7:05 PM – 7:10 PM	XI. Discussion of Environmental Justice in Budgeting and Funding Decisions and Discussion of Environmental Justice Principles	Co-Chair Maria Batayola Rowena Pineda, Council Staff Council Members
7:10 PM – 7:15 PM	XII. Appreciations and Adjournment	Co-Chair Maria Batayola Council Members

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

February 28, 2023

Virtual ZOOM Platform

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

Council Members present:

- Council Member Maria Batayola
- Council Member Nichole Banegas joined at 3:48pm
- The Honorable Patrick DePoe
- Council Member Maria Blancas
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin joined at 4:13pm
- Council Member David Mendoza
- Council Member Esther Min
- Council Member Todd Mitchell
- Council Member Nirae Petty joined at 3:59pm
- Council Member Raeshawna Ware
- The Honorable Annette Bryan on behalf of the Honorable Sylvia Miller
- Council Member Faaluaina Pritchard

Council Members absent:

- The Honorable Jarred-Michael Erickson
- The Honorable Misty Napeahi

Agency Ex Officio Liaisons present:

- Laura Blackmore, Puget Sound Partnership
- Eliseo (EJ) Juarez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation

- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture
- Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health joined late at 3:50pm

Council staff:

- Jonathan Chen
- Christy Curwick Hoff
- Angie Ellis
- Rowena Pineda
- Sauncha Romey
- Amina Al-Tarouti
- Sierra Rotakhina

I. Interpretation Channels and Zoom Instructions

Jonathan Chen, Council Staff, gave instructions for accessing interpretation channels.

II. Welcome and Roll Call for Quorum

Patrick DePoe, Council Co-Chair, called the public meeting to order at 3:10 pm. Maria Batayola, Council Co-Chair, provided opening comments and acknowledged the passing of staff member, Theo Cielos, the one-year anniversary of the Russian invasion of Ukraine, the police killing of Tyre Nichols, the earthquake in Syria and Turkey, the mass shootings in the month of February, the 11th anniversary of the shooting of Trayvon Martin, and the anniversary of Malcolm X's assassination. She also acknowledged the positive anniversary of the EJ Council being created under the HEAL Act. Rowena Pineda, Council Staff, conducted roll call.

Nichole Banegas	Arriving late
Co-Chair Maria Batayola	present
Maria Blancas	present
The Honorable Patrick DePoe	present
The Honorable Jarred-Michael Erickson	absent
Running-Grass	present
Rosalinda Guillen	present
Aurora Martin	Arriving late

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David Mendoza	present
Esther Min	present
Todd Mitchell	present
The Honorable Misty Napeahi	absent
Nirae Petty	Arriving late
Faaluaina Pritchard	present
The Honorable Annette Bryan on behalf of the Honorable Sylvia Millier	present
Raeshawna Ware	present

III. Approval of Agenda by Council

Co-Chair DePoe facilitated discussion and adoption of the meeting agenda, which was approved unanimously.

IV. Approval of January 26, 2023 Meeting Notes by Council

Co-Chair DePoe facilitated discussion and adoption of the past meeting notes. Members approved adoption of the notes unanimously without any changes.

V. Executive Committee Updates

Co-Chair DePoe said the Executive Committee has been discussing whether Council Members can have delegates serve in their place or other staff attend for support during Council committee meetings. He said they would continue discussions and bring a recommendation to the full Council at a future meeting.

Rowena Pineda, Council Staff, shared an update on responses to public comment from the previous meeting. She said that the Department of Ecology and Department of Commerce both submitted letters in response to comments shared by Jean Mendoza, Executive Director of Friends of Toppenish Creek. She referred members to those response letters in the meeting packet.

VI. Public Comments

Co-Chair Batayola opened up the public comment period.

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Morton Alexander shared concerns regarding sewage sludge pollution in his neighborhood affecting their drinking water. He said he was concerned that the Department of Ecology promotes the use of sludge as beneficial. He said the sludge is transported from the urban west to the rural east.

Monica Lowney shared background about herself and her concerns regarding biosolid spread on farmland and the shipment of sewage sludge to Central Washington. She said it is unfair and unjust to those who live in those communities. She said these practices need to stop. She proposed the solution of requiring sewage treatment plants to incorporate newer technologies to break down the chemical compounds in sewage sludge – perhaps using statewide regional centers. She commended the EJ Council for its work.

John Worthington suggested that the EJ Council consider how communities build their “hoods” to scrub out the chemicals. He suggested that the businesses are the “tenants” and the government municipalities are the “landlords” that need to ensure the pollution is dealt with appropriately. He also talked about how overburdened communities are in areas where residential communities were not planned.

Johnny Buck introduced himself as a representative of the Front and Centered coalition. He said there is a community briefing happening tomorrow at noon and they are publishing a community progress report to provide the community with updates on HEAL implementation. He encouraged members to attend.

VII. Continuing Discussion of Statement on Tribal Lands and Use of the Environmental Health Disparities Map and Funding Recommendations for Council Action

Members discussed how the map currently lacks Tribal data and how adopting a statement works to ensure Tribes are not left out or overlooked when using the map. The Department of Health will have roundtable discussions on the map on March 6 and 29, with Tribal consultations to follow. The Council discussed, made amendments, and adopted the following motion.

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MOTION: The Council adopts the Environmental Health Disparities Map statement as amended at the February 28, 2023 Council meeting and directs staff to submit this statement to the Legislature, the Governor, and HEAL agencies.

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	A
Co-Chair Maria Batayola	A
Maria Blancas	A
The Honorable Patrick DePoe	A
The Honorable Jarred-Michael Erickson	Absent
Running-Grass	A
Rosalinda Guillen	A, first motion
Aurora Martin	A
David Mendoza	A, second motion
Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	Absent
Nirae Petty	A
Faaluaina Pritchard	A
Honorable Annette Bryan on behalf of the Honorable Sylvia Millier	A
Raeshawna Ware	A

VIII. Council Committees and Interagency Groups Workload Status Reports to Inform 2023 Workload Prioritization and Meeting Planning

Nirae Petty, Council Member and Community Engagement Committee Co-Chair, provided a brief update on the community engagement committee. Before the Council starts with its own

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engagement and provides input to agencies, they have been working to identify community engagement values.

Rowena Pineda, Council Staff, said the Environmental Justice (EJ) Assessment Committee has met twice. The EJ Assessment process needs to be ready by July 1. Therefore, she suggests providing an update in March and a recommendation for the Council's consideration in May.

David Mendoza, Council Member and Climate Commitment Act (CCA) Committee Chair, shared a CCA Committee update. They propose having a presentation from Department of Ecology staff in March on possibly linking Washington's cap and invest program to other jurisdictions and having a recommendation for the Council's consideration by the end of Summer. They are also discussing a budget request for the CCA portal.

Sierra Rotakhina, Council Staff, said the Governance Committee is working on bylaws. They will be bringing updated articles of the bylaws to the Council at future meetings.

Sierra Rotakhina, Council Staff, said that meeting every other month would allow staff to have committee meetings in the interim and get materials out to members in advance of meetings. Co-Chair Batayola suggested scheduling meeting holds during the off months just in case a last-minute meeting needs to be convened. Members shared concerns with being able to accomplish all requirements. Co-Chair Batayola said the Executive Team will work with staff to develop a workplan for the next 5 months and will come back in March with a schedule.

IX. Legislative Updates

Sierra Rotakhina shared proposed talking points that Council Members and staff could use during session. Todd Mitchell, Council Member, made a motion for adoption. Rosalinda Guillen, Council Member, seconded the motion.

The Council discussed and adopted the following motion.

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MOTION: The Council adopts the legislative talking points as presented at the February 28, 2023 Council meeting

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	B
Co-Chair Maria Batayola	A
Maria Blancas	A
The Honorable Patrick DePoe	A
The Honorable Jarred-Michael Erickson	Absent
Running-Grass	F
Rosalinda Guillen	A
Aurora Martin	A
David Mendoza	A
Esther Min	A
Todd Mitchell	A
The Honorable Misty Napeahi	absent
Nirae Petty	A
Faaluaina Pritchard	absent
The Honorable Annette Bryan on behalf of the Honorable Sylvia Millier	absent
Raeshawna Ware	absent

Council staff shared that HB 1664 would have amended the HEAL Act to increase membership of Council members in rural areas. It would have terminated all current Council member appointments and required the Governor to reappoint. While the bill has died, it provides an opportunity for the Council to discuss the importance of elevating rural voices. It also highlights the need for having talking points that members and staff can use if bills are introduced on topics where the Council has not adopted a position. Council Member Mendoza said HB 1541, the Nothing About Us Without Us Act, would require diversity in membership. He said it is still alive and

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moving through the legislative process. Co-Chair Batayola asked the Community Engagement Committee to consider prioritizing outreach to rural communities.

Sierra Rotakhina shared three budget recommendations that have been put forward by Council committees:

- Rec 1: Additional Agency Funding to Implement the HEAL Act
- Rec 2: Capacity Grants for EHD Map Updates
- Rec 3: Portal to Track Climate Commitment Act

Ahmer Nizam, Ex Officio Member, asked for the Department of Transportation to be added to the first recommendation. Esther Min, Council Member, said there was a need for funding for tribal and community participation in implementation of the HEAL Act. Members stressed that budget estimates be commensurate with the task and that funding be easily accessible to tribes, tribal organizations, and communities. Members suggested that staff develop the budget estimates and budget proviso language. The Council discussed, made amendments, and adopted the following motion.

MOTION: The Council adopts Recommendations 1, 2, and 3 as amended at the February 28, 2023 Council meeting and directs staff to submit the language to the Legislature, the Governor, and the Office of Financial Management to inform the 2023-2025 budget.

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	B
Co-Chair Maria Batayola	A

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Maria Blancas	A
The Honorable Patrick DePoe	A
The Honorable Jarred-Michael Erickson	Absent
Running-Grass	A
Rosalinda Guillen	A, First motion
Aurora Martin	absent
David Mendoza	A
Esther Min	A, Second
Todd Mitchell	absent
Honorable Misty Napeahi	absent
Nirae Petty	A
Faaluaina Pritchard	absent
The Honorable Annette Bryan on behalf of the Honorable Sylvia Millier	absent
Raeshawna Ware	absent

X. Environmental Justice Assessment Guidance Update and Development Process

The Council was unable to get to this agenda item.

XI. Council Community Engagement Committee Recommendations for Discussion and Council Action

The Council was unable to get to this agenda item.

XII. Appreciation and Adjournment

Co-Chair DePoe thanked members for their dedication and commitment. Co-Chair Batayola adjourned the meeting at 6:35pm.

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Executive Committee Updates

Background and Summary:

The Executive Committee and Council staff will provide updates on three topics at today's meeting:

a) Support for EJ Council Members at Committee meeting

At the last Council meeting Co-Chair DePoe briefly noted that the Executive Committee has discussed the idea of whether Council Members can have delegates serve in their place or other staff attend for support during Council committee meetings. Co-Chair DePoe noted that this needs full Council discussion at a future meeting. The Executive Committee is recommending and requesting that the Governance Committee develop draft bylaws on this topic to bring back to the full Council for discussion.

b) Actions from Past Public Comments

The Council is dedicated to centering community voice in its decision-making and to being responsive to community concerns. To ensure this, the Community Engagement Committee is developing a process to track and respond to public comments.

At the last meeting the Council directed staff to conduct additional research and analysis on the Horse Heaven Wind Farm in response to concerns brought to the Council. Staff are continuing to learn more about this project to bring information back to the Council.

c) Legislative and Budget Updates

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Staff can provide quick legislative and budget updates at this meeting, but will be able to provide more comprehensive written updates once both the House and Senate budgets have been released.

Staff Recommended Actions:

No recommended action.

Staff Contact

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

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Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Celebration and Appreciation of Co-Chair Patrick DePoe's Contributions to the Council, Request for Recommendation from Tribal Representatives for Executive Committee Tribal Representative, and Election of Interim Co-Chair

Background and Summary:

This agenda item will cover three topics:

a) Celebration and Appreciation of Co-Chair Patrick DePoe's Contributions to the Council

Co-Chair Patrick DePoe accepted a position as the Director of Tribal Relations at the Department of Natural Resources. The Governor's Office indicated that it would create a conflict of interest for Co-Chair DePoe to maintain his seat on the Council while working for a HEAL Agency. Co-Chair DePoe's last day on the Council was March 15, 2023. The Council and Council staff want to celebrate and extend great appreciation to Co-Chair DePoe for his thoughtful leadership on the Council and for his consistent support of Council staff.

b) Request for Recommendation from Council Tribal Representatives for Executive Committee Tribal Representative

The Governor's Office is working to appoint a Tribal Representative to the Council to fill Patrick DePoe's former seat on the Council. The Council's bylaws require that the Executive Committee includes at least one Tribal Representative. The bylaws read:

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

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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.

The Executive Committee recommends that the Council look to the Council's three seated Tribal Representatives for guidance and recommendations on next steps to ensure there is a Tribal Representative voice on the Executive Committee. The Council will need to determine if the recommended approach would require any amendments to the bylaws.

c) Election of Interim Co-Chair

There is now also a Co-Chair seat on the Council that needs to be filled. The bylaws require that the Co-Chairs be elected from among the Executive Committee members. The Council will have time to discuss filling this Co-Chair vacancy at today's meeting. The Executive Committee is recommending that this seat be filled by an interim Co-Chair until the Council is again fully seated by the Governor. The Council will need to determine the best approach to filling this Co-Chair seat and if the approach will require any amendments to the bylaws.

Staff Recommended Actions:

Staff are recommending that the Council discuss the three points above and determine next steps and take action as needed. The actions may include holding elections for interim seats and/or amendments to the bylaws if needed.

Staff Contact

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

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Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: Proposed Community Engagement Guidance from the Council's Community Engagement Committee

Background and Summary:

This agenda item was scheduled for the February 28th Council meeting, but the Council ran out of time before getting to this item. So this agenda item has been carried forward to today's meeting. The Community Engagement Committee of the Environmental Justice Council (Council) has developed draft community engagement values and community engagement guidance for HEAL agencies and for the Council. This proposed language is on [page 22](#) and the meeting packet. The Council has time at today's meeting to discuss, amend, and potentially adopt this language.

Staff Recommended Actions:

Council staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the community engagement values and guidance as amended at the March 22, 2023 Council meeting and directs staff to distribute this guidance to the HEAL agencies to inform their community engagement plans and work.

Staff Contact

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

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DRAFT: Proposed Council Community Engagement Guidance and Values

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington state. Therefore, the Environmental Justice Council guidance is that outreach and community engagement shall:

1. Respect and value community cultures, knowledge, and expertise
2. -Center and amplify voices of communities who are overburdened by environmental health disparities and excluded or neglected by our government. This requires not only quantitative population research and disaggregating the data but qualitative research to identify micro-impacted communities.
3. Acknowledge and fully consider historical and ongoing institutional racial and social harms and their traumatic effects to avoid exacerbating the harms, and find a joint path with community towards inclusive healing and effective actions that reduce environmental health disparities.
4. In collaboration with communities, identify and use culturally and linguistically responsive and effective outreach and community engagement methods and materials.
5. Conduct outreach and engagement in person, and as necessary virtually, where the community lives, gathers, works, and prays.
6. Consider the impacts of community engagement on communities and provide needed social supports (such as culturally relevant social workers) as part of the engagement.

The Council's Community Engagement Values are that community engagement should be:

1. Community-Centered
2. Equity-Centered
3. Accessible
4. Authentic
5. Accountable (Reciprocal Trust)
6. Intersectional

Note that this is a starting point and a living document that the Council can build on and improve over time.

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Draft Plan for HEAL Act Listening Sessions

Background and Summary:

The agencies covered by the HEAL Act are planning to engage in listening sessions starting in the Spring of 2023 through the Fall of 2023. As Council Members may recall, when provisional community engagement plans were adopted on July 1, 2022, one of the Council recommendations was for agencies to host listening sessions. Attached is the Draft Plan for HEAL Act Listening Sessions that was put together by the Listening Session Planning Subgroup of the Interagency Workgroup. The agencies want to engage in thought partnership with the Council on the plan, which will continue to change and incorporate what is learned from each session.

The Draft Plan (see [page 27](#)) includes a proposed timeline, a process for identifying the initial list of communities, a proposed structure for the listening sessions, steps to ensure accountability to community, and draft questions. The subgroup proposes using the initial 2-3 listening sessions to serve as pilot sessions to help guide and evaluate their approach. Learning from these pilot sessions will inform subsequent sessions.

The Draft Plan was reviewed by the Council's Community Engagement Committee at its meeting on February 3, 2023. The Committee discussed the questions posed on [Page 1](#) of the Draft Plan and developed the draft responses on [page 25](#) of the meeting packet for the Council to discuss and possibly adopt today as initial benchmark guidance on listening sessions.

Staff Recommended Action:

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.

Council staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the initial benchmark guidance for listening sessions as amended at the March 22, 2023 Council meeting and directs staff to distribute this guidance to the HEAL agencies to inform their HEAL listening sessions.

Staff Contact

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

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.

Draft: Environmental Justice Council Initial Benchmark Guidance for HEAL Listening Sessions

Note that this is a starting point and a living document that the Council can build on and improve over time.

1. How would you like the EJ Council to participate? For example, would Council members prefer to work in an advisory role, or more directly participate through helping with planning, outreach, and/or cohosting sessions?
 - Committee members want to see draft detailed agendas, particularly Committee members who may be doing outreach and/or cohosting sessions.
 - Committee members would like to see the list of organizations that agencies are reaching out to, particularly in communities where Council Members live and work. In addition, Committee members want to know how agencies will seek input from community-based organizations and communities who are not present in the listening sessions.
2. How does the EJ Council want agencies to communicate with them and share what we learned? At what frequency, and in what formats?
 - Committee members would like to see the raw data generated from each listening session, and a quick summary of highlights and challenges.
 - Committee members would like to receive a progress report on the listening sessions in April 2023.
3. What's missing from this plan? Is there anything you might approach differently? What haven't we thought of to ensure their success?
 - Committee members would like to see agencies provide different ways for community members to provide feedback outside of the scheduled listening sessions.

- It was suggested that there be paper surveys distributed at the end of each listening session to provide an opportunity for community members to share written feedback.
- It was suggested that agencies design agendas to incorporate different ways to engage instead of just talking at people.

PLAN FOR HEAL ACT LISTENING SESSIONS

Interagency Workgroup Community Listening Session Planning Subgroup

January 2023

Introduction

This document provides an overview of the plan for the initial round of community listening sessions on the HEAL Act and planned through the Interagency Workgroup's Community Listening Session Planning Subgroup. We will be seeking community input at these listening sessions on the following HEAL Act statutory requirement areas: community engagement, identification of overburdened communities and vulnerable populations, and environmental justice assessments. We intend to build upon what we learn from these initial sessions through future opportunities for Washington communities to engage with state agencies around the HEAL Act.

The goal of these listening sessions is to bring community voice, perspective, and identified priorities into the design of HEAL agency processes and procedures. Through the development of meaningful partnerships with communities, we intend to focus on how state agencies can be more responsive and accountable to the communities we serve every day. We seek to be intentional while reaching those who, due to ongoing systemic inequity and environmental racism, have experienced the greatest burden of environmental harms and who have been denied access to environmental resources and benefits.

We recognize that we are staff of state agencies that have been complicit in, and have often directly contributed to, environmental injustice. We understand these listening sessions alone will not repair the harm our agencies have caused, nor will it repair decades of broken trust. Our hope is that we can start to move forward in a direction that centers community voices and honors their rich perspectives and experience through these listening sessions.

We are seeking your general feedback as well as *answers to the following questions*:

- How would you like the EJ Council to participate? For example, would Council members prefer to work in an advisory role, or more directly participate through helping with planning, outreach, and/or cohosting sessions?
- How does the EJ Council want agencies to communicate with them and share what we learned? At what frequency, and in what formats?
- What's missing from this plan? Is there anything you might approach differently? What haven't we thought of to ensure their success?

We truly appreciate the time and guidance from the EJ Council on how to best approach these listening sessions and look forward to continuing the conversation about how we can collaborate and work in tandem moving forward.

For any questions related to this plan, please contact Subgroup Co-Chairs Jill Wisehart (AGR) at jwisehart@agr.wa.gov and Leah Wood (DOH) at leah.wood@doh.wa.gov.

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Overview of Listening Sessions

Proposed Timeline: March – October 2023

Proposed Number of Listening Sessions: We are setting a target of 6-9 listening sessions in identified communities across Washington state; or 2-3 for each of the three topic areas we’ll be exploring in this initial round of listening sessions. *This number will likely change as we learn from these listening sessions*, and while we are setting a target number for planning purposes, we will adjust as needed to work towards equitable representation for communities across our state.

Topics Covered: Community engagement, identification of overburdened communities, and environmental justice assessments.

Method of Engagement: We will offer both virtual and in-person listening sessions, depending on requests from community partners.

Pilot Sessions: Our first 2-3 sessions will serve as pilot sessions to help guide and evaluate our approach. We will adjust as needed prior to planning subsequent sessions.

Listening Session Length: 90 minutes

Compensation: Participants will be compensated for their time, lived experience, and expertise *via a pre-loaded gift card at a rate of \$100 per listening session*. This is consistent with suggested rates for one-time events with durations between one and four hours, as outlined by the [Office of Equity Community Compensation Guidelines](#) released in December 2022.

Reimbursement: Participants are eligible for dependent care reimbursement at the following rates, as outlined by the [Office of Equity Community Compensation Guidelines](#):

- Childcare: up to \$25 per hour for the first child and up to \$50 per 24-hour cycle for each additional child.
- Adult care: up to \$34 per hour for the first adult and up to \$50 per 24-hour cycle for each additional adult.

Reimbursements can be made for lodging, meals, and mileage costs in addition to compensation offered in accordance with RCW [43.03.050](#) and RCW [43.03.060](#). Rates of reimbursement differ by location and are available on [the Office of Financial Management's website](#). To receive reimbursement, participants must submit an invoice or receipt for expenses incurred.

Proposed Process for Identifying Community Partners and Locations for Listening Sessions

Identifying where and with whom to hold listening sessions is probably the most important piece of our planning as state agencies. We are seeking to reach communities and people who are highly impacted by environmental justice concerns and who hold rich perspective, knowledge, and experience that we can ask to inform our work.

We recognize the inherent limitations of using only the Washington Tracking Network data and the Environmental Health Disparities map. The map's data and methodology are not necessarily reflective of the experiences of communities, particularly those in rural areas and on tribal lands. Additionally, the map does not include tribal data that can more accurately represent those census tracts, nor has the DOH completed tribal consultation on the map. At the same time, this resource is the most comprehensive tool we have available for identifying the cumulative impacts of environmental concerns in our state.

Recognizing the limitations stated above, we view the map as a screening tool and the process described below as a starting point, and not a prescription. ***We explicitly invite EJ Council comment and feedback on this section of this plan.*** Throughout these listening sessions, we plan to ask communities who we should be connecting with and how we should reach them to continue this conversation.

Proposed Process:

To identify where we will be hosting community listening sessions and with whom we will partner, we propose the following process:

1. In order to develop the initial list of listening session communities, we used [the Washington Tracking Network's Environmental Health Disparities Map](#) to identify geographic locations around the state with high concentrations of census tracts ranked as 8, 9, or 10 for overall cumulative environmental health risk. This was cross-referenced with areas of high concentrations of census tracts ranked 8, 9, or 10 on the map layer showing socioeconomic factors. This was done to identify additional locations, particularly those in rural areas and on or near tribal land, which may be obscured in the overall map ranking. *Staff will review this list and adjust as needed to ensure that this list is geographically representative and inclusive of both rural and urban areas across our state.*

Possible locations for listening sessions include, but are not limited to:

- Olympia Peninsula and Coast: Aberdeen, Port Angeles, Centralia, Longview, Vancouver
- Puget Sound: South Seattle/South King County, Tacoma, Mt Vernon, Everett
- Central Washington: Wenatchee, Omak, Moses Lake, Othello, Yakima
- Eastern Washington: Spokane, Tri-Cities (Kennewick, Pasco, and Richland), Walla Walla

2. For each of these locations, we will identify additional priority populations to center our outreach in using demographic data available and the knowledge of staff who are familiar with, or currently living in these areas.

These populations may include, but not limited to:

- Black and Indigenous people, other people of color
 - People who are low-income
 - Immigrants or refugees
 - People with limited English proficiency
 - Outdoor workers (i.e., farm workers, construction workers, or aviation workers)
 - People who are unstably or under-housed, homeless, or living unsheltered
3. After identifying *who* we hope to reach and *where*, we will develop a list of potential partner organizations to contact. This list will be informed by research and knowledge, and by bringing in our state agencies' community engagement teams. We will also invite interested EJ Council members to help us identify and connect with potential partners.
 4. Through meeting with partner organizations and collaborators, we will develop a plan for hosting listening sessions, including their structure, format, and access considerations. If appropriate, we will partner with these organizations to do outreach in advance of listening sessions and co-host listening sessions.
 5. Post listening sessions, we will work with these same partners to offer our gratitude, tie up any loose ends with reimbursement and compensation, and develop a plan for sharing back our findings after our listening sessions are complete.

Proposed Listening Session Structure

Outline:

Each listening session will be themed around a single topic relevant to HEAL implementation:

- community engagement,
- identification of overburdened communities and vulnerable populations, and
- environmental justice assessments (see the Appendix for draft listening session questions).

Listening sessions will last roughly 90 minutes and include the following:

- Introduction and welcome (10 minutes)
- Context setting and HEAL Act overview (20 minutes)
- Small group discussions (50 minutes)
- Closing, gratitude, and next steps (10 minutes)

Depending on whether these listening sessions are hosted online or in-person, they will follow a different format that allows for communication in small groups with a facilitator and notetaker. This could look like using breakout rooms on Zoom or hosting "world café" style conversation tables, depending on what is deemed most appropriate by our community partners.

Accessibility Considerations:

All in-person listening sessions will be held in centralized locations that are easily accessible by public transit. Physical locations must also be ADA-compliant.

State agencies will provide interpretation services as needed, including American Sign Language and, for CART closed captioning virtual listening sessions. For virtual listening sessions, registration will include language and access questions.

Consent and Ethics:

Consent to participate and record (if hosting virtually) will be confirmed for each listening session after describing the scope of our plans and prior to asking participants to answer any questions. All potentially sensitive or personal information will be kept confidential, stored securely, and de-identified prior to analysis and reporting. Participants have the right to choose not to participate at any time and may ask that any information shared be withdrawn during or after the listening session.

Tracking and Reporting

We have developed a system for tracking outreach and participation in the listening sessions that will be updated by responsible state agency staff after each session. Our intent is to use this to coordinate communication and outreach to potential partners and to centralize data collection and reporting between agencies. We will work with our agencies and Office of Equity to determine what demographic information is required for internal and external reporting.

Additionally, we are currently working on an evaluation plan and metrics for measuring success in reaching our priority communities and working as a unified interagency body. These can be shared with the EJ Council once they are completed, upon request.

Accountability

How Collected Information Will Be Used:

Information shared at these listening sessions will be analyzed for themes and developed into recommendations that will be shared with the EJ Council and Interagency Workgroup. These recommendations will be integrated into state agency Community Engagement Guides, the developed process for identifying overburdened communities and vulnerable populations, and the process for conducting environmental justice assessments.

Sharing Back to Community Partners and Participants:

Recommendations developed will be shared with community partners and interested participants from the listening sessions. Information for follow-up will be collected at the time of the listening session and participants will be asked about the best method for sharing findings and updates on how this information was used. Any materials developed will be translated and made available in multiple languages.

Communication with Tribes and Tribal Consultation:

It is likely that through these listening sessions, we will engage with tribal members as members of highly impacted communities throughout our state. These individuals are asked to participate only as themselves and not as representatives of tribal communities or governments and may choose to self-identify as tribal members or not.

The Tribal Liaisons Workgroup will send a Dear Tribal Leader Letter in early 2023 offering consultation to tribes on sections of the draft Community Engagement Guides relevant to tribal community and government engagement. In this Dear Tribal Leader Letter, we will inform tribes of the listening sessions described in this plan; however, *these are not intended to act as any piece of a formal tribal consultation process and are not a substitute for government-to-government consultation.*

Appendix: Draft Questions for Community Listening Sessions

Community Engagement:

1. What has been your experience engaging with state agencies around environmental issues in the past?
 - What went well?
 - What didn't?
 - What would you change about the state's approach?
2. What do you see as potential or current barriers to engaging with state agencies for yourself or for your community? What are strategies or resources needed to address these barriers?
3. What does it look like for communities and state agencies to meaningfully partner in decision-making on environmental issues?
4. Why do people think that important/relevant/impacted people have been left out of these processes in the past? What should be lessons learned here? How should it have gone differently?
5. How would you want us to follow through to ensure you and your community are part of decision-making processes about environmental issues in the future? What does accountability look like? *For example, what does accountability look like for today's listening session? How can we share back what we learned from you and how we used it?*
6. Is there anything else that you want us to know or didn't get a chance to say already?
7. Who else do you think we should talk to?

Identifying Overburdened Communities and Vulnerable Populations:

1. What does community mean to you? *For example, geography/neighborhood, culture, etc.*
2. For the HEAL Act, we need to identify communities and populations that are most impacted by environmental justice issues. What do you think is important for us to know as we start this process?
 - Why do people think that important/relevant/impacted people have been left out of these processes in the past?
 - What should be lessons learned here? How should it have gone differently?
3. Within your community, who should we make sure are at the table and part of discussions? How can we best reach them? What about around the state?
4. Who in your community is already thinking about environmental justice or environmental issues and how can we connect with them? *For example, are there any community advocacy groups that are working on environmental issues? Organizations? Groups?*
5. What information should we [*state agencies*] gather when learning about an environmental issue impacting your community? Are there data from projects that have been initiated and collected by community members or organizations that you'd be willing to share?
6. What do you want us to know about your community? *For example, what are you concerned about? What do you want us to know that wasn't already said?*
7. Who else do you think we should talk to?

Environmental Justice Assessments:

1. Please share with us what you like about your community. When describing it for us, use your five senses to help us get a sense of what it's like to live there. *For example: I like walking around my neighborhood and saying hello to my neighbors.*
2. Where should we look for more information about environmental issues in your community and who should we talk to? *Ex. Are there students at a local high school that are monitoring air quality in the region for a class? Is there a community group that has been doing a survey about noise pollution or any other environmental concerns?*
3. In our assessment process, we look at the following things: which areas and communities are most impacted and how, feedback from those communities and from tribal consultation, and ways we can remove or reduce pollution or other types of harm to communities. Is there anything that we're missing? Is there something you would change or add, or that you want to make sure is represented, in that process? *For example, when the Department of Commerce begins a new grant program, an EJA has to be conducted.*
4. How do you want to be a part of EJ assessments? How would you want us to follow through to ensure you and your community are part of decision-making processes about environmental issues in the future?
5. How can we communicate the results of environmental justice assessments in a way that reaches and is accessible to members of your community?
6. What happens if a community disagrees with the results of an EJA? How would you want to participate in appealing the results of an assessment that you or your community disagrees with?
7. Is there anything else that you want us to know or didn't get a chance to say already?
8. Who else do you think we should talk to?

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Council Manager

Subject: 2023 Workload Prioritization and Meeting Planning

Background and Summary:

The Environmental Justice Council (Council) has significant workloads under the HEAL Act and the Climate Commitment Act. The Council heard brief presentations at its February meeting about progress of Committee work and agency work as well as upcoming work and deadlines. The Council has time at today's meeting to discuss prioritizing this work and developing timelines and the Council's 2023 meeting schedule.

Today's meeting packet includes a Gantt chart/timeline for the various bodies of work in front of the Council for 2023 to help inform this conversation ([page 36](#)). The packet also includes a staff recommended 2023 meeting schedule ([page 45](#)) and staff proposed 2023 meeting agenda items ([page 47](#)) for the Council to discuss and modify as needed today.

Staff Recommended Actions:

1. Staff recommend that the Council discuss its priorities and workplans for 2023.
2. Staff recommend that the Council discuss, amend if necessary, and adopt the following motion:

The Council adopts the proposed Meeting Schedule for 2023 with any changes agreed upon by the Council at its March 22, 2023 meeting.

Staff Contact

Sierra Rotakhina, Council Manager, sierra.rotakhina@ejc.wa.gov, 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. TTY users can dial 711.

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Governance/Process											
Finalize bylaws											
Develop Community engagement process/plans/toolkit for the EJC											
Develop Tribal engagement process/plans/toolkit for the EJC											
Develop process with agencies for tracking and having a coordinated response to emergent EJ issues as they arise and the impacted communities											
		Discussion of what hats Council wearing when out in community									
Legislative											

Key											
Clear deadlines coming up			Future work with defined agency/entity (no set/clear deadline yet)					Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)			

Develop legislative priorities and Council process for 2024 legislative session											Adoption needed before session starts in January
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Decision-package requests for EJ Council funding needs for 2024 supplemental budget (if needed)											
HEAL											
Adoption of EJ Principles (this is an ask from members of the Interagency Workgroup to inform their HEAL work)											
Guidance on Community Engagement Plans	Agency plans were due July 1, 2022					Agencies want to present listening session and Tribal Roundtable findings to Council					

Key

Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)
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Guidance/feedback on agency HEAL listening sessions plans		Agency listening sessions begin in March	Pilot Agency listening sessions	Pilot Agency listening sessions Share what has been learned from the pilot sessions and incorporate changes	Continue Agency listening sessions	Continue Agency listening sessions	Continue Agency listening sessions	Continue Agency Listening Sessions	Continue Agency Listening sessions Compile quantitative and qualitative data	Compile quantitative and qualitative data; surface themes	Develop recommended revisions to provisional community engagement guide
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Guidance on identifying overburdened communities and vulnerable populations		Agencies share the draft process		Guidance on the process		Needed before July 1, 2023					
Guidance on use of the Environmental Health Disparities Map						Needed before July 1, 2023					
Guidance on EJ in Strategic Plans	Strategic plans were due January 1, 2022										
Guidance on identification of significant agency actions						Needed before July 1, 2023 Agencies publish significant	Agencies publish significant agency actions on websites				

Key											
Clear deadlines coming up			Future work with defined agency/entity (no set/clear deadline yet)				Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)				

						agency actions in WA State Register					
Guidance on EJ Assessments		Update		Recommendations		Needed before July 1, 2023					
Guidance on EJ in Budgeting and Funding		Update		Recommendations		Needed before July 1, 2023					
Agency Update to Council								Due September 1, 2023			
Council Report to Legislature										Due November 30, 2023 (then every year)	
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	October 2023	Nov. 2023	Dec. 2023
Council evaluate the progress of each agency in applying Council guidance, update guidance as needed, and communicate agency progress to the public, Governor, and Legislature (does not have to be written report)										Due December 1, 2023 and then every other year	

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

Guidance on metrics and standards for tracking outcomes						Needed to inform deliverables due on July 1, 2023					
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	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
CCA											
CCA funding recommendations (Governor and Legislature)									The Governor's Budgets are released in December		
Air Quality in Overburdened Communities	Ecology plans to announce final indicators	Early Spring Ecology will be asking									

Key

Clear deadlines coming up

Future work with defined agency/entity (no set/clear deadline yet)

Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

Initiative (Section 3 of the CCA) (Ecology)	to identify overburdened communities highly impacted by air pollution and the list of communities (note Ecology is working separately with Tribes to identify Tribal communities highly impacted by air pollution)	community members for comments about expanding air monitoring stations in communities identified as overburdened									
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Engaging in Phase I: Providing input to Ecology on if Washington to link Cap and Invest program to California or Quebec programs (Ecology)	Ecology gathering public input on if WA should link to other programs	Ecology gathering public input on if WA should link to other programs Requested Ecology presentation/ briefing to EJC	Ecology gathering public input on if WA should link to other programs	Ecology gathering public input on if WA should link to other programs (through mid-May)	Ecology plans to share a report on linkages in early to mid-summer		August or September Ecology plans to make decision on whether to pursue linkages				More opportunities for Council input in 2024 and beyond if WA, CA, and Quebec decide to link

Key		
Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

Evaluate the level of funding provided to address environmental injustices (Governor and Legislature)											
Recommend environmental justice and health goals for programs and activities funded through CCA											
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Consultation to Ecology when considering reducing offset credit limits for a specific entity (Ecology)	Anticipated in the next year										
Consult on community engagement plans											

Key

Clear deadlines coming up	Future work with defined agency/entity (no set/clear deadline yet)	Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)
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for non-HEAL agencies who allocate CCA funds (Non-HEAL agencies who allocate CCA funds)											
Recommend EJ & health goals for projects funded from the Climate Investment Account and review annual agency reports (Governor, Legislature & agencies)											
	February 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept. 2023	Oct. 2023	November 2023	December 2023
Recommend co-pollutant emissions reduction goals in overburdened communities											
Recommend how to support public participation through											

Key

Clear deadlines coming up

Future work with defined agency/entity (no set/clear deadline yet)

Future work where the agency/ entity to receive recommendations is to be determined (no set/clear deadline yet)

capacity grants for participation

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Environmental Justice Council

DRAFT: Staff Proposed 2023 Meeting Schedule

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the Washington State Environmental Justice Council (Council) for 2022 and the first quarter of 2023. The Council’s meetings are open to the public. Community access to the meetings and language justice are priorities for the Council. Members of the public can contact staff (see below) to request language interpreters at meetings, translated meeting materials, or accommodations to improve the accessibility of Council meetings and materials.

Agendas for the meetings listed below are made available in advance via listserv and the Council’s website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the Council reserves the right to change or amend agendas at the meeting. Meeting links, call-in, information and locations (as applicable) are posted here:

<https://waportal.org/partners/home/environmental-justice-council/environmental-justice-council-meetings>

Meeting Date	Location
Special Meeting Wednesday March 22, 2023 4:00pm-7:00pm	Virtual Only
Wednesday April 26, 2023 4:00pm-7:00pm--Hold to meet only if needed	
Wednesday May 24, 2023 4:00pm-7:00pm	Virtual Only

Thursday June 22, 2023 3:30pm-6:30pm – Hold to meet only if needed	
Thursday July 27, 2023 3:30pm-6:30pm	Location to be determined
Thursday September 28, 2023 3:30pm-6:30pm	Location to be determined
Thursday October 26, 2023 3:30pm-6:30pm Hold to meet only if needed	
Thursday November 16, 2023 3:30pm-6:30pm	Location to be determined
Thursday December 14, 2023 3:30pm-6:30pm Hold to meet only if needed	

Time and locations subject to change as needed. See [Environmental Justice Council | WaPortal.org](#) for the most current information. Contact Council staff at envjustice@ejc.wa.gov or 360-584-4398.

Last updated: **Enter meeting date when Council adopted schedule.**

Environmental Justice Council

DRAFT: Staff Proposed 2023 Meeting Agenda Items

Note: staff developed this schedule of agenda items only as a visual starting point for discussion. Staff recommends that the Council (with input and discussion from both the appointed Members and the Ex Officio Liaisons) should prioritize their work, develop a workplan, and amend this schedule as needed in response. Some of these meeting dates include more agenda items than could be feasibly covered in one meeting. There are also agenda items that are not included here that the Council may wish to prioritize instead. The notes below the table outline possible standing agenda items for every meeting that need to occur in addition to the items listed in the table.

Meeting Date	Agenda Items
Wednesday April 26, 2023 4:00pm-7:00pm--Hold to meet only if needed	
Wednesday May 24, 2023 4:00pm-7:00pm	<ol style="list-style-type: none"> 1. Discussion of Full Council Bylaws 2. Guidance: Environmental Justice Assessments 3. Guidance: Identifying Overburdened Communities and Vulnerable Populations 4. Guidance: Environmental Health Disparities Map 5. Cap and Invest Program Linkages 6. Possible election of Executive Committee Tribal Rep and Second Co-Chair (Pending Governor’s Office appointment of Tribal fourth Representative) 7. Addressing public comments and priorities brought to the Council by communities and Tribes (e.g., Horse Heaven Wind Farm)
Thursday June 22, 2023 3:30pm-6:30pm – Hold to meet only if needed	
Thursday July 27, 2023 3:30pm-6:30pm	<ol style="list-style-type: none"> 1. Adoption of full Council Bylaws 2. EJ Council Community and Tribal engagement plans 3. Agencies want to present listening session and Tribal Roundtable findings to Council 4. Discuss Climate Commitment Act funding recommendations for 2024 5. Cap and Invest Program Linkages 6. Possible election of Executive Committee Tribal Rep and Second

	<p>Co-Chair (Pending Governor’s Office appointment of Tribal fourth Representative)</p> <p>7. Addressing public comments and priorities brought to the Council by communities and Tribes</p>
<p>Thursday September 28, 2023 3:30pm-6:30pm</p>	<ol style="list-style-type: none"> 1. Discuss legislative priorities and Council process for 2024 legislative session 2. Agency Annual Updates to Council (due September 1 of each year) 3. Discuss Council report to the Legislature (due November 30, 2023) 4. Adopt Climate Commitment Act funding recommendations for 2024 5. Addressing public comments and priorities brought to the Council by communities and Tribes
<p>Thursday October 26, 2023 3:30pm-6:30pm Hold to meet only if needed</p>	
<p>Thursday November 16, 2023 3:30pm-6:30pm</p>	<ol style="list-style-type: none"> 1. Adopt legislative priorities and Council process for 2024 legislative session 2. Adopt Council report to the Legislature (due November 30, 2023) 3. Discussion of budgeting and funding guidance 4. Discussion of guidance on agency strategic plans and implementation plans 5. Addressing public comments and priorities brought to the Council by communities and Tribes
<p>Thursday December 14, 2023 3:30pm-6:30pm Hold to meet only if needed</p>	

Standing agenda items (1 hours 30 minutes):

1. Welcome and Roll Call for Quorum (5 minutes)
2. Approval of Agenda and Past Meeting Notes (5 minutes)
3. Update on Actions from Past Public Comments (10 minutes)
4. Public Comment (20 minutes) (This time may need to increase as the Council begins community outreach)
5. Executive Committee Updates for Discussion and Possible Council Action (10 minutes)
6. Council Committees and Interagency Workgroup updates (30 minutes)
7. Appreciation and Adjournment (5 minutes)
8. Breaks (15 minutes)

Note: Move to having overview of how to enter interpretation rooms before the beginning of the meeting.

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Environmental Justice Assessment

Background and Summary:

On July 1, 2023, HEAL agencies are required to begin conducting Environmental Justice (EJ) Assessments on Significant Agency Actions. During the Environmental Justice Council (Council) meeting on January 26, 2023, the Council approved the creation of an Environmental Justice Assessment Committee. The Interagency Workgroup also has a subgroup that created the attached **draft** outline of an Environmental Justice Assessment process (see [page 51](#)). It is our goal to bring together these two groups every month for thought partnership and collaboration.

To review, per the HEAL Act, Significant Agency Actions are:

- a) The development and adoption of significant legislative rules as defined in RCW [34.05.328](#);
- b) The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;
- c) A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000;
- d) The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
- e) Any other agency actions deemed significant by a covered agency consistent with RCW [70A.02.060](#).

Environmental Justice Assessments process requirements include:

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.

- Where applicable, use cumulative environmental health impact analysis, such as the environmental health disparities map or other data that considers the effects of a proposed action on overburdened communities and vulnerable populations.
 - “Cumulative environmental health impact” means the combined, multiple environmental impacts and health impacts on a vulnerable population or overburdened community.
- Identify overburdened communities and vulnerable populations who are expected to be affected by the proposed action and the potential environmental and health impacts;
- Pursuant to the consultation process in [70A.02.100](#), identify if the proposed action is expected to have any local or regional impacts to federally reserved tribal rights and resources including, but not limited to, those protected by treaty, executive order, or federal law.
- Summarize community input and describe how the covered agency can further involve overburdened communities, vulnerable populations, affected tribes, and indigenous populations in development of the proposed action.
- Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts on overburdened communities and vulnerable populations, or provide a justification for not reducing, mitigating, or eliminating identified probable impacts.

Discussion:

We appreciate thoughts, questions, guidance from the Council. Questions that have arisen include, but are not limited to:

1. How does the full Council want to be stay updated and provide feedback on the progress of Environmental Justice Assessments?
2. What does Council guidance look like?
3. What elements should be consistent across EJ Assessments?

Staff Contact

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

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Environmental Justice Assessment Template Outline – DRAFT – Updated 2/15/2023

Prior to EJ Assessment initiation – file a notice with the office of financial management of significant agency actions for which the agency is initiating an environmental justice assessment

1. Significant Agency Action – initial version of this shared as part of OFM notification
 - Description of Action, including SAA type
 - Impact identification – including as identified via community engagement and by members of Overburdened Communities (OBC), Vulnerable Populations (VP), tribes, and indigenous people
 - Identify potential environmental benefits (intended/unintended) and potential associated health impacts¹ of proposed action
 - Identify potential environmental harms (intended/unintended) and potential associated health impacts² of proposed action
 - Description of geographic impact areas for each environmental harm/benefit³
2. Cumulative Environmental Health Impact Analysis ([using the environmental health disparities map or other cumulative environmental health impact data](#))
 - Identify Impacted Vulnerable Populations
 - Identify Impacted Overburdened Communities
 - Identify existing environmental health issues affecting impacted communities including as identified via community engagement and by members of OBC, VP, tribes, and indigenous people
 - Identify areas of overlap with expected environmental benefits/harms of SAA
 - Identify process equity considerations for impacted communities (including but not limited to language, accessibility, and cultural responsiveness)⁴
3. Impacts to local or regional tribal rights and resources
 - Identify impacts to local or regional tribal rights and resources – in alignment with existing tribal consultation policy (may vary agency by agency).
 - Possible models to learn from could include cultural resource preservation (EO 21-02) and fisheries co-management practices; agencies will need to work with tribes to ensure their consultation obligations are fulfilled
4. Community Engagement – agency must solicit feedback from members of OBC, VP
 - Summary of community engagement to date, mirroring/reproducing the community engagement before/during/after evaluation (from community engagement plan), and including any related grants and contracting opportunities in OBC & VP
 - Summarize input received – including harms/benefits, reduction/mitigation/distribution methods
 - Summarize how input was incorporated in the planned action, and if suggestions were not incorporated, why not⁵

¹ Addition – optimizing design. Connecting env. Benefits/harms to downstream health impacts can be key to informing prevention/reduction/mitigation strategies

² Same comment as previous.

³ Inferred from the requirement to identify OBC impacted by SAA, and OBCs being defined as a geographic area

⁴ Not explicitly identified in HEAL, but added to align with community engagement guide template and best practices for community engagement

⁵ Not explicit in list of EJA process requirements, but reflects need to solicit feedback from members of OBC and VP

5. Options to eliminate, reduce, or mitigate environmental harms, and equitably distribute environmental benefits – including as identified via community engagement and by members of OBC, VP, tribes, and indigenous people; Must consider each method listed under RCW 70A.02.060 (6)
 - Methods to eliminate, reduce, or mitigate environmental harms to OBC, VP
 - Methods to equitably distribute environmental benefits
6. Results of EJ Assessment
 - Follow-up commitments
 - Methods selected to eliminate/reduce/mitigate harms and equitably distribute benefits⁶
 - Describe how agency plans to further involve OBC, VP, tribes, indigenous people in development of SAA
 - Describe other follow-up actions that will be taken relative to the EJ Assessment⁷
 - Describe how commitments above will be tracked, and reported on – to the general public, and reporting back to OBC, VP, tribes⁸
 - Describe any outcomes metrics that will be tracked, drawing from agency strategic plan and/or identified environmental benefits/harms
 - (As applicable) Justification for not eliminating/reducing/mitigating harms and maximizing benefits
7. Appendices
 - EJA update form – if project scope changes after initial EJA completed
 - Describe changes to project scope
 - Describe changes to EJ Assessment

General Design Notes

- Some components of this EJA template outline are not explicitly defined in RCW 70A.02, but are either a) inferred based on the operational requirements of more general purpose statements, or b) suggested for inclusion based on alignment with work already completed during HEAL implementation. See footnotes for more information.
- This outline is not a step-by-step process – each section will need to be completed in parallel as the EJ Assessment process is completed. For example, the initial identification of impacts and impact areas will need to inform community engagement activities. Similarly, community engagement will need to inform further identification of impacts and impact areas.
- It will be key to prioritize ease of use and understanding for non-expert program staff and for the general public, while also maintaining accountability to communities, and while accurately identifying potential environmental benefits/harms.

⁶ Not explicit in process requirements, but inferred from need to describe options to reduce/mitigate/eliminate harms and equitably distribute benefits, and the need to provide a justification for not reducing, mitigating, or eliminating probable impacts

⁷ Suggest adding this to capture any follow-ups not encompassed under the first two bullet points

⁸ Not explicit in process requirements, but some record of planning around tracking/reporting would be helpful in providing accountability

- Do we need separate formats for project vs. non-project? Is there another way to divide formats to fit the needs of individual SAA types (for example, agency request legislation vs. Capital grant vs. Capital grant program creation)? Could we get away with one template, but with templates for attachments that need to be filled out based on action type (for example, for project-specific EJAs, requiring a special form of community engagement plan)
- There are open questions about when the template EJ Assessment “begins” and “ends”. These are somewhat semantic, but we need to make some decisions relative to compliance obligations. For example:
 - Beginning: Trigger for SAA initiation (will depend on SAA type), Notification to OFM
 - End: Publication of EJA? Logistical metrics reporting to OFM, publication of EJA via OFM? Is EJA a moment-in-time analysis, or something that gets updated over the course of decision-making & completing the proposed action (if it moves forward)? Are developing metrics and monitoring/reporting commitments (especially in relation to agency strategic plan commitments) part of the EJA? Is actual monitoring/reporting part of EJA? Or are these part of a follow-on process, or (and?) predefined through agency implementation strategies (reference [RCW 70A.02.090\(4\)](#))?
 - Proposal above reflects the following outlook: EJA is a moment in time assessment of the proposed action, occurring shortly after the “trigger point” for the SAA, but a) needs to be updated to align with any scope changes, and b) includes a section committing the agency to certain follow-up actions through the course of SAA completion/delivery process. SAA publication and OFM reporting is beyond the scope of SAA template “checklist” contents, but the final SAA template should include instructions describing SAA publication and reporting requirements.

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Identification of Overburdened Communities and Vulnerable Populations

Background and Summary:

Chapter 70A.02 RCW, the HEAL Act, seeks to reduce environmental and health disparities in Washington State and improve the health of Washington State residents. The identification of Overburdened Communities and Vulnerable Populations underlies the interconnected parts of the HEAL Act. There is no deadline in the HEAL Act or specific deliverable “due” for identification of overburdened communities. However, agencies will need to know how to identify overburdened communities and vulnerable populations to conduct Environmental Justice Assessments and analysis of environmental justice in budgeting and funding decisions by July 1, 2023.

HEAL defines Overburdened Communities and Vulnerable Populations as follows:

- “Overburdened community” means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but not limited to, highly impacted communities as defined by in RCW [19.405.020](#).
 - “Highly impacted community” means a community designated by the department of health based on cumulative impact analysis 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.
- “Vulnerable populations” means population groups that are more likely to be at higher risk for poor outcomes in response to environmental harms, due to: 1) 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 2) sensitivity factors, such as low birth weight and higher rates of hospitalization.

- “Vulnerable populations” includes, but is not limited to:
 - Racial or ethnic minorities
 - Low-income populations
 - Populations disproportionately impacted by environmental harms; and
 - Populations of workers experiencing environmental harms.

Agencies covered in the HEAL Act have been working on developing a DRAFT process that provides a skeleton outline of all shared components that will be present when agencies identify overburdened communities and vulnerable populations, particularly regarding significant agency actions. It is not intended to be a step-by-step or a how-to guide, but rather an ingredients list of what should be considered in the process of identifying overburdened communities and vulnerable populations.

There are three sections of the DRAFT process:

1. Pre-Work: This section summarizes the agency action, project, or program.
2. Geographic Area + Impacts: This section identifies the expected geographic area that will be impacted by the action. Considerations for this section include but not limited to:
 - Area where direct impacts are anticipated
 - Area where indirect impacts are anticipated
 - How impacts may present across multiple places
 - Description environmental benefits
 - Description of environmental harms
3. Identify Overburdened Communities and Vulnerable Populations connected to the identified geography: This section identifies the wide range of people who will be impacted by the anticipated action.

Discussion:

We appreciate thoughts, questions, and guidance from the Council. Questions that have arisen include, but are not limited to:

1. Which does the Council prefer: a process to identify overburdened communities on a project-by-project basis or one list of communities to be used across all projects?
2. How does the Council want to be kept updated and provide feedback?
3. What does Council guidance look like?

Staff Contact

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

DRAFT: Guide for Identifying Overburdened Communities and Vulnerable Populations (V2)

Purpose of this Document

This DRAFT document is a skeleton outline of all shared components that will be present in each agency's processes for identifying overburdened communities. It is not intended to be a step-by-step or a how-to guide, but rather an ingredients list, where all covered agencies have agreed to consider the following when identifying overburdened communities and vulnerable populations. From here, each agency will use whatever tools are appropriate to them in to collect the relevant information.

Approach

Ultimately, the approach outlined in this document is designed to identify and context about the peoples who will be impacted by a project, process, or policy. Specifically, the process aims to identify the below two categories:

1. Overburdened communities: a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities
2. Vulnerable populations: 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.
 - 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.
 - iv. Populations of workers experiencing environmental harms.

The process is intended to help guide the equitable mitigation of new environmental harms and equitable distribution of environmental benefits. It may be used to meet requirements for many obligations under Chapter 70A.02 (also known as Washington's environmental justice law or the HEAL Act), and it can also be used to help identify overburdened communities in additional contexts. Ideally, it will be used widely to help inform equity considerations in agency decision making.

How it works

The skeleton plan of a process that is listed below contains three phases, that are not separate from one another. They will, on occasion, be done at the same time, and data collected from each phase should be used to inform the other phases. The process begins with pre-work, which includes producing a short summary of the action proposed, and also requires the identification of resources that might already exist. This reflective moment should help to prevent the reduplication of work, to encourage the team member to connect with people who regularly or recently have worked in the spaces roughly identified, and hopefully to prevent burdensome asks of affected communities. The second and third phases are for deeper more exploratory work on the geographic impacts, and the anticipated connections with potentially impacted people.

There are still many pieces of this process that are still undetermined, but the ultimate goal is to create more detailed and data-driven analyses of overburdened communities and vulnerable populations who may be impacted by a specific agency action.

1: Pre-work:

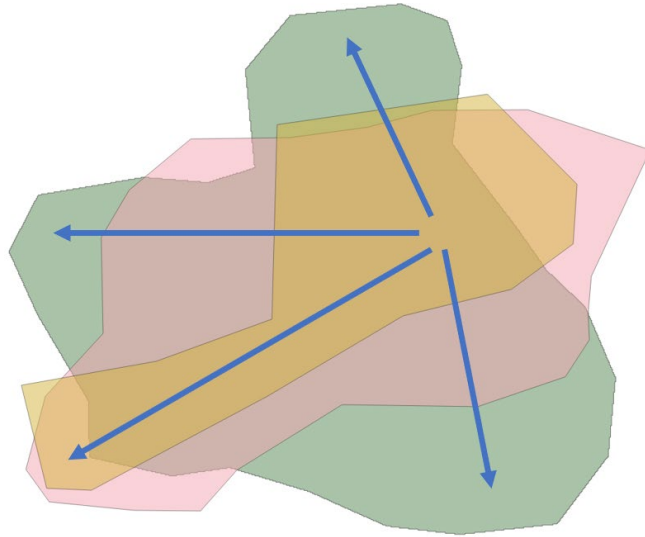
This initial work should be done prior to beginning the next two sections (which may be done somewhat separately or at the same time, depending on the project).

- Statement of need (stakeholders, agency priorities, mandates, etc.)
- Scope: short summary of the project, program or action
- Identify any existing resources that might be helpful for context setting
 - o For instance, if you or your teammates have worked in the expected region before, do you have any documentation you can draw from to avoid reinventing any wheels and overburdening communities with redundant asks? Find out what you can through informal conversations.

2: Geographic Area + Impacts

This section identifies the expected geographic impact site of the action.

The image below demonstrates how each identifier in this section is intended to help expand an understanding of impact and is designed to accommodate the various shapes and forms that our data may arrive to us. This process is not intended to, not should it, narrow our scope.



- Identify the geographic area that is expected to be impacted by the project, program or action.
 - o Identify area where direct impacts are anticipated
 - o Identify area where indirect impacts¹ are anticipated
 - o Identify if impacts may migrate, shift or change
 - o Identify if impacts will occur at noticeably higher rates in some areas more than others
 - o Identify if impacts sites might be multiple, including statewide
 - o Identify any potentially connected short- or long-term impacts from climate change indicators (depending on when in project, indicate if impacts are potential or known)
- Identify the characteristics of the anticipated impacts from project or action.
 - o Do the impacts provide environmental benefits?
 - If so, describe.
 - o Do the impacts provide environmental harms?
 - If so, describe.
 - o Identify if there are *other* existing environmental harms in the area.
 - Identify their impact.
 - o Do they change something either positive or negative that may impact people's lives?
 - o Explain how you came to this determination.

3: Identify Overburdened Communities^[1] and Vulnerable Populations^[2] connected to the identified geography above

¹ This may also include social and economic impacts like green gentrification, for example.

This section identifies the wide range of people who will be impacted by the anticipated action. The goal here is to hone in on the overburdened communities and vulnerable populations connected to the identified geographic area.

For many of these categories, data may not be readily available, and require creative thinking. For any pieces that cannot be found, due diligence will be explained. Identifying these gaps will be important for our metrics.

- Identify population scope:
 - o Identify people who are vulnerable that live in the identified impact zone
 - Specifically identify:
 - Racial or ethnic minorities
 - Low-income populations
 - Populations disproportionately impacted by environmental harms (cumulative health impacts)
 - o Identify people who are vulnerable that work in the identified impact zone
 - Specifically identify:
 - Populations of workers experiencing environmental harms or benefits
 - o i.e., outdoor workers, migrant workers
 - o Identify people who are vulnerable that visit or recreate in the identified impact zone
 - o Identify people who are vulnerable that rely on resources in the identified impact zone
 - o Identify people who are vulnerable that have cultural connections to identified impact zone (specifically but not limited to Tribes)
 - o Identify people who may be incarcerated in the identified impact zone
 - o Identify people who may be unsheltered in the identified impact zone
 - Think creatively about how to include data on unhoused populations that may be local and specific.
 - For instance, local government, local health authorities may have some relatively up to date information.
- Identify overlays with Tribes and Tribal resources
 - o Identify additional overlays with Tribal lands, including sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law
- After notification with OFM of the SAA, there will be a subsequent comment period.
 - o From that those comments, check if any communities self-identified as an overburdened community that are not otherwise listed here.

Step 6: Notes, Metrics and Records

Section forthcoming.

^[1] Overburdened community means 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. (Chapter 70A.02)

^[2] "Vulnerable populations" means 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. (Chapter 70A.02)

DRAFT

Environmental Justice Council

Date: March 22, 2023

To: Environmental Justice Council Members

From: Rowena Pineda, Environmental Justice Advisor

Subject: Environmental Justice obligations of agencies relating to budgets and funding

Background and Summary:

According to the HEAL Act, each covered agency must incorporate environmental justice principles into its decision making processes for budget development, making expenditures, and granting or withholding environmental benefits. Beginning July 1, 2023 covered agencies must:

- Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions;
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures;
- Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles, including:
 - Community grants to monitor pollution;
 - Grants focused on building capacity and providing training for community scientists and other staff;
 - Making technical assistance available for communities that may be new to receiving agency grant funding; and
 - Education and work readiness youth programs focused on infrastructure or utility-related internships to develop career paths and leadership skills for youth; and
- Establish a goal directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

It is important to note that this section of HEAL states that a covered agency may not take actions or make expenditures under this section that are inconsistent with or conflict with other statutes or with conditions or limitations on the agency's appropriations.

By July 1, 2023, each covered agency must publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take the actions listed above.

Discussion:

We appreciate thoughts, questions, and guidance from the Council. Questions that have arisen include, but are not limited to:

1. The HEAL Act itself does not define "environmental justice principles". What guidance does the Council want to provide regarding "environmental justice principles"?

Staff Contact

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

From: john worthington
Sent: Monday, February 27, 2023 8:39 AM
To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>
Subject: Re: After legislative session report

External Email

Hello,

During then 2023 Washington State Legislative session, I John Worthington reported to the legislature that all of its climate change legislation was fraudulent due to the fact that Washington State intentionally left ocean emissions off its green house gas scoping so it could purposely overstate the term "overburdened communities" in order to falsely prop up the Climate Commitment Act and other proceeding and following legislation.

Prior to that I filed a lawsuit against the Puget Sound Regional Council et al (Worthington v. PSRC et al King County Superior court)and made the same allegations.

None of my allegations in the lawsuit or my testimony to the legislature were refuted by any organization, legislative body, non-profit or NGO.

Therefore, whereas John Worthington hereby notifies the Washington State Legislature and Environmental Justice Council that I consider its formation and any rules null and void.

I will by filing a lawsuit under the APA or otherwise to dispute whatever rules the council makes because I allege the term "overburdened communities" was falsely manufactured using a fraudulent greenhouse gas inventory scoping that did not include ocean emissions.

My arguments specifically are:

1. Ocean emissions from cargo shipping alone even without cruise ship or military shipping emissions dwarf local industry, local and regional transportation emissions were purposely disregarded and,
2. Because the ocean emissions are up in the jet stream those emissions come down on all human races equally and,

3. Coastal tribes are far more affected and "overburdened" by the ocean emissions than local and regional emissions and,
4. Urban tribes are also far more affected and "overburdened" by the ocean emissions and,
5. Eastern Washington tribes are also far more "overburdened" by ocean emissions and Vancouver BC emissions.
6. The Spanish American community was accounted for in the Sound Transit corridor from Tacoma to Everett with 6 million dollars of the 159 billion dollars spent to specifically plan and to address "overburdened communities" and should not be living in the area's so designated as "overburdened."
7. The African American community was accounted for in the Sound Transit corridor from Tacoma to Everett with 6 million dollars spent to specifically plan and to address "overburdened communities" and should not be living in area's so designated as "overburdened."
8. All other ethnic communities were accounted for in the Sound Transit corridor from Tacoma to Everett with 6 million dollars spent to specifically plan and to address "overburdened communities" and should not be living in areas designated as "overburdened."
9. Transit oriented communities are a priority.

As shown above, arguments 1-7 above demonstrate that the State of Washington legislature, by and through its legislative mechanisms and associated non-profits and state agencies, some as unregistered foreign agents and in violation of the Foreign Agent Registration Act (FARA), under international contract with the ICLEI to "build and serve and International sphere of government", influenced and financially supported by the World Economic forum, have unduly and illegally acted as unregistered foreign agents and have used American legislative machinery to commit fraud on its American Washington State citizens in order to stifle American industry and transportation in order to build capacity for third world countries, by intentionally misleading the public on actual greenhouse gas emissions in order to overstate the term "overburdened communities."

Thanks

John Worthington