

Environmental Justice Council

Date: October 26, 2023

To: Environmental Justice Council

From: Jonathan Chen, Council Climate Justice Advisor

Subject: The Precautionary Principle

Background

The CCA Committee drafted a Letter to Ecology recommending Ecology not link Washington's carbon market with California and Quebec at this time (see page 20 in the [October 26, 2023 EJ Council Meeting Packet](#)). The Committee used the Precautionary Principle as an organizing idea to formulate their recommendation. Council Member Running-Grass provided the following explanation of the Precautionary Principle to contextualize the Committee's thought process.

The Precautionary Principle

The CCA Committee has provided two references –(included as footnotes on the final page of the draft Letter) that serve as primers on the Precautionary Principle and that I encourage us all to read and consider:

The first is by the well-known California based, scholar-activists Rachel Morello-Frosch, Manuel Pastor, Jr. and James Sadd who looked at integrating the Environmental Justice framework and the Precautionary Principle in the context of air toxics and health risks among school children in Los Angeles.

The second article is by Rupert Read and Tim O'Riordan titled, "The Precautionary Principle Under Fire". The article provides a perspective on the Precautionary Principle and its evolution as a concept and how it is being understood and practiced over time, especially in the European Union. This article uses examples of the implementation of the Precautionary Principle in pesticide regulation, GMOs, and Brexit.

In essence the Precautionary Principle urges more robust deliberation in assessing, planning, and evaluating the potential known and possibly unanticipated impacts of actions taken to implement a particular project. The Precautionary Principle urges caution especially on actions that can have detrimental impacts on future generations, marginalized people and communities, and possible irrevocable detrimental impacts on the environment.

The Precautionary Principle also shifts the responsibility for the evidence providing reasonable assurance of safety or non-harm of a project, from the opponents or skeptics (of the project) to the proponent of the project. The burden of proof shifts to the proponent. However, the Precautionary Principle is not intended to simply stop actions when uncertainty of risk is the result of robust and extra cautious deliberation of an action. The Precautionary Principle, in terms of its implementation, can be a useful part of a strategy that includes other protective or mitigating protocols or actions.

All the points we raise in the letter and our recommendations reflect our selection of the Precautionary Principle as an organizing idea for our committee deliberations and recommendations.

In closing I'd like to note that the committee's inclusion of the precautionary principle aligns with a larger political project in the state:

The Washington State Governor's Interagency Council on Health Disparities 2012 report had 3 primary recommendations related to addressing environmental health disparities: First, that Washington State should make a clear commitment to environmental justice. Second, the state should promote healthy communities through capacity building and community involvement. And third, that Washington state should use the precautionary approach. As evidenced from the formation of the EJ Council and strengthening community investments, Agency integration of EJ and accountability, we have begun to make progress on the first two recommendations. Now we must also make progress on the third. The Committee's inclusion of the Precautionary Principles is a step in that direction.

-Running Grass

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