

Environmental Justice Council

November 16, 2023 Meeting Materials

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Consejo de Justicia Ambiental

Jueves, 16 de noviembre de 2023

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

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

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

Id. del webinar: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del webinar: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/j/81747864781>

Objetivos de la reunión:

1. Debatir, modificar según sea necesario y adoptar el informe del año 2023 del Consejo que debe presentarse al público, a la Legislatura y al gobernador.
2. Debatir, modificar según sea necesario y adoptar una recomendación adicional sobre el presupuesto en relación con la calidad del agua para la Ley de Compromiso Climático y la Ley HEAL (por su sigla en inglés, Medio Ambiente Saludable para Todos) 2024.
3. Debatir, modificar según sea necesario y adoptar un proceso para los miembros y el personal del Consejo a fin de interactuar con la Oficina del Gobernador y la Legislatura para la sesión legislativa 2024.
4. Debatir, modificar según sea necesario y adoptar el cronograma para la reunión 2024 del Consejo.
5. Debatir el proyecto de reglamento del Consejo y proporcionar comentarios al Comité Directivo para que los incorpore al objetivo de adopción de los proyectos de reglamentos en la reunión de enero de 2024.
6. Recibir una actualización de los Miembros del Subcomité de comunidades más afectadas y poblaciones vulnerables del Grupo de trabajo interinstitucional de la Ley HEAL, escuchar ideas de los Miembros del Consejo que asistieron a los talleres y, luego, realizar un debate en el Consejo.
7. Recibir una actualización sobre las Subvenciones de capacidad para tribus y comunidades, las Subvenciones de presupuestos participativos y las Subvenciones de seguridad y resiliencia climática para trabajadores de la Ley HEAL y debatir sobre cómo desea participar el Consejo en estas subvenciones.

Orden del día

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

De 3:30 p. m. a 3:35 p. m.	I. Bienvenida y pasaje de lista para verificar que haya cuórum	Copresidenta Maria Batayola El honorable Jarred-Michael Erickson Miembros del Consejo
De 3:35 p. m. a 3:40 p. m.	II. Un minuto de silencio para rendir homenaje a la vida y trabajo de Theo Cielos: recuerdo a un año de su partida	Miembros del Consejo Personal del Consejo
De 3:40 p. m. a 3:45 p. m.	III. Aprobación del orden del día por parte del Consejo IV. Aprobación de las notas de la reunión del 26 de octubre de 2023 por parte del Consejo - Posibles medidas del Consejo	Miembro del Consejo Aurora Martin Miembros del Consejo
De 3:45 p. m. a 3:55 p. m.	V. Consulta popular	Miembro del Consejo Aurora Martin
Receso de 5 minutos		
De 4:00 p. m. a 4:30 p. m.	VI. Considerar la adopción de la actualización e informe 2023 del Consejo para el público, la Legislatura y el gobernador Objetivo: debatir, modificar según sea necesario y adoptar el informe 2023 del Consejo. - Posibles medidas del Consejo	Copresidenta Maria Batayola Sierra Rotakhina, personal del Consejo Miembros del Consejo

<p>De 4:30 p. m. a 4:40 p. m.</p>	<p>VII. Considerar la adopción de la recomendación adicional sobre el presupuesto sobre la calidad del agua para la Ley de Compromiso Climático y Ley HEAL 2024.</p> <p>Objetivo: debatir, modificar según sea necesario y adoptar una recomendación adicional sobre el presupuesto en relación con la calidad del agua</p> <p>- Posibles medidas del Consejo</p>	<p>Miembro del Consejo Aurora Martin</p> <p>Sierra Rotakhina, personal del Consejo</p> <p>Miembros del Consejo</p>
<p>De 4:40 p. m. a 5:05 p. m.</p>	<p>VIII. Considerar la adopción del proceso del Consejo para la sesión legislativa 2024</p> <p>Objetivos: debatir, modificar según sea necesario y adoptar un proceso para los miembros y el personal del Consejo para interactuar con la Oficina del Gobernador y la Legislatura para la sesión legislativa 2024.</p> <p>- Posibles medidas del Consejo</p>	<p>Miembro del Consejo Esther Min</p> <p>Sierra Rotakhina, personal del Consejo</p> <p>Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		
<p>De 5:10 p. m. a 5:15 p. m.</p>	<p>IX. Adopción del cronograma para la reunión 2024 del Consejo</p> <p>Objetivo: debatir, modificar según sea necesario y adoptar el cronograma para la reunión 2024 del Consejo.</p> <p>- Posibles medidas del Consejo</p>	<p>Miembro del Consejo Esther Min</p> <p>Miembros del Consejo</p>

<p>De 5:15 p. m. a 5:35 p. m.</p>	<p>X. Debatar el proyecto de reglamento del Consejo</p> <p>Objetivo: debatir el proyecto de reglamento y proporcionar comentarios al Comité Directivo para que los incorpore al objetivo de adopción de los proyectos de reglamentos en la reunión de enero de 2024.</p> <p>- Posibles medidas del Consejo</p>	<p>El honorable Jarred-Michael Erickson</p> <p>Comité Directivo</p> <p>Miembros del Consejo</p>
<p>De 5:35 p. m. a 5:55 p. m.</p>	<p>XI. Actualización y debate de los talleres sobre el proceso para identificar comunidades más afectadas y poblaciones vulnerables</p> <p>Objetivo: recibir una actualización de los Miembros del Subcomité de comunidades más afectadas y poblaciones vulnerables del Grupo de trabajo interinstitucional de la Ley HEAL, escuchar ideas de los Miembros del Consejo que asistieron a los talleres y, luego, realizar un debate en el Consejo.</p>	<p>Miembro del Consejo Aurora Martin</p> <p>Rowena Pineda, personal del Consejo</p> <p>Subcomité de comunidades más afectadas y poblaciones vulnerables:</p> <ul style="list-style-type: none"> • Chelsea Batavia, Ecología • Will Golding, Transporte • Charmi Ajmera, Salud <p>Miembros del Consejo</p>
<p>Receso de 5 minutos</p>		
<p>De 6:00 p. m. a 6:15 p. m.</p>	<p>XII. Actualización y debate sobre las Subvenciones de justicia ambiental del Departamento de Salud</p> <p>Objetivo: recibir una actualización sobre las Subvenciones de capacidad para tribus y comunidades, las Subvenciones de presupuestos participativos y las Subvenciones de seguridad y resiliencia climática para</p>	<p>Miembro del Consejo Aurora Martin</p> <p>Rowena Pineda, personal del Consejo</p>

	trabajadores de la Ley HEAL y debatir sobre cómo desea participar el Consejo en estas subvenciones.	
De 6:15 p. m. a 6:25 p. m.	XIII. Consulta popular	Miembro del Consejo Rosalinda Guillen
De 6:25 p. m. a 6:30 p. m.	XIV. Agradecimientos y cierre	El honorable Jarred-Michael Erickson Copresidenta Maria Batayola

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 diferente o formato alternativo, envíe un correo electrónico a Sierra Rotakhina en cualquier idioma a envjustice@ejc.wa.gov o llame al 360-584-4398.

Environmental Justice Council (EJC)

Thursday, November 16, 2023

3:30pm – 6:30pm

Please click the link below to join the webinar:

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

Webinar ID: 817 4786 4781

Or Join by Phone: +1 253 215 8782

Webinar ID: 817 4786 4781

International numbers available: <https://us02web.zoom.us/j/81747864781>

Meeting Goals:

1. Discuss, edit as needed, and adopt the Council's 2023 report to the public, Legislature, and Governor.
2. Discuss, edit as needed, and adopt an additional Climate Commitment Act & HEAL Act 2024 budget recommendation on water quality.
3. Discuss, edit as needed, and adopt a process for Council Members and staff to use to engage with the Governor's Office and the Legislature for the 2024 legislative session. The Council may also consider adopting a media engagement policy/process.
4. Discuss, edit as needed, and adopt the Council's 2024 meeting schedule.
5. Discuss the draft Council bylaws and provide the Governance Committee with feedback to incorporate with the goal of adopting the bylaws at the January 2024 meeting. Possibly adopt some articles of the bylaws.
6. Receive an update from Members of the Overburdened Communities and Vulnerable Populations Subcommittee of the HEAL Interagency Workgroup, hear thoughts from Council Members who attended the workshops, and then hold a Council discussion.
7. Receive an update on the HEAL Tribal and Community Capacity Grants, Participatory Budgeting Grants, and the Climate Resilience Worker Safety Grants and discuss how the Council wants to engage on these grants.

Agenda

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

3:30 PM – 3:35 PM	I. Welcome and Roll Call for Quorum	Co-Chair Maria Batayola The Honorable Jarred-Michael Erickson Council Members
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3:35 PM – 3:40 PM	II. Moment of Silence Honoring Theo Cielos’ Life and Work: One Year Remembrance	Council Members Council Staff
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3:40 PM – 3:45 PM	III. Approval of Agenda by Council IV. Approval of October 26, 2023 Meeting notes by Council -Possible Council Action	Council Member Aurora Martin Council Members
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Meeting notes on [page 11](#)

3:45 PM – 3:55 PM	V. Public Comment	Council Member Aurora Martin
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5 Minute Break

4:00 PM – 4:30 PM	VI. Consider Adoption of Council 2023 Update and Report Due to the Public, Legislature, and Governor Goal: Discuss, edit as needed, and adopt the Council’s 2023 report. -Possible Council Action	Co-Chair Maria Batayola Sierra Rotakhina, Council Staff Council Members
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Materials on [page 17](#)

<p>4:30 PM – 4:40 PM</p> <p>Materials on page 50</p>	<p>VII. Consider Adoption of Additional Climate Commitment Act & HEAL Act 2024 Budget Recommendation on Water Quality</p> <p>Goal: Discuss, edit as needed, and adopt an additional budget recommendation on water quality</p> <p>-Possible Council Action</p>	<p>Council Member Aurora Martin</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>4:40 PM – 5:05 PM</p> <p>Materials on page 54</p>	<p>VIII. Consider Adoption of the Council’s Process for the 2024 Legislative Session</p> <p>Goals: Discuss, edit as needed, and adopt a process for Council Members and staff to use to engage with the Governor’s Office and the Legislature before and during the 2024 legislative session. The Council may also consider adopting a media engagement policy/process.</p> <p>-Possible Council Action</p>	<p>Council Member Esther Min</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
<p>5 Minute Break</p>		
<p>5:10 PM- 5:15 PM</p> <p>Materials on page 64</p>	<p>IX. Consider Adoption of the Council’s 2024 Meeting Schedule</p> <p>Goal: Discuss, edit if needed, and adopt the Council’s 2024 meeting schedule.</p> <p>-Possible Council Action</p>	<p>Council Member Esther Min</p> <p>Council Members</p>

<p>5:15 PM – 5:35 PM</p> <p>Materials on page 67</p>	<p>X. Discuss Council’s Draft Bylaws and Consider Adoption of Some Articles</p> <p>Goal: Discuss the draft bylaws and provide the Governance Committee with feedback to incorporate with the goal of adopting the bylaws at the January 2024 meeting. Possibly adopt some articles of the bylaws.</p> <p>-Possible Council Action</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Governance Committee</p> <p>Council Members</p>
<p>5:35 PM – 5:55 PM</p> <p>Materials on page 81</p>	<p>XI. Update and Discussion on Workshops on the Process to Identify Overburdened Communities and Vulnerable Populations</p> <p>Goal: Receive an update from Members of the Overburdened Communities and Vulnerable Populations Subcommittee of the HEAL Interagency Workgroup, hear thoughts from Council Members who attended the workshops, and then hold a Council discussion.</p>	<p>Council Member Aurora Martin</p> <p>Rowena Pineda, Council Staff</p> <p>Overburdened Communities and Vulnerable Populations Subcommittee Members:</p> <ul style="list-style-type: none"> • Chelsea Batavia, Ecology • Will Golding, Transportation • Charmi Ajmera, Health <p>Council Members</p>
<p>5 Minute Break</p>		
<p>6:00 PM – 6:15 PM</p> <p>Materials on page 110</p>	<p>XII. Update and Discussion on Department of Health Environmental Justice Grants</p> <p>Goal: Receive an update on the HEAL Tribal and Community Capacity Grants, Participatory Budgeting Grants, and the</p>	<p>Council Member Aurora Martin</p> <p>Rowena Pineda, Council Staff</p>

	Climate Resilience Worker Safety Grants and discuss how the Council wants to engage on these grants.	
6:15 PM – 6:25 PM	XIII. Public Comment	Council Member Rosalinda Guillen
6:25 PM – 6:30 PM	XIV. Appreciations and Adjournment	The Honorable Jarred-Michael Erickson Co-Chair Maria Batayola

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

10/26/2023

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 Co-Chair Maria Batayola
- Council Interim Co-Chair, the Honorable Jarred-Michael Erickson
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Council Member Todd Mitchell
- Council Delegate AJ Dotzauer on behalf of The Honorable Misty Napeahi
- Council Member NiRae Petty
- Council Member Raeshawna Ware

Council Members absent:

- Council Member Nichole Banegas
- Council Member Maria Blancas
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Faaluaina Pritchard

Agency Ex Officio Members present:

- Lea Anne Burke, Puget Sound Partnership
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Michael Furze, Department of Commerce
- Nicole Johnson, Department of Agriculture

- Courtney Cecale for Millie Piazza, Department of Ecology
- Lauren Jenks, Department of Health

Council staff:

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

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the public meeting to order at 3:34pm. Rowena Pineda, Council Staff, facilitated roll call.

Nichole Banegas	absent
Maria Batayola (EJ Council Co-Chair)	present, left at 4:53pm
Maria Blancas	absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	present
Running-Grass	absent
Rosalinda Guillen	absent
Aurora Martin	present
David Mendoza	present
Esther Min	present
Todd Mitchell	present
AJ Dotzauer on behalf of The Honorable Misty Napeahi	present
NiRae Petty	present
Faaluaina Pritchard	absent
Raeshawna Ware	present

II. Approval of Agenda by Council

Aurora Martin, Council Member, facilitated adoption of the agenda.

Motion: The Council adopts the agenda.

No objections noted. The motion passed.

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III. Approval of September 28, 2023 Meeting Notes by Council

Member Martin facilitated adoption of the September 28, 2023 meeting notes.

Motion: The Council adopts the September 28, 2023 meeting notes.

No objections noted. The motion passed.

IV. Public Comment

Member Martin opened up the public comment period and staff read from a prepared statement.

TaNeashia Sudds, Executive Director of Hilltop Urban Gardens in Pierce County, introduced her organization as a farm and gathering place for African American community leaders that stands at the intersection of racial, social, and economic justice. She shared thoughts on how frontline community organizations can partner with the Council to further environmental justice. She invited the Council to hold a meeting at their farm and to visit community sites like theirs. She said they are a new member of the Front and Centered Coalition. She said the leadership of Pierce County looks less like those suffering oppression and more like oppressors.

V. Consider Adoption of Council Recommendation on Whether or Not Ecology Should Link Washington's Cap and Invest Program to California and Quebec's Programs

David Mendoza, Council Member, introduced this agenda item. He referred Members to a proposed letter drafted by the Climate Commitment Act Committee and asked the Council to consider adoption.

Motion: The Environmental Justice Council adopts the Letter to Ecology Re: Linkage as drafted by its Climate Commitment Act Committee and as amended at the October 26, 2023 Council meeting.

The motion passed.

A: Yes, I approve.

B: Yes, with reservations.

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C: Not voting until we have further discussions.

D: I don't approve, but I won't block.

E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	absent
Maria Batayola (EJ Council Co-Chair)	A
Maria Blancas	absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	B
Running-Grass	absent
Rosalinda Guillen	absent
Aurora Martin	A
David Mendoza	A
Esther Min	A
Todd Mitchell	Second, A
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	absent
Raeshawna Ware	First Motion, A

VI. Consider Adoption of Additional Climate Commitment Act & HEAL Act 2024

Budget Recommendations

Co-Chair Batayola introduced the agenda item, stating that this was an opportunity for the Council to consider adoption of additional budget recommendations, including endorsement of agency budget requests related to HEAL implementation. AJ Dotzauer, Council Delegate, shared concerns with the recommendation related to drinking water and said she would like to receive review from the Tribe's attorneys. Interim Co-Chair Erickson concurred.

Motion: The Environmental Justice Council adopts the additional 2024 Supplemental Budget Recommendations #17, 18, 19, and 20 as presented on October 26, 2023. The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets.

The Motion passed.

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- A: Yes, I approve.
- B: Yes, with reservations.
- C: Not voting until we have further discussions.
- D: I don't approve, but I won't block.
- E: I block, have serious concerns.
- F: I stand aside, recuse myself.

Nichole Banegas	absent
Maria Batayola (EJ Council Co-Chair)	A
Maria Blancas	absent
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	A
Running-Grass	absent
Rosalinda Guillen	absent
Aurora Martin	A
David Mendoza	First Motion, A
Esther Min	A
Todd Mitchell	A
AJ Dotzauer on behalf of The Honorable Misty Napeahi	A
NiRae Petty	A
Faaluaina Pritchard	absent
Raeshawna Ware	Second Motion, B

VII. Discuss Draft Update and Report Due to the Public, Legislature, and Governor

Interim Co-Chair Erickson introduced the agenda item, stating that the Council has a statutory duty to submit an update and a report next month. Today the Council will review the draft report and provide feedback on needed changes. The Council is scheduled to consider adoption of the report at its November meeting. Staff reviewed the contents of the draft report.

VIII. Public Comment

Martha Lucas, WA State Coalition of African Community Leaders, had audio connectivity issues so submitted written public comments (see [page 128](#) of the meeting packet).

Ione Jones, Executive Director of Khimstonik, introduced her organization as a grassroots Native-led non-profit organization that is beginning to engage in environmental justice discussions for

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Native and Indigenous peoples in Southeastern, WA. They are beginning to advocate through case study, community events, and engagement with state agencies. They are looking forward to learning about the Environmental Justice Council's priorities so they can align and work together.

IX. Discuss Council Process for Engaging with the Governor and Legislature Before and During the 2024 Legislative Session

Sierra Rotakhina, Council staff, introduced the agenda item, stating that today's meeting is an opportunity for the Council to discuss the process they want to use to engage the Governor and Legislature on its budget recommendations and any policy priorities leading up to and during the upcoming legislative session. At the August meeting, Co-Chair Batayola asked for volunteers to help develop a proposed process. Council Members Maria Batayola, David Mendoza, AJ Dotzauer, and Lua Pritchard volunteered. During the Council meeting discussion, Council Members provided input on several topics including meeting with Legislators to share the Council's budget recommendations and the need to adopt policy statements to be responsive during session.

X. Update on Planning for Youth Advisory Council

Sierra shared background information and current plans for creating a Youth Advisory Council. They are hoping to convene a small group of youth (a brainstorming workgroup) to develop a plan to bring back to Council for discussion. Council Member NiRae Petty will be stepping down from the Council, as she is taking a position with the Department of Commerce, but she has indicated she would like to stay engaged on the planning for the Youth Advisory Council.

XI. Appreciation and Adjournment

Interim Co-Chair Erickson adjourned the meeting at 6:24.

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Legislative Report

Background:

The Council's authorizing statute ([RCW 70A.02.110](#)) includes requirements for the Council to submit two legislative updates – one on November 30, 2023 and another on December 1, 2024. At the Council's July meeting, staff presented a proposed plan to combine both reporting requirements into a single report that would be due by November 30, 2023. At the October meeting, staff presented an early draft for Council member discussion and feedback. Following the meeting, Council members were asked to review the report and provide written feedback to staff. During today's meeting, the Council will have an opportunity to review, discuss, and consider adoption of an updated version of the report.

In addition to editorial changes made throughout the report by individual Council Members during review, substantive changes made to the report since the October meeting include:

- Updated cover photo, with permission from the Tulalip Tribes.
- Added a description of the cover photo to the information page.
- Added a message from the Executive Committee.
- Added an Executive Summary.
- Added former Members to the Council Membership box on page 3.
- Added information to Section 3 to emphasize that the Community Engagement Values and Guidance is a living document.
- Reframed language used when articulating that the Council has not met one of its requirements so that we don't imply those activities were not priorities.

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- Added subheadings to Section 5 – Reflections and Recommendations to improve readability and flow.
- Added additional content to Section 5.1 to emphasize how the HEAL Act has led to the need to challenge existing ways of doing business and the need for agency culture change, in addition to fulfilling statutory requirements.
- Added timeline information to Section 5.2 to highlight the unrealistic timelines the Council was given for its statutory requirements.

Recommended Action:

Discuss, amend as necessary, and consider adoption of the following motion:

The Environmental Justice Council adopts the *2023 Report to the Community, Governor, and Legislature* as presented on November 16, 2023 with any changes agreed to by the full Council.

Staff Contact:

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

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Environmental Justice Council

2023 Report to the Community, Governor, and Legislature

RCW 70A.02.110
November 2023

This is a draft report for review and discussion by the Environmental Justice Council at its November 16, 2023 meeting. It has not been approved by the Council.

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For more information / Para más información:

[Environmental Justice Council | WaPortal.org](https://www.environmentaljusticecouncil.org)

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Cover Photograph:

The photograph on the cover of this report is used with permission from the Tulalip Tribes. The Tulalip Tribes are Federally Recognized successors in interest to the Snohomish, Snoqualmie, and Skykomish and other allied tribes and bands signatory to the Treaty of Point Elliott (1855). The photograph was taken at the Tulalip Resort & Casino and features artwork owned by the Tulalip Tribes, which was created by Tulalip Tribal Member and Artist, James Madison, [James Madison](#). The Council is honored and grateful to the Tulalip Tribes for welcoming the Council to hold their first in-person meeting at Tulalip Resort & Casino. Pictured are Environmental Justice Council members. Front Row, left to right: Aurora Martin, Maria Batayola, AJ Dotzauer-Rashid, Rosalinda Guillen, Maria Blancas, Esther Min, and Nicole Johnson. Back Row, left to right: Ahmer Nizam, Running Grass, Millie Piazza, Michael Furze, Eliseo (EJ) Juárez, NiRae Petty, and David Mendoza.

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Message from the Executive Committee

To the Washington State Legislature...

We thank you for the creation of the HEAL Act, the first statewide environmental justice law in Washington State, and for entrusting us, the Environmental Justice Council, to be stewards of its implementation. Your collective action to pass the HEAL Act and Climate Commitment Act makes Washington a leader in the nation on environmental health and environmental and climate justice.

To Governor Inslee...

We are grateful for your passion, leadership, and commitment to protecting the environment and communities of this great state and for your ongoing support for the Environmental Justice Council.

To the Tribes and Communities in Washington State...

We humbly submit this report to you. We honor you and hold you at the center of our work. We are learning more about Tribal engagement and are actively developing strategies to engage with the Tribes and communities in a meaningful way. We thank you for sharing your wisdom and for holding us accountable as we work to hold the state accountable to the promise of the HEAL Act.

In submitting this report, we acknowledge the Tribes and communities who have been on the frontlines fighting for environmental justice. We also acknowledge the former members of the Environmental Justice Council, and in particular, former Co-Chair Patrick DePoe for his leadership, his integrity, and his steadfastness in reminding the Council to center Tribal sovereignty, rights, expertise, and wisdom.

Executive Committee Members:

Maria Batayola, The Honorable Jarred-Michael Erickson, Rosalinda Guillen, Aurora Martin, and Esther Min

Executive Summary

The Environmental Justice Council (Council) is submitting this report to fulfill reporting requirements under [Chapter 70A.02.RCW](#), the Healthy Environment for All (HEAL) Act.

Section 2 outlines the Council's progress in fulfilling its HEAL Act obligations. To date, it has set up and continues to build and prioritize processes to be accessible to and serve as a forum for communities to share their environmental justice concerns. Specifically, the Council has adopted a formal [statement](#) on the use of the Environmental Health Disparities map and [Community Engagement Values and Guidance](#). The Council continues its efforts, in partnership with the Environmental Justice Interagency Work Group, to develop guidance on Environmental Justice Assessments, including the identification of overburdened communities and vulnerable populations. It also continues its work to develop guidance on integrating environmental justice into agency budgeting and funding decisions.

Section 4 provides a summary of agencies' progress on meeting their HEAL Act requirements. The Council appreciates the good work that agencies have accomplished, particularly considering the common barriers and ongoing needs that they have identified. The Council asks that as agencies wait for additional Council guidance, they continue to work toward their statutory obligations in co-governance with Tribes and communities and using the definitions and provisions outlined in statute as a guide.

Section 5 includes Council reflections on the transformative work that the state has embarked on with the passage of the HEAL Act. Transformation of this magnitude requires an equally transformative shift in how resources are allocated and how timelines are set out to accomplish the work in new and better ways. The Council offers two recommendations for the Governor's Office and Legislature as they consider policy and budget decisions to promote environmental justice in Washington State.

Section 1: Introduction

1.1 Background and Significance of the HEAL Act

[Chapter 70A.02 RCW](#), the Healthy Environment for All Act (HEAL Act), was passed by the Legislature in 2021, creating a coordinated state government approach to promoting environmental justice. There are seven state agencies covered by the HEAL Act, in addition to agencies that choose to voluntarily opt-in. These covered agencies have several statutory responsibilities related to community engagement, Tribal Consultation, incorporating environmental justice into agency activities, conducting environmental justice assessments, and reporting. In addition, the Department of Health is given the responsibility to convene and support an Interagency Work Group to promote agency coordination. Ultimately, the goals of the HEAL Act are to eliminate environmental and health disparities by making sure no community is disproportionately burdened by environmental pollution, that environmental resources and benefits are equitably distributed, and that communities and Tribes are partners in state government decision-making.

HEAL Covered Agencies

Department of Agriculture
Department of Commerce
Department of Ecology
Department of Health
Department of Natural Resources
Department of Transportation
Puget Sound Partnership

Office of the Attorney General
(voluntarily opted-in)

1.2 Overview of the Environmental Justice Council

The Environmental Justice Council (Council) was created under the HEAL Act to serve as a community forum that can bring forward the voices of communities that have been disproportionately impacted by environmental health hazards. The Council was tasked to work iteratively with the HEAL Interagency Work Group to advise state agencies on how to incorporate environmental justice into agency activities.

This is a draft report for review and discussion by the Environmental Justice Council at its November 16, 2023 meeting. It has not been approved by the Council.

The Council is made up of 16 voting members who are appointed by the Governor. There is broad representation on the Council, including seats for community, youth, environmental justice practitioners, Tribes, labor, and business representatives. In addition, each of the seven HEAL covered agencies has a non-voting ex officio liaison to the Council.

1.3 Report Purpose

The Council has two reporting requirements under the HEAL Act:

- November 30, 2023: Submit a report to the Governor and Legislature outlining the Council's recommendations and guidance to agencies and summarizing agency progress reports to the Council.
- December 1, 2023: Communicate to the public, Governor, and Legislature an evaluation of agency progress in applying Council guidance and a summary of the Council's progress on its statutory duties under the HEAL Act.

The Council is submitting this report to the community, Governor, and Legislature to fulfill both reporting requirements. Section 2 is the Council's progress report on its HEAL Act obligations. Section 3 includes formal guidance to agencies adopted by the Council to date. Section 4 is the Council's summary of agency progress. Section 5 highlights reflections on HEAL Act implementation and legislative mandates and includes two recommendations for the Governor's and Legislature's consideration.

Council Membership

Tribal Representatives

- The Honorable Jarred-Michael Erickson (Interim Council Co-Chair)
- The Honorable Misty Napeahi / AJ Dotzauer-Rashid (Delegate)
- Currently Vacant (2 seats)

Community Representatives

- Maria Batayola (Council Co-Chair)
- Maria Blancas
- Rosalinda Guillen
- Aurora Martin
- Faaluaina Pitchard
- Raeshawna Ware
- Youth Representative (Currently Vacant)

Former Council Members

- The Honorable Patrick DePoe, Tribal Representative
- The Honorable Sylvia Miller, Tribal Representative (Delegates: The Honorable Annette Bryan and Dawn Vyvyan)
- NiRae Petty (Youth Representative)

Environmental Justice Practitioner

- Running-Grass
- Esther Min

Business Representative

- Nichole Banegas

Labor Representative

- Todd Mitchell

Representative At Large

- David Mendoza

Ex Officio Members

- Lea Anne Burke, Puget Sound Partnership
- Michael Furze, Department of Commerce
- Lauren Jenks, Department of Health
- Nicole Johnson, Department of Agriculture
- Eliseo (EJ) Juárez, Department of Natural Resources
- Ahmer Nizam, Department of Transportation
- Millie Piazza, Department of Ecology

Section 2: Environmental Justice Council

Progress Report

2.1 Public Forum

Public Testimony

The Council is required to serve as a forum to hear public testimony on environmental justice concerns, to use the information to inform Council recommendations, and to refer individuals to the correct agencies as needed.

The Council first convened on April 4, 2022. It held 12 meetings in 2022 and is expected to meet 10 times in 2023. All meetings are open to the public and there is time dedicated on each agenda for public comments. Some meetings have included two public comment periods to provide more flexibility for community members who may need to join at different times during the meeting. A summary of public comments received is included in the Council's meeting notes and written public comments are posted to the Council's meeting materials web page.

Community Engagement

The Council is approaching its own community engagement in a strategic and thoughtful manner. To date, the Council has been focusing its capacity on its statutory requirements under the HEAL Act and Climate Commitment Act to provide guidance to state agencies and to provide budget recommendations to the Governor and Legislature, respectively. As such, it has been intentional in limiting its own proactive engagement with communities until it has freed up some capacity to be able to effectively follow-up and engage with communities in meaningful ways. The Council is currently building its capacity for community and Tribal engagement by hiring additional full time Tribal and community engagement staff; developing processes to receive, track, and respond to public comments; and by developing a youth engagement plan to center youth voices.

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The Council convened a Community Engagement Committee, which has been focused on developing community engagement values and guidance for HEAL agencies to integrate environmental justice into their agency community engagement plans (see **Section 2.2**). The community engagement values and guidance fulfilled the Council's statutory responsibilities to provide guidance to agencies on this topic. It is the intent of the Community Engagement Committee to develop its own community engagement strategy that applies the same values and guidance to the Council's community engagement.

The Council has implemented standard practices to ensure that its meetings are accessible, especially for communities that have historically been excluded from participating in state government activities. These include:

- Creating a distribution list to share email updates from the Council, including meeting notices, and opportunities and announcements related to environmental and climate justice. All meeting notices are in both English and Spanish.
- Creating a [Spanish language website](#) for the Environmental Justice Council. The content on the Spanish language website mirrors the information available on the English version.
- Translating all agendas into Spanish and notifying the public that they can request translation into other languages.
- Providing Spanish and American Sign Language interpreters at all Council meetings. Interpretation services in other languages are available upon request.
- Providing Communication Access Realtime Translation (CART) services at every Council meeting. CART provides a professional transcription of the meeting content in real time for individuals who are deaf or hard of hearing.
- Holding meetings in the late afternoon and evening to accommodate community members who may not be able to take time off during the traditional workday.
- Scheduling public comment periods later in the meeting. Sometimes, the Council holds two public comment periods—one at the beginning of the meeting to ensure public

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participants have an opportunity to share their comments before the Council takes action and one at the end of the meeting for those who join later.

As the Council builds its staff capacity, the Council also aims to provide notices and translate its website into additional languages.

2.2 Guidance for Agency Community Engagement Plans

The Council has the responsibility to work with the HEAL Interagency Work Group to develop guidance for how agencies incorporate environmental justice into their agency community engagement plans. The Council believes that authentic community engagement is the heart of environmental justice, and that true engagement is a two-way process between government and the public.

The Council first convened its Community Engagement Committee in June of 2022. The Committee began its work by establishing the community engagement values that will ground the Council's work.

On August 25, 2023 the Council adopted Community Engagement Values and Guidance (Appendix A). The Council finds the set of seven values to be foundational to community engagement and the guidance it adopted is reflective of the values.

As **NiRae Petty**, former Council Member and Chair of the Council's Community Engagement Committee, asked the Council to consider adoption of the Community Engagement Values and Guidance, she emphasized **"the significance of fighting back against the erasure of social and racial justice from environmental justice, and that community, everyone in community, should be valued and given power in governmental decision making."**

2.3 Guidance for Agency Strategic Plans

The Council, in collaboration with the Interagency Work Group, is responsible for creating guidance for how agencies incorporate environmental justice into their agency strategic plans. With the Council's numerous areas of statutory responsibilities and limited capacity, the Council has not yet developed guidance for agencies in this area. However, the HEAL covered agencies each have strategic plans and implementation plans for how they will incorporate environmental justice principles into agency activities.

2.4 Guidance on Identification of Significant Agency Actions

The Council is directed to work with the HEAL Interagency Work Group to provide guidance to agencies on what should be classified as a significant agency action. The HEAL Act requires that agencies complete environmental justice assessments when considering significant agency actions and it defines significant agency actions as:

- The development and adoption of significant legislative rules;
- The development and adoption of any new grant or loan program required by statute;
- 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; and
- The submission of agency request legislation.

By July 1, 2025, agencies, in iterative consultation with the Council and HEAL Interagency Work Group, are directed to identify any significant agency actions in addition to those defined in statute. As significant agency actions are clearly defined in statute and agencies have until July 1, 2025 to identify additional actions, this work will be integrated into the Council's upcoming workplans.

2.5 Guidance on Environmental Justice Assessments

The Council is required to work with the HEAL Interagency Work Group to develop guidance on environmental justice assessments. Agencies are required to conduct environmental justice assessments when considering significant agency actions to ensure the equitable distribution of environmental benefits and the reduction of environmental harms and health inequities and to center community voice in decision-making.

Efforts to date include:

- A small group of Council members and members of the Interagency Work Group began meeting regularly in October 2022 to review different sample assessments.
- In August 2022, a subgroup of the HEAL Interagency Work Group began meeting to develop an environmental justice assessment process.
- In January 2023, the Council created an Environmental Justice Assessment Committee, which has been meeting regularly since February.
- Since March 2023, the subgroup of the HEAL Interagency Work Group and the Council's Environmental Justice Assessment Committee have been meeting jointly for thought partnership and collaboration.
- The Council received a briefing on the draft Environmental Justice Assessment template and provided feedback in May 2023.
- Based on feedback, the Interagency Work Group's subgroup created a simplified version of the Environmental Justice Assessment template and received review and feedback from the Council's Environmental Justice Assessment Committee, the Tribal Liaison's Work Group, and legal review to ensure it meets statutory requirements.
- The Council received a second briefing on the revised Environmental Justice Assessment template and provided feedback in June 2023.
- Agencies began initial implementation of the Environmental Justice Assessment in July 2023. Notices of agency Environmental Justice Assessments can be found on the Office of Financial Management website: [Environmental justice assessment notices | Office of Financial Management \(wa.gov\)](#).

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- In September and October 2023, the HEAL Interagency Work Group hosted two workshops to obtain input from Council members on the draft process to identify overburdened communities and vulnerable populations under the HEAL Act. The process for identifying overburdened communities and vulnerable populations will be used for HEAL Act obligations, including Environmental Justice Assessments, budgeting and funding decisions, and community engagement. It was noted during the workshops that this process will often be used as a starting place for community engagement, with the understanding that agency staff will continuously refine who fits the definition of overburdened communities and vulnerable populations for a given state action throughout the community engagement process.

During the workshops, Council Member **Running-Grass** provided guidance on the process of identifying overburdened communities and vulnerable populations. He advised agency staff to **“Keep that freshness of curiosity. What are communities telling us? What are the data telling us? Expect that communities will give us a different kind of story than the numbers. We should allow our inquiry with communities to guide us.”**

On the same subject, **Maria Batayola**, Council Co-Chair, advised to **“Err on the side of inclusion, because through the process you will come to a place, in partnership, where we are all going to say we did the right thing.”**

The current Environmental Justice Assessment template is a work in progress. Implementation within the agencies occurs as they consider significant agency actions. As agencies learn from implementation, they will share lessons-learned with the Council, and the Council and agencies will work in partnership to incorporate what they learn into the process. In addition to the Environmental Justice Assessment template, each agency is developing its own guidance document. The guidance documents will have detailed information on how to complete the environmental justice assessment template, as well as notification prior to the assessment, more detailed reporting and communication of assessment results, and ongoing engagement and accountability after the assessment.

2.6 Guidance on Budgeting and Funding Criteria

The Council is directed to work with the HEAL Interagency Work Group to develop guidance to agencies on integrating environmental justice into agency budgeting and funding decisions.

The Council received a staff briefing on this requirement at its March 2023 meeting. In June 2023, the Council convened an ad hoc Budget Committee. While the Budget Committee has been meeting since June, the committee's priority has been to help the Council develop its 2024 supplemental budget recommendations as required by the Climate Commitment Act. The committee did, however, ask staff to gather a list of specific areas that the agencies would like Council guidance. The Council began discussion on these topics at its July 2023 meeting. The Council and HEAL agencies will continue these discussions moving forward.

To date, agencies have completed initial reviews of their budget and funding processes and have posted that information to their agency websites.

Section 3: Environmental Justice Council

Guidance

3.1 Guidance on the Environmental Health Disparities Map

At its February 28, 2023 meeting, the Council adopted a statement on the use of the Environmental Health Disparities Map. This guidance is directed to agencies as they identify and prioritize communities for program development, funding, or other purposes.

Statement on the Environmental Health Disparities Map

Tribal lands are already included in the definitions of “overburdened communities” in both the Healthy Environment for All (HEAL) Act and the Climate Commitment Act (CCA), regardless of how Tribal communities rank on the Environmental Health Disparities (EHD) map or other tools and/or other data. If agencies use the EHD map to identify “vulnerable”, “highly-impacted”, “marginalized”, “overburdened”, or other communities with similar characteristics outside of the scope of the HEAL Act or CCA, Tribal lands should be included.

3.2 Community Engagement Values and Guidance

At its August 25, 2023 meeting, the Council adopted Community Engagement Values and Guidance, which fulfills the Council's responsibility to provide guidance to agencies on incorporating environmental justice into agency community engagement plans. The Council sees this as a living document that will be refined with feedback from communities and agencies. In addition, the Community Engagement Committee is working on a supplement to provide additional, more technical guidance to agencies. See **Appendix A** for the full text of the Council's Community Engagement Values and Guidance.

Section 4: Summary of Agency Progress

HEAL covered agencies are required, under RCW 70A.02.090, to update the Council annually on the following:

- Implementation of environmental justice into agency strategic plans, budgeting and funding decisions, and community engagement plans; and
- Implementation of Environmental Justice Assessments.

The Council is required, under RCW 70A.02.110, to provide a summary of the agency progress reports, including the status of conducting environmental justice assessments. Agencies provided their annual updates to the Council in the meeting materials for the Council's September 28, 2023 meeting. The updates have been posted to the Council's website here: [2023 HEAL Interagency Workgroup Update to the EJC.pdf \(waportal.org\)](#).

HEAL agencies are making good progress in implementing HEAL Act requirements, particularly considering the common barriers and ongoing needs they have identified. It is important to note that none of the HEAL deliverables are one-time projects that can be completed and checked-off. Each deliverable should evolve and strengthen as the Council engages further in each area, as agencies learn from Tribes and communities, and as agencies develop lessons-learned through applying the tools.

- All agencies have published strategic plans and environmental justice implementation plans (either separate plans or embedded into strategic plans). As noted above, the Council has not yet provided guidance on this HEAL deliverable. As the Council has capacity to provide guidance on this, the Council and the HEAL agencies can work together to make any needed improvements to these plans.
- Agencies are currently implementing their provisional community engagement plans, while reviewing them and incorporating the Council's Community Engagement Values and Guidance, as well as what they've learned from early listening sessions. As agencies

conduct additional listening sessions on their plans, they will have opportunities to strengthen their plans based on community guidance.

- Agencies are working with the Governor’s Office of Indian Affairs to coordinate government-to-government Consultation on agency Tribal and community engagement plans and are hosting listening sessions for Tribal and community partners. Guidance received through this process can be used to strengthen the plans as needed.
- Agencies have worked collaboratively with each other and the Council’s Environmental Justice Assessment Committee to develop a common Environmental Justice Assessment template and have begun conducting Environmental Justice Assessments on significant agency actions, including agency-request legislation, rulemaking, and grant programs. The agencies and the Council plan to work in close collaboration to document lessons-learned and improve the Environmental Justice Assessment processes continually moving forward.
- Agencies have completed initial reviews of budgeting and funding processes and posted decision-making processes on their respective websites. As noted above, the Council has not yet providing guidance on this HEAL deliverable. As the Council has capacity to provide guidance on this, the Council and the HEAL agencies can work together to make any needed improvements to these plans.

The Council wishes to elevate some of the ongoing needs that agencies have in implementing the HEAL Act and the common barriers that agencies and the Council share. The Council acknowledges that agencies have made requests of the Council, including a review of their provisional community engagement plans and guidance on the process for identifying overburdened communities and vulnerable populations, what is meant by environmental benefits and harms, and budget and funding recommendations and expectations. The agencies have also noted common challenges, including unrealistic statutory timelines and limited resources—the Council shares these barriers.

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Further, the Council has unique barriers resulting from its structure as an advisory Council composed of volunteers. The work of the Council is significant—it has statutory requirements under both the HEAL and Climate Commitment Acts, as well as responsibilities under numerous other statutes and provisos (see **Appendix B**). The Council acknowledges that it has not had the capacity to meet all of its statutory obligations as a result of these barriers and that has had an impact on the agencies. HEAL implementation is iterative work, so the Council strives to engage with the agencies in co-governance to improve each deliverable at each iteration moving forward.

The Council thanks the agencies for continuing to engage with the Council in thoughtful dialog, for their good work in implementing HEAL requirements, and for their ongoing commitment to transforming their agencies and the state system in ways that further environmental justice. The Council asks that agencies continue to work toward their HEAL obligations in co-governance with Tribes and communities and using the definitions and provisions outlined in statute as a guide. As the Council has the capacity to adopt formal guidance, agencies can update plans and revise processes and procedures as needed. The Council acknowledges the short timelines in the HEAL Act and the limited staff capacity in many HEAL agencies has made meaningful community and Tribal engagement challenging. This is particularly true as agencies have been building up their HEAL implementation teams. The Council urges the state agencies to increase their community and Tribal engagement in this work by developing HEAL deliverables through co-governance. Where agencies have insufficient staff capacity or other resources (such as funding to compensate communities, to translate materials, or to provide interpreters), the Council encourages agencies to request additional funds and keep the Council informed of these resource needs for likely support.

Section 5: Reflections and Recommendations

5.1 Adequate Timelines and Resources are Needed for Tribal Consultation, Community Engagement Equity, Anti-Racism, and Environmental Justice Principles and Practices

The passage of the HEAL act in 2021 was a historic milestone in Washington State’s journey toward promoting environmental justice. With its passage, the state began an intentional and coordinated approach to transform the way programs and policies are created and dollars are spent by centering Tribes and communities that have been most severely and frequently impacted in the decision-making. Transformation of this magnitude takes resources and more importantly, it takes time, and it takes trust. It takes time to build trusting relationships and authentic, non-extractive engagement with Tribes and communities. It takes time for Council Members, themselves, to come together and form trusting relationships and common understanding with each other. It takes time for the Council and agencies to develop partnerships based on a foundation of trust. And it takes time for the culture change needed to truly fulfill the requirements and the spirit of the HEAL Act.

This report is an opportunity to share progress on the work being done to implement the HEAL Act. It is also an opportunity to reflect on the truly transformational nature of the work.

Recommendation: The Environmental Justice Council requests that the Governor’s Office and Legislature shift how they have historically thought about the resources and timelines needed for agencies to implement legislative mandates. Significantly longer timelines and more financial resources are needed for agencies to ensure Tribal Consultation, community engagement, equity, anti-racism, and environmental justice principles and practices are embedded into service delivery. Therefore, as agencies submit fiscal notes and decision packages for the resources needed (or request additional time be added to a statutory due date) to accomplish legislative mandates, those funding requests should be included in the budgets.

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Ultimately, the time and effort put into this work will lead to more effective and more efficient government that is responsive to the communities being served.

5.2 Careful Consideration is Needed Before Adding New Mandates to the Council

As detailed throughout the progress report section of this report, the Council has been unable to meet all its statutory requirements due its numerous responsibilities under the HEAL Act, the Climate Commitment Act, and other recently enacted pieces of legislation and budget provisos. The Council was not fully appointed until the end of March 2022 and it held its first meeting in early April 2022. HEAL agencies had their first statutory due date (community engagement plans) due just three months later, in July 2022, and their second due date (environmental justice in strategic plans) due in January 2023. The due dates for the Council's Climate Commitment Act responsibilities were similarly paced. The Council's workload and statutory timelines continue to put unrealistic time pressures on the Council.

As such, the Council asks the Governor and the Legislature to carefully consider, before proposing the inclusion of the Council in legislation and/or budget items, whether such action adds sufficient value to implementing environmental justice and aligns with its capacity, authority, and structure as an advisory body of volunteer community members. The Council believes that legislative language should always center free, prior, and informed consent from Federally Recognized Tribes; community engagement; co-governance; and co-design; and discourages the Governor and Legislature from including the Council in legislative and budgetary proposals when the sole reason for doing so would be for the Council to serve as a proxy for meaningful Tribal and community engagement. In addition, state agencies

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implementing policies and distributing funding should work with communities and Tribes beyond those just seated on the Council.

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

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Appendix A: Community Engagement Values and Guidance

Community Engagement Values and Guidance Adopted by the Environmental Justice Council on August 25, 2023

The Healthy Environment for All (HEAL) Act creates a coordinated approach to reducing environmental health disparities across Washington State. The HEAL Act established the Environmental Justice Council to provide guidance to state agencies on how to integrate environmental justice into different facets of their work. The Community Engagement Committee was created by the Council to lead the discussion on community engagement with the agencies. The committee and the Council believe that authentic community engagement is the heart of environmental justice. Community engagement is a two-way communication process between government and the public.¹ As such the following values are foundational to community engagement, and the guidance are reflective of these values. While the guidance is designed for state agencies, they can be useful for communities as they review and evaluate how agencies are engaging with communities. (Appendices are being prepared to accompany and support the values and guidance. These will be presented to the Council at a later date.)

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

¹ From Metropolitan Area Planning Council's (MAPC) Community Engagement Guide, [MAPC-Community-Engagement-Guide-2016.pdf](#).

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

3. **Accessible:** Work should be done in locations where community is in partnership with community-based organizations and community leaders, in ways that utilize multiple ways of knowing, in ways that share power, and with results that are usable by community. Translation services and disability inclusion through accommodations should be provided.
4. **Authentic:** Community is the expert of their lived reality. Engagement with community should be authentic, ongoing and non-extractive, and value community knowledge through reciprocity.
5. **Accountable (Reciprocal Trust):** Government must acknowledge their past and current missteps and take action to create a better relationship currently and in the future through Truth and Reconciliation². At the same time, government often distrusts community knowledge and work if it is not based on quantitative data (even if the numbers are not accurate or real). Authentic partnership with community can lead to data that is a more accurate representation of their truth.
6. **Intersectional:** We coalition build by doing intersectional work to make a more inclusive, equitable, and sustainable movement that explores the nuance of how identities such as gender, race, disability, sexuality, religion, citizenship, age, and more have led to disproportionate burdens from environmental inequities.
7. **Interconnectedness:** We are interwoven with all people of the world, the environment, and the living and non-living world. Only through working together and seeing the humanity of us all can we replace individualism that leads to extractive relationships

² Truth and Reconciliation: “Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior” (Canada’s TRC Report 2008).

https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf

with people and the environment towards reciprocal relationships to address inequities and climate change.

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

1. Demonstrate respect and value for community cultural practices and expressions, ways of knowing, forms and sources of community leadership, and specific, local expertise.
(Reflective of Values #1: Community Centered and #4: Authentic)
2. Center, acknowledge, trust, and amplify voices of marginalized, vulnerable communities experiencing unaddressed environmental health disparities. Remember that community is the pre-eminent expert in their reality.
(Reflective of Values #4: Authentic and #7: Interconnectedness)
3. In planning and conducting community engagement, incorporate an understanding of the impacts of historical, contemporary and structural forms of racial and other oppressions. Incorporate this understanding into analytical methodologies agencies use when determining community impacts, mitigations, reparative benefits and the implementation of community engagement. The community engaged should be the primary beneficiary.
(Reflective of Values #3: Accessible, #4: Authentic, and #5: Accountable [Reciprocal Trust])
4. When planning and conducting community engagement, utilize multiple forms of culturally responsive research including quantitative, qualitative, and community driven methodologies and approaches to collaborative, and applied research that center community cultural values, voice, and agency. Ask the right questions, do the research in a non-extractive and anti-racist way to avoid disengagement, analyze the data in a non-deficit way, and the data/end product should be usable by community.
(Reflective of Values #1: Community Centered, #5: Accountable [Reciprocal Trust], #6: Intersectional, and #7: Interconnectedness)
5. Prioritize transparency in data collection by preserving raw data and creating opportunities for communities to re-analyze it. Recognize that publicly available data sometimes minimizes community-based data. Utilize community-based research

methods including multiple qualitative and quantitative data sources to identify marginalized, vulnerable sub-populations within communities that might require unique approaches for engagement.

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

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

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

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

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

8. Ensure that community meetings take place during times and locations when community members are available.

(Reflective of Value #3: Accessible)

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

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

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

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

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

(Reflective of value #1: Community Centered)

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

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

Appendix B: Environmental Justice Council's Non-HEAL Statutory Responsibilities

Climate Commitment Act, Chapter [70A.65 RCW](#)

Passed by the Legislature in 2021

RCW 70A.65.030: Many agencies allocating funds from the accounts developed by the CCA must develop community engagement plans and conduct EJ assessments consistent with the HEAL Act even if they are not covered agencies under the HEAL Act. RCW 70A.65.040: The EJ Council is also tasked with providing recommendations to these agencies on issues such as meaningful consultation with vulnerable populations including on these agencies' community engagement plans.

RCW 70A.65.040: The EJ Council must provide recommendations to implementing agencies on meaningful consultation with vulnerable populations including on Ecology's community engagement plan supplement required under RCW 70A.65.020.

RCW 70A.65.040: The EJ Council must provide recommendations to the Legislature, agencies, and the Governor on development and implementation of the cap and invest program established in the CCA.

RCW 70A.65.040: The EJ Council must provide recommendations to the Legislature, agencies, and the Governor on how CCA funds are spent.

RCW 70A.65.040: The EJ Council must recommend EJ and environmental health goals for programs, activities, and projects funded with CCA funds and review agency annual reports on outcomes and progress toward meeting these goals.

RCW 70A.65.040: The EJ Council must provide a forum to analyze policies adopted under CCA to determine if they lead to improvements within overburdened communities.

RCW 70A.65.040: The EJ Council must recommend procedures and criteria for evaluating programs, activities, or projects.

RCW 70A.65.040: The EJ Council must evaluate the level of funding provided to assist vulnerable populations, low-income individuals, and impacted workers and the funding of projects and activities located within or benefiting overburdened communities.

RCW 70A.65.040: The EJ Council must recommend co-pollutant emissions reduction goals in overburdened communities.

RCW 70A.65.040: The EJ Council must recommend how to support public participation through capacity grants for participation.

RCW 70A.65.170: Offset credit limits can be reduced for a specific entity if the Department of Ecology determines, in consultation with the EJ Council, that the covered entity is likely to contribute substantively to cumulative air pollution burden in an overburdened community (using criteria established by Ecology in consultation with the EJ Council), or to violate any permits required by federal, state, or local air pollution control agency.

Legislation Passed in 2023	
E2SHB 1216, Clean Energy Siting	<p>Sec 101 adds EJ Council staff to the Interagency Clean Energy Siting Coordinating Council</p> <p>Sec 307 directs Department of Commerce to analyze benefits and impacts of changes to the energy system, including for rural communities – Commerce must use community engagement plan to consult with stakeholders with input from the EJ Council.</p>
E2SHB 1170, Improving Climate Resilience	<p>Sec 2 directs Department of Ecology to update the integrated climate response strategy -- Ecology must develop an engagement plan using guidance from the Office of Equity and the EJ Council, and Ecology’s HEAL community engagement plan.</p>
ESHB 1853, Corrective Changes to Transportation Resources	<p>Sec 12 directs local transit agencies applying for the local transit grant program "to the extent possible" to align their zero-fare policies for youth with EJ principles consistent with EJ Council recommendations.</p>
ESSB 5187, Operating Budget, Data Portal	<p>Sec 302(13) directs the EJ Council to coordinate with Ecology on Climate Commitment Act tracking/reporting process. EJ Council has responsibilities for public engagement with Tribes and vulnerable populations within overburdened communities and to distribute stipends for participation.</p>

ESSB 5187, Operating Budget, Participatory Budgeting	Sec 222(124) directs the EJ Council to partner with the Department of Health in engaging in participatory budgeting with five communities.
ESSB 5187, Operating Budget, Workplace Safety & Health Program	Sec 222(26) directs the Department of Health to consult with the EJ Council and others to evaluate mechanisms to provide workers with financial assistance to cover lost wages or other hardships caused by extreme weather and climate threats.
ESSB 5187, Operating Budget, Deliberative Democratic Processes	Sec 222(104) directs the Department of Health to consult with EJ Council (staff or Council) to develop best practices for incorporating deliberative processes into community engagement practices.

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Additional 2024 Budget Recommendations on Drinking Water Quality

Background and Summary:

[RCW 70A.65.040](#) gives the Council authority to provide recommendations to the Legislature, agencies, and the Governor in spending Climate Commitment Act (CCA) revenues. At its September meeting, the Council adopted [14 recommendations](#) for funding in the 2024 supplemental budget. The Council additionally endorsed agency budget requests directly related to HEAL funding at its October meeting. At that meeting the Council also discussed adopting a budget recommendation in response to the drinking water crises affecting communities across Washington. At that meeting the Council was not yet ready to adopt the draft drinking water quality recommendation and agreed that the Tribal Representatives needed more time with the draft language in order to consider possible unintended consequences to Tribal water rights. Since the October meeting the Council's Tribal Representatives have offered amendments to the draft language. The Council will have an opportunity at today's meeting to discuss and consider adopting the updated recommendation language (see [page 52](#)).

Recommended Action:

Discuss, amend as necessary, and consider adoption of the following motion:

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.

The Environmental Justice Council adopts the additional 2024 Supplemental Budget Recommendations as presented with any amendments agreed to by the full Council on November 16, 2023.

The Council directs staff to work with Council Members (appointed and ex officio members), the Governor’s Office, the Office of Financial Management, relevant agencies, and others as needed to continue to refine the budget estimates and other details while centering the intent of the recommendations adopted today.

The Council directs staff to submit the recommendations to the appropriate committees of the Legislature, the Governor, and the Office of Financial Management to inform the development of the 2024 state supplemental budgets.

Staff Contact

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

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DRAFT 2024 Supplemental Budget Recommendation

Draft for discussion by the EJ Council on November 16, 2023

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

15. Clean and Safe Drinking Water

Background and Rational: Communities across Washington State are experiencing drinking water crises. Many communities do not have consistent access to clean and safe drinking water. According to a 2021 Department of Health update, almost a dozen Group A public water systems and over 200 private wells in five areas of the state are known to have PFAS (per- and polyfluoroalkyl substances) contamination in their groundwater supplies above EPA advisory and state health action levels.¹ Communities across the State of Washington have experienced drinking water alerts advising them to not drink the water as a result of a variety of contaminants such as nitrates, *E. coli*, and PFOS (perfluorooctane sulfonic acid) and PFOA (perfluorooctanoic acid) (which are members of the PFAS chemical group).² Many additional communities only have access to water with unregulated contaminants causing taste, odor and/or water discoloration issues that make their water undrinkable. While some communities have managerial and financial capacity to access the funding to install voluntary treatment systems, overburdened communities are hit particularly hard by these water quality issues as cumulative environmental contaminants create and exacerbate health inequities. In addition, low-income households are less likely to be able to purchase bottled water and water filters and are more likely to have to sacrifice other essentials in order to purchase clean, safe drinking water.

The lack of access to clean drinking water in many communities across the State of Washington is a pressing environmental justice issue that is being exacerbated by climate change, increasing

¹ Washington State Department of Health. PFAS, Drinking Water, & State Action Levels Overview. 2021. Accessed October 12, 2023. Available at [PFAS Overview Adopt.pdf \(wa.gov\)](#).

² Washington State Department of Health. Drinking Water Alerts. Accessed October 12, 2023. Available at [Drinking Water Alerts | Washington State Department of Health](#)).

drought emergencies, and growing demands on the water sources. Current funding levels and sources such as the Drinking Water State Revolving Fund and the Public Works Board Loan Program are meaningful but are not sufficient to address the growing crisis. There is a need for additional funding (similar to the Emergency Rapid Response funding made available through the Washington State Department of Commerce) that can be rapidly deployed and does not require a match or repayment by the local government.

Proposal: Fund a spectrum of immediate, medium-term, and long-term solutions for overburdened communities that do not have access to drinkable water across the state. This funding should have diverse geographic distribution and reach both rural and urban areas; be low-barrier to access; be accessible for Group A and Group B water systems as well as private wells; and be set up in a way that allows the funds to be administered very quickly when requested by an overburdened community facing a drinking water crisis or when a community shows a need for safe drinking water. The funds should not require a match or repayment by the local government and should be set up to allow for prepayment rather than reimbursement so that communities without resources to pre-purchase needed supplies and be reimbursed later are not prevented from accessing these funds. The funds should be flexible to meet the drinking water needs identified by the community, including, but not limited to, water sampling and testing, installing and purchasing treatment systems, providing bottled water and/or trucked in water, providing water filters, setting up watering stations, improving storage, drilling new wells with oversight by Department of Ecology and Department of Health as long as there is no impairment to existing rights (including instream flows), replacing old pipes, technical assistance and capacity building to apply for grants, and community engagement and education resources. It is important that the funds be not only available to overburdened communities with drinking water contaminants with set maximum contamination levels but also to overburdened communities who are reporting health and other issues (such as taste and odor problems) that make their water undrinkable. Every community in Washington should have access to clean, safe drinking water. This funding would not displace the responsibility of drinking water systems operators to comply with state and federal laws, regulations, and rules.

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Co-Chair Maria Batayola, Council Members David Mendoza and Lua Pritchard, and Council Delegate AJ Dotzauer

Subject: 2024 Legislative Process and Policy Statement

Background and Discussion:

At its August 2023 meeting the Environmental Justice Council (Council or EJC) began a conversation about the EJC process to advocate for its budget recommendations leading up to and during the 2024 legislative session. At that meeting, a group of Council Members agreed to meet to begin working on a proposal. The Council had a second discussion on this topic at its October 2023 meeting. The small group of Council members then met to craft the proposed 2024 Legislative Session Policy Statement and Procedure (see [page 55](#) of the meeting materials). The purpose of the document is to guide Council Members and staff in their work with the Governor's Office, Legislature, and others regarding: (1) advocating for inclusion of the Council's budget recommendations in the 2024 supplemental budgets and (2) communicating the Council's policy positions on legislative and budget proposals for the 2024 legislative session.

Recommended Action:

We recommend the Council discuss, amend as necessary, and adopt the following motion:

The Environmental Justice Council adopts the 2024 Legislative Session Policy Statement and Procedure as presented on November 16, 2023 with any changes agreed to by the full Council.

Staff Contact:

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

To request this document in an alternate format or a different language, please contact Sierra Rotakhina in any language, at envjustice@ejc.wa.gov or 360-584-4398. TTY users can dial 711.

Environmental Justice Council

2024 Legislative Session Policy Statement and Procedure

DRAFT – For Discussion Only – This has not been approved by the Environmental Justice Council

1. Background and Purpose

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

- The Council may, in consultation with the HEAL Interagency Work Group, make recommendations to the Governor and Legislature on ways to improve agency compliance with the HEAL Act;
- The Council may make recommendations for amendments to the HEAL Act, proposed laws, or other existing laws to promote environmental justice;
- The Council may recommend funding strategies and allocations to build capacity in vulnerable populations and overburdened communities to address environmental injustices;
- The Council must provide recommendations to the Legislature, agencies, and the Governor on the development and implementation of the cap and invest program established in the CCA (RCW 70A.65.060 through 70A.65.210); and
- The Council must provide recommendations to the Legislature, agencies, and the Governor on the programs funded by the CCA accounts.

On September 28, 2023, the Council adopted budget recommendations for the 2024 supplemental budget and on October 26, 2023, the Council adopted additional recommendations to endorse five agency budget requests for funding to implement the HEAL Act and other closely related activities.

The purpose of this document is to guide Council members and EJC staff in their communications with the Governor's Office, Legislature, and others regarding: (1) advocating for inclusion of the Council's budget recommendations in the 2024 supplemental budgets and (2) communicating the Council's policy positions on legislative and budget proposals for the 2024 legislative session.

2. Policy Positions

2.1 HEAL Act and the Environmental Justice Council:

- The Council strongly encourages all Washington State legislation to: align with the HEAL Act, build capacity to meet its intent, and not create (but rather remove) barriers to do so.
- The Council's position is that any decision-makers proposing legislation that impacts the Council's statutory authority, duties, or membership should engage with the full Council on the proposed language prior to bill introduction.
- The Council opposes policies that would alter the Council's membership, duties, and/or authority in ways that are counter to the intent of the HEAL Act or would significantly disrupt or delay the Council's work.
- The Council supports policies that both align with the intent of the HEAL Act to promote environmental justice AND significantly align with the intent of, or would be necessary to implement, any of the 2024 supplemental budget recommendations formally adopted by the Council. The Council's positions on alignment with HEAL Act regarding topics like community engagement and environmental justice assessments can be extrapolated from official Council letters or position statements.
- The Council requests that it (the Council) only be added to legislation or budget proposals when the inclusion is directly related to the HEAL Act and CCA and when doing so aligns with the Council's capacity, authority, and structure as an advisory body of volunteer community members with prior consultation with the Council. The Council

believes that legislative and budgetary proposals should center free, prior, and informed consent from Federally Recognized Tribes; community engagement; co-governance; and co-design. Therefore, the Council opposes being included in any legislation or budgetary proposals when the sole reason for doing so would be for the Council to serve as a proxy for meaningful Tribal Government Consultation and community engagement.

2.2 Climate Commitment Act, Cap and Invest Program, and Air Quality Program:

- The Council opposes repealing the Climate Commitment Act or redirecting funds away from their legislated purpose of reducing pollution and significantly investing in overburdened communities and on Tribal lands.
- The Council opposes any policy that would clearly infringe on our state's ability to curb greenhouse gas (GHG) emissions and/or have a negative effect on overburdened communities and supports Tribal Government positions on such matters.
- The Council opposes policies that would increase the use of offsets as a compliance mechanism for reducing GHG emissions.
- The Council supports policies that increase investments in overburdened communities.
- The Council supports policies that improve air quality in overburdened communities.

3. Procedure

3.1 Advocating for the Council's Budget Recommendations:

- The Council directs staff to advocate for the Council's budget recommendations with the Governor's Office, the Office of Financial Management, and the Legislature.
- Any Council Member who wishes to advocate for the Council's budget recommendations **on behalf of** the Council must inform and coordinate with the Council Executive Committee first. Council Members must clearly disclose that they are representing the Council and they must be familiar with and stick to sharing the information in the Council's formally adopted.

- Council Members may also represent their own organizations in support of EJ Council budget recommendations. Council Members must clearly disclose to legislators, the Governor's office, agency staff that they are not representing the Council but rather their own organization. Council Members should inform the Council Executive Committee of their intent to advocate for EJC priorities.
- Any Council Member who receives questions from the Governor's Office, Office of Financial Management, Legislators, or legislative staff about the Council's budget recommendations may respond, using the information in the Council's formally adopted 2024 funding recommendations as a guide. Council Members may also refer the inquiry to staff for a response. Where there is no clear response, the Council Member must refer the question to the staff who will share it with the Council Executive Committee for a solution.
- Council staff will set up meetings with legislators serving on relevant policy and budget committees to share the Council's budget recommendations. In doing so, staff will coordinate and include Council Members in those meetings as Member interest, expertise, and availability permits.
- No Council Member can speak to the motivation of the Council's policy positions and budget priorities, but can only speak to their individual, community, and/or organization's perspective on the perceived benefit or harm of such policy position and budget priorities.

3.2 Routine Staff Activities During Session:

- Council staff will monitor pre-filed bills and bill introductions to identify bills of potential interest to the Council, including:
 - Bills that affect the Council's authority or membership, give it extra responsibilities, or otherwise directly impact the Council;
 - Budget bills to determine whether the Council's adopted budget recommendations are included;

- Budget bills that recommend CCA expenditure that are not included in the Council’s adopted budget recommendations;
 - Bills related to any policy positions that the Council has formally adopted; and
 - Bills that may harm or impede the Council and the State from accomplishing the goals of the HEAL Act and Climate Commitment Act.
- Council staff will track the progress of any relevant bills as they move through session.
 - Council staff will maintain a log of any legislative inquiries to ensure timely response is provided.
 - Council staff will complete fiscal notes when assigned. Staff will center environmental justice and equity when estimating costs (e.g., include costs for interpretation and translation, Tribal and community engagement and co-creation, community stipends, etc.).

3.3 Sharing the Council’s Formally Adopted Policy Positions:

- As Council staff identify bills that directly align with or are in conflict with any of the Council’s formally adopted policy positions, they will add them to the tracking list and complete a Bill Analysis to determine if it meets criteria for Council action.
- The Council directs staff to relay the Council’s positions in letters to Legislative committees, through written or verbal testimony during public hearings, and/or through meetings with Legislators and the Governor’s Office.
- Staff will keep the Council informed on all engagement and invite Council Members to sign letters, provide public comments, and attend meetings on behalf of the Council as time allows and as Members have interest, expertise, and availability.
- Council staff will send regular legislative updates to the full Council throughout session by email and during Council meetings.

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Media Engagement Policy and Process

Background and Discussion:

As the Council continues to form and produce additional recommendations and guidance, there is a need for the Council to develop a process for engaging with the media. [Article II](#) of the Council's bylaws (adopted on October 27, 2022) indicates that the "Executive Committee works with Council staff by [...] Identifying the best Council Members to serve as spokespeople for the Council on a case-by-case basis." This language is not specific to spokespeople for interactions with the media and does not provide guidance beyond this high-level statement.

Council staff drafted a media engagement policy and process for the Council to discuss and amend as needed at today's meeting. If time allows, the Council could consider adopting the policy today as well.

Recommended Action:

Discuss, amend as necessary, and adopt the following motion:

The Environmental Justice Council adopts the Environmental Justice Council Media Engagement Policy and Process as presented on November 16, 2023 with any changes agreed to by the full Council.

Staff Contact:

Sierra Rotakhina, Environmental Justice 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.

Draft: Environmental Justice Council Media Engagement Policy and Process

Discussion Question for the Council:

Should Council Members be able to speak to the media in their role as EJ Council Members? If yes, the following provides some possible parameters for Council consideration and discussion. If no, the Council may want to consider discussing guidance for staff and members if they receive a media inquiry.

I. Responding to Media Inquiries:

Under Article II of the Council's bylaws the "Executive Committee works with Council staff by [...] Identifying the best Council Members to serve as spokespeople for the Council on a case-by-case basis."

When a member of the media contacts a Council Member for information or an interview on behalf of the Council, the inquiry will be referred to Council staff who will then work with the Executive Committee to determine who will serve as spokespeople for the Council for that specific media inquiry. The Executive Committee may identify one or more Council Members and/or Council staff to speak for the Council in response to that specific inquiry. Acknowledging the rapid turn-around often needed for media inquiries, the Executive Committee should strive to keep an updated list of likely spokespeople by topic to facilitate a quick process.

When a Council Member or staff member has been identified as a spokesperson for a non-media purpose (e.g., presenting or testifying to the Legislature, presenting at a conference, etc.) and questions are asked by the media at or following that event, the designated spokesperson may respond to related media inquiries on behalf of the Council.

When a Council Member or staff members has been identified as a spokesperson for a media inquiry, and there are related follow-up questions from the same or other media outlets, the designated spokesperson may continue to respond to related media inquiries on behalf of the Council.

Draft: Environmental Justice Council Media Engagement Policy and Process

This is a draft developed by Council staff. This has not been adopted by the Council.

Identified Council spokespeople must follow the following expectations:

- 1) The spokesperson can speak to the content of any position, recommendations, guidance, or communications formally adopted by the full Council.
- 2) The spokesperson can speak to the content of the HEAL Act, Climate Commitment Act, or other relevant policies or budget provisos that outline the Council's authorities and duties when the spokesperson has relevant expertise.
- 3) The spokesperson can speak to the Council's decision-making process and other processes used to develop and finalize the position, recommendations, guidance, or communications formally adopted by the full Council.
- 4) No Council Member can speak to the motivation of the Council's policy positions and budget priorities, but can only speak to their individual, community, and/or organization's perspective on the perceived benefit or harm of such policy position and budget priorities.
- 5) The spokesperson should become familiar with and stick to formal Council guidance, recommendations, and policy documents as a guide.
- 6) If the spokesperson receives questions that they do not know the answer to, they should respond by letting the member of the media know that they do not know the answer and follow up with staff to obtain the needed information. Staff will consult with the Executive Committee if needed.

Council Members who are speaking to the media outside of their role on the Environmental Justice Council and instead on behalf of themselves or their Tribe, organization, agency, institution, community, or any other affiliation should clarify that they are not representing the Environmental Justice Council if the issue being discussed intersects with the EJC's work.

This is a draft developed by Council staff. This has not been adopted by the Council.

II. Proactive Engagement with the Media

Discussion Question for the Council:

What instances can the Council proactively engage the media? Some possible criteria for consideration:

- The Council establishes the following criteria for proactive engagement with media:
 - a) to inform vulnerable populations and overburdened communities of a position it has taken following thoughtful analysis of the likely environmental justice impacts and with the value of centering community and Tribal voices;
 - b) to correct an egregious misrepresentation of the Council's position(s); or
 - c) to balance public information when agencies promote policies, practices and/or programs that the Council has taken a formal position in opposition due to the potential harm to overburdened communities and vulnerable populations. The full Council, based on discussion or based on individual or Committee recommendation that meets the criteria can issue a press release and/or reach out proactively to the media.
- The Council then directs the appropriate committee to develop the communications materials and messaging in collaboration with the Executive Committee.
- In between Council meetings, a Committee can inform the Council of an instance that meets criteria b or c, and recommend to the Executive Committee proactive media outreach. The Executive Committee can approve the request without full Council approval. The Committee in collaboration with the Executive Committee engages in the proactive media contact consistent with the above Responding to Media guidance.

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Proposed 2024 Council Meeting Schedule

Background and Summary:

[RCW 70A.02.110](#) specifies that meetings of the Environmental Justice Council (Council) are subject to the Open Public Meetings Act ([chapter 42.30 RCW](#)). [RCW 42.30.075](#) requires the Council to file a schedule of regular meetings with the Code Revisor to be published in the Washington State Register. Once the Council has adopted a 2024 meeting schedule, staff will file the schedule with the Code Revisor. The Council can make changes to the meeting schedule, but the changes must be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date. The Council can also call special meetings under [RCW 42.30.080](#) as long as the public is notified at least 24 hours before the meeting.

Council Staff Recommended Actions:

The Council may wish to consider, amend if necessary, and adopt the following motion:

The Council adopts the proposed 2024 Council Meeting Schedule with any changes agreed upon by the Council members at the November 16, 2023 meeting.

Staff

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

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DRAFT

Environmental Justice Council 2024 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 2024. 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
Thursday January 25, 2024 3:30pm – 6:30pm	Virtual Only
Thursday February 15, 2024 4:30pm-6:30pm Hold to meet only if needed for legislative purposes	

Thursday March 28, 2024 3:30pm – 6:30pm	Virtual Only
Friday May 10, 2024 OR Friday May 17, 2024 All Day In-Person Retreat and Hybrid Business Meeting	Location to be determined
Thursday July 25, 2024 3:30pm-6:30pm	Virtual Only
Thursday September 26, 2024 3:30pm-6:30pm	Location to be determined
Thursday October 24, 2024 3:30pm-6:30pm	Virtual Only
Thursday November 21, 2024 3:30pm-6:30pm – Hold to meet only if needed	

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

Last updated: November 16, 2023

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Bylaws Review and Discussion

Background:

The Governance Committee has been meeting to discuss and make recommendations for the Council's bylaws. At its October 27, 2022 meeting, the Council adopted [Article II](#), related to the Executive Committee. At today's meeting, the Council will have an opportunity to review and discuss a full set of bylaws, including proposed amendments to Article II. In addition, the proposed bylaws incorporate the provisions outlined in the *Interim Policy to Support Leadership Development and Co-Governance through Increasing Capacity for Members to Engage in Committee Work*, which was adopted by the Council at its September meeting, and which is scheduled to expire on January 31, 2024.

The Governance Committee is presenting this version of the bylaws for today's discussion. The Governance Committee is seeking three things:

- 1) For the Council to adopt today any articles of the bylaws that the full Council feels are ready to adopt as written.
- 2) For the Council to discuss any articles that need changes and to provide guidance to the Governance Committee on what amendments to make.
- 3) For the Council to share if there are any gaps or missing articles in the draft bylaws.

For any articles not adopted today, the Governance Committee will incorporate feedback received and bring forward an updated version to the Council's January meeting for potential adoption. The Committee sees the bylaws as a living document that will be reviewed and updated over time. In particular, the Committee recognizes a need for more thoughtful

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deliberations about how Council Committees are formed, scoped, structured, governed, and meaningfully informed by a broad range of Tribal and community perspectives. The Governance Committee will continue to have those conversations and will continue to bring future updates to the bylaws to the full Council as they are developed.

Recommended Action:

Discuss, amend as necessary, and adopt the following motion:

The Environmental Justice Council adopts the following articles of the bylaws as presented on November 16, 2023 with any changes agreed to by the full Council:
[insert articles ready for adoption here].

Staff Contact:

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

Article I: Council Membership

Council Appointments

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

Council Member Terms

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

Delegates for Tribal Representatives

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

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

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

Council Member Stipends and Reimbursement

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

Note: Article II has already been adopted by the Council. The track changes in this article reflect proposed amendments to the existing article.

Article II: Council Executive Committee

Council Executive Committee Duties

The full Council elects three to five voting members of an Executive Committee from which two members will be elected to serve as Co-Chairs of the Council. The Executive Committee shall include at least one Tribal representative and at least one community representative. The Executive Committee may meet when at least three members are present, including one Co-Chair, one Tribal representative, and one community representative.

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

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

- Determining the issues that have the potential to impact Tribes and Tribal communities and notifying potentially impacted Tribal governments.

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

For Council Discussion only. These have not been adopted by the Council.

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

The Executive Committee works with Council staff by:

- Developing proposals, [in consultation with relevant committees](#), for full Council review.
- Identifying the best Council members to serve as spokespeople for the Council on a case-by-case basis.

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

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

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

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

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

Nomination and Election of Executive Committee

Nominations

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

Election of the Executive Committee

Each Executive Committee seat is elected by a majority vote of the Council. It is assumed by default that members who are running will vote for themselves, unless they specify otherwise.

If no one nominee receives a majority of the votes, the Council will hold a run-off election between the two nominees who received the largest number of votes.

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

Election of Executive Committee in the Event of a Vacancy

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

Election of Interim Executive Committee Members

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

Election of the Co-Chairs

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

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

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

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

fully elected. It is assumed by default that members who are running will vote for themselves, unless they specify otherwise.

Election of an Interim Co-Chair

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

Executive Committee Terms

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

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

Article III: Meetings of the Council

Open Public Meetings

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

Quorum

A quorum is nine voting (Governor-appointed) members of the Council. If the Council is not fully appointed, then a quorum is a majority of the Governor-appointed members. The Council

may discuss issues and deal with administrative matters in the absence of a quorum, but it may not take any significant action (including but not limited to adopting any resolution, letter, guidance, recommendation, or other position) during a meeting if a quorum is not present.

Note: Governance Committee working on language around leaves of absence for Council Members for medical or other reasons and how that may impact quorum.

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

Note: The Governance Committee is working on language that centers the value of consensus decision-making and that adoption is not intended to happen when a Member opposes adoption but is not present at the meeting to block.

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

Decision Making Process

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

Routine & Simple Decisions

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

Substantive Decisions

1. For substantive decisions, any voting member can make a motion. When making a motion, the Council member will fully articulate the action to be considered by the Council.
2. After a motion is made, the facilitator will ask for discussion. When it appears that discussion is exhausted, the facilitator will ask for a vote using the following options:
 - a. Yes, I approve.
 - b. Yes, with reservations.
 - c. Not voting until we have further discussion.
 - d. I don't approve, but I won't block.
 - e. I block, have serious concerns.
 - f. I stand aside, recuse myself.
3. If all members vote A, B, D, and F, the motion passes.
4. If any member chooses C or E, the motion does not pass, and the facilitator will ask the Council members blocking if they can share their reasons to identify points of disunity. Council members may offer an amended motion to move the Council toward consensus agreement.

5. For highly complex topics, the facilitator may ask for a straw vote using the choices outlined above (step 2).
6. The facilitator will announce the results of the vote and staff will record the result in the meeting notes.

Substantive Decisions Impacting Tribes

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

Article IV: Committees of the Council

The Council can convene or dissolve any committees (other than the Executive Committee) by a vote of the Council. Committees allow for thoughtful, focused discussions in order to bring ideas and recommendations to the full Council for consideration. Committees will not take any formal action. As such, a quorum of committee members is not necessary for a committee to meet. However, committee members in attendance at a meeting may choose to cancel a meeting if they agree not enough members are in attendance to inform a thoughtful discussion.

The full Council will approve the goal and scope of each committee. Committees will develop charters to bring to the full Council for approval. Committees are expected to provide regular updates to the Executive Committee and provide input as the Executive Committee drafts Council meeting agendas.

Committee Membership

Committee participation will include Governor-appointed Council members and Ex-Officio members at a minimum. Each committee has the discretion to involve members of the

community in committee discussions or specific projects. Committee membership must include less than a quorum of appointed members.

Committee members may be eligible to receive stipends and reimbursement for travel, lodging, and child and adult care, as funding allows, and in alignment with the Office of Equity guidance required under [RCW 43.03.270](#).

Support Person Attendance in Committee Meetings

As Tribal Representatives to the Council may designate a delegate to serve in their place, as consistent with Article I, this section of the bylaws applies to non-Tribal Members.

While Council Members are urged to remain mindful of their capacity to meet their commitments to the Council and committee work, they may bring or send a support person to a committee meeting where no formal action is taken pursuant to [RCW 42.30.020](#) of the Open Public Meetings Act. Consistent with the goals of co-governance and leadership development, and to ensure the productive and informed role of the support person, the EJC Member designating or bringing a support person to EJC committees must brief the person on the composition and culture of the Council; decision-making and committees; its enabling HEAL Act legislation, Climate Commitment Act, and other enabling laws and executive orders; EJ issues and topics; and their thoughts and opinions on said matters. The support person must understand the intention and role of providing support to a Council Member.

The support person may be a paid or unpaid person from the Member's organization, coalition, and/or their ally network(s). They must have the relevant knowledge, skills, and abilities appropriate to the committee work. The support person's organizational affiliation should be disclosed in writing and, if paid by their organization, this should be disclosed in writing as well.

When the Council Member is attending the committee meeting, the support person can take notes and will not participate in the committee discussion. The notes and observations of the meeting and discussion will be transmitted to the Council Member.

When the Council Member is absent, the support person can represent the Member's thoughts and opinions in the discussion and assist in formulating committee recommendations. The support person may assist in formulating committee recommendations but not participate in consensus decision-making regarding the elevation of a draft recommendation to the full Council for consideration.

Committee process, deliberations, and decision-making are iterative and require a high level of trust and comfort with candid discussion and disagreement. Consequently, the Council Member's designated support person attending committee meetings should be consistent for the selected committee.

Members will notify the committee and EJC staff of the name of their support person before inviting them to join any committee meeting.

Committee Member(s) will engage the relevant Council Member who brought in the support person when there are concerns regarding mutual respect and ability to help maintain productive meetings, for dialogue and resolution.

Article V: Council Ethics

The Council is committed to establishing and adhering to a culture of ethics, integrity, and transparency. As state officers and employees, Council members, ex officio liaisons, and Council staff must comply with [chapter 42.52 RCW](#), the Ethics in Public Service Act. The Council will also comply with the model rules approved by the Executive Ethics Board in [Advisory Opinion 96-](#)

[09A](#), which require members to disclose conflicts of interest (at any time a conflict arises) and recuse themselves from discussing and voting on those matters. In addition to these requirements, the Council will adhere to the following practices:

- Appointed members are encouraged to review the Board and Commissions [Ethics in Public Service Act training](#) and Advisory Opinion 96-09A (linked above) every three years, but *at a minimum* members shall review these policies upon appointment for each term. Ex officio liaisons and staff will comply with required policies and procedures related to the Ethics in Public Service Act for their respective agencies.
- On an annual basis, Council members and ex officio liaisons shall disclose any paid or volunteer affiliations that are related to the Council's scope of work. Council staff will record and post affiliations on the Council's webpage.
- To foster transparency, when meeting with each other or other partners, Council Members and ex officio liaisons will indicate whether they are speaking on behalf of the Council, meeting as an individual member of the Council, or meeting as a representative of another organization or entity. See Article II for the process for designating Council spokespersons.
- The Council Manager will serve as the Council's designated Ethics Advisor and will consult with the Department of Health's Ethics Advisor and the Executive Ethics Board as needed.

Article VI: Amendments to the Bylaws

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

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Charmi Ajmera (DOH), Will Golding (DOT), Chelsea Batavia (ECY), Leads for Identification of Overburdened Communities and Vulnerable Populations Subgroup; Rowena Pineda, Environmental Justice Advisor

Subject: Update on the Identification of Overburdened Communities and Vulnerable Populations

Background:

The HEAL Interagency Workgroup's (IAWG) subgroup working on the identification of overburdened communities and vulnerable populations hosted two workshops for Environmental Justice Council (Council) members to share the process they developed. Workshops were hosted on September 26th and October 3rd. Below is a summary of comments received from Councilmembers who attended. It is followed by questions being considered by the subgroup moving forward.

Summary of Workshops:

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. Identifying and prioritizing Overburdened Communities and Vulnerable Populations lies at the heart of multiple expectations under the HEAL Act.

HEAL defines Overburdened Communities and Vulnerable Populations as follows:

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 by in RCW [19.405.020](#).

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

- “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.
2. “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.

The workshops demonstrated how the process works when agency staff are conducting an environmental justice assessment. Using a case study, staff overviewed the process and considerations applied when identifying which communities to engage with for rulemaking on the Drinking Water State Revolving Fund. Phases in the process to identify overburdened communities and vulnerable populations include:

1. **Context Setting:** Establish the scope of proposed agency action(s).
2. **Identify Potential Environmental and Health Impacts:** Identify broad considerations of potential environmental and health harms of proposed agency action(s).
3. **Identify Environmental and Health Geographic Impact Area:** Identify geographic extent of potential environmental and health harms of proposed agency action(s).

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4. **Identify Overburdened Communities and Vulnerable Populations within Geographic Impact Area:** Use a cumulative impact analysis tool to assess the geographic impact area to identify overburdened communities and vulnerable populations.
5. **Community Engagement to Verify Agency Determinations:** Share initial agency determinations with people from identified communities to verify, correct, or update findings in relation to lived experiences in the geographic impact area.
6. **Summary and Next Steps:** Document findings from all phases to identify overburdened communities and vulnerable populations to guide next steps in agency action.

Below is a high-level summary of comments from Councilmembers who attended the workshops:

- In general, Council members who attended expressed appreciation for the process and the direction it is going. However, it would be important to be able to do a stop action to limit impacts to communities. To do so requires slowing down and being more transparent with communities on how their feedback will be incorporated or not incorporated.
- There was discussion on whether to start with identifying impacted populations first or with geography first. There are gaps that we may not be aware of that may be missed if we only look at geography. An example cited are gaps in air monitoring due to where air monitors are located.
- There was discussion on starting with census tracts that are 7 and above on the cumulative Environmental Health Disparities (EHD) ranking map. It was noted that this may still not capture some overburdened communities especially if certain indicators are not currently included in the EHD map. This led to a conversation about using the EHD map as a starting point but not the only tool/resource to use. It was also suggested that it may be helpful to try different ranges to see which communities are included and which ones are excluded.
- There was a question on how data for Tribal members who do not live on reservations and non-Tribal members who live on reservations are being gathered.
- It was noted that the number of requests to engage with communities will overwhelm them, and agencies are strongly encouraged to coordinate amongst themselves when

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engaging with communities. Furthermore, it would be important to include pollution sources that are up- and down-stream of communities when looking at cumulative health impacts.

- Like many aspects of HEAL, the identification of overburdened communities and vulnerable populations requires agency staff to build the muscle to grapple with difficult questions. It is an opportunity to refine the process.
- The process is more of an art than a science. Flexibility is key.

Current State:

The IAWG subgroup is continuing to work on the process for identification of overburdened communities and vulnerable populations. They are making adjustments to the process based on what they are learning from using it, and they continue to have lots of questions. The group is now also considering the utility of establishing a list of census tracts with overburdened communities as a starting point to use *with* the process. This brings up the need to determine what criteria to use and how to be more inclusive of other indicators beyond the 19 metrics reflected in the EHD map.

Materials Included:

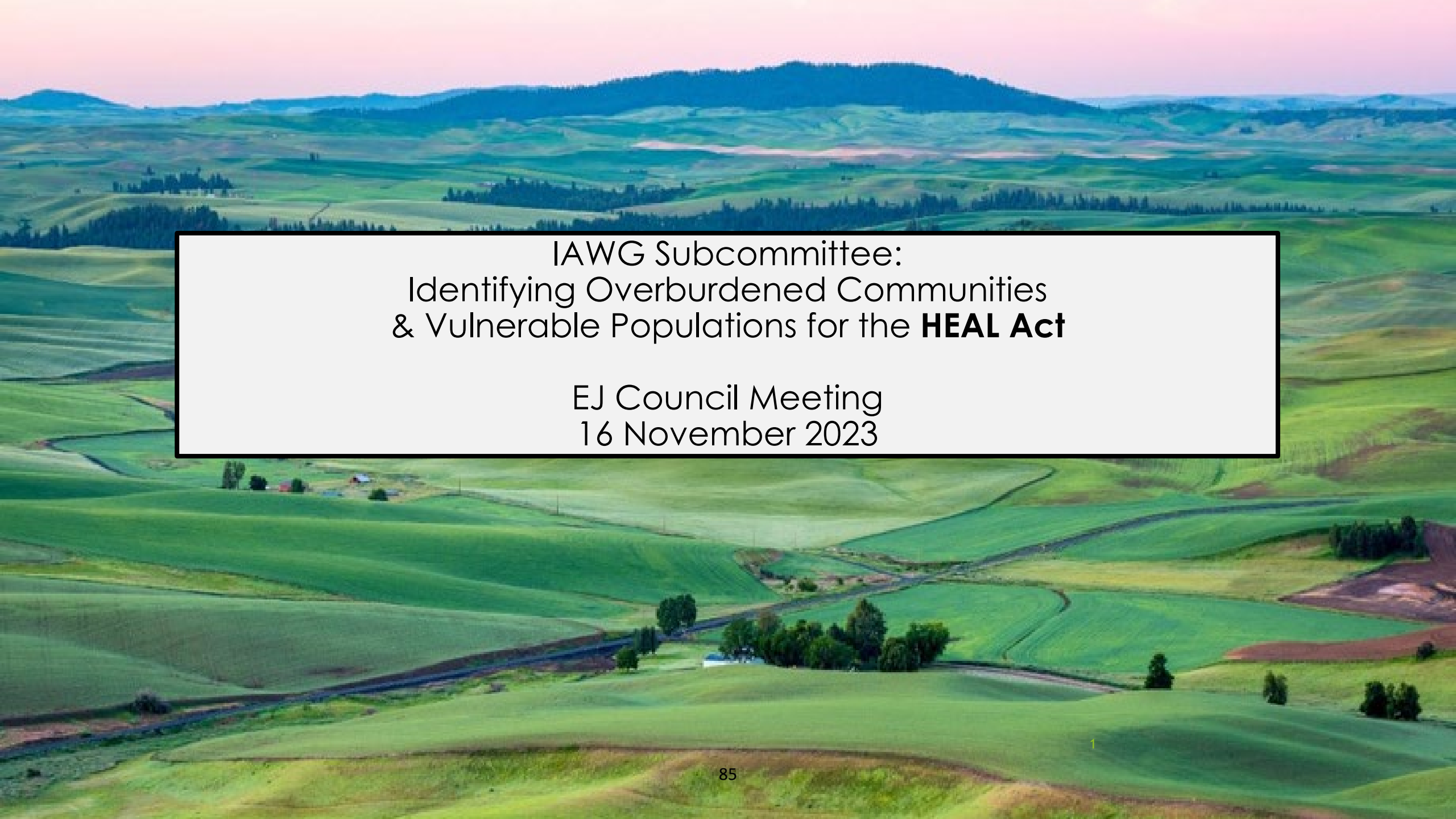
In addition to this memo, Council members will find:

- Slides for the subgroup's update
- DRAFT Process to Identify Overburdened Communities and Vulnerable Populations

Staff Contact

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

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An aerial photograph of a vast, rolling landscape. The terrain is covered in vibrant green fields, likely agricultural, with winding roads and small clusters of trees. In the distance, a range of low mountains or hills is visible under a soft, hazy sky. The overall scene is peaceful and scenic.

IAWG Subcommittee:
Identifying Overburdened Communities
& Vulnerable Populations for the **HEAL Act**

EJ Council Meeting
16 November 2023

How identifying Overburdened Communities and Vulnerable Populations applies within the HEAL Act

70A.02.050 Equitable community engagement and public participation.

- Who is impacted by agency actions and should be involved in the process?

70A.02.060 Environmental justice assessment

- Who is impacted by agency actions and should be involved in the process?
- How are we making decisions about equitable distribution of environmental benefits and mitigating/eliminating harms?

70A.02.080 Environmental justice obligations of agencies relating to budgets and funding.

- Who is impacted by agency expenditure decisions?
- Who are funds going to?

Overview of process to identify overburdened communities and vulnerable populations

Phase 1: Context Setting

Establish the scope of proposed agency action(s).

Phase 2: Identify Potential Environmental and Health Impacts

Identify broad considerations of potential environmental and health harms of proposed agency action(s).

Phase 3: Identify Environmental and Health Geographic Impact Area

Identify geographic extent of potential environmental and health harms of proposed agency action(s).

Phase 4: Identify Overburdened Communities and Vulnerable Populations within Geographic Impact Area

Use a cumulative impact analysis tool to assess the geographic impact area to identify overburdened communities and vulnerable populations.

Phase 5: Community Engagement to Verify Agency Determinations

Share initial agency determinations with people from identified communities to verify, correct, or update findings in relation to lived experiences in the geographic impact area.

Phase 6: Summary and Next Steps

Document findings from all phases to identify overburdened communities and vulnerable populations to guide next steps in agency action.

Current State

- We are learning as we go and work is continuing in the meantime, nothing is stopping.
- No decisions are final. We still have lots of questions!
- ★ EHD 7+ recommended by EJC members, using this for time being.
- Initial decision to develop a process rather than a list –now considering utility of having a list of census tracts with OBCs as a starting point to use *with* the process
- If we pursue some type of list of census tracts as a starting point for identifying OBCs, would need to determine what the criteria are to make this usable and also more inclusive than just the 19 metrics reflected in the EHD map (which don't include all of the attributes within the definition of OBCs)

Considerations for a baseline list of census tracts with OBCs

PROS OF LIST

- Consistent starting point for staff, especially for statewide actions that don't target a specific geography
- Avoid replicating efforts (save staff time of having to re-create this statewide list) – this will be helpful for staff that don't have a technical/data background
- Consistent list could facilitate more consistent reporting (for B&F obligation, if we use a map to show where/which census tracts funding is going to)

CONS OF LIST

- Staff might only use the list and ignore the process/nuance
- Could miss important populations
- When we update the map, not all the same communities will be 7+ -- how do we manage this?
- 7-8 census tracts have tended to change more than 9-10s when the map was updated. Do we include previously designated 7+ census tracts? How do we manage what will be an increasingly long list?

Other considerations with a list

- Need to develop a consistent methodology for inclusion on the list. Who develops this? What are appropriate criteria? Who makes the final decision? Are there legal considerations to a list?
- If we generate a list would there need to be a process for communities to self-identify to be added to the list? Unclear what that process would look like and who would create/manage it.
- OBCs/VPs will be different for every action; how do we create a list for something so nuanced and contextual and that, by nature, is not static or consistent?
- Need to make sure that staff are clear and equipped to do additional analyses if/after using the list as a starting point.

Needs from the EJC

- Time with the Community Engagement and/or EJA Council subcommittees to dive into this conversation more + additional time with full council in 2024
- Guidance on the process to identify OBCs/VPs
- Guidance on whether to pursue a universal list of census tracts that include OBCs that would fit within this process
 - If yes: Guidance on what criteria to include to create this list, who should decide that criteria, who and where that list will be hosted, and how often it should be updated
- Timeline for this guidance. September 2024 statutory deadline for dashboard report. To meet this deadline, work to develop the dashboard must start by March 2024. Need to make some decisions before that.

Additional challenges

- EHD map is not a perfect, comprehensive tool. It only has 19 indicators and can't be the only way we identify OBCs. How do we account for this and make sure we're inclusive?
- How do we report on impacts to OBCs/VPs and funding that goes to these communities (for B&F requirement) when these communities vary for each agency action?
- For projects that use federal dollars, how do we navigate using/not using race/ethnicity as part of the statewide definition of OBCs/VPs (must use this as an indicator at the state level but can't at the federal level)?
- How do we manage using different lists for different parts of the same project?
- CCA also asks agencies to identify OBCs/VPs but focuses on highly impacted communities by criteria air pollutants. If we use the narrower CCA definition for general purposes, we will miss a lot of people. How do we address these nuanced but important differences for agencies that are implementing both HEAL and CCA?
- Do we provide a mechanism for communities to self-identify as overburdened or vulnerable? If so, what would this look like and what would the process be?

[DRAFT V.6] Process to Identify Overburdened Communities and Vulnerable Populations

In 2021, the Washington State Legislature passed the Healthy Environment for All Act, known as the HEAL Act, to reduce environmental and health disparities in Washington state. The act requires state agencies to incorporate environmental justice into agency decision making with a focus on identifying and prioritizing overburdened communities and vulnerable populations in this work. To achieve the intentions of the HEAL Act (and other related laws like the Climate Commitment Act), a consistent process to identify overburdened communities and vulnerable populations is needed across state agencies to ensure equitable outcomes across Washington state.

This document details steps and associated guidance for a common process to identify overburdened communities and vulnerable populations as required for certain agency actions. The HEAL Act ([RCW 70A.02.010](#)) includes these definitions:

(11) Overburdened communities 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^[1] as defined in [RCW 19.405.020\(23\)](#) [including Indian country/tribal lands]^[2]

^[1] "Highly impacted community" means a community designated by the department of health based on cumulative impact analyses in RCW 19.405.140 or a community located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151.

^[2] 18 U.S.C. Sec. 1151 defines "Indian country" as, "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

We offer an expansion on this definition with language developed by the Department of Health's Community Advisory Committee for the Environmental Justice Community Participation Fund Grant's Request for Applications. Within the definition of overburdened communities, we acknowledge that this disproportionate environmental impact has been created and continued by the effects of environmental racism, colonization, and discriminatory policy and practice, including redlining, failure to honor treaty rights, and the placement of polluting industry and hazardous waste sites in low-income communities of color and Indigenous communities. State government has too often excluded these communities from environmental decision-making, despite their rich perspectives, deep knowledge of environmental issues, and active resistance to unjust treatment. In recognition of these strengths, we affirm the need to center their leadership, lived experience, and perspectives in addressing environmental injustice and health inequities.

(14)(a) 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.

ii. *Sensitivity factors, such as low birth weight and higher rates of hospitalization.*

(b) *“Vulnerable populations” includes, but is not limited to:*

i. *Racial or ethnic minorities;*

ii. *Low-income populations;*

iii. *Populations disproportionately impacted by environmental harms; and*

iv. *Populations of workers experiencing environmental harms.*

We build on this definition with language from the Department of Health’s Community Advisory Committee for the Environmental Justice Community Participation Fund Grant’s Request for Applications. Differences in health conditions are not inherent to a population; rather, inequities are related to social determinants (e.g., access to healthcare, economic stability, racism). Within this statutory definition of “vulnerable populations” we recognize that the concentration of these “adverse socioeconomic factors” in low-income communities of color and Indigenous communities are rooted in ongoing systemic marginalization, erasure, exclusion, and structural racism.

Purpose of this Document

This document provides step-by-step guidance to identify overburdened communities and vulnerable populations. The outcomes of this process will potentially be applied to mitigate environmental harms, redress environmental and health disparities, or facilitate the equitable distribution of environmental benefits. The process below can be used to address HEAL Act requirements like community engagement, environmental justice assessments, and budget and funding requirements, in addition to potential use in other contexts. The process provides a common framework of advised best practices for agencies to draw upon for various applications. Each agency may build on or adapt this outline to develop agency-specific guidance addressing individual agency or context-dependent needs.

How it works

Follow the phases outlined with associated guidance provide here to the extent possible. Final products may include maps of geographic areas and list of communities connected to agency actions in alignment with the statutory definition of overburdened communities and vulnerable populations. The process below contains five interconnected phases, which are meant to occur in an iterative fashion that facilitates continued learning and adaptation.

Phases for identifying overburdened communities and vulnerable populations include:

[Phase 1: Context Setting](#)

Establish the scope of proposed agency action(s).

[Phase 2: Identify Potential Environmental and Health Impacts](#)

Identify broad considerations of potential environmental and health harms of proposed agency action(s).

[Phase 3: Identify Environmental and Health Geographic Impact Area](#)

Identify geographic extent of potential environmental and health harms of proposed agency action(s).

[Phase 4: Identify Overburdened Communities and Vulnerable Populations within Geographic Impact Area](#)

Use a cumulative impact analysis tool to assess the geographic impact area to identify overburdened communities and vulnerable populations.

[Phase 5: Community Engagement to Verify Agency Determinations](#)

Share initial agency determinations with people from identified communities to verify, correct, or update findings in relation to lived experiences in the geographic impact area.

[Phase 6: Summary and Next Steps](#)

Document findings from all phases to identify overburdened communities and vulnerable populations to guide next steps in agency action.

[Appendix: Additional Tools](#)

Phase 1: Context Setting

The goal of this section is to describe the proposed agency action, including the potential geographic impact area and existing environmental and health disparities. Identify who is responsible for administering the process for identifying overburdened communities and vulnerable populations.

1. Briefly describe the proposed agency action.
2. Identify what regulatory or legal obligations the proposed agency action is associated with, including but not limited to federal laws [National Environmental Policy Act (NEPA), Executive Order 12898] or other state laws [Climate Commitment Act (CCA), State Environmental Policy Act (SEPA)] as well as:

Healthy Environment for All (HEAL) Act

- Community Engagement (RCW 70A.02.050-060)
- EJ Assessment for a Significant Agency Action ([RCW 70A.02.060: Environmental justice assessment. \(wa.gov\)](#))
- Decision processes for budget development, making expenditures, and granting or withholding environmental benefits ([RCW 70A.02.080: Environmental justice obligations of agencies relating to budgets and funding. \(wa.gov\)](#))
- Other:

Phase 2: Identify Potential Environmental and Health Impacts

The goal of this phase is to assess potential environmental and health impacts of the proposed agency action(s). Assessing potential impacts is vital to create geographic impact area maps that will inform the extent of relevant overburdened communities and vulnerable populations. As additional health and environmental concerns are identified through subsequent phases of this process, there will be a need to revisit this phase and update the information identified in an iterative fashion.

Consider the environmental exposures, socioeconomic conditions, health impacts and environmental harms that currently exist due to past discriminatory and racist policies and actions, as well as the potential concerns of proposed agency actions to understand the cumulative environmental and health impacts. Historical context of these areas is critical to understanding agency possible impact.

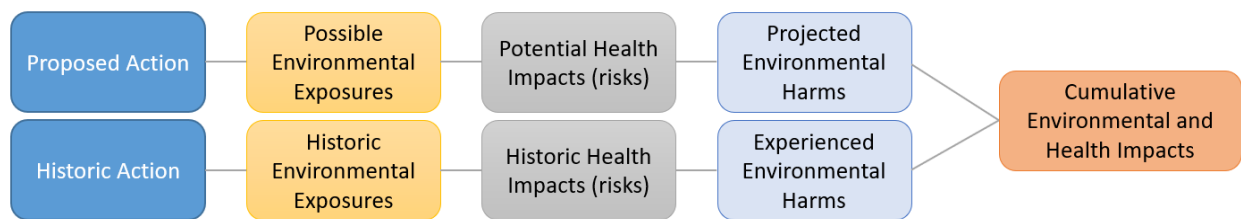


Fig. 1: Flow chart illustrating how both proposed actions and current actions must be accounted for when assessing cumulative environmental and health impacts of an agency action

Threat x Vulnerability = Risk

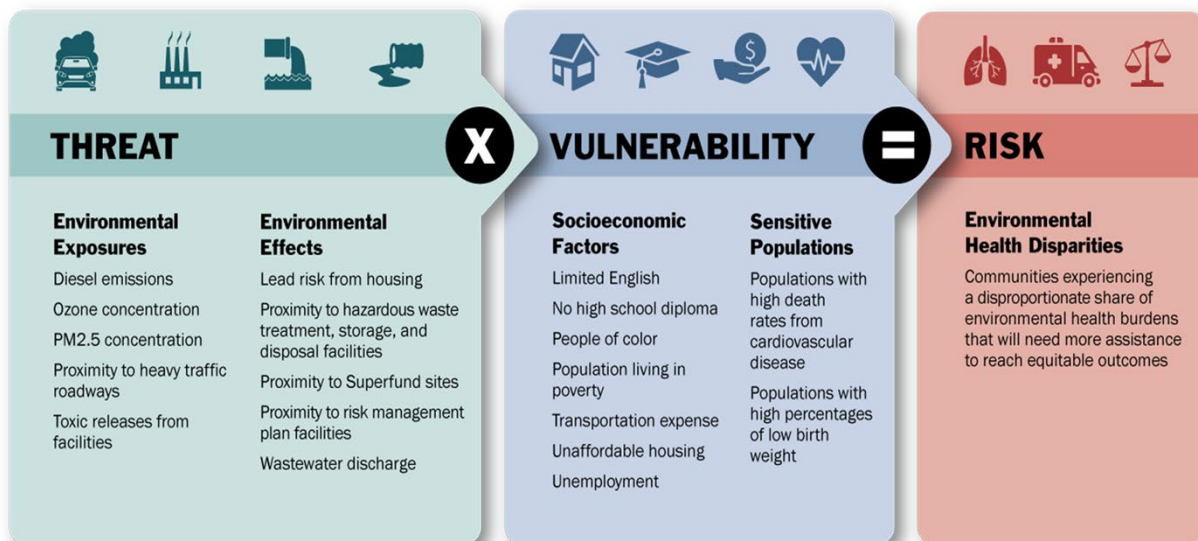


Fig. 2: A graphic showing the cumulative impact model used by the Environmental Health Disparities map, which reflects the interaction between biologic, social and environmental factors.

See below for a list of potential environmental and health factors. These are just a starting point and are not a comprehensive list of potential impacts. As you go through this phase, think creatively and comprehensively to go beyond the examples below in alignment with the context of your proposed agency action.

Environmental (exposures)	Social/Economic	Population and Health Sensitivity Factors	Indigenous Health Indicators (from the Swinomish Indigenous Health Indicators Project)
<ul style="list-style-type: none"> • Air quality concerns <ul style="list-style-type: none"> ○ Diesel exhaust particulate matter (2.5 microns) emissions^{EHD} ○ Ozone concentration^{EHD} ○ Particulate matter (2.5 microns)^{EHD} • Water quality concerns • Climate-change related impacts <ul style="list-style-type: none"> ○ Wildfires ○ Flooding ○ Extreme heat ○ Landslides ○ Drought ○ Sea level rise ○ Ocean acidification ○ Changes in spread of infectious diseases • Pesticides • Increased exposure to hazardous materials or hazardous waste sites^{EHD} • Lead paint (Lead risk from housing^{EHD}) • Wastewater discharge^{EHD} • Access to green spaces • Barriers to food sources • Tree canopies (shading) • Stormwater runoff • Impervious surfaces 	<ul style="list-style-type: none"> ○ Limited English^{EHD*} ○ Low educational attainment^{EHD} ○ Race and ethnicity^{EHD} ○ Poverty^{EHD} ○ High transportation expense^{EHD} ○ Single parent household^{SVI*} ○ Unaffordable housing^{EHD} ○ Unemployment^{EHD} <ul style="list-style-type: none"> ○ Lack of health insurance^{SVI} ○ Overcrowded housing^{SVI} ○ No access to private vehicle^{SVI} ○ Multi-unit housing^{SVI} ○ Population with a disability^{SVI} ○ Land Use ○ Lack of access to multimodal transportation facilities ○ Acquisition of property ○ Relocations or displacement of residences or businesses ○ Lack of access to cultural resources ○ Disruptions to public services & utilities ○ Redlining as a result of legalized segregation ○ Food access and supermarket availability 	<ul style="list-style-type: none"> ○ Children^{SVI} ○ Older adults^{SVI} ○ Low birth weight^{EHD} ○ Cardiovascular disease^{EHD} ○ Asthma 	<ul style="list-style-type: none"> • Community Connection: Members actively participate in community functions and help each other, particularly in connection with the harvest, preparation, and storage of natural resources • Natural Resources Security: Local natural resources (air, water, land, plants and animals) are abundant, accessible and support a healthy ecosystem(s) and healthy human community. The community equitably shares these natural resources. • Cultural Use: The community is able to perform their cultural traditions in a respectful and fulfilling way using the local natural resources. • Education: Knowledge, values and beliefs are actively passed from elders to youth. • Self Determination: Communities develop and enact their own healing, development and restoration programs. • Well-being: Community members maintain connections

<ul style="list-style-type: none"> ○ Transportation ○ Proximity to heavy traffic roadways^{EHD} ○ Noise to surrounding sensitive receivers <p>High fatal and severe transportation crash history</p>			<p>to meaningful locations, confident that their health and the health of the next seven generations are not at risk due to contaminated natural resources.</p>
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*EHD = Data can be found in [EHD map](#); SVI = Data can be found in the [Social Vulnerability Index map](#)

1. Identify any existing resources that might be helpful for identifying potential environmental and health impacts and briefly summarize what you have learned:

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 burdening communities with redundant asks? Such as, relevant feedback submitted during past public comment periods? Vulnerable populations not well represented in existing dataset or maps that were identified through community engagement efforts? Find out what you can through informal conversations.

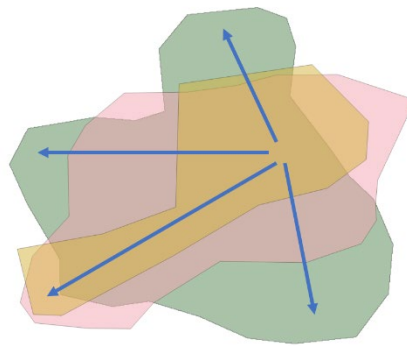
2. Describe potential harms and associated characteristics from agency actions using the prompts below:
 - Will the proposed agency action contribute to potential environmental and health harms? If so, describe:
 - Will the proposed agency action contribute to social or economic impacts? If so, describe:
 - Will the proposed agency action contribute to any Tribal (rights, resources, lands, traditional foods) impacts? If so, describe:
 - What environmental or health disparities currently exist where your agency action may have an impact? Could your agency action add to existing environmental or health harms?

Phase 3: Identify Environmental and Health Geographic Impact Area

Identify the geographic area(s) where effects of the proposed agency action may have a direct impact and then layer on the associated geographic extents of the potential environmental impacts identified in Phase 2. Expand the potential geographic impact area to be as comprehensive as possible. The image below demonstrates how each identifier in this section is intended to help expand considerations of potential impacted areas. This process is intended to set the broadest scope of potential impacts from proposed agency actions to later to be used as the extent of relevant overburdened communities and vulnerable populations.

Note on statewide programs

Assess the environmental and health impacts identified in phase two, the populations likely to experience them, and the geographies those populations live and work in. Also consider taking a regional approach to the work to break this process down to smaller, more specific geographic areas.



1. Use a mapping application (such as GIS, QGIS, Google Earth) to create a base map depicting the geographic area or areas expected to be directly affected by the agency action. This is your immediate geographic impact area.
 - Outline proposed agency action footprint and relevant direct study area.
 - Show jurisdictional and geographic features (highways, county roads, streams, city limits).
 - Scale the map so that the relationship between the proposed agency action, and [if relevant] potential alternatives can be clearly seen.
 - [For project specific applications] Consider using an aerial photo as the background for the base map. Aerial photos that show individual buildings are most useful.
2. Adjust geographic impact area limits by estimating the potential scale of proposed agency action effects. This will require judgment based on relevant knowledge of the proposed agency action area and input from community engagement ([plan for Phase 5 expectations now](#)).
 - The types of impacts likely to be created by the proposed agency action (such as noise, air quality, etc.). Make sure that the study area captures the nature of the potential effects, so they are fully and fairly evaluated.
 - Consider changing the extent of the boundary so it aligns with geo-political boundaries (e.g., neighborhoods, city limits, parks, and census block boundaries). Be consistent and

inclusive. Don't stop half a block short of the city limits, bisect neighborhoods, or exclude essential services such as schools.

- Look at the study area as a whole – is the size of the study area consistent with the scope of the proposed agency action – not too big, not too small? Do the boundaries make sense? Are they reasonable and defensible?
 - Evaluate geographic impact area limits with community engagement. Ensure you have the flexibility to expand the study limits to include recommendations received from the public.
3. Document your assumptions and logic for the decisions about the geographic impact area.
- Be sure to document any instances where you expanded the geographic impact area limits to include neighborhoods or address potential EJ issues.
 - Establish system to track and document community engagement involvement. Include spaces to track venues, dates, and who endorsed the agency action (names and titles if public officials, number of participants if you got endorsement at a public meeting).
4. To expand your identified geographic impact area, consider what you learned in Phase 2 and add each bullet point as a separate map layer, using color-blindness accessible colors and shades to represent different intensities of impact:
- Identify area(s) where direct potential environmental and health impacts, both positive and negative, may occur.
 - Identify area(s) where indirect environmental and health impacts, both positive and negative, may occur.
 - Identify if and where/how impacts can migrate, shift or change.
 - Identify if impacts may occur at disproportionate rates/levels in some areas compared to others.
 - Identify if there may be more than one impacted site or if the impacts may be statewide.
 - Identify any potentially relevant short- or long-term climate change impacts (potential or known). Use the climate projections layer on the EHD map, as well as the [flood hazard](#) and [wildfire smoke layers](#) if applicable, or [Climate & Economic Justice Screening Tool \(CEJA\)](#).
 - Consider short-term and long-term concerns of potential impacts.

Phase 4: Identify Overburdened Communities and Vulnerable Populations within Geographic Impact Area

Once you have identified the broader geographic impact area of the proposed agency action, use the [Environmental Health Disparities \(EHD\) Map](#) to conduct an initial cumulative impact analysis within the geographic area to identify overburdened communities and vulnerable populations. Please note that the EHD map, while very detailed and informative, is not comprehensive and can be paired with any of the [additional tools](#) outlined in the appendix along with other agency-specific datasets and tools.

Some of the tools listed in the appendix include, the [Agency for Toxic Substances and Disease Registry Environmental Justice Index](#) and [Climate and Economic Justice Screening Tool](#), are also cumulative impact analysis tools. Other screening tools such as [EJScreen](#) and the [CDC Social Vulnerability Index](#) may be used to identify potential sensitivity, external, and systemic factors associated with greater risk of environmental harms and health impacts for consideration.

Within the geographic impact area, identify census tracts where one or both of the following conditions applies: 1) there are existing cumulative environmental harms and health impacts facing vulnerable populations (i.e. census tract with a cumulative EHD score of 7 and above), and/or 2) census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151.

1. To identify existing cumulative environmental harms and health impacts for an initial assessment:
 - Access the Washington State Department of Health's [Environmental Health Disparities map](#). The EHD map is one of several maps on the [Information by Location \(IBL\)](#) mapping tool on the [Washington Tracking Network \(WTN\)](#).
 - See here for a video for how to use the IBL tool: [Information by Location Tool - Washington Tracking Network english on Vimeo](#)
 - Zoom into the geographic impact area identified in Phase 3.
 - Select the Census tract(s) within the geographic area you identified and record each tract's identification number.
 - Record the overall Environmental Health Disparity Rank number (1-10) for each census tract. The overall rank on the EHD map represents a cumulative impact analysis. In addition to the overall rank, record the rank for the environmental impacts and threats, environmental and socioeconomic characteristics, and health threats of census tracts with a cumulative score of 7 and above [using this worksheet template](#) or pulling relevant data into your own spreadsheet or analysis tool.
 - Add additional categories to this worksheet, using other tools and data sources as needed.
 - Record the demographic information for Population trend, Age/Sex, and Race for each census tract. Use the Snipping Tool to capture the following graphs from the pop up graphics:

Figure 1: Population Demographic Details for Census Tract *Ex. 53011042600*

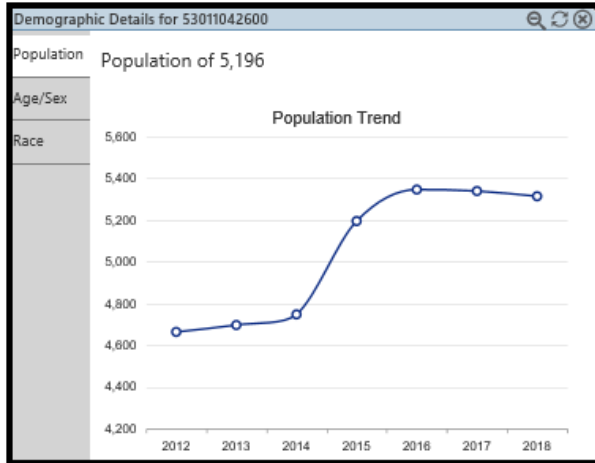


Figure 2: Age/Sex Demographic Details for Census Tract *Ex. 53011042600*

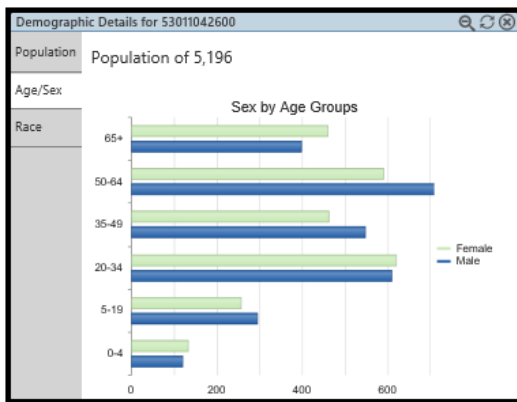
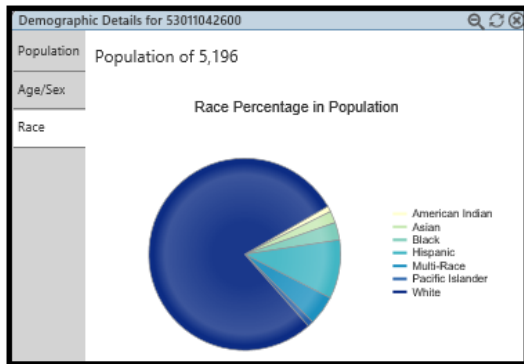


Figure 3: Race Demographic Details for Census Tract *Ex. 53011042600*



- Having identified the potential health and environmental harms in Phase 2 and existing conditions analyzed throughout this phase, summarize:
 - a. Environmental health disparities that were identified in Phase 1 that are most related to your project and are in the geographic impact area. Include any underlying factors that might contribute to these disparities.

- b. How potential impacts of the proposed agency action would exacerbate existing environmental and health disparities.

Example: If an action would reduce tree coverage in an area that is already impacted by high urban heat index, low proportion of porous surfaces, high rates of substandard housing, and high rates of cardiovascular disease compared to other neighborhoods in the city, this action can be understood as potentially exacerbating disparities in climate impacts, including damage from flooding and health impacts from excess heat exposure, particularly for those who are unhoused or live in substandard housing.

2. Identify communities located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151.
- Look at census tracts identified in the geographic impact area and determine if any intersect Tribal lands. Potential tools to use can include:
 - [EHD Map](#) Tribal Boundaries Layer – available by clicking “Map Features” and selecting “Tribal Land Boundaries.” Here is what is included:
 - Reservation – officially recognized tribal reservation (U.S Bureau of Indian Affairs)
 - Disputed lands – lands designated as being part of a reservation, but the title is disputed by other parties (U.S Government)
 - Off-reservation tribal lands – lands outside of a reservation acquired by or held in trust for tribal use (county parcel layers)
 - Not included:
 - Ceded lands – historic lands of use given up upon treaty enactment (U.S Government)
 - Rescinded reservation – areas that one time were established as official reservations but no longer carry that status (U.S Bureau of Indian Affairs)
 - Non-treaty lands – lands that are not subject to a treaty and are not recognized as a reservation
 - Note: Tribal lands and census tracts don’t line up perfectly
 - An alternative to obtaining this information directly from the EHD map, is to use [this table](#) that includes a list of census tracts and whether they have tribal lands.
 - Use WSDOT’s GIS data and/or [Community Planning Portal](#) database to determine location and proximity to tribal lands.
 - [Climate & Economic Justice Screening Tool](#)
 - [WA Government Office of Indian Affairs Map of Reservations and Ceded Land](#)

Each agency may have specific data or information about Tribal lands. Be sure to investigate this and ask within your agency to see if there are agency-specific tools or data sources that might help determine which Tribes might be impacted.

Once you have determined which Tribes may be impacted by the proposed agency action, reach out to these Tribal governments with a Dear Tribal Leader Letter (DTLL) to invite Tribal Consultation following your agency’s Tribal Consultation process and procedure. For statewide agency actions, consider sending a DTLL to all federally recognized tribes in WA inviting consultation (and federally recognized Tribes in adjacent states with traditional territories and interests in Washington state).

- DTLL should include a description of the proposed agency action, the geographic impact area identified and census tracts that overlap with tribal lands, and an invitation for consultation on initial identification findings and on the proposed agency action itself.

Phase 5: Community Engagement to Verify Agency Determinations

Your findings from the preceding sections will need to be shared with people from identified overburdened communities and vulnerable populations to verify if initial assessment matches the reality and lived experiences within the geographic impact area. This process should work in alignment with your agency's community engagement strategy and planning for the proposed agency action (i.e. – through an Environmental Justice assessment process, fulfilling the budgeting and funding obligations of the HEAL Act, etc.).

As you engage with people from the identified communities, you will likely need to revise and update your findings from each phase and modify the extent of the initial geographic impact area and associated overburdened communities and vulnerable populations. This is a vital step in the process and should be given time, consideration, and care.

Leverage your agency's community engagement plan [\[Link to Agency-Specific Community Engagement Plan\]](#) to connect in a culturally relevant way with diverse people within the identified geographic impact area. Focus on deep engagement with communities to verify if initial agency findings match peoples' realities on the ground and facilitate a process for self-identification of additional overburdened communities and vulnerable populations.

Phase 6: Summary and Next Steps

Summarize and provide a detailed narrative analysis of:

- The geographic impact area and census tracts identified as potentially impacted by the proposed agency action.
- The overburdened communities and vulnerable populations identified as well as the current condition of these communities.
- Potential health and environmental impacts of the proposed agency action, and how these may contribute to the cumulative environmental and health conditions of the identified people.

Appendix I: Additional Tools

Tools and Datasets	Content of dataset and differences in information provided
<p>Social Vulnerability Index (WTN – WA) - based on CDC’s Social Vulnerability Index. It includes 16 census variables that are included in four themes: socioeconomic factors, household characteristics, minority status, and housing type & transportation. It doesn’t include data on environmental impacts.</p>	<p>Relative ranking of census tracts from 1 to 10; shows overall rank and individual indicator ranks. Has relative rankings of vulnerabilities to hazards (vs. a continuous percentile on CDC’s SVI)</p>
<p>CDC Social Vulnerability Index (SVI) (Federal); includes 16 census variables that are included in four themes: socioeconomic factors, household characteristics, minority status, and housing type & transportation</p>	<p>Looks at whole country, data at the county and census tract levels. SVI does not take account existing environmental hazards and impacts on communities; but does aggregate other social vulnerabilities. Uses continuous scale of percentiles from 0-1 (to come up with social vulnerability score) - has more variability than the WTN Social Vulnerability Index</p>
<p>EJSCREEN; combines environmental and demographic indicators in maps and reports. Some data available at the block group, census tract, county and state. Socioeconomic indicators include people of color, low income, unemployment, limited English speaking, less than high school education. Has two demographic indexes, which are combinations of socioeconomic indicators.</p>	<p>Data presented as percentiles 0-100. Not a cumulative impact analysis; data displays 12 individual environmental indicators, can also combine demographic data with individual environmental indicators. Can help capture rural areas not well represented on EHD Map.</p>
<p>Climate and Economic Justice Screening Tool (Federal); identifies communities that are marginalized, underserved, and overburdened by pollution if the census tract is above the threshold for one or more environmental or climate indicators AND the census tract is above the threshold for the socioeconomic indicators. Environment & climate indicators include climate change, clean energy/energy efficiency, clean transit, affordable/sustainable housing, reduction/remediation of legacy pollution, clean water infrastructure, health burdens and training/workforce development.</p>	<p>Includes cumulative impact analysis, does NOT include race, includes environmental and climate impact analysis in combination with income and education indicators. Socioeconomic conditions limited to income and education.</p>
<p>Agency for Toxic Substances Disease Registry EJ Index - ranks each tract on 36 environmental, social, and health factors and groups them into</p>	<p>Cumulative impact analysis tool, includes more indicators than other tools</p>

<p>three overarching modules and ten different domains.</p>	
<p>USDOT’s Transportation Disadvantaged Census Tracts (Historically Disadvantaged Communities)</p>	
<p>ARCGIS Living Atlas; Justice 40 Disadvantaged communities map layer</p>	<p>The Justice40 definition of ‘Disadvantaged Communities’ does not include race and ethnicity. So these data will need to be added in through other means as you are identifying overburdened communities and vulnerable populations.</p> <p>Esri recently released the latest Justice40 Tracts from the Council on Environmental Quality (CEQ) into ArcGIS Living Atlas of the World. Maps made with this important data help anyone see maps of communities that are disadvantaged according to Justice40 Initiative criteria in the U.S. and its territories. Tracts have been identified as disadvantaged across eight different categories:</p> <ul style="list-style-type: none"> • Climate change • Clean energy and energy efficiency • Clean transit • Affordable and sustainable housing • Reduction and remediation of legacy pollution • Critical clean water and wastewater infrastructure • Health burdens • Training and workforce development

Environmental Justice Council

Date: November 16, 2023

To: Environmental Justice Council Members

From: Laura Johnson, Director, Office of Environmental Public Health Services; Rowena Pineda, Manager, Environmental Justice and Interagency Workgroup Section

Subject: Update on Environmental Justice Grants

Background and Summary:

During the January 26, 2023 meeting, the Environmental Justice Council approved CCA Funding and Budget priorities that included:

- Setting aside funds to develop a community participatory budgeting process that centers racial, social, and economic equity. Furthermore, the request allocates additional funds to: a) build community capacity for participation in planning and budgeting, b) adequately resource the development and administration of a participatory budgeting process, and c) ensure the participatory process includes resources that minimize barriers to participation.
- Setting aside funds for community and worker climate resilience which include providing worker climate health protections such as: 1) protective/safety clothing and equipment for climate health threats to impacted community members including, but not limited to, farmworkers, food system workers, forest firefighters, and construction workers and 2) payroll replacement to support worker lost wages due to climate health threats like heat, smoke, and rising waters.

As a result of the Council's recommendations, the Department of Health was appropriated funds from the Climate Commitment Account for the following:

1. **HEAL Capacity Grants:** These one-time funds total \$26,355,000 for capacity grants to Tribes and Tribal organizations and overburdened community and vulnerable populations to provide guidance and input:
 - To agencies and to the Council on implementation of HEAL.

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- To the Department of Health on updated to the Environmental Health Disparities (EHD) map.

At least 50 percent of the total amount distributed for capacity grants must be reserved for grants to Tribes and Tribal organizations. Funding may be used by Tribes and Tribal organizations to hire staff or to contract with consultants to engage in updating the EHD map or to implement the HEAL Act. Please note that the Department of Health may use a reasonable amount of funding to administer the grants.

2. **Community Informed Budgeting Grant:** These one-time funds total \$38,600,000 to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010(11). Of the amount provided:

- \$6,000,000 is allocated to the Department of Health and the EJC to engage in a participatory budgeting process with five overburdened communities including developing a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities.
- \$32,600,000 is allocated to provide grants to the selected projects. It is important to note that the identified projects will have to be approved by the legislature before funds can be obligated.

3. **Workplace Safety and Climate Change:** These ongoing funds total \$10,000 per biennium and support the administration of a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought, and flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers facing the most risk from climate-related impacts. Funding can be provided for:

- Pass through grants to community-based organizations, Tribal governments, and Tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts.
- Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts.

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- Evaluation of mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats.

Update:

Tribal Consultation:

The Department of Health hosted a Listening Session in August and two Roundtables in September on the three grants named above. Two Consultations with Tribes and Tribal organizations were held in September and October and focused on the HEAL Capacity Grants. Feedback we heard from the Listening Session and the Roundtables that we are incorporating into planning for the HEAL Capacity Grants include:

- Allow both reimbursement and prepayment-based funding options for Tribes.
- Allow reallocation of unspent funds.
- Shorten initial application period for priority review and allow rolling submissions.

The Department of Health estimates \$11.7 million will be distributed to Tribes. Consultation is continuing on how the department should prioritize its distribution.

- 11.7M distributed equally to each Tribe
- 90% of \$11.7M distributed equally to each Tribe and 10% distributed equally to each Tribal organization
- 85% of \$11.7M distributed equally to each Tribe and 15% distributed equally to each Tribal organization
- Base funding of \$225,000 (estimate of funding for 1FTE) to each Tribe and Tribal Organization + additional requests based on need

Community Informed Budgeting:

We have convened a Participatory Budgeting Community of Practice which has representatives from the cities of Seattle and Tacoma and King County. We have also reached out to the City of Auburn. These jurisdictions are already doing participatory budgeting and we are hoping to learn from them. The Community of Practice also includes Department of Health staff of the

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Health Equity Zones and the Department of Social and Health Services staff of the Community Assemblies effort who are sharing lessons they have learned and are continuing to learn.

Rowena has done limited outreach to community-based organizations. During a recent trip to the Yakima Valley, Rowena had an opportunity to meet with Empowering Latina Leadership and Action (ELLA), Friends of Toppenish Creek, and SonBridge Center for Better Living (Walla Walla) to learn about their communities.

Staffing:

Rowena started in her role as Manager for the Environmental Justice and Interagency Workgroup Section on September 1st. A new Environmental Justice Planning and Evaluation Supervisor will start on November 16th. This position will be working closely with Rowena on the development and coordination of the statewide grant application process. We are also hiring Community Partnerships and Tribal Relations Strategists to lead outreach and engagement efforts.

Next Steps:

We are exploring the creation of a Community Advisory Board to inform the distribution of the grants. We will also be developing the applications for the various grants.

Materials Included:

- Timelines for the grants
- Flyer for Tribal Consultation

Staff Contact

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

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Proposed Timelines for EJ Grants

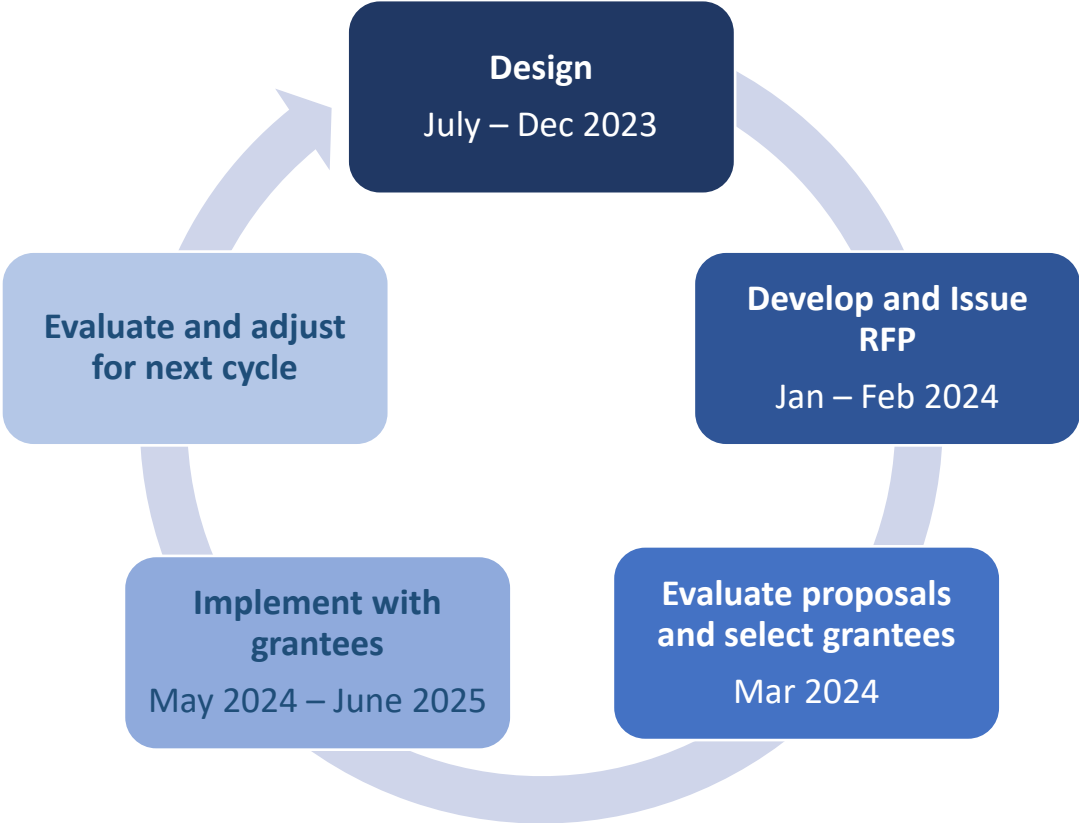
HEAL Act Capacity Grant (Tribes)

Activity	Due Date
Application release date	January 2, 2024
Application due date	Priority due date of February 29, 2024, applications will continue to be accepted on a rolling basis until October 31, 2024
Estimated internal review of applications	March 4-8, 2024
Estimated notification of contract award	March 18, 2024
Estimated contract execution/start date	April 1, 2024
Grant end date	June 30, 2025

HEAL Act Capacity Grant (Communities)

Activity	Due Date
Estimated application release date	February/March 2024
Estimated application due date	March 2024
Estimated internal review of applications	April 2024
Estimated notification of contract award	April 2024
Estimated contract execution/start date	May 2024
Grant end date	June 30, 2025

Workplace Safety and Climate Change



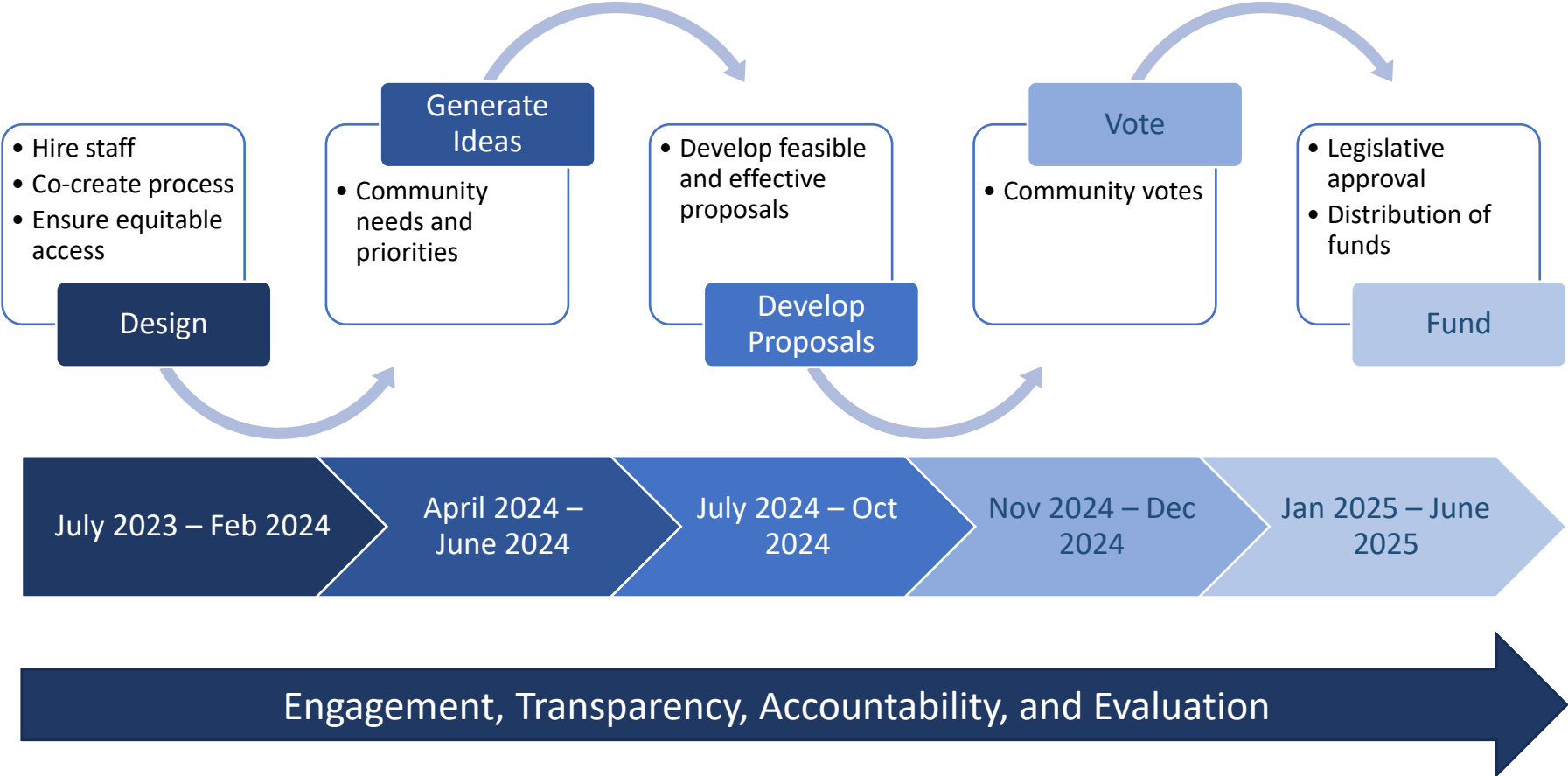
Who:

- Vulnerable populations in overburdened communities
- Farmworkers
- Construction workers
- Other workers that face the most risk from climate-related impacts

What:

- Personal protective equipment
- Other protective or safety clothing for cold and heat
- Air purifiers for the workplace or worker housing
- Protection from ticks and mosquitoes
- Heating and cooling devices

Community Budgeting





October 2023

New Environmental Justice Grant Program

Environmental justice and climate change grants

A new law requires the state Department of Health to set up and run three new grant programs to advance environmental justice and build climate resilience. The Legislature based the grant programs on suggestions the [Environmental Justice Council](#) made in their [Climate Commitment Act funding recommendations](#) and [budget priorities](#).

The Climate Commitment Act creates a cap-and-invest program to limit carbon emissions. It requires businesses to buy allowances for greenhouse gas emissions through auctions. The Legislature invests 35 percent of funds made through carbon auctions in critical climate projects that benefit overburdened communities. The [Climate Commitment Act](#) funds these grant programs, and they support meeting this requirement.

Healthy Environment For All Act Capacity

We have \$26.3 million to fund tribes, tribal organizations, overburdened communities, and vulnerable populations. It will build their capacity to provide guidance and input to agencies, the Environmental Justice Council on the [Healthy Environment for All \(HEAL\) Act](#) and the state Department of Health on updates to the [Environmental Health Disparities map](#). At least half of the money given out must be for tribes and tribal organizations. Tribes and tribal organizations may use the money to hire people or contract with experts to update the Environmental Health Disparities map or put the HEAL Act into action. This one-time funding ends in June 2025.

Community budgeting for decarbonization and resilience

We have \$38.6 million to develop and run a grant program to fund projects that benefit overburdened communities as defined in the Climate Commitment Act. We must select five communities in Washington to develop and prioritize projects that achieve the greatest gain for decarbonization and resilience. Decarbonization means reducing greenhouse gas emissions. The Legislature has to approve the projects before they are funded. This one-time funding ends in June 2025.

Workplace safety for workers affected by climate change

We have \$10 million to develop and run a workplace health and safety program for vulnerable populations in overburdened communities as defined in the Climate Commitment Act. The program is for workers affected by changes to our climate, including but not limited to extreme heat and cold, wildfire smoke, drought, and

flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers who face the most risk from climate-related effects. The program includes pass-through grants to buy needed supplies. This is an ongoing grant program.

Tribal collaboration and consultation

We held a tribal listening session in August and two roundtable discussions in September. There, we heard advice on ways to structure the funding, what worked well and not so well with state granting efforts, and some of the tribal priorities for these grants. We held Consultation 1 and 2 for the Healthy Environment for All Act grants in September and October.

We are asking for input into the allocation prioritization of funds from tribal leaders and authorized delegates by 11:59PM on November 13, 2023 at: <https://forms.office.com/g/Zs6tvPSFkJ>



Rowena Pineda
360 584-4197

October 2023

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.

Council Member Announcements and Information Sharing

DATE: November 8, 2023

TO: Environmental Justice Council Executive Committee Members and Sierra Rotakhina, Environmental Justice Council Manager

FROM: Aurora Martin, Environmental Justice Council Member

RE: Front and Centered Environmental Justice Progress Tracker

This communication aims to bring to the EJC's attention Front and Centered's efforts to conduct an analysis of agencies' implementation of environmental justice in their work.

As you are well aware, I am the co-Executive Director of Front and Centered (FC), a coalition of environmental justice organizations across the state. FC is currently conducting an Environmental Justice Progress Tracker, similar to the federal [EJ Scorecard](#) established in Executive Order 14008, as a follow-up to our [HEAL Progress Report](#) that we released in March of this year. The assessment will evaluate Washington State's efforts and progress toward environmental justice during the period of January 1, 2022 - July 1, 2023. After meeting with the Governor's staff, we provided the questions listed below to the HEAL covered agencies. We will use their answers, as well as publicly available information, to identify where the agencies land on the continuum attached. Feel free to use any material in the EJC's legislative report.

Agencies have received this list of questions and the Departments of Health, Transportation, Commerce, Natural Resources, and Agriculture have met with FC staff, as well as the Attorney General's Office. FC is working to schedule meetings with the Department of Ecology and the Puget Sound Partnership.

Front and Centered Scorecard Questions

- What strategies and modes of engagement are being used to develop meaningful, long-term relationships with overburdened communities and vulnerable populations?

Ex: An agency wants to build relationships with farmworker communities in eastern WA. In addition to the required public comment periods and listening sessions for specific agency actions, an agency engages by attending local community events, hosting community forums, and maintaining presence at local community centers in an effort to develop collaborative - not extractive - relationships with communities.

- How is the agency utilizing data and environmental justice analyses to prevent harm or deliver community-defined benefits to overburdened communities and vulnerable populations?

Ex: an environmental justice assessment identifies harms associated with a significant agency action that would exacerbate existing environmental health

disparities and other socioeconomic inequities in WA. As a result, the agency will not proceed with the significant agency action.

- Any other process, program, or policy that prioritizes overburdened communities and vulnerable populations, and advances environmental justice

- Any information you can provide will help ensure our evaluation of your agency's work is comprehensive and accurate. We are also interested in specific examples or success stories that exemplify your agency's EJ efforts.

Front and Centered Environmental Justice Progress Tracker

1. Review the phases of the EJ continuum for each area of agency efforts.
2. Assess the work of your team, division, and agency. Where along the continuum do you think your agency falls? You can highlight the text that you think your agency most embodies.
3. In the notes section, reflect on the following questions:
 - a. What is the agency doing well? Provide examples of programs, policies, or activities that the agency engages in that exemplify environmental justice.
 - b. Where can the agency improve? What programs, policies, and activities would you like to see the agency engage in?
 - c. What resources, policies, and/or systematic changes may be needed to realize environmental justice, the last phase of the continuum?
4. If there are variabilities in your answers, please describe them. For example, if a handful of programs exemplify the “Ubiquitous and Effective” phase, but others exemplify the “Minimum Compliance with the Law” phase, describe the variabilities and your reasoning for your assessment.
5. If you don’t know what is being done agency-wide, that’s an answer too! Our goal is to identify where we see opportunities to further advance environmental justice.

HEAL / FC Progress Report Nexus	Eliminate environmental health disparities by:	Minimum Compliance with the Law	Testing the Waters	Phasing In	Ubiquitous and Effective	Environmental Justice
- RCW 70A.02.010 - FC Report pg. 23 - FC “Identifying Frontline Communities in Washington State”	Effectively identifying communities with disproportionate environmental health concerns	Uses a narrow definition that excludes many communities from being considered	Uses a narrow definition agency-wide and has an accompanying process for select agency programs	Uses a broader definition to identify communities but does not allow self-identification and still excludes some communities	Uses broader definitions specific to each program to identify communities, gives agency to frontline communities to self-identify, and continuously updates process/list	Uses both narrow and broad definitions based on type and scope of state action. Underlying health data is tracked and reported on regularly
Notes:						

Front and Centered Environmental Justice Progress Tracker

<ul style="list-style-type: none"> - RCW 70A.02.060 - RCW 70A.02.080 - FC Report pg. 39 	<p>Equitably distributing benefits from agency actions to frontline communities¹</p>	<p>No agency-wide process for equitable distribution of resources</p>	<p>Select funds and programs are covered by agency process but no infrastructure in place to track funds and ensure equitable distribution</p>	<p>Equitably distributes select funds and resources and tracks some funds, but does not support community-identified solutions and benefits</p>	<p>Equitably distributes resources and provides targeted benefits to overburdened communities</p>	<p>Community-identified solutions and benefits shape equitable distribution of resources. Can provide detailed reports of where investments were made and what benefits resulted</p>
Notes:						
<ul style="list-style-type: none"> - RCW 70A.02.060 - RCW 70A.02.080 - FC Report pg. 37 	<p>Preventing harms from falling on frontline communities</p>	<p>Abides by state and federal laws that require impact assessments</p>	<p>Develops mitigation strategies and adopts them, or revises actions with likely harms, if economically efficient</p>	<p>Works with communities to develop mitigation strategies and adopts them if economically efficient</p>	<p>Revises or halts actions if certain harm threshold is met, and reviews agency activities to ensure alignment with EJ principles</p>	<p>Commits to the precautionary principle to assume harm, absent information to prove otherwise, and divests from contributing industries and contradictory activities</p>
Notes:						

¹ At Front and Centered, we favor “frontline communities” as a descriptor for communities of color, Indigenous peoples, and people with lower incomes who are hit first and worst by environmental damage and climate change. However, for the purposes of this assessment, we will narrow our scope to agency efforts that engage and prioritize Highly Impacted Communities, as defined in RCW 19.405, and Overburdened Communities and Vulnerable Populations, as defined in RCW 70A.02 and RCW 70A.65.

Front and Centered Environmental Justice Progress Tracker

<ul style="list-style-type: none"> - RCW 70A.02.050 - FC Report pg. 28 	<p>Engaging frontline communities in government process</p>	<p>Conducts outreach, public comment periods, and listening sessions to collect feedback on select agency actions as required by the administrative procedures act</p>	<p>Makes non-targeted efforts to engage frontline communities and seeks input on agency actions. Information and opportunities may be inaccessible</p>	<p>Uses targeted approaches to engage with and solicit participation from frontline communities, but does not assist in capacity building nor abdicates sufficient decision making powers. Considers community needs in planning processes.</p>	<p>Builds trust and collaborative relationships with frontline communities and supports community capacity building. Gives some decision making powers in select spaces</p>	<p>Agency supports community capacity building and is equal partners with frontline communities in government and decision-making spaces</p>
Notes:						
<ul style="list-style-type: none"> - RCW 70A.02.040 - RCW 70A.02.090 - FC Report pg. 41 	<p>Evaluating, tracking progress and reporting in a transparent manner</p>	<p>Uses a set of metrics that do not sufficiently measure progress towards environmental justice</p>	<p>Tracks some metrics for environmental justice and reductions in health disparities for select programs</p>	<p>Has some agency-wide metrics but no data collection method. Each program/division utilizes different methods</p>	<p>Has a set of agency-wide metrics to track impacts on environmental health disparities and overall EJ progress and responds accordingly. Has developed general guidelines for data collection</p>	<p>Tracks a robust set of quantitative and qualitative metrics developed with frontline communities. Community-defined evidence determines course of action</p>
Notes:						

Written Public Comments

The following section of the meeting packet includes written public comments submitted to the Council that do not necessarily reflect the positions or values of the Environmental Justice Council.

No one but each Tribe can speak for the Tribe and the Council is committed to their Tribal sovereignty.



2850 SW Yancy St. #104,
Seattle WA 98126

**Martha Lucas, Executive Director – October 26, 2023, Public Comment Before
the Washington State Environmental Justice Council**

Good afternoon, my name is Martha Lucas and I am the Executive Director of WA State Coalition of African Community Leaders. Washington State Coalition of African Community Leaders (WSCACL) supports African-descent community organizations and individual members in Washington state by building trust and long-term relationships through collaboration across the many communities to be an influential and central voice for the African Diaspora. The core services we offer are outreach and audio/visual translation services. Our 20+ Outreach Coordinators speak over 30 major African languages with a social media reach of 140,000 across the state. Our coalition is an active member of the Front and Centered coalition, and so climate and environmental justice is a part of our programming.

I appreciate the opportunity to provide written testimony before the Environmental Justice Council. I understand the role of the Council in providing oversight and guidance in the implementation of the HEAL Act.

My organization participates in a variety of environmental justice policy and capacity building spaces, but today I need to spotlight the current crisis unfolding, which is a local to global crisis which I believe is an environmental justice refugee situation.

For the past year, due to the violence and conflict over natural resources -- precious minerals, copper, uranium, diamonds, gold, iron, cobalt - people are fleeing for their lives. WSCACL has been a consulting non-profit to the Riverton Park United Methodist Church (RPUMC) Coordinating Committee and we have had meetings with the Governor's office and an intergovernmental task force of elected and staff officials about this crisis unfolding in Tukwila which Mayor Eckberg has declared an emergency, and have been working with RPUMC which has been providing tent and shelter housing for hundreds of refugees and their families.

Still every day there are dozens arriving and if we do not understand and address the intersectional local to global issues, we will further experience the community challenges of homelessness, food insecurity, education, and mental health and wellbeing. I wanted to take the time to share this with the Council, as the crisis is what I believe a local to global connection that we may see more of -- and that is that these are people who are not just political asylees they are also environmental justice refugees.

Thank you.

From: [john worthington](#)
To: [DOH EPH OEPHS Environmental Justice](#);
Subject: Re: re agency record
Date: Monday, November 6, 2023 6:37:39 PM
Attachments: [image001.png](#)

External Email

Hello,

I am challenging the overburdened communities funding priorities for Washington State and the Heal Act as disinformation and misinformation.

This map shows the coastal tribes, mid to eastern Washington tribes are first in line for funding from the HEAL Act. This is without consideration to shipping emissions.

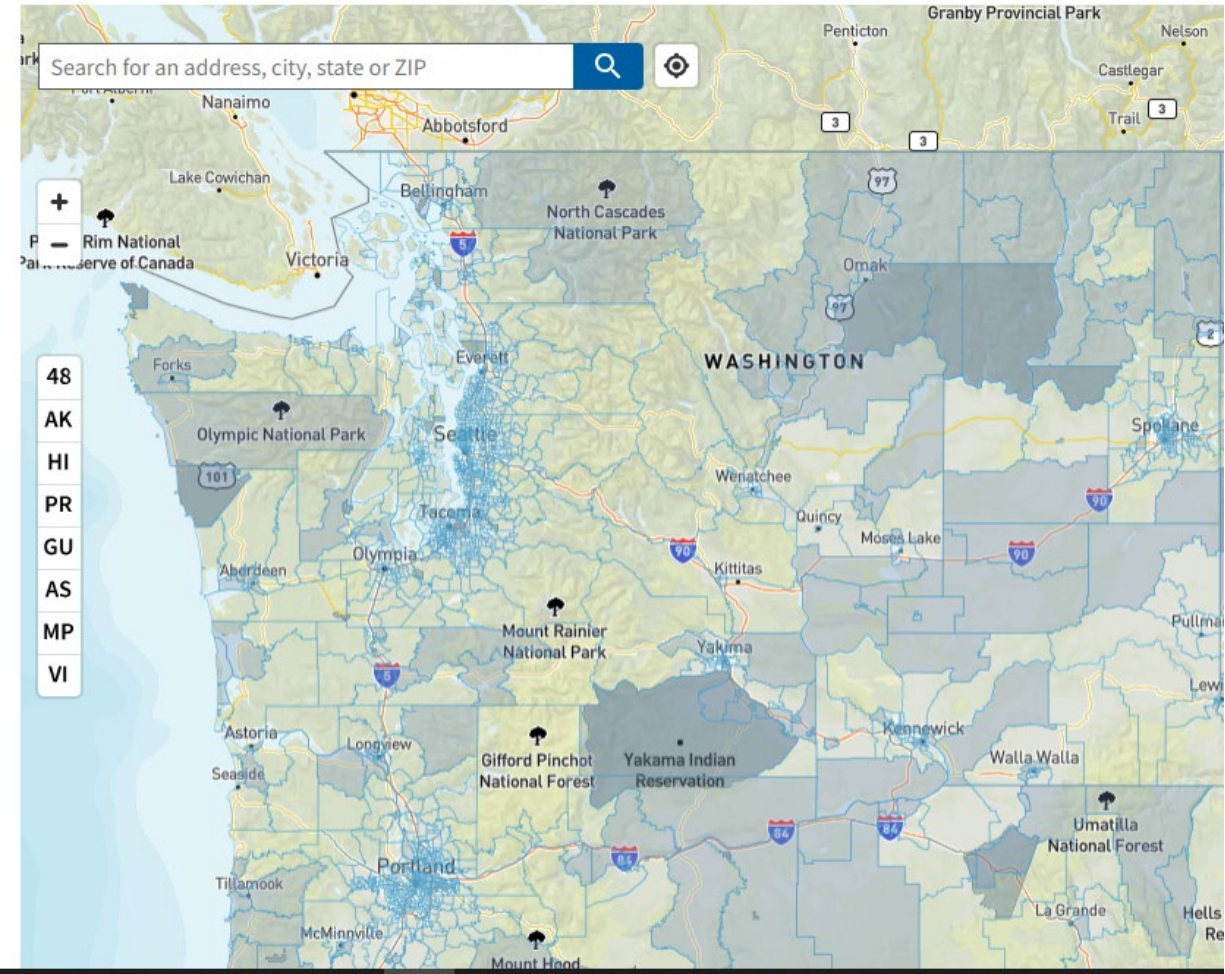
<https://www.epa.gov/enviroatlas/enviroatlas-interactive-map>

Explore the map

Census tracts that are overburdened and underserved are highlighted as being disadvantaged on the map. Federally Recognized Tribes, including Alaska Native Villages, are also considered disadvantaged communities.

Zooming in and selecting shows information about each census tract.

Go
Do
an



The Coastal tribes are 100's of miles from agriculture and manufacturing. In short, nobody is farther from the things they need to survive. This is causing environmental harm to other races and is cause for priority.

Coastal tribes are also absorbing the most emissions from shipping and trucking.

SB 5466
Requires: Promoting transit-oriented development.

SENATE BILL REPORT

SB 5466

As of January 30, 2023

Title: An act relating to promoting transit-oriented development.

Brief Description: Promoting transit-oriented development.

Sponsors: Senators Lias, Gildon, Kuderer, Lovelett, MacEwen, Mullet, Braun, Billig, Dhingra, Frame, Hunt, Kauffman, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Shewmake, Stanford, Valdez, Van De Wege and Wilson, C.; by request of Office of the Governor.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 1/31/23.

Brief Summary of Bill

- Establishes that cities planning under the Growth Management Act (GMA) may not enact or enforce any new development regulation within a station area or station hub that prohibits the siting of multifamily residential housing on parcels where any other residential use is permissible, with some exceptions.
- Establishes that cities planning under the GMA may not enact or enforce any new development regulation within a station area or station hub that imposes a maximum floor area ratio of less than the applicable transit-oriented density for any use otherwise permitted, or imposes a maximum residential density, measured in residential units per acre or other metric of land area.
- Provides that, to encourage transit-oriented development and transit use and resulting substantial environmental benefits, counties and cities planning under GMA may not require off-street parking as a condition of permitting development within a station area.
- Requires the Department of Transportation to provide technical assistance and establish grant programs.

As shown above, funding outside the current transit-oriented communities that are planned to include Sound Transit, does not comply with this act. They clearly interfere with the density goals of the GMA.

Furthermore, the "trade free zones" being suggested are also not within the planned density targets by cities, counties, or Sound Transit. In addition, it's an act of sabotage. Funding to these areas undermines the comprehensive plans, and a transit initiative passed by three counties King, Pierce and Snohomish. HEAL Act funding for these areas should come last and comply with the comprehensive plans, and the transit initiative. The current council proposals to entertain HEAL Act funding in industrial areas should be discontinued.

Sound Transit investments cover the rest of the equity gap. Racial Equity Tool has already been applied from Everett to Tacoma. The Pugetropolis gang has spent 142 billion to address equity and overburdened communities.

In five years, Sound Transit has racked up an additional \$50 billion for rail plan. Since 2017, Sound Transit's full system expansion went from costing taxpayers \$92 billion to an incredible **\$142 billion**, and project completion was stretched from 2041 to 2046. May 10, 2022



Washington Policy Center

<https://www.washingtonpolicy.org> › publications › detail

In five years, Sound Transit has racked up an additional \$50 ...

<https://www.soundtransit.org/sites/default/files/documents/APPENDIX-E3-2022-Racial-Equity-Tool.pdf>

<https://www.soundtransit.org/sites/default/files/documents/8-wsble-drafteis-appendixg-environmentaljustice-202201.pdf>

<https://www.seattle.gov/documents/Departments/Neighborhoods/Planning/LightRailExpansion.pdf>

The EJC's current path is one of neglect, overfunding and dueling banjos.

In addition, the justification for the Act was misinformation using fake emissions pie charts.

It is also clear the plan all along was to transfer power to people of color.

Please add this to the misinformation file.