

Environmental Justice Council

March 28, 2024 Meeting Materials

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Consejo de Justicia Ambiental (EJC)

Jueves, 28 de marzo de 2024

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

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

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

Id. del seminario web: 817 4786 4781

O únase por teléfono: +1 253 215 8782

Id. del seminario web: 817 4786 4781

Números internacionales disponibles: <https://us02web.zoom.us/j/kd6MggTvTL>

Objetivos de la reunión:

1. Debatir, modificar según sea necesario y adoptar los estatutos.
2. Obtener información sobre las comunidades que reciben subvenciones del fondo de participación comunitaria de la ley HEAL (por su sigla en inglés, Medioambiente Sano para Todos) y conocer una actualización sobre las subvenciones en Justicia Ambiental del Departamento de Salud.
3. Recibir información actualizada del personal del Consejo sobre comentarios públicos anteriores y el estado de dichos comentarios.
4. Recibir información actualizada y debatir sobre el borrador del plan para el cuadro de mandos de la ley HEAL.
5. Recibir información actualizada sobre las recomendaciones propuestas por el equipo de trabajo para la Versión 1. Se debatirán las recomendaciones y consideraciones fundamentales (cualquier error grave/urgente) para la Versión 1 y recomendaciones sobre mejoras para la Versión 2. Si el tiempo lo permite, el Consejo debatirá la prioridad del desarrollo del cuadro de mandos de la ley HEAL/Ley de Compromiso Climático (CCA, por su sigla en inglés) en cuanto a la carga de trabajo del Consejo y la capacidad y las formas de informar la Versión 2.
6. Debatir los términos utilizados en la ley HEAL y la CCA para informar posibles pautas futuras del Consejo sobre los criterios para guiar a las agencias, los legisladores y el gobernador en la aplicación de estos términos.
7. El personal del Consejo presentará información actualizada sobre la sesión legislativa de 2024, que incluirá proyectos de ley y los presupuestos estatales definitivos.

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.	Aprobación del orden del día por parte del Consejo	Miembro del Consejo Aurora Martin
	III.	Aprobación de las notas de la reunión del 25 de enero de 2024 por parte del Consejo - Posibles medidas del Consejo	Miembros del Consejo
De 3:40 p. m. a 4:00 p. m.	IV.	Debate y posible adopción de los estatutos del Consejo Objetivos: Debatar, modificar según sea necesario y adoptar los estatutos. - Posibles medidas del Consejo	Miembro del Consejo Aurora Martin Comité Directivo Sierra Rotakhina, personal del Consejo Miembros del Consejo
Receso de 5 minutos			
De 4:05 p. m. a 4:20 p. m.	V.	Conexión comunitaria: beneficiarios de la subvención del fondo de Participación Comunitaria de la ley HEAL y actualización sobre las subvenciones en Justicia Ambiental del Departamento de Salud. Objetivos: Obtener información sobre las comunidades que reciben subvenciones del fondo de participación comunitaria de la ley HEAL y	Miembro del Consejo Aurora Martin Rowena Pineda, personal del Consejo Miembros del Consejo

	conocer una actualización sobre las subvenciones en Justicia Ambiental del Departamento de Salud.	
De 4:20 p. m. a 4:30 p. m.	VI. Comentarios públicos	Miembro del Consejo Rosalinda Guillen
De 4:30 p. m. a 4:35 p. m.	VII. Actualizaciones sobre comentarios públicos anteriores Objetivos: Recibir información actualizada del personal del Consejo sobre comentarios públicos anteriores y el estado de dichos comentarios.	Miembro del Consejo Rosalinda Guillen Sierra Rotakhina, personal del Consejo Miembros del Consejo
De 4:35 p. m. a 5:25 p. m.	VIII. Actualizaciones y debate sobre el cuadro de mandos de la ley HEAL de la Oficina de Gestión Financiera	Copresidenta Maria Batayola
De 4:35 p. m. a 5:05 p. m.	A: Informe del Subcomité de métricas del grupo de trabajo interinstitucional de la ley HEAL <ul style="list-style-type: none"> Obligación estatutaria de la ley HEAL de crear un cuadro de mandos sobre el progreso de esta ley. Objetivos: Recibir información actualizada y debatir sobre el borrador del plan para el cuadro de mandos de la ley HEAL.	Courtney Cecale, Departamento de Ecología, líder del Subcomité de métricas del grupo de trabajo interinstitucional de la ley HEAL Miembros del Consejo
De 5:05 p. m. a 5:25 p. m.	B. Informe del equipo de trabajo del gobernador sobre las recomendaciones para elaborar un mapa y un proceso de identificación de las comunidades sobrecargadas y las poblaciones	Millie Piazza, miembro de oficio del Consejo del Departamento de Ecología y colíder del equipo de trabajo Michael Furze, miembro de oficio del Consejo del

vulnerables para los objetivos presupuestarios y de financiación

Departamento de Comercio y colíder del equipo de trabajo

Miembros del Consejo

Objetivos: Recibir información actualizada sobre las recomendaciones propuestas por el equipo de trabajo para la Versión 1. Se debatirán las recomendaciones y consideraciones fundamentales (cualquier error grave/urgente) para la Versión 1 y recomendaciones sobre mejoras para la Versión 2. Si el tiempo lo permite, el Consejo de Justicia Ambiental debatirá la prioridad del desarrollo del cuadro de mandos de la ley HEAL/CCA en cuanto a la carga de trabajo del Consejo y la capacidad/formas de informar la Versión 2.

- Posibles medidas del Consejo

Receso de 5 minutos

De 5:30 p. m. a 5:55 p. m.

IX. Debate sobre los “beneficios directos y significativos” en el marco de la CCA y los “daños ambientales”, “beneficios ambientales” y “gastos correspondientes” en el marco de la ley HEAL

Miembro del Consejo Esther Min

Comité de la CCA

Comité de Participación Comunitaria

Jonathan Chen, personal del Consejo

Miembros del Consejo

Objetivos: Debatir estos términos para informar posibles pautas futuras del Consejo sobre los criterios para guiar a las agencias, los legisladores y el gobernador en la aplicación de estos términos.

De 5:55 p. m. a 6:10 p. m.	X. Actualización legislativa de 2024	El honorable Jarred-Michael Erickson
	Objetivos: El personal del Consejo presentará información actualizada sobre la sesión legislativa de 2024, que incluirá proyectos de ley y los presupuestos estatales definitivos.	Christy Hoff, personal del Consejo Sierra Rotakhina, personal del Consejo Miembros del Consejo
De 6:10 p. m. a 6:20 p. m.	XI. Comentarios públicos	Miembro del Consejo Rosalinda Guillen
De 6:20 p. m. a 6:30 p. m.	XII. 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 en un 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, March 28, 2024

3:30pm – 6:30pm

Please click the link below to join the webinar:

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

Webinar ID: 817 4786 4781

Or Join by Phone: +1 253 215 8782

Webinar ID: 817 4786 4781

International numbers available: <https://us02web.zoom.us/u/kd6MggTvTL>

Meeting Goals:

1. Discuss, edit as needed, and adopt bylaws.
2. Start EJ Council learning about impacted communities, new issues, and HEAL Community! Grant recipients and hear an update on the Department of Health Environmental Justice Grants.
3. Receive updates from Council staff on past public comments and the status of those comments.
4. Receive an update and have a dialogue about the draft plan for the HEAL Dashboard.
5. Receive an update on the Task Team's proposed Version 1 recommendations. Discussion on recommendations and critical considerations (any urgent/fatal flaws) for Version 1 and recommendations on improvements for Version 2. Time permitting, discussion by the Council on priority of the HEAL/Climate Commitment Act (CCA) dashboard development in the Council's workload and capacity and ways to inform Version 2.
6. Discuss terms used in the HEAL Act and the CCA to inform possible future Council guidance on criteria to guide agencies, Legislators, and the Governor as they apply these terms.
7. Council staff provide an update on the 2024 legislative session, including policy bills and the final state budgets.

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
3:35 PM – 3:40 PM	II.	Approval of Agenda by Council	Council Member Aurora Martin
	III.	Approval of January 25, 2024 Meeting Notes by Council -Possible Council Action	Council Members
3:40 PM – 4:00 PM	IV.	Discussion and Potential Adoption of Council Bylaws	Council Member Aurora Martin
		Goals: Discuss, edit as needed, and adopt bylaws.	Governance Committee Sierra Rotakhina, Council Staff
		-Possible Council Action	Council Members
5 Minute Break			
4:05 PM – 4:20 PM	V.	EJ Council Community Connection	Council Member Aurora Martin
		Goals: Start EJ Council learning about impacted communities, new issues, and HEAL Community! Grant recipients and hear an update on the Department of Health Environmental Justice Grants.	Rowena Pineda, Council Staff Council Members

4:20 PM – 4:30 PM	VI. Public Comment	Council Member Rosalinda Guillen
4:30 PM – 4:35 PM	VII. Updates on Past Public Comments Goals: Receive updates from Council staff on past public comments and the status of those comments.	Council Member Rosalinda Guillen Sierra Rotakhina, Council Staff Council Members
4:35 PM – 5:25 PM	VIII. Updates and Dialogue about the Office of Financial Management HEAL Dashboard	Co-Chair Maria Batayola
4:35 PM – 5:05 PM	A: Report out from the HEAL Interagency Workgroup Metrics Subcommittee <ul style="list-style-type: none"> HEAL statutory obligation to create a dashboard on HEAL progress Goals: Receive an update and have a dialogue about the draft plan for the HEAL Dashboard.	Courtney Cecale, Department of Ecology, HEAL Interagency Workgroup Metrics Subcommittee Lead Council Members
5:05 PM – 5:25 PM	B. Report out from the Governor’s Task Team on recommendations for a map and process to identify Overburdened Communities and Vulnerable Populations for budgeting and funding goals Goals: Receive an update on the Task Team’s proposed Version 1 recommendations. Discussion on recommendations and critical considerations (any urgent/fatal flaws) for Version 1 and recommendations on	Millie Piazza, Ex Officio Council Member for Department of Ecology and Task Team Co-Lead Michael Furze, Ex Officio Council Member for Department of Commerce and Task Team Co-Lead Council Members

improvements for Version 2. Time permitting, discussion by the EJ Council on priority of the HEAL/CCA dashboard development in the Council’s workload and capacity/ways to inform Version 2.

- Possible Council Action

5 Minute Break

5:30 PM – 5:55 PM	<p>IX. Discussion on “Direct and Meaningful Benefits” under the CCA and “Environmental Harms,” “Environmental Benefits,” and “Applicable Expenditures” under the HEAL Act</p> <p>Goals: Discuss these terms to inform possible future Council guidance on criteria to guide agencies, Legislators, and the Governor as they apply these terms.</p>	<p>Council Member Esther Min</p> <p>Climate Commitment Act Committee</p> <p>Community Engagement Committee</p> <p>Jonathan Chen, Council Staff</p> <p>Council Members</p>
5:55 PM – 6:10 PM	<p>X. 2024 Legislative Update</p> <p>Goals: Council staff provide an update on the 2024 legislative session, including policy bills and the final state budgets.</p>	<p>The Honorable Jarred-Michael Erickson</p> <p>Christy Hoff, Council Staff</p> <p>Sierra Rotakhina, Council Staff</p> <p>Council Members</p>
6:10 PM – 6:20 PM	<p>XI. Public Comment</p>	<p>Council Member Rosalinda Guillen</p>

6:20 PM – 6:30 PM

XII. 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

1/25/2024

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:

- Co-Chair Maria Batayola
- Council Member Nichole Banegas
- Council Member Maria Blancas
- Council Member Running-Grass
- Council Member Aurora Martin
- Council Member David Mendoza – joined at 3:40pm
- Council Member Esther Min
- Council Member Todd Mitchell
- AJ Dotzauer on behalf of The Honorable Misty Napeahi
- Council Member Faaluaina Pritchard
- Council Member Raeshawna Ware – joined at 3:45pm

Council Members absent:

- Interim Co-Chair, The Honorable Jarred-Michael Erickson
- Council Member Rosalinda Guillen

Agency Ex Officio Liaisons 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
- Millie Piazza, Department of Ecology

Council staff:

- Amina Al-Tarouti
- Angie Ellis
- Christy Curwick Hoff
- Rowena Pineda
- Sierra Rotakhina

Guests and other participants:

- Carrie Sessions, Governor’s Office
- Becky Kelley, Governor’s Office
- Jim Cahill, Office of Financial Management

I. Welcome and Roll Call for Quorum

Maria Batayola, Council Co-Chair, called the meeting to order. Rowena Pineda, Council Staff, facilitated roll call.

Nichole Banegas	Business Representative	Present
Maria Batayola (EJ Council Co-Chair)	Community Representative	Present
Maria Blancas	Community Representative	Present
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	Present
Rosalinda Guillen	Community Representative	Absent
Aurora Martin	Community Representative	Present
David Mendoza	Representative At Large	Present
Esther Min	EJ Practitioner	Present
Todd Mitchell	Union Representative	Present
AJ Dotzauer On behalf of The Honorable Misty Napeahi	Tribal Representative	Present
Faaluaaina Pritchard	Community Representative	Present
Raeshawna Ware	Community Representative	Present

II. Approval of Agenda by Council

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

Motion: The Council adopts the [agenda](#).

Motion/Second: Lua Pritchard/Nichole Banegas. No objections noted.

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

The motion passed.

III. Approval of December 14, 2023 Meeting Notes by Council

Member Martin facilitated adoption of the [meeting notes](#).

Motion: The Council adopts the December 14, 2023 meeting notes.

Motion/Second: Esther Min/Lua Pritchard. No objections noted.

The motion passed.

IV. Public Comments

Rowena Pineda, Council Staff, read from the public comment opening statement.

John Worthington provided comments on funding from the Climate Commitment Act. He shared concerns with the representation on the council, particularly that there are not enough voting Tribal members. He said that coastal Tribes need additional support.

Arvia Morris, introduced herself as a climate and rail advocate. She said she advocates for reliable intercity passenger rail improvements. She said it is a climate justice issue as cars and trucks contribute to pollution that kills salmon and pollutes the air. She said the Legislature is pursuing an ultra-high speed rail project instead of improving the Amtrak passenger rail system. She submitted a legislative agenda with her written testimony. She said she is concerned with proposed legislation allowing private partnerships to fund large transportation projects as it would allow private interests to control public services.

V. Update and Dialogue with the Governor's Office and HEAL Agencies

Esther Min, Council Member, said the Council will receive updates from the Governor's Office and HEAL agencies and discuss the Governor's proposed budgets, the Climate Commitment Act, and the process to identify overburdened communities and vulnerable populations.

Becky Kelley, Senior Climate Advisor for Governor Inslee, shared information about the Initiative to repeal the Climate Commitment Act and prevent any future cap and invest programs.

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

Carrie Sessions, Senior Policy Advisor for Governor Inslee, thanked the Council for submitting its budget recommendations in a timely fashion and for working with agencies to ensure they were feasible. She referred to the letter outlining how they incorporated the Council's recommendations into the Governor's proposed budgets.

Jim Cahill, Office of Financial Management, shared information on Climate Commitment Act investments in the 23-25 biennial budget and in the Governor's proposed supplemental budget.

Carrie Sessions, Michael Furze, Ex Officio Liaison from Department of Commerce, and Millie Piazza, Ex Officio Liaison from Department of Ecology, spoke about the process for identifying overburdened communities and vulnerable populations in order to track investments and ensure at least 35% are targeted for those communities. The Governor's Office has convened a Task Team to develop and submit recommendations by April.

VI. Environmental Justice Council 2024 Work Planning and Agenda Setting

Co-Chair Batayola provided background and staff read from the proposed Workload Planning and Management Principles.

Motion: The Council adopts the proposed [2024 Council Workload Planning and Management Principles](#) with any changes agreed upon by the Council at the January 25, 2024 meeting.

Motion/Second: David Mendoza/Aurora Martin.

Motion Passed.

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

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

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E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	Business Representative	A
Maria Batayola (EJ Council Co-Chair)	Community Representative	A
Maria Blancas	Community Representative	A
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	A
Rosalinda Guillen	Community Representative	Absent
Aurora Martin	Community Representative	A
David Mendoza	Representative At Large	A
Esther Min	EJ Practitioner	A
Todd Mitchell	Union Representative	A
AJ Dotzauer On behalf of The Honorable Misty Napeahi	Tribal Representative	A
Faaluaina Pritchard	Community Representative	Absent
Raeshawna Ware	Community Representative	F

Co-Chair Batayola asked staff to share and review the proposed work plan. David Mendoza, Council Member, voiced concerns with meeting timelines for decision making with the Council meeting only every other month. Co-Chair Batayola suggested asking for provisional approval of the Work Plan, while working with agencies to get more information on their timelines for obtaining Council input. Running-Grass, Council Member, said it would be helpful to prioritize the Council’s work because we will not be able to adequately provide input with the limited capacity. Todd Mitchell, Council Member, asked for a calendar of all the committee meetings so members could join as they are able. Co-Chair Batayola said the Council needs to prioritize the formal guidance that it is required to develop per statute. Members discussed the need for Council Members to disclose their affiliation when working with agencies in partnership.

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Motion: The Council adopts the proposed [2024 Council Work Plan](#) with any changes agreed upon by the Council at the January 25, 2024 meeting, and with the intention to solicit input from agencies on timelines for needed Council action by February 2024 to adjust the 2024 Work Plan as needed. The 2024 Work Plan will also include the following topics on 2024 Council agendas or provide other opportunities for the Council to stay informed on these issues such as through lunch and learns:

- 1) The annual updates to the Council from the HEAL agencies.
- 2) The Office of Financial Management Dashboard required by the HEAL Act to go live in September of 2024.

Motion/Second: David Mendoza/Todd Mitchell

Motion Passed.

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

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

E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	Business Representative	A
Maria Batayola (EJ Council Co-Chair)	Community Representative	A
Maria Blancas	Community Representative	A
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	A
Rosalinda Guillen	Community Representative	Absent
Aurora Martin	Community Representative	A
David Mendoza	Representative At Large	A
Esther Min	EJ Practitioner	A
Todd Mitchell	Union Representative	A
AJ Dotzauer On behalf of The Honorable Misty Napeahi	Tribal Representative	A

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Faaluaina Pritchard	Community Representative	Absent
Raeshawna Ware	Community Representative	F

Motion: The Council adopts the proposed Council framework for Environmental Justice Council “[Making Policy Guidance and Recommendations and Responding to Requests for Non-Guidance/Recommendations Input](#)” with any changes agreed upon by the Council at the January 25, 2024 meeting.

Motion/Second: Member Mendoza/Member Benegas

Motion Passed.

A: Yes, I approve.

B: Yes, with reservations.

C: Not voting until we have further discussions.

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

E: I block, have serious concerns.

F: I stand aside, recuse myself.

Nichole Banegas	Business Representative	B
Maria Batayola (EJ Council Co-Chair)	Community Representative	B
Maria Blancas	Community Representative	A
The Honorable Jarred-Michael Erickson (EJ Council Interim Co-Chair)	Tribal Representative	Absent
Running-Grass	EJ Practitioner	B
Rosalinda Guillen	Community Representative	Absent
Aurora Martin	Community Representative	A
David Mendoza	Representative At Large	A
Esther Min	EJ Practitioner	A
Todd Mitchell	Union Representative	A
AJ Dotzauer On behalf of The Honorable Misty Napeahi	Tribal Representative	D
Faaluaina Pritchard	Community Representative	Absent
Raeshawna Ware	Community Representative	Absent

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The Council discussed language that was removed from earlier versions of the “Making Policy Guidance and Recommendations and Responding to Requests for Non-Guidance/Recommendations Input” document (e.g. references to the spirit of the HEAL Act and co-governance). Council Member Running-Grass noted that while this document is for agencies as well, it is largely for the Council, and it should reflect the aspirational nature of the law. He noted the term co-governance is a term of art and an aspirational term that means something more than the overused term “meaningful engagement.” He shared that it’s important to not allow Council communications to ourselves, the public, or to agencies to degenerate and become mere bureaucratic speak that separates the spirit of what we are doing with the Council vis-à-vis communities and agencies. Nichole Banegas, Council Member, noted that she voted B to remind the Council that this is a living document and changes moving forward will be needed. Co-Chair Batayola noted that she voted B to ensure that they continue discussions about the spirit of the law and how we engage and push for change.

VII. Discussion and Potential Adoption of Council Bylaws

Member Martin and Member Running-Grass provided background information on this agenda item. Nichole Banegas, Council Member, suggested that adopting changes to the bylaws should require at least two-thirds of members present in addition to a consensus vote. Members discussed and shared sections of the bylaws that they believed needed more discussion.

VIII. Legislative Update, Discussion of Emerging Issues, and Possible Council Action

In lieu of a verbal update, Co-Chair Batayola said staff will send out a written legislative update.

IX. Appreciations and Adjournment

Co-Chair Batayola adjourned the meeting.

Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Bylaws Discussion and Potential Adoption

Background:

At the Council's last meeting in January, the Council reviewed and discussed a full set of draft bylaws, which included amendments to Article II, which was previously adopted on October 27, 2022. Since that meeting, the Governance Committee has worked to incorporate this feedback into the draft bylaws. At today's meeting, the Council will have an opportunity to continue discussing and consider adopting a full set of bylaws, including proposed amendments to Article II. 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 2023 meeting.

The Governance 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 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 bring future proposed 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 bylaws as presented on March 28, 2024 with any changes agreed to by the full Council.

Staff Contact:

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

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

Environmental Justice Council

Draft Bylaws

Note: Track changes to Articles I and III through VI show edits to the draft bylaws since the Council discussed them at their January 25, 2024 meeting. These edits were made by the Governance Committee to incorporate feedback from the full Council at that meeting. Track changes to Article II (which is the only article that has been adopted by the Council) show amendments to the previously adopted version of the Article.

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 who can attend full Council meeting on behalf of a Governor-appointed Council Member; therefore, the Governor's Office does not authorize appointed Members, other than Members appointed to Tribal seats, to name delegates. ~~In recognition~~Recognizing that the state's Government-to-Government relationship with Tribes warrants a unique approach, Members representing Tribal Communities and Tribal Members on the Council can have a delegate attend, participate in, and vote at Council meetings on their behalf. Recognizing the sovereignty of Tribes, these Members can also send support people or delegates to any Council committee or other small group

~~meetings including Executive Committee meetings, 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, Tribal Member delegates, and support people (as described in Article IV) may be eligible to receive stipends and reimbursement for subsistence, travel, per diem, 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.

¹ Washington State Office of Equity. Community Compensation Guidelines. Available from <https://equity.wa.gov/resources/community-compensation-guidelines>. Accessed March 4, 2024.

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 (or their delegate or support person), and one community representative, or with permission from absent Members to meet without them present as conveyed to staff. Absent Members will be informed about the discussion post meeting.

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 cannot take "action" as defined by RCW 42.30.020 of the Open Public Meetings Act.

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

- Organizing the agenda with input from the Council committees and Council Members.
- ~~Determining~~ Discussing the issues that have the potential to impact Tribes and Tribal communities with the Tribal Representatives and notifying potentially impacted Tribal governments.
- 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, [in consultation with the relevant committee\(s\)](#), 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 by the Council 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 by the Council 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. The Council Chair will call for nominations for the vacant seat following the process for nomination outlined above.

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 of the Council.

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. In the event that a Council Member is on a leave of absence, then a quorum is a majority of the Governor-appointed Members minus any Member(s) on leave of absence. While Council Members are urged to remain mindful of their capacity to meet their commitments to the Council, Member can take a leave of absence from the Council if needed. A Council Member is considered to be on a leave of absence when a Council Member informs staff they will be missing at least two consecutive Council meetings and that they will be taking a leave of absence from the Council. Prior to taking a vote on any matter, the Council will announce in a public meeting how many

Council Members are currently appointed and which seats they fill, if there are any Members on a leave of absence and which seats they fill, and how many Members are needed for a quorum. The Council may discuss issues and deal with administrative matters in the absence of a quorum, but it may not take any significant action (including but not limited to adopting any resolution, letter, guidance, recommendation, or other position) during a meeting if a quorum is not present.

The Council may choose to postpone taking action on an item if there are fewer than 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.

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.~~ 2. The facilitator will next use tools of facilitation to ensure that the Council is ready to move forward with discussion of the motion. These tools include, but are not limited to, calling for a second to the motion, asking the Council if anyone has concerns with moving to discussion of the motion, taking a straw poll to gauge each Member's thoughts on the motion as proposed.
3. 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.
4. If all Members vote A, B, D, and F, the motion passes.
5. 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.

6. For highly complex topics, the facilitator may ask for a straw vote using the choices outlined above (step 2).
7. 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 and Governance 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 (other than Executive Committee meetings) 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 Council Member designating or bringing a support person to Council 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; environmental justice 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 processes, 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 Council 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 nature of our work requires a great deal of public trust, thus the Council is committed and obligated by law 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 and attest that they have taken the training. Ex Officio Liaisons and staff will comply with required policies and procedures related to the Ethics in Public Service Act for their respective agencies.
- Upon initial appointment, and on an annual basis thereafter, Council Members and Ex Officio Liaisons shall 1) disclose in writing to Council staff any paid or volunteer affiliations that are related to the Council's scope of work and 2) attest that they have reviewed examples of what does and what does not constitute a conflict of interest. The Council will work to maintain an updated list of examples to ensure Council Members are informed about when they must disclose a conflict of interest and recuse themselves as outlined above and by the Executive Ethics Board in Advisory Opinion 96-09A. 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, and the Attorney General’s Office as needed.

Article VI: Amendments to the Bylaws

The Governance Committee will review the bylaws at least every two years and make recommendations to the full Council for amendments as needed. ~~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 propose the recommended amendment to the full Council or, preferably, bring their proposal to the Governance Committee who will work with the Member to fashion a proposal for the full Council’s consideration. ~~If the committee determines changes are needed, they will make a recommendation for the full Council’s consideration.~~ Amendments to the bylaws must be noted on the Council agenda and have to be discussed in at a minimum of two Council meetings before they can be adopted prior to adoption. Amendments to the bylaws will be considered using the consensus-based decision-making process outlined in Article III when at least two-thirds of the Governor-appointed seated Council Members are present.

Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Community Connection

Background:

At its January 2024 meeting the Council adopted 2024 workplan which included a change to the flow of the meetings to include a time for a “Community Connection” agenda item at each meeting. The goals of this agenda item are for the Council to learn from Tribes and community groups about environmental justice issues, ideas, and solutions in their communities. At today’s meeting this agenda item is dedicated to learning more about the recipients of the HEAL Community! Grants (environmental justice community capacity grants) and to receive an update from the Department of Health on their Environmental Justice Grants.

Staff Contact:

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

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

Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Rowena Pineda, EJ and Interagency Workgroup Section Manager

Subject: Update on Environmental Justice and Climate Change Grants

Background and Summary:

As you may recall, in the November 2023 meeting packet, I shared a report on the three Environmental Justice Grants that the Council championed. Below is a brief update on where we are.

Update:

Tribal Capacity Grants:

Applications for Tribal Capacity Grants are now open. An estimated \$11.7 million will be equally distributed to Tribes. Based on what we heard from the Listening Sessions, the Roundtables, and Consultation we kept the application simple, and the grants are non-competitive. To date, we have received four applications, and continue to reach out to Tribes. Additional information and the application for Tribal Capacity Grants can be found here: [Healthy Environment for All \(HEAL\) Act Tribal Capacity Grants | Washington State Department of Health](#).

Creation of Community Advisory Committee:

We recruited community members to join a Community Advisory Committee to assist with the Community Capacity Grants and with Community Informed Budgeting. The EJ Grants team screened 154 applications for the Community Advisory Committee and completed conversations with a subset of applicants. On Tuesday, February 27, orientation was held for 18 selected applicants who were divided into three groups:

Group 1: Develop a Request for Application (RFA) for the Community Capacity Grants and a scoring matrix

Group 2: Score the Community Capacity Grants applications

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

Group 3: Identify at least 5 geographically diverse overburdened communities that will engage in community budgeting for decarbonization and resilience

Groups 1 and 3 have been meeting since the week of March 4th. Our goal is to have a RFA ready for release in early April for the Community Capacity Grants, and grant awards announced in May. It is also our goal to identify the communities for Community Informed Budgeting by mid-April so we could begin community engagement in those communities.

Workplace Safety for Workers Affected by Climate Change:

We are reaching out to different community leaders and organizations working with outdoor workers to identify supplies and materials that we can purchase to distribute to workers who are impacted by extreme heat. We plan to create a separate advisory committee for these funds as they are ongoing.

Additional information about all three grants can be found here: [Environmental Justice and Climate Change Grants | Washington State Department of Health](#).

Staffing:

The Community Partnerships and Tribal Relations Strategists started at the beginning of January. We are planning to onboard 3 people in April to do direct community engagement. An Environmental Justice Planning and Evaluation Supervisor started on November 16th and is in the process of hiring their team.

Staff Contact

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

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Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Sierra Rotakhina, Environmental Justice Council Manager

Subject: Updates on Past Public Comments

Background:

At its January meeting the Council adopted a 2024 workplan. The new workplan creates a time at each Council meeting for Council staff to provide updates on the status of work done to be responsive to past public comments. This agenda item is meant to ensure the full Council stays informed and that the Council and Council staff stay accountable and responsive to public comments. With limited time for this item today, Council staff will focus on providing a brief update on:

- 1) The work the Community Engagement Committee has been doing on a system to track public comments; and
- 2) How the Council is growing its staff capacity to be more responsive to Tribal and community concerns, ideas, and solutions.

Staff Contact:

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

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Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Sierra Rotakhina, EJ Council Manager, and Rowena Pineda, EJ and Interagency Workgroup Manager

Subject: Office of Financial Management HEAL Dashboard

Background and Summary:

Per RCW [70A.02.090](#), by September 1st of each year beginning in 2024, each covered agency must publish or update a dashboard report, in a uniform dashboard format on the Office of Financial Management's (OFM) website, describing the agency's progress on:

- (i) Incorporating environmental justice in its strategic plan;
- (ii) The obligations of agencies relating to budgets and funding under RCW [70A.02.080](#);
and
- (iii) Its environmental justice assessments of proposed significant agency actions, including logistical metrics related to covered agency completion of environmental justice assessments.

The presentation and slides for this agenda item outline how the HEAL agencies are proposing to meet the above requirement and provide the Council with the framework for what will be included in the dashboard. The HEAL Interagency Workgroup must submit their framework to OFM this month so OFM has time to build the dashboard.

Nestled within this framework are the recommendations from the Governor's Task Team on how to determine if expenditures related to the Climate Commitment Act (CCA) and the HEAL Act are reaching overburdened communities and vulnerable populations.

Governor's Task Team

At the January 25, 2024 Council meeting Carrie Sessions, Michael Furze, and Millie Piazza shared an update about a new cross-agency Task Team convened by the Governor's Office. The Governor's Office has requested the Task Team develop recommendations on:

1. An approach for identifying vulnerable populations in overburdened communities for the purposes of making and tracking investments under both the HEAL Act and the CCA; and
2. A method for adopting the approach, including both the means of adoption (guidance, policy, rule, etc.) and who should adopt it (e.g., HEAL Interagency Workgroup, Governor's Office, OFM, etc.).

The charge of the Task Team is specific to tracking investments and will not necessarily be the same approach used to identify overburdened communities for other HEAL deliverables such as EJ Assessments. This will be “version one” of the process and would be adapted and refined over time. The Governor's Office has indicated that the adopted approach (Version 1) should be **applicable through June 30, 2025**.

The Governor's Office is focused on compliance with the September 1, 2024 HEAL Act Dashboard requirement mentioned above and having a consistent and accountable Version 1 process in place since agencies are already allocating CCA funds through grants and other programs. The Task Team must have a final proposal ready for the HEAL Subcabinet to review in early April.

In February, the Task Team leads invited Council Members to attend four virtual, small-group sessions and/or to set up one-on-one meetings with the leads to ask questions, have a dialogue, and share feedback. Several Council Members attended these optional sessions.

Discussion:

Today the Council will:

- A. Receive an update and have a dialogue about the draft plan for the HEAL Dashboard that must be posted on the OFM website by September 1st; and

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- B. Receive an update and have a dialogue on the Task Team’s proposed Version 1 recommendations.

Discussion questions:

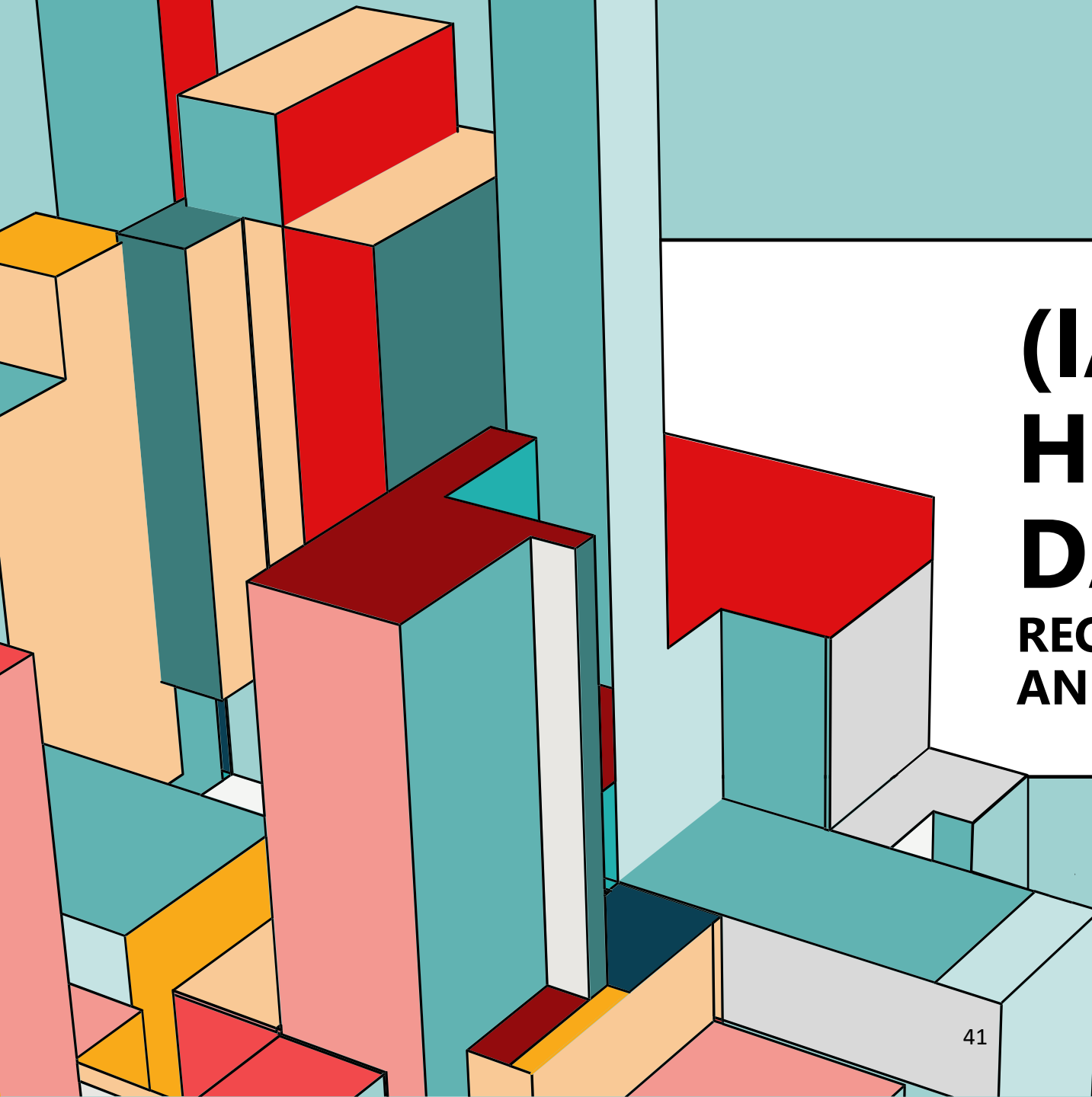
1. Do you have major concerns or see urgent/fatal flaws with the framework for the HEAL dashboard that will be posted on OFM’s website this year?
2. Do you have recommendations for improvements for future updates to the HEAL dashboard?
3. Do you have major concerns or see urgent/fatal flaws with the Task Team’s proposed Version 1 recommendations?
4. Do you have recommendations on improvements for Version 2?
5. How does the Council want to engage in development of Version 2 between now and June 2025?

Staff

Sierra Rotakhina, Sierra.Rotakhina@ejc.wa.gov, 360-584-4398

Rowena Pineda, Rowena.Pineda@ejc.wa.gov, 360-584-4197

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**(IAWG)
HEAL ACT
DASHBOARD:
REQUIREMENTS, PROGRESS,
AND TIMELINE**

DASHBOARD STATUTORY REQUIREMENT:

By September 1st, the HEAL Act Interagency Dashboard must be published on OFM's webpage.

The dashboard must communicate our progress:

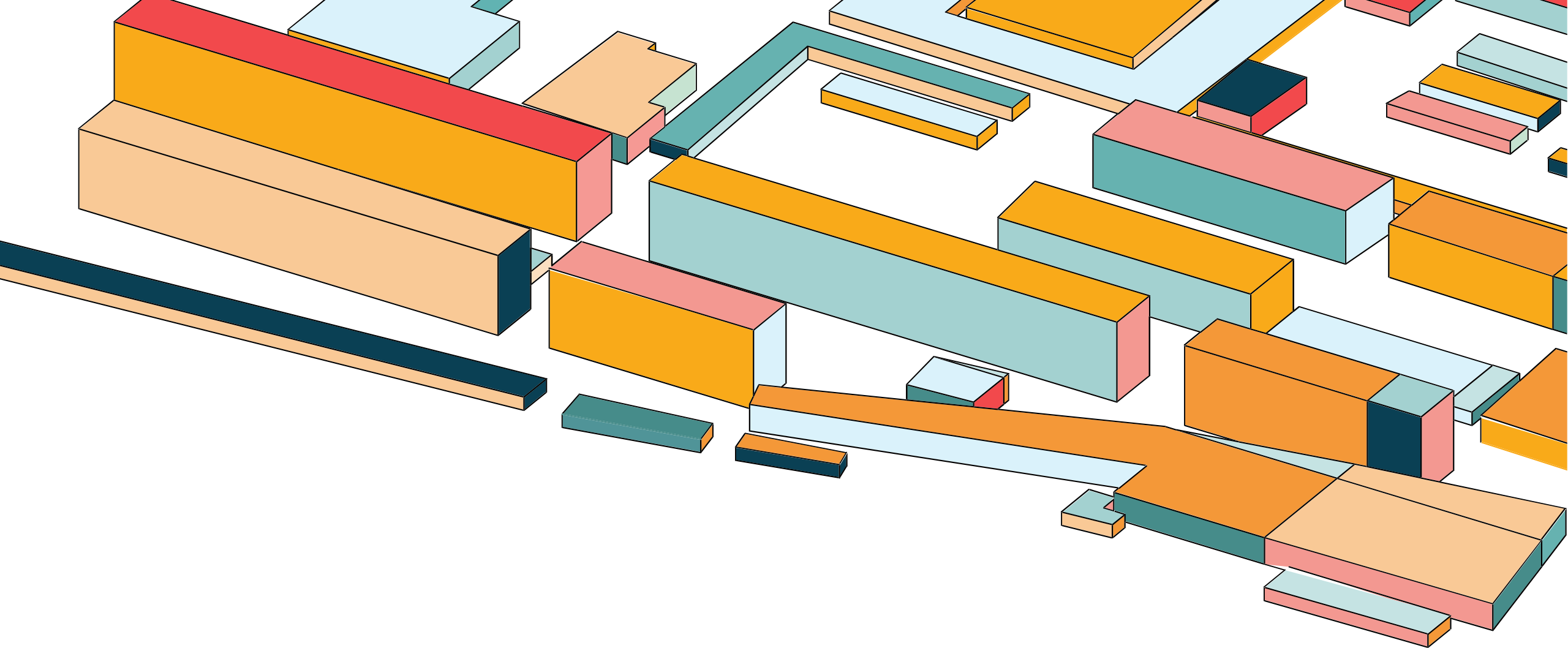
- Incorporating environmental justice in its strategic plan;
- The obligations of agencies relating to budgets and funding;
- Environmental Justice Assessments

Current plan to meet these expectations:

- OFM will host a series of interconnected HEAL + CCA webpages.
- There will be a webpage for each topic above.
- The following slides outline our early plans for those pages but there is still much for us to figure out.

BEFORE DIVING IN:

- This is just version one. We expect that this will evolve over time.
- We are starting by:
 - prioritizing transparency
 - developing a clear understanding of our starting point so we can later understand change over time.
- The dashboard is not our only tool; there are other reporting opportunities where agencies can share progress.
- The final iteration of the dashboard may look different than what we are proposing.



1. STRATEGIC PLANNING PAGE

INSPIRATION:

The Environmental Justice Scorecard

Welcome to the Biden-Harris Administration's Environmental Justice Scorecard. On this website, you will find information about what federal agencies are doing to advance environmental justice in communities across America.

President Biden has prioritized environmental justice by launching a whole-of-government effort to confront longstanding environmental injustices and inequities. The Environmental Justice Scorecard is a signature component of this commitment. It is the first-ever government-wide assessment of what the federal government is doing to advance environmental justice.

The Environmental Justice Scorecard was created at the direction of President Biden to assess the federal government's progress on advancing environmental justice, to provide transparency for the public, and to increase accountability for federal agencies.

The Phase One Scorecard

This first version of the Environmental Justice Scorecard, or the Phase One Scorecard, presents a baseline assessment of actions taken by federal agencies in 2021 and 2022 to help achieve the Biden-Harris Administration's environmental justice goals.

The Phase One Scorecard reports on the progress of 24 federal agencies in the following areas:

- Advancing the President's [Justice40 Initiative](#)
- Implementing and enforcing environmental and civil rights laws
- Embedding environmental justice throughout the federal government

Future versions of the Environmental Justice Scorecard will build on this baseline assessment to measure the progress of federal agencies over time, and include additional information on how this work is benefiting disadvantaged communities.

View Agency Progress

Select an agency below to view its baseline assessment and progress on environmental justice.

 AmeriCorps	 Appalachian Regional Commission	 Delta Regional Authority	 Denali Commission
 Department of Agriculture	 Department of Commerce	 Department of Defense	 Department of Education
			

CEJST 1.0 is available

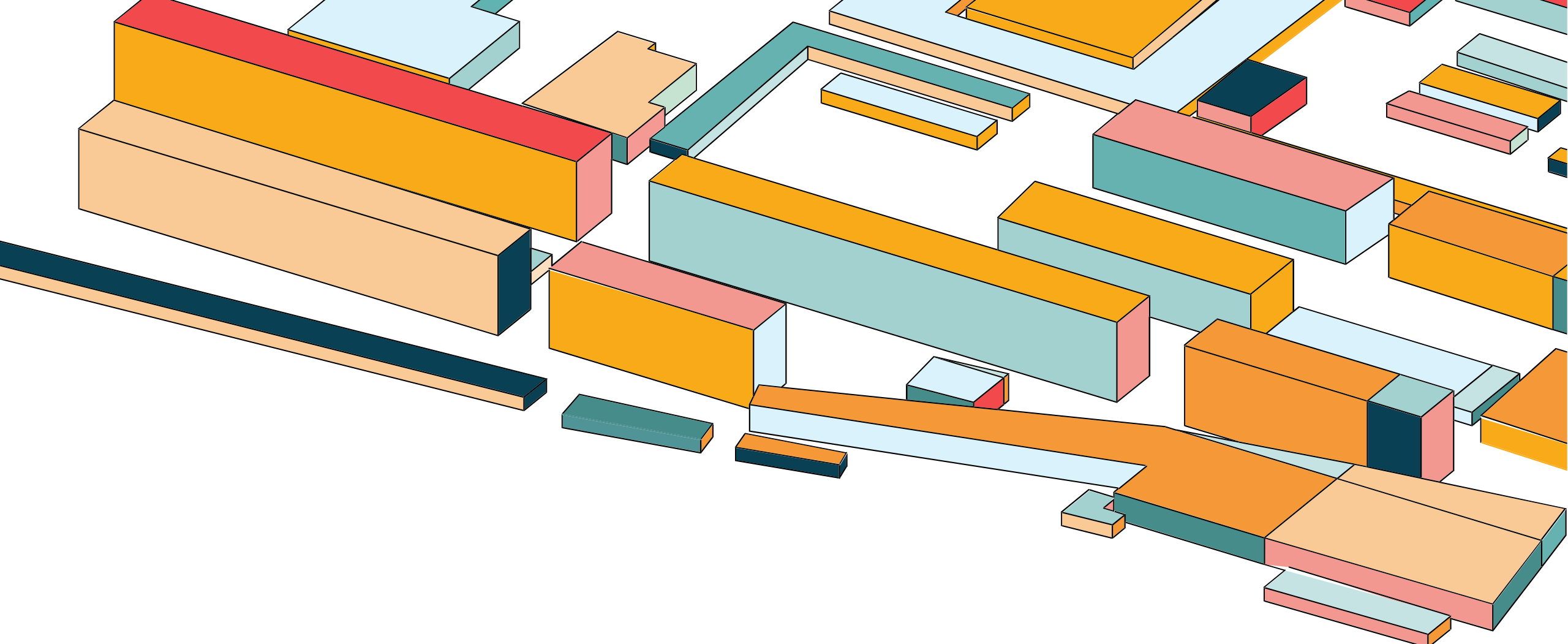
The Climate and Economic Justice Screening Tool helps federal agencies identify disadvantaged communities that are overburdened by pollution and underinvestment.

[View tool](#)

STRATEGIC PLANNING PAGE

Appearance:

- Text at the top of the page that summarizes:
 - Requirements
 - High-level alignments across agencies.
- Icons below for each covered agency, clickable for more information.
 - Each agency will answer the question: “How has the agency incorporated environmental justice into strategic planning activities?”
 - 2-3 paragraphs
 - Including links to relevant agency pages for more information



2. BUDGETING & FUNDING REQUIREMENT PAGE (HEAL AND CCA)

INSPIRATION:



Ecology Grants and Loans (2014 - Present)

About Ecology Grants and Loans

Share

Display grants and loans data as:

Project locations Dollars per area

Project center point

Tip: Click on project center point for more information

Filter data

Apply Filters

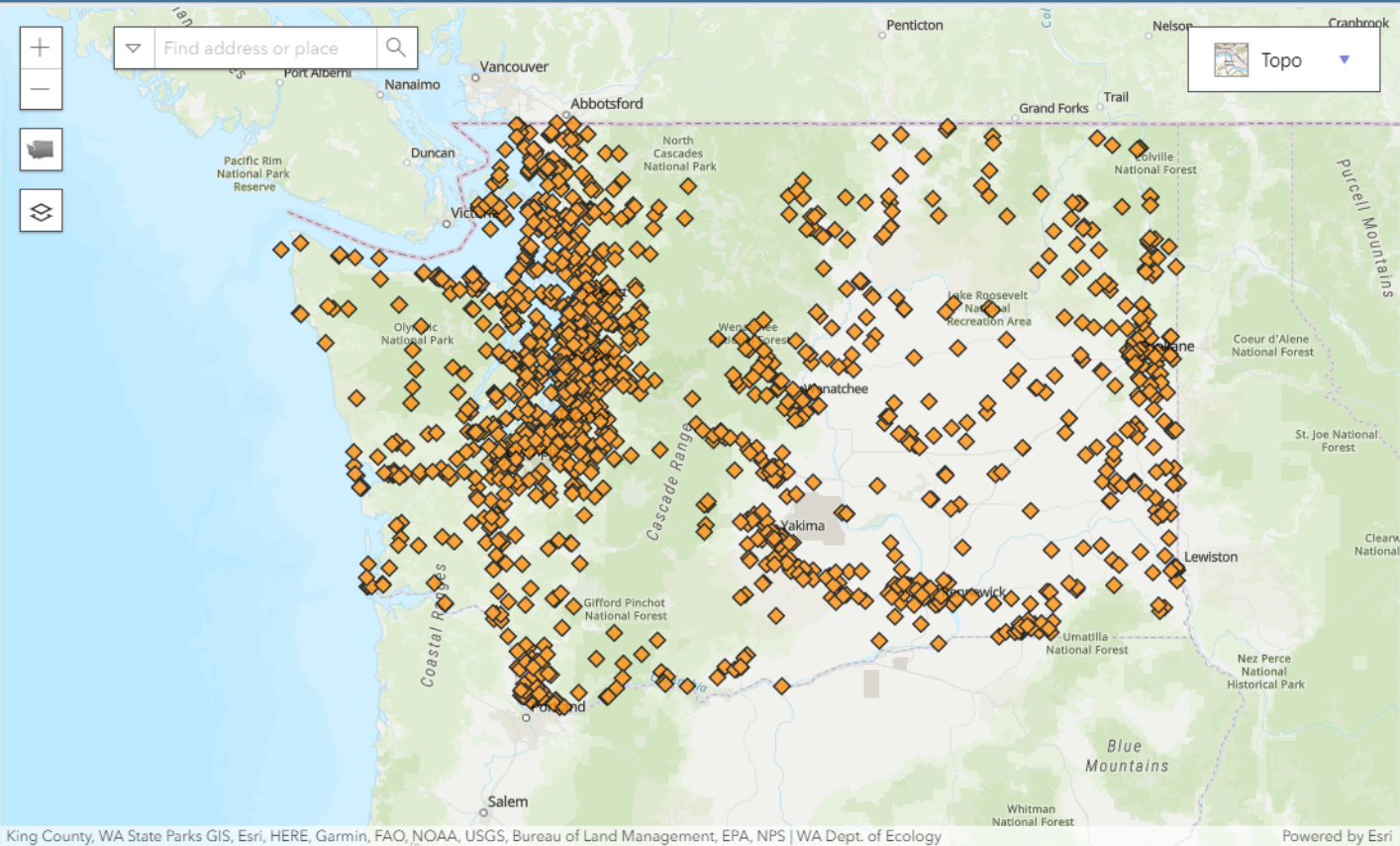
Clear Filters

Ecology Program *All programs*

Funding Program *All funding programs*

Theme *All themes*

Show more



King County, WA State Parks GIS, Esri, HERE, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS | WA Dept. of Ecology

Powered by Esri

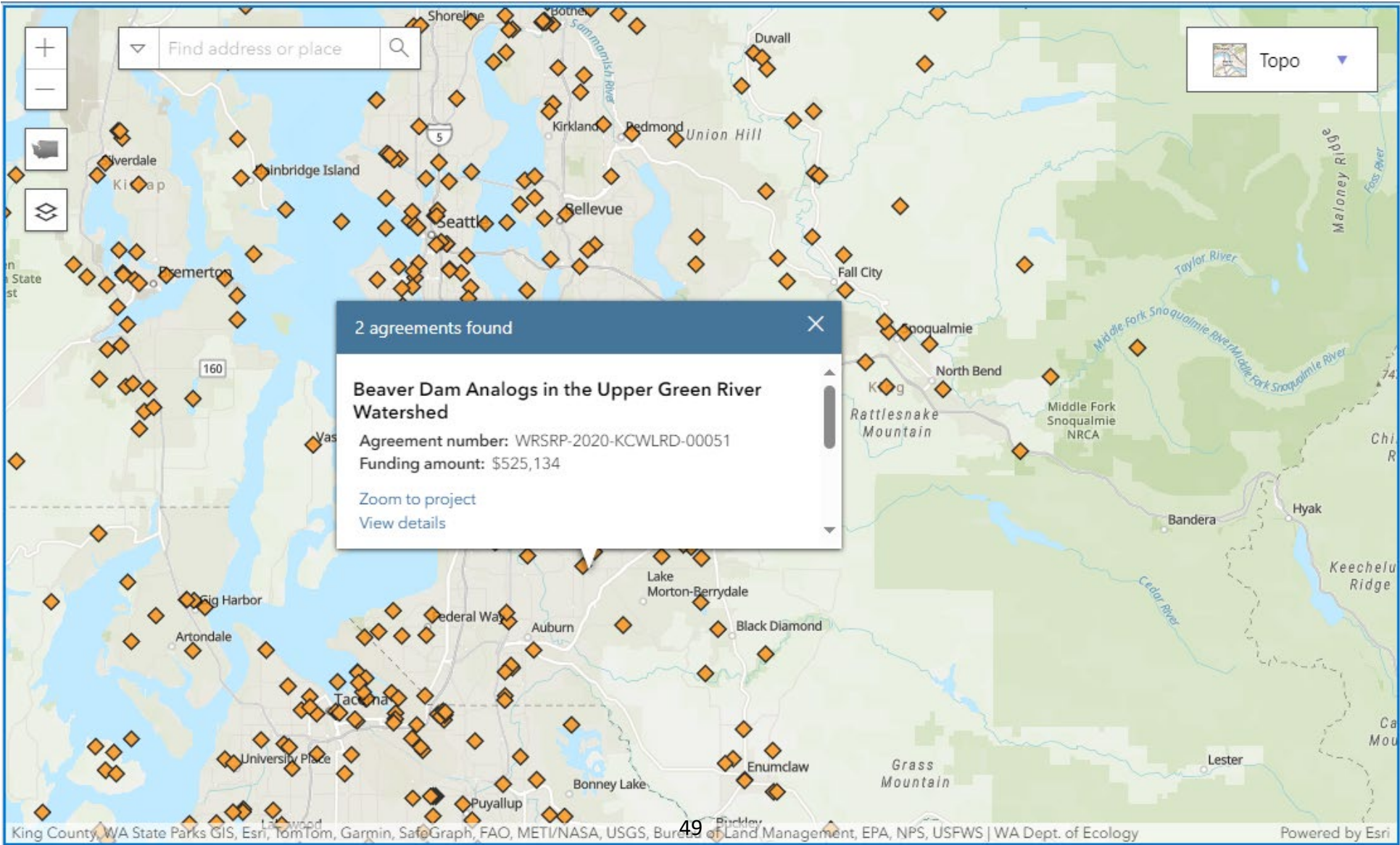
Show 5 entries

Download table (csv)

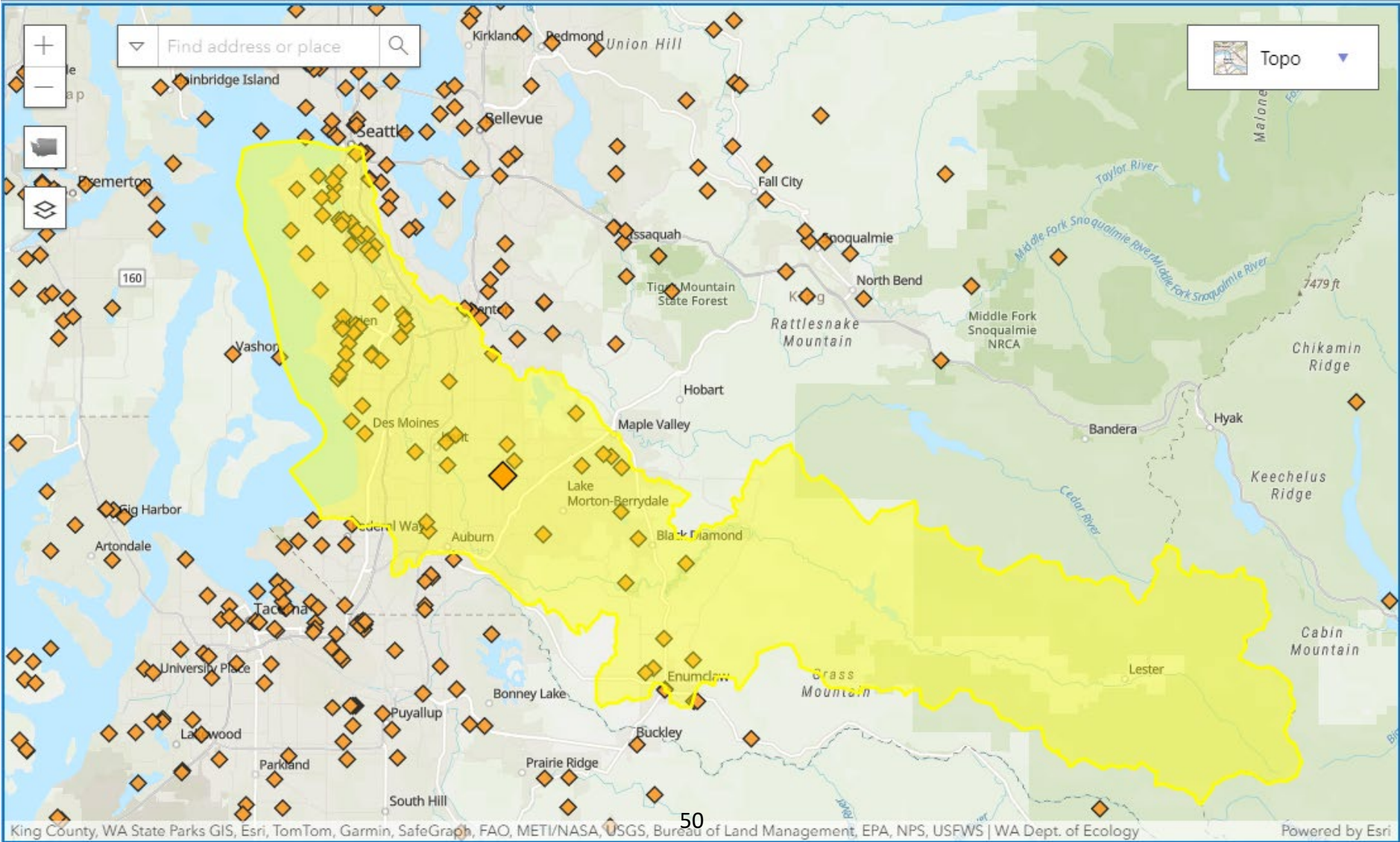
Search table:

Agreement Name	Agreement Number	Funding Amount	Zoom To	Details
Georgetown Wet Weather Treatment Station	WQC-2019-KCoNRP-00040	\$187,996,090.00		View details
Ship Canal Water Quality Project	WQC-2021-SeaPUD-00191	\$125,000,000.00		View details

INSPIRATION:



INSPIRATION:



Map.

- Map of the state
- Layer of Task Team identified overburdened communities

Filters:

- Agency
- Budget category: Grant, loan, contract, misc.
- Program
- Possible: CCA or HEAL
- Possible: type of environmental benefit (HEAL) or direct and meaningful benefit (CCA)

Charts/Graphs:

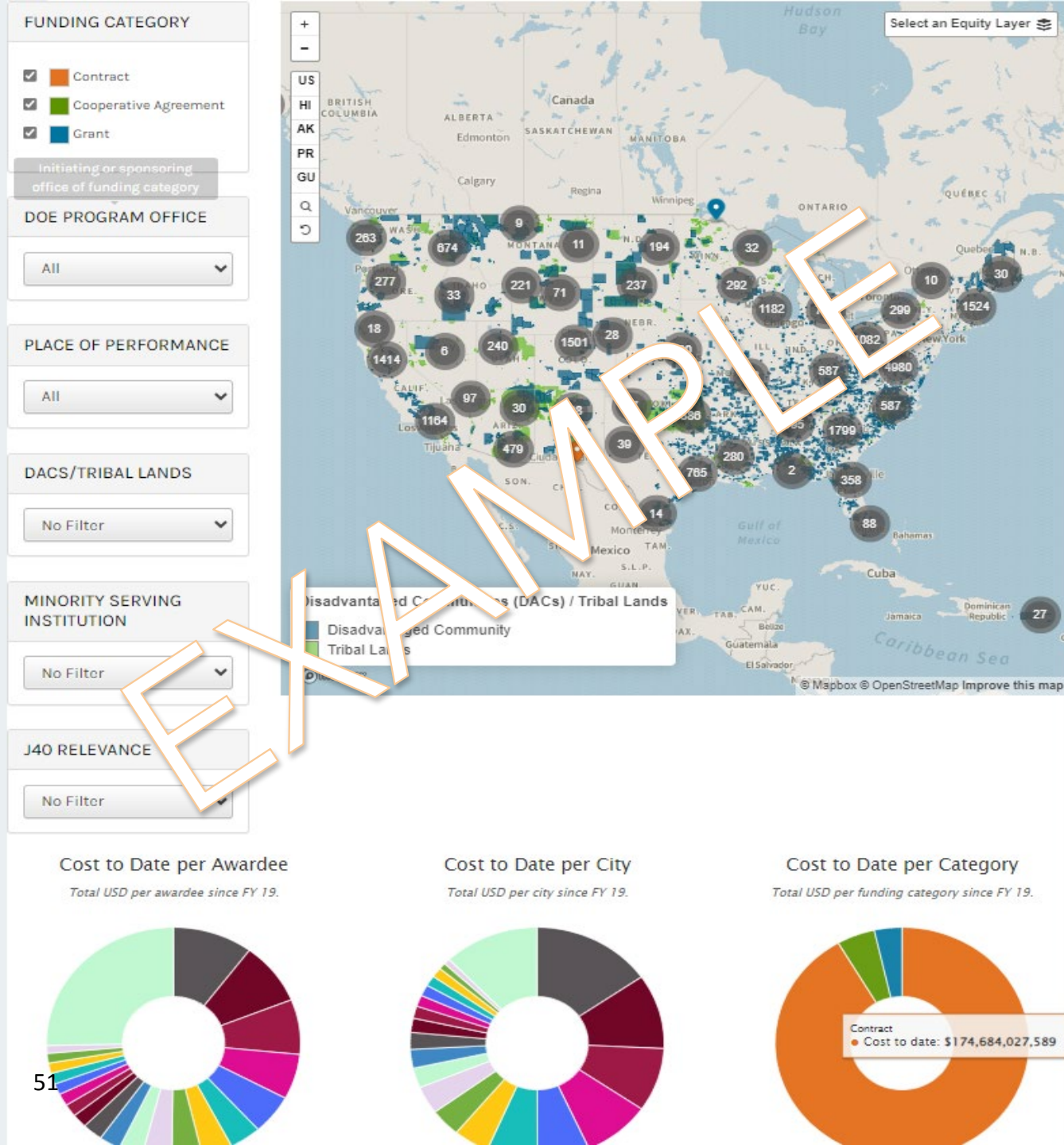
- Total money available (per agency/per program)
- Amount of money to overburdened communities
- % of money to overburdened communities
- Possible: Total number of projects awarded in a program
- Possible: Total number of projects in OBC

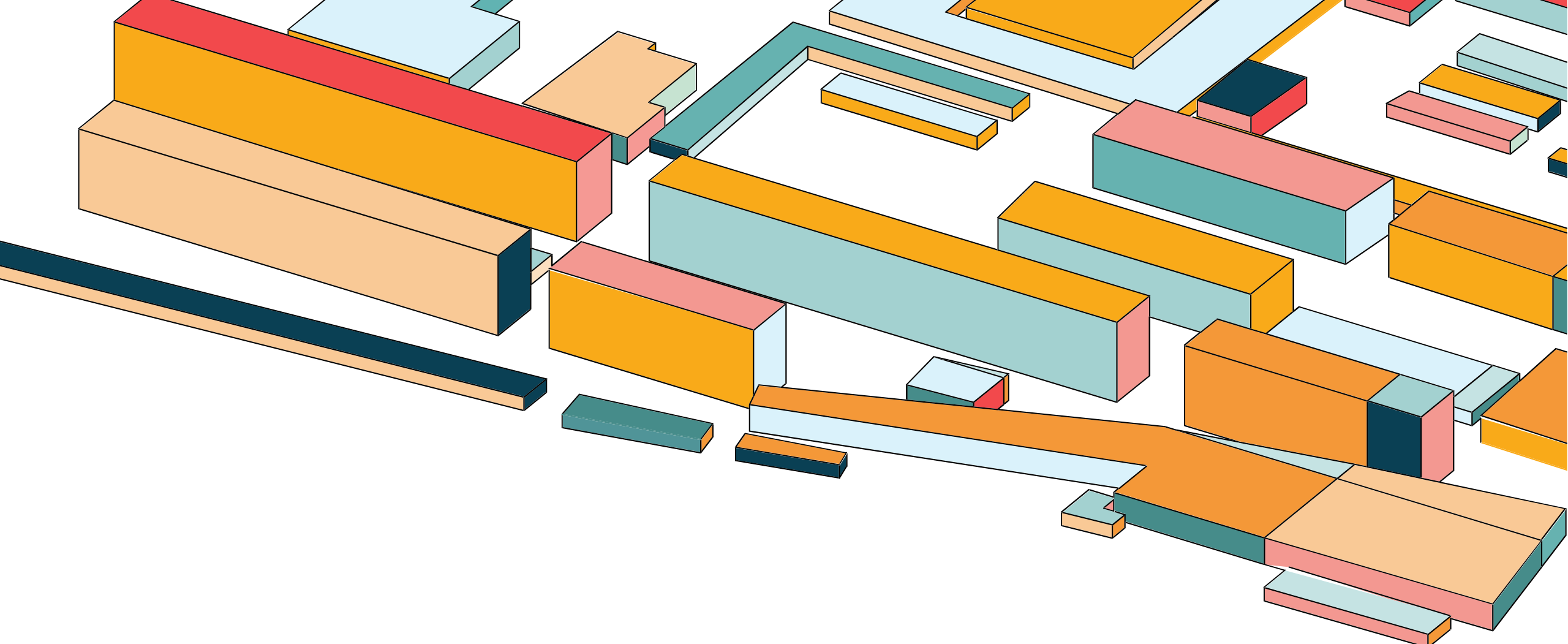
Dots on the map:

- Can be complex polygons
- Pop up box with more information about the expenditure.
- The pop-up box will include:
 - Name of the expenditure (i.e.name of grant program)
 - Agency
 - Budget category
 - Amount (all info above)
 - Link to learn more

Below:

- Possible: Links to agency reports on the other budget equity requirements
- Possible: Table of all grants/loans/contract programs, with information on eligible entities





3. ENVIRONMENTAL JUSTICE ASSESSMENTS PAGE

We already have an OFM hosted page for EJ Assessments. (see right)

- It is limited
- It does not include progress measures, but it does show some aspects of this work so far.

We want to build off this existing page.

- Budget instructions
- State budgets
- Other instructions
- Budget forms
- Agency budget officers forum series
- COVID-19 budget information for agencies
- Fiscal impact of ballot measures and proposed legislation
- Budget-related information**
 - Transportation revenue information
 - Links to state budget-related websites
 - Agency activities**
 - Agency Activities
 - Environmental justice assessment notices**
 - Statewide Results
 - Agency expenditure monitoring
- Glossary of budget terms
- Budget staff agency assignments
- Budget Calendar

Environmental justice assessment notices

Beginning July 1, 2023, the [Healthy Environment for All Act \(HEAL Act\)](#) requires specific state agencies to conduct an environmental justice assessment for significant agency actions. Significant agency actions includes:

- The development and adoption of significant legislative rules as defined in RCW 34.05.328.
- The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or the OFM for approval.

Under RCW 70A.02.090 each covered agency must file a notice with us of significant agency actions for which the agency is initiating an environmental justice assessment. We are required to prepare a list of all filings received from covered agencies each week to post here.

Agencies covered by the HEAL Act or who have opted in to the HEAL Act requirements include the Departments of Agriculture, Commerce, Ecology, Health, Natural Resources, Transportation, the Office of the Attorney General, and the Puget Sound Partnership.

Below is list of state agency environmental justice assessments that you can filter by agency or type of action, or use the search bar to find certain terms. Additional information can be found at the website for the agency initiating the action.

Search

Agency

Category

Apply

Date	Agency	Action	Type
12/18/2023	Ecology, Department of	Clean Fuels Program Rulemaking (Amendments to 173-424 WAC)	Significant legislative rules
12/08/2023	Ecology, Department of	Safer Products for Washington Cycle 1.5 Rulemaking	Significant legislative rules
12/05/2023	Commerce, Department of	Changing the incentive structure for tier 1 buildings	Agency-request legislation
11/22/2023	Ecology, Department of	Rulemaking to amend chapter 173-305 WAC Hazardous Waste Fee Regulation	Significant legislative rules

Challenges:

- So far, we have few EJ Assessments completed across agencies, but many initiated!
- Because of this, it's challenging to assess and create visualizations of the progress driven by EJ Assessments.

[Budget instructions](#)

[State budgets](#)

[Other instructions](#)

[Budget forms](#)

[Agency budget officers forum series](#)

[COVID-19 budget information for agencies](#)

[Fiscal impact of ballot measures and proposed legislation](#)

Budget-related information

[Transportation revenue information](#)

[Links to state budget-related websites](#)

Agency activities

[Agency Activities](#)

[Environmental justice assessment notices](#)

[Statewide Results](#)

[Agency expenditure monitoring](#)

[Glossary of budget terms](#)

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Agency

- Any -

Category

- Any -

Apply

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12/05/2023	Commerce, Department of	Changing the incentive structure for tier 1 buildings	Agency-request legislation
11/22/2023	Ecology, Department of	Rulemaking to amend chapter 173-305 WAC Hazardous Waste Fee Regulation	Significant legislative rules

Proposed edits to existing page:

- Graphs added between text and table
 - Total # of Significant Agency Actions (SAA) **determined** (initiated, ongoing, etc.)
 - How many of each kind?
 - How many per agency?
 - Total # of **completed** EJAs
 - How many of each kind?
 - How many per agency?
 - Total # of projects identified that will require **multiple EJAs**
- Add new categories to the table:
 - Status (ongoing/completed)
 - Date completed
 - Link to published EJA

55

Budget instructions

State budgets

Other instructions

Budget forms

Agency budget officers forum series

COVID-19 budget information for agencies

Fiscal impact of ballot measures and proposed legislation

Budget-related information

Transportation revenue information

Links to state budget-related websites

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Environmental justice assessment notices

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Budget Calendar

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- A capital project, grant, or loan award costing at least \$12,000,000.
- A transportation project, grant, or loan costing at least \$15,000,000.
- The submission of agency request legislation to the Office of the Governor or the OFM for approval.

Under RCW 70A.02.090 each covered agency must file a notice with us of significant agency actions for which the agency is required to conduct an environmental justice assessment. We are required to prepare a list of all filings received from covered agencies each year.

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Search

Agency

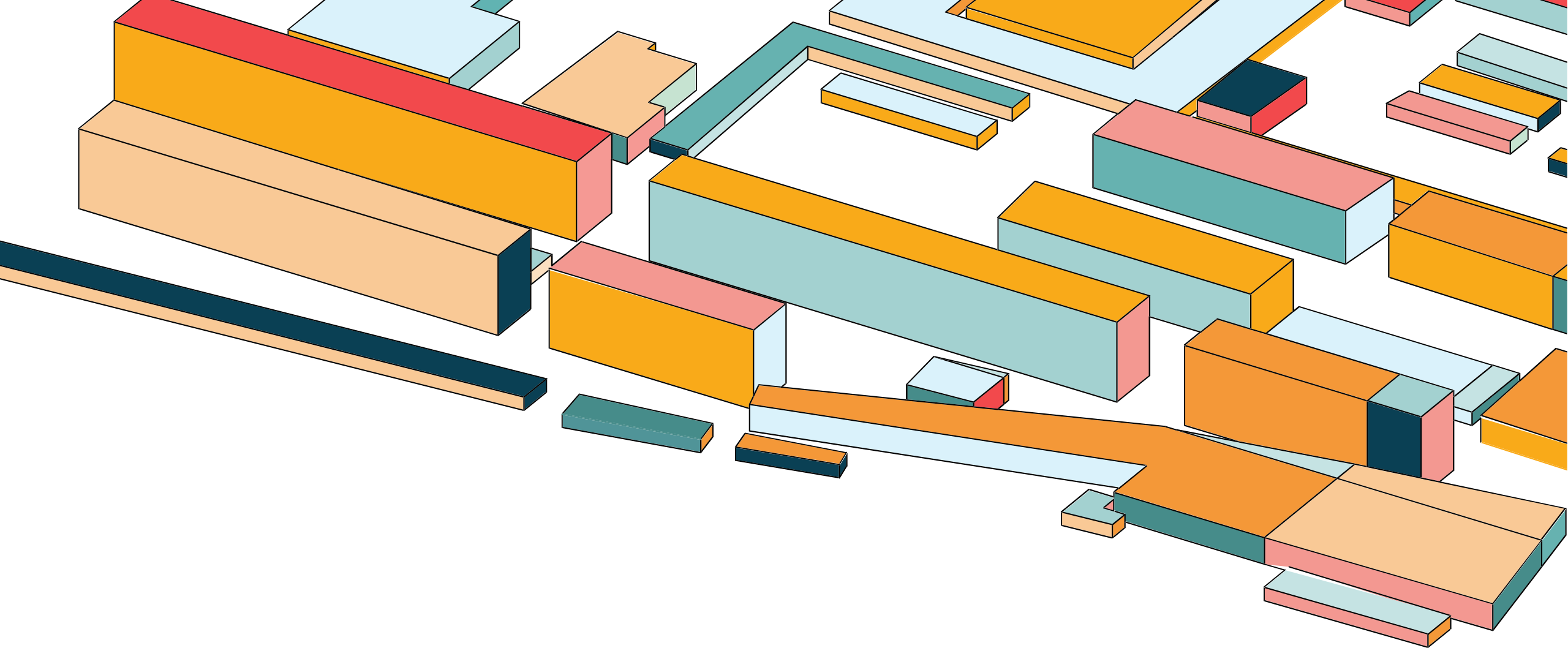
- Any -

Category

- Any -

Date	Agency	Action	Type
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12/05/2023	Commerce, Department of	Changing the incentive structure for tier 1 buildings	Agency-requested
11/22/2023	Ecology, Department of	Rulemaking to amend chapter 173-305 WAC Hazardous Waste Fee Regulation	Significant legislative action

Natural Resources



CONCLUSION

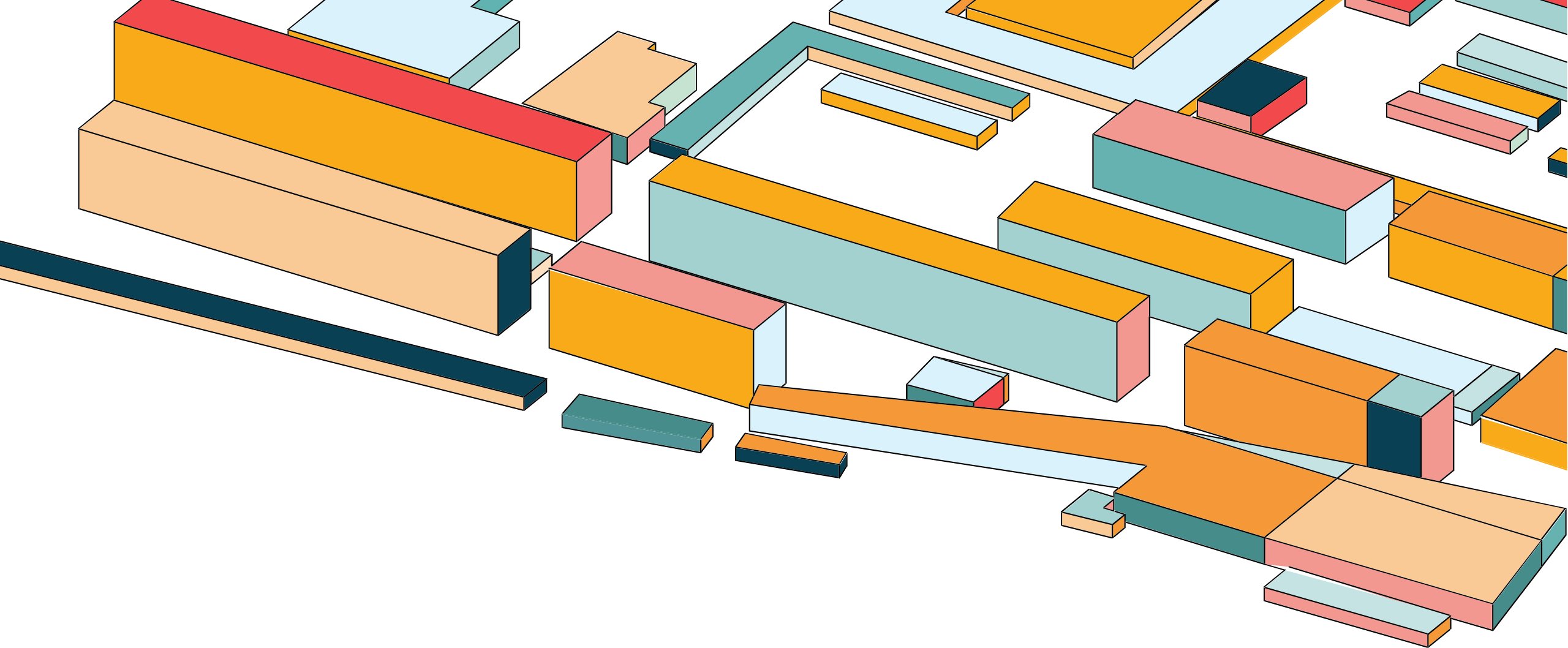
CURRENT CHALLENGES

- Combining reporting for CCA and HEAL Act budget & funding requirements
- Developing alignment across agencies, including:
 - Identifying possible common expenditures (i.e., grants/loans)
 - Identifying programs subject to HEAL requirements
 - Defining environmental benefits (HEAL) and direct and meaningful benefits (CCA)
- Technical development of the dashboard, including:
 - Collecting new data, when possible
 - For instance, we may not currently categorize thousands of expenditures by new categories
 - Developing shared infrastructure for data-sharing between agencies and OFM
 - Finding effective ways of communicating complex data
 - Understanding, tracking, and reporting on the population level impacts of this work with accuracy
- Hiring, identifying, and onboarding staff:
 - To support this technical work at OFM
 - To support possible engagement on the dashboard (CCA driven)



For Version 1, launching September 1, 2024:

1. Do you have any questions?
2. Do you have any recommendations? Are there changes you'd like us to make?
3. Do you have major concerns or see fatal flaws?
4. Would you be interested in attending agency-hosted listening sessions to talk more about this version?



APPENDIX SLIDES

1. **HEAL**: covered agencies are instructed to establish a goal of directing 40 percent of grants and expenditures that **create environmental benefits** to vulnerable populations and overburdened communities.

a. The statute defines environmental benefits as activities that:

- i. Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;
- ii. Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm;
- iii. Meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

2. **CCA**: recipients of CCA funds are instructed to allocate a minimum of 35% of such funding to investments that **provide direct and meaningful benefits** to vulnerable populations within the boundaries of overburdened communities identified under chapter 70A.02 RCW. ||

a. Direct and meaningful benefits include:

- i. The direct reduction of environmental burdens in overburdened communities;
- ii. The reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change;
- iii. The support of community led project development, planning, and participation costs; or
- iv. Meeting a community need identified by the community that is consistent with the intent of this chapter or RCW 70A.02.010.

Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council

From: Jonathan Chen, Climate Justice Advisor

Subject: Discussion on Direct and Meaningful Benefits under the CCA and Environmental Benefits and Harms under the HEAL Act

Background and Summary:

The reduction of environmental harms and equitable distribution of environmental benefits to overburdened communities and vulnerable populations are major goals of both the Healthy Environment for All (HEAL) Act and the Climate Commitment Act (CCA). Although the HEAL Act defines "environmental harms" and "environmental benefits," it does not define what are the "applicable expenditures" nor the metrics for achieving these goals. Similarly, the CCA uses the term "direct and meaningful benefits" in reference to the equitable distribution of CCA investments but does not clearly define or have a metric for achieving this (see [Appendix A](#) of this memo for what is outlined in statute).

Having clarity on these terms has a significant impact on overburdened communities and vulnerable populations. For example, the Office of Financial Management will begin reporting in September how much of CCA funds are being spent on "direct and meaningful benefits." The application of these terms will impact this report, which may in turn impact what and how the legislature decides to invest future CCA funds.

According to RCW 70A.02.110(9)(c)(ii) of the HEAL Act, the Environmental Justice Council (EJC) shall make recommendations to HEAL agencies on which agency actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. Therefore, the Council has a role in clarifying how these various terms are to be interpreted and applied.

Members of the CCA Committee and the Community Engagement Committee met on March 14th to begin discussing this topic. They decided that for the Council to start making these recommendations, Council Members can work in collaboration with the Interagency Work Group to identify what questions remain unresolved for them, and then together they can develop guidance for how to operationalize these terms. The development of these recommendations will likely require iterative discussions over the course of three months. This meeting is the beginning of this process. The Committee Members developed the questions below to help start the conversation.

Discussion:

1. The Heal Act and CCA use different terms for describing environmental harms and environmental benefits. Does the Council want to align the definitions between these different terms so that they are interpreted the same in both the HEAL Act and the CCA?
2. One area Committee Members identified as a dilemma is defining what investments are considered "applicable expenditures" or "direct and meaningful benefits." At what stage in the development of a "direct and meaningful benefit" is it still considered an "applicable expenditure"? For example, are "applicable expenditures" limited to grants, programs, and contracts, or it should these also include the salaries and benefits of new environmental justice positions, and other general agency costs (leases, supplies, IT, HR, etc.), or professional development funds for individuals?

Staff Recommended Actions:

Review the questions above and prepare to engage in the discussion at the Council meeting.

Staff Contact:

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

Appendix A:

"Environmental benefits" in [70A.02.010](#) of the HEAL Act

(4) "Environmental benefits" means activities that:

- (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts;
- (b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or
- (c) Meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of this chapter.

"Environmental harm" in [70A.02.010](#) of the HEAL Act

(5) "Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

- (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;
- (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;
- (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or
- (d) Health and economic impacts from climate change.

"Applicable Expenditures" in RCW [70A.02.080](#) of the HEAL Act

(1)[...] each covered agency, to the extent allowed by law and consistent with legislative appropriations, must equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations.

(2) Beginning on or before July 1, 2023, each covered agency must, where practicable, take the following actions when making expenditure decisions or developing budget requests to

the office of financial management and the legislature for programs that address or may cause environmental harms or provide environmental benefits:

(a) Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations;

“Direct and Meaningful Benefits” in RCW [70A.65.030](#) of the CCA

(1) Except as provided in subsection (4) of this section, each year or biennium, as appropriate, when allocating funds from the carbon emissions reduction account created in RCW [70A.65.240](#), the climate commitment account created in RCW [70A.65.260](#), the natural climate solutions account created in RCW [70A.65.270](#), the climate investment account created in RCW [70A.65.250](#), the air quality and health disparities improvement account created in RCW [70A.65.280](#), the climate transit programs account created in RCW [46.68.500](#), or the climate active transportation account created in RCW [46.68.490](#), or administering grants or programs funded by the accounts, agencies shall conduct an environmental justice assessment consistent with the requirements of RCW [70A.02.060](#) and establish a minimum of not less than 35 percent and a goal of 40 percent of total investments that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities through: (a) The direct reduction of environmental burdens in overburdened communities; (b) the reduction of disproportionate, cumulative risk from environmental burdens, including those associated with climate change; (c) the support of community led project development, planning, and participation costs; or (d) meeting a community need identified by the community that is consistent with the intent of this chapter or RCW [70A.02.010](#).

Environmental Justice Council

Date: March 28, 2024

To: Environmental Justice Council Members

From: Christy Hoff, Policy Advisor

Subject: 2024 Legislative Update

Background and Summary:

The 2024 Washington State Legislative Session began on January 8 and adjourned on March 7. Over the course of the session, staff actively tracked 26 policy bills, of which, only three passed:

- [E2SHB 1541](#), Establishing the nothing about us without us act. This is legislation that was introduced in 2023. It creates membership requirements for work groups to promote more inclusive representation from impacted communities. Originally, it would have affected the EJ Council; however, in its final form it only applies prospectively to temporary groups.
- [E2SSB 5955](#), Mitigating harm and improving equity in large port districts. This legislation establishes a grant program through the Department of Commerce to provide assistance to port districts with noise mitigation programs to cover needed repairs. Staff tracked this bill because Senator Keiser and Representative Orwall specifically asked for the EJ Council to be a partner in finding policy and budget solutions and to consider airport affected communities in the definition of overburdened communities and vulnerable populations.
- [E2SSB 6058](#), Facilitating linkage of Washington's carbon market with the California-Quebec carbon market. This legislation makes a number of technical changes to the Cap and Invest program.

In addition, staff actively worked before and at the start of session to share the EJ Council's budget recommendations with legislators and analyzed budget bills when they were pre-filed and as amendments were made. Staff analysis of the various versions of the budget bills

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included identifying where the Council's budget recommendations were incorporated and where gaps remained. Staff and Members, on behalf of the Council, shared detailed concerns and comments with budget leads, other key legislators, and the Governor's Office at multiple points throughout session.

Included in the meeting packet is a staff analysis of the Council's [2024 Budget Recommendations](#) with funding that was included in the final Operating, Capital, and Transportation Budgets.

Staff

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

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Environmental Justice Council
2024 Supplemental Budget Recommendations
Crosswalk with Adopted Operating, Capital, and Transportation Budgets
March 14, 2024

Note: This is a preliminary staff analysis only. This document has not been approved by the EJ Council.

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
Participatory Budgeting Requested changes to existing proviso: <ul style="list-style-type: none"> • Allow funding across the biennium. • Change to “at least” five “geographically diverse” communities. • Require funding be in alignment with 70A.65.260 • Allow communities to decide on projects and remove legislative approval. • Allow funding to continue beyond the biennium. 	Sec 222(124) <ul style="list-style-type: none"> • Allows funding across the biennium. • Changes to “at least” five “geographically diverse” communities. Does Not: <ul style="list-style-type: none"> • Require funding to be in alignment with 70A.65.260 rather than to achieve the greatest gain for decarbonization and resiliency. • Remove legislative approval. • Specify that funding will continue beyond the current biennium. 		
Capacity Grants	Sec 222(28) Does not specify that funding will continue beyond the biennium.		

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
Request changes to the existing proviso to allow funding to continue beyond the biennium.			
Community Assemblies <ul style="list-style-type: none"> • \$3,000,000 over two years to DSHS to pass through to community organizations for pilot. • \$371,000 to DSHS to administer. • Agricultural industry pilot 	Sec 208(9) <ul style="list-style-type: none"> • \$2,000,000 (Climate Commitment Account) to DSHS to pilot a statewide network of community assemblies. • If I-2117 passes, this subsection is no longer funded. 		
CCA Mitigation Fund Create a \$100,000,000 CCA Mitigation Fund to mitigate environmental harms that may arise from projects aimed at reducing greenhouse gas or criteria pollutants.	Not funded	Not funded	Not funded
Community-Led Decarbonization Funding for community-led decarbonization and energy resilience in overburdened and vulnerable communities.	Sec 130(28) <ul style="list-style-type: none"> • 3,000,000 (Climate Commitment Account) for Commerce to establish a Clean Energy Ambassadors Program to link local entities with resources and best 	Sec. 1017 <ul style="list-style-type: none"> • \$42,388,000 (Climate Commitment Account) to Commerce for Clean Energy Community Grants for capital projects and clean energy technologies that reduce 	

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
	<p>practices to enable clean energy access for all communities.</p> <ul style="list-style-type: none"> Funds take affect January 1, 2025 and are null and void if I-2117 is approved. 	<p>greenhouse gas emissions in vulnerable, overburdened, and tribal communities.</p> <ul style="list-style-type: none"> \$7,612,000 (Climate Commitment Account) is for Lummi Indian business council energy projects. Funds take affect January 1, 2025 and are null and void if I-2117 is approved. 	
<p>School Environmental Justice</p> <ul style="list-style-type: none"> Fund the State Board of Health to bring partners together to review and make recommendations for updated school safety and health rules. Fund environmental health and safety review and needs assessment of schools. Fund LHJ environmental health and safety programs. Fund K-12 school hearing, ventilating, and air conditioning system maintenance and necessary upgrades, particularly for 	<p>Sec 222(159):</p> <ul style="list-style-type: none"> \$750,000 (GF-S) for the State Board of Health and the Department of Health to review and update the school environmental health and safety rules. SBOH and DOH must convene a technical advisory committee. Collaborate with the Office of Superintendent of Public Instruction to develop a fiscal analysis of proposed rules. Complete Environmental Justice Assessments on proposed rules. 	<p>Sec. 5003</p> <ul style="list-style-type: none"> Increase from \$100,031,000 to \$214,880,000 (Common School Construction and Climate Commitment Account) for Small District & Tribal Compact Schools Modernization Includes increase from \$5,000,000 to \$6,800,000 from the Climate Commitment Account specifically for energy assessment grants. <p>Sec. 5004 Increase from \$20,200,000 to \$28,300,000 (Common School</p>	

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
<p>schools in overburdened communities.</p>	<ul style="list-style-type: none"> Report due June 30, 2025 that prioritizes rule areas for implementation. 	<p>Construction Account) for School District Health and Safety</p> <p>Sec. 5005 Increase from \$11,500,000 to \$13,000,000 (Common School Construction and State Building Construction Accounts) for Healthy Kids-Healthy Schools Grant Program</p> <p>Sec. 5007:</p> <ul style="list-style-type: none"> \$30,000,000 (Climate Commitment Account) and \$15,025,000 (Common School Construction Account) to OSPI for School District Indoor Air Quality and Energy Efficiency Grantees may seek technical assistance from Local Health Jurisdiction school safety programs, the Department of Health or others. \$500,000 of the Climate Commitment Account portion of the appropriation is for schools near the Seatac 	

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
		airport for air filtration systems with HEPA filters. <ul style="list-style-type: none"> The \$30,000,000 from the Climate Commitment Account takes effect January 1, 2025 and lapses if I-2117 is approved. 	
Infrastructure/Land Reacquisition for Tribal Climate Adaptation Fund infrastructure and land reacquisition needs.	Not funded	Not funded	Not funded
TA and Planning for Tribes and Communities for Climate Adaptation Fund technical assistance and planning for Tribes and communities highly impacted by climate change to develop and implement climate mitigation strategies, climate adaptation plans, climate vulnerability assessments, and/or feasibility studies.	Sec 302(8) <ul style="list-style-type: none"> Increase from \$16,472,000 to \$21,504,000 (Climate Investment Account) to Ecology for tribal capacity grants to support climate resilience and adaptation, clean energy projects, applying for state or federal grant funding, and other related work. If I-2117 is approved the additional \$5,032,000 will lapse. 		

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
Reducing Barriers to Grant Programs Funding for each HEAL agency to hire dedicated staff to address equity in grants.	Sec 131(6) <ul style="list-style-type: none"> • \$253,000 (Climate Commitment Account) to Commerce to incorporate equity and environmental justice into agency grant programs. • If I-2117 passes, this subsection is no longer funded. <p>Does Not: Provide funding for the other six HEAL agencies.</p>		
Commercial Aviation Workgroup <ul style="list-style-type: none"> • \$125,000 to the Washington State Institute for Public Policy (WSIPP) to conduct a study with report due June 30, 2025 that includes: <ul style="list-style-type: none"> ○ An assessment of the passenger and air cargo forecasts cited in the PSRC Regional Aviation Baseline Study. ○ A literature review to identify strategies to 			Sec 110 \$188,000 (Aeronautics Account) for WSIPP to conduct a study with a report due December 31, 2025 that includes: <ul style="list-style-type: none"> • An assessment of the passenger and air cargo forecasts cited in the PSRC Regional Aviation Baseline Study • A literature review to identify strategies to reduce demand for air travel. • A review of existing operational and

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
<p>reduce demand for air travel.</p> <ul style="list-style-type: none"> • \$250,000 to the Commercial Aviation Work Group (CAWG) for additional study of the state’s transportation needs via alternatives to additional aviation capacity. • \$250,000 to the CAWG for community engagement 			<p>technological enhancements to address environmental impacts from commercial aviation activities and the feasibility of enhancements to be deployed in Washington.</p> <p>Sec 213(4) Specifies that existing funding for the CAWG shall support work to understand what studies exist on state transportation needs and capacities and identify gaps, as well as to conduct community engagement.</p> <p>Does Not:</p> <ul style="list-style-type: none"> • Provide additional funding for the CAWG study. • Provide additional funding for the CAWG for community engagement.
<p>Centralizing Communication on HEAL and CCA Opportunities Fund a communication system for opportunities (grant funding,</p>	<p>Sec 130(20)</p> <ul style="list-style-type: none"> • \$2,500,000 (Climate Commitment Account) to Commerce for a web portal for grant seekers and to 		

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public comment, rulemaking, etc.)	establish a marketing and outreach campaign. <ul style="list-style-type: none"> • Sec 130(20a) - \$1,000,000 is for building the portal— funds do not take effect until January 1, 2025, and if I-2117 passes, funding is no longer available. • Sec 130(20b) - \$1,500,000 is for a marketing and outreach campaign about funding opportunities. If I-2117 passes, funding is no longer available. 		
Community Based Health Assessments and Health Equity Zones Support the budget proposal submitted by Rep. Pollet for \$485,000 in FY 2025 and \$1,440,000 for each year in 2025-2027 biennium for Health Equity Zone communities to complete Community Based Health Assessments and implement priority health improvement projects.	Sec 222(136) <ul style="list-style-type: none"> • \$154,000 (GFS) and \$150,000 (Climate Commitment Account) to the Department of Health for Health Equity Zones. If I-2117 passes, the CCA appropriation is no longer available. Sec 222(142) \$300,000 (GFS) to the Department of Health for community-based health		

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	assessments for overburdened communities or highly impacted communities and to develop a process for a grant program for community-based health assessments for Tribes.		
State Government Administrative Processes Fund analysis of administrative processes that create barriers to rapid action needed for convening groups and procurement.	Not funded	Not funded	Not funded
Frequent Accessible Transit <ul style="list-style-type: none"> • Fund the Washington State Department of Transportation (WSDOT) to conduct the recommended studies from the 2023 Frequent Transit Service Study. • Fund an analysis of the level of funding needed to ensure 			Sec 221(25) Beginning January 1, 2025, \$900,000 (Carbon Emissions Reduction Account) for WSDOT to implement certain recommendations from the 2023 Frequent Transit Service Study. <ul style="list-style-type: none"> • Define levels and types of demand-response services and measure access to

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<p>statewide frequent, accessible, public transportation needed for next biennium.</p>			<p>services to gain a fuller picture of transit access.</p> <ul style="list-style-type: none"> • Collect ongoing transportation data and develop systems to analyze disparities in access to fixed route transit. • Report on data collection efforts is due June 30, 2025 <p>NOTE: Sec 614 (5), which goes into effect if I-2117 passes, specifies that any amounts provided from the Carbon Emissions Reduction Account that are specified to begin January 1, 2025 must lapse; therefore, if I-2117 is approved, this funding lapses.</p>
<p>Clean and Safe Drinking Water</p> <ul style="list-style-type: none"> • Fund immediate, medium-term, and long-term solutions for drinking water. • Funds should be low barrier, and not require match, set up for prepayment, flexible, and available for any undrinkable water (not just 	<p>Sec 128(30) \$1,000,000 (Model Toxics Control Account) to Commerce for grants to address emergency drinking water problems in overburdened communities.</p> <p>Agency Detail – Commerce</p>		

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<p>those with contaminants out of compliance with standards).</p>	<p>Additional \$1,500,000 (GF-S) for the Emergency Rapid Response Program (ongoing)</p> <p>Sec 222(134) \$1,000,000 (Model Toxics Control Operating Account) to Department of Health to administer the nitrate water hazard mitigation plan to support safe drinking water in the lower Yakima Valley – includes education and outreach, well testing, and alternate water supply.</p>		
<p>Environmental Justice Council Decision Package - HEAL Implementation</p> <ul style="list-style-type: none"> • \$444,000 	<p>Sec 222(27)</p> <ul style="list-style-type: none"> • Increases funding for the Department of Health and EJ Council from \$5,996,000 to \$7,174,000 (Climate Commitment Account) for HEAL implementation. • Agency Detail Report specifies \$444,000 (CCA, custom) additional funding for the EJ Council. 		

EJC Recommendation Summary Full Recommendations	Operating Budget ESSB 5950 Agency Detail	Capital Budget ESSB 5949	Transportation Budget ESHB 2134
	<ul style="list-style-type: none"> If I-2117 passes, the full funding (\$7,174,000) is not available. 		
Department of Health Decision Package - HEAL Implementation <ul style="list-style-type: none"> \$164,000 in FY24 and \$570,000 in FY25 	Sec 222(27) <ul style="list-style-type: none"> Increases funding for the Department of Health and EJ Council from \$5,996,000 to \$7,174,000 (Climate Commitment Account) for HEAL implementation. Agency Detail specifies \$734,000 (CCA, custom) additional funding for the EJ Council. If I-2117 passes, the full funding (\$7,174,000) is not available. 		
Washington State Department of Agriculture Decision Package - Tribal Affairs Liaison <ul style="list-style-type: none"> \$251,000 in FY24 and 257,000 in FY25 	Agency Detail – Washington State Department of Agriculture \$257,000 (General Fund State, ongoing) to WSDA for a Tribal Affairs Liaison.		
Department of Commerce Decision Package - Tribal Relations	Agency Detail – Department of Commerce		

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<ul style="list-style-type: none"> \$195,000 in FY24 and \$724,000 in FY25 	\$257,000 (General Fund State, custom) to Commerce for a Tribal Relations staffing.		
Department of Commerce Decision Package – Contract Equity/Data Management	Agency Detail – Department of Commerce \$1,100,000 (General Fund State, ongoing) to Commerce to standardize demographic and geographic data collection from organizations that receive grants. This will allow reporting of equity impacts at the agency level.		
<p>NOTES:</p> <ul style="list-style-type: none"> Sec 2 of the Operating Budget specifies that if I-2117 is approved, on the effective date, agencies may not obligate funds from the Climate Investment Account, Climate Commitment Account, Natural Climate Solutions Account and the Air Quality and Health Disparities Improvement Account. If I-2117 is approved, all appropriations in the biennial and supplemental operating and capital budgets from the Climate Investment Account, Climate Commitment Account, Natural Climate Solutions Account and the Air Quality and Health Disparities Improvement Account are to be paid out of the Consolidated Climate Account. Sec 907 of the Operating Budget creates the Consolidated Climate Account. This section also reiterates Sec 2, that if I-2117 is approved, all appropriations in the biennial and supplemental operating and capital budgets from the Climate Investment Account, Climate Commitment Account, Natural Climate Solutions Account and the Air Quality and Health Disparities Improvement Account are to be paid out of the Consolidated Climate Account. 			

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<ul style="list-style-type: none"> • Sec 8002 of the Capital Budget authorizes all appropriations in the biennial and supplemental capital budgets from the Climate Commitment Account, Natural Climate Solutions Account and the Air Quality and Health Disparities Improvement Account (if those accounts are repealed) to be paid out of the Consolidated Climate Account. • If I-2117 is approved, on its effective date, Sec 728 of the Operating Budget deposits \$800,000,000 (or the entire balance if it is less than this amount) from the Climate Investment Account into the Consolidated Climate Account. • If I-2117 is approved, on its effective date, Sec 729 of the Operating Budget deposits \$1,600,000,000 (or the entire balance if it is less than this amount) from the Climate Commitment Account into the Consolidated Climate Account. • If I-2117 is approved, on its effective date, Sec 730 of the Operating Budget deposits \$600,000,000 (or the entire balance if it is less than this amount) from the Natural Climate Solutions Account into the Consolidated Climate Account. • If I-2117 is approved, on its effective date, Sec 731 of the Operating Budget deposits \$25,000,000 (or the entire balance if it is less than this amount) from the Air Quality and Health Disparities Improvement Account into the Consolidated Climate Account. • Sec 614 of the Transportation Budget creates the Transportation Carbon Emissions Reduction Account. If I-2117 is approved, all appropriations in the biennial and supplemental Transportation Budgets from the Carbon Emissions Reduction Account that begin before January 1, 2025 are to be paid from the Transportation Carbon Emissions Reduction Account. If I-2117 passes, upon its effective date, the balance of funds in the Carbon Emissions Reduction Account is transferred to the Transportation Carbon Emissions Reduction Account. Any appropriations from the Carbon Emissions Reduction Account that are set to begin January 1, 2025 must lapse. 			

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.

From: john worthington
Sent: Monday, February 19, 2024 7:50 AM
To: DOH EPH OEPHS Environmental Justice <envjustice@ejc.wa.gov>
Subject: Carbon credit myth is magic bullet. flubber and magic bean formula.

External Email

Washington State would be selling oregano and calling it marijuana in the current carbon credit formula. Carbon credits are a flubber and magic bean formula that is not even close to being fair or accurate.. Right now, coastal tribes have a magic bullet, flubber and magic bean pollution source. They don't consider the ocean pollution when in fact its the only place their pollution could come from.

The right thing to do is impose a nautical lane mile and lane mile tax on Quebec and California, Orgon and all the states that use west coast ports. Every ship and plane that departs from one of these places has an environmental footprint that is ignored.. There is an obtainable sum certain amount for airplane and shipping emissions. We can look at real time maps and assign a nautical, air and lane mile tax on each government. When the jet stream is over a particular state the nautical mile ,airmiles and lane mile taxes meter is running. This week California get the taxes.

Under that formula Washington would not have to sell anything to get money. California and Quebec pollute the Pacific ocean twice as much. Idaho, Montana Oregon and Nevada pollute too. We would collect money just for being in their tailpipe when the jet stream is impacting Washington.

This type of environmental formula will instill the right environment to obtain net zero. because you pay others if you don't comply.

Its an obvious and fair formula. The jet stream map is accurate and the shipping and air travel maps are accurate. All you need to do is calculate how many miles are traveled using bunker fuel or jet fuel. The amount of pollution from those sources can be ascertained with certainty. Then as the jet stream comes in the mater runs where it his. Then the Victoria BC pollution that hits Skagit county can finally be added to the source of pollution rather than some magic bullet flubber and magic bean theory they blame on Pugetropolis despite a 750 mph easterly jet stream. Vancouver BC would finally pay its share to Colville tribe and Portland would finally pay their fair share to the Yakima Tribe.

The current formula is a self serving international corporation formula that masks everyone dependence on cheap labor and refuses to acknowledge the ocean pollution brought to everyone by the jet stream.

That's right, the kids from Montana owe me money for all their cargo shipping and travel they do over the Pacific ocean. The Oregon kids too.