



**ENVIRONMENTAL JUSTICE TASK FORCE**  
**Draft Meeting Minutes – September 11, 2020**  
**Virtual Only**

**Task Force members present:**

David Mendoza, Co-Chair	Tomas Madrigal
Victor Rodriguez, Co-Chair	Millie Piazza
Leah Kintner	Judy Twedt
Larry Epstein	Sonja Bumpus
Laura Johnson	Emily Pinckney
Michael Furze	Rowena Pineda
Megan White	Peter Godlewski
Allison Camden	Stephanie Celt
Ignacio Marques	

**Task Force members absent:**

John Stuhlmiller

**Task Force staff present:**

Elise Rasmussen, Project Manager	Esmael Lopez, Community
Hannah Fernald, Administrative Coordinator	Engagement Coordinator

**Guests and other participants:**

Christy Curwick-Hoff, Governor's Interagency Council on Health Disparities  
Melanie Hisaw, State Board of Health Staff  
Taniesha Lyons, Executive CEO with Taniesha Cares LLC  
Chaune Fitzgerald  
Holly Jean Chilinski, Spokane Transportation Collaborative  
Paul Tabayoyon, APIC Yakima, WA  
Commissioner Sardinias, Commission on African American Affairs  
Edmund Seto, School of Public Health, University of Washington  
Phi Ly, WA State Pollution Liability Insurance Agency  
Sameer Ranade, Front & Centered  
April Sims, Washington State Labor Council  
Heather Tischbein, Friends of Clark County  
Orian Grant  
Ashley MP  
Jean Mendoza  
Scott O'Dowd, Washington State Department of Ecology  
Megan MacClellan, Washington State Department of Ecology  
Elly Claus-McGahan

Victor Rodriguez, Task Force Co-Chair, called the public meeting to order at 9:02 am and read from a prepared statement (on file).

### **1. CALL TO ORDER & WELCOME**

Co-Chair Rodriguez introduced Esmael Lopez, Task Force Community Outreach Coordinator. Mr. Lopez commented on the intersection of war conflicts and the environment. He recognized the caretakers of land since time and memorial, and acknowledged that we are guests on Indigenous lands. Mr. Lopez gave tribute to the nearly 3,000 people that lost their lives on 9/11/2001 and those that were also exposed to harmful debris and experienced psychological traumas. He also spoke about how the environment is a silent victim of war. On top of the tragedy of lost and injured lives, the land and environment also pays the price of the political conflicts and environmental costs for generations to come.

### **2. PUBLIC COMMENT**

David Mendoza, Task Force Co-Chair, welcomed public comment and read from a prepared statement (on file).

Ms. Rasmussen read and/or summarized written comments submitted (on file).

April Sims, Washington State Labor Council (WSLC), which represents over 600 members and affiliates, acknowledged being on Coast Salish land and acknowledged them for their stewardship of the land and thanked them for the privilege to work on the land. The WSLC plan includes equitable representation and they recognize that the struggle for racial justice must include the working class. She asked for an overturn of Initiative 200 to be included in the final recommendations. She spoke about the need to protect the right of workers to organize and bargain collectively. Last, Ms. Sims spoke about the draft reparations recommendation (on file), and that it should be intended to compensate the unequal burdens on Black and Indigenous communities and people of color.

Orian Grant, gave comment on green initiatives and focused on centering community. He asked about ways that the Task Force can equitably continue to push agendas when outside of the public meeting space.

### **3. APPROVAL OF AGENDA**

**Motion:** The Task Force approves the September 11, 2020 agenda.

**Motion/Second:** Judy Twedt/Michael Furze. Approved unanimously.

### **4. APPROVAL OF AUGUST 7, 2020 MEETING MINUTES**

**Motion:** The Task Force adopts the August 7, 2020 meeting minutes.

**Motion/Second:** Sonja Bumpus/Judy Twedt. Approved unanimously.

### **5. DISCUSSION: DRAFT STATEWIDE EJ PRINCIPLES**

Co-Chair Rodriguez, introduced the draft EJ Principles (on file) and began the discussion for Task Force members and the public to share their feedback. All feedback was noted in real time. Staff is refining the EJ Principles to incorporate this feedback for the final report.

**Motion: *EJ Principles Proposed Motion:***

The EJ Task Force tentatively approves the EJ Principles as drafted. The taskforce directs staff and Co-Chairs to further refine these principles as needed and incorporate them into the draft report.

**Motion/Second:** Millie Piazza/Michael Furze & Sonja Bumpus. Approved unanimously.

The Task Force took a break at 10:25 a.m. and reconvened at 10:40 a.m.

## 6. DISCUSSION: MODEL POLICY DRAFT RECOMMENDATIONS ADDRESSING ENVIRONMENTAL HEALTH DISPARITIES

Co-Chair Mendoza introduced the agenda item and stated that we would be going through each of the draft recommendations that the Task Force is still considering.

*Draft Recommendation: Prioritize high labor standards and contracting diversity.*

- Member Twedt: Include protecting the right to organize as a strategy.
- Member Piazza: Subcabinet on Business Diversity and the Department of Enterprise Services is doing related work. She wondered if this should be a recommendation to support the Business Diversity Subcabinet work, especially about ensuring coordination and support in the considerations and strategies attached to this recommendation (on file). She also mentioned that there are complications about the ability of the state to “prioritize”.
- Member Celt: The Department of Natural Resources (DNR) has legal and constitutional requirements to use natural resources to maximize revenues. They are legally liable, and are currently involved in lawsuits about whether they are delivering on the maximum trust revenue. They are working internally and getting review by their Assistant Attorney General (AAG) to ensure they are in alignment with their trust mandates. She shared that DNR cannot vote on something that would require them would, in any way, jeopardize DNR’s Trust Mandate.
- The Task Force discussed whether or not contracting diversity and high labor standards should be connected in this recommendation. Members had varying stances on this, and asked staff to consult with the Office of Minority and Women’s Business Enterprises (OMWBE) on this matter.

**Motion:** The EJ Taskforce tentatively approves the recommendation that work funded by State environmental investments should prioritize contracting with minority, women, and veteran-owned enterprises and have high labor standard requirements that value workers’ health and safety. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Allison Camden / Ignacio Marquez.

**Abstention:** Peter Godlewski, Stephanie Celt (abstaining until legal review).

**Favor:** All other present members in support.

*Draft Recommendation: Environmental Crime Report Form*

- Co-Chair Mendoza stated that more discussion is needed to work with the Attorney General's Office (AGO) to include a recommendation about reporting environmental crimes. The Department of Ecology (ECY) has a similar form – the Environmental Report Tracking System (ERTS). Co-Chair Mendoza is explained that his asking for permission to work with the AGO and ECY to develop a recommendation around these reporting tools. Member Piazza discussed the alignment between communities being able to report environmental crimes without barriers and living up to the EJ principles this TF has created. Member Twedt recommended that the Task Force expand this recommendation to include other types of reporting mechanisms.
- The Task Force discussed the scope of this recommendation. Namely that it is not an expansion of the definition of the scope of the programs, but more on community access and right to use these systems.

**Motion:** The EJ Taskforce recommends that the staff and Co-Chairs work with the AGO, ECY, and others to develop a recommendation for ensuring that enforcement and reporting processes are accessible to highly impacted communities by elevating awareness and addressing barriers to access (such as technology, literacy, and language).

Millie Piazza/Allison Camden. Approved unanimously

The Task Force took a break for lunch at 12:00 p.m. and reconvened at 12:45 p.m.

## **7. DISCUSSION CONTINUED: MODEL POLICY DRAFT RECOMMENDATIONS ADDRESSING ENVIRONMENTAL HEALTH DISPARITIES**

*Draft Recommendation: Supplemental Environmental Projects (SEPs)*

- Co-Chair Mendoza explained what SEPs are and how this recommendation would promote their use in settlement negotiations.
- Member Piazza said SEPs, like other negotiated practices, are elevated practices within EJ literature, and she thinks this is a great recommendation. She recommended some language changes (e.g., responsible party vs. alleged violator). She explained that these are projects that would be a part of settlement in lieu of part of the penalty. These are additional benefit projects. She urges the TF to strongly consider this recommendation. She shared that this is a good opportunity to ensure that EJ issues are addressed in harmed communities so that the environment and public's health is enhanced in those communities. Member Piazza discussed that SEPs already exist and this is not an expansion or change to this practice, but more of an encouragement of a practice that is not used as much as it could be.
- Member Twedt asked about the role the impacted community has in developing the SEP. Member Piazza said her understanding is that the affected community might not always be a part of the SEP process, but added that the intention of the SEP should be closely related to the violation and should involve the community. However, she does not believe it is a mandatory requirement of the SEP. Co-Chair Mendoza suggested this might be included in recommendation's "strategies for implementation".

**Motion:** The EJ Taskforce tentatively approves the recommendation to make “Supplemental Environmental Projects” (SEPs) a standard practice in settlement negotiations across relevant agencies with enforcement responsibilities to the extent practicable. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Millie Piazza/Allison Camden.

**Abstentions:** Judy Twedt, Stephanie Celt, Ignacio Marquez

**Favor:** All other present members in support.

*Draft Recommendation: Equitably Distribute State Environmental Investments*

- Member Godlewski: Asked about the “tailored EJ analysis” language included in this recommendation and wondered if agencies are supposed to do the EJ analysis, and if so, how that would work. Co-Chair Mendoza said one examples of an EJ analysis is using the Environmental Health Disparities map (EHD map), and said the assumption is that the State agencies would do the analysis. Member Bumpus asked if the tailored EJ analysis is getting at when an agency is conducting State Environmental Protection Act (SEPA), or if this analysis is expected in every case. Co-Chair Mendoza stated that there is no specific mention to SEPA, rather the intent is to say that agencies must identify highly impacted communities ensure resources are being prioritized toward those communities.
- Member Piazza wondered about the recommendation language of “more resources”. She said the intent is to ensure that when we do environmental work that we are being mindful to bring benefits and prioritize those highest impacted in ensuring that resources are allocated equitably. She stated that we should delete “more” from the recommendation language.
- Member Piazza: The Office of Financial Management (OFM) has a focus on equity in budget proposals, and suggested that we add this as a consideration for this recommendation. Member Godlewski: Objection to revenue conversations. AWB will be opposed to how revenue conversations would be predetermined.

**Motion:** The EJ Taskforce tentatively approves the recommendation that the legislature and other policymakers consider equitably distributing investments ensuring that resources are allocated to the highest impacted communities as discussed in today’s conversation. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Tomas Madrigal /Judy Twedt

**Abstentions:** Stephanie (Abstain for now)

**Vote No:** Peter Godlewski

**Favor:** All other present members in support.

*Draft Recommendation: Study Opportunities for Reparations in WA*

- Ms. Rasmussen, Staff: Shared that the major difference for this recommendation since the last draft was based on conversations with Governor’s Office. She added how this work could possibly live in Office of Equity and also could include guidance from Commissions.



- Member Twedt: Presented a member from several of the community representatives on the Task Force (on file). This memo focused on the intersection between EJ and reparations, and included examples of redlining in WA, as well as resources for further research. She said it is important to bring in the historical perspective to this conversation to think about what proposals might look like to repair harms, particularly for Black and Indigenous communities. Member Pinckney stated that the EHD map is a great tool to indicate how many Black and Brown communities are still in the same place today. She shared that it is important to acknowledge this, and how we got here, otherwise we will repeat the same mistakes. Member Pineda said she agrees, and the Spokane shares a similar history as Seattle. The redlining map is the same map as mapping out life expectancies. Member Twedt said that it is a false perception that racial discrepancies happen through happenstance and individual choices, so a formal discussion on what reparations should look like is important because these were State and institutional choices.
- Member Twedt: provided feedback on the strategies included in this recommendations to say that reparations are not a replacement for required environmental clean ups.

**Motion:** The EJ Taskforce tentatively approves the recommendation that Washington State government should study reparations as a mechanism to address health disparities and historical harms affecting overburdened communities. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Judy Twedt / Tomas Madrigal

**Abstentions:** Peter Godlewski

**Favor:** All other present members in support.

*Draft Recommendation: Require Use of EJ Analysis*

- Co-Chair Mendoza: said we are referring to these analysis now as EJ Analyses, which does have legal case precedence and broad understanding of what it means.

**Motion:** The EJ Taskforce tentatively approves the recommendation that the legislature and other policymakers consider requiring the use of environmental justice analyses by state agencies as discussed in today's conversation. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Judy Twedt / Michael Furze. Approved unanimously.

*Draft Recommendation: Incorporate EJ into State Environmental Laws*

- Member Godlewski: Stated that this recommendation is problematic and feels like it requires a larger discussion with stakeholders who are not included at the table because the recommendation gets into larger issues. So AWB does have concerns. Ms. Rasmussen: Asked Member Godlewski to think about what other stakeholders should be engaged when he submits his feedback so they can be included in the recommendation's considerations.

**Motion:** The EJ Taskforce tentatively approves the recommendation that the legislature and other policymakers consider incorporating EJ principles and procedures in a range of state laws, rulemaking, and bill analyses, as discussed in today's conversation. The

taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Tomas Madrigal / Sonia Bumpus.

**Abstains:** Peter Godlewski

**Favor:** All other present members in support.

*Draft Recommendation: Amend State Law to Support Community Engagement*

- Members discussed how the barriers included in this recommendation should be more specific.
- Member Pinckney asked if we had a list of barriers. Ms. Rasmussen said yes, the full list of the barriers is in the appendix and they will be listed in the body of the report.

***Amend State Law to Support Community Engagement Proposed Motion:***

**Motion:** The EJ Taskforce tentatively approves the recommendation that the legislature consider amending statutes that pose barriers to community engagement to allow for the improvement of community engagement processes as discussed in today's conversation. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Allison Camden / Michael Furze. Approved unanimously.

*Draft Recommendation: Contract with Local Community-Led Organizations*

- Co-Chair Mendoza: Very specific about the type of work community should be engaged in more directly (e.g., strategic plans). This kind of work especially needs more direct community input.
- Member Celt: OMWBE might also want to be included along with Business Diversity Subcabinet, and wondered if it should be broader rather than constrained with the last piece of the recommendation (after contracting diversity).

***Contract with Local Community-Led Organizations Proposed Motion:***

**Motion:** The EJ Taskforce tentatively approves the recommendation that agencies contract with local community organizations as discussed in today's conversation. The taskforce directs staff and Co-Chairs to further refine this recommendation and incorporate it into the draft report.

**Motion/Second:** Tomas Madrigal / Stephanie Celt. Approved unanimously.

The Task Force took a break at 2:28 p.m. and reconvened at 2:45 p.m.

## 8. TASK FORCE COMMUNITY ENGAGEMENT UPDATE

Esmael Lopez, Community Engagement Coordinator, talked about the community engagement work that has been done to date, highlighting top concerns that community members have prioritized and raised.

- Building trusting relationships
- Reducing barriers to participation (e.g., language access services)
- Sharing power and being empowered

- Concern for farmworker protections and rights, including pesticides
- Lack of trusted agency oversight
- Missing EJ enforcement laws and community power
- Lack of follow through after engagement

He said that the Task Force and Subcommittees have done a good job of addressing these top community concerns, and asked if members had feedback on how to do follow up outreach to communities, or feedback on how to best bring Tribal governments to the table.

## 9. DISCUSSION: DRAFT EJ REPORT

Ms. Rasmussen began this discussion by reviewing what future drafts will include (on file).

Members made the following comments and suggestions:

- Re-organizing the report to be more clearly formatted.
- Standardizing terms and definitions throughout (such as ‘overburdened communities’) for reading clarity.

Members Johnson and Piazza, mapping Subcommittee Co-Chairs, discussed key differences in draft recommendations, including ways for agencies to use the EHD map (on file). Most of these changes were to clarify intent and language, not content.

Ms. Rasmussen asked members for feedback on clarifying/streamlining terms used throughout the report, and gave context on the language used until this point had been decided on. Members discussed this as it refers the term the TF will use to describe communities who are experiencing EJ concerns in the final report:

- Important to recognize in the report that we intentionally chose a term for clarity. The term was “overburdened” communities.
- Definitions and terms are changing constantly, so it is important to acknowledge this in the report.
- A consistency in terms used is important

## 10. TASK FORCE BUSINESS: REVIEWING TIMELINE & NEXT STEPS

Co-Chair Mendoza asked members for feedback on having an additional meeting.

**Motion:** The EJTF approves a future meeting date for September 25th in order to finalize the draft report.

**Motion/Second:** Michael Furze/Allison Camden. Approved unanimously.

## 11. TASK FORCE REFLECTIONS

Co-Chair Rodriguez asked members what high level areas still need work. Members provided the following feedback:

- Improved flow to strengthen readability
- Clarifying recommendations (e.g. executive summary)
- Potentially moving technical materials to appendices
- Need to see full final report before signing off
- Recognizing legal considerations



## **ADJOURNMENT**

Co-Chairs Rodriguez and Mendoza thanked everyone for their efforts and time today, talked about the importance of the work that this group is doing. Ms. Rasmussen thanked community who have joined in conversations and efforts in keeping the government accountable.

Co-Chair Rodriguez adjourned the meeting at 4:28 p.m.

## **ENVIRONMENTAL JUSTICE TASK FORCE**

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Victor Rodriguez, Task Force Co-Chair David Mendoza, Task Force Co-Chair

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