

**DRAFT RECOMMENDATIONS FOR
MEASUREABLE GOALS & MODEL
POLICIES**

ENVIRONMENTAL JUSTICE TASK FORCE MEETING

SEPTEMBER 11, 2020

TODAY'S GOALS

To recommend measurable goals & model policies to reduce environmental health disparities by:

- Providing feedback on the “*strategies for implementation*” and “*considerations*” for each recommendation
- Discussing what, if anything, is keeping you from voting yes on a recommendation?
- Voting on previously discussed recommendations

RECOMMENDATIONS & FEEDBACK CAME FROM:

- Communities across Washington
- Advocates, academics, & practitioners
- Task Force Members
- The Governor's Office
- State agency leadership
- Government & Non-Profit research
- Current & proposed legislation & programming in other states

FUTURE FEEDBACK PROCESS

- Members to send Elise feedback by EOD on **Sept. 15** to prepare for the next report draft to be released by **Sept. 22**.
- The public is encouraged to provide their feedback during this meeting, and a possible future meeting on 9/25. The public can also send their written feedback to elise.rasmussen@sboh.wa.gov throughout September.
- **Goal:** Finalize report in early October.

EJ Task Force Draft Measureable Goals & Model Policy Recommendations

Agencies and Legislature to identify the most appropriate order in which to implement these recommendations.

Government Structures, Systems & Policies Incorporating EJ

Adopt EJ Definition & Principles

Embed EJ in Agency Strategic Plans

Dedicated EJ Agency Staff

Amend State Law to Support Community Engagement

Prioritize High Labor Standards and Contracting Diversity

Incorporate EJ into State Environmental Laws

GARE Toolkit
implementation tool

Government Accountability to Communities

Permanent EJ Workgroup

Track & Communicate Progress

Equitable Investments

Contract with Local Community Organizations

Required use of EJ Analysis

Equitably Distribute State Environmental Investments

Study Reparations

Environmental Enforcement

Environmental Crime Report Forms

Supplemental Environmental Projects (SEPs)

Integrate community engagement & EHD map guidance across implementation of all recommendations.

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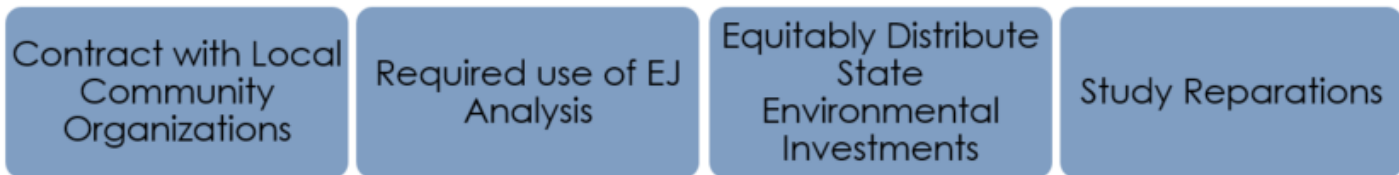
Government Structures, Systems & Policies Incorporating EJ



Government Accountability to Communities



Equitable Investments



Environmental Enforcement



Integrate community engagement & EHD map guidance across implementation of all recommendations.

PRIORITIZE HIGH LABOR STANDARDS & CONTRACTING DIVERSITY

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, regardless of whether a public or private entity is the beneficiary of the new spending, except where legally prohibited from doing so.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- *Examples of high labor standards include, but are not limited to:* pay equity, local hire and project labor agreements, livable wages, safe work environments, paid family and sick leave, and comprehensive health insurance.

Considerations:

- Possible exceptions to this recommendation include any statutory limitations, such as the Department of Natural Resources' Trust Mandate.

ENVIRONMENTAL CRIME REPORT FORM

Permission for Co-Chairs and staff to work with the Attorney General's Office in including the [Environmental Crime Report Form](#) as a possible recommendation for inclusion in the final report.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- None identified yet – **suggestions?**

Considerations:

- None identified yet – **suggestions?**

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

Make “Supplemental Environmental Projects” (SEPs) a standard practice in settlement negotiations across agencies with enforcement responsibilities.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- As part of a voluntary settlement, an alleged violator may propose to undertake a project to provide tangible environmental or public health benefits to the affected community or environment that is closely related to the violation being resolved.

Considerations:

- None identified yet – suggestions?

EQUITABLY DISTRIBUTE STATE ENVIRONMENTAL INVESTMENTS

For new and existing revenue and expenditures with an environmental nexus, the State Legislature and agencies should equitably distribute investments ensuring that more resources are allocated to the highest impacted communities. These communities should be identified through tailored environmental justice analyses, such as use of the EHD map (e.g. prioritizing census tracts that are ranked 9 & 10). The State should dedicate environmental investments into overburdened communities by a proportion that is commensurate with the health disparities.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- Use an EJ analysis as the primary, or one of multiple, factors for the prioritization process
- Agencies to invest resources and programs in overburdened communities (e.g. census tracts ranked 9 & 10 on EHD map)
- Incorporate EJ into program design, funding allocation, and the public participation processes
- Create goals and assessment metrics to track where investments are going and to maintain accountability to communities
- Balance investments in rural and urban regions across the state

Considerations:

- Investments should focus on eliminating health burdens and raising the standard of living (e.g. economic benefits such as job creation).

STUDY OPPORTUNITIES FOR REPARATIONS IN WA

As one strategy for achieving environmental justice, Washington State government should study reparations as a mechanism to address health disparities and historical harms affecting overburdened communities. The State should focus on the legacy of redlining, treaty violations, forced exclusion, and neighborhood segregation in WA, as well as the impact that systemic racism has had on Black, Native, Indigenous, Latinx, Asian communities and others.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- As an option, the Office of Equity could develop a plan for studying reparations with the continued input and guidance from the public the State's Ethnic Commissions.
- One additional strategy could be the creation of a community Task Force to guide and inform this work. The process, budget, and outcomes must be community-led and co-created with government agencies.

Considerations:

- Reparations can take many forms, such as: direct payments to communities and individuals, environmental cleanups, increased investments in overburdened communities in the form of grants, programs, and projects.
- Other possible areas for study: colonization, internment, employment discrimination, and financial services discrimination.
- Review the "[Environmental Justice and Reparations from Systemic Racism](#)" memo authored by TF members representing community organizations for more information on the connection between EJ and reparations.

REQUIRED USE OF EJ ANALYSES

Agencies should adopt, and the Legislature should consider, requiring environmental justice analyses, including but not limited to the use of the Environmental Health Disparity (EHD) map, that combine the impact of multiple environmental health indicators such as environmental exposures, environmental effects, impacts on sensitive populations, and other socioeconomic factors.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- Refer to the EHD map recommendations during EJ analyses (e.g. EJ analyses can be applied to community engagement, grants & loans, capital investments, policy development, etc.)
- Prioritize consistency, when appropriate, across agencies in implementing EJ analyses (e.g. possible further work for permanent EJ workgroup)

Considerations:

- EJ analyses should not be in conflict with State and federal requirements
- Practitioner training for how to use the EHD map will be useful (refer to EHD map recommendation)
- EJ analyses should be done in conjunction with formal Tribal consultation and Tribal engagement (refer to community engagement recommendations)

INCORPORATE ENVIRONMENTAL JUSTICE INTO STATE ENVIRONMENTAL LAWS

Environmental justice considerations should be incorporated into a range of state environmental laws. Further, environmental and natural resource

State agencies should consider environmental justice in developing agency request legislation, analyzing bills during legislative session, and conducting rule reviews.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- Prioritize efforts to reduce inequities
- Conduct EJ impact reviews on proposed legislation

Considerations:

- None identified yet – **suggestions?**

AMEND STATE LAW TO SUPPORT COMMUNITY ENGAGEMENT

Change state laws which restrict agencies from purchasing certain goods and services that often become barriers to meaningful engagement with diverse communities.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- Focus would be on removing barriers, no new requirements for agencies.
- Focus on overburdened communities and other appropriate groups.
- Priority RCWs:
 - [RCW 43.03.050](#) - Subsistence, compensation, lodging and refreshment, and per diem allowance for officials, employees, and members of boards, commissions, or committees
 - [RCW 39.26.040](#): Prohibition on payments to members for boards, commissions, taskforces.

Considerations:

- All community engagement should remain compliant with federal guidelines.
- Focus on childcare, compensation for time, providing food, language access services, identifying free/accessible community meeting spaces, and assisting with access to virtual meetings

CONTRACT WITH LOCAL COMMUNITY-LED ORGANIZATIONS

The Task Force recognizes that, “Those closest to the problem are closest to the solutions, but furthest from resources and power” ([JustLeadershipUSA](#)). As such, the Task Force recommends that agencies, in cooperation with the Governor’s Subcabinet on Business Diversity, increase contracting diversity by proactively engaging and contracting with local organizations that are community-based, community-rooted, and community-led to improve community health outcomes and eliminate environmental injustices across Washington state.

STRATEGIES FOR IMPLEMENTATION & CONSIDERATIONS

Strategies:

- Implement this recommendation in specific instances in which community expertise and understanding of community experiences is needed, such as: *development of strategic plans, policy development, community engagement, or any other process that would benefit from the expertise held by local organizations and the communities they work with.*
- Work with DES and OFM to remove barriers to contracting and procurement with the goal of including more trusted community organizations on the State’s Qualified Master Contract List

Considerations:

- In determining the appropriate organization to contract with, considerations must be made in understanding both how the organization being considered for a contract is representative or able to meaningfully engage with a specific concept, project, etc., and also their ability to engage a full range of community stakeholders within diverse communities.
- Services contracted for should take into consideration the need for a variety of knowledge and expertise types. Input is needed not just from those with government, business, or academic expertise but all community expertise and expertise from lived experience.