

# DRAFT RECOMMENDATIONS FOR MEASUREABLE GOALS & MODEL POLICIES

ENVIRONMENTAL JUSTICE TASK FORCE MEETING

AUGUST 7, 2020

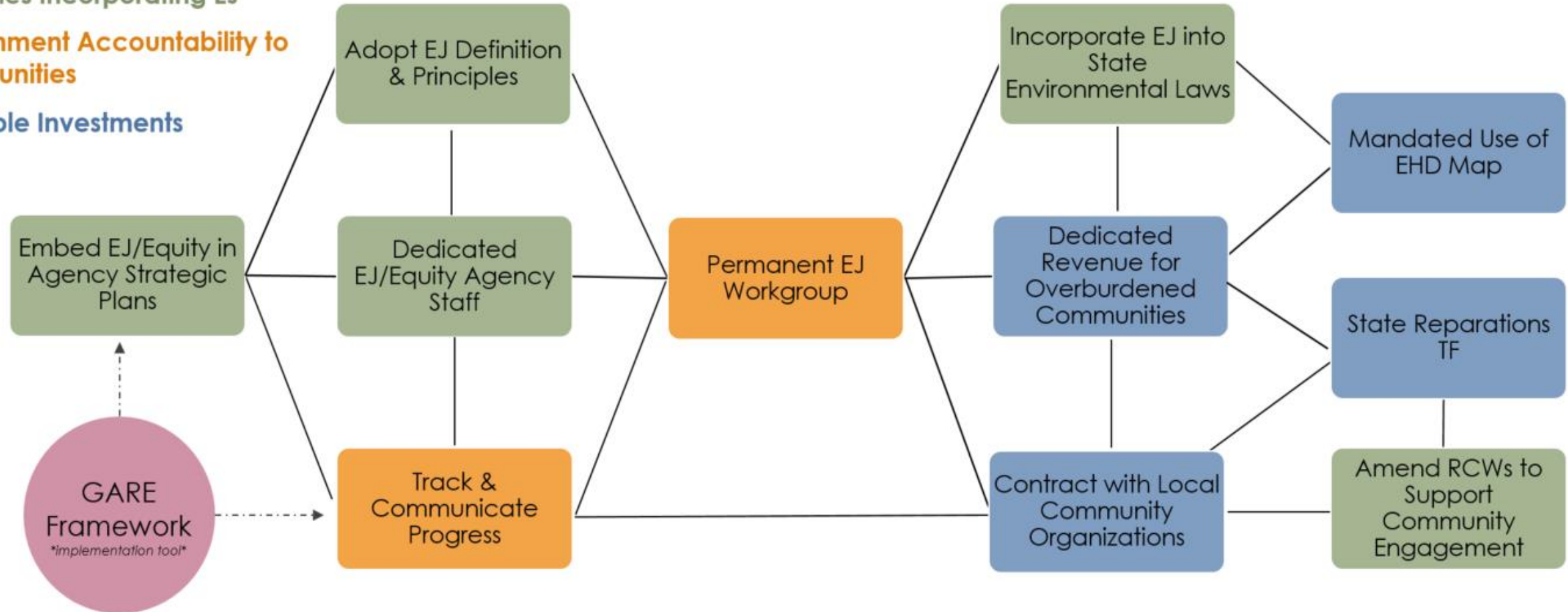
# EJ Task Force Draft Measureable Goals & Model Policy Recommendations

Organizational Chart Illustrating Relationships among Draft Recommendations

Government Structures, Systems  
& Policies Incorporating EJ

Government Accountability to  
Communities

Equitable Investments



Integrate community engagement best practices & EHD Map guidance across recommendation implementation.

# FEEDBACK PROCESS

## Continuing the Discussion (July)

- Written comment
- Meetings with members & agency leads
- Meetings with communities

## Embedding Feedback (July-Aug)

- Incorporate input from agencies, members, & community.
- Potential to approve recommendations at August 7 meeting.

## Finalizing (September)

Task Force may meet in September to finalize report.

New draft recommendations may emerge through this process & members are encouraged to bring in new ideas.

Upon finalizing the report, Co-Chairs will engage with the Governor, Commissioner of Public Lands, & heads of other agencies to discuss how recommendations may be implemented.

## TODAY'S GOALS

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

- Discussing & refining revised recommendations
- Working toward a shared understanding
- Identifying areas of agreement or concern
- Voting on previously discussed recommendations

## RECOMMENDATIONS & FEEDBACK CAME FROM:

- Communities across Washington
- Advocates, academics, & practitioners
- Task Force Members
- Government & Non-Profit research
- Current & proposed legislation & programming in other states

## PRESENTATION OVERVIEW

- I. Draft Measurable Goals Recommendations
- II. Draft Model Policy Recommendations
- III. Emerging Policy Ideas

REVISED DRAFT  
MEASUREABLE GOAL  
RECOMMENDATION

In partnership with communities, create a standard method to develop, track, evaluate, and publish environmental justice and health goals focused on pollution reduction, eliminating environmental health disparities, and improving community engagement.

FORMER RECOMMENDATION  
LANGUAGE

- Embed environmental justice metrics into Results Washington’s “Healthy and Safe Communities” set of outcome measures.
- Track & evaluate agencies’ progress toward meeting EJ principles and goals in a public report.

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Agencies shall make achieving EJ and equity part of its strategic plan (in alignment with [Federal EO 12898](#)) in order to integrate EJ into agency protocols and processes.

## FORMER RECOMMENDATION LANGUAGE

Agencies shall make achieving EJ & equity part of its mission & strategic plans (in alignment with [Federal EO 12898](#)).

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Agencies will have at least one staff position dedicated to integrating EJ principles specifically, and equity more broadly, into agency actions.

## FORMER RECOMMENDATION LANGUAGE

All agencies have a senior leadership position dedicated to equity & EJ.

REVISED DRAFT MODEL  
POLICY RECOMMENDATION

Convene a permanent EJ interagency workgroup  
that includes members representing  
overburdened communities.

FORMER RECOMMENDATION  
LANGUAGE

Convene a permanent EJ interagency  
workgroup that also includes members  
representing overburdened communities.

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Increase financial investment for community engagement by amending RCWs touching procurement of goods and services ([RCW 39.26](#)).

Examples of common barriers preventing community from engaging with government:

- No childcare
- No compensation for community time, travel, expertise, & wisdom
- No food at community meetings, especially important for evening meetings
- Access to broadband for remote meetings

## FORMER RECOMMENDATION LANGUAGE

Provide adequate financial support for community engagement by amending RCWs touching procurement of goods & services ([RCW 39.26](#)).

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Agencies contract with local community organizations with proven track records that have policy expertise and/or know how to solicit expertise from communities. Areas of work could include: 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.

## FORMER RECOMMENDATION LANGUAGE

Agencies contract with trusted community organizations that have policy expertise in developing legislative & regulatory policies with community input.

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Mandate use of environmental health analyses, including but not limited to the Environmental Health Disparity Map, that combine the impacts of multiple environmental health indicators such as environmental exposures, environmental effects, impact on sensitive populations, and other socioeconomic factors.

- Use of these types of analyses should only be done when not in conflict with other state and federal requirements.
- Reference Mapping Subcommittee recommendations when considering the appropriate uses of the EHD map and its limitations. These recommendations are also useful when another form of environmental health analysis is being developed.

## FORMER RECOMMENDATION LANGUAGE

Mandated use of cumulative impacts analyses to support prioritization of overburdened communities across these agency activities:

- Community Engagement
- Grants & Loans
- Capital Investment
- Contracting
- Fees & Costs of Service
- Program Planning, Monitoring, & Evaluation
- Policy Development
- Rulemaking

## REVISED DRAFT MODEL POLICY RECOMMENDATION

For new revenue sources with an environmental nexus, agencies should direct a certain percentage of investments, grants, or programs related to that revenue source to serving communities disproportionately burdened by pollution that are ranked 9 or 10 on the Environmental Health Disparity Map, or identified through a similar analysis if the EHD map is lacking a key metric or does not accurately reflect a given area in WA.

In addition, work funded by new revenue should have high labor standard requirements regardless of whether a public or private entity is the beneficiary of the new spending. These should include wage standards and contracting with minority-owned enterprises.

## FORMER RECOMMENDATION LANGUAGE

- For environmental legislative proposals tied to current or new revenue sources, dedicate a percentage of the budget to serving overburdened communities
- Greatest considerations for communities ranked 9 & 10 on EHD map

## REVISED DRAFT MODEL POLICY RECOMMENDATION

Incorporate Environmental Justice considerations and procedures into a range of state environmental laws.

The following are illustrative examples of how this could be accomplished in VVA State:

- [Modernizing the Evergreen Communities Act](#) (SB 6529/HB2413)
- Growth Management Act (precedent: [CA Senate Bill 1000](#))
- State Environmental Protection Act (precedent: [Pennsylvania Enhanced Public Participation Policy](#))
- New Jersey [Senate Bill S232](#)

## FORMER RECOMMENDATION LANGUAGE

EJ Goal Added To Growth Management Act

### **Proposal: Mandatory**

- Add an EJ goal as a mandatory element
- Requires implementation funding
- Includes extensive community engagement before introducing legislation (see: “*Early & continuous public participation*” goal)

### **Alternative Proposal: Optional**

- Add an EJ goal as an optional element
- No funding requirement
- Allows individual Cities or Counties to adopt if they so choose

## REVISED DRAFT MODEL POLICY RECOMMENDATION

A taskforce should study and develop reparation proposals for WA State. Task Force should focus on reparations for the Black community based on the legacy of slavery and Jim Crow laws. However, the Task Force should also take into consideration the impact systemic racism has had on Native, Indigenous, Latinx, Asian communities and others. Direct connections to EJ and reparations include land theft, colonization, segregation, redlining, internment, employment discrimination, and financial services discrimination.

## FORMER RECOMMENDATION LANGUAGE

Create a statewide Reparations Task Force to study & develop reparation proposals for WA

- Explore whether to include Native, Indigenous, & other People of Color, in addition to Black & African-American communities

Direct connections between reparations & EJ:

- |                |                                     |
|----------------|-------------------------------------|
| ▪ Land theft   | ▪ Internment                        |
| ▪ Colonization | ▪ Employment discrimination         |
| ▪ Segregation  | ▪ Financial services discrimination |
| ▪ Redlining    |                                     |

# TWO EMERGING POLICY IDEAS

- The following two slides are still in development
- Discussion only; no formal action requested
- Seeking member & public feedback
- Which ideas are promising?

## EMERGING MODEL POLICY IDEA: Improving Enforcement Of Environmental Laws

- Develop a primer that is easily accessible to the public on how to report violations at the federal, state & local levels, and what those enforcement processes entail.
- Ensure state agencies have staff and resources to provide guidance to businesses to be compliant with current laws and to investigate violations.
- Make “Supplemental Environmental Projects” (SEPs) a standard practice in settlement negotiations across agencies with enforcement responsibilities.
  - 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.

## EMERGING MODEL POLICY IDEA: Improving Enforcement Of Environmental Laws

### Create “Concurrent Jurisdiction” for state agencies

- This would allow for state agencies to seek compliance or enforcement actions that are now the sole responsibility of city, county & regional agencies.

### Expand “Private Rights of Action” (PRA)

- PRA allows for citizen law suits to be filed against alleged violators of environmental laws.
  - Exists in federal law in the Clean Water Act and the Clean Air Act, among others.
  - Exists in WA state law in the Model Toxics Control Act.

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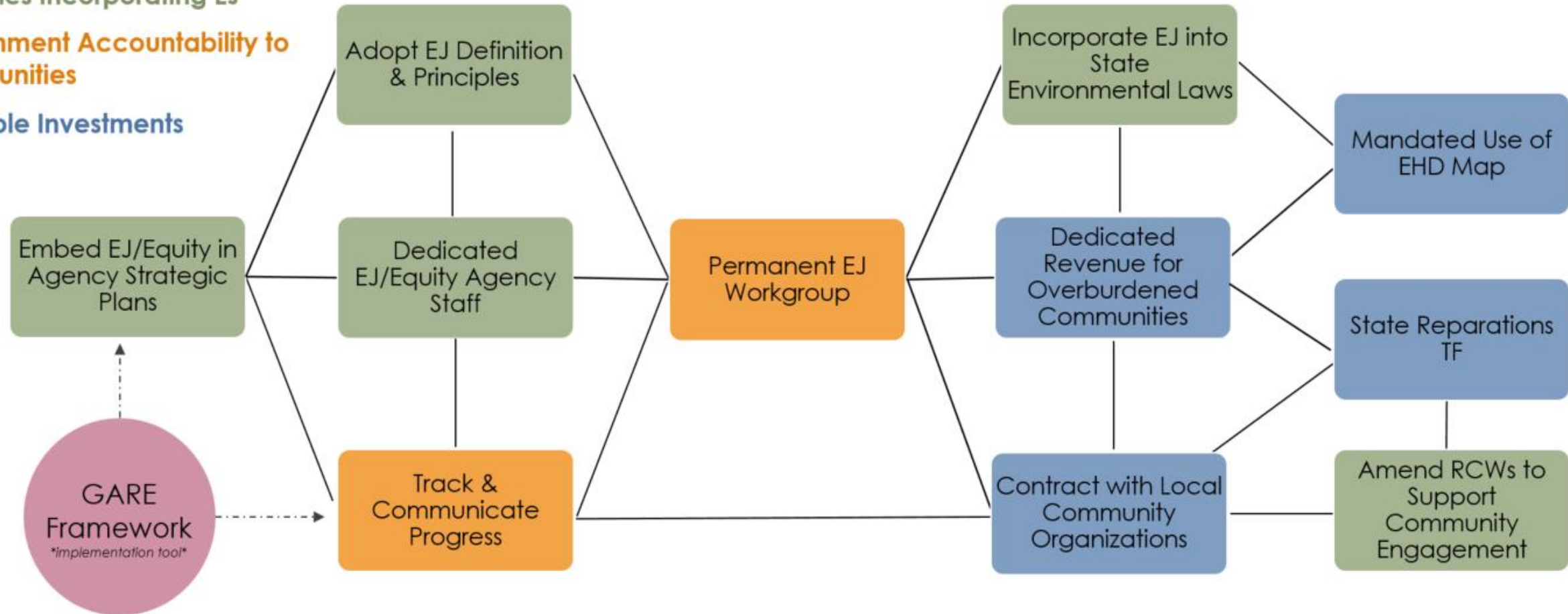
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