

DRAFT RECOMMENDATIONS FOR MEASUREABLE GOALS & MODEL POLICIES

Environmental Justice Task Force

June 22, 2020 Meeting

GOALS

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

- Providing general guidance
- Working toward a shared understanding
- Identify areas of agreement or concern
- BIG recommendations! We are asking for open minds & creative solutions.

RECOMMENDATIONS CAME FROM:

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

OVERVIEW

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

PROPOSED 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)

If needed, Task Force can meet in early 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 advancing proposed policies through Legislation or Executive Orders.

Feedback

For each proposal:

1. Any immediate red flags? What needs further discussion?

2. How can we strengthen a promising draft recommendation?

3. Who do we need to engage with to refine this idea?

4. What are the potential costs?

MEASUREABLE GOALS

Draft Recommendations

Task Force Responsibilities:

- Recommend measurable goals for reducing environmental health disparities.
- Identify how state agencies may focus their work towards meeting those goals.

DRAFT MEASUREABLE GOAL RECOMMENDATION

Embed environmental justice metrics into Results Washington's "Healthy and Safe Communities" set of outcome measures.

AGENCY WORK

- Results WA:
 - Partner with community to identify metrics
 - Invest in targeted outreach in communities experiencing EJ concerns
 - Identify promising metrics & measureable goals from community-based research
- Include a combination of health metrics & direct pollution reduction metrics
- Collaborate across agencies to meet goals

DRAFT MEASUREABLE GOAL RECOMMENDATION

Track & evaluate agencies' progress toward meeting EJ principles and goals in a public report.

Principle	Assessment	Reasoning
Prioritize and value prevention, human health, and improve quality of life	Poor	CARB has been reluctant to take the strong regulatory action needed to truly prioritize and value health, quality of life, and harm prevention in communities impacted by air pollution. The Cap and Trade program and proposed Tropical Forest Standard are unfortunate examples of these failures.
Do no harm	Poor	CARB remains hesitant to use its authority to prevent further harms in EJ communities. Its implementation of Cap and Trade and proposal of the Tropical Forest Standard continues to show its failure to apply this principle.
Prioritize environmental justice communities	Poor-Fair	CARB staff is improving in this area. They have traveled to EJ communities for AB 617 implementation, which has expanded their understanding of these communities. In one positive example, CARB helped influence a local decision at an air district by uplifting a request from the AB 617 community steering committee. Unfortunately, we have not seen substantive changes in regulatory decision outcomes and material terms that prioritize EJ communities. In its implementation of Cap and Trade, CARB has failed to "ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities," which is a requirement of AB 398. CARB has also failed to adhere to the mandates of AB 197.
Meaningful community engagement	Fair	Over the past three years, CARB has given greater value to community engagement and demonstrated improvements in this area, though there remains room for further improvement. Meaningful community engagement includes adequate notice and outreach, accommodations for working people's schedules, language access, physical and transportation accessibility, making presentations and content understandable for people without technical knowledge, meeting or workshop formats that facilitate dialogue, and other considerations.
Responsiveness	Fair	CARB staff have been accessible and responsive to questions in a timely manner, but have not substantively responded to our comments and recommendations in official agency actions or policy and program implementation.
Transparency	Poor-Fair	CARB has not improved its transparency. For example, in year one of the AB 617 community selection process, CARB did not explain how actual selection decisions were made. The process became unnecessarily subjective and political, and made the decision difficult to accept as fair and well-grounded.
Accountability	Poor	CARB has done little to demonstrate that it is accountable to EJ communities.
Proactivity	Poor-Fair	CARB has tried to respond when contacted, but the agency has generally not been proactive in reaching out to EJ organizations. During development of the Criteria and Toxic Emissions Reporting Regulation, a CARB staff person did proactively reach out to engage EJ groups.

MODEL POLICIES

Draft Recommendations

Task Force Responsibilities:

- Recommend model policies that prioritize highly impacted communities and vulnerable populations.
- Model policies must address reducing environmental health disparities & advancing a healthy environment.

DRAFT MODEL POLICY RECOMMENDATION

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

RECOMMENDED RESPONSIBILITIES

Co-construct a community of practice within their own agencies & among other agency staff

- Support agency accountability to communities
- Facilitate equity & EJ training at agency
- Apply equity & EJ lens to agency work
- *Recommended Qualification:* relevant community or lived experience

DRAFT MODEL POLICY RECOMMENDATION

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

EJ Workgroup Draft Responsibilities:

- Engage with communities to document EJ concerns
- Support elevating community concerns to local & state government
- Prioritize communities with cumulative environmental & health burdens
- Prioritize sensitive populations
- Example: [CA EJ Task Force](#) & [OR EJ Task Force](#)

Alternatives to Creating a New Body:

- Add to scope of Office of Equity if/when advisory board is created; adequate funding needed
- Extended responsibility for Governor's Interagency Council on Health Disparities; adequate funding needed

DRAFT MODEL POLICY RECOMMENDATION

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

- Cumulative impact refers to the combined impact of multiple environmental health indicators (e.g. population characteristics, environmental exposures & risks) on a population.
- Pair with community input & other data analyses
- Examples of Cumulative Impact Analysis Tools:
 - [WA Environmental Health Disparities Map](#)
 - Under development: Climate Impacts Maps ([See Clean Energy Transformation Act Legislation](#))

DRAFT MODEL POLICY RECOMMENDATION

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

Office of Equity Task Force Definition of Equity:

“Developing, strengthening, and supporting policies and procedures that distribute and prioritize resources to those who have been historically and currently marginalized, including tribes. It requires the elimination of systemic barriers that have been deeply entrenched in systems of inequality and oppression. Equity achieves procedural and outcome fairness, promoting dignity, honor, and respect for all people.”

AGENCY WORK

Partner with communities to:

- Embed EJ & equity into an agency’s strategic plan & theories of change for programs
- Evaluate measureable goals, using both quantitative & qualitative data
- Report back to communities on progress toward goals

EJ & equity implementation plans are made available to the public:

- Allows low-resource agencies to be guided by other agencies & promote consistency across agencies
- Allows for transparency & increased agency accountability
- Example: Agencies receiving federal funding must have a Language Access Plan

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Provide adequate financial support for community engagement by amending RCWs touching procurement of goods & 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

DRAFT MODEL POLICY RECOMMENDATION

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

- Trusted community organizations know how to appropriately solicit expertise from communities.
- Agencies have relationships with community organizations & consultants, but not always with communities.
- When community organizations are absent from this process, communities are seldom compensated for assisting with developing & refining policy.
- As such, there should be more parity from agencies in how they engage with consultants and community organizations.
- *Option:* Leverage Department of Enterprise Services master contract list.

DRAFT MODEL POLICY RECOMMENDATION: Dedicated Revenue For Overburdened Communities

DRAFT RECOMMENDATION

- 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

EXAMPLE

CalEnviroScreen & SB 535

Mandates that 25% of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to 'disadvantaged communities' as identified by CalEnviroScreen, a cumulative impacts map of CA.

EMERGING POLICY IDEAS

The following two proposals were recently raised through research & dialogues with community for further discussion and evaluation.

EMERGING POLICY IDEA:

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

The Growth Management Act (GMA) is a series of state statutes requiring fast-growing cities and counties to develop a comprehensive plan to manage their population growth.

Example: [CA Senate Bill 1000](#)

Current GMA Goals

GMA Goals (RCW 36.70A.020)	<ul style="list-style-type: none">• Economic development• Property rights• Permit processing• Natural resource industries• Open space and recreation• Environmental protection	<ul style="list-style-type: none">• Early and continuous public participation• Public facilities and services• Historic preservation• Shoreline management (RCW 36.70A.480)
<ul style="list-style-type: none">• Concentrated urban growth• Sprawl reduction• Regional transportation• Affordable housing		

EMERGING POLICY IDEA:

Create A Statewide Reparations Task Force

STATE REPARATIONS TASK FORCE

Study & develop reparation proposals for WA

Can be similarly focused to the Draft CA commission

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

Direct connections between reparations & Ej:

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

EXAMPLE: CA AB 3121

Assess the culpability in and benefits from the enslavement of and discrimination against African-Americans, by California families, governments, corporations and, especially banks and insurers, based in California.

Recommend measures that may be levied against culpable entities to provide reparations for their victims, from financial reparations to educational programs to formal apologies.

Determine how reparations due from California parties should be calculated, who should pay them, and who might be eligible to receive them.

Feedback

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DRAFT RECOMMENDATIONS AT A GLANCE

Measurable Goals	EJ Metrics in Results WA	EJ & Equity in Missions & Strategic Plans
	Track & Evaluate Agencies on EJ Principles	Amend RCWs to Adequately Fund Community Engagement
Model Policy	Dedicated Equity & EJ Staff at Agencies	Contract with Trusted Community Organizations
		Dedicated Revenue for Overburdened Communities
	Permanent EJ Task Force	EJ Goal in GMA
	Mandated Use of CIA Tools	State Reparations Task Force
		Emerging Policy Ideas