



ENVIRONMENTAL JUSTICE TASK FORCE WORKGROUP

Meeting Minutes – August 18, 2020
Virtual Only

Task Force members present:

David Mendoza
Judy Twedt
Allison Camden
Tomas Madrigal
Emily Pinckney

Michael Furze
Millie Piazza
Cassie Bordelon
Ignacio Marquez

Task Force staff present:

Elise Rasmussen, Project Manager

Hannah Fernald, Administrative
Coordinator

Guests and other participants:

Katie Meehan, DOH
Drew Zavatsky, DES
Cindy Zielinsky, DES

1. CALL TO ORDER & WELCOME

Elise Rasmussen, staff, called the meeting to order, led introductions, and reviewed the agenda with attendees.

Tomas Madrigal, member, commented in the chat “*For Item 3, the proposal was to come up with a clean benchmark that triggers when an agency must address EJ issues for new \$ similar to LEP trigger*”.

2. DRAFT RECOMMENDATION #1 DISCUSSION

“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.”

Katie Meehan, Washington State Department of Health (DOH) Presenter, talked about the big picture DOH has taken into account when considering contracting with community led entities from disproportionately impacted by COVID. She said that this work is difficult, especially working with smaller entities that are working with the state for the first time. She said that if you don't change the processes, you can't change the outcomes, but DOH is trying to consider the intent of contracting language and working backwards to make sure the process has been set up with those community entities in mind.

David Mendoza, asked for clarification on the new way of how contractors are paid. Ms. Meehan responded that DOH has been able to provide some upfront payments, but generally, the process has only been streamlined, leading to faster payments.

Drew Zavatsky, Washington State Department of Enterprise Services (DES) speaker, said that there is a constitutional law that prohibits paying individuals before work/deliverables have been received. He said that DOH has cut down on a lot of time between the work and contractors getting paid. He said that it didn't matter where funding comes from (grants, gifts, federal funds), agencies aren't allowed to pay until goods have been received.

Cindy Zielinski, DES speaker, said that there are some areas such as system maintenance that allow for payment in advance, but that would be the Office of Financial Management's (OFM) call, not DES'. She also discussed how the state registration system can also pose as a barrier for businesses.

Co-Chair Mendoza said that he liked the language of 'community-rooted' from DOH as well as 'improved' processes that Mr. Zavatsky discussed. He also asked about the option to hold interviews as a part of the funding/contracting processes. Ms. Meehan replied that DOH did conduct interviews with basic questions to make final funding decisions.

Mr. Zavatsky said that interviewing is critically important and he goes by these three questions (who are you, what have you seen, and what needs to happen?). He strongly encouraged the team to eliminate 'proven track record' from the draft recommendation language, which he thinks is only useful to privileged people. Instead, he suggests asking 'how do you know you will succeed?' In the chat box, he suggested considering these questions:

"What is the preferred mechanism to improve environmental health outcomes?"

- *If funding increases, what will be funded?*
- *If removing barriers, what will be purchased?*
- *In increasing community engagement, what will be the galvanizing core concept?*
- *If streamlining procurement, what are we buying that needs to be in a hurry?*
- *Likes the DOH language, but again – to what purpose?*
- *What does it mean to be an outreach service, and how does the State measure the effectiveness of the vendor?"*

Ms. Zielinski said that there might be other areas to focus on such as transparency, the debrief process, and the effectiveness of the WEBS program. Mr. Zavatsky mentioned that WEBS is a floor, not a ceiling.

Ms. Rasmussen reflected that the most important thing to consider is the end goal, and looking at what in the process is creating barriers.

Tomas Madrigal, Member, said that the reason they wanted to discuss was to encourage using direct buys. Ms. Meehan said that agencies need the tools and resources in the recommendation for compliance.

Mr. Zavatsky recommended adding a system for measuring the amount of state dollars going to the target audience, as well as asking where agencies will be spending in the next year.

Mr. Madrigal asked if there were any usable tools or ideas, such as limited English proficiency rules, that they could use to base their recommendations around creating EJ rules for new spending.

Michael Furze, member, asked about language access and how that has played a role in community outreach, and for suggestions on how to mitigate this issue.

3. DRAFT RECOMMENDATION #2 DISCUSSION

“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.”

Member Twedt recommended at the end that ‘minority owned’ is extended to ‘minority, women, owned.’

Mr. Madrigal said that making these recommendations more concrete and operational was the goal.

Ms. Meehan asked what percentage sounded reasonable.

Ms. Camden said that this should be directed to agencies and the legislature. She is more comfortable with ‘prioritize’ and that specifying a percentage for new funding is uncomfortable. She said she would also prefer simplifying language around what communities, and that adding more to the definition may overcomplicate.

Emily Pinckney, member, said that she agreed with the limiting nature of specifying a percentage. She thinks about communities that are on the cusp (census tracts ranked 6, 7, 8 on the Environmental Health Disparities map) need to be considered as well. Mr. Madrigal agreed and said that he has reservations using the map, citing that some of the data is outdated.

Mr. Furze said that he thinks we’re oversimplifying California’s legislative process without understanding the revenue streams. Mr. Madrigal said that the spirit of this recommendation is that any new revenue needs to be tied to mitigating some environmental crisis. Mr. Furze said that defining revenue is important in making sure we are all talking about the same thing.

Millie Piazza, member, asked Mr. Furze how funding stemming from court cases (e.g. Monsanto, VW) is defined, and how we can push towards ‘dedicating funds’ where

necessary. Mr. Furze responds that these are defined as ‘settlement funds’. Ms. Piazza thinks that there is a difference between ‘dedicated’ and ‘prioritized’ and it is important to recommend built in discretion without defining a percentage.

Mr. Madrigal said that this might be a separate recommendation to focus this one on a dedicated amount of investments going to communities.

Ms. Camden said she didn’t think that the clause about contracting was in scope for this taskforce. Contracting is addressed in the recommendation already. She thinks that if there is a connection between EJ and good paying jobs, it needs to happen in a public setting with the group.

Mr. Furze said that high labor standards and contracting with minority, women, and veteran-owned businesses could be standard operating business practices.

Mr. Madrigal said that in discussing the labor standard piece, it would be important to talk to those who were at Front and Centered to get a better understanding of the green new jobs campaign.

4. NEXT STEPS

Ms. Rasmussen said that she would be in touch through email, and would do the following:

- Capture today’s conversation and distribute to the task force
- Follow up with individuals based on today’s discussion
- Separate second recommendation into two separate pieces

ENVIRONMENTAL JUSTICE TASK FORCE

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

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PO Box 47990 • Olympia, Washington • 98504-7990
360-236-4110 • wsboh@sboh.wa.gov • sboh.wa.gov