

2SSB 5489 - H AMD TO APP COMM AMD (H-2877.1/19) **757**
By Representative Stokesbary

NOT CONSIDERED 12/23/2019

1 On page 1, beginning on line 3, strike all of subsections (1) and
2 (2)

3 Renumber the remaining subsections consecutively and correct any
4 internal references accordingly.

5 On page 1, line 23, after "justice" strike "and our democracy"

6 On page 2, beginning on line 11, after "Therefore," strike all
7 material through "making." on line 21 and insert "a task force should
8 discuss how the state can help promote environmental justice through
9 its environmental and health obligations to better meet the needs of
10 highly impacted communities."

11 On page 2, line 23, after "this" strike "chapter" and insert
12 "act"

13 On page 3, beginning on line 6, strike all of subsection (4)

14 Renumber the remaining subsections consecutively and correct any
15 internal references accordingly.

16 On page 3, line 12, after "means" strike "communities" and insert
17 ": (a) Communities"

18 On page 3, line 14, after "analysis" strike "required under
19 section 5 of this act" and insert "defined in this section"

20 On page 3, line 16, after "1151" insert "; or (b) communities
21 whose residents generally face disproportionate environmental health
22 disparities and burdens"

23 On page 3, beginning on line 20, strike all of subsection (8)

24 Renumber the remaining subsections consecutively and correct any
25 internal references accordingly.

1 On page 3, beginning on line 33, strike all of section 3

2 Renumber the remaining sections consecutively and correct any
3 internal references accordingly.

4 On page 4, line 3, after "to" strike "recommend" and insert
5 "identify"

6 On page 4, line 34, after "governor;" strike "and"

7 On page 4, line 36, after "governor" insert ";

8 (n) One member from a statewide trade association representing
9 pulp and paper mills, appointed by the cochairs selected pursuant to
10 subsection (3) of this section;

11 (o) One member from a statewide trade association representing
12 residential construction home builders, appointed by the cochairs
13 selected pursuant to subsection (3) of this section;

14 (p) One member from a statewide trade association representing
15 heavy commercial and infrastructure construction, appointed by the
16 cochairs selected pursuant to subsection (3) of this section;

17 (q) One member from a statewide association representing port
18 districts formed pursuant to chapter 53.04 RCW, appointed by the
19 cochairs selected pursuant to subsection (3) of this section;

20 (r) One member from a statewide trade association representing
21 public utility districts, appointed by the cochairs selected pursuant
22 to subsection (3) of this section;

23 (s) One member from an investor-owned utility organization
24 providing service to Washington customers, appointed by the cochairs
25 selected pursuant to subsection (3) of this section; and

26 (t) Two members of the senate, one from each major caucus,
27 appointed by the president of the senate, and two members of the
28 house of representatives, one from each major caucus, appointed by
29 the speaker of the house of representatives"

30 On page 4, beginning on line 37, after "(3)" strike all material
31 through "cochair" on line 39 and insert "The members of the task
32 force must select two legislative members who are serving on the task
33 force, representing two different parties and the two chambers of the
34 legislature, to serve as the cochairs of"

1 On page 5, beginning on line 5, after "findings" strike "and
2 recommendations"

3 On page 5, line 6, after "to the" strike "appropriate" and insert
4 "environment, health care, and natural resources"

5 On page 5, line 7, after "by" strike "October 31, 2020" and
6 insert "July 1, 2021"

7 On page 5, beginning on line 8, after "43.01.036." strike all
8 material through "governor, and" on line 9 and insert "The final
9 report will provide findings to the legislature and the governor
10 that"

11 On page 5, beginning on line 11, after "(a)" strike all material
12 through "appropriate" on line 23 and insert "An inventory and
13 analysis of all appropriate tools or programs including, but not
14 limited to, the cumulative impact analysis defined under section 2 of
15 this act, that examine the cumulative effect of environmental burdens
16 on highly impacted communities, including any best practices and how
17 state agencies can use the analysis to relieve environmental and
18 health burdens on highly impacted communities"

19 On page 5, line 28, after "specific" strike "recommendation" and
20 insert "strategy"

21 On page 5, line 33, after "(c)" strike "Recommendations" and
22 insert "Findings"

23 On page 5, beginning on line 29, after "populations" strike all
24 material through "subsection," on line 31

25 On page 6, line 12, after "(6)" strike "If time and resources
26 permit" and insert "Subject to the availability of amounts
27 appropriated for this specific purpose"

28 On page 6, beginning on line 14, strike all of subsection (6)(a)

29 Reletter the remaining subsections consecutively and correct any
30 internal references accordingly.

31 On page 6, line 18, after "(b)" strike "Recommendations" and
32 insert "Findings"

1 On page 6, line 19, after "into" strike "all"

2 On page 6, line 28, after "state;" insert "and"

3 On page 6, line 29, after "(d)" strike "Recommendations" and
4 insert "Findings"

5 On page 6, beginning on line 33, after "justice" strike all
6 material through "law" on line 35

7 Beginning on page 6, line 36, strike all of subsection (7)

8 Renumber the remaining subsections consecutively and correct any
9 internal references accordingly.

10 On page 7, line 8, after "(8)" insert "For attendance at meetings
11 of the committee or in attending to such other business of the task
12 force as may be authorized, legislative members of the task force
13 shall be reimbursed and receive allowances in accordance with RCW
14 44.04.120."

15 On page 7, beginning on line 24, strike all of subsection (11)

16 Renumber the remaining subsection consecutively and correct any
17 internal references accordingly.

18 Beginning on page 7, line 38, strike all of sections 5 and 6

19 Renumber the remaining sections consecutively and correct any
20 internal references accordingly.

21 On page 8, line 23, after "This" strike "chapter" and insert
22 "act"

23 On page 8, after line 28, insert the following:

24 "NEW SECTION. **Sec. 9.** This act expires October 31, 2020."

EFFECT: Removes and modifies language from the intent section.
Removes the definitions of "equity analysis" and "precautionary
approach."

Modifies the definition of "highly impacted communities" to also
mean communities whose residents generally face disproportionate
environmental health disparities and burdens.

Removes the requirement that state agencies represented on the
task force use all practicable means and measures to promote
environmental justice and fair treatment.

Requires that the task force identify strategies for incorporating environmental justice principles into how state agencies represented on the task force discharge their responsibilities, rather than recommend such strategies.

Adds ten members to the task force, including four Legislators, a representative from an investor-owned utility organization providing service to Washington customers, and representatives from a statewide association representing each of the following: Pulp and paper mills, residential construction home builders, heavy commercial and infrastructure construction, port districts, and public utility districts.

Requires the members of the task force to select two legislative members to serve as cochairs of the task force, each from different parties and from both chambers of the Legislature.

Includes language stating that legislative members are entitled to receive reimbursement and allowances in accordance with allowances for participation in the task force permitted under current law.

Requires the task force to submit its report to the environment, health care, and natural resources committees of the Legislature, rather than the appropriate committees of the Legislature.

Changes the date that the task force's final report is due from October 31, 2020, to July 1, 2021.

Removes language requiring the task force to provide recommendations or guidance on specified items, and instead requires the task force to provide findings and strategies for those items.

Removes the requirement that the task force provide guidance for state agencies on how to use the cumulative impact analysis and specifics on what the guidance must include, and instead requires that the task force provide an inventory and analysis of all appropriate tools or programs that examine the cumulative effect of environmental burdens on highly impacted communities.

Removes the requirement that the guidance provided by the task force related to the designation of highly impacted communities include, as a factor used as the basis of such designation, exposure scenarios developed by tribes for use in remediation decisions at, or to mitigate and address natural resource damage from, national priority list sites pursuant to the federal Comprehensive Environment Response, Compensation, and Liability Act, or sites regulated under the state statute relating to hazardous waste cleanup.

Removes the requirement that recommendations provided by the task force on how to meaningfully consult vulnerable populations when periodically evaluating and updating the cumulative impact analysis include how to consider exposure scenarios developed by tribes.

Modifies language relating to items the task force may report on to state that the task force may report on those items subject to the availability of funds appropriated, rather than if time and resources permit.

Removes language specifying that the task force may report on: Recommendations for approaches to integrate an analysis of the distribution of environmental burdens across population groups into evaluations performed under the State Environmental Policy Act; and methods for incorporating the precautionary approach into decision-making.

Removes the requirement that state agencies represented on the task force adopt the use of the cumulative impact analysis, and language stating that state agencies may issue policies, guidelines, or adopt rules to identify highly impacted communities, establish measurable goals for reducing environmental health disparities, and prioritize highly impacted communities in agency decision-making.

Removes the requirement that the task force submit a preliminary report to the Legislature and Governor if the task force is not able to complete tasks required under the act because of insufficient funds appropriated.

Removes the requirement that state agencies report to the Governor's Interagency Council on Health disparities upon adoption of rules, policies, or guidelines related to the cumulative impact analysis.

Removes the requirement that state agencies report to the Legislature and Governor one year after the adoption of rules, policies, or guidelines related to the cumulative impact analysis, and two years thereafter, on certain items.

Removes the requirement that the Department of Health initiate a process to develop model policies for the purpose of providing uniform rules, policies, or guidelines to state agencies implementing the task force guidance relating to the cumulative impact analysis.

Removes the codification of provisions under the act and expires the act on October 31, 2020.

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