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**State Government & Tribal Relations  
Committee**

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**2SSB 5489**

**Brief Description:** Establishing a healthy environment for all by addressing environmental health disparities.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Saldaña, Das, Nguyen, Hasegawa, Darneille, Palumbo, Randall, McCoy, Conway, Billig, Cleveland, Keiser, Kuderer, Rolfes, Wilson, C. and Frockt).

**Brief Summary of Second Substitute Bill**

- Creates a task force to recommend various strategies for incorporating environmental justice principles into how certain agencies discharge their responsibilities.
- Requires certain state agencies to adopt a cumulative impact analysis to identify highly impacted communities.
- Requires the Department of Health to develop model policies for the implementation of task force recommendations related to the cumulative impact analysis.

**Hearing Date:** 3/19/19

**Staff:** Desiree Omli (786-7105).

**Background:**

The United States Environmental Protection Agency (EPA) defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The EPA states that this goal will be achieved when everyone enjoys the same degree of protection from environmental health hazards, and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 1994 President Clinton signed Executive Order 12898, which directed federal agencies to make achieving environmental justice part of their agency missions by identifying and addressing disproportionately high or adverse environmental or human health effects of agency programs, policies, and activities on minority and low-income populations. In 2011 the Federal Environmental Justice Interagency Working Group established a Title VI Committee to address the intersection of agencies' environmental justice efforts with their Title VI enforcement and compliance responsibilities. Title VI of the Civil Rights Act of 1964 prohibits discrimination in all federally assisted programs, on the grounds of race, color, or national origin.

At the state level, the Department of Ecology (ECY) has established a full-time environmental justice coordinator role and developed an environmental justice and Title VI review checklist for rulemaking. In addition, the Board of Health works on reducing health disparities, including those related to environmental justice.

### **Summary of Bill:**

#### Task Force Created.

Subject to the availability of amounts appropriated, a task force is created to recommend strategies for incorporating environmental justice principles into how certain state agencies discharge their responsibilities. The task force includes the following members:

- the Director of the Department of Commerce;
- the Director of the ECY;
- the Executive Director of the Puget Sound Partnership;
- the Secretary of the Department of Transportation;
- the Secretary of the Department of Health;
- the Chair of the Energy Facility Site Evaluation Council;
- the Chair of the Governor's Interagency Council on Health Disparities (Council);
- the Commissioner of Public Lands;
- a member who is well-informed on the principles of environmental justice and with expertise in statewide environmental justice issues, as appointed by the Governor;
- three members from community-based organizations, appointed by the co-chairs of the task force, the nominations of which are based upon maintaining a balanced and diverse distribution of ethnic, geographic, gender, sexual orientation, age, socioeconomic status, and occupational representation, where practicable;
- A tribal leader, appointed by the Governor;
- One member from an association representing business interests, appointed by the Governor; and
- One member from a union or other organized labor association representing worker interests, appointed by the Governor.

The Chair of the Council and the appointed member with expertise in statewide environmental justice issues will serve as co-chairs. The Council must provide staff support for the task force, but the Council may work with other agencies as necessary to provide staff support.

#### Task Force Duties.

The task force must report to the Legislature and the Governor by October 31, 2020. The report must include the following:

- guidance for agencies when adopting rules, policies, or guidelines regarding how to use a cumulative impact analysis, which is an analysis identifying highly impacted communities, vulnerable populations, and environmental health disparities in identified areas and populations as conducted by the Department of Health's Washington Tracking Network;
- best practices for increasing public participation and engagement;
- recommendations for establishing measurable goals for reducing environmental health disparities; and
- guidelines for prioritizing highly impacted communities and vulnerable populations.

The report may include:

- 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 (SEPA);
- recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments;
- best practices and needed resources for cataloging and cross-referencing current research and data collection for programs relating to the health and environment of all people in the state;
- recommendations for criteria to identify and address gaps in current research and data collection; and
- methods for incorporating the precautionary approach to decision making, including permitting.

The task force must hold four regional meetings throughout the state and may form work groups or consult with stakeholders as necessary.

#### State Agency Requirements.

State agencies represented on the task force must use all practicable means and measures to promote environmental justice and fair treatment. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic groups, should bear disproportionately high exposure to pollution or adverse human health or environmental impacts and all groups of people have appropriate access to meaningful public participation in decisions that affect their environment.

Each state agency with representation on the task force must adopt the cumulative impact analysis and use it in accordance with the recommended guidelines provided by the task force.

Within 60 days of the task force issuing its initial report, the Department of Health must initiate a process to develop model policies for the purpose of providing uniform rules, policies, or guidelines to state agencies implementing task force recommendations relating to the cumulative impact analysis.

The state may also issue or adopt policies or guidance, or adopt rules, to identify highly impacted communities, establish measurable goals for reducing environmental health disparities, and prioritize highly impacted communities and their vulnerable populations.

The specified state agencies must notify the Council upon adoption of rules, policies, or guidelines related to the cumulative impact analysis. One year after such adoption of rules, policies, or guidelines by the relevant agencies, and two years thereafter, each agency must report to the Council, Governor, and the Legislature regarding progress made towards reducing disproportionate environmental burdens and attaining environmental health targets. The reports must be available on the Council's website.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.