

**E2SSB 5141** - H COMM AMD  
By Committee on Appropriations

**NOT ADOPTED 04/10/2021**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The purpose of  
4 this chapter is to reduce environmental and health disparities in  
5 Washington state and improve the health of all Washington state  
6 residents. This chapter implements the recommendations of the  
7 environmental justice task force established in section 221(48),  
8 chapter 415, Laws of 2019 entitled "Report to the Washington state  
9 governor and legislature, *Environmental Justice Task Force:  
10 Recommendations for Prioritizing EJ in Washington State Government*  
11 (October 2020)."

12 (2) As conveyed in the task force report, Washington state  
13 studies and national studies found that people of color and low-  
14 income people continue to be disproportionately exposed to  
15 environmental harms in their communities. As a result, there is a  
16 higher risk of adverse health outcomes for those communities. This  
17 risk is amplified when overlaid on communities with preexisting  
18 social and economic barriers and environmental risks, and creates  
19 cumulative environmental health impacts, which this act seeks to  
20 prevent and mitigate.

21 This chapter also seeks to reduce exposure to environmental  
22 hazards within Indian country, as defined in 18 U.S.C. Sec. 1151, due  
23 to off-reservation activities within the state, and to improve state  
24 practices to reduce contamination of traditional foods wherever they  
25 occur. Exposure to such hazards can result in generational health and  
26 ecological problems, particularly on small reservations where it is  
27 impossible to move away from a hazard.

28 (3) Accordingly, the state has a compelling interest in  
29 preventing and addressing such environmental health disparities in  
30 the administration of ongoing and new environmental programs,  
31 including allocation of funds, and in administering these programs so  
32 as to remedy the effects of past disparate treatment of overburdened  
33 communities and vulnerable populations.

1 (4) The task force provided recommendations to state agencies for  
2 measurable goals and model policies to reduce environmental health  
3 inequities in Washington, equitable practices for meaningful  
4 community involvement, and how to use the environmental health  
5 disparities map to identify and promote the equitable distribution of  
6 environmental benefits to overburdened communities. In order for all  
7 communities in Washington state to be healthy and thriving, state  
8 government should aim to concentrate government actions to benefit  
9 communities that currently have the greatest environmental and health  
10 burdens.

11 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
12 section apply throughout this chapter unless the context clearly  
13 requires otherwise.

14 (1) "Council" means the environmental justice council established  
15 in section 20 of this act.

16 (2) "Covered agency" means the departments of ecology, health,  
17 natural resources, commerce, agriculture, and transportation, the  
18 Puget Sound partnership, and any agency that opts to assume all of  
19 the obligations of this act pursuant to section 11 of this act.

20 (3) "Cumulative environmental health impact" means the combined,  
21 multiple environmental impacts and health impacts on a vulnerable  
22 population or overburdened community.

23 (4) "Environmental benefits" means activities that:

24 (a) Prevent or reduce existing environmental harms or associated  
25 risks that contribute significantly to cumulative environmental  
26 health impacts;

27 (b) Prevent or mitigate impacts to overburdened communities or  
28 vulnerable populations from, or support community response to, the  
29 impacts of environmental harm; or

30 (c) Meet a community need identified by an overburdened community  
31 or vulnerable population that is consistent with the intent of this  
32 chapter.

33 (5) "Environmental harm" means the individual or cumulative  
34 environmental health impacts and risks to communities caused by  
35 historic, current, and projected:

36 (a) Exposure to pollution, conventional or toxic pollutants,  
37 environmental hazards, or other contamination in the air, water, and  
38 land;

1 (b) Adverse environmental effects, including exposure to  
2 contamination, hazardous substances, or pollution that increase the  
3 risk of adverse environmental health outcomes or create  
4 vulnerabilities to the impacts of climate change;

5 (c) Loss or impairment of ecosystem functions or traditional food  
6 resources and loss of access to gather cultural resources or harvest  
7 traditional foods; and

8 (d) Health and economic impacts from climate change.

9 (6) "Environmental health disparities map" means the data and  
10 information developed pursuant to section 19 of this act.

11 (7) "Environmental impacts" means environmental benefits or  
12 environmental harms, or the combination of environmental benefits and  
13 harms, resulting or expected to result from a proposed action.

14 (8) "Environmental justice" means the fair treatment and  
15 meaningful involvement of all people regardless of race, color,  
16 national origin, or income with respect to the development,  
17 implementation, and enforcement of environmental laws, rules, and  
18 policies. Environmental justice includes addressing disproportionate  
19 environmental and health impacts in all laws, rules, and policies  
20 with environmental impacts by prioritizing vulnerable populations and  
21 overburdened communities, equitably distributing resources and  
22 benefits, and eliminating harm.

23 (9) "Equitable distribution" means a fair and just, but not  
24 necessarily equal, allocation intended to mitigate disparities in  
25 benefits and burdens, and based on current conditions, including  
26 existing legacy and cumulative impacts, that are informed by  
27 cumulative environmental health impact analysis.

28 (10) "Evidence-based" means a process that is conducted by a  
29 systematic review of available data based on a well-established and  
30 widely used hierarchy of data in current use by other state and  
31 national programs, selected by the departments of ecology and health.  
32 The environmental justice council may provide input on the  
33 development of the process.

34 (11) "Overburdened community" means a geographic area where  
35 vulnerable populations face combined, multiple environmental harms  
36 and health impacts, and includes, but is not limited to, highly  
37 impacted communities as defined in RCW 19.405.020.

38 (12) "Significant agency action" means the following actions when  
39 reasonably evident, at the beginning of a covered agency's  
40 consideration of the significant agency action or at the time when an

1 environmental justice assessment would normally be initiated in  
2 conjunction with an agency action, that the action may cause  
3 environmental harm or may affect the equitable distribution of  
4 environmental benefits to an overburdened community or a vulnerable  
5 population:

6 (a) The process of developing and adopting significant  
7 legislative rules as defined in RCW 34.05.328;

8 (b) The development and adoption of any new grant or loan program  
9 that a covered agency is explicitly authorized or required by statute  
10 to carry out;

11 (c) Transportation projects that increase the capacity of the  
12 state transportation system, such as system capacity expansion  
13 projects and new state highway, ferry, or freight facilities;

14 (d) Major capital projects of at least \$12,000,000;

15 (e) The submission of agency request legislation to the office of  
16 the governor or the office of financial management for approval; and

17 (f) Any other agency actions deemed significant by a covered  
18 agency consistent with section 14 of this act.

19 (13) "Tribal lands" has the same meaning as "Indian country" as  
20 provided in 18 U.S.C. Sec. 1151, and also includes sacred sites,  
21 traditional cultural properties, burial grounds, and other tribal  
22 sites protected by federal or state law.

23 (14) (a) "Vulnerable populations" means population groups that are  
24 more likely to be at higher risk for poor health outcomes in response  
25 to environmental harms, due to: (i) Adverse socioeconomic factors,  
26 such as unemployment, high housing and transportation costs relative  
27 to income, limited access to nutritious food and adequate health  
28 care, linguistic isolation, and other factors that negatively affect  
29 health outcomes and increase vulnerability to the effects of  
30 environmental harms; and (ii) sensitivity factors, such as low birth  
31 weight and higher rates of hospitalization.

32 (b) "Vulnerable populations" includes, but is not limited to:

33 (i) Racial or ethnic minorities;

34 (ii) Low-income populations;

35 (iii) Populations disproportionately impacted by environmental  
36 harms; and

37 (iv) Populations of workers experiencing environmental harms.

38 NEW SECTION. **Sec. 3.** ENVIRONMENTAL JUSTICE OBLIGATIONS FOR ALL  
39 AGENCIES. Covered agencies are required to comply with all provisions

1 of this chapter. All other state agencies should strive to apply the  
2 laws of the state of Washington, and the rules and policies of the  
3 agency, in accordance with the policies of this chapter including, to  
4 the extent feasible, incorporating the principles of environmental  
5 justice assessment processes set forth in section 14 of this act into  
6 agency decisions.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70  
8 RCW to read as follows:

9 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF HEALTH.  
10 The department must apply and comply with the substantive and  
11 procedural requirements of chapter 70A.--- RCW (the new chapter  
12 created in section 24 of this act).

13 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A  
14 RCW to read as follows:

15 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF ECOLOGY.  
16 The department must apply and comply with the substantive and  
17 procedural requirements of chapter 70A.--- RCW (the new chapter  
18 created in section 24 of this act).

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.23  
20 RCW to read as follows:

21 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF  
22 AGRICULTURE. The department must apply and comply with the  
23 substantive and procedural requirements of chapter 70A.--- RCW (the  
24 new chapter created in section 24 of this act).

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30  
26 RCW to read as follows:

27 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF NATURAL  
28 RESOURCES. The department must apply and comply with the substantive  
29 and procedural requirements of chapter 70A.--- RCW (the new chapter  
30 created in section 24 of this act).

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.330  
32 RCW to read as follows:

33 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF COMMERCE.  
34 The department must apply and comply with the substantive and

1 procedural requirements of chapter 70A.--- RCW (the new chapter  
2 created in section 24 of this act).

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.01  
4 RCW to read as follows:

5 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF  
6 TRANSPORTATION. The department must apply and comply with the  
7 substantive and procedural requirements of chapter 70A.--- RCW (the  
8 new chapter created in section 24 of this act).

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.71  
10 RCW to read as follows:

11 ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE PUGET SOUND PARTNERSHIP.  
12 The partnership must apply and comply with the substantive and  
13 procedural requirements of chapter 70A.--- RCW (the new chapter  
14 created in section 24 of this act).

15 NEW SECTION. **Sec. 11.** AUTHORITY OF OTHER AGENCIES TO OPT IN TO  
16 ENVIRONMENTAL JUSTICE OBLIGATIONS. (1) Any state agency, as the term  
17 "agency" is defined in RCW 34.05.010, including the governor's office  
18 and the office of the attorney general but excluding local  
19 governmental entities, may opt in to assume all of the substantive  
20 and procedural requirements of covered agencies under chapter 70A.---  
21 RCW (the new chapter created in section 24 of this act) at any time  
22 by notifying the council established in section 20 of this act.

23 (2) An agency that opts in to assume all of the substantive and  
24 procedural requirements of chapter 70A.--- RCW (the new chapter  
25 created in section 24 of this act) is not subject to the deadlines or  
26 timelines established in sections 12, 13, 14, 16, and 20 of this act.

27 NEW SECTION. **Sec. 12.** INCORPORATING ENVIRONMENTAL JUSTICE INTO  
28 AGENCY STRATEGIC PLANS. (1) By January 1, 2023, each covered agency  
29 shall include an environmental justice implementation plan within its  
30 strategic plan. A covered agency may additionally incorporate an  
31 environmental justice implementation plan into other significant  
32 agency planning documents. The plan must describe how the covered  
33 agency plans to apply the principles of environmental justice to the  
34 agency's activities and guide the agency in its implementation of its  
35 obligations under this chapter.

1 (2) In its environmental justice implementation plan, each  
2 covered agency must include:

3 (a) Agency-specific goals and deliverables to reduce  
4 environmental and health disparities and for otherwise achieving  
5 environmental justice in the agency's programs;

6 (b) Metrics to track and measure accomplishments of the agency  
7 goals and deliverables;

8 (c) Methods to embed equitable community engagement with, and  
9 equitable participation from, members of the public, into agency  
10 practices for soliciting and receiving public comment;

11 (d) Strategies to ensure compliance with existing federal and  
12 state laws and policies relating to environmental justice, including  
13 Title VI of the civil rights act of 1964, 42 U.S.C. Sec.  
14 2000d-2000d-4, Title IX of the Education Amendments of 1972, 20  
15 U.S.C. Sec. 1681-1683, Section 504 of the Rehabilitation Act of 1973,  
16 29 U.S.C. Sec. 794, and the age discrimination act of 1975, 42 U.S.C.  
17 Sec. 6101-6107;

18 (e) The plan for community engagement required under section 13  
19 of this act; and

20 (f) Specific plans and timelines for incorporating environmental  
21 justice considerations into agency activities as required under this  
22 chapter.

23 (3) In developing and updating its plan, each covered agency must  
24 consider any guidance developed by the council pursuant to section 20  
25 of this act.

26 NEW SECTION. **Sec. 13.** **EQUITABLE COMMUNITY ENGAGEMENT AND PUBLIC**  
27 **PARTICIPATION.** (1) By July 1, 2022, each covered agency must create  
28 and adopt a community engagement plan that describes how it will  
29 engage with overburdened communities and vulnerable populations as it  
30 evaluates new and existing activities and programs. This plan must  
31 describe how the agency plans to facilitate equitable participation  
32 and support meaningful and direct involvement of vulnerable  
33 populations and overburdened communities. The plan must include:

34 (a) How the covered agency will identify and prioritize  
35 overburdened communities for purposes of this chapter;

36 (b) Best practices for outreach and communication to overcome  
37 barriers to engagement with overburdened communities and vulnerable  
38 populations;

1 (c) Use of special screening tools that integrate environmental,  
2 demographic, and health disparities data, such as the environmental  
3 health disparities map, to evaluate and understand the nature and  
4 needs of the people who the agency expects to be impacted by  
5 significant agency actions under section 14 of this act and processes  
6 under section 16 of this act to overcome barriers to participation;

7 (d) Processes that facilitate and support the inclusion of  
8 members of communities affected by agency decision making including,  
9 to the extent legal and practicable, but not limited to, child care,  
10 and reimbursement for travel and other expenses; and

11 (e) Methods for outreach and communication with those who face  
12 barriers, language or otherwise, to participation.

13 (2) Covered agencies must regularly review their compliance with  
14 existing laws and policies that guide community engagement and must  
15 comply with the following:

16 (a) Title VI of the civil rights act, prohibiting discrimination  
17 based on race, color, or national origin and requiring meaningful  
18 access to people with limited English proficiency, and disability;

19 (b) Executive Order 05-03, requiring plain talk when  
20 communicating with the public; and

21 (c) Guidance related to Executive Order 13166, requiring  
22 meaningful access to agency programs and services for people with  
23 limited English proficiency.

24 (3) In developing and updating its plan, each covered agency must  
25 consider any guidance developed by the council pursuant to section 20  
26 of this act.

27 (4) A covered agency may coordinate with the office of equity to  
28 identify policy and system barriers to meaningful engagement with  
29 communities as conducted by the office under RCW 43.06D.040(1)(b).

30 NEW SECTION. **Sec. 14.** ENVIRONMENTAL JUSTICE ASSESSMENT. (1)(a)  
31 When considering a significant agency action initiated after July 1,  
32 2023, a covered agency must conduct an environmental justice  
33 assessment in accordance with this section to inform and support the  
34 agency's consideration of overburdened communities and vulnerable  
35 populations when making decisions and to assist the agency with the  
36 equitable distribution of environmental benefits, the reduction of  
37 environmental harms, and the identification and reduction of  
38 environmental and health disparities.



1 (b) A covered agency must aspire to complete the environmental  
2 justice assessment for a significant agency action within 15 business  
3 days of initiating the assessment. A failure to achieve this  
4 aspirational 15-day deadline does not make an associated agency  
5 action subject to appeal under section 22 of this act.

6 (2)(a) Consistent with section 2(12)(f) of this act, for the  
7 purpose of preparing environmental justice assessments, a covered  
8 agency may deem actions significant that are additional to the  
9 significant agency actions identified in section 2(12) (a) through  
10 (e) of this act, in iterative consultation with the council and  
11 interagency work group established under section 20 of this act. By  
12 July 1, 2025, each covered agency must consider their agency's  
13 activities and identify and begin applying environmental justice  
14 assessments to any actions that the agency identifies as significant  
15 that are in addition to the significant agency actions identified in  
16 section 2(12) (a) through (e) of this act. Significant agency actions  
17 designated by a covered agency under this subsection must be actions  
18 that may cause environmental harm or may affect the equitable  
19 distribution of environmental benefits to an overburdened community  
20 or a vulnerable population.

21 (b) In the identification of significant agency actions, covered  
22 agencies shall consider guidance issued by the council established in  
23 section 20 of this act. Each covered agency must periodically review  
24 and update its identified types of significant agency actions for  
25 which an environmental justice assessment is required under this  
26 section, and the relevant factors to the agency's environmental  
27 justice assessments that result from the unique mission, authorities,  
28 and priorities of the agency.

29 (3) By July 1, 2023, and periodically thereafter, after an  
30 opportunity for public comment on its determinations, each covered  
31 agency must:

32 (a) Publish on its website the types of agency actions that the  
33 agency has determined are significant agency actions that require an  
34 environmental justice assessment under this section, including any  
35 significant agency actions identified under subsection (2)(a) of this  
36 section;

37 (b) Provide notification of the determination of the types of  
38 significant agency actions in the Washington State Register; and

1 (c) Prepare an environmental justice assessment when considering  
2 a listed action, after publication of the list of any additional  
3 significant agency actions identified under (a) of this subsection.

4 (4) At a minimum, environmental justice assessments must:

5 (a) Consider guidance prepared by the council under section 20 of  
6 this act relating to best practices on environmental justice  
7 assessments and when and how to use cumulative environmental health  
8 impact analysis;

9 (b) Use cumulative environmental health impact analysis, such as  
10 the environmental health disparities map or other data that considers  
11 the effects of a proposed action on overburdened communities and  
12 vulnerable populations;

13 (c) Identify overburdened communities and vulnerable populations  
14 who are expected to be affected by the proposed action and the  
15 potential environmental and health impacts;

16 (d) Identify if the proposed action is expected to have any local  
17 or regional impacts to federally reserved tribal rights and resources  
18 including, but not limited to, those protected by treaty, executive  
19 order, or federal law;

20 (e) Summarize community input and describe how the covered agency  
21 can further involve overburdened communities, vulnerable populations,  
22 affected tribes, and indigenous populations in development of the  
23 proposed action; and

24 (f) Describe options and, where practicable, related cost  
25 projections for the agency to reduce, mitigate, or eliminate  
26 identified probable impacts on overburdened communities and  
27 vulnerable populations, or provide a justification for not reducing,  
28 mitigating, or eliminating identified probable impacts.

29 (5) To obtain information for the purposes of assessments, a  
30 covered agency must solicit feedback from members of overburdened  
31 communities and vulnerable populations to assist in the accurate  
32 assessment of the potential impact of the action and in developing  
33 the means to reduce or eliminate the impact on overburdened  
34 communities and vulnerable populations.

35 (6) Based on the environmental justice assessment, each covered  
36 agency must seek, to the extent legal and feasible and consistent  
37 with the underlying statute being implemented, to reduce or eliminate  
38 the environmental harms and maximize the environmental benefits  
39 created by the significant agency action on overburdened communities  
40 and vulnerable populations. Consistent with agency authority,

1 mission, and statutory responsibilities, the covered agency must  
2 consider each of the following methods for reducing environmental  
3 harms or equitably distributing environmental benefits:

4 (a) Eliminating the disparate impact of environmental harms on  
5 overburdened communities and vulnerable populations;

6 (b) Reducing cumulative environmental health impacts on  
7 overburdened communities or vulnerable populations;

8 (c) Preventing the action from adding to the cumulative  
9 environmental health impacts on overburdened communities or  
10 vulnerable populations;

11 (d) Providing equitable participation and meaningful engagement  
12 of vulnerable populations and overburdened communities in the  
13 development of the significant agency action;

14 (e) Prioritizing equitable distribution of resources and benefits  
15 to overburdened communities;

16 (f) Promoting positive workforce and job outcomes for  
17 overburdened communities;

18 (g) Meeting community needs identified by the affected  
19 overburdened community;

20 (h) Modifying substantive regulatory or policy requirements; and

21 (i) Any other mitigation techniques, including those suggested by  
22 the council, the office of equity, or representatives of overburdened  
23 communities and vulnerable populations.

24 (7) If the covered agency determines it does not have the ability  
25 or authority to avoid or reduce any estimated environmental harm of  
26 the significant agency action on overburdened communities and  
27 vulnerable populations or address the distribution of environmental  
28 and health benefits, the agency must provide a clear explanation of  
29 why it has made that determination and provide notice of that  
30 explanation to members of the public who participated in the  
31 environmental justice assessment process for the significant agency  
32 action and who provided contact information to the agency.

33 (8) In developing a process for conducting environmental justice  
34 assessments, each covered agency must consider any guidance developed  
35 by the council pursuant to section 20 of this act.

36 (9) The issuance of forest practices permits under chapter 76.09  
37 RCW or sale of timber from state lands and state forestlands as  
38 defined in RCW 79.02.010 do not require an environmental justice  
39 assessment under this section.

1        NEW SECTION.     **Sec. 15.**    The obligation of a covered agency to  
2        conduct an environmental justice assessment pursuant to section 14 of  
3        this act for significant agency actions does not, by itself, trigger  
4        requirements in chapter 43.21C RCW.

5        NEW SECTION.     **Sec. 16.**    ENVIRONMENTAL JUSTICE OBLIGATIONS OF  
6        AGENCIES RELATING TO BUDGETS AND FUNDING. (1) With consideration of  
7        the guidelines issued by the council in section 20 of this act, and  
8        in iterative consultation with the council, each covered agency must  
9        incorporate environmental justice principles into its decision  
10       processes for budget development, making expenditures, and granting  
11       or withholding environmental benefits. Through the incorporation of  
12       environmental justice principles into its decision processes,  
13       including by conducting environmental justice assessments where  
14       required under section 14 of this act, each covered agency, to the  
15       extent allowed by law and consistent with legislative appropriations,  
16       must equitably distribute funding and expenditures related to  
17       programs that address or may cause environmental harms or provide  
18       environmental benefits towards overburdened communities and  
19       vulnerable populations.

20       (2) Beginning on or before July 1, 2023, each covered agency  
21       must, where practicable, take the following actions when making  
22       expenditure decisions or developing budget requests to the office of  
23       financial management and the legislature for programs that address or  
24       may cause environmental harms or provide environmental benefits:

25       (a) Focus applicable expenditures on creating environmental  
26       benefits, including reducing or eliminating environmental harms,  
27       creating community and population resilience, and improving the  
28       quality of life of overburdened communities and vulnerable  
29       populations;

30       (b) Create opportunities for overburdened communities and  
31       vulnerable populations to meaningfully participate in agency  
32       expenditure decisions;

33       (c) Clearly articulate environmental justice goals and assessment  
34       metrics to communicate the basis for agency expenditures;

35       (d) Consider a broad scope of grants and contracting  
36       opportunities that effectuate environmental justice principles,  
37       including:

38       (i) Community grants to monitor pollution;

1 (ii) Grants focused on building capacity and providing training  
2 for community scientists and other staff;

3 (iii) Making technical assistance available for communities that  
4 may be new to receiving agency grant funding; and

5 (iv) Education and work readiness youth programs focused on  
6 infrastructure or utility-related internships to develop career paths  
7 and leadership skills for youth; and

8 (e) Establish a goal of directing 40 percent of grants and  
9 expenditures that create environmental benefits to vulnerable  
10 populations and overburdened communities.

11 (3) A covered agency may adopt rules or guidelines for criteria  
12 and procedures applicable to incorporating environmental justice  
13 principles in expenditure decisions under this section.

14 (4) In incorporating environmental justice principles into its  
15 decision processes for budget development, making expenditures, and  
16 granting or withholding benefits, each covered agency must consider  
17 any guidance developed by the council pursuant to section 20 of this  
18 act.

19 (5) A covered agency may not take actions or make expenditures  
20 under this section that are inconsistent with or conflict with other  
21 statutes or with conditions or limitations on the agency's  
22 appropriations.

23 (6) If a covered agency, due to the breadth of its programs and  
24 funding opportunities, determines it is not practicable to take the  
25 actions listed in subsection (2) of this section for all applicable  
26 expenditure decisions and budget requests developed, the covered  
27 agency is encouraged to prioritize taking the actions listed in  
28 subsection (2) of this section for those budget requests and  
29 expenditure decisions that are primarily directed at addressing  
30 environmental impacts. By July 1, 2023, each covered agency must  
31 publish on its website the types of decision processes for budget  
32 development, making expenditures, and granting or withholding  
33 environmental benefits for which the agency will take the actions  
34 listed in subsection (2) of this section.

35 NEW SECTION. **Sec. 17.** REPORTING REQUIREMENTS. (1) By September  
36 1st of each year, each covered agency must annually update the  
37 council on the development and implementation of environmental  
38 justice in agency strategic plans pursuant to section 12 of this act,  
39 budgeting and funding criteria for making budgeting and funding

1 decisions pursuant to section 16 of this act, and community  
2 engagement plans pursuant to section 13 of this act.

3 (2) (a) Beginning in 2024, as part of each covered agency's annual  
4 update to the council under subsection (1) of this section, each  
5 covered agency must include updates on the agency's implementation  
6 status with respect to the environmental justice assessments under  
7 section 14 of this act.

8 (b) By September 1st of each year beginning in 2024, each covered  
9 agency must publish or update a dashboard report, in a uniform  
10 dashboard format on the office of financial management's website,  
11 describing the agency's progress on:

12 (i) Environmental justice in its strategic plan;

13 (ii) The obligations of agencies relating to budgets and funding  
14 under section 16 of this act; and

15 (iii) Its environmental justice assessments of proposed  
16 significant agency actions, including its success rate in meeting the  
17 aspirational timeline for the completion of environmental justice  
18 assessments.

19 (3) Each covered agency must file a notice with the office of  
20 financial management of significant agency actions for which the  
21 agency is initiating an environmental justice assessment under  
22 section 14 of this act. The office of financial management must  
23 prepare a list of all filings received from covered agencies each  
24 week and must post the list on its website and make it available to  
25 any interested parties. The list of filings must include a brief  
26 description of the significant agency action and the methods for  
27 providing public comment for agency consideration as part of the  
28 environmental justice assessment.

29 NEW SECTION. **Sec. 18.** TRIBAL CONSULTATION. (1) Covered agencies  
30 must offer consultation with federally recognized Indian tribes on  
31 decisions that affect federally recognized Indian tribes' rights and  
32 interests in their tribal lands. The consultation must occur in  
33 accordance with chapter 43.376 RCW and must be independent of any  
34 public participation process required by state law, or by a state  
35 agency, and regardless of whether the agency receives a request for  
36 consultation from an Indian tribe. A covered agency's collaboration  
37 should include protocols for communication and development of best  
38 practices in consultation.

1 (2) Nothing in this chapter is intended to direct, authorize, or  
2 encourage covered agencies to collect, maintain, or provide data  
3 related to sacred sites, traditional cultural properties, burial  
4 grounds, and other tribal sites protected by federal or state law.

5 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.70  
6 RCW to read as follows:

7 ENVIRONMENTAL HEALTH DISPARITIES MAP. (1) In consultation with  
8 the environmental justice council established in section 20 of this  
9 act, the department must continue to develop and maintain an  
10 environmental health disparities map with the most current available  
11 information necessary to identify cumulative environmental health  
12 impacts and overburdened communities. The department may also consult  
13 with other interested partners, such as the University of Washington  
14 department of environmental and occupational health sciences, other  
15 academic partners, members of overburdened communities and vulnerable  
16 populations, and other agencies. The environmental health disparities  
17 map must include tools to:

18 (a) Track changes in environmental health disparities over time  
19 in an interactive, regularly updated display; and

20 (b) Measure the link between overall environmental health  
21 disparity map ranks, environmental data, vulnerable populations  
22 characteristics, such as race and income, and human health data.

23 (2) In further developing and maintaining the environmental  
24 health disparities map, the department must:

25 (a) Solicit feedback from representatives from overburdened  
26 communities and vulnerable populations through community engagement  
27 and listening sessions in all regions of the state and provide  
28 opportunities for public comment; and

29 (b) Request assistance from:

30 (i) State universities;

31 (ii) Other academic researchers, such as the Washington state  
32 institute for public policy, to perform modeling and create evidence-  
33 based indicators and to conduct sensitivity analyses to assess the  
34 impact of new indicators on communities and determinations of  
35 overburdened communities; and

36 (iii) Other state agencies to provide applicable statewide  
37 environmental and sampling data for air, water, soil, polluted sites,  
38 toxic waste, pesticides, toxic chemicals, and other applicable media.

39 (3) The department must:

1 (a) Document and publish a summary of the regular updates and  
2 revisions to the environmental health disparities map that happen  
3 over time as the new data becomes available, in order to help the  
4 public understand different versions of the map as they are  
5 published;

6 (b) At least every three years, perform a comprehensive  
7 evaluation of the map to ensure that the most current modeling and  
8 methods available to evaluate cumulative environmental health impacts  
9 are being used to develop and update the environmental health  
10 disparities map's indicators;

11 (c) Develop technical guidance for agencies that includes an  
12 online training video detailing a description of how to use the  
13 environmental health disparities map's features, access source data,  
14 and explanation of map and indicator limitations; and

15 (d) Provide support and consultation to agencies on the use of  
16 the environmental health disparities map by Washington tracking  
17 network staff.

18 (4) (a) By July 1, 2022, the Washington state institute for public  
19 policy must conduct a technical review of the measures and methods  
20 used in the environmental health disparities map. The review must, to  
21 the extent possible, address the following:

22 (i) Identify how the measures used in the map compare to measures  
23 used in other similar tools that aim to identify communities that are  
24 disproportionately impacted as a result of environmental justice  
25 issues;

26 (ii) Compare characteristics such as the reliability, validity,  
27 and clinical importance of individual and composite measures included  
28 in the map and other similar tools; and

29 (iii) Compare methodologies used in the map to statistical  
30 methodologies used in other similar tools.

31 (b) The department of health and the University of Washington  
32 must provide technical documentation regarding current methods to the  
33 Washington state institute for public policy and must consult with  
34 the institute as needed to ensure that the institute has adequate  
35 information to complete the technical review.

36 (c) By November 1, 2022, the Washington state institute for  
37 public policy must complete the review and submit a report on their  
38 findings to the office of the governor, the appropriate committees of  
39 the legislature, and the environmental justice council.



1        NEW SECTION.    **Sec. 20.**    ENVIRONMENTAL JUSTICE COUNCIL. (1) The  
2 environmental justice council is established to advise covered  
3 agencies on incorporating environmental justice into agency  
4 activities.

5        (2) The council consists of 14 members appointed by the governor.  
6 The councilmembers must be persons who are well-informed regarding  
7 and committed to the principles of environmental justice and who, to  
8 the greatest extent practicable, represent diversity in race,  
9 ethnicity, age, and gender, urban and rural areas, and different  
10 regions of the state. The members of the council shall elect two  
11 members to serve as cochairs for two-year terms. The council must  
12 include:

13        (a) Seven community representatives, including one youth  
14 representative, the nominations of which are based upon applied and  
15 demonstrated work and focus on environmental justice or a related  
16 field, such as racial or economic justice, and accountability to  
17 vulnerable populations and overburdened communities;

18        (i) The youth representative must be between the ages of 18 and  
19 25 at the time of appointment;

20        (ii) The youth representative serves a two-year term. All other  
21 community representatives serve four-year terms, with six  
22 representatives initially being appointed to four-year terms and five  
23 being initially appointed to two-year terms, after which they will be  
24 appointed to four-year terms;

25        (b) Two members representing tribal communities, one from eastern  
26 Washington and one from western Washington, appointed by the  
27 governor. The governor shall solicit and consider nominees from each  
28 of the federally recognized tribes in Washington state. The governor  
29 shall collaborate with federally recognized tribes on the selection  
30 of tribal representatives. The tribal representatives serve four-year  
31 terms. One representative must be initially appointed for a four-year  
32 term. The other representative must be initially appointed for a two-  
33 year term, after which, that representative must be appointed for a  
34 four-year term;

35        (c) Two representatives who are environmental justice  
36 practitioners or academics to serve as environmental justice experts,  
37 the nominations of which are based upon applied and demonstrated work  
38 and focus on environmental justice;

39        (d) (i) One representative of a business that is regulated by a  
40 covered agency and whose ordinary business conditions are

1 significantly affected by the actions of at least one other covered  
2 agency; and

3 (ii) One representative who is a member or officer of a union  
4 representing workers in the building and construction trades; and

5 (e) One representative at large, the nomination of which is based  
6 upon applied and demonstrated work and focus on environmental  
7 justice.

8 (3) Covered agencies shall serve as nonvoting, ex officio  
9 liaisons to the council. Each covered agency must identify an  
10 executive team level staff person to participate on behalf of the  
11 agency.

12 (4) Nongovernmental members of the council must be compensated  
13 and reimbursed in accordance with RCW 43.03.050, 43.03.060, and  
14 43.03.220.

15 (5) The department of health must:

16 (a) Hire a manager who is responsible for overseeing all staffing  
17 and administrative duties in support of the council; and

18 (b) Provide all administrative and staff support for the council.

19 (6) In collaboration with the office of equity, the office of  
20 financial management, the council, and covered agencies, the  
21 department of health must:

22 (a) Establish standards for the collection, analysis, and  
23 reporting of disaggregated data as it pertains to tracking population  
24 level outcomes of communities;

25 (b) Create statewide and agency-specific process and outcome  
26 measures to show performance:

27 (i) Using outcome-based methodology to determine the  
28 effectiveness of agency programs and services on reducing  
29 environmental disparities; and

30 (ii) Taking into consideration community feedback from the  
31 council on whether the performance measures established accurately  
32 measure the effectiveness of covered agency programs and services in  
33 the communities served; and

34 (c) Create an online performance dashboard to publish performance  
35 measures and outcomes as referenced in section 17 of this act for the  
36 state and each covered agency.

37 (7) The department of health must coordinate with the  
38 consolidated technology services agency to address cybersecurity and  
39 data protection for all data collected by the department.

1 (8) (a) With input and assistance from the council, the department  
2 of health must establish an interagency work group to assist covered  
3 agencies in incorporating environmental justice into agency decision  
4 making. The work group must include staff from each covered agency  
5 directed to implement environmental justice provisions under this  
6 chapter and may include members from the council. The department of  
7 health shall provide assistance to the interagency work group by:

8 (i) Facilitating information sharing among covered agencies on  
9 environmental justice issues and between agencies and the council;

10 (ii) Developing and providing assessment tools for covered  
11 agencies to use in the development and evaluation of agency programs,  
12 services, policies, and budgets;

13 (iii) Providing technical assistance and compiling and creating  
14 resources for covered agencies to use; and

15 (iv) Training covered agency staff on effectively using data and  
16 tools for environmental justice assessments.

17 (b) The duties of the interagency work group include:

18 (i) Providing technical assistance to support agency compliance  
19 with the implementation of environmental justice into their strategic  
20 plans, environmental justice obligations for budgeting and funding  
21 criteria and decisions, environmental justice assessments, and  
22 community engagement plans;

23 (ii) Assisting the council in developing a suggested schedule and  
24 timeline for sequencing the types of: (A) Funding and expenditure  
25 decisions subject to rules; and (B) criteria incorporating  
26 environmental justice principles;

27 (iii) Identifying other policies, priorities, and projects for  
28 the council's review and guidance development;

29 (iv) Identifying goals and metrics that the council may use to  
30 assess agency performance in meeting the requirements of this act for  
31 purposes of communicating progress to the public, the governor, and  
32 the legislature; and

33 (v) Developing the guidance under subsection (9)(c) of this  
34 section in coordination with the council.

35 (9) The council has the following powers and duties:

36 (a) To provide a forum for the public to:

37 (i) Provide written or oral testimony on their environmental  
38 justice concerns;

1 (ii) Assist the council in understanding environmental justice  
2 priorities across the state in order to develop council  
3 recommendations to agencies for issues to prioritize; and

4 (iii) Identify which agencies to contact with their specific  
5 environmental justice concerns and questions;

6 (b)(i) The council shall work in an iterative fashion with the  
7 interagency work group to develop guidance for environmental justice  
8 implementation into covered agency strategic plans pursuant to  
9 section 12 of this act, environmental justice assessments pursuant to  
10 section 14 of this act, budgeting and funding criteria for making  
11 budgeting and funding decisions pursuant to section 16 of this act,  
12 and community engagement plans pursuant to section 13 of this act;

13 (ii) The council and interagency work group shall regularly  
14 update its guidance;

15 (c) In consultation with the interagency work group, the council:

16 (i) Shall provide guidance to covered agencies on developing  
17 environmental justice assessments pursuant to section 14 of this act  
18 for significant agency actions;

19 (ii) Shall make recommendations to covered agencies on which  
20 agency actions may cause environmental harm or may affect the  
21 equitable distribution of environmental benefits to an overburdened  
22 community or a vulnerable population and therefore should be  
23 considered significant agency actions that require an environmental  
24 justice assessment under section 14 of this act;

25 (iii) Shall make recommendations to covered agencies on the  
26 identification and prioritization of overburdened communities under  
27 this chapter, and related to the use by covered agencies of the  
28 environmental and health disparities map in agency efforts to  
29 identify and prioritize overburdened communities;

30 (iv) May make recommendations to a covered agency on the timing  
31 and sequencing of a covered agencies' efforts to implement sections  
32 12 through 16 of this act; and

33 (v) May make recommendations to the governor and the legislature  
34 regarding ways to improve agency compliance with the requirements of  
35 this chapter;

36 (d) By December 1, 2023, and biennially thereafter, and with  
37 consideration of the information shared on September 1st each year in  
38 covered agencies' annual updates to the council required under  
39 section 17 of this act the council must:

1 (i) Evaluate progress of each agency in applying council  
2 guidance, and update guidance as needed; and

3 (ii) Communicate each covered agency's progress to the public,  
4 the governor, and the legislature. This communication is not required  
5 to be a report and may take the form of a presentation or other  
6 format that communicates the progress of the state and its agencies  
7 in meeting the state's environmental justice goals in compliance with  
8 this act, and summarizing the work of the council pursuant to (a)  
9 through (d) of this subsection, and subsection (11) of this section.

10 (10) By November 30, 2022, and in compliance with RCW 43.01.036,  
11 the council must submit a report to the governor and the appropriate  
12 committees of the house of representatives and the senate on:

13 (a) The council's recommendations to covered agencies on the  
14 identification of significant agency actions requiring an  
15 environmental justice assessment under subsection (9)(c)(ii) of this  
16 section;

17 (b) The summary of covered agency progress reports provided to  
18 the council under section 17(1) of this act, including the status of  
19 agency plans for performing environmental justice assessments  
20 required by section 14 of this act; and

21 (c) Guidance for environmental justice implementation into  
22 covered agency strategic plans, environmental justice assessments,  
23 budgeting and funding criteria, and community engagement plans under  
24 subsection (9)(c)(i) of this section.

25 (11) The council may:

26 (a) Review incorporation of environmental justice implementation  
27 plans into covered agency strategic plans pursuant to section 12 of  
28 this act, environmental justice assessments pursuant to section 14 of  
29 this act, budgeting and funding criteria for making budgeting and  
30 funding decisions pursuant to section 16 of this act, and community  
31 engagement plans pursuant to section 13 of this act;

32 (b) Make recommendations for amendments to this chapter or other  
33 legislation to promote and achieve the environmental justice goals of  
34 the state;

35 (c) Review existing laws and make recommendations for amendments  
36 that will further environmental justice;

37 (d) Recommend to specific agencies that they create environmental  
38 justice-focused, agency-requested legislation; and

1 (e) Recommend funding strategies and allocations to build  
2 capacity in vulnerable populations and overburdened communities to  
3 address environmental justice.

4 (12) The role of the council is purely advisory and council  
5 decisions are not binding on an agency, individual, or organization.

6 (13) The department of health must convene the first meeting of  
7 the council by January 1, 2022.

8 (14) All council meetings are subject to the open public meetings  
9 requirements of chapter 42.30 RCW and a public comment period must be  
10 provided at every meeting of the council.

11 NEW SECTION. **Sec. 21.** LEGAL OBLIGATIONS. (1) Nothing in this  
12 act prevents state agencies that are not covered agencies from  
13 adopting environmental justice policies and processes consistent with  
14 this act.

15 (2) The head of a covered agency may, on a case-by-case basis,  
16 exempt a significant agency action or decision process from the  
17 requirements of sections 14 and 16 of this act upon determining that:

18 (a) Any delay in the significant agency action poses a  
19 potentially significant threat to human health or the environment, or  
20 causes serious harm to the public interest;

21 (b) An assessment would delay a significant agency decision  
22 concerning the assessment, collection, or administration of any tax,  
23 tax program, debt, revenue, receipt, a regulated entity's financial  
24 filings, or insurance rate or form filing;

25 (c) The requirements of sections 14 and 16 of this act are in  
26 conflict with:

27 (i) Federal law or federal program requirements;

28 (ii) The requirements for eligibility of employers in this state  
29 for federal unemployment tax credits; or

30 (iii) Constitutional limitations or fiduciary obligations,  
31 including those applicable to the management of state lands and state  
32 forestlands as defined in RCW 79.02.010.

33 NEW SECTION. **Sec. 22.** APPEALS. (1) Agency actions, as defined  
34 in chapter 34.05 RCW, that are subject to or result from the  
35 requirements of this chapter may be appealed as provided in chapter  
36 34.05 RCW.

37 (2) Appeals of significant agency actions under this chapter must  
38 be of the environmental justice assessment together with the

1 accompanying agency action, as defined in RCW 34.05.010, for all  
2 environmental justice assessments for which there is an associated  
3 agency action that is appealable under chapter 34.05 RCW.

4 (3) Nothing in this act may be construed to create a new private  
5 right of action, other than as provided in the appeal process set  
6 forth in chapter 34.05 RCW, on the part of any individual, entity, or  
7 agency against any state agency.

8 (4) Nothing in this act may be construed to expand, contract, or  
9 otherwise modify any rights of appeal, or procedures for appeal,  
10 under other laws other than the availability of the appeal process  
11 described in this section.

12 **Sec. 23.** RCW 43.376.020 and 2012 c 122 s 2 are each amended to  
13 read as follows:

14 In establishing a government-to-government relationship with  
15 Indian tribes, state agencies must:

16 (1) Make reasonable efforts to collaborate with Indian tribes in  
17 the development of policies, agreements, and program implementation  
18 that directly affect Indian tribes and develop a consultation process  
19 that is used by the agency for issues involving specific Indian  
20 tribes. Covered agencies, as defined in section 2 of this act,  
21 subject to the requirements of chapter 70A.--- RCW (the new chapter  
22 created in section 24 of this act), must offer consultation with  
23 Indian tribes on decisions that affect Indian tribes' rights and  
24 interests in their tribal lands, as required in section 18 of this  
25 act;

26 (2) Designate a tribal liaison who reports directly to the head  
27 of the state agency;

28 (3) Ensure that tribal liaisons who interact with Indian tribes  
29 and the executive directors of state agencies receive training as  
30 described in RCW 43.376.040; and

31 (4) Submit an annual report to the governor on activities of the  
32 state agency involving Indian tribes and on implementation of this  
33 chapter.

34 NEW SECTION. **Sec. 24.** Sections 1 through 3, 11 through 18, and  
35 20 through 22 of this act constitute a new chapter in Title 70A RCW.

36 NEW SECTION. **Sec. 25.** If any provision of this act or its  
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 26.** If any part of this act is found to be in  
4 conflict with federal requirements that are a prescribed condition to  
5 the allocation of federal funds to the state, the conflicting part of  
6 this act is inoperative solely to the extent of the conflict and with  
7 respect to the agencies directly affected, and this finding does not  
8 affect the operation of the remainder of this act in its application  
9 to the agencies concerned. Rules adopted under this act must meet  
10 federal requirements that are a necessary condition to the receipt of  
11 federal funds by the state."

12 Correct the title.

EFFECT: Makes the following changes to the Engrossed Second Substitute Bill (as passed by the Senate):

**Covered Agencies.**

Identifies the agencies required to assume environmental justice obligations as "covered agencies" (Puget Sound Partnership, and the Departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation), and distinguishes provisions of the bill that apply to covered agencies as opposed to all state agencies.

Specifies that state agencies may opt-in to assume the obligations of covered agencies by notifying the environmental justice council, and clarifies that agencies that opt-in to assume environmental justice obligations of covered agencies are not bound by the deadlines or timelines for the environmental justice obligations that apply to covered agencies.

**Planning and General Obligations of Covered Agencies.**

Authorizes, rather than requires, covered agencies include environmental justice implementation plans within planning documents other than the agency's strategic plan, while retaining the requirement that environmental justice implementation plans be included in the agency's strategic plan.

Requires covered agencies to update required environmental justice implementation plans and community engagement plans.

Requires each covered agency to identify, as part of its community engagement plan, how the agency will identify and prioritize overburdened communities, and requires the environmental justice council to provide related guidance to covered agencies regarding the identification and prioritization of overburdened communities.

Limits several of the obligations of state agencies with respect to environmental justice implementation by requiring those activities only to the extent legal, practicable, consistent with statutory authority, or consistent with appropriations.

Adds, as a type of environmental harm to be addressed by covered agencies, the loss or impairment of ecosystem functions or traditional food resources, or loss of access to gather cultural resources or traditional foods.

**Significant Agency Actions and Environmental Justice Assessments.**



Narrows the definition of "significant agency actions" for which covered agencies must conduct an environmental justice assessment to the following five categories and to apply only in those instances when an action may cause environmental harm or may affect equitable distribution of benefits: (1) Significant legislative rules; (2) new statutory grant or loan program development and adoption; (3) transportation projects that increase state transportation system capacity; (4) major capital of at least \$12 million; and (5) the submission of agency request legislation to the office of the governor or the office of financial management for approval.

Establishes a process for covered agencies to identify and periodically evaluate additional types of significant agency actions beyond the five categories included in the definition, and requires covered agencies to consider other agency actions that may be significant by 2025.

Requires each covered agency to publish by July 1, 2023, a list of actions that the agency has determined is a significant agency action, and for which environmental justice assessments must be completed.

Clarifies that environmental justice assessment requirements apply only to significant agency actions initiated after July 1, 2023.

Specifies that the issuance of forest practice permits and sale of timber from state lands and state forestlands do not require an environmental justice assessment.

Requires covered agencies to aspire to complete environmental justice assessments within 15 business days of initiating an assessment. Requires covered agencies to include their success rate in meeting the aspirational 15-business day timeline in their annual dashboard report on the Office of Financial Management's website.

Requires the environmental justice council to provide guidance to covered agencies on the agency activities that are automatically defined as significant agency actions, and to make recommendations to covered agencies as to which other agency actions should be considered significant agency actions because they may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community.

Requires covered agencies to periodically evaluate their list of identified significant agency actions.

Requires covered agencies to file a notice with the office of financial management for significant agency actions for which the agency is initiating an environmental justice assessment, and for the office of financial management to post covered agency filings on its website and make it available to interested parties.

#### **Budget and Expenditure Obligations of Covered Agencies.**

Provides limits on the requirement that covered agencies to incorporate environmental justice principles into decision processes for budget development and making expenditures, including by requiring incorporation of principles only to the extent allowed by law, where practicable, consistent with legislative appropriations, and to apply only to applicable expenditures related to programs that address or may cause environmental harms or provide environmental benefits.

Clarifies that all covered agencies, rather than just the Department of Transportation, may not take actions or make expenditures that are inconsistent with or conflict with other statutes or conditions and limitations on the agency's appropriations.

Requires covered agencies to provide updates on the implementation of environmental justice principles in agency

expenditures and budgets, as part of the annual update on the covered agency's activities posted on the Office of Financial Management's website.

Authorizes covered agencies to determine that it is not practicable to take specified actions to integrate environmental justice principles into expenditure decisions or budget requests for all applicable expenditure decisions and budget requests developed by a covered agency. Requires each covered agency, by July 1, 2023, to publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits that will be subject to specified actions to integrate environmental justice principles into expenditure decisions.

**Environmental Justice Council.**

Eliminates senate confirmation of environmental justice council members.

Expands the environmental justice council from 12 to 14 members by adding one representative each from a business regulated by a covered agency and whose business is affected by at least one other covered agency, and one representative of a union representing workers in the building and construction trades.

Makes the governor responsible for appointment of environmental justice council members representing tribal communities, rather than the Governor's office of Indian affairs.

Requires the Governor to solicit and consider nominees and collaborate with each tribe on the selection of tribal representatives, rather than to make the selection in consultation with all tribes.

Eliminates the requirement that the environmental justice council make recommendations on the prioritization and phase-in of implementation priorities prior to July 1, 2023.

**Indian Tribe Consultation.**

Specifies that consultation requirements applicable to covered agencies pertain only to federally recognized Indian tribes.

Requires covered agency collaboration to include protocols for communication and best practice in consultation, rather than requiring covered agencies to develop a consultation framework.

Specifies that the new consultation obligations of covered agencies are in addition to requirements that apply to all state agencies with respect to Indian tribe consultation.

**Environmental Health Disparities Map.**

Establishes a definition for the "evidence-based", which pertains to evidence-based indicators that the Department of Health may request assistance from researchers to apply.

Requires, rather than authorizes, the Department of Health to request assistance from state universities, other academic researchers, and other state agencies for specified types of input into the development of the health disparities map. Requires the Washington State Institute for Public Policy (WSIPP) to conduct a technical review of the Department of Health's environmental health disparities map by November 1, 2022. Requires the Department of Health and the University of Washington provide technical documentation and other information as needed to WSIPP for their technical review. Requires WSIPP to submit a report of their findings to the Legislature, the Governor, and the Environmental Justice Council by November 1, 2022.

**Other.**

Specifies that agency actions, as defined in the Administrative Procedure Act (APA), that are subject to or result from the new

environmental justice requirements in the bill are appealable under the APA.

Specifies that the Act does not create a new private right of action other than the APA appeal process.

Specifies that appeals of significant agency actions must be of the environmental justice assessment together with the accompanying agency action that is appealable under the APA, for agency actions that are appealable under the APA.

Clarifies that specified types of exemptions to environmental justice assessment and budget obligations of covered agencies must be determined by the head of a covered agency on a case-by-case basis.

Adds a federal funding savings clause.

Amends the intent section.

Makes numerous other clarifying and technical edits.

--- END ---