

HOUSE BILL REPORT

E2SHB 1170

As Passed Legislature

Title: An act relating to improving climate resilience through updates to the state's integrated climate response strategy.

Brief Description: Improving climate resilience through updates to the state's integrated climate response strategy.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet; by request of Department of Ecology).

Brief History:

Committee Activity:

Environment & Energy: 1/12/23, 1/16/23, 1/26/23 [DPS];
Appropriations: 2/6/23, 2/9/23 [DP2S(w/o sub ENVI)].

Floor Activity:

Passed House: 2/27/23, 82-14.
Senate Amended.
Passed Senate: 4/8/23, 34-14.
House Concurred.
Passed House: 4/13/23, 87-10.
Passed Legislature.

Brief Summary of Engrossed Second Substitute Bill

- Requires the Department of Ecology (Ecology) to update the Integrated Climate Change Response Strategy (Strategy) by September 30, 2024, and every four years thereafter, and report on implementation, recommendations, and state agency costs for implementation to the Governor and the Legislature.
- Expands Ecology's collaboration and engagement requirements, and requires Ecology to work with the University of Washington Climate

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

Impacts Group when updating the Strategy.

- Adds to and makes changes to the requirements for the Strategy's content.
- Requires Ecology to coordinate a state response to climate resilience-related federal funding opportunities, and to develop an interagency work group structure to coordinate funding.
- Requires the University of Washington Climate Impacts Group to provide an examination of existing best practices and new methods to measure and evaluate climate change resilience to the Legislature by June 1, 2024.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Doglio, Chair; Mena, Vice Chair; Berry, Duerr, Fey, Lekanoff, Ramel, Slatter and Street.

Minority Report: Without recommendation. Signed by 6 members: Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno, Barnard, Couture and Goehner.

Staff: Megan McPhaden (786-7114).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by 20 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Couture, Davis, Fitzgibbon, Hansen, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 8 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Connors, Dye, Schmick and Steele.

Minority Report: Without recommendation. Signed by 3 members: Representatives Harris, Rude and Sandlin.

Staff: Dan Jones (786-7118).

Background:

Integrated Climate Change Response Strategy.

Legislation enacted in 2009 directed various state agencies to develop an Integrated Climate Change Response Strategy (Strategy) by December 1, 2011. The Strategy should better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change. In 2012, the State of Washington's Strategy was published by the Department of Ecology (Ecology).

Enacted in 2021, the Climate Commitment Act requires the Governor to establish a coordinated and strategic approach to climate resilience, and to produce an updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems.

The Initial Strategy.

Collaboration and Engagement.

By December 1, 2011, Ecology must compile a Strategy in collaboration with the Departments of Agriculture, Community, Trade, and Economic Development (now Commerce), Fish and Wildlife, Natural Resources, and Transportation. Where feasible, the collaborating agencies should develop the Strategy in collaboration with local governments that have climate change plans.

Content.

The Strategy must include:

- a summary of the best-known science on climate change impacts to the state and an assessment of the state's vulnerability to these impacts;
- efforts to identify priority planning areas for action;
- an assessment of project vulnerability to the impacts of climate change;
- barriers challenging state and local governments to take action;
- opportunities to integrate climate science and projected impacts into planning and decisions; and
- methods to increase public awareness of climate change and to build support for meaningful policies and strategies.

Assistance From Scientific Experts.

Ecology must serve as a central clearinghouse for relevant scientific and technical information. The collaborating state agencies may consult with qualified nonpartisan scientific experts to develop the Strategy on components including:

- assessing the effects of climate variability and change;
- developing forecasting models; and
- assessing climate change resiliency of the environment, natural systems, communities, and organizations.

Using the Strategy.

The collaborating state agencies must strive to incorporate adaptation plans when planning or designing agency policies and programs, and they must consider the Strategy when designing, planning, and funding infrastructure projects.

The Interagency, Multijurisdictional System Improvement Team.

The Interagency, Multijurisdictional System Improvement Team (Team) was established in 2017 to identify, implement, and report on infrastructure system improvements that achieve certain designated outcomes, including projects that maximize value, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience.

The Team includes representatives from state infrastructure programs that provide funding for drinking water, wastewater, and stormwater projects. The Public Works Board and representatives from the departments of Ecology, Health, and Commerce facilitate the work of this team.

Summary of Engrossed Second Substitute Bill:

Updated Integrated Climate Change Response Strategy.

Reporting Requirements for the Department of Ecology.

By September 30, 2024, the Department of Ecology (Ecology) must compile an updated Integrated Climate Change Response Strategy (Strategy), and provide recommendations to the Governor and Legislature on a durable structure for coordinating and implementing the state's Strategy, including a process to prioritize and coordinate state agency funding for climate resilience. By September 30, 2024, Ecology must also provide estimated state agency costs for implementing the Strategy, including existing programs and new recommended actions, to the Governor and Legislature. These estimated costs should be projected over two, four, and 10-year time frames. Ecology must also track funding that is appropriated by the Legislature for implementing the Strategy. This information must be included as part of reporting to the Governor's office, every other year starting in 2025.

Ecology must update the Strategy every four years.

Starting by September 30, 2025, Ecology must report on implementation progress and agency needs and priorities to the Governor's Office in interim biennial work plans for the budget planning process.

Beginning in 2025 agencies who must implement actions in the Strategy must provide the information needed for reporting to Ecology by August 15 of odd-numbered years. Agencies may include any resources needed to carry out the required planning and designing of policies and programs.

Collaboration and Engagement.

Ecology must consult and collaborate with, at a minimum, additional state agencies: the

Department of Health, the State Conservation Commission, the Puget Sound Partnership, and the Washington State Military Department's Emergency Management Division. Ecology will engage other relevant state agencies so climate resilience actions, such as those related to worker safety and community response, are included in the Strategy.

Ecology must also collaborate and engage with tribal governments, nongovernmental organizations, public and private businesses, and overburdened communities. In developing the engagement plan, Ecology must announce the opportunity to participate and include, to the extent possible, organizations that express interest in participating. Ecology must engage with historically or currently marginalized groups, overburdened communities, vulnerable populations, and tribal governments, and must conduct this engagement with guidance from the Office of Equity, the Environmental Justice Council, and the community engagement plan and the tribal consultation plan adopted in 2021 under the environmental justice chapter of state law.

Content.

The Strategy's focus is narrowed to focus on the state's role to prepare for, address, and adapt to the impacts of climate change. The Strategy does not need to include many of the initial Strategy's requirements.

The Strategy must be guided by the following principles:

- prioritize actions that: (1) reduce greenhouse gas emissions and build climate preparedness; (2) deploy natural solutions, restore habitat, or reduce stressors that exacerbate climate impacts, with specific prioritized actions outlined; and (3) promote and protect human health;
- protect the state's most overburdened communities and vulnerable populations and provide more equitable outcomes;
- consider flexible and adaptive approaches for preparing for uncertain climate impacts; and
- address risks in each geographic region of the state appropriately.

New requirements for the Strategy include:

- a summary of each collaborating state agency's climate resilience priorities, plans, and actions;
- strategies and actions to address the highest climate vulnerabilities and risks to the state's communities and ecosystems;
- a lead agency or group of agencies assigned to implement actions; and
- key gaps to advancing climate resilience actions.

The collaborating agencies are directed to assess the vulnerability of state assets and services and inform agency actions, instead of project vulnerability, to reduce expected risks and increase resiliency to the impacts of climate change.

Assistance From the Climate Impacts Group, Other Data Providers and Tools, and

Scientific Experts.

Ecology must work with the University of Washington Climate Impacts Group to ensure the state has access to relevant scientific and technical information about climate change's impacts on the state's ecology, economy, public health, and society. This information and any existing climate impact tools should be in a central location.

The University of Washington Climate Impacts Group will explore opportunities to partner with other data providers and leverage existing tools such as the Department of Health's Washington Tracking Network. The University of Washington Climate Impacts Group must also examine existing best practices and new methods to measure and evaluate climate change resilience, with the examination due to the Legislature by June 1, 2024.

In updating the Strategy, the collaborating state agencies may continue to seek assistance from qualified nonpartisan scientific experts, but with a new specified set of components:

- best practices and processes for prioritizing resilience actions and assessing the effectiveness of potential actions;
- developing a process for identifying metrics and measuring progress and success toward statewide resilience goals; and
- analyzing opportunities and gaps in current agency resilience efforts.

Implementing the Strategy.

The collaborating state agencies are required to consider current and future climate change impacts to the fullest allowable extent and incorporate climate resilience and adaptation actions as priority activities when planning, designing, revising, or implementing relevant agency policies and programs.

No New Regulatory Authority.

Nothing related to developing and updating the Integrated Climate Change Response Strategy creates any new or additional regulatory authority for any state agency.

Coordinating Funding for Climate Resilience.

Ecology must work with the Office of Financial Management and other relevant state agencies and entities to coordinate a state response to climate resilience-related federal funding opportunities.

Ecology must develop an interagency work group structure and leverage existing forums like the Interagency, Multijurisdictional System Improvement Team to coordinate climate resilience funding.

Appropriation: None.

Fiscal Note: Available.

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

bill is passed.

Staff Summary of Public Testimony (Environment & Energy):

(In support) This strategy was last updated 10 years ago and there have been dramatic changes in our environment since, so we need updates to the existing work on climate resilience. We need more planning and implementation of climate resilience actions. This agency-request legislation will build on what is being done and identify needs and gaps. It will be an opportunity to include climate justice at the core of our actions and deliver a more equitable future for the people of the state. It will ensure the state is addressing the highest risks and vulnerabilities for communities that are least able to respond, who are impacted first and the most from climate change, and will help these communities take actions to withstand future impacts. The changes in the bill address challenges that came up during the first strategy. This will clarify roles, improve communication and coordination on issues that impact many agencies, and target climate resilience activities. The bill will help identify needs for infrastructure and ecosystems that are spread across multiple agencies and will then effectively bring those funding needs to the Legislature. The updates bring more agencies into the strategy, and will provide an opportunity for agencies to act collaboratively to reduce public health impacts from climate change, and address health equity and needs of marginalized communities. The Washington Tracking Network will assist state agency efforts. The urgency for this bill is twofold: (1) the Climate Commitment Act required a governance structure for a coordinated statewide approach to climate resilience that is not currently in place and is overdue; and (2) there is historic federal funding that targets resilience for natural and built infrastructure, and it is more likely for federal grant shares to go to states that have developed specific approaches to federal funding. This will make help everyone, not just the state, be more competitive for these federal resilience dollars. The bill would protect state investments, reduce risks, and maximize the benefits and return for the public over the long term.

(Opposed) None.

(Other) The interagency work group should be a "must" and not a "may." There is a need for greater agency coordination and collaboration. Requiring collaboration will drive better coordination of resources. The plan should be updated. The process for the original plan took three years to complete, so there are concerns whether one year is enough time to fully update the programs. The stakeholder elements for participation should be clarified, and calling out different groups to participate could be helpful. Sections five and six are somewhat open-ended and could use more clarity on how the reports might be used. We need different players; we won't get our environment back with the groups chosen in this bill. For example, the Puget Sound Partnership serves an international sphere of government, not our government. We are getting too much of our stuff from overseas. We have a climate emergency coming from overseas and it comes to all of us.

Staff Summary of Public Testimony (Appropriations):

(In support) The bill helps coordinate the state's efforts around climate resiliency and federal climate resilience funding opportunities. Funding is needed to ensure the University of Washington Climate Impacts Group (CIG) can fulfill the roles in the bill. The bill builds on the experience of the CIG in climate research and enables the Department of Ecology to serve as a storehouse for climate research information. Kindergarten through grade 12 (K-12) schools are positioned to be climate resiliency hubs, as they are centrally located, have multi-purpose rooms, and provide electric buses and charging infrastructure.

(Opposed) The climate impacts of residential communities, and the transportation needed to deliver goods to residential communities, have not been looked at sufficiently. There should be a proper greenhouse gas emissions chart that everyone works off of, and funding should not be provided until a proper pie chart is provided.

(Other) Changes have been made which have made the bill stronger and are appreciated, but further changes are needed.

Persons Testifying (Environment & Energy): (In support) Representative Chipalo Street, prime sponsor; Jennifer Hennessey, Department of Ecology; Rad Cunningham, Department of Health; Crystal Raymond, University of Washington; Jim Baumgart, Washington Military Department; and Justin Allegro, The Nature Conservancy.

(Other) Peter Godlewski, Association of Washington Business; John Worthington; and Brian Considine, Department of Natural Resources.

Persons Testifying (Appropriations): (In support) Crystal Raymond, University of Washington Climate Impacts Group; Jennifer Hennessey, Washington State Department of Ecology; and Devon Kellogg, Washington State Parent Teacher Association.

(Opposed) John Worthington.

(Other) Peter Godlewski, Association of Washington Business.

Persons Signed In To Testify But Not Testifying (Environment & Energy): William McPherson, Unitarian Universalist Association; and Howard Jane.

Persons Signed In To Testify But Not Testifying (Appropriations): None.