Deep Dive Webinars

Structuring State Governments to Prioritize Environmental Justice
Introduction

Kristen Soares
State Climate Policy Network Manager
State Climate Policy Network (SCPN)

- Network of 16,000 policymakers, advocates, business leaders and experts pushing for effective and equitable climate policies in their states
- Host monthly national calls and webinars
- Share updates, research, and analysis on various climate policy topics
How can we help you?

We specialize in state climate policy design and analysis. Reach out to kristen@climate-xchange.org with your questions on:

- **Bill drafting**, analysis, and technical design
- **Gap analysis** of your state’s climate policy landscape
- Best **example states** to follow for a given policy

Or, check our our **State Climate Policy Dashboard**, which tracks state-level climate policy and resources across all 50 states.
Speakers

Ruby Wincele
Research Associate, Climate XChange

Guillermo Rogel Jr.
Legislative and Government Relations Advocate, Front and Centered
Key Terms

Environmental justice (EJ)
Response to environmental -isms.
Demands that the spaces where we live, work, play, and learn are safe and clean.

Bureaucracy
Entity of non-elected government officials.
Hierarchical system with specialized functions.

EJ Bureaucracy
How government staff, resources, procedures, rules, and authority are established to address environmental justice.
Speaker

Ruby Wincele

Research Associate,
Climate XChange
# Framework Overview

**EJ Advisory Bodies**
- Body Establishment
- Purpose & Responsibilities
- Agency Coordination
- Body Makeup
- Funding and Support

**EJ Government Bodies and Staff**
- Environmental Justice Definition
- Body Establishment
- Purpose and Goals
- Body Makeup and Agency Coordination
- Level of Staffing
- Responsibilities
# EJ Advisory Body Checklist

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Questions to Ask</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Body Establishment</strong></td>
<td>Is the body established through legislation or executive order?</td>
</tr>
<tr>
<td><strong>Purpose &amp; Responsibilities</strong></td>
<td>Does the EJ Advisory Body have clearly defined goals and outcomes?</td>
</tr>
<tr>
<td><strong>Agency Coordination</strong></td>
<td>Does the advisory body advise only the state environment department or multiple agencies?</td>
</tr>
</tbody>
</table>
| **Body Makeup**           | (1) Are members all non-government representatives? Or a mix of government and non-government members?  
                            | (2) Are members appointed by the Governor? If not, who is appointing members?     |
| **Funding and Support**   | Is there state funding to support the Advisory Body? Does agency staff provide support? |
## EJ Government Body/Staff Checklist

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Questions to Ask</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Justice Definition</td>
<td>Is environmental justice defined in the state?</td>
</tr>
<tr>
<td>Body Establishment</td>
<td>Is the body established through legislation or executive order?</td>
</tr>
<tr>
<td>Body Makeup and Agency Coordination</td>
<td>Are all relevant agencies represented in the EJ body? Does EJ staff work across state agencies, or only within one agency?</td>
</tr>
<tr>
<td>Level of Staffing</td>
<td>How many staff members and state agencies are involved in EJ efforts in the state?</td>
</tr>
</tbody>
</table>
# EJ Government Body/Staff Checklist

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<tr>
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<th>Questions to Ask</th>
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<tr>
<td>Purpose and Outcomes</td>
<td>Are there clearly defined goals and outcomes?</td>
</tr>
<tr>
<td>Responsibilities</td>
<td>What of the following responsibilities are being met:</td>
</tr>
<tr>
<td></td>
<td>1. Enhance community involvement in decision making;</td>
</tr>
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<td></td>
<td>2. Enforce Title VI and other EJ-related policies;</td>
</tr>
<tr>
<td></td>
<td>3. Define/identify EJ Communities;</td>
</tr>
<tr>
<td></td>
<td>4. Develop human exposure data through models and tools</td>
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</tbody>
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State Examples: Building Out EJ Bureaucracy

Recent broad EJ legislation that requires new EJ Bureaucracy:

1. **Oregon:** HB 4077 (2022) – “Environmental Justice for All” Act
2. **Colorado:** HB 21-1266 (2021) – “Environmental Justice” Act
3. **Washington State:** SB 5141 (2021) – “Healthy Environment for All (HEAL)” Act
<table>
<thead>
<tr>
<th>Oregon</th>
<th>Colorado</th>
<th>Washington State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defines environmental justice and “environmental justice community”</td>
<td>Defines environmental justice and “disproportionately impacted communities (DICs)”</td>
<td>Defines environmental justice</td>
</tr>
<tr>
<td>Requires the development of an EJ Mapping Tool</td>
<td>Commits to reducing environmental health disparities in DICs</td>
<td>Requires a coordinated state agency approach to environmental justice</td>
</tr>
<tr>
<td>Creates new EJ Bodies and staff positions</td>
<td>Creates 3 new EJ Bodies &amp; staff positions</td>
<td>Creates new EJ Bodies and staff positions:</td>
</tr>
<tr>
<td>o  Environmental Justice Council</td>
<td>o  EJ Advisory Board</td>
<td>o  Environmental Justice Council</td>
</tr>
<tr>
<td>o  DEQ Staff Support for the EJ Council</td>
<td>o  EJ Action Task Force</td>
<td>o  Interagency Work Group</td>
</tr>
<tr>
<td></td>
<td>o  EJ Ombudsperson</td>
<td>o  Agency EJ and Equity Directors/Managers</td>
</tr>
</tbody>
</table>
## EJ Advisory Bodies

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Oregon EJ Council</th>
<th>Colorado EJ Action Task Force*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body Establishment</td>
<td>HB 4077 (2022)</td>
<td>HB21-1266 (2021)</td>
</tr>
<tr>
<td>Purpose &amp; Responsibilities</td>
<td>Make recommendations on methods to consider EJ impacts of policies, increase community engagement, and reduce environmental disparities. Develop an EJ Mapping Tool and identify EJ communities.</td>
<td>Make policy recommendations that suggest ways to address EJ inequalities across the state, focusing on DICs in a comprehensive “state government EJ Plan”.</td>
</tr>
<tr>
<td>Body Authority</td>
<td>Agencies responsible for implementation</td>
<td>Agencies responsible for implementation. EJ Task Force has a say in which agencies should comply</td>
</tr>
</tbody>
</table>

*Note: The Colorado EJ Act also created an EJ Advisory Board to advise the CDPHE and administer an EJ grants program
# EJ Advisory Bodies

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<thead>
<tr>
<th>Criteria</th>
<th>Oregon EJ Council</th>
<th>Colorado EJ Action Task Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Coordination</td>
<td>EJ Council works with agencies as needed. Agencies can voluntarily comply</td>
<td>Agency-wide strategy</td>
</tr>
<tr>
<td>Advisory Body Makeup</td>
<td>13 non-governmental members appointed by the Governor</td>
<td>27 members Members appointed by the Governor, Legislature, and Tribal governments</td>
</tr>
<tr>
<td>Funding and Support</td>
<td>Receives dedicated funding and DEQ staff support Council members are compensated</td>
<td>CDPHE receives funding, but no explicit funding or agency support for the Task Force</td>
</tr>
</tbody>
</table>
# EJ Government Bodies & Staff

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Colorado EJ Ombudsperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>EJ Definition</td>
<td>Defined in HB 21-1266</td>
</tr>
<tr>
<td>Body Establishment</td>
<td>HB 21-1266 (2021)</td>
</tr>
<tr>
<td>Purpose and Outcomes</td>
<td>Increase community engagement and represent DICs in decision-making processes</td>
</tr>
<tr>
<td>Body Makeup and Agency Coordination</td>
<td>Within the Colorado Department of Public Health and Environment (CDPHE)</td>
</tr>
<tr>
<td>Level of Staffing</td>
<td>1 staff position within the CDPHE. Receives administrative support from the CDPHE's 4-member Environmental Justice Unit</td>
</tr>
</tbody>
</table>
## EJ Government Bodies & Staff

<table>
<thead>
<tr>
<th>Responsibilities</th>
<th>Oregon</th>
<th>Colorado</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase community involvement</td>
<td>EJ Council makes recommendations</td>
<td>EJ Ombudsman</td>
</tr>
<tr>
<td>Incorporate EJ into an agency's processes</td>
<td>EJ Council</td>
<td>EJ Action Task Force</td>
</tr>
<tr>
<td>Enforce Title VI and other EJ-related policies</td>
<td>Individual agencies have Title VI coordinators</td>
<td>Ombudsman receives complaints; individual agencies have Title VI coordinators</td>
</tr>
<tr>
<td>Develop human exposure data through models and tools</td>
<td>EJ Council with DEQ assistance</td>
<td>CDPHE recently released the <a href="COEnviroScreen">CO EnviroScreen</a> (EJ mapping tool)</td>
</tr>
<tr>
<td>Define/identify EJ Communities</td>
<td>EJ Council</td>
<td>EJ Action Task Force</td>
</tr>
</tbody>
</table>
Key Takeaways

- EJ Bureaucracy is not a “one size fits all”
- The state landscape of EJ Bureaucracy is growing
- This framework doesn’t cover everything, but includes important questions to consider when looking at your state’s EJ Bureaucracy

Limitations:
- Implementation is more difficult to track, and it might look different than legislation or executive orders to create EJ Bureaucracies
- This EJ work is limited to a climate mitigation lens, and often doesn’t include EJ remediation policy
Speaker

Guillermo Rogel Jr.

Legislative and Government Relations Advocate,
Front and Centered
HEAL Act 2.0 | SB 5141
Implementing the Recommendations of the Environmental Justice Task Force
HEAL Act Goals

★ Implement the Environmental Justice Task Force’s recommendations
★ Incorporate EJ into agency decision-making processes
★ Improve government accountability to communities, and create an Environmental Justice Council to help facilitate this
★ Create consistent & accessible pathways for community to be meaningfully involved in government decision making processes
Covered Agencies

**Other state agencies are able to opt-in**
Opted In Agencies

- Office of the Attorney General
- Fish and Wildlife
- Outdoor Recreation
Tribal Sovereignty & Rights

★ (Sec. 18) “Covered agencies must offer consultation with federally recognized Indian Tribes on decisions that affect federally recognized Indian Tribes’ rights and interests in their Tribal lands.”

★ Environmental Justice Council includes two members representing Tribal communities

★ Tribal communities’ needs are considered throughout the bill
EJ Obligations for Agencies

The HEAL Act would require agencies to:

★ Incorporate EJ into agency planning documents (e.g. strategic plans)
★ Create a plan for equitable community engagement & public participation
★ Incorporate EJ principles into budget & funding decisions
★ Conduct Environmental Justice Assessments (EJAs)
Sec 16: Budget & Funding Obligations

“Each agency must incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits.”

DESIRED OUTCOMES

★ Each agency strives to equitably distribute funding & expenditures towards overburdened communities & vulnerable populations

★ Focus expenditures on eliminating health burdens, creating community & population resilience, & improving quality of life
Sec 14: Environmental Justice Assessment

“Prior to finalizing a significant agency action, an agency must conduct an environmental justice assessment”

DESIRED OUTCOMES

★ Agencies consistently consider overburdened communities & vulnerable populations when making decisions
★ Agencies strive for the equitable distribution of environmental benefits and the reduction of environmental harms
★ Identify & reduce environmental & health disparities
Defining “Significant Agency Action” (SAA)

Environmental Justice Council (EJC) & Interagency Workgroup (IWG) provide guidance to agencies on developing EJ Assessments (EJAs) for:

★ Significant legislative rules
★ New grant or loan programs
★ Allocation of >$25M in single funding round through grant or loan program
★ Major capital and transportation projects >$5M
★ Agency request legislation
★ Additional actions TBD after 2025

Agencies must implement EJAs for these SAAs by June 30, 2025

“...actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.”
### Sec 20: Environmental Justice Council (EJC) & Interagency Workgroup (IWG)

#### EJC PURPOSE
- Provide community-centered guidance to agencies on agency obligations
- Conduit between community & government (e.g. hosting regular public meetings)

**MEMBERSHIP**
- 7 community reps (including 1 youth rep)
- 2 Tribal community reps
- 2 EJ practitioners or academics
- 1 at-large rep
- 1 rep from each covered agency (non-voting, ex-officio liaisons to the EJC)

#### IWG PURPOSE
- Assist agencies in incorporating EJ into agency decision making
- Work iteratively with the EJC to provide guidance to agencies
- Provide technical assistance to EJC to ensure agency implementation of HEAL obligations
- Create a forum for agencies to share info, best practices & collaboratively problem solve

**MEMBERSHIP**
- 1 rep from each covered agency (does not necessarily need to be an EJC member)
### HEAL Act 2.0 Implementation Timeline

<table>
<thead>
<tr>
<th>Year 1: EJ Council Deadlines</th>
<th>July 1, 2022</th>
<th>Jan 1, 2023</th>
<th>July 1, 2023</th>
<th>Biennially, Starting Dec 2023</th>
<th>Annually, Starting in 2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>EJ Council holds its first public meeting by Jan 1, 2022</td>
<td>Agency Community Engagement Plans Due (Sec. 13)</td>
<td>Agency EJ Implementation Plans Due (Sec. 12)</td>
<td>EJ Assessment &amp; Budget/Funding Implementation Due (Sec. 14 &amp; 16)</td>
<td>EJ Council Conducts Biennial Agency Assessments (Sec. 20)</td>
<td>Agency Reporting Requirements (Sec. 17)</td>
</tr>
<tr>
<td>Agencies update Council on HEAL Implementation annually by Sept 1</td>
<td>Each agency adopts a plan for how to equitably engage with overburdened communities &amp; vulnerable populations</td>
<td>Each agency adopts a plan describing how it will implement its HEAL obligations &amp; how it will apply EJ to agency activities</td>
<td>EJA: The EJ Council &amp; Interagency Workgroup collaborate to develop an EJA process, create guidance for agencies on their other obligations, &amp; iterate on implementation. After 2025, may also work with agencies to identify further SAAs. $: EJ principles embedded in agency budget &amp; funding decision processes</td>
<td>Council updates its guidance (if needed), evaluates agencies’ progress on applying Council guidance &amp; communicates agencies’ progress to the public, Governor &amp; Legislature</td>
<td>Agencies publish or update a uniform dashboard report describing their progress incorporating EJ in their strategic plans and budget and funding decisions, and implementing EJAs for SAAs</td>
</tr>
<tr>
<td>By Nov 30, 2022 Council submits a report to the Governor &amp; Legislature that includes: which significant agency actions warrant an EJA, a summary of agencies’ progress &amp; any additional guidance</td>
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州際機構包括健康、生態、交通、農業、商業、自然资源，及“普吉特湾伙伴”等部門。其他州際機構可選入。
Q&A
Thank you for joining!

Reach out to kristen@climate-xchange.org with any additional questions!