



Deep Dive Webinars

Structuring State Governments to Prioritize Environmental Justice

Introduction

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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 out 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.

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Bureaucracy

Entity of non-elected government officials.

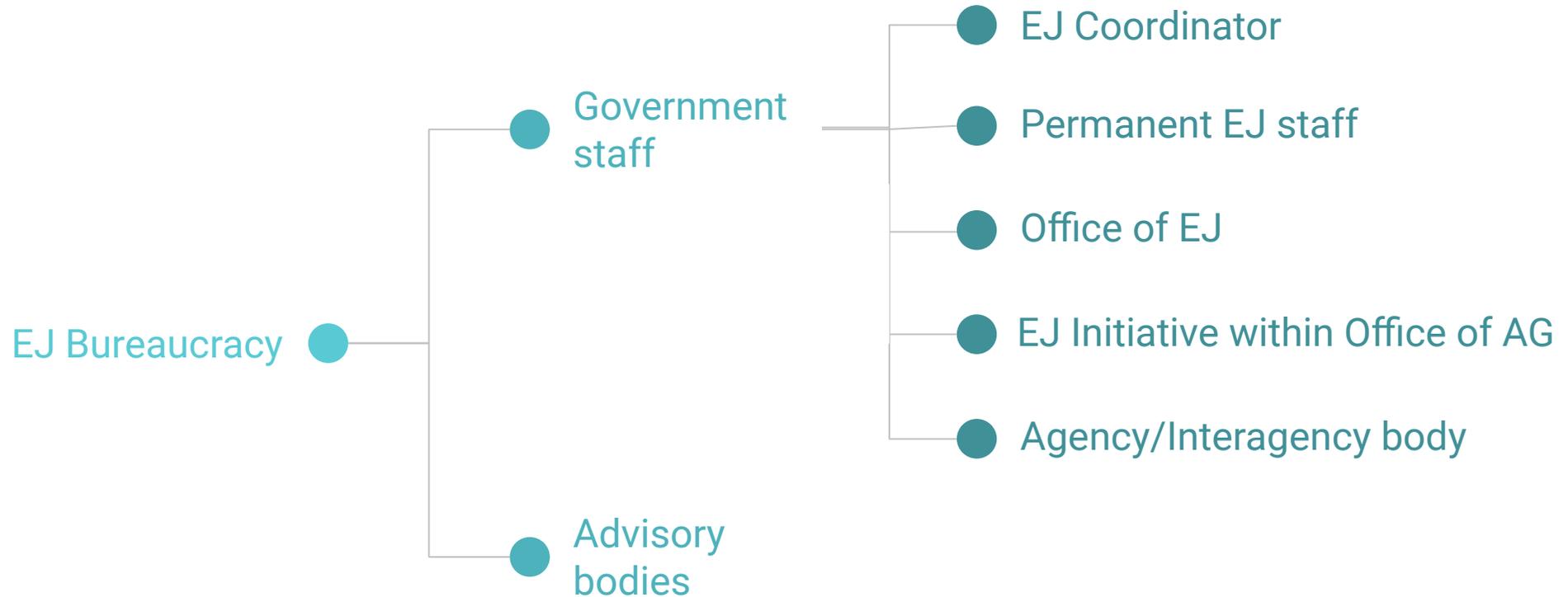
Hierarchical system with specialized functions.

→

EJ Bureaucracy

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

EJ Bureaucracy Examples



Speaker

Ruby Wincele



Research Associate,
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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

Criteria	Questions to Ask
Body Establishment	Is the body established through legislation or executive order?
Purpose & Responsibilities	Does the EJ Advisory Body have clearly defined goals and outcomes?
Agency Coordination	Does the advisory body advise only the state environment department or multiple agencies?
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

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

EJ Government Body/Staff Checklist

Criteria	Questions to Ask
Purpose and Outcomes	Are there clearly defined goals and outcomes?
Responsibilities	What of the following responsibilities are being met: <ol style="list-style-type: none"><li data-bbox="751 575 2091 619">1. Enhance community involvement in decision making;<li data-bbox="751 634 1880 678">2. Enforce Title VI and other EJ-related policies;<li data-bbox="751 692 1600 736">3. Define/identify EJ Communities;<li data-bbox="751 751 2168 795">4. Develop human exposure data through models and tools

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

Oregon

- Defines environmental justice and “environmental justice community”
- Requires the development of an EJ Mapping Tool
- **Creates new EJ Bodies and staff positions**
 - Environmental Justice Council
 - DEQ Staff Support for the EJ Council

Colorado

- Defines environmental justice and “disproportionately impacted communities (DICs)”
- Commits to reducing environmental health disparities in DICs
- **Creates 3 new EJ Bodies & staff positions**
 - EJ Advisory Board
 - EJ Action Task Force
 - EJ Ombudsperson

Washington State

- Defines environmental justice
- Requires a coordinated state agency approach to environmental justice
- **Creates new EJ Bodies and staff positions:**
 - Environmental Justice Council
 - Interagency Work Group
 - Agency EJ and Equity Directors/Managers

EJ Advisory Bodies

Criteria	Oregon EJ Council	Colorado EJ Action Task Force*
Body Establishment	HB 4077 (2022)	HB21-1266 (2021)
Purpose & Responsibilities	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.	Make policy recommendations that suggest ways to address EJ inequalities across the state, focusing on DICs in a comprehensive “state government EJ Plan”.
Body Authority	Agencies responsible for implementation	Agencies responsible for implementation. EJ Task Force has a say in which agencies should comply

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

EJ Advisory Bodies

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

EJ Government Bodies & Staff

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

EJ Government Bodies & Staff

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

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.



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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

Current
SAAs

“...actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.”

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

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

Year 1: EJ Council Deadlines	July 1, 2022	Jan 1, 2023	July 1, 2023	Biennially, Starting Dec 2023	Annually, Starting in 2024
<p>EJ Council holds its first public meeting by Jan 1, 2022 -----</p> <p>Agencies update Council on HEAL Implementation annually by Sept 1 -----</p> <p>By Nov 30, 2022 Council submits a report to the Governor & Legislature that includes: which significant agency actions warrant an EJA, a summary of agencies' progress & any additional guidance</p>	<p>Agency Community Engagement Plans Due (Sec. 13)</p> <p>Each agency adopts a plan for how to equitably engage with overburdened communities & vulnerable populations</p>	<p>Agency EJ Implementation Plans Due (Sec. 12)</p> <p>Each agency adopts a plan describing how it will implement its HEAL obligations & how it will apply EJ to agency activities</p>	<p>EJ Assessment & Budget/Funding Implementation Due (Sec. 14 & 16)</p> <p>EJA: The EJ Council & Interagency Workgroup collaborate to develop an EJA process, create guidance for agencies on their other obligations, & iterate on implementation. After 2025, may also work with agencies to identify further SAAs.</p> <p>\$: EJ principles embedded in agency budget & funding decision processes</p>	<p>EJ Council Conducts Biennial Agency Assessments (Sec. 20)</p> <p>Council updates its guidance (if needed), evaluates agencies' progress on applying Council guidance & communicates agencies' progress to the public, Governor & Legislature</p>	<p>Agency Reporting Requirements (Sec. 17)</p> <p>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</p>

State agencies include the Departments of: Health, Ecology, Transportation, Agriculture, Commerce, Natural Resources, & the Puget Sound Partnership. Other state agencies may opt-in.

Q&A

Thank you for joining!

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

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