
HOUSE BILL 1664

State of Washington

68th Legislature

2023 Regular Session

By Representatives Goehner and Barnard

1 AN ACT Relating to ensuring rural representation on the
2 environmental justice council; amending RCW 70A.02.110; adding a new
3 section to chapter 70A.02 RCW; creating a new section; providing an
4 expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the duties of
7 the environmental justice council include making recommendations on
8 the distribution of billions of dollars of state revenue and
9 oversight of agency programs and projects that relate to improved
10 environmental outcomes for overburdened communities and vulnerable
11 populations. The legislature finds that 30 of 39 Washington counties
12 are designated as rural counties under state law and that poverty
13 rates are higher in rural counties than urban counties. Ensuring
14 rural representation is important because environmental burdens are
15 not limited to urban areas, and in fact many of the most highly
16 impacted communities in the state, using the department of health's
17 map at least for purposes of the clean energy transformation act, are
18 in rural counties. The legislature intends counties to improve the
19 representation of Washington's people on the environmental justice
20 council by requiring that at least one-half of the council's
21 membership reside in rural counties.

1 **Sec. 2.** RCW 70A.02.110 and 2022 c 181 s 15 are each amended to
2 read as follows:

3 (1) The environmental justice council is established to advise
4 covered agencies on incorporating environmental justice into agency
5 activities.

6 (2) The council consists of 14 members, except as provided in RCW
7 70A.65.040(3), appointed by the governor. The councilmembers must be
8 persons who are well-informed regarding and committed to the
9 principles of environmental justice and who, to the greatest extent
10 practicable, represent diversity in race, ethnicity, age, and gender,
11 urban and rural areas, and different regions of the state. At least
12 one-half of the membership of the council must be comprised of
13 persons who reside in a rural county, as defined in RCW 82.14.370. A
14 person appointed to the council to represent a rural county must
15 resign their position on the council effective immediately upon no
16 longer residing in a rural county. The members of the council shall
17 elect two members to serve as cochairs for two-year terms. The
18 council must include:

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

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

26 (ii) The youth representative serves a two-year term. All other
27 community representatives serve four-year terms, with six
28 representatives initially being appointed to four-year terms and five
29 being initially appointed to two-year terms, after which they will be
30 appointed to four-year terms;

31 (b) Two members representing tribal communities, one from eastern
32 Washington and one from western Washington, appointed by the
33 governor, plus two tribal members as specified in RCW 70A.65.040. The
34 governor shall solicit and consider nominees from each of the
35 federally recognized tribes in Washington state. The governor shall
36 collaborate with federally recognized tribes on the selection of
37 tribal representatives. The tribal representatives serve four-year
38 terms. One representative must be initially appointed for a four-year
39 term. The other representative must be initially appointed for a two-

1 year term, after which, that representative must be appointed for a
2 four-year term;

3 (c) Two representatives who are environmental justice
4 practitioners or academics to serve as environmental justice experts,
5 the nominations of which are based upon applied and demonstrated work
6 and focus on environmental justice;

7 (d) (i) One representative of a business that is regulated by a
8 covered agency and whose ordinary business conditions are
9 significantly affected by the actions of at least one other covered
10 agency; and

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

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

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

20 (4) Nongovernmental members of the council must be compensated
21 and reimbursed in accordance with RCW 43.03.050, 43.03.060, and
22 43.03.220.

23 (5) The department of health must:

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

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

27 (6) In collaboration with the office of equity, the office of
28 financial management, the council, and covered agencies, the
29 department of health must:

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

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

35 (i) Using outcome-based methodology to determine the
36 effectiveness of agency programs and services on reducing
37 environmental disparities; and

38 (ii) Taking into consideration community feedback from the
39 council on whether the performance measures established accurately

1 measure the effectiveness of covered agency programs and services in
2 the communities served; and

3 (c) Create an online performance dashboard to publish performance
4 measures and outcomes as referenced in RCW 70A.02.090 for the state
5 and each covered agency.

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

9 (8) (a) With input and assistance from the council, the department
10 of health must establish an interagency work group to assist covered
11 agencies in incorporating environmental justice into agency decision
12 making. The work group must include staff from each covered agency
13 directed to implement environmental justice provisions under this
14 chapter and may include members from the council. The department of
15 health shall provide assistance to the interagency work group by:

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

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

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

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

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

26 (i) Providing technical assistance to support agency compliance
27 with the implementation of environmental justice into their strategic
28 plans, environmental justice obligations for budgeting and funding
29 criteria and decisions, environmental justice assessments, and
30 community engagement plans;

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

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

37 (iv) Identifying goals and metrics that the council may use to
38 assess agency performance in meeting the requirements of chapter 314,
39 Laws of 2021 for purposes of communicating progress to the public,
40 the governor, and the legislature; and

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

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

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

5 (i) Provide written or oral testimony on their environmental
6 justice concerns;

7 (ii) Assist the council in understanding environmental justice
8 priorities across the state in order to develop council
9 recommendations to agencies for issues to prioritize; and

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

12 (b)(i) The council shall work in an iterative fashion with the
13 interagency work group to develop guidance for environmental justice
14 implementation into covered agency strategic plans pursuant to RCW
15 70A.02.040, environmental justice assessments pursuant to RCW
16 70A.02.060, budgeting and funding criteria for making budgeting and
17 funding decisions pursuant to RCW 70A.02.080, and community
18 engagement plans pursuant to RCW 70A.02.050;

19 (ii) The council and interagency work group shall regularly
20 update its guidance;

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

22 (i) Shall provide guidance to covered agencies on developing
23 environmental justice assessments pursuant to RCW 70A.02.060 for
24 significant agency actions;

25 (ii) Shall make recommendations to covered agencies on which
26 agency actions may cause environmental harm or may affect the
27 equitable distribution of environmental benefits to an overburdened
28 community or a vulnerable population and therefore should be
29 considered significant agency actions that require an environmental
30 justice assessment under RCW 70A.02.060;

31 (iii) Shall make recommendations to covered agencies:

32 (A) On the identification and prioritization of overburdened
33 communities under this chapter; and

34 (B) Related to the use by covered agencies of the environmental
35 and health disparities map in agency efforts to identify and
36 prioritize overburdened communities;

37 (iv) May make recommendations to a covered agency on the timing
38 and sequencing of a covered agencies' efforts to implement RCW
39 70A.02.040 through 70A.02.080; and

1 (v) May make recommendations to the governor and the legislature
2 regarding ways to improve agency compliance with the requirements of
3 this chapter;

4 (d) By December 1, 2023, and biennially thereafter, and with
5 consideration of the information shared on September 1st each year in
6 covered agencies' annual updates to the council required under RCW
7 70A.02.090, the council must:

8 (i) Evaluate the progress of each agency in applying council
9 guidance, and update guidance as needed; and

10 (ii) Communicate each covered agency's progress to the public,
11 the governor, and the legislature. This communication is not required
12 to be a report and may take the form of a presentation or other
13 format that communicates the progress of the state and its agencies
14 in meeting the state's environmental justice goals in compliance with
15 chapter 314, Laws of 2021, and summarizing the work of the council
16 pursuant to (a) through (d) of this subsection, and subsection (11)
17 of this section; and

18 (e) To fulfill the responsibilities established for the council
19 in RCW 70A.65.040.

20 (10) By November 30, 2023, and in compliance with RCW 43.01.036,
21 the council must submit a report to the governor and the appropriate
22 committees of the house of representatives and the senate on:

23 (a) The council's recommendations to covered agencies on the
24 identification of significant agency actions requiring an
25 environmental justice assessment under subsection (9)(c)(ii) of this
26 section;

27 (b) The summary of covered agency progress reports provided to
28 the council under RCW 70A.02.090(1), including the status of agency
29 plans for performing environmental justice assessments required by
30 RCW 70A.02.060; and

31 (c) Guidance for environmental justice implementation into
32 covered agency strategic plans, environmental justice assessments,
33 budgeting and funding criteria, and community engagement plans under
34 subsection (9)(c)(i) of this section.

35 (11) The council may:

36 (a) Review incorporation of environmental justice implementation
37 plans into covered agency strategic plans pursuant to RCW 70A.02.040,
38 environmental justice assessments pursuant to RCW 70A.02.060,
39 budgeting and funding criteria for making budgeting and funding

1 decisions pursuant to RCW 70A.02.080, and community engagement plans
2 pursuant to RCW 70A.02.050;

3 (b) Make recommendations for amendments to this chapter or other
4 legislation to promote and achieve the environmental justice goals of
5 the state;

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

8 (d) Recommend to specific agencies that they create environmental
9 justice-focused, agency-requested legislation;

10 (e) Provide requested assistance to state agencies other than
11 covered agencies that wish to incorporate environmental justice
12 principles into agency activities; and

13 (f) Recommend funding strategies and allocations to build
14 capacity in vulnerable populations and overburdened communities to
15 address environmental justice.

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

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

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

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.02
24 RCW to read as follows:

25 (1) The governor must reappoint the membership of the
26 environmental justice council, established in RCW 70A.02.110, by
27 December 31, 2023, to comply with the requirements of this act, with
28 new councilmembers to begin serving on or before January 1, 2024.

29 (2)(a) The terms of all members of the environmental justice
30 council appointed prior to the effective date of this section
31 terminate December 31, 2023.

32 (b) A member of the environmental justice council appointed prior
33 to the effective date of this section may reapply and is eligible to
34 serve as an environmental justice councilmember for the term
35 beginning January 1, 2024.

36 (3) This section expires July 1, 2027.

37 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

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