



Embedding Environmental Justice into the Washington State Department of Ecology

Promising Practices for
Advancing Equity and
Environmental Justice

Prepared for the Washington State
Department of Ecology

by Charmi Ajmera, Katriana Dubytz, Evan Lih,
Saba Rahman, and Jenny Six

June 1, 2020



EVANS SCHOOL
OF PUBLIC POLICY & GOVERNANCE

UNIVERSITY *of* WASHINGTON

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Executive Summary

Report Purpose

The purpose of this report is to equip the Washington State Department of Ecology (Ecology) with evidence-based recommendations to further equity and environmental justice (EJ) efforts within their capacity as the state's environmental regulatory agency, in service of advancing EJ for those who live, work, and play in Washington. This report is intended to share promising trends and tools, acknowledge common barriers and ideas for overcoming those barriers, elevate successes, and amplify equitable practices for defining, measuring, mobilizing, and sustaining meaningful EJ work.

Scope and Focus

This report is written with Ecology leadership and staff in mind as the primary audience, although we are confident it provides meaningful information for other agencies to consider. In addition to overarching departmental recommendations, we analyzed EJ work within five agency functions identified as priority areas to incorporate EJ by our client contact at Ecology: **grantmaking, inspections and compliance, permitting, policy review, and rulemaking**. These agency functions are common across environmental regulatory agencies in the U.S., and our work builds upon efforts that are already underway to incorporate EJ considerations in these functions at Ecology. Three research questions, with several sub-questions, drove our work:

- **Research Question 1: How can Ecology, and other state agencies, leverage equity and EJ frameworks and tools to integrate equity and EJ into their practices?**
 - How are other organizations using frameworks and tools to guide their work? How do they measure their use and impact?

- **Research Question 2: What indicators and metrics can state agencies use to measure progress and define success on EJ and health equity?**
 - How are state agencies creating measurable and actionable goals to reduce environmental health disparities using EJ mapping tools? What additional metrics should be considered outside of those represented in existing mapping tools? At what level should metrics be measured (e.g., program-level or activity-level)?

- **Research Question 3: How can Ecology, and other state agencies, integrate EJ practices into these five agency functions: grantmaking, inspections and compliance, permitting, policy review, and rulemaking?**
 - What do effective EJ policies look like for environmental agencies and the people they serve? Where and why do EJ efforts fail or fall short?

Recommendations Summary

The summary below provides a sampling of the ideas offered in our report to respond to those research questions. Our recommendations prioritize actions Ecology can take now but also include important, longer-term opportunities.

Our research indicated that cultural and structural changes are needed for meaningful integration of EJ and equity in the policy process and throughout agency functions. It requires consistent and intentional dedication to challenge preconceived notions of how agency work is done and how it could—and should—be done. We respond to that need for structural and cultural change with recommendations that demonstrate sustained commitment to prioritizing EJ, such as creating an EJ community of practice.

We then address *Research Questions 1 and 2* with recommendations for how to use frameworks and toolkits to guide EJ work, along with strategies for measuring progress. Our report provides detail on this summary of recommendations, along with additional recommendations specific to select agency functions, in response to *Research Question 3*.

Highlight 1: Form a community of practice within Ecology, in partnership with other organizations and communities with EJ concerns.

A community of practice (COP) is a “group of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly.”¹ We recommend the Department of Ecology create an EJ COP, which should include robust membership from within Ecology, and members from across other government agencies, tribes, community organizations, and communities with EJ concerns. Ecology should be in a facilitator, not sole-decision-maker, role in establishing initial COP 1) membership, 2) goals, and 3) work plans, which should amplify—rather than duplicate—the efforts of existing EJ partnerships in Washington State.

This COP is an opportunity for the Executive Leadership Team (ELT) to highlight and reinforce the importance of EJ work. This involves demonstrating that everyone in the agency has a responsibility to invest in their own and their peers’ education about equity and EJ. Specifically, this should include the following actions:

- Reflect EJ focus in existing agency infrastructure (e.g. performance metrics, job descriptions, recognition, regular agenda items),
- Invest in sustained education about equity and EJ, and
- Strengthen connections with communities.

Highlight 2: Select and invest in adapting equity and/or EJ 1) frameworks and 2) toolkits.

As an overarching strategy, a framework should build on foundational structural change, leadership investment, and community partnerships. A toolkit should help put that framework into practice. Any framework or toolkit selected should be adapted to the context of the team and project it is being used for and adjusted as the team gains experience with using it.

¹ Wenger, E. (2011). Communities of practice: A brief introduction.

Highlight 3: Invest in proactive, sustained relationship-building with the communities you serve.

Employ community engagement as a principle of all policy and agency work. Create multiple opportunities for agency staff to interact with and learn about the communities they serve. This can and should be done both within and outside of a policy context (e.g., attending community events and proactively reaching out to community leaders and groups to learn about their concerns and ideas). Proactive investment in and interaction with communities will help inform agency staff decision-making processes and allow them to more effectively center community needs, concerns, and ideas in agency work earlier in the process.

Highlight 4: Center equity in data collection, categorization, and analysis.

Investigate the data you have (i.e. what was and was not counted, how data were collected, and potential gaps in the data). Work with communities to determine what data to collect and what indicators to use moving forward. Disaggregate and review quantitative data with community partners to understand if what the data are telling you matches their experience. Elevate the use of qualitative data, which can help provide more context to quantitative data and help connect it to what is happening in communities. Proactively collaborate and share data across agencies and with community partners. This will foster accountability and transparency, as well as build trust.

Report Roadmap

Throughout this report, we use the U.S. EPA’s definition of EJ: “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”²

This highlights two critical focus areas of EJ work: 1) meaningfully engaging stakeholders and 2) considering the distribution of both the benefits and the negative impacts of environmental policies. [Chapter 1](#) provides more information on the case for pursuing EJ work at Ecology.

To address our research questions, we reviewed publicly available literature and publications about EJ work in general, and for specific agency functions. We also conducted 30+ semi-structured interviews with individuals leading equity and EJ work at the national, state, county, and local government level, along with leaders from community organizations. [Chapter 2](#) provides further detail on these research methods and limitations.

[Chapter 3](#) details the important context of EJ work in the U.S. and reviews EJ and equity work within Washington State.

[Chapters 4, 5, and 6](#) unpack the key findings and analysis that led to the recommendations summarized earlier in this executive summary. This work fell into three categories:

- Structural Change & Community Engagement
- Equity and EJ Frameworks, Toolkits, & Measurement
- EJ Work in Selected Agency Functions

² WA 66th Legislative Assembly, Second Substitute Senate Bill 5489, Sec. 2. p.3, Line 16, (2019)
<http://lawfilesexxt.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5489-S2.pdf?q=20200424110222>

[Chapter 7](#) summarizes our recommendations and discusses EJ policy implementation, accountability mechanisms, measurement, and outcomes as recommended areas for future work on this topic.

Important Context & Limitations

This research and report were requested by Ecology leadership and carried out by Master of Public Administration (MPA) candidates at the University of Washington's Evans School of Public Policy and Governance.

This research, including all our stakeholder interviews, took place during the COVID-19 crisis. The effects of the pandemic required us to adjust our methodology, contend with reduced stakeholder capacity, and reconsider what kind of recommendations are and are not actionable for Ecology in the near future.

However, the COVID-19 crisis also continuously reminds us of the importance of EJ and broader equity work due to environmental health disparities. The COVID-19 crisis has exacerbated inequities in our communities, and a focus on integrating EJ into government functions will allow us to respond and foster resiliency in our communities as we move forward. Agencies will need to 'rebuild,' and the content of this report provides opportunities to do so collectively and collaboratively while demonstrating an unwavering commitment to EJ and equity more broadly.

Thank you to our Ecology contact, Dr. Millie Piazza; our UW advisor, Dr. Ann Bostrom; the more than thirty (30) individuals who shared their time, energy, knowledge, and experience in service to this project; and all those highlighted in full in our [Acknowledgements](#) section.

Glossary of Terms

- **CalEnviroScreen:** A California Communities Environmental Health Screening Tool used for EJ mapping.
- **Colorblindness:** The idea that race and ethnicity should not be taken into account during the decision-making processes.
- **Community of Practice:** A group of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly.
- **Cultural Change:** A shift in the values, norms, and expectations of an organization.
- **Cultural Competence:** The ability to understand and appropriately communicate and engage with individuals with different identities.
- **Cumulative Impact:** The combined health and environmental effects of all sources of pollution in a community insofar as they can be assessed, including threats to air, water, and land.
- **Disproportionate Impacts:** In the context of EJ, this refers to when one group or population bears an environmental or health impact that is substantially higher than the average distribution. This impact is usually compounded by existing inequities due to historic discrimination against certain groups.
- **Distributive Justice:** The equitable distribution of resources. In the context of EJ, this means reducing environmental harm in communities with disproportionately high environmental pollution, as well as increasing access to environmental benefits.
- **EJSCREEN:** An EJ mapping and screening tool created by the U.S. EPA.
- **Environmental Equity:** Environmental equity will be achieved when no single group or community faces disadvantages in dealing with the effects of the climate crisis, pollution, environmental hazards, or environmental disasters.
- **Environmental Justice:** The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- **Environmental Racism:** Any policy, practice, or directive that differentially affects or disadvantages individuals, groups, or communities based on race or ethnicity (whether intended or unintended).
- **Equality:** Treating everyone the same, regardless of their circumstances.
- **Equity:** Giving people what they need, taking into account the systemic and historical context of a given individual or group.
- **Framework:** An overarching strategy or organizational structure.
- **Health Disparities:** Refers to a higher burden of illness, injury, disability, or death experienced by one group or population relative to another.
- **Health Equity:** Refers to everyone having the opportunity to attain their highest level of health.
- **Indicator:** A proxy variable that aims to capture a specific trend.
- **Indigenous Populations:** Refers to federally recognized tribes, state recognized tribes, and tribes and bands who have not been formally recognized by the federal or state governments. This includes indigenous persons living in tribal and U.S. territories.
- **Intersectionality:** There are multiple aspects to human identity including race, gender, class, sexual orientation, age, body type and many more, and these aspects do not exist separately from each other. Intersectionality acknowledges they are inextricably linked and affiliated with different correlations (e.g., individuals with several minority identities will face many more threats of discrimination in their life).
- **Overburdened Communities:** Typically refers to minority, low-income, tribal, and

indigenous populations, who experience disproportionate environmental harms and risks due to exposures or cumulative impacts or greater vulnerability to environmental hazards.

- **Low-Income:** Individuals and families who make less than 80 percent of the median family income for the area.
 - **Minority Populations:** Refers to racial and ethnic groups who fall outside of the category of “non-Hispanic whites” and includes individuals who identify as African American, Latinx, Asian American, Native American, and others.
 - **Participatory Justice:** Involves direct participation by those most affected by policy decisions within the decision-making process.
 - **Pollution Control Facilities (PCF):** Include landfills, commercial incineration facilities, wastewater treatment plants, and similar waste treatment, storage, or disposal facilities.
 - **Professionalization:** Refers to organizations becoming better organized, more established, and overall performing under higher expectations of integrity and demonstrable competence.
 - **Recognition:** Involves acknowledging and validating the histories, realities, and lived experiences of different communities. In the context of EJ, this means explicit recognition of the historical and current systemic marginalization of particular communities, the disproportionate distribution of environmental harms and benefits, and the impacts these factors have on groups’ capacities to affect policy outcomes.
 - **Reverse Racism:** Refers to the misconception that any attempts to address inequities faced by marginalized racial groups can be considered racist towards racial groups of privilege (typically those who identify as white).
 - **Structural Change:** Requires modifications to how organizations define and think about their goals, purpose, strategies, or even mission.
 - **Tool:** One element of a toolkit (e.g., a mapping tool).
 - **Toolkit:** A specific, prescriptive, action-oriented set of steps to integrate equity or EJ into the policy process.
-

Abbreviations

- **ACS:** American Community Survey
- **ADP:** Action Development Process
- **CalEPA:** California Environmental Protection Agency
- **CDC:** United States Centers for Disease Control and Prevention
- **CEI:** Climate Equity Index (City of San Diego)
- **CES:** California Communities Environmental Health Screening Tool (CalEnviroScreen)
- **CHEJ:** Center for Health, Environment, & Justice
- **CJA:** Climate Justice Alliance
- **COP:** Community of Practice
- **COVID-19:** 2019 novel coronavirus
- **C-FERST:** Community-Focused Exposure and Risk Screening Tool
- **DEEP:** Department of Energy and Environmental Protection, Connecticut
- **DEQ:** Department of Environmental Quality
- **DFO:** Designated Federal Officers
- **DOH:** Washington State Department of Health
- **DRCC:** Duwamish River Cleanup Coalition
- **DTSC:** Department of Toxic Substances Control, CalEPA
- **Ecology:** Washington State Department of Ecology
- **EEl:** Equity and Environment Initiative (City of Seattle)

- **EHD:** Environmental Health Disparities map
- **EIS:** Environmental Impact Statement
- **EJ:** Environmental Justice
- **EJC:** Environmental Justice Committee
- **EJ IWG:** Federal Interagency Working Group on Environmental Justice
- **EJNA:** Environmental Justice Network in Action
- **EJ Task Force:** Refers to the 2019-20 Washington Environmental Justice Task Force
- **EJCPS:** Environmental Justice Collaborative Problem-Solving
- **EJSG:** Environmental Justice Small Grants Program
- **ELT:** Ecology Leadership Team
- **EO:** Executive Order
- **EPA:** Environmental Protection Agency
- **ESHB:** Engrossed Substitute House Bill
- **ESJ:** King County Office of Equity and Social Justice
- **FTE:** Full-time Equivalent
- **GARE:** Government Alliance on Race & Equity
- **GEAR:** Getting Equity Advocacy Results
- **HEAL:** Health Environment for All (HEAL) Act
- **ICTA:** Institute of Environmental Science and Technology
- **MTCA:** Model Toxics Control Act
- **NEJAC:** National Environmental Justice Advisory Council
- **NEPA:** National Environmental Policy Act
- **NPL:** National Priorities List
- **OECA:** Office of Enforcement and Compliance Assurance
- **OEHR:** Tacoma's Office of Equity and Human Rights
- **OHA:** Oregon Health Authority
- **OSE:** Office of Sustainability & Environment (City of Seattle)
- **PCF:** Pollution Control Facilities
- **PM:** Particulate Matter
- **PPG:** Public Participation Grants
- **RBA:** Racial Equity-Centered Results-Based Accountability
- **RFA:** Requests for Application
- **RFP:** Request for Proposal (grants)
- **RCW:** Revised Code of Washington
- **RET:** Racial Equity Toolkit
- **RSJI:** Race and Social Justice Initiative
- **SEPA:** State Environmental Policy Act
- **STAG:** Stakeholder and Tribal Advisory Group
- **TEK:** Traditional Ecological Knowledge
- **T-FERST:** Tribal-Focused Environmental Risk and Sustainability Tool
- **U.S.:** United States
- **WA:** Washington State
- **WAC:** Washington Administrative Code
- **WTN:** Washington Tracking Network

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This report was made possible by the immense amount of support we received throughout the six months we engaged with this project. Thank you to Ecology's leadership for investing in this work and the advancement of environmental justice. Thank you to our Ecology contact, Dr. Millie Piazza; our UW advisor, Dr. Ann Bostrom; our UW librarian, Emily Keller; our many peer reviewers; and the more than 30 individuals who shared their time, energy, knowledge, and experience in service to this project. We are also grateful to one another for fostering an incredibly supportive work environment; this six-month research project not only spanned the end of our MPA program, but also a global pandemic. Along these same lines, we could not have completed this project without the support of our respective friends, families, partners, roommates, peers, and pets.

We would like to acknowledge this research was conducted within the territories of the Coast Salish peoples, the stewards of this beautiful part of the Pacific Northwest. Tribes and indigenous peoples have long been leading the way with environmental justice work, though they do not always use this term to describe their beliefs and their work. We thank them for their leadership and guidance.

Dedication

While this report was written for our client, Ecology, it is ultimately dedicated to communities with EJ concerns, who we intend to serve through advocating for the advancement of EJ within agency practices. We hope this body of work supports individuals, groups, and organizations working towards reducing environmental health disparities and ensuring decision-making processes lead to truly just outcomes.

Positionality

Our team wishes to acknowledge our positionality as researchers and authors of this report. Our varied identities, backgrounds, and experiences influenced our interpretation of the literature reviewed, interviews conducted, recommendations developed, and ultimately, the report produced through this work.

All of us are graduate students of public administration which means we hold the privileges that come with accessing and functioning within a higher education institution. Throughout this work and report, we aimed to mitigate our biases where possible, stay aware of the biases we cannot mitigate, continuously check our power and privilege, and elevate the voices of those historically—and in many cases, currently—underrepresented in the environmental policy arena.

Chapter 1: Introduction

1.1 Project Context

1.1.1 Defining Key Terms: EJ & Communities with EJ Concerns

What Do We Mean by “Environmental Justice?”

Although definitions of environmental justice (EJ) vary, many government entities use the U.S. EPA’s definition: “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”³ This highlights two critical focus areas of EJ work:

1. Meaningfully engaging stakeholders and
2. Considering the distribution of both the benefits and the negative impacts of environmental policies.

How Do We Refer to Those Intended to Be Served by EJ Work?

While this definition of EJ indicates “all people” as the target population, EJ work prioritizes communities at a higher risk of being impacted by environmental injustices in the context of broader societal and historic injustices. Different entities identify various at-risk communities, including but not limited to: communities of color, low income, rural, urban, veteran, tribal, indigenous, and unhoused populations. Equity is a core component of EJ, as equity work centers on giving people what they need, taking into account the systemic and historical context of a given group or community. Ultimately, the EJ movement envisions a future where no single group or community faces disadvantages in dealing with the effects of the climate crisis, pollution, environmental hazards, or environmental disasters—while helping support communities “hit first and worst” in their capacity building and resilience development as we work toward this goal.

In our research we saw numerous terms used to identify such communities. Language is powerful and words have the ability to instigate and perpetuate biases, define populations in absence of their input, and even inflict harm. As one of our interviewees stated, selecting a term to capture populations impacted by EJ concerns requires a balance between “making sure to be as inclusive as possible... but also practicing the boldness of naming specific communities who have been most impacted or disproportionately impacted.”⁴ We summarize the discourse around the terms we encountered in **Table 1.1**.

Ultimately, in our report, we choose to use ‘communities with EJ concerns.’ This term recognizes EJ is just one component of a given community’s experience. It also acknowledges all communities exist in a broader historical context (i.e., communities with systemic barriers to achieving economic security) and may bear the cumulative impacts of intersecting disparities and injustices (i.e., health impacts from EJ-related concerns are exacerbated in low-income

³ WA 66th Legislative Assembly, Second Substitute Senate Bill 5489, Sec. 2. p.3, Line 16, (2019).
<http://lawfilesexext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5489-S2.pdf?q=20200424110222>

⁴ Interviewee #15

communities). This term also reflects person-first language; which involves referring to any person and identity combination by grammatically placing their status as an individual first and identity-related descriptors second.⁵ Person-first language prioritizes the humanity and self-identity of these populations and avoids defining them by their EJ concerns (i.e., EJ community).

Selecting and using a term intentionally is an important first step; the second step is to establish a shared understanding of how the term is defined. This can help dismantle any preconceived notions about the term being used and provides an opportunity for more broad terms (i.e., communities with EJ concerns) to be connected with specific demographic groups (i.e., communities of color, low income communities, and tribal nations).

Table 1.1 Commonly Referenced EJ terms and their attributes

Vulnerable Communities	<ul style="list-style-type: none"> • Fails to acknowledge the history of why such communities were put in a vulnerable position.⁶ • Fails to capture the extent to which communities are disproportionately exposed to environmental threats.⁷
Underserved Communities	<ul style="list-style-type: none"> • Highlights that not all communities have the same level of environmental protection and access to protection services.⁸ • Fails to acknowledge the history of why specific communities have been put in this position.⁹
Disproportionately Impacted Communities	<ul style="list-style-type: none"> • Highlights the correlation between certain demographics and higher cases of environmental injustice compared to other populations. • Begs the question, “What does proportionate exposure to environmental harm look like and would all communities accept this harm?”
Historically and Currently Marginalized Communities	<ul style="list-style-type: none"> • Acknowledges the historical and current practice of these communities and their concerns being designated as insignificant or of lesser value than others. • Fails to acknowledge the history of why certain communities were put in this position.¹⁰
Frontline Communities	<ul style="list-style-type: none"> • Implies less passivity on the part of communities and highlights they are actively being harmed by and working to fight against environmental injustices. • Provides a sense of urgency for working with and providing resources for communities “on the frontline.”¹¹

⁵ Erin, A. & Dunn, D. (2015). Person-first and identity-first language: Developing psychologists' cultural competence using disability language. *American Psychologist*, 70(3), 255-264.

⁶ Interviewee #7

⁷ Interviewee #11

⁸ Interviewee #12

⁹ Interviewee #7

¹⁰ Ibid.

¹¹ Interviewee #1

Disadvantaged Communities	<ul style="list-style-type: none"> • Can inadvertently undermine communities by framing them as helpless.¹²
Highly Impacted Communities	<ul style="list-style-type: none"> • Frames communities as not only vulnerable or exposed to environmental health disparities, but actually impacted by them, with the connotation that the impact in question is negative.¹³
Overburdened Communities	<ul style="list-style-type: none"> • Highlights the cumulative impact environmental, economic, social, etc., burdens have on communities
Priority Communities	<ul style="list-style-type: none"> • Has a positive connotation and conveys a sense of urgency with the use of the word “priority.” • When used by a government agency, this term connotes it is the government’s responsibility to prioritize serving these populations.¹⁴
At-Risk Communities	<ul style="list-style-type: none"> • Provides a sense of urgency for working with and providing resources for communities.¹⁵ • Acknowledges these communities face risks.
EJ Communities	<ul style="list-style-type: none"> • Defines communities by their EJ concerns and fails to acknowledge other community identifiers.¹⁶ • Communities defined by environmental and public health threats can result in stigma and negatively impact local businesses, population growth, tourism, etc.¹⁷

1.1.2 Washington’s Commitment to EJ

The Washington State Department of Ecology’s (Ecology) mission is to “protect, preserve, and enhance the environment for current and future generations.” A vital component of this work is environmental justice (EJ), which is an increasingly important focus for Ecology and the State of Washington. Governor Jay Inslee exhibited this in his 2019 Community Climate Justice Plan and articulated the clear and pervasive connection between the climate crisis, pollution, and inequity, all of which compound and perpetuate an unjust impact on low-income communities and communities of color.¹⁸ A clear and consistent focus on EJ—and equity more broadly—throughout government agencies is essential to address these impacts.

To formulate a more robust strategy for how to pursue EJ work in government, and in accordance with Washington State Second substitute Senate Bill 5489, Governor Jay Inslee established an Environmental Justice Task Force (EJ Task Force) through a 2019 budget

¹² Interviewee #9

¹³ Interviewee #11

¹⁴ Interviewees #22 and 24

¹⁵ Interviewee #1

¹⁶ Interviewees #2 and 5

¹⁷ Interviewee #2

¹⁸ Jay Inslee’s Plan for Community Climate Justice. (n.d.); <https://www.jayinslee.com/issues/climate-justice>

proviso.¹⁹ The EJ Task Force operates under the Governor’s Interagency Council on Health Disparities and includes a variety of stakeholders which will be discussed further in section 3.1.4. One of the membership designations from the budget proviso included an Ecology representative, which was filled by Ecology’s Environmental Justice & Title VI Senior Advisor Millie Piazza. Ecology’s leadership’s investment in the Evans Student Consulting Lab resource to assist Dr. Piazza in her EJ work aligned with the EJ Task Force’s timeline, allowing for collaboration between Ecology, the EJ Task Force, and the Evans Consulting Team.

In the context of COVID-19 and the resulting budget and resource constraints on state governments, there is also a tremendous opportunity—and vital need—to center equity and environmental justice in policies and practices at every level of government, despite the perceived barriers to doing so. Washington can lead the way and set a standard for developing and implementing such policies across the nation as we rebuild in the wake of this national crisis.

1.2 Research Questions

This report will focus on identifying and evaluating two key components of EJ policy: equity-focused policy frameworks and the metrics to use to measure progress and define policy success. This report explores the following research questions and sub-questions:

- **How can Ecology, and other state agencies, leverage equity and EJ frameworks and tools to integrate equity and EJ into their practices?**
 - How are other organizations using frameworks and tools to guide their work? How do they measure their use and impact?
- **What indicators and metrics can state agencies use to measure progress and define success on EJ and health equity?**
 - How are state agencies creating measurable and actionable goals to reduce environmental health disparities using EJ mapping tools? What additional metrics should be considered outside of those represented in existing mapping tools? At what level should metrics be measured (e.g., program-level or activity-level)?
- **How can Ecology, and other state agencies, integrate EJ practices into these five agency functions: grantmaking, inspections and compliance, permitting, policy review, and rulemaking?**
 - What do effective EJ policies look like for environmental agencies and the people they serve? Where and why do EJ efforts fail or fall short?

We explored these research questions through a review of existing literature and interviews with representatives of state and federal agencies, including tribal liaisons, as well as nonprofit organizations. The next chapter describes those research methods.

¹⁹ Ibid, p. 4, Sec. 4. Line 14

Chapter 2: Research Methods

Our research methods included a review of existing literature on key EJ topics (section 2.1) and semi-structured interviews with stakeholders engaged in EJ work (section 2.2). The remainder of this chapter provides more information about our approach to each method.

In addition to overarching departmental recommendations, we analyzed EJ work within five agency functions identified as priority areas for incorporating EJ by our client contact at Ecology: **grantmaking, inspections and compliance, permitting, policy review, and rulemaking**. These agency functions were selected based on their occurrence across environmental regulatory agencies in the U.S., and to build upon efforts already underway at Ecology to incorporate EJ considerations in these activities.

We decided how to include research material based on the degree of content transferability to Ecology's context. We prioritized content related to environmental regulatory agencies and U.S. government agencies but also included transferable insights gleaned from community organizations and equity organizations.

2.1 Review of Existing Literature

We conducted a review of publicly available information about the history of EJ and EJ policies as well as our client organization, their mission, scope of work, and involvement in EJ (Chapter 3); organizations, frameworks, and tools dedicated to infusing equity into policy analysis and implementation as well as frameworks and tools dedicated specifically to EJ practices (Chapter 5); and finally the history and current state of integrating EJ into grantmaking, inspections and compliance, permitting, policy review, and rulemaking (Chapter 6).

2.2 Key Stakeholder Interviews

We conducted a series of interviews to supplement information we learned from our literature review with lived and professional experience. The primary objective of our interviews was to gain insight into how equity and environmental justice is (or is not) embedded into various government agencies, their policy processes, and ultimately the implementation of those policies.

Interviewees were selected based on recommendations from our client as well as through research into entities engaging in equity and EJ policy work—both within and outside of WA. Interviewees selected based on our research were first proposed to our client at Ecology, who provided insight regarding the relevance of individuals based on her personal knowledge.

In cases where an equity and/or framework, tool, or measure was utilized, we sought to understand what the implementation process was like for a given program or policy, the challenges associated with that process, and the specific measures and metrics used to evaluate success in order to identify whether more equitable policy outcomes were achieved. As we will detail in our literature review sections, evaluations and empirical evidence about the impact of equity and EJ frameworks on policy outcomes are lacking from publicly available sources and in published literature. Thus, we sought to gather this information through interviews and anecdotal evidence. Evidence collected through these interviews informed our recommendations to Ecology and the EJ Task Force. The questions asked in our interviews were mapped directly to our research questions.

2.2.1 Interview Process

Our final list of interviewees included current and former representatives with the affiliations listed below. Note that many of our 34 interviewees hold multiple affiliations and may be counted multiple times under different affiliation categories. In-text we will refer to interviewees by their randomly assigned numbers (interviewee #1 – interviewee #34).

Table 2.1 Interviewee affiliations

Affiliation	Connection to EJ	# Interviewees with Affiliation
Ecology	Ecology staff, whose decision-making processes have the potential to incorporate EJ considerations	8
EJ Task Force	Members of the EJ Task Force and its subcommittees, whose cross-sector collaborative work will influence recommendations to the Governor and legislature regarding how state agencies should incorporate EJ practices	8
U.S. EPA	Federal environmental regulatory agency	4
State Agencies	Employees from state environmental regulatory agencies or equity agencies in Washington, Oregon, and California	13
Local Agencies	Individuals who currently or previously worked for civil rights, health, and public utility agencies in the City of Seattle or King County	9
Community Organizations	Representatives from community organizations that have demonstrated commitment to EJ work	6
Tribal and Indigenous Liaisons	Individuals who work with tribes and indigenous peoples, either through their job description or explicit self-identification with indigenous heritage	4
Scholars	Individuals who have contributed to EJ or equity research in academia	12

We maintain anonymity of the individuals we interviewed throughout the report by identifying them only by a number associated with them, but highlight experiences, learnings, perspectives, and examples they shared with us.

Any interviewee contact information unobtainable via agency/organization websites was provided by our client at Ecology, members of the EJ Task Force, or individuals with whom we had already conducted interviews. The goal was to conduct approximately 20 interviews. We were able to conduct 32 interviews with 34 interviewees, as one interview included multiple people and we were able to interview one individual twice.

2.2.2 Interview Structure

Due to the COVID-19 crisis and social distancing guidelines, all interviews were conducted using the conferencing platform, Zoom. Our interview process is summarized below in **Figure 2.1**.

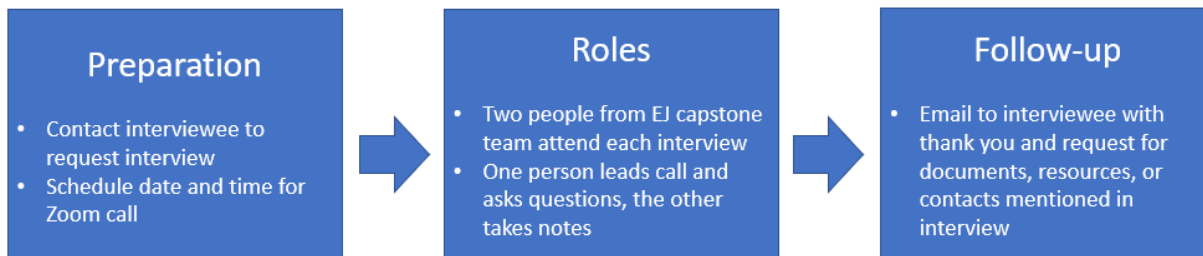


Figure 2.1 Interview structure summary.

Our full, detailed process and protocol can be found in [Appendix A](#) and our interview instrument and full list of interview questions can be found in [Appendix B](#).

2.3 Limitations of our Evidence Collection Through Interviews

Our interviews were limited in both the capacity of the researchers and the capacity of the interviewees. Furthermore, most of our interviews were concentrated in Washington state and the majority of these from Western Washington. We did limited interviews with individuals working in other states and those we did interview were concentrated in Oregon and California.

It is also worth noting that all the interviews for this report took place during the COVID-19 crisis and quarantine, which likely impacted the focus and capacity of the interviewees. Some interviewees declined to participate due to having been activated for COVID-19 response work. As such, our interviews with individuals working in Public Health Departments was significantly curtailed.

While we interviewed as many individuals as we were able to within this timeframe, 45-minute to two-hour meetings with 34 interviewees is not wholly representative of EJ work being done today.

Chapter 3: Background

To contextualize our body of work, we will begin with an overview of:

- Environmental justice in the U.S. (section 3.1),
- Conceptualizations of justice and environmental justice (section 3.2),
- Client organization work (section 3.3),
- Federal environmental justice requirements (section 3.4), and
- Other key equity and EJ work in Washington State (section 3.5).

3.1 Environmental Justice in the U.S.

While environmental regulation began in the 1970s, government action was not informed by the distribution of environmental impacts among communities for over a decade. EJ work in the United States began in earnest in 1982, when a protest in Warren County, North Carolina prompted a federal investigation that found major hazardous waste landfills in the southeastern United States were disproportionately located near predominantly African American communities.²⁰ Warren County is where civil rights leader Dr. Benjamin Chavis coined the term “environmental racism,” which he used to describe a trend in deliberately targeting communities of color for siting and operating toxic waste facilities.²¹ The term has since been broadened to “environmental justice” to account for the variety of demographic and socioeconomic factors associated with disproportionate levels of environmental injustices.²²

The community-led movement was further informed by a document called the 17 Principles of Environmental Justice, which was drafted and adopted in 1991 at the first National People of Color Environmental Leadership Summit. The historic document delineates that EJ affirms the sacredness of ecological unity, demands mutual respect and equal treatment, calls for education around social and environmental issues, and affirms the right to a safe and healthy work and home environment, among other principles.²³

This advocacy and documentation of disparities over the course of the 80s and early 90s led to the creation of the U.S. EPA’s Office of Environmental Justice in 1992 and Presidential [Executive Order 12898](#) in 1994, which directed all federal agencies to make achieving environmental justice part of their mission.²⁴ States and localities have taken various measures to incorporate EJ into their practices both to meet federal requirements and meet expectations based on their own state values. We detail many examples of state commitments, legislations, and policies as they relate to EJ in the chapters that follow.

However, it is important to note that while many agencies incorporate “EJ considerations” into their policies, there is minimal direction for how to “consider” EJ, and the outcomes are rarely measured. A majority of EJ policies are created through executive orders and not written into law, leading to variable adoption and enforcement.

²⁰ U.S. Environmental Protection Agency. (2017, June 2). Environmental Justice Timeline. <https://www.epa.gov/environmentaljustice/environmental-justice-timeline>

²¹ Bullard, R. D. (1993). Environmental racism and invisible communities. *W. Va. L. Rev.*, 96, 1037.

²² Ewall, M. (2012). Legal Tools for Environmental Equity vs. Environmental Justice. *Sustainable Development Law & Policy*, 13(1), 4. <https://pdfs.semanticscholar.org/0df0/da876bb3345385e9bc6ac375e4dd9124d953.pdf>

²³ Energy Justice Network. (1991). Principles of Environmental Justice. <http://www.einet.org/ei/principles.pdf>

²⁴ Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. (2018, September 17). <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

3.2 Conceptualizations of Justice and Environmental Justice

3.2.1 Forms of Justice

Justice is defined at various levels in equity work at large, each of which has different implications within the context of EJ work. At the forefront of understanding justice is distinguishing between equality and equity, two terms which are often used interchangeably. Where equality involves individuals being treated the same, equity requires individuals to be treated according to their unique needs and circumstances (**Figure 3.1**). Justice is centered on equity over equality; it focuses on consideration of the historical context groups operate within, such as communities of color being historically underrepresented in government decision-making processes.

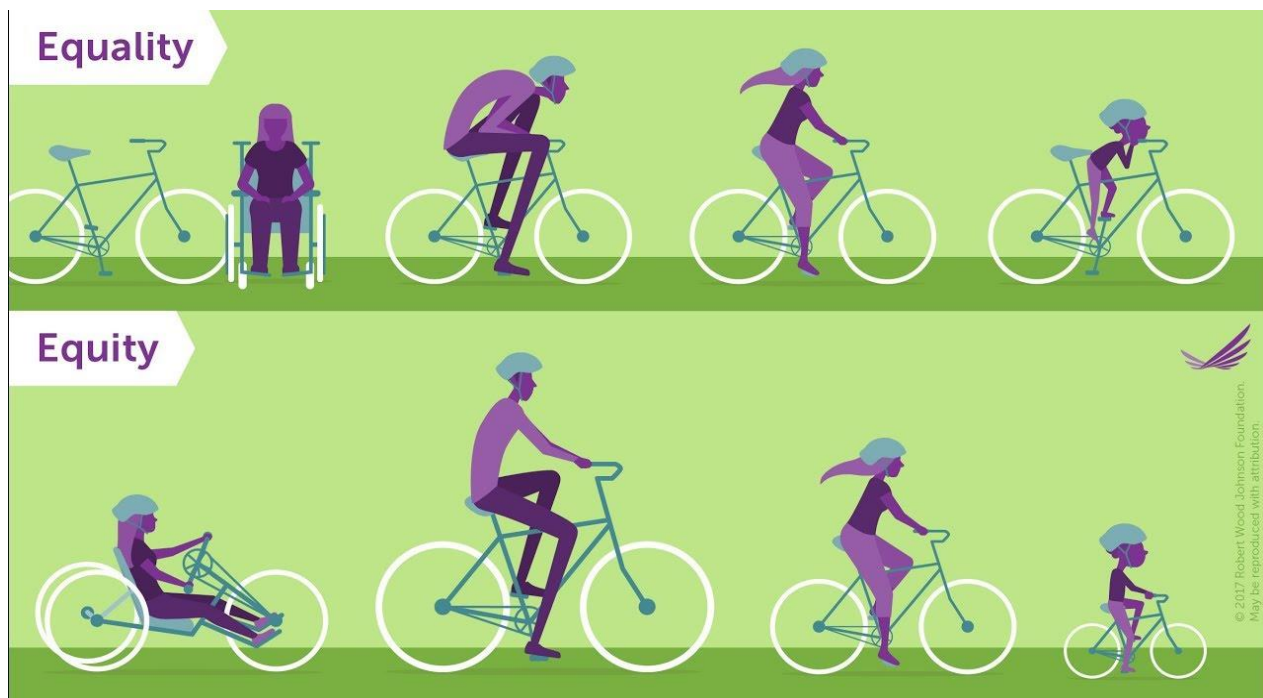


Figure 3.1 An illustration of individuals receiving the same resources to depict the concept of equality, versus individuals receiving resources that accommodate their unique needs to depict the concept of equity.²⁵

Furthermore, there are different aspects of justice that should be considered. Participatory justice involves direct participation by those most affected by policy decisions within the decision-making process, such as community engagement during the process of deciding whether to grant a permit for a polluting facility that would impact a nearby neighborhood. Distributive justice revolves around equitable distribution of resources, such as reducing environmental harm in communities with disproportionately high environmental pollution. Related to each of these types of justice is the concept of recognition. Recognition involves acknowledging and validating the histories, realities, and lived experiences of different communities. In the context of environmental justice, this means explicit recognition of the historical and current systemic marginalization of particular communities, the disproportionate distribution of environmental harms and benefits, and the impacts these factors have on groups' capacities to affect policy outcomes.

²⁵ Robert Wood Johnson Foundation. (2017) Visualizing Health Equity: One Size Does Not Fit All. <https://www.rwjf.org/en/library/infographics/visualizing-health-equity.html>

3.2.2 Prominent Understandings of Environmental Justice

The EJ movement initially centered on liberating all people from environmental harms and providing all people with access to environmental benefits. Modern understandings of EJ vary and are often—especially in government agencies—conflated with “environmental equity,” the fair distribution of environmental benefits and burdens. This in part due to the fact that the EPA’s Office of Environmental Justice stemmed from its EPA Environmental Equity workgroup. For the purpose of this paper, we will utilize the EPA’s definition of EJ as identified in Chapter 1, while recognizing it may differ from definitions used by community organizations and advocates. These conceptualizations matter because they dictate what types of activities agencies and organizations prioritize, and influence decisions about which projects are ultimately funded.

The EJ movement is now considered to have two primary schools of thought, sometimes characterized as the first and second wave of EJ or EJ 1.0 and EJ 2.0. The first wave (EJ 1.0) is considered more traditional as it focuses on environmental hazards reduction through regulatory action and policy reform. Such efforts involve challenging attempts to site highly polluting facilities in overburdened communities or increasing inspections or cleanups of existing facilities. In contrast, the second wave (EJ 2.0) is characterized as following more of a neoliberal form of governmentality that emphasizes the need for voluntary individual behavior change. These types of endeavors center on teaching individuals about the nutritional or public health benefits associated with growing and eating fresh produce, or through individual investment in less toxic and/or more environmentally sustainable products.

Table 3.1 Comparing “Waves” of the EJ Movement

“First Wave of EJ” or “EJ 1.0”	“Second Wave of EJ” or “EJ 2.0”
<ul style="list-style-type: none"> ● Traditional conceptualization ● Reactive efforts (i.e., cleanups) ● Systems change (i.e., more targeted inspections) 	<ul style="list-style-type: none"> ● Newer conceptualization ● Proactive efforts (i.e., revitalization) ● Individual behavior change (i.e., grow your own food)

Researcher and author Jill Lindsey Harrison argues while the second wave of EJ’s emphasis on increasing environmental benefits in EJ communities is important, it should not be the sole focus of the movement.²⁶ She acknowledges a focus on individual behavior change is insufficient to address EJ issues, and can even actively serve to shame communities with EJ concerns for their circumstances. Reducing EJ to community gardens, for example, can minimize EJ issues for a particular subset of the population and reduce the challenges they face to something as simple as choosing to eat unhealthy foods, which can be relatively “easy” to resolve through community garden efforts. This mischaracterizes and reduces systemic inequities to one of individual choices and fails to acknowledge and challenge the existing structural barriers faced by a community. Harrison emphasizes the traditional hazards reduction and systems change approaches are necessary to effectively and systemically reduce environmental injustices and disparities, as increasing incentives for community members to spend more time outside in highly polluted areas can result in adverse health outcomes despite good intentions.

²⁶ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

3.2.3 The Nexus Between Tribes & EJ

It is important to recognize that although there is a common trend in the conceptualization of EJ in the broader EJ movement, different populations define, identify with, and relate to the concept of EJ in varying ways. Of particular note are tribal nations and indigenous communities. While each tribal entity is unique in its culture, values, and practices, the indigenous relationship with nature is a foundational value embedded across indigenous cultures. Some tribes choose not to identify with the EJ movement due to fears around potentially diminishing their status as a sovereign government, whereas some embrace the EJ movement as a way to address injustices in their communities.

In her 2019 article *Indigenizing Environmental Justice: Case Studies from the Pacific Northwest*, researcher Jessica Hernandez noted a tendency for the indigenous perspective to be left out of EJ conceptualizations and consequent EJ work. To address this gap, Hernandez coded environmental justice cases and identified 58 indigenous pillars of environmental justice for the Pacific Northwest (PNW) in order to provide a decolonizing lens through which the EJ movement can be understood. Salmon was the pillar that appeared most frequently, followed by the fight against fossil fuels and climate justice, respectively.²⁷ Salmon health is crucial for cultural and survival purposes for PNW tribes. Hernandez identifies an important differentiation between EJ issues in Indian Country versus the larger EJ movement – inclusion categories for EJ work for indigenous peoples are not necessarily based on race, class, gender, or age, which the EJ movement tends to center on. Cultural dependence on salmon, for example, does not fit under any of these traditional umbrellas. She argues the movement needs to integrate additional subcategories that reflect tribal components such as culture, language, education, etc. in order to be more representative of the range of culturally relevant lenses that fall under EJ.

3.3 Client Organization Work

Amidst the national rise of interest in environmental issues, Governor Daniel J. Evans held a meeting in 1969 to discuss environmental challenges. Creation of a state environmental regulatory agency received the most support out of over 60 identified proposals, leading to the formation of the Department of Environmental Quality. Evans called a special session focused on environmental protection in 1970, after which a name change was accepted, officially establishing the Washington State Department of Ecology under [section 43.21A.040](#) in the Revised Code of Washington (RCW).²⁸ This legislation grants Ecology the authority to “manage and develop [Washington’s] air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources.”²⁹ As the first state agency in the country to focus on environmental protection, the federal government and numerous governors from other states sought advice from Ecology on developing an environmental department, setting a standard nationwide. Ecology notably conducted the first statewide EJ analysis in 1995, authored by John Ridgway. The study was designed by Millie Piazza, who also served as the implementation lead.³⁰

²⁷ Hernandez, J. (2019). Indigenizing Environmental Justice: Case Studies from the Pacific Northwest. *Environmental Justice*, 12(4), 175–181. doi: 10.1089/env.2019.0005

²⁸ Unspecified Act: Wash. Rev. Code § 4 (1970). <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21A.040>

²⁹ Unspecified Act: Wash. Rev. Code § 2 (1970). <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21A.020>

³⁰ Ridgway, J. (1995). Environmental equity study in Washington state. Washington State Department of Ecology. Publication number 95-413.

Ecology consists of approximately 1,600 employees and the agency receives direction from its Executive Leadership Team.³¹ See [Appendix C](#) for Ecology’s organizational chart as of October 2019. Ecology created its Environmental Justice Coordinator position in 2006, which has been filled by Dr. Piazza for those 14 years. While this is the only full-time equivalent (FTE) position solely dedicated to EJ work, various positions have begun to incorporate EJ responsibilities into their job descriptions over the years.

Ecology receives federal, state, and local funding—each of which involves compliance components. For the purposes of this report, we primarily focused on accountability to the U.S. EPA for Title VI and E.O. 12898 compliance. In regards to environmental justice, funding for EJ principles comes under the Hazardous Waste & Toxic Reductions program, where 5% of Hazardous Waste & Toxic Reduction Program’s operating fund goes toward data systems that assist in implementing environment justice principles from state agencies.³² The EJ Coordinator position is entirely funded via the 1986 Worker and Community Right-to-Know Act (RTK) fund as established by [RCW 49.70.175](#). The RTK Act required state agencies to develop systems to disclose information about hazardous substances present in workplaces and communities. It also established a fund that requires contributions from industries that typically use hazardous chemical products reporting 10,400 or more worker hours in the previous calendar year.

Ecology’s total operating budget for 2019-21 is \$590.38 million, while its longer-term capital budget is \$1.71 billion. Of Ecology’s total capital budget, 65% goes directly to partners doing essential environmental work in local communities, while Ecology’s operating budget focuses on investments into sustainable approaches towards protecting and preserving the Puget Sound, new investments into clean energy, and reducing toxic threats. The top three programs by operating budget under Ecology’s Biennium Budget consist of Water Quality, Toxics Cleanup, and Shorelands & Environmental Assistance.

3.4 Federal Environmental Justice Requirements

3.4.1 Federal Legislation: Title VI & E.O. 12898

State and local agencies must comply with federal regulations in order to qualify for federal funding. Federal law that supports EJ practices includes [Title VI of the Civil Rights Act of 1964](#) and [1994 Executive Order 12898](#) on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Title VI “prohibits recipients of federal financial assistance (states, grantees, etc.) from discriminating based on race, color, or national origin in any program or activity.”³³ E.O. 12898 directs federal agencies to “identify and address, as appropriate, disproportionately high adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations.”³⁴

The similarities and differences between Title VI and E.O. 12898 can be drawn from their origins. First, the target of these two pieces of legislation are different. While Title VI’s primary target is

³¹ Washington State Department of Ecology (n.d.) Contact us - find a location. <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us/Key-Ecology-personnel>

³² Washington State Department of Ecology. (2019) Washington Department of Ecology Budget & Program Overview 2019-21. 49. <https://fortress.wa.gov/ecy/publications/documents/1901005.pdf>

³³ Title VI of the Civil Rights Act of 1964. (2020, March 30). <https://www.justice.gov/crt/fcs/TitleVI>

³⁴ Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. (2018, September 17). <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

recipients of federal financial assistance, E.O. 12898 applies to all federal agencies. In addition, each of these federal directives serves a different underlying purpose, one to uphold civil rights and ensure nondiscrimination, and the other to address a legacy of disparate environmental impacts.³⁵ Further, Title VI is enforceable in court, while the E.O. 12898 is not.

The primary similarity between Title VI and E.O. 12898 lies in how they work in tandem. Federal Agencies can use Title VI authority to address issues surrounding environmental justice. As the Presidential Memorandum accompanying E.O. 12898 states, “In accordance with Title VI of the Civil Rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.” In simpler terms, E.O. 12898 sets guidelines that enable and ensure federal agencies used the pre-existing Title VI to address environmental justice issues.³⁶

3.4.2 Federal Enforcement: U.S. Environmental Protection Agency

The EPA is the primary entity charged with monitoring EJ considerations in accordance with Title VI and E.O. 12898 at the federal level. The EPA created the Office of Environmental Equity in 1992, which became the Office of Environmental Justice (OEJ) in 1994. OEJ utilizes collaborative partnerships to implement strategic planning and distribute grants and resources relating to EJ. The EPA Administrator chairs the [Federal Interagency Working Group on Environmental Justice](#) (EJ IWG), which includes 17 Federal agencies and White House offices with standing committees and other committees established to carry out responsibilities outlined by E.O. 12898. The EPA also receives independent advice and recommendations from the National Environmental Justice Advisory Council (NEJAC).

The Advisory Council (NEJAC) is a federal advisory committee established in 1993. NEJAC now consists of two Designated Federal Officers (DFO) and approximately 30 members across academia, community groups, industry/business, NGOs/environmental organizations, state/local governments, and tribal governments/indigenous groups.

3.5 Other Key Equity and EJ Work in Washington State

In addition to the EJ work already described within the Department of Ecology, there are several key bodies of EJ work in progress in Washington at the state, county, and local levels, along with tribal EJ work. This section provides a sampling of those bodies of work including:

- The HEAL Act and EJ Task Force (section 3.5.1),
- Office of Equity and Office of Equity Task Force (section 3.5.2),
- King County’s EJ and equity work (section 3.5.3),
- Key city government EJ work: Seattle and Tacoma (section 3.5.4), and
- Tribal EJ work in Washington (3.5.5).

³⁵ U.S. Environmental Protection Agency, Office of Environmental Justice. (2014) Title VI and Executive Order 12898 Comparison. <https://www.epa.gov/sites/production/files/2015-02/documents/title-vi-ej-comparison.pdf>

³⁶ Clinton, William. (1994) Memorandum for the heads of all departments and agencies: Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf

3.5.1 The HEAL Act & EJ Task Force

The 2019-20 Health Environment for All (HEAL) Act—[Senate Bill \(SB\) 5489](#)—was intended to codify a definition of environmental justice into state law, as the federal definition identified by the U.S. EPA has not been adopted by many states. The act was advocated for by Seattle nonprofit Front and Centered (formerly Communities of Color for Climate Justice), a statewide coalition of groups and organizations rooted in lower income populations and communities of color fighting for economic and environmental change. Its primary sponsor was State Senator Rebecca Saldaña (D-37).

Excerpt: Legislative Intention per SB 5489 section 1, subsection 9

Therefore, the legislature finds that it is necessary to incorporate environmental justice principles into the operations and activities of state agencies in order to achieve state policies of assuring all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings, assuring the right of all Washington residents to a healthful environment, and achieving a balance between population and resource use which will permit high standards of living and wide sharing of life's amenities, including through a task force on environmental justice, and agency analysis and consideration of environmental justice in decision making.

Figure 3.2 Excerpt: Legislative Intention per [SB 5489](#) section 1, subsection 9³⁷

The bill received significant pushback from industry and business representatives. Testimonies against the bill voiced concerns regarding the potential for the Act to create regulatory uncertainty, as well as more bureaucracy through expanding the lengthy and costly process of State Environmental Policy Act (SEPA) environmental impact assessments. It was argued the business sector would bear the burden of the implementation of the bill, despite the bill specifying state agency responsibility. This resulted in a compromise in the form of establishing the EJ Task Force to analyze and recommend strategies for state agencies to incorporate EJ principles into operations and activities prior to directing state agencies to address environmental health disparities. The state agency implementation component of the HEAL Act will be reassessed after the EJ Task Force releases its findings and recommendations.

The EJ Task Force's charge is outlined in a proviso in the 2019-2021 biennial operating budget within [Engrossed Substitute House Bill \(ESHB\) 1109](#) section 221, subsection 48. The EJ Task Force has a lifespan of 16 months, with a final report due to the legislature and Governor by October 31, 2020 (see **Figure 3.3**). The bill requires the report to be made publicly available, but it is otherwise unclear what will be done with the recommendations by agencies, the legislature, and the Governor.

³⁷ SB 5469, 2019 Biennium, 2019 Reg. Sess. (Wash. 2019). <http://lawfilesexst.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5489.pdf?q=20200318143109>

Excerpt: EJ Task Force Reporting Requirements

The goal of the final report is to provide guidance to agencies, the legislature, and the governor, and at a minimum must include the following:

- (i) Guidance for state agencies regarding how to use a cumulative impact analysis tool developed by the department of health. Guidance must cover how agencies identify highly impacted communities and must be based on best practices and current demographic data;
- (ii) Best practices for increasing public participation and engagement by providing meaningful opportunities for involvement for all people, taking into account barriers to participation that may arise due to race, color, ethnicity, religion, income, or education level;
- (iii) Recommendations for establishing measurable goals for reducing environmental health disparities for each community in Washington state and ways in which state agencies may focus their work towards meeting those goals;
- (iv) Model policies for prioritizing highly impacted communities and vulnerable populations for the purpose of reducing environmental health disparities and advancing a healthy environment for all residents.

If time and resources permit, the task force may also include in its final report:

- (i) Recommendations for creating and implementing equity analysis into all significant planning, programmatic and policy decision making, and investments. The equity analysis methods may include a process for describing potential risks to, benefits to, and opportunities for highly impacted communities and vulnerable populations;
- (ii) Best practices and needed resources for cataloging and cross-referencing current research and data collection for programs within all state agencies relating to the health and environment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

Figure 3.3 Excerpt: EJ Task Force Reporting Requirements per [EHSB 1109](#) section 221, subsection 48³⁸

The EJ Task Force has 16 core members, as well as 18 Mapping Subcommittee members and 20 Community Engagement Subcommittee members.³⁹ The EJ Task Force and its subcommittees consist of government and community organization representation, as well as associations representing business, agricultural, and workers interests as required by [EHSB 1109](#) section 221, subsection 48.⁴⁰ While there is an open seat for tribal representation, this seat has not been filled. For a full list of member affiliations see [Appendix D](#).

³⁸ EHSB 1109, 2019 Biennium, 2019 Reg. Sess. (Wash. 2019). <http://lawfilesexext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1109-S.SL.pdf>

³⁹ Note: Task Force and Subcommittee membership are not mutually exclusive; some representatives serve on both the Task Force and one or both of the Subcommittees.

⁴⁰ EHSB 1109, 2019 Biennium, 2019 Reg. Sess. (Wash. 2019). <http://lawfilesexext.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1109-S.SL.pdf>

3.5.2 Office of Equity & Office of Equity Task Force

In 2019, the Governor's Interagency Council on Health Disparities established the Office of Equity Task Force as a proviso to the State's fiscal year 2020 operating budget. This Task Force was charged with developing "a proposal for the creation of a state office of equity. The office of equity is intended to promote access to equitable opportunities and resources that reduce disparities, including racial and ethnic disparities, and improve outcomes statewide across all sectors of government."⁴¹ The Task Force produced a preliminary report in 2019 and its final report, due July 1, 2020, will include recommendations on the structure, purpose, and activities for the office.⁴² HB 1783 received a [partial veto](#) from the Governor's Office in early 2020, establishing the Office of Equity but not appropriating funding for FY21 due to the projected economic impacts of the COVID-19 pandemic.⁴³ Despite this outcome and its temporary status as an entity, the Office of Equity Task Force is performing important groundwork Ecology's EJ work can build on, including mapping equity efforts across Washington state agencies and the information that will be captured in its final report.

3.5.3 King County's EJ & Equity Work

King County has made strides towards EJ. In 2008, King County added EJ to its comprehensive plan⁴⁴ as a key framework through King County Executive Ron Sims.⁴⁵ This was later formalized by the Metropolitan King County and current Executive Dow Constantine in 2010, via ordinance.

In 2019, King County Council passed an ordinance to include environmental justice in the 2020 update to the County's Strategic Climate Action Plan.^{46,47} Specifically, the update will include:

- Expanded community, youth, and stakeholder engagement and partnership,
- Materials in new formats, and
- A new section on Sustainable and Resilient Communities developed through a community-driven process with leaders of frontline communities (those disproportionately impacted by climate change).

Additionally, King County's Local Hazardous Waste Management Program leads the Environmental Justice Network in Action (EJNA). EJNA is a partnership between the Local Hazardous Waste Management Program and local nonprofits, government agencies, and community-based organizations. EJNA seeks to identify:

⁴¹ Governor's Interagency Council on Health Disparities. (n.d) Office of Equity Task Force. <https://healthequity.wa.gov/TheCouncilsWork/OfficeofEquityTaskForceInformation>

⁴² Office of Equity Task Force. (2019, December). Preliminary Report to the Governor and Legislature. [https://healthequity.wa.gov/Portals/9/Doc/Task%20Force%20Meetings/Equity%20Office%20Task%20Force%20-%20Preliminary%20Report%20\(final\)%20\(002\).pdf](https://healthequity.wa.gov/Portals/9/Doc/Task%20Force%20Meetings/Equity%20Office%20Task%20Force%20-%20Preliminary%20Report%20(final)%20(002).pdf)

⁴³ EHSB 1783, 2019 Biennium, 2020Reg. Sess. (Wash. 2020) .<http://lawfilesexxt.leg.wa.gov/biennium/2019-20/Pdf/Bills/House%20Passed%20Legislature/1783-S2.PL.pdf?q=20200319212812>

⁴⁴ King County Office of Equity and Social Justice.(2016). Equity and Social Justice Strategic Plan 2016-2022. <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>

⁴⁵ Whitney, S. V. (2010). Seeking sustainable and inclusive communities: A King County case study. What Works Collaborative. <https://www.urban.org/sites/default/files/publication/28071/1001380-Seeking-Sustainable-and-Inclusive-Communities.PDF>

⁴⁶ Kunkler, A. (2019, December 12). King County approves environmental justice provision. <https://www.seattleweekly.com/news/king-county-approves-environmental-justice-provision/>

⁴⁷ Ordinance 2019-1904, 2019. (King County, 2019) <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=4159833&GUID=26A4AEF3-D226-4E93-946B-AD0667B7FD7E&Options=&Search=>

- The key environmental and health concerns of low-income communities, people of color, and immigrant and refugee communities through jointly conducted needs assessments.
- The public engagement strategies that work best for particular populations.⁴⁸

King County has pursued broader equity work through their Office of Equity and Social Justice (ESJ). ESJ produced King County’s ESJ Strategic Plan and advises departments on furthering equity work across departments, programs, and projects.⁴⁹ ESJ’s theory of change prioritizes:

- Investing upstream and where needs are greatest,
- Investing in community partners,
- Investing in employees, and
- Demonstrated accountable and transparent leadership across King County government.

Through its 2016-2022 ESJ Strategic Plan, King County has put forth the following agenda items related to EJ:

- Increase diversity and inclusion in climate/environment governance processes, partnerships, program development, and contracted services,
- Drive equity considerations into long-term improvements to built and natural environments, systems, and policy, and
- Ensure programs supporting investments in energy efficiency and renewable energy are widely available and prioritize climate change preparedness efforts that enhance resiliency for those most vulnerable to—and at risk—for climate change impacts.⁵⁰

3.5.4 Sampling of City Government EJ Work: Seattle & Tacoma

The City of Seattle’s environmental movement is led by the Office of Sustainability & Environment. This office operates the EJ Committee (EJC) to help inform, shape, and implement the Equity & Environment Initiative (EEI), which is focused on healthy environments for all; jobs, local economies & youth pathways; equity in city environmental programs; and environmental narrative & community leadership.

EJ Work Through Seattle’s Green New Deal

The Seattle City Council signed a pledge in June 2019 to develop a Green New Deal (GND). A city council resolution passed in August 2019, followed by an executive order in January 2020, which directed City departments to “advance a Green New Deal for Seattle, work collaboratively and boldly to eliminate climate pollution, prioritize climate justice, and invest in an equitable transition to a clean energy economy.”⁵¹ The executive order includes calls to action for agencies such as a charge to, “Advance environmental justice by ensuring the benefits and investments of the clean energy transition accrue to those communities and populations historically most burdened by the fossil fuel economy.”⁵² As Seattle’s GND unfolds, this commitment from the Mayor’s Office and City Council offers opportunities to elevate Seattle EJ efforts.

⁴⁸ Environmental Justice Network in Action. (n.d.). <https://www.hazwastehelp.org/EnvironmentalJustice/ejna.aspx>

⁴⁹ King County Office of Equity and Social Justice.(2016). Equity and Social Justice Strategic Plan 2016-2022. <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>

⁵⁰ Ibid.

⁵¹ Exec. Order. No. 2019-01: Advancing a Green New Deal for Seattle, (2019). https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/01/Final-Executive-Order-2020-01-Advancing-a-Green-New-Deal-for-Seattle_.pdf

⁵² Ibid.

Broader Equity Work in the City of Seattle

The City of Seattle’s broader equity work is led by the Race and Social Justice Initiative (RSJI) Team within its Office of Civil Rights (SOCR). RSJI was launched in 2005 and was one of the first local government equity initiatives to explicitly target institutional racism.⁵³ Currently, the RSJI team leads training across departments and supports the departmental Change Team on furthering race and social justice work within their department. In addition to training, this work includes using a questionnaire-driven equity framework called a Racial Equity Toolkit (RET), which is discussed in more detail in section 5.1.1.⁵⁴

Equity Work in the City of Tacoma

In other parts of the state, city-level EJ work looks a bit different. Tacoma’s Office of Equity and Human Rights (OEHR) was created after the City Council reaffirmed its commitment to equity by adopting an Equity & Empowerment policy in 2014.⁵⁵ Since then, OEHR has provided “education and technical support to City staff and elected officials as a catalyst for change and the elimination of systemic barriers to the fair and just distribution of resources.”⁵⁶ The office developed an Equity Index which includes 20 indicators and maps to the City’s 2025 Strategic Plan goals; Accessibility, Economy, Education, and Livability.⁵⁷ Many of these equity indicators overlap with common EJ indicators.

3.5.5 Tribal EJ Work in Washington

Indigenous peoples have been at the forefront of the EJ movement in various capacities, most visibly in anti-fossil fuel infrastructure movements such as with the #NoDAPL movement and Keystone XL pipeline protests, as well as water and fish protection in the PNW. Tribal groups also helped shape the aforementioned 17 Principles of Environmental Justice. Beyond professionalized activities, they share their knowledge through storytelling, sharing Traditional Ecological Knowledge (TEK), participating in protests, and other individual and coalition-based advocacy work.

It is important to note the differences in how U.S. government entities engage with federally recognized and unrecognized tribes. As of May 2020, 574 tribes are federally recognized, with 29 residing within Washington State (**Figure 3.4**). Washington also has one state-recognized tribe and several tribes not formally recognized by the state or federal government. The number of federally recognized tribes is increasing annually; this designation grants them sovereign nation status and requires U.S. agencies to engage in government-to-government consultations with tribal nations as governmental equals. Non-recognized tribes, or indigenous individuals not living on a reservation, may be invited to join the conversation but are not legally required to be at the table.

⁵³ City of Seattle. (2012). Race Equity in Seattle: Race and Social Justice Initiative Three-Year Plan. <https://www.seattle.gov/Documents/Departments/RSJI/RacialEquityinSeattleReport2012-14.pdf>

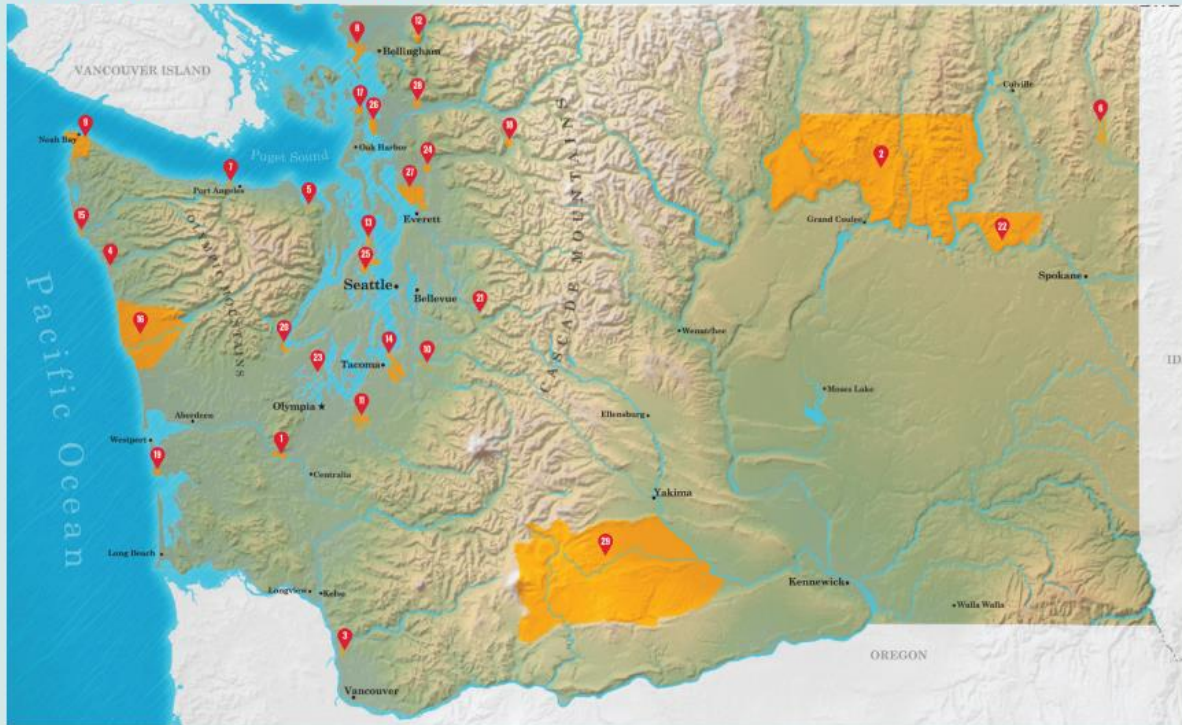
⁵⁴ City of Seattle. (n.d.) Race and Social Justice Initiative (RSJI). <https://www.seattle.gov/rsji>

⁵⁵ City of Tacoma (2016). Office of Equity and Human Rights Annual Report. https://cms.cityoftacoma.org/OEHR/AnnualReport/COT_OEHR_AnnualReport2016.pdf

⁵⁶ Ibid.

⁵⁷ City of Tacoma (n.d.). Tacoma’s New Equity Index. <https://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=175030>

TRIBES OF WASHINGTON STATE



- | | | |
|---|--|--|
| 1. Chehalis (chehalis-tribe.org) | 12. Nooksack (noosacktribe.org) | 24. Stillaguamish (stillaguamish.com) |
| 2. Colville (colvilletribes.com) | 13. Port Gamble S'Klallam (pgst.nsn.us) | 25. Suquamish (suquamish.nsn.us) |
| 3. Cowlitz (cowlitz.org) | 14. Puyallup (puyallup-tribe.com) | 26. Swinomish (swinomish.org) |
| 4. Hoh (hohtribe-nsn.org) | 15. Quileute (quileutenation.org) | 27. Tulalip (tulaliptribes-nsn.gov) |
| 5. Jamestown S'Klallam (jamestowntribe.org) | 16. Quinault (quinaultindiannation.com) | 28. Upper Skagit (nwifc.org/member-tribes/upper-skagit-tribe/) |
| 6. Kalispel (kalispeltribe.com) | 17. Samish (samishtribe.nsn.us) | 29. Yakama (yakamanation-nsn.gov) |
| 7. Lower Elwha Klallam (elwha.org) | 18. Sauk-Suiattle (sauk-suiattle.com) | |
| 8. Lummi (lummi-nsn.org) | 19. Shoalwater Bay (shoalwaterbay-nsn.gov) | |
| 9. Makah (makah.com) | 20. Skokomish (skokomish.org) | |
| 10. Muckleshoot (muckleshoot.nsn.us) | 21. Snoqualmie (snoqualmietribe.us) | |
| 11. Nisqually (nisqually-nsn.gov) | 22. Spokane (spokanetribe.com) | |
| | 23. Squaxin Island (squaxinisland.org) | |

To request a free poster size color print of the map, e-mail your name and address to info@washingtribes.org.

Map provided courtesy of washingtribes.org

Figure 3.4 A map of federally recognized tribes and reservations in Washington State.⁵⁸

While many non-tribal people conceptualize Indian Country as reservation land, it is important to understand tribal treaties grant rights to access resources for hunting, fishing, gathering, etc. outside of reservation land—and sometimes these resources are shared across numerous tribal groups. Many tribes also identify with culturally significant land no longer recognized by the U.S. government as tribal territory. Tribes have attempted to restore their ownership over ancestral lands in many cases, such as when the Snoqualmie Tribe purchased the land surrounding Snoqualmie Falls from the Muckleshoot Tribe in late 2019.⁵⁹ Additionally, tribes often identify with culturally significant lands that cross state and national borders.

⁵⁸ Washington Tribes. (n.d.) Washington Tribes Map. <https://www.washingtribes.org/tribes-map>

⁵⁹ Johnson, R. S. (2019, January). Snoqualmie Indian Tribe buys Salish Lodge for \$125M. <https://www.bizjournals.com/seattle/news/2019/11/01/snoqualmie-indian-tribe-buys-salish-lodge-for-125m.html>

In addition to participating in U.S. government agencies, indigenous peoples also contribute significantly to scholarship on EJ, as well as within the nonprofit sector and through lawsuits, in which they pursue EJ advocacy actions. For example, the Duwamish Tribe—whose ancestral homelands span along the waters of Elliot Bay and the Duwamish River Watershed—are founding members of the nonprofit Duwamish River Cleanup Coalition (DRCC). DRCC is a technical advisory committee whose input is integrated throughout the Duwamish River cleanup project. They also educate about, and advocate for action to address, air, water, and soil pollution in overburdened communities. Climate change has more recently become an issue of concern for tribes and indigenous peoples due to impacts on food security, and consequently, physical and spiritual health.⁶⁰ Another tribal organization active in EJ work is the Columbia River Inter-Tribal Fish Commission, which focuses on biological and ecological research, fisheries management, advocacy for tribal treaty rights, and efforts to prepare for the impacts of climate change.

Washington tribes have been particularly active regarding the negative impacts of energy, resource, and military development on tribal lands – some of which results from indirect exploitation of tribes' economic marginalization, and some from involuntary development.⁶¹ Members of the Spokane Reservation, for example, have played an important role in advocating for action on the Midnite Mine, a federal Superfund site which has remnant radioactive contamination and toxic waste from uranium mining in the 1950s-80s.⁶² Washington is also home to the largest contaminated nuclear site in the United States: the Hanford site, which operated the first plutonium production reactor in the world in the 1940s-70s.⁶³ This site is located in Yakama Nation territory, where tribal members have rights to hunt, gather, fish, and perform sacred rituals. The Swinomish Tribe has also been active in advocating for cleanup of the PM Northwest dumpsite on reservation land, which disposed of hazardous wastes from local oil refineries in the 1950s-70s.⁶⁴

⁶⁰ Vickery, J and Hunter, L. (2016) Native Americans: Where in Environmental Justice Research? <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4835033/pdf/nihms748858.pdf>

⁶¹ Ibid.

⁶² Stamp, M. (2006) SHAWL Society pursues protection of Spokane Reservation area contaminated by mine waste. <http://www.thefigtree.org/jan06/010106shawl.html>

⁶³ Tolson, M. (2014) Yakama Nation Fights for Nuclear Waste Cleanup at Hanford Site. https://www.earthisland.org/journal/index.php/articles/entry/yakama_nation_fights_for_nuclear_waste_cleanup_at_hanford_site/

⁶⁴ Zaferatos, Nicholas. (2007). Environmental Justice in Indian Country: Dumpsite Remediation on the Swinomish Indian Reservation. Environmental management. <https://www.ncbi.nlm.nih.gov/pubmed/17058033>

Chapter 4: Structural Change & Community Engagement

Across our literature review and interviews, several cross-cutting findings emerged. Paramount among them was that integrating equity and environmental justice into agency culture and operations requires structural change, which we define as modifications to how an organization defines and thinks about their goals, purpose, strategies, or even mission. While there are many facets to how an organization undergoes change, we focus on structural change as defined here.

In the context of equity and environmental justice, meaningful community engagement is a crucial component of facilitating structural change in order to help better align agency work with community needs. All efforts to undergo structural change will require active support from leadership. These factors are foundational and necessary for any additional changes to take root and flourish. Thus, to set the context for subsequent chapters, we focus first on structural change and community engagement, with the recommendations tailored to agency leadership.

As we explore in the sections below, structural change requires a shift in the overarching organizational values, norms, and expectations. In the context of advancing EJ, this starts with developing a baseline of individual understandings of EJ, why it is important, and how it relates to agency work. These factors impact how frontline, middle manager, and leadership staff make decisions and perform their work, including how resources, such as funding or staff time, are allocated and used. Structural change can also be more widely supported and aided by legislation that holds agencies accountable for performing EJ work.

This chapter provides:

- An explanation of how literature review findings informed this chapter (section 4.1),
- Findings and analysis from our research, including interviews (section 4.2), and
- Recommendations on these topics, which set the stage for further EJ work (section 4.3).

4.1 Literature Review

We did not perform a literature review explicitly on structural change, community engagement, and leadership. However, throughout our literature review on background and contextual content, as well as the deeper dives into our select five agency functions, we identified overarching and cross-cutting findings. This content was separated out into this chapter's findings and analysis in section 4.2, and informed recommendations for the Ecology leadership team in section 4.3.

4.2 Findings & Analysis

Our research, including findings from interviews, identified the following key challenges to and opportunities for meaningfully addressing EJ as an agency in the realms of structural change and community engagement. These findings are used to inform recommendations to agency leadership.

Findings & Analysis: Structural Change

Finding 1: There are societal and cultural barriers to integrating EJ and equity into agency processes.

- Integrating equity and EJ into agency practices involves cultural competence, the ability to understand and appropriately communicate and engage with individuals with different identities, at the individual level. This necessitates recognition of the government's historical focus on serving particular communities over others (typically wealthier, predominantly white, communities over low-income communities of color).⁶⁵
- There is a general lack of education and awareness about the roots of historic injustices in the U.S. and their connections to policies. People interviewed in our study and others often raised the concern of co-workers referring to EJ work as “reverse racism,” or the misconception that any attempts to address inequities faced by marginalized groups can be considered racist towards groups of privilege (i.e., that affirmative action is racist towards white folks).^{66,67}
- Similarly, research has shown agency staff often cite “colorblindness,” or the idea that race and ethnicity should not be taken into account during decision-making processes, as an agency responsibility in the pursuit of equal treatment, which is antithetical to equity work. There is a significant need for education around equality versus equity.^{68,69}
- Staff resistance to EJ can hinder and undermine efforts of colleagues trying to integrate EJ into agency policies and practices. This can lead to an emphasis on non-confrontational EJ actions, which often prioritize industry interests over community concerns.^{70,71}
- State agencies have limited insight into, oversight of, and control over local jurisdictions. There are limitations on the amount of control agency staff have on the biggest levers for systemic change without collaboration across different levels of government (city, county, state, etc.).
- There is a common misconception efficiency and equity are inherently irreconcilable, and between the two, government agencies tend to prioritize efficiency.⁷²

Finding 2: Meaningful integration of EJ and equity into agency practices requires structural and cultural change.

- Many of our interviewees referenced King County’s Equity and Social Justice (ESJ) Strategic Plan (**Figure 4.1**), as a reference for infusing equity work across policy areas and organizational functions.⁷³
- Government agencies typically employ extensive numbers and networks of staff. Without agency leadership buy-in and explicit, intentional investment in EJ and equity work,

⁶⁵ Interviewees #4, 9, 17, and 32

⁶⁶ Interviewees #6 and 18

⁶⁷ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

⁶⁸ Interviewee #31

⁶⁹ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

⁷⁰ Interviewee #11

⁷¹ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

⁷² Interviewees #5 and 22

⁷³ Interviewees #18, 19, 26

behavioral changes and adoption of new processes are sporadic at best. Most interviewees identified a particular person or team pushing for equity or EJ work for an entire department or agency.⁷⁴

- Equity and EJ advocates can only do so much before encountering—within the scope of their authority—often insurmountable pushback or institutional barriers to achieving further integration of EJ.⁷⁵
- Government agencies traditionally value certain types of data and expertise over others (i.e., quantitative over qualitative data). Focus on quantitative data inhibits staff exploration of how to consider different types of data and expertise. Many of our interviewees expressed the difficulties of measuring the impact of community work, given its qualitative nature. Furthermore, community engagement as a form of data collection is often undervalued and under-resourced in government agencies.⁷⁶
- Cultural change involves an honest assessment of agency hiring practices and their influence on staff diversity. Many government agencies do not reflect the demographic makeup of the communities they serve.⁷⁷

Case Study: King County’s Equity and Social Justice Strategic Plan

Many of our interviewees referenced [King County’s Equity and Social Justice \(ESJ\) Strategic Plan](#). The ESJ strategic plan is a “blueprint for change” to help the County become pro-equity. The plan, which spans 2016-2022, includes a theory of change, pro-equity agenda, and goal areas.

- ESJ’s theory of change is intended to **focus the County’s work on upstream, root causes of inequities** rather than only addressing individual, downstream policies or practices.
- The plan is intended to be **specific and actionable**, acknowledging that **context and opportunities vary by policy area**. The plan highlights opportunities in eight specific areas: child and youth development, economic development and jobs, environment and climate, health and human services, housing, information and technology, the justice system, and transportation and mobility.
- The plan also highlights **pro-equity actions for six areas of governance that cross-sect policy topics**: leadership, operations, and services; plans, policies, and budgets; workforce and workplace; community partnerships; communication and education; and facility and system improvements.

Like many equity initiatives, the ESJ Strategic Plan defines high-level goals and notes the importance of measuring progress towards goals but is still navigating how to best measure equity and the effectiveness of their approach to equity work.

Figure 4.1 Case Study: King County’s Equity and Social Justice Strategic Plan⁷⁸

⁷⁴ Interviewees #11 and 30

⁷⁵ Interviewee #9

⁷⁶ Interviewees #13, 16, and 31

⁷⁷ Interviewees #18, 19, 26, 30, 31, and 32

⁷⁸ King County Office of Equity and Social Justice.(2016). Equity and Social Justice Strategic Plan 2016-2022. <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>

Finding 3: There is a current lack of, and therefore significant opportunity to, coordinate and collaborate within and across agencies to tackle policy problems.

- Effective equity and EJ work require coordination between different agencies. Coordination, information, and resource sharing across departments is necessary to tackle complex problems.
- Our interviewees related this type of interagency coordination and collaboration does not currently exist. Governments agencies rarely have systems in place to exchange information, data, education, and promising practices. This siloing hinders collective advancement, as agencies end up starting from scratch to achieve similar—or even the same—equity and EJ goals.⁷⁹
- Further, there is a need for agencies to de-silo work *within* their agencies. Siloing happens both across and within departments, re-creating the issue seen across agencies.⁸⁰
- Collaboration within and across agencies requires some level of standardization. The lack of standardized definitions of EJ and equity, for example, impact how the scope of relevant issues is perceived and how work to address these issues is carried out.⁸¹

Finding 4: Singular hour-long or day-long trainings are insufficient to achieve lasting change. Education must be sustained over time to be effective.

- Inconsistent enforcement of EJ policies is exacerbated by inconsistencies across agency employees in their understanding of EJ and how to implement it, leading to disjointed efforts from both individual agency staff and entire agencies. Education can help develop a shared understanding of EJ and how it is expected to be incorporated into agency work.⁸²
- Agencies need to develop a shared internal definition of EJ and understand how it relates to agency work. This lack of understanding can make engaging in equity and EJ work confusing and uneven. A clear understanding of what, why, and how to engage in this work is necessary to help people change their behaviors.
- Training is not the “end-all be-all” of equity work; it is only as effective as addressing particular goals within teams. There is a need to identify specific team goals beyond “capacity-building” and recognize there will still be gaps between what staff are learning and how they feel it is, or is not, applicable to the work they are doing. Training is a supporting resource but should not be seen as the end product. It can help lay the groundwork for change, but it must be followed by more scalable and customizable support.⁸³
- Building understanding of and capacity to integrate EJ takes more than a singular training. It takes sustained, consistent education and investment in changing behaviors and increasing knowledge over time. This should be supported by continuously identifying opportunities to center EJ in an organization's daily work and making space to explicitly talk about structural inequities and injustices.⁸⁴
- Many of our interviewees acknowledged the inherent discomfort that can come with doing equity work and that this can serve as a barrier, especially for staff who are on the fence about whether they believe in the work. This speaks again to the importance of leadership reinforcing and modeling a commitment to equity and EJ, as agency staff look to their

⁷⁹ Interviewees #6, 15, and 31

⁸⁰ Interviewees #1, 13, and 15

⁸¹ Interviewees #3, 13, 15, 18, 22, 24, and 26

⁸² Interviewees #1 and 24

⁸³ Interviewee #31

⁸⁴ Interviewee #9

leaders to set the tenor and pace of agency work.

- Interviewees noted it is important to be careful and mindful about making EJ or equity education mandatory, as doing so could unintentionally create backlash, spark resistance, or diminish curiosity about or enthusiasm to do the work. Interviewees engaged in this work shared that a big component is relationship building – changing hearts and minds. Mandating training is a space of discomfort for many people and can be self-defeating.⁸⁵

Finding 5: Clear legislation can help bolster efforts to integrate equity and EJ into agency structure.

- While Executive Orders and internal policies asking staff to “consider” EJ are a good starting point, legislative requirements provide agencies with a more substantial basis to push for institutionalizing EJ within the planning, implementation, and data collection stages of their work.
- Unclear legislation, however, can prevent action on EJ concerns, such as the withdrawal or rejection of permit applications based on community input.
- Most WA-based interviewees were unable to identify a specific law or policy that required the consideration of EJ or equity for their agency.
- Even among jurisdictions that have regulations about EJ, it is often unclear how to promote EJ within the structure of existing laws, exacerbated by the fact that laws differ across jurisdictions.
- Legislation that broadly directs agencies to “consider” EJ in agency activities (versus applying it narrowly) can cause implementation difficulties due to a lack of clear goals, metrics, and accountability mechanisms, as well as variability in leadership buy-in within agencies.⁸⁶
- Legislation can actively limit the amount of equity that can exist, such as through legal restrictions around privacy laws (i.e., as it pertains to collecting demographic data to help agencies understand who is or is not participating in their programs) or how simple a form can or cannot be (i.e., a form community members must fill out to make a damage claim, thus impacting the accessibility of the entire process).
- While data collection can be a time-consuming component of EJ work, it is crucial for agencies to measure the effectiveness of their operations in reducing environmental health disparities and adjust their processes accordingly, rather than simply engaging in a “box-checking” exercise.⁸⁷

Finding 6: Effective integration of EJ requires leadership to actively exhibit support for and expectations around incorporating EJ into agency work through allocating time, resources, and dedicated staff to EJ work.

- Leadership implicitly and explicitly signals to staff what is allowed, expected, and encouraged—as well as what can be ignored.⁸⁸
- EJ work is more successful when leaders provide clarity on EJ policies, hold agency staff accountable to integrating EJ into their work, and provide additional resources and support for them to do so.
- When team, division, and department leadership consistently make time for EJ work and

⁸⁵ Interviewees #16, 31, and 32

⁸⁶ Targ, N. (2005). The states' comprehensive approach to environmental justice. In D.N. Pellow & R.J. Brulle (Eds.), *Power, justice, and the environment: A critical appraisal of the environmental justice movement*. 171-184. Cambridge, MA: MIT Press.

⁸⁷ Interviewees #9, 29, and 33

⁸⁸ Interviewee #18

recognize staff who are doing it well, EJ resources are more likely to be used and EJ advisers are more frequently consulted.

- Being ready to capitalize on opportunities that arise for advancing EJ is crucial, especially with staffing and resource constraints.⁸⁹
- EJ and equity strategic plans are a good starting point, but are insufficient without adequate funding, staffing, evaluation, reporting, and accountability attached to them and sustained over time.
- Priorities and values lie around where agencies are willing to spend money. Leaders influence how EJ work is resourced, such as through how many full-time staff are designated for EJ work and how much funding EJ initiatives receive.⁹⁰
- There are typically insufficient resources and funding to meaningfully integrate EJ into agency practices and policies, including meaningful community engagement processes.
- Even when staff are “on board” with EJ, they often feel pressured to prioritize timeliness or efficiency over equity. There is also a lack of capacity to evaluate the effectiveness of impact of their EJ work.
- Staff tasked with EJ work often have many responsibilities. Even at large agencies, it is rare to have more than one or two staff focusing even half time on EJ work. Delegating equity and EJ work to just a few people in a large agency or department is insufficient and not scalable. Instead, equity and EJ must be embedded into every role and function; EJ staff are best used strategically to work on projects and work that require more expertise.⁹¹
- In agencies with leadership teams interested in but not equipped to recognize EJ considerations, there is an especially strong opportunity for capacity building. Targeted efforts to enable staff who are already “on board” with EJ will likely accelerate efforts to embed equity and EJ into their work.

Findings & Analysis: Community Engagement

Finding 7: It is crucial to approach partnerships with tribes and indigenous communities carefully and intentionally.

- Our interviewees with tribal liaisons, as well as with staff who frequently work with tribes, revealed that federal and state relationships with tribal nations are fraught. There are deep, historical reasons for why this is, which are perpetuated by ongoing tensions. This context is important to recognize when approaching tribes and indigenous communities, and concerted, proactive efforts should be made to build relationships and trust.
- All tribes must be treated with respect and dignity and recognized as unique rather than misconstrued as the same.⁹²
- Federally recognized tribes must be respected as sovereign nations.
- Education about tribes and indigenous peoples should extend beyond treaty rights and traditional U.S. history narratives.
- It is important to recognize that all land is Indian Country. Geographic regions may have cultural significance to tribes or indigenous peoples despite not being included in existing treaties.⁹³
- Efforts to include indigenous peoples in decision-making processes have different implications depending on federal or state recognition of tribes, as well as for indigenous

⁸⁹ Interviewees #4, 11, and 12

⁹⁰ Interviewee #18

⁹¹ Interviewees #11 and 16

⁹² Interviewees #1, 2, and 16

⁹³ Interviewees #1 and 2

- people living on tribal territory or within U.S. territory.
- The implications of cultural differences in U.S. and tribal approaches to leadership impact international relationships and must be taken into consideration. Where tribal leadership tends to be a lifelong commitment, there is regular turnover in U.S. government leadership. This can result in fatigue among tribal leaders regularly attempting to re-educate and rebuild relationships with different U.S. leaders.⁹⁴
- There is significant opportunity for agencies to establish collaborative learning networks with tribal and indigenous leaders where areas of concern overlap, such as issues related to forests, parks, wildlife, land management, etc.⁹⁵

Finding 8: Current community engagement practices are insufficient and, in some cases, damaging. This is exacerbated by a historical lack of trust between government and communities.

- Community engagement is most effective when interactions and materials are made accessible to individuals with a wide range of educational levels, proficiency in English, and literacy skills. This includes tailoring the way issues are conveyed and what opportunities for community involvement are made available to specific populations.⁹⁶
- Too often, communities are excluded from, or insufficiently included in, the policy process due to limited time, skills, relationships, and cultural competency on the part of agency staff.
- This is further exacerbated by the fact that community engagement practices currently employed (albeit well-intentioned) are often cursory, come too late in the policy process, are poorly implemented, exclude large portions of the community, are extractionary (data and information is taken from community, but how those data are used and the results of using it are not shared back), and include no follow-up, redress, or accountability.
- Government and agency staff need to spend concerted time and effort to build trust with communities and demonstrate their commitment to a sincere partnership. Communities who have suffered the consequences of environmental injustices have a historical distrust toward government, which necessitates extra caution and intentionality in community engagement practices.⁹⁷
- Communities experience engagement fatigue when their input is repeatedly asked for but not reflected in decisions. While community participation throughout policy processes has the potential to radically transform policy outcomes, it is also a huge burden of time and energy from communities who may not have capacity to give it. It is important to minimize burden on communities who are already structurally oppressed, disenfranchised, and/or negatively impacted by consequences of policy decisions and ensure the engagement process centers on an intention to incorporate input received.⁹⁸

⁹⁴ Interviewee #1

⁹⁵ Interviewee #16, 23, and 32

⁹⁶ U.S. Environmental Protection Agency. (2015, May). Guidance on Considering Environmental Justice During the Development of Regulatory Actions. <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>

⁹⁷ Interviewees #1, 2, 9, 10, 12, 13, 15, 18, 20, 23, and 24

⁹⁸ Interviewees #5, 9, 29, and 30

4.3 Recommendations

The findings and analysis in section 4.2 have led us to the following recommendations to the Executive Leadership Team:

1	Form a community of practice within Ecology, in partnership with other organizations and communities with EJ concerns.
2	Evaluate current organizational culture and structure at the agency and departmental levels.
3	Define what the desired organizational culture and structure is.
4	Build mechanisms for more regular communication, resource sharing, and coordination between state and local agencies, as well as internally.
5	Be thoughtful and intentional about how you refer to the communities you serve.
6	Invest in fostering stronger connections with communities.
7	Commit to a community-led and community-partnership model of policy making.

Recommendation 1: Form a community of practice within Ecology, in partnership with other organizations and communities with EJ concerns.

A community of practice (COP) is a “group of people who share a concern or a passion for something they do and learn how to do it better as they interact regularly.” We recommend the Department of Ecology create an EJ COP, including robust membership from within Ecology, and members from across other government agencies, tribes, community organizations, and communities with EJ concerns. Ecology should be in a facilitator, not sole-decision-maker, role in establishing initial COP 1) membership, 2) goals, and 3) work plans, which should amplify—rather than duplicate—the efforts of existing EJ partnerships and groups in Washington State, such as WA’s EJ Task Force and Front and Centered, among many others. The ultimate goal of this COP would be to leverage shared goals and overlapping efforts to fully integrate equity and EJ principles into all parts of Ecology’s work. This COP is an opportunity for the Executive Leadership Team (ELT) to highlight and reinforce the importance of EJ work. This should include demonstrating that everyone in the agency has a responsibility to invest in their own and their peers’ education about equity and EJ. Specifically, this should include the following actions:

- **Reflect EJ focus in existing agency infrastructure (e.g. performance metrics, job descriptions, recognition, regular agenda items).** Recommendations 2 and 3 support these efforts.
- **Invest in sustained education about equity and EJ.** We expand in this in recommendations 3 and 4.
- **Strengthen connections with communities.** We provide more detail on this in recommendations 5, 6, and 7.

Subsequent recommendations in this chapter are specific actions intended to support these goals.

Recommendation 2: Evaluate current organizational culture and structure at the agency and departmental levels.

Our research indicated that in order to assess progress on integrating EJ and equity, there must be an understanding of the agency's starting place. This includes assessing current cultural competence of staff, perceptions of EJ and its relation to agency work, internal processes, and organizational structure.

- **Start with the Leadership Team.** The consistency and sustainability of EJ work depends on support from and modelling by leadership. The Executive Leadership Team (ELT) not only provides explicit direction for the agency, but also implicit signaling to staff members as to what is expected or encouraged – and thus, what is acceptable to ignore.
- **Evaluate diversity in the workplace.** Internal processes and organizational structure must be looked at before Ecology can enact the external change. How diverse is the Ecology workforce? How diverse is the ELT? What perspectives are missing from the table? What barriers exist to further diversifying the Ecology workforce, and how can these be addressed?
- **Assess perceptions about EJ.** How do staff define EJ? How is EJ perceived? Is EJ considered relevant to, and within the scope of, Ecology's work?
- **Analyze historical agency data.** Analyze existing data on environmental pollution, permitting, compliance, violations, and fines with information on race, ethnicity, and economic status to determine if patterns of geographic, racial, or economic bias exist.

Recommendation 3: Define what the desired organizational culture and structure is.

After there is a shared understanding of where the agency is coming from, there must be a consensus by leadership as to where the organization should go next. Our research indicated this leadership consensus can serve as a beacon to guide the organization's efforts.

- **Build a shared definition of EJ.** Although individuals may have differing ideas of what EJ is, it is important to create a shared definition for Ecology staff to serve as a foundation for understanding how EJ plays a role in agency work.
- **Build a shared understanding of 'Including' EJ.** What does it mean to "consider," "include," or "integrate" EJ? Ecology should define these terms with specificity around a reasonable starting point and provide more flexible language that pushes staff to go above and beyond that "floor" in ways that make sense given their specific team context, constraints, and capacity.

Recommendation 4: Build mechanisms for more regular communication, resource sharing, and coordination between state and local agencies, as well as internally.

Our research indicated government agencies tend to operate in silos, working independently to try and address issues commonly faced by teams, departments, and agencies as a whole. Sharing creative approaches to agency work can help staff think about their work in a novel way, reduce time spent "reinventing the wheel," and build a stronger sense of community.

- **Empower EJ advocates.** Identify EJ advocates in different departments and provide space for them to share their perspectives, ideas, approaches to their work, tools they find useful, and lessons learned. This is a way of supportively validating the work they are doing – crucially signaling leadership’s values to agency staff – and keeping the conversation about EJ ongoing in the agency.
- **Provide sustained EJ education opportunities for agency staff.** A single training is not enough to promote change or fully understand all the facets of EJ. Rather, sustained, consistent education and investment in changing behaviors and increasing knowledge over time is key.

Recommendation 5: Be thoughtful and intentional about how you refer to the communities you serve.

Through our research we uncovered myriad terms and phrases used to describe communities impacted by EJ issues. Interviewees related that the terminology used has profound impacts on the way agency staff think about the communities they serve and the policies they shape, as well as how other entities—including the general public—perceive these groups.

- **Build a shared understanding of the terms you choose to share.** Whichever term is being utilized, define what the term means to ensure a shared understanding of what is being discussed.
- **Be extra intentional about public-facing language.** Use the term ‘Communities with EJ Considerations’ for public-facing purposes. This utilizes ‘people-first’ language and avoids defining communities by the conditions they face, thus reducing potential negative stigmas (such as “vulnerable communities” or “disproportionately affected communities”).
- **Acknowledge historic context.** Do not be afraid to acknowledge the historical marginalization of particular groups, such as communities of color or indigenous populations. Respectfully validating the realities marginalized groups have faced is a crucial first step in fostering trust with communities EJ work is intended to serve.

Recommendation 6: Invest in fostering stronger connections with communities.

Our research uncovered a tendency for agency staff to meet baseline public participation requirements by hosting town hall meetings or public comment periods. There is opportunity for agency staff to critically reflect on existing practices and how they can be adjusted to reduce engagement barriers.

- **Define ‘meaningful engagement.’** Though this term appeared frequently in our interviews and review of literature, it manifested in different ways and at different levels. Developing an Ecology definition for what it takes to achieve “meaningful engagement” will set expectations and improve accountability to community partners – in short, partners will know what to expect and have a definition to reference if that is not achieved.
- **Listen to community members as frontline experts.** Consult communities to better understand their definitions of ‘problems’ and ‘solutions.’ This partnership should begin with agencies taking direction and guidance from impacted communities on where there are problems and opportunities for EJ and equity-focused policies and practices. This should be a through-line throughout the policy analysis, implementation, and evaluation processes, and culminate in accountability, communication, and transparency on the

progress made and/or the next steps being taken.

- **Measure community engagement.** Measure participation from communities. Evaluate who is involved in the creation, implementation, and evaluation of EJ and equity policies from the community. Create measures to show the community how you are incorporating their feedback.
- **Shape existing public participation channels to reduce engagement barriers and better serve communities.** Public meetings can be structured to better service communities. Some notable examples we heard from our interviewees include (but are not limited to):
 - Ensure meetings and materials are accessible for a wide variety of educational levels, proficiency in English, and literacy skills.
 - Decentralize public meeting presentations by creating small booths/stations in order to directly connect community members with experts.
 - Provide resources to encourage attendance (translation services, culturally relevant food, childcare services, transportation support, financial compensation)
 - Hold meetings in community-based spaces.

Recommendation 7: Commit to a community-led and community-partnership model of policy making.

Our research indicated that overcoming historical distrust of government requires agency staff to spend concerted time and effort to build trust with communities and demonstrate their commitment to a sincere partnership. We recommend re-centering community engagement to focus on sustainable relationship building.

- **Create systems of two-way feedback/relationship between communities and governmental organizations.** Agencies should be clear prior to and during participation about how agencies plan to use community input. Agencies should then report back on what they understood to be the highlights from the engagement and how that information was used (i.e., adjustments to project timeline or rules language). Scheduled report-outs to the community are helpful, but conversation with community members should be a continuous dialogue to ensure there are co-benefits from this process. Engaging with communities early and often sets the stage for this type of partnership.
- **Align community partnership processes with promising practices.** Follow a process for community driven planning, such as the *Essential Components of Community-Driven Resilience Planning* created by the National Association of Climate Resilience Planners (see Figure 4.2 below). As the figure illustrates, “The components of community-driven planning are interconnected, complementary and important at various points in a planning process,” which is why the figure is represented as a web instead of a linear set of steps. Essential in community-driven planning is an awareness of how power imbalances, systems of oppression, and cultures of exclusion have negatively impacted communities with EJ concerns. Agency staff must maintain this awareness and actively work to address these realities in order to build new alliances and institutions and increase the capacity of communities with EJ concerns to influence the decision-making process.



Figure 4.2 A model on how to approach community-driven planning.⁹⁹

⁹⁹ Gonzalez, Rosa. (2017) Community-Driven Climate Resilience Planning: A Framework. National Association of Climate Resilience Planners. 13 [https://movementstrategy.org/b/wp-content/uploads/2017/10/10.24.17 WEB_CD-CRP1.pdf](https://movementstrategy.org/b/wp-content/uploads/2017/10/10.24.17_WEB_CD-CRP1.pdf)

Chapter 5: Frameworks, Toolkits, & Measurement

In this report, “framework” refers to an overarching strategy to help reshape organizational structure. Frameworks provide guidance for organizational and structural change. “Toolkit” refers to a specific, prescriptive, action-oriented set of steps to integrate equity or EJ into the policy process. Equity and EJ toolkits are most effective when they are implemented in the context of a framework, or overarching strategy for structural change. Measurement or mapping tools are one tool within a toolkit and are most effectively implemented when used in concert with the other tools in the toolkit. Two of the organizations that provide frameworks and toolkits on how to integrate equity into the policy process (highlighted in the section below), the Government Alliance on Race and Equity (GARE) and PolicyLink, both recognize no tool used on its own, in the absence of deeper, organization change, will be sufficient. As GARE states, “Tools are not the work, but they are part of the work.”¹⁰⁰

This chapter is broken into three main sections. Section 5.1 investigates equity frameworks and toolkits and the equity implications of how agencies measure progress towards goals. Section 5.2 explores EJ frameworks and mapping tools. Each of these sections includes a literature review, key findings, and analysis. Section 5.3 details our recommendations for how Ecology can leverage equity and EJ frameworks, equity toolkits, and EJ mapping tools.

5.1 Equity Frameworks, Toolkits, & Measurement

Research Question: How can Ecology, and other state agencies, leverage equity and EJ frameworks and tools to integrate equity and EJ into their practices?

- How are other organizations using frameworks and tools to guide their work? How do they measure their use and impact?

Section 5.1.1 explores existing literature on equity frameworks and toolkits and highlights three organizations that have created documentation and methodologies on how to integrate these into agency practices. Following this is a discussion about the equity implications of data collection and analysis, and the imperative of accountability with measurement. Section 5.1.2 highlights key findings and analysis from the literature review and stakeholder interviews. As detailed above, recommendations for how to leverage equity and EJ frameworks, toolkits, and specific tools like mapping can be found in section 5.3.

5.1.1 Literature Review: Equity Frameworks, Toolkits, & Measurement

Over the last few decades, agencies at every level of government have increasingly grappled with the need to meaningfully consider equity in policy analysis and implementation. This literature review begins with an overview of organizations that have created frameworks and/or tools intended to help policy makers incorporate equity into their processes and practices, regardless of their policy area.

It is important to note that while the frameworks and toolkits outlined below do feature “spotlights” and examples of how they have been used in practice in their documentation, there are few specifics provided on the exact measurements, success metrics, or results of implementation, at

¹⁰⁰ Bernabei, Erika. (2017, July). Racial Equity: Getting to Results. 7 https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf

least none that are published and publicly available. We will discuss this further in section 5.1.2.

Literature Review: Equity Frameworks and Toolkits for the Policy Process

We decided to feature the frameworks and toolkits of the below organizations based on what was most often mentioned and cited by our client, our advisors at the Evans School, and our interviewees. We highlight frameworks and toolkits from organizations that are well known and utilized by policy makers in state and local government. Through our interview process and overall research, we learned about many variations of the below frameworks and toolkits as they have been adapted and modified for various agencies, which are reviewed in our analysis section. Below, we detail several frameworks and toolkits, along with a summary of their contents and use. For reference, the frameworks are summarized in **Table 5.1** at the end of this section.

Government Alliance on Race & Equity (GARE)

GARE is a joint project of Race Forward—a nonprofit racial justice organization—and the Othering & Belonging Institute at UC Berkeley (formerly known as the Haas Institute for a Fair and Inclusive Society). GARE functions as a network of governments across the United States working to implement racial equity in policy.¹⁰¹ The organization has created several toolkits to promote the integration of race and equity in policy making. The GARE resource guide, [Advancing Racial Equity and Transforming Government](https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/)¹⁰² outlines a racial equity framework and details the necessary circumstances, sponsorship, funding, resources, and methods to effectively integrate equity into policy making. This resource guide serves as a foundational text for all the Government Alliance on Race & Equity toolkits and resources.¹⁰³ They also provide guidance and examples for how to implement equity tools using data and metrics. Finally, they illustrate the importance and the power of collaborating across jurisdictions to achieve collective impact and highlight the impact effective, urgent communication can have on furthering race & equity work. This text helps to orient policy makers to the broader framework that is necessary to build in order for the other resources GARE offers to be effective. Once this framework is in place, GARE provides a [toolkit](https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/)¹⁰⁴ on how to operationalize equity in policy making, and a [How-To manual](https://www.racialequityalliance.org/resources/racial-equity-action-plans-manual/)¹⁰⁵ for creating a racial equity action plan. GARE also provides toolkits on specific governmental practices such as [hiring](https://www.racialequityalliance.org/resources/public-sector-jobs-opportunity-for-advancing-racial-equity/),¹⁰⁶ [contracting](https://www.racialequityalliance.org/resources/contracting-equity-best-local-government-practices-advance-racial-equity-government-contracting-procurement/),¹⁰⁷ and [measuring results](https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf).¹⁰⁸

¹⁰¹ Government Alliance on Race and Equity. (2019, November 14). <https://www.racialequityalliance.org/>

¹⁰² Nelson, J., Spokane, L., Ross, L., & Deng, N. (2015, September). Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas Into Action. <https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/>

¹⁰³ Nelson, J., Spokane, L., Ross, L., & Deng, N. (2015, September). Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas Into Action. <https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/>

¹⁰⁴ Nelson, J., & Brooks, L. (2016, December). Racial Equity Toolkit: An Opportunity to Operationalize Equity. <https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>

¹⁰⁵ Curran, R., Nelson, J., March, D., Noor, S., & Liu, N. (2016, November). Racial Equity Action Plans: A How-to Manual. <https://www.racialequityalliance.org/resources/racial-equity-action-plans-manual/>

¹⁰⁶ Nelson, J., & Tyrell, S. (2015, February). Public Sector Jobs: Opportunities for Advancing Racial Equity. <https://www.racialequityalliance.org/resources/public-sector-jobs-opportunity-for-advancing-racial-equity/>

¹⁰⁷ Lohrentz, T. (2015, December). Contracting for Equity: Best Local Government Practices that Advance Racial Equity in Government Contracting and Procurement. <https://www.racialequityalliance.org/resources/contracting-equity-best-local-government-practices-advance-racial-equity-government-contracting-procurement/>

¹⁰⁸ Bernabei, Erika. (2017, July). Racial Equity: Getting to Results. https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf

Across all of their resources, GARE focuses on [six strategies](#)¹⁰⁹ to advance racial equity in policy:

Normalize:

1. Use a racial equity framework,
2. Operate with urgency and accountability,

Organize:

3. Build organizational capacity,
4. Partner with other institutions and communities,

Operationalize:

5. Implement racial equity tools, and
6. Be data driven.

On this last strategy, GARE notes that agencies must set baselines and goals so they can measure overall progress toward those goals, as well as have measurements tailored to the specific programs and policies they employ to achieve said goals. Furthermore, as noted in the [Racial Equity Action Plans How-To manual](#), identifying, collecting, and using data should be done in partnership with community leaders and stakeholder groups and shared throughout the policy or program process.¹¹⁰

GARE recommends using Racial Equity-Centered Results-Based Accountability (RBA), [a tool](#) that centers community results and stakeholder-driven implementation. RBA requires organizations to begin with the desired results and work backwards towards the means, prioritizing community involvement to do so as well as wide-ranging partnerships with other government agencies, community organizations, the private sector, and other stakeholders. RBA separates results into two levels: population-level changes that must happen within many systems over time, and performance-level changes that individual jurisdictions can develop activities, measurements, and accountability for. Population-level accountability requires organizations to think through seven questions about their desired results in terms of racial equity, what those results would look like, the community indicators that would measure this desired result, what the data can and cannot reveal in terms of root causes, what community partners to work with, what might work to change the data trend towards racial equity, and what actions to start with. This groundwork must be laid before specific agency activities and the measurement and accountability mechanisms to track their progress can be pursued.

To ensure performance accountability once the actions involved in achieving the end result are determined, GARE recommends seven steps to develop measures at the performance-level. These steps include thinking critically about who an organization serves, the intended impacts of any actions taken, the quality of the actions taken, the data being using and why it is telling the story that it is, evaluating results to see if actions are having an impact and investigating why if they are not, and outlining next steps accordingly.

See **Figure 5.1** below for an example of performance measures GARE recommends for program activities, which should ultimately help achieve the results identified using the RBA:

¹⁰⁹ Government Alliance on Racial Equity. Our Approach. (n.d.). <https://www.racialequityalliance.org/about/our-approach/>

¹¹⁰ Curran, R., Nelson, J., March, D., Noor, S., & Liu, N. (2016, November). Racial Equity Action Plans: A How-to Manual. <https://www.racialequityalliance.org/resources/racial-equity-action-plans-manual/>

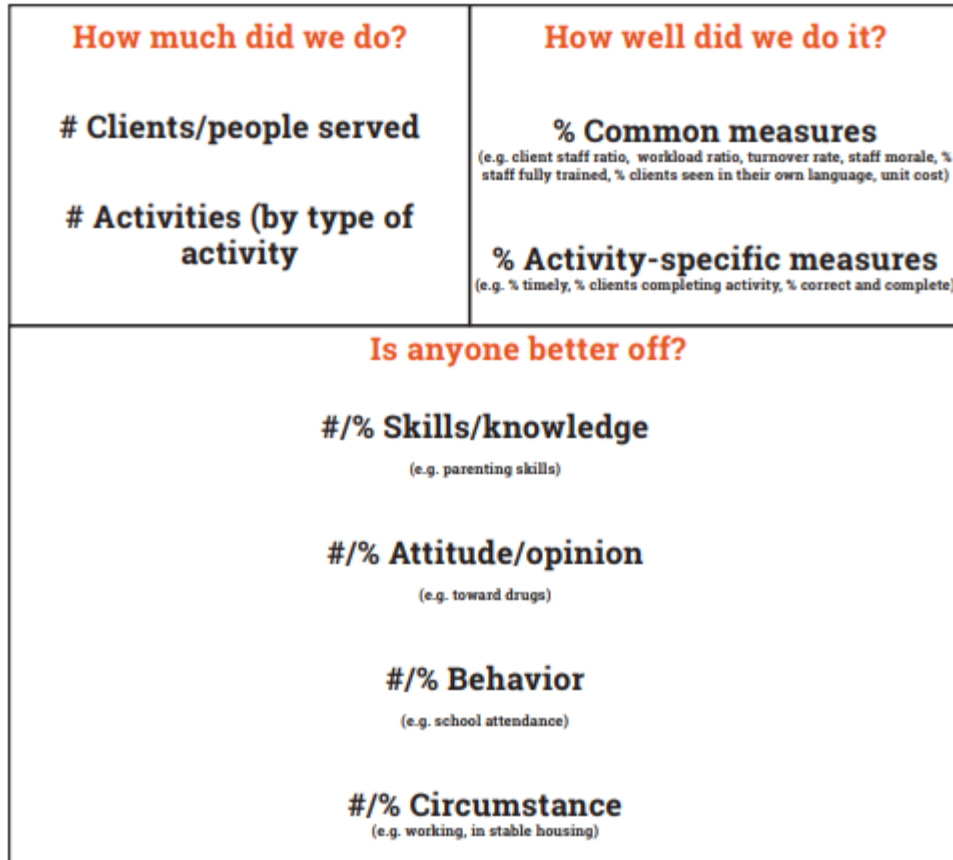


Figure 5.1 Three categories of performance-level measurements from the GARE Results Based Accountability model outlined in “Racial Equity: Getting to Results”¹¹¹

A shortcoming of the GARE resources is the lack of empirical evidence and detailed accounts of how application of their tools work in the jurisdictions in which they are utilized. While there are “Spotlight” case studies highlighted throughout the resource guides and toolkits, these examples do not provide any empirical evidence of the effectiveness of these approaches, or detailed documentation on how the guides were used and adapted. Further, there is no evidence provided in the resources or on the GARE website detailing the outcomes produced by using the implementation strategies they suggest. Even through additional research on the “Spotlight” cases, it is difficult to find publicly available information about the application of GARE resources, the success measures and metrics used, and the outcomes achieved. An area for further research is a comprehensive evaluation of GARE resources and methods to assess their impact on achieving more equitable policy outcomes.

PolicyLink

[PolicyLink](#) is a national nonprofit organization founded in 1999 that functions as a research and action institute focused on racial and economic equity. Their work spans a broad spectrum of equity issues ranging from housing to health to policing. They created a catalogue of toolkits that are policy-specific (i.e., [Equitable Development Toolkit](#) which includes 27 tools on topics like

¹¹¹ Bernabei, Erika. (2017, July). Racial Equity: Getting to Results. 16 https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf

economic opportunity, health equity, land use and environment,¹¹² and [Beyond Confrontation: Community-Centered Policing Tools](#),¹¹³ to name a few) as well as some broader frameworks to guide governments in their pursuit of equity work. Two examples of the latter are [Getting Equity Advocacy Results](#) (GEAR)¹¹⁴ framework and the [All-In Cities toolkit](#).¹¹⁵

Similar to GARE's resource guide, GEAR first outlines a framework intended to help governments understand the circumstances and environment necessary for equity work to be effective. This framework will help ensure the effectiveness of GEAR's suite of tools and methods. Four components are identified as central to the process of creating equitable policies:

1. Issue identification,
2. Community visioning and organizing,
3. Initial power analyses, and
4. Planning the advocacy strategy.

Each component is paired with a series of equity benchmarks and corresponds to additional toolkits that include the [GEAR Overview: Tools for Navigating Change](#)¹¹⁶ and [GEAR Guide: Planning and Assessing Success](#).¹¹⁷

The All-In Cities program works across 33 member cities who are committed to advancing racial economic inclusion and equitable growth. These cities form a coalition and a community of practice where city leaders can work and learn from one another as they pursue equitable policy in six main policy areas, using toolkits provided by PolicyLink, that include: Good Jobs, Economic Security, Homegrown Talent, Healthy Neighborhoods, Housing/Anti-Displacement, and Democracy and Justice. There are five strategies outlined in these toolkits:

1. **Place-based Work.** This described as an inside-outside approach of working with both advocates and government leaders, as well as leveraging communities of practice, deep-dive engagements, and trainings that span jurisdictions to share strategies, results, and lessons learned
2. **Data infrastructure.** This includes a focus on local data analysis and the creation of equity profiles
3. **Field building.** This strategy connects leaders from across the country through forums and webinars
4. **Research.** This includes the policy toolkits build by PolicyLink, reports on specific policy areas, and briefs from jurisdictions utilizing these toolkits
5. **Communications.** This strategy focuses on using myriad communication mechanisms to educate local leaders and the public, advertise their efforts, and promote equity in policy making at large

¹¹² P {PolicyLink. (n.d.) Equitable Development Toolkit. <https://www.policylink.org/resources-tools/edtk>

¹¹³ Stahly-Butts, M., & Subramanian, A. (2015, June). Building Momentum from the Ground Up: A Toolkit for Promoting Justice in Policing. <https://www.policylink.org/sites/default/files/JusticeInPolicing-9.pdf>

¹¹⁴ McLean, J. (2014). Getting Equity Advocacy Results: Build the Base for Equity Advocacy - Equitable Development Toolkit. <https://www.policylink.org/resources-tools/gear-build-the-base>

¹¹⁵ Ross, T. (2019, July). In Cities: Building an Equitable Cities Movement. <https://allincities.org/resources-tools/equitable-cities-movement>

¹¹⁶ Mclean, J. (2014). Getting Equity Advocacy Results: Tools for Navigating Change. Oakland, CA: PolicyLink. <https://www.policylink.org/resources-tools/gear-tools-for-navigating-change>

¹¹⁷ Mclean, J. (2014). Getting Equity Advocacy Results: Planning and Assessing Success. Oakland, CA: PolicyLink. https://www.policylink.org/sites/default/files/GEAR_brief_guide_magcloud.pdf

PolicyLink identifies the importance of data and measurement in all their toolkits, and urges policymakers to ask questions about who benefits, who pays, and who decides as they define goals and identify indicators. To help policymakers think about indicators, especially those participating in their All-In Cities program, PolicyLink has developed the [National Equity Atlas](#), which provides data from the 100 largest cities in the U.S. broken down by indicators around demographics, economic benefits, and equity. The equity indicators include measures around health, transportation, wages, income and wealth, and much more. Like GARE, PolicyLink also promotes the use of Results Based Accountability (RBA) and has leveraged it extensively with their [Promise Neighborhoods](#) program, which is focused on taking a comprehensive, wrap-around, approach to addressing educational disparities in 50 communities across the U.S.¹¹⁸

Unlike GARE, there is less discussion in PolicyLink tools about how and when to partner with communities to co-create and identify indicators and measures. The primary mechanism for accountability that PolicyLink identifies is reporting. Similar to GARE resources, despite boasting a list of participating municipalities (especially in the All-In Cities program) there is a lack of specifics and empirical evidence to demonstrate the results of applying the tools and frameworks PolicyLink supplies. Testimonials interspersed throughout the July 2019 All-In Cities Report¹¹⁹ speak to participation in the program's community of practice and utilization of PolicyLink tools and support, but there are no further details on which departments or programs received such support, which specific tools and frameworks they utilized, how the application and implementation process went, the measures and metrics used to evaluate the effectiveness of the efforts made, nor any information on whether more equitable policy outcomes were produced. PolicyLink would also benefit from evaluating the impact of using their tools on policy outcomes.

Seattle Racial Equity Toolkit

In 2005, Seattle Mayor Greg Nickels created the Race and Social Justice Initiative (RSJI) to focus on combating institutional racism in city policy. RSJI has released strategic plans periodically, which outline the framework and specific strategies they will employ over a three-year period. The latest plan for 2019-2021 leverages guiding principles adopted from the [People's Institute of Survival and Beyond](#) and outlines the city's internal focus on identifying and eliminating structural racism within government, transforming government culture to be antiracist, and strengthening relationships with communities most impacted by structural racism.¹²⁰

RSJI is managed by a Strategy Team within the Office for Civil Rights, which coordinates with Change Teams within each department to produce the annual RSJI work plans they are required to create and provide to the Mayor and City Council. The Change Teams also provide training and support within their own departments, as well as help implement the [Racial Equity Toolkit](#) (RET).¹²¹ This toolkit was built in consultation with GARE and many GARE principles are reflected in its structure and content.

¹¹⁸ Center for the Study of Social Policy. (2016). Building a Culture of Results: A Guide to Emerging Practices in Promise Neighborhoods. <https://promiseneighborhoods.ed.gov/resources/building-culture-results-guide-emerging-practices-promise-neighborhoods-0>

¹¹⁹ Ross, T. (2019, July). In Cities: Building an Equitable Cities Movement. <https://allincities.org/resources-tools/equitable-cities-movement>

¹²⁰ City of Seattle. (2019). Race and Social Justice Initiative 2019-2021 Strategy. https://www.seattle.gov/Documents/Departments/RSJI/18-21_RSJI_Strategic_Plan_4.6.19_FINAL.pdf

¹²¹ Seattle Office of Civil Rights. (2012, August). Racial Equity Toolkit. <https://www.seattle.gov/civilrights/what-we-do/race-and-social-justice-initiative/racial-equity-toolkit>

The toolkit outlines a process to guide policy makers through a series of questions intended to help them assess the potential implications of their policy on racial equity. The six-step process includes:

1. Set Outcomes
2. Involve Stakeholders & Analyze Data
3. Determine Benefit and/or Burden
4. Advance Opportunity or Minimize Harm
5. Evaluate. Raise Racial Awareness. Be Accountable.
6. Report Back

The specific data and measures referred to in these steps are geographic areas and racial demographics. Step 5 asks policymakers to consider how they will evaluate their policy or program and report impacts over time but does not give specific examples of equity indicators. However, the RET does include a list of data resources to utilize. Similar to GARE, the RET continually highlights the importance of working with the community and digging into the ‘why’ behind the data and trends to get to root causes.

The Seattle RSJI and Racial Equity Toolkit are consistently cited by organizations devoted to equitable policy making, including those detailed above, as a gold-standard for integrating race and equity into the policy process. Some examples of completed RETs are posted on the website for the Seattle Office of Civil Rights, including a [toolkit on Participatory Budgeting](#)¹²² and the [Source of Income Discrimination](#),¹²³ among others. These are detailed and helpful to the extent they demonstrate the thinking and planning the RET generates in policymakers, but Step 6: Report Back, is blank in all of the published RET examples and publicly available reporting on the outcomes of each example are not published online. Thus, as with the GARE and PolicyLink tools and frameworks, it is difficult to assess the impact of using such resources and evaluate if they do indeed produce more equitable policy outcomes. All three organizations’ equity frameworks and toolkits are compared in **Table 5.1** below.

¹²² Seattle Department of Neighborhoods Participatory Budget Program RET. (n.d.). <https://www.seattle.gov/Documents/Departments/RSJI/Neighborhoods%20-%20Participatory%20Budget.pdf>

¹²³ Anibarro, B. (n.d.). Source of Income Discrimination. [https://www.seattle.gov/Documents/Departments/RSJI/Racial%20Equity%20Toolkit_SOID\(0\).pdf](https://www.seattle.gov/Documents/Departments/RSJI/Racial%20Equity%20Toolkit_SOID(0).pdf)

Table 5.1 Comparison of Organizations’ Equity Frameworks

	Government Alliance on Race & Equity (GARE)	PolicyLink	Seattle Race and Social Justice Initiative (RSJI)
Created by	Nonprofit	Nonprofit	City Government
Approach	<p>Focus specifically on racial equity</p> <p>Identify need for a shared racial equity framework across an organization in order to build organizational capacity</p> <p>Focus on measurement and data</p> <p>Collaboration across jurisdictions</p>	<p>Focus on three policy arenas: equitable economy, investment, and development in community (social capital, infrastructure, etc.), just and unbiased systems and institutions</p> <p>Weaves together four functions: Advocacy, applied research and communication, constituency and network engagement, and implementation capacity</p>	<p>Focus specifically on racial equity</p> <p>Initiative managed by a Strategy Team within the Office for Civil Rights, which coordinates with Change Teams within each department to produce annual RSJI work plans</p>
Frameworks and Strategies to Advance Equity in Policy	<p>Institutional strategies to advance racial equity in policy (used as foundation for all resources and tools):</p> <ol style="list-style-type: none"> 1. Use a racial equity framework 2. Build organizational capacity 3. Implement racial equity tools 4. Be data-driven 5. Partner with other institutions and communities 6. Operate with urgency and accountability 	<p>Strategies for governments to approach creating equitable policies (from GEAR):</p> <ol style="list-style-type: none"> 1. Issue identification 2. Community visioning and organizing 3. Initial power analyses 4. Planning the advocacy strategy <p>Strategies for cities to integrate equity into the policy process (From All-In Cities):</p> <ol style="list-style-type: none"> 1. Place-Based Work 2. Data Infrastructure 3. Field building 4. Research 5. Communication 	<p>Six-step process to guide policy makers through assessing potential racial equity implications:</p> <ol style="list-style-type: none"> 1. Set Outcomes 2. Involve Stakeholders & Analyze Data 3. Determine Benefit and/or Burden 4. Advance Opportunity or Minimize Harm 5. Evaluate. Raise Racial Awareness. Be Accountable. 6. Report Back
Measurement	<p>Set baselines and goals for an agency, then specific measurements for the policies and programs created to help achieve that goal</p> <p>Identifying, collecting, and using data should be done in partnership with community leaders and stakeholder groups and shared throughout the policy or program process</p>	<p>While defining goals, ask questions about who benefits, who pays, and who decides</p> <p>Primary mechanism for accountability is reporting, less discussion of community partnerships</p> <p>Utilize tools like the National Equity Atlas to evaluate indicators</p>	<p>Focus on geographic areas and racial demographics as key data to evaluate. No other specific equity indicators are included in RET.</p> <p>Highlights importance of working with community members throughout data collection and analysis process</p> <p>Utilize Racial Equity Toolkit and recommended data resources</p>

	Utilize RBA model to develop measurement strategy		
Sample Toolkits Created by Organization	Racial Equity Toolkit: An Opportunity to Operationalize Equity Racial Equity Action Plans: A How-to Manual Racial Equity: Getting to Results Public Sector Jobs: Opportunities for Advancing Racial Equity Contracting for Equity: Best Local Government Practices that Advance Racial Equity in Government Contracting and Procurement	Equitable Development Toolkit “Getting Equity Advocacy Results” toolkit All-In Cities Toolkit National Equity Atlas	Racial Equity Toolkit
Limitations	<p>No publicly available information on how application of their tools work in the jurisdictions in which they are utilized.</p> <p>No evidence provided in the resources or on the GARE website detailing the outcomes of the implementation strategies they suggest.</p> <p>Unclear if using GARE resources and methods leads to more equitable policies and policy outcomes. Would benefit from an evaluation of policy outcomes produced as a result of leveraging resources.</p>	<p>Lack of specifics and empirical evidence to demonstrate the results of applying the tools and frameworks PolicyLink supplies.</p> <p>No information from participants from All-In Cities initiative on results of applying PolicyLink resources and toolkits.</p> <p>Unclear if using PolicyLink resources and methods leads to more equitable policies and policy outcomes. Would benefit from an evaluation of policy outcomes produced as a result of leveraging resources.</p>	<p>No publicly available information on how widely RET is applied and how it impacts policy outcomes</p> <p>Some sample RETs posted to Seattle Office of Civil Rights website, but they do not include Step 6: Report Back, so it is unknown what outcomes were produced by using the toolkits</p> <p>Unclear if using RET leads to more equitable policies and policy outcomes. Would benefit from an evaluation of outcomes produced as a result of leveraging resources.</p>
Where is this resource being used?	<p>Madison, WI Racial Equity & Social Justice Initiative leverages GARE and has modified some of their tools</p> <p>St. Paul, Minnesota Department of Health leverages a Racial Equity assessment toolkit</p> <p>Portland, OR leverages a Racial Equity Toolkit</p>	<p>All-in-Cities has 33 member cities</p> <p>Chula Vista Promise Neighborhood is leveraging Results Based Accountability</p> <p>The Bay Area Equity Atlas is a data support system that tracks equity indicators</p>	<p>City of Seattle agencies</p>

Literature Review: Equity & Measurement

The process and methods of measurement have inherent equity considerations. What is and is not counted, how information is collected, and how that information is organized and stored has profound implications for equity. If information is inaccessible or incompatible during the data analysis process, it may preclude policymakers from important information that would otherwise inform their decisions. While some of the frameworks and toolkits above touch on the importance of equity considerations throughout the measurement process, and all of them acknowledge the importance of measurement and metrics to track progress and change over time, it is vital that policymakers fully assess the power and equity considerations inherent in data collection, determining equity indicators, tracking progress over time, and utilizing measurement for accountability.

Data Collection and Counting

Deborah Stone explains in “The Art of Political Decision Making,” that counting begins with the process of categorization and determining what to include and exclude, what belongs and what does not.¹²⁴ Inherent in this process are value judgements, which are informed by the social, cultural, and political environment of the person counting. The need for clarity leads to the establishment of—often arbitrary—thresholds as dividing lines; for example, which scores on a standardized test designate success or failure, or the income levels that determine eligibility for welfare. This begs the question of what the material difference is of someone who scored a 100 and someone else who scored a 101, or a person who makes \$25,000 a year and another who makes \$25,001 a year. On the other hand, counting also presents the issue of grouping things together that may seem the same in theory but have dramatic differences in actuality. For example, when we think about jobs there are myriad differences in types of job to consider: are they part-time, full-time, seasonal, unionized, contracted, blue-collar, white-collar, is there a career ladder, do they provide health insurance, etc. Any policy grouping jobs as a single broad category would ignore the variety and difference inherent differences between these jobs—leading to policy issues. So much debate in policy hinges on what “counts” and what does not. As Stone states, it is “impossible to talk about the goals of public policy without using the language of counting.”¹²⁵

Measurement is a value statement, “we don’t measure things except when we want to change them or change our behavior in response to them.”¹²⁶ Measurement implies action and accountability. It is also a powerful storytelling tool, as the way policymakers speak about measurement can impact how the public feels about a problem. For instance, in the current COVID crisis, the world is watching the number of confirmed cases and the number of deaths from the virus. When those numbers increase, fear and anxiety is heightened and more is demanded of political leaders, whereas when they are lower those emotions subside and policymakers are applauded for their action. These numbers serve as symbols, indicators for how people should feel and respond. The symbolic nature of numbers and measurement in policy cannot be understated. This is why what is counted, the data that are and are not collected, is so incredibly powerful in policymaking.

¹²⁴ Stone, D. (2011). *Policy paradox: The art of political decision making*. New York: W. W. Norton & Company. p. 184

¹²⁵ Ibid

¹²⁶ Ibid. p. 188

Equity Implications

Given the power of counting, the equity implications of data collection are readily apparent. As Stone articulates, “To count something is to assert that it is an identifiable entity with clear boundaries...so to offer a count is to ask your audience to believe the thing is *countable*.”¹²⁷ What and how we count—especially as it pertains to equity indicators like gender identity, race, ethnicity, age, sexual orientation, ability, etc.—indicates who is important and valuable and that some kind of action is required. For example, in the COVID crisis there has been substantial discussion about the racial disparities in diagnostics, treatment, and death from the virus. By early April of 2020, African Americans in Louisiana accounted for 70% of COVID-19 cases though they make up only 33% of the state population—a trend seen in many other states.¹²⁸ Until the data was analyzed by race and made publicly available, there was not broad awareness COVID-19 was having such a devastating impact on certain communities. If governments did not collect data on race in the first place, they may never have known these disproportionate effects and would thus be unable to take the steps needed to address the crisis for this specific community. Deeper, root cause analysis reveals the EJ implications of this, as a Harvard School of Public Health study found air pollution, especially long-term pollution exposure, resulted in serious COVID-related consequences and higher death rates from the virus.¹²⁹ The study highlights research that demonstrates how communities of color continue to be disproportionately impacted by air pollution, compounding their susceptibility to the virus and the prevalence of the circus in communities with EJ concerns.¹³⁰

Policymakers use data to make decisions about how resources and privileges are distributed. This example prompts discussion and consideration of what populations and communities are not being counted and thus, how they are impacted by the virus and may or may not be receiving the attention and resources they need to combat it.

Great care, thought, and consideration must be given to what is measured, how it is measured, how these measures are contextualized, and how they intersect with other indicators and data. As GARE emphasizes repeatedly in all their frameworks and toolkits, this process of identifying, collecting, and using data throughout the policy process must be done in close partnership with community leaders. Doing so helps to redistribute both power and responsibility; it creates a shared stake between policymakers and community members in the outcomes produced. The principles and methods of participatory research are very instructive and applicable to integrating such community partnership practices into the policy process.

Data collection, research, and community engagement in policy analysis can be very one-sided; community members often feel like the objects of research rather than participants or partners (much less beneficiaries), and the process can feel extractory.¹³¹ In some cases, community members may not trust policymakers or feel safe about sharing information. An example of this is the 2020 Census, as the Pew Research Foundation found historically marginalized populations are more likely to say they will not participate in the census and, after the Trump administration

¹²⁷ Ibid. p. 19

¹²⁸ Villarosa, L., & Harris, L. K. (2020, April 29). 'A Terrible Price': The Deadly Racial Disparities of Covid-19 in America. <https://www.nytimes.com/2020/04/29/magazine/racial-disparities-covid-19.html>

¹²⁹ Wu, X., Nethery, R. C., Sabath, B. M., Braun, D., & Dominici, F. (2020). Exposure to air pollution and COVID-19 mortality in the United States: A nationwide cross-sectional study. [doi: 10.1101/2020.04.05.20054502](https://doi.org/10.1101/2020.04.05.20054502)

¹³⁰ Ibid.

¹³¹ Aldridge, J. (2015). *Participatory Research: Working with Vulnerable Groups in Research and Practice*. Bristol, UK: Bristol University Press.

discussed the addition of a citizenship question in 2019 stoking fears in undocumented communities, responses from this group are expected to be dramatically lower than in previous census years.¹³² This trepidation about participating in data collection is compounded when the intended use of the data are not explained and the outcomes associated with the data are not shared with the people who provided it. This social context of data collection is important to consider and can have significant impacts on the policy process.

A participatory model of policy analysis takes into account the historical relationship and context between the individual or organization collecting data and the communities they are collecting it from. Further, participatory models, “promote inclusion and collaboration and...recognise and give credence to the voices of both individuals and communities.”¹³³ It allows community members to have a stake and a voice in shaping the policy process and redistributes both power and responsibility from the policy maker to the community the policy will ultimately impact. This is aligned to community engagement models that map the spectrum of engagement from ‘ignore’ to ‘collaborate’ and ‘defer to’ as illustrated in **Figure 5.2**.

¹³² Cohn, D. V., & Brown, A. (2019, October 18). Most U.S. adults intend to participate in 2020 census, but some demographic groups aren't sure. <https://www.pewresearch.org/fact-tank/2019/10/18/most-u-s-adults-intend-to-participate-in-2020-census/>

¹³³ Aldridge, J. (2015). Participatory Research: Working with Vulnerable Groups in Research and Practice. Bristol, UK: Bristol University Press. 8

THE SPECTRUM OF COMMUNITY ENGAGEMENT TO OWNERSHIP

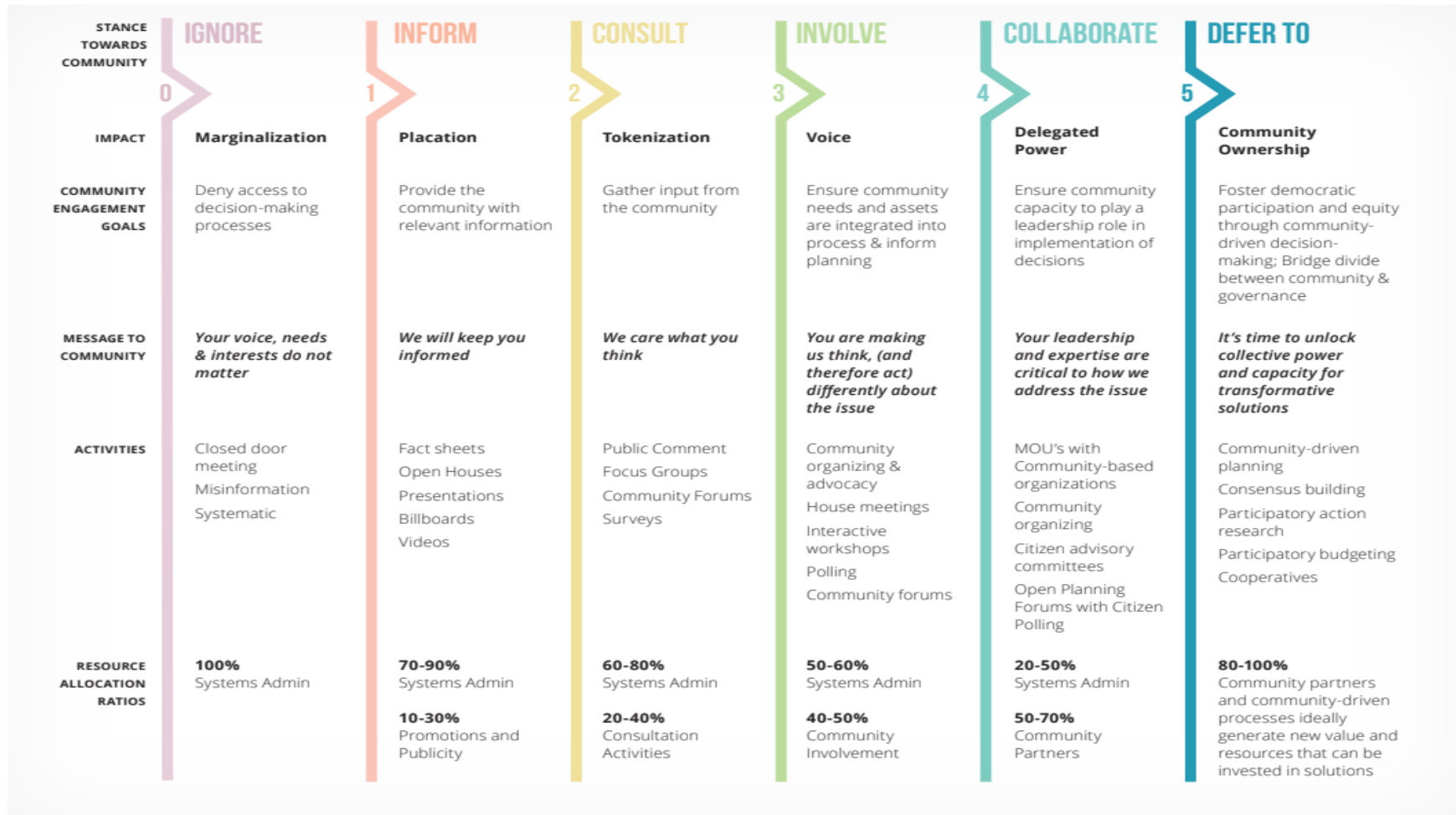


Figure 5.2 Spectrum of Community Engagement to Ownership from the Movement Strategy Center¹³⁴

¹³⁴ Gonzalez, R. (2019). The Spectrum of Community Engagement to Ownership. Oakland, CA: Movement Strategy Center. <https://movementstrategy.org/directory/spectrum/>

Participatory research and policy analysis require policymakers to collaborate with community members throughout every stage of the policy process, including data collection and analysis. Participants are involved “as data producers, analysts and...power influencers with respect to *who* tells the story of the data, as well as *why* and *how* stories are told.”¹³⁵ This context and connection has the potential to dramatically increase policy effectiveness, for as GARE states, “When community is authentically engaged in the work, it becomes clear when something is a good idea and when a particular action lacks alignment with community values and goals.”¹³⁶

As previously stated, it is incredibly important to recognize the judgement and discretion involved in the counting, data collection, and research process within policy analysis. This is even more imperative given contemporary cultural perceptions of numbers and data as immutably objective, precise, and accurate. It is incumbent upon policymakers to be curious, incisive, and probing about the data they use to make decisions. They must recognize all measurements are “subject to conscious and unconscious manipulation by the people being measured, the people making the measurements, and the people who interpret and use measures made by others.”¹³⁷

Accountability

Accountability to what action is taken, how it is taken, and who it impacts is arguably the most important aspect of equitable policy making. Many agencies use a compliance model for accountability, typically in the form of reports. While these can be an effective accountability mechanism, it is important to ask *who* policymakers are accountable to and what form that accountability takes. Reports are not always publicly available, and if they are public, they are not always easy to find or understand for the average person. Furthermore, unless there is clarity around the consequences for not reporting or not achieving a particular goal or benchmark, it is often unclear how reports change behaviors or practices. Finally, reports are usually written and delivered to an agency head, task force, or other governmental authority. The accountability is to these audiences, rather than to the communities who the subject and substance of the report actually impacts. If made accessible, digestible, and available to the public though, reports can foster accountability in the form of transparency, in that communities have visibility into the impacts of a given policy.

Participatory policy processes shift traditional accountability models and create policy makers and policies accountable *to the communities they serve* instead of or in addition to the agencies they report to. Participant-led policy making can not only improve the data collection and analysis process, it can also facilitate much deeper relationships and partnerships with communities to create accountability organically. When community members are involved in every step of the policy process, they are informed and empowered to inform and participate in how the outcomes are disseminated to ensure this is done in a way that works for their community.

Gaps in Literature

There are significant gaps in the existing literature on equity frameworks toolkits, and measurement. Each of the areas detailed below need to be researched further.

¹³⁵ Aldridge, J. (2015). *Participatory Research: Working with Vulnerable Groups in Research and Practice*. Bristol, UK: Bristol University Press. p. 126

¹³⁶ Bernabei, Erika. (2017, July). *Racial Equity: Getting to Results*. 7 https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf

¹³⁷ Stone, D. (2011). *Policy paradox: The art of political decision making*. New York: W. W. Norton & Company. 197

- **Evaluations of equity frameworks & toolkits in public policy.** A significant gap in the literature is robust evaluation and publication of if and how equity frameworks and toolkits are applied and adapted. There is also a need to evaluate the *outcomes* associated with using the frameworks and toolkits detailed above. This evaluation is necessary to determine whether these tools help to produce more equitable policy outcomes.
- **Equity and measurement.** There is a need to identify and advise on recommendations for equitable indicators in the policy analysis process. While there will of course be indicators contingent upon a specific policy area, it would be helpful to have a broad baseline of equity indicators that could be used across policy areas. This would be particularly helpful if paired with recommendations for an equitable measurement process and an evaluation tool to determine if the right things are or are not being measured.

5.1.2 Findings & Analysis: Equity Frameworks, Toolkits, & Measurement

There is no shortage of equity frameworks or toolkits for Washington State agencies to implement or modify for their use. However, our research indicates the use of any framework or toolkit is sporadic across agencies; some agencies and departments use them, and some do not. Furthermore, there is inconsistent use *within* agencies that do utilize them, with some people consistently integrating them into their work processes, and others who are unaware these toolkits even exist. Another challenge with these frameworks is that many agency staff are unsure how to apply or modify a toolkit so that it can work for their specific job function or responsibilities. Perhaps most notably, there is currently no formal, comprehensive evaluation of if or how frameworks and toolkits are leveraged or the impact of their use on staff decisions or policy outcomes. A valuable area for future study would be a thorough evaluation of the impact of frameworks and toolkits to both determine and illustrate how they help produce more equitable policy outcomes. It is clear from our interviews though that toolkits are most effective when used in the context of a framework for that furthers larger, organizational change.

There is a common perception that integrating equity into the policy process can be as simple as adding a toolkit or checklist to an agency function. However, as we outlined in Chapter 4, deeper, structural changes are necessary to create a culture where equity and environmental justice are paramount. Utilizing a specific framework can inform how to drive this structural change. Once the organization and culture of an agency begin to shift to support and center equity, *then* a toolkit can be effectively adapted and integrated into agency processes. This will be an iterative exercise, as any toolkit will need to be modified, adapted, evaluated, and adapted again to be useful and effective. As one of our interviewees stated, “Equity is not linear, it’s cyclical. It’s a process. It’s a way of thinking.”¹³⁸

Findings & Analysis: Equity Frameworks & Toolkits

Below are broad findings that emerged from our research, each of which provides analysis and examples of what is and is not working well.

¹³⁸ Interviewee #31

Finding 1: Toolkits used in isolation from a framework and decoupled from larger, structural changes toward embedding equity into agency culture and practices are inadequate for creating lasting behavioral changes.

- Toolkits are most effective when they are applied within the context of broader, organizational shifts towards embedding equity into an agency, such as with the application of a framework agency wide.
- Such an organizational shift is difficult and takes time. As one of our stakeholders at a Seattle agency related with regard to RSJI, “We are trying to reengineer centuries of practices and habits in terms of how to do business.”¹³⁹ They went on to share that, initially, RSJI was about capacity building and “getting our house in order.” There was a lot of training and conversation around the history of race and racism, and helping staff understand the larger historical context of such efforts. The interviewee uses the tipping point framework, which recognizes everyone is on a continuum, which includes people who range from apathetics, to incubators, to advocates. They then focus on creating strategies to introduce equity to agency work that meets people where they are.
- One of our interviewees, who helped design the RET, echoed this, stating the main function of RSJI and RET on their teams has been to build capacity and help the City of Seattle educate staff and cultivate awareness about issues of race and equity in policy. RET has provided an opportunity for staff to think through the potential impacts of their policy, program, or process on different communities.
- Another interviewee, who has worked closely with both GARE and PolicyLink, related even organizations that create equity frameworks and toolkits struggle with the internal work necessary to ensure they can be effective. The interviewee went on to describe the difficulty of internalizing equity frameworks. Such organizations “may have data points that tell them they’re being successful, and they make it clear what they stand for and tell people to do it, but it’s not always there internally.”¹⁴⁰ This work is difficult and even “experts” struggle to integrate equity fully into their organizational culture, which impacts their ability to produce measurable outcomes.

Finding 2: Upfront and ongoing education about equity is an essential starting point, and necessary for structural change and for frameworks and toolkits to be effective.

- As described in Chapter 4, to integrate equity into agency practices and functions, you first need to educate agency staff about what equity is and why it is important to integrate it into the policy process and agency practices. People need to understand and be bought in on a concept—especially one as complex as equity—before they are willing to change their behaviors.
- As a King County agency staff person described, there are multiple facets of equity.¹⁴¹ The domain of equity has process, procedural, and governance considerations in terms of whose voices are heard and have influence in policy and planning. There is also distributional equity, which examines how both positive and negative policy outcomes and externalities are distributed among different populations (such as resources that enhance environmental equity vs. negative outcomes like pollution, noise, particulate matter, etc.). Equity requires that communities who are already overburdened do not receive even more negative outcomes that compound existing issues, and instead these communities—which have often been historically underserved—are better resourced going forward.

¹³⁹ Interviewee #19

¹⁴⁰ Interviewee #29

¹⁴¹ Interviewee #22

- This time spent educating staff is essential to lay the groundwork for toolkits to be used effectively. The same interviewee from a Seattle agency referred to above, noted the importance of doing some type of baseline survey to assess where employees are when you begin equity education, then deploying a follow up survey periodically to assess their progress.¹⁴² Tracking changes over time is just as important internally as it is externally to track progress and change and identify where to focus energy and resources.

Finding 3: The use of equity frameworks and toolkits is sporadic across and within agencies.

- Most interviewees related that their agencies do not consistently use frameworks or toolkits to integrate equity into their work.
- Even for those individuals who want to use equity toolkits, a commonly cited barrier to doing so is a lack of direction and instruction on *how* to use or apply the tool or framework to their specific tasks/responsibilities.
- Within agencies, there is no formal requirement or mechanism to enforce the use of frameworks or toolkits and no consequence for not using them.

Finding 4: There is a need to evaluate if and how equity frameworks and toolkits are applied to policy development and agency activities.

- From our research it is unclear how many state and local agencies consistently use equity frameworks and toolkits, and if (or how) they have been modified to suit specific agencies and functions. It is also unclear where these toolkits are integrated into the policy process and if their use has prompted agency staff to change their behaviors or decisions.
- Many of our interviewees related that they or their colleagues use elements of equity toolkits in their agency but that use is inconsistent and seems to depend on an individual's personal interest in applying equity to their process rather than a standard agency practice.
- One of our interviewees familiar with agencies under the Governor's purview related that an assessment of diversity, equity, and inclusion efforts across agencies showed there was little accountability, transparency, or consistency in the standards, practices, and frameworks agencies choose to adopt.¹⁴³ One of the barriers identified was that many agency staff saw integrating equity into their work as an addition to their workload without the necessary resources to support such efforts. This points to the need for support and resources to embed equity into agency functions systematically, with performance measures and clear accountability mechanisms to promote adoption.

Findings & Analysis: Equity Toolkits

Finding 5: For toolkits to be useful, agency staff need guidance and support about when and how to leverage them.

- An interviewee from a state environmental agency noted that toolkits like GARE and the Seattle RET include many questions and supporting evidence requirements.¹⁴⁴ While this strengthens the accountability elements of these tools, it can also make them feel time intensive, burdensome, and risky. As standardized tools, it is sometimes difficult to know

¹⁴² Interviewee #19

¹⁴³ Interviewee #15

¹⁴⁴ Interviewee #5

how to answer RET and GARE questions within the context and constraints of a specific project, team, or organization. In short, the interviewee related that it can be difficult to know whether you are addressing the tools completely and correctly.

- Another challenge several interviewees cited was knowing when to leverage an equity toolkit, or which one to use at which point in the policy process. An example of one interviewee's learning as it related to the benefits of leveraging an equity tool earlier in the process instead of later is highlighted below in **Figure 5.3**.
- All our interviewees who leverage equity toolkits agreed equity should be embedded throughout the policy process, but it is vital to consider equity early on.

Case Study: Health Equity Impact checklist vs. Health Equity Reviews

An official from a county health department in Washington described challenges department staff have with utilizing a Health Equity Impact checklist. The official noted they have seen the same checklist used in ways that center equity and in ways that are blind to equity concerns.

A Health Equity Impact checklist is used to determine the equity implications of health policy decisions for both individuals and their communities.

The official observed one issue is that **Health Equity Impact checklists are leveraged too late, typically after a policy has already passed**. They suggested instead **Health Equity Reviews, which prompts consideration of equity before policies are decided** and require community involvement in the decision-making process.

Health Equity Reviews were designed to be used earlier in the design process, while Health Equity Impact checklists were designed to be used later in the policy process

The **Healthy Equity Review** requires policy makers to look at likely equity effects of alternatives in the schematic design phase (30% design phase). This is **early in the process**, so who benefits and is burdened by alternatives A, B, and C can be assessed before resources are allocated towards one alternative.

Thus, one critique of a Health Equity Impact checklist is that the project is already well underway by the time equity is considered, which means an individual must try to mitigate inequities within their committed course of action. A Health Equity Review is more likely to yield an equitable project, program design, or policy outcome because equity is considered early, and a comparative analysis is completed before any course of action is established.

Ideally, both a Health Equity Review *and* a Health Equity Impact checklist should be leveraged in the policy process. It is important to embed equity into every stage—design through implementation—and consider which tool is most appropriate and helpful to use at different points in the policy process.

Figure 5.3 Case Study: Health Equity Impact checklist vs. Health Equity Reviews¹⁴⁵

¹⁴⁵ Interviewee #22

Finding 6: Toolkits can and should be customized, and they should be modified as needed based on what does and does not work for the individuals who use them.

- Many of our interviewees who personally leverage a toolkit, or have helped promote and deploy their use within or across their organization, shared that a toolkit is most effective and more likely to be used if it is modified to fit the needs of a specific task or team.
- One of our interviewees related that each department in their agency modifies the RET to meet their business needs. The agency has developed a suite of tools—tools for decision makers, and tools specific to different roles and different goals.¹⁴⁶ Across the agency, staff are trying to make using some version of the RET a common practice.
- Another example of modification and adaptation is the King County [Equity Impact Review](#). This tool, which is similar to the Seattle RET, has gone through multiple iterations. An earlier version from 2008-2009 has since been revised to focus more on decision-making and community involvement. This new version also distinguishes between distributional equity, process equity, and cross-generational equity and invites policymakers to consider how each of these aspects of equity are being impacted. This new model centers community priorities and each phase requires community engagement (see **Figure 5.4**).
- To help employees learn how to use and modify equity toolkits, it is important to think about resources and scale. An interviewee who works for a county office shared that scaling the use of the Equity Impact Review process has been a challenge given the time and resources required to teach people how to leverage the tool.¹⁴⁷ This person shared that the county has been exploring the idea of a train-the-trainer model in which individuals, who are now experienced with using the tool and have integrated it into their work, can help colleagues in their department do the same.

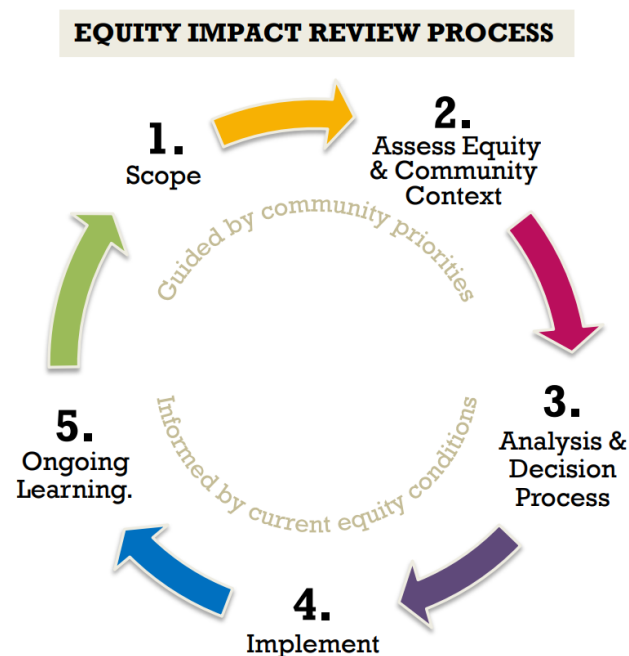


Figure 5.4 King County Equity Impact Review Process¹⁴⁸

¹⁴⁶ Interviewee #24

¹⁴⁷ Interviewee #31

¹⁴⁸ King County Executive Office of Equity & Social Justice. (2016). Equity Impact Review Process Overview. https://www.kingcounty.gov/-/media/elected/executive/equity-social-justice/2016/The_Equity_Impact_Review_checklist_Mar2016.ashx

Findings & Analysis: Equity Measurement

Finding 7: There is a need to go beyond measuring input (equity considerations in a process) to measuring impact (equity outcomes of a policy).

- In the agencies we spoke with and the agencies we researched, there was no discussion or description of an evaluation process developed or implemented to determine if the use of equity toolkits actually result in more equitable policy outcomes. One of our interviewees, who worked closely with both GARE and PolicyLink confirmed, even these organizations do not currently measure the impact on policy outcomes of using the frameworks and toolkits they produce.¹⁴⁹ Interviewees who work for Seattle agencies and use the RET also confirmed they are not yet at a point where they can truly measure the impact of using the RET on policy outcomes.
- Beyond the three toolkits explored in this chapter, and as we detail further in chapter 6, policy processes that attempt to add an equity component do so by adding in requirements around posting public notifications and hosting public meetings. Such actions are focused on *inputs*, measuring only whether such actions took place, instead of focusing on the *impact* of these actions, if and how such actions influenced the ultimate policy outcome and its impact on communities. As many of our interviewees related, it is not sufficient to check a box that says you held the public meeting required in the process you are using—there must be much more meaningful and sustained relationship building with communities throughout the policy process and an assessment of how this partnership informed both the policy process and policy outcomes.
- In speaking about implementing the Race Based Accountability (RBA) model featured in GARE [Racial Equity: Getting to Results](#) toolkit, one of our interviewees related that the power of this model is it requires policy makers to begin at the community and population impact level, then work towards the specific programs or policies.¹⁵⁰ This is done through an iterative, root cause analysis process employed at every stage of RBA. This tool, when used to its full rigor, requires policy makers to ask the question, “Is anyone better off?” constantly and dig into the what, how, and when of the answer to this question. Inherent in this approach is the need to make community voices as, if not more, relevant as other forms of data. As the interviewee stated, “Their words should be written right next to the policy analysis.”¹⁵¹ True impact assessment requires policymakers to work hand-in-hand with the communities who will bear the impact of their decisions throughout the policy process.

Finding 8: Data collection, classification, and analysis is fraught with equity and consistency challenges.

- As noted in the literature review (section 5.1), and reflected in our stakeholder interviews, data collection and counting has myriad equity implications. It is important to consider who is and is not counted, how they are counted, how those data are organized, if and how those data are shared, and what it is used for. There is a need to dispel the belief those data are somehow neutral or objective, when in fact and in practice there are countless subjective decisions and judgements inherent in the data collection, engineering, and analysis process.
- Almost all of the stakeholders we interviewed who work with or rely on data for their work

¹⁴⁹ Interviewee #29

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

related that there is significant inconsistency in the data they use when it comes to equity indicators like race, ethnicity, age, etc. and those data sources and data organization are constantly shifting and changing. There is no standardized method of data collection and classification across Washington state agencies, much less at the federal or local level. This inconsistency compounds the difficulty of creating baselines for agencies to use in their data analysis so they can evaluate their progress and impact over time.

- Along these same lines, as one of our interviewees noted, there is no baseline understanding of how pronounced inequities are.¹⁵² This is a significant limiting factor in setting performance measures to calibrate the scope of influence of various agencies much less to hold them accountable to reallocate resources or change behaviors over time in an effort to remedy disparities. This lack of information and understanding about the current state makes it difficult to set a course for corrective action. As a result, many agencies tend to rely on insufficient performance metrics that center effectiveness and/or efficiency and thus create aggregate characteristics of performance that do not indicate progress on reducing inequities.
- Many interviewees shared that, in their departments, data work is siloed. There is a team who creates and analyzes data, then separate individuals and teams who consume those data. One of our interviewees well-versed in RBA, stated a need to build a new culture around data using equity principles because “if we are not using data, we are not only doing injustice to racial equity work because we’re saying it’s not worth the rigor of using data in real time to practice it, but we’re also causing harm. If you’re not undoing racism, meaning you’re actively using antiracist principles to develop data and to develop what impact looks like, then you’re actively causing harm. There is no neutrality. And data have always told us, “There’s an objective, there’s a neutral but we are talking about people’s lives.”¹⁵³ There are real people and real implications behind data points; data should be treated with care and intentionality.

Finding 9: Equity indicators and measurements are challenging to create and evaluate consistently.

- One challenge a staff member of an environmental agency shared is that often, agencies only count what did happen as a result of a policy failure (e.g., when there is a chemical spill) but do not have a way to count what *did not* happen as a result of their policy success (e.g., when a chemical spill was prevented). Since so many agency efforts, especially in environmental agencies, are preventative in nature, it is difficult to assess their success. The interviewee went on to state, “It is hard to measure success when true success is having something not happen. How do you make performance measures to measure something that did not happen because of your efforts?”¹⁵⁴ A Washington state agency employee identified this same challenge within their department with the example of grants and how data are not collected on who *did not* receive a grant and the equity implications of the decisions around who is denied.¹⁵⁵

¹⁵² Interviewee #22

¹⁵³ Interviewee #29

¹⁵⁴ interviewee #27

¹⁵⁵ Interviewee #9

- Furthermore, while most agencies are happy to measure and report on what went well in terms of policy success, there is (understandable) resistance within many agencies to measure and be transparent about what did not go well, or where there may have been an agency failure. The lack of data collection and measurement on failures or challenges prohibits agencies from getting the information they would need to change their behaviors and practices.

Finding 10: It is difficult to isolate and measure impacts in an interconnected policy landscape.

- A challenge a county employee brought up was the difficulty of isolating impact given the interconnected and overlapping nature of policies and systems.¹⁵⁶ It is difficult to determine causation of any one policy decision because there are so many other factors that can affect a policy outcome. An environmental agency staff person elaborated on this in the context of EJ by pointing out this can become even more difficult in the context of trying to mitigate long-standing policy decisions (such as the permitting and damage done by many hazardous waste facilities) that have already produced negative outcomes for communities with EJ concerns.¹⁵⁷ The interviewee questioned how to measure against significant, historical environmental damage that has compounded over time.
- An employee from an equity office on the west coast added another layer to this as they recognized the interconnected nature of policy decisions can make it difficult for agencies to make a commitment to equity, as they do not have control over so many of the factors that ultimately influence equity outcomes.¹⁵⁸ A former EPA employee elaborated on this same point by pointing out measurement is not a linear process and policy work crosses multiple offices, topics, geographies, and political climates.¹⁵⁹ Specifically when it comes to EJ work, the interviewee acknowledged much of it takes place in a highly charged political context (they gave the example of mining) and can be controversial. They noted it is difficult to create objective measures in such a context, much less measure impact.
- An environmental agency employee in California highlighted the importance of shifting towards measuring cumulative impacts, which take into account the overlapping and interconnected nature of different policy impacts and outcomes across domains.¹⁶⁰

Finding 11: It is difficult, but imperative to involve communities in the data collection and analysis process.

- An additional challenge that interviewees identified was how to engage communities in the data collection and analysis process, as well as how to work with them to identify equity indicators that make sense for their specific community, circumstances, and priorities. One of our interviewees tasked with helping scale the use of equity tools throughout a county agency noted that determining equity indicators without community input can be patronizing and those data collection in the absence of community partnership can lead to biases built into the process and the result.¹⁶¹ They acknowledged the barriers to implementing a community-driven data collection and analysis process, but advocated for its pursuit in the long run because doing so would likely result in much

¹⁵⁶ Interviewee #31

¹⁵⁷ Interviewee #25

¹⁵⁸ Interviewee #8

¹⁵⁹ Interviewee #12

¹⁶⁰ Interviewee #6

¹⁶¹ Interviewee #31

more accurate and informative data.

- Integral to this is a shift away from focusing solely on quantitative data and elevating the value and legitimacy of qualitative data. An interviewee from an EJ community organization highlighted the importance of recognizing there is often a disconnect between what quantitative data might imply and what communities are actually experiencing.¹⁶² They emphasized the need to validate data and data analysis in partnership with communities to ensure policy makers and agency staff are getting a full and accurate picture of what is really happening on the ground. A interviewee working on a city equity initiative echoed this, pointing out the importance of disaggregating data and digging deeper into the lived reality of what those data reveal.¹⁶³ They gave the example of people in the Hmong community being counted as part of the API community, but how, when speaking with people in that community, the data about the concerns of the API community were dramatically different from that of the Hmong community specifically. They noted this illustrates both the importance of investigating what you think the data are telling you and validating your conclusions with the community.

Findings & Analysis: Community Partnership

Finding 12: Agencies have an opportunity to rethink how they work with and are accountable to communities.

- All of the equity frameworks and toolkits evaluated in this report acknowledge the importance of “meaningful community engagement,” but the definition of this term, how it manifests in the policy process, and what impact such engagement has on decision-making varies widely.
- As noted above and detailed extensively in our analysis of five agency functions in Chapter 6, public participation and engagement largely centers around notifying the community when there are potential EJ impacts (e.g., permitting an industrial site, notifying a community of a chemical spill, etc.) and holding a public meeting. There is little to no discussion about if or how community concerns and input from such public meetings are incorporated into the decision-making process (e.g., if a community raises valid concerns, is a permit withheld?). Further, there is little discussion of the recourse a community has after a policy decision is made and there has been a negative EJ impact (e.g., a permit is issued to a facility that releases pollutants into a community).
- Our research indicates very few agencies that conduct public meetings evaluate or report on how the input and concerns from those meetings are incorporated in the policy process. The focus is more on the fact that they took place (framed as an input into the policy process) rather than the impact of input (how it influences policy outcome).
- The equity frameworks and toolkits reviewed in this chapter call for much more robust community involvement strategies that incorporate community participation throughout the policy process and create accountability to the community. One study noted the EPA and other agencies “have failed to achieve equity” because their models of decision-making are not designed to accommodate the type of community participation the EJ movement demands.¹⁶⁴ As a state environmental agency employee articulated, “EJ is focused on public input and it has been difficult to go beyond that.”¹⁶⁵

¹⁶² Interviewee #16

¹⁶³ Interviewee #17

¹⁶⁴ Guana, E. (1998). The environmental justice misfit: Public participation and the paradigm paradox. *Stanford Environmental Law Journal*, 17, 3-72.

¹⁶⁵ Interviewee #3

- As noted in Chapter 4, and as the environmental agency employee went on to say, it is important to consider historic and current distrust between many communities and the government. Further, community meetings planned at times convenient for agency staff and hosted in spaces outside of the potentially impacted community can make it difficult or off-putting for community members to attend. This highlights the importance of working with communities from the beginning of the policy process and learning from them where, when, and how community input could be best solicited. This can help agency staff avoid missteps and enable them to know if what they are doing is working. As this same environmental agency employee concluded, “We might think we’re doing ok, but we don’t really know.”¹⁶⁶ Strong community partnerships can help agencies gain this knowledge.

Finding 13: Moving from ‘inform’ to ‘collaborate,’ and towards ‘defer to’ on the Spectrum of Community Engagement to Ownership.

- As noted in the literature review (section 5.1), participatory models of community partnership can help agencies move from getting community input, through the spectrum of community engagement (see **Figure 5.2**) towards true collaboration and partnership. In speaking about participatory research and policy methods, our interviewee well-versed in RBA shared it can be helpful to think about participation as more of a principle than a methodology (as their methodology is RBA).¹⁶⁷ At every part of the process, it is important to leverage root cause analysis to get very clear about the problem and who is involved. Participatory frameworks do not mean communities need to be involved in every minute phase of the process (particularly because this can be a burden and requires unpaid time and labor from community members), but rather that before engaging in policy making it is vital to invest in relationship-building with communities and to acknowledge they know both the problems and the solutions for their communities better than an external policymaker would. Participation as a principle requires policymakers and agency staff to defer to the communities they serve and look to them to inform and shape their decisions as these communities are ultimately who agencies should be accountable to.
- Inherent in this participatory process and principle though, is an awareness of what burden is being placed on communities. An interviewee who works for an EJ nonprofit, noted it is insufficient, and potentially damaging, to constantly ask communities for their input and time without some form of compensation, support, resources, and accountability to them.¹⁶⁸ It is a delicate balance to partner with communities but also respect and value their time and energy. Again, this is why relationship-building is so vital, it can help policy-makers and agency staff gain a deeper understanding of the context, needs, and concerns of community members so they can incorporate and center that knowledge in their activities and be more strategic about when and how they work with their community partners.
- Moving along the spectrum of community engagement (see **Figure 5.2**) takes time, effort, resources, and a willingness to try-learn-and then try something else. See below (**Figure 5.5**) for an example of how Seattle Public Utility (SPU) has integrated community consultation, involvement, and accountability into their Damage Claims process.

¹⁶⁶ Ibid.

¹⁶⁷ Interviewee #29

¹⁶⁸ Interviewee #11

Case Study: SPU Damage Claims

Damage Claims are filed in situations where a person files a claim against a local government agency for damage done to their personal property in the line of duty. For example, if a maintenance truck sideswipes a parked car, or utility employees are digging a hole and damage a fence, or there is a large blockage in sewer main causing sewer water (and often stormwater) to back up into the basement of someone's house, the property owner can file a damage claim against the city to recoup their losses.

5 years ago, SPU looked at their dataset around damage claims and mapped where they were receiving claims in Seattle. Using ArcGIS, SPU overlaid demographic data to assess the concentration of damage claims in lower-income communities & communities of color. When they did so, they found a clear spatial pattern about who was filing damage claims against SPU. They observed the highest volume of claims came from predominantly higher income, white, English-speaking neighborhoods. Lower income communities of color were “deserts.”

These findings prompted SPU to examine the process for filing claims and work directly with the Claims staff to get more information from them about the customers they most often dealt with. This research validated that non-English speaking customers and or low English-proficiency customers rarely reached out. The customers who filed claims the most were well-educated and equipped with the skills to navigate bureaucracy (i.e., they were able to find the correct phone number, and knew to proactively call damage claims staff), the legal language in the filing process, and the steps of the process itself.

This illuminated to SPU staff the importance of an accessible and equitable damage claims process and prompted them to examine how they were advertising and explaining this process and educating community members about their rights. As a result of this study, SPU made several changes:

- **Educating community on damage claims process:**
 - **Updates to SPU website:** The Damage Claims department added details on the process to the SPU website—where there was previously no publicly available information on the process—and highlighted it on the homepage so it was easy for customers to find. SPU staff acknowledges that such an action does not necessarily lead to less racial disparity, but it does increase access and awareness. As a result, Damage Claims staff saw an increase in calls/claims, and when they asked how people found out about the process they typically answered, “It’s on your website.”
 - **Utilizing First Response Crews:** First response crews are the first SPU employees on the scene when something like a water main break or sewer overflow occurs. The SPU employees on this team have a lot of in-person involvement with community members due to the nature of their work. To leverage the interactions and relationships First Response crews have with community members, these teams now physically distribute claims form to community members.

- **Community Outreach:** SPU has dispatched employees to go directly to low income communities of color, parks, libraries, and service centers to knock on doors, educate, work with community leaders, share resources, and at times proactively distribute damage claims forms. While they still hold public meetings, the format of these meetings has shifted to more of an open-house format where attendees can walk around to different stations describing specific phases or elements of a project and speak with SPU staff one-on-one and ask questions. This is a marked improvement from previous public meetings where there would typically be a very technical presentation given by an engineer and limited time for public comment. This new format allows community members to come and go and get the information they need without relying on a single presentation.
- **Annual Mapping:** The Damage Claims department now annually maps where damage claims are filed in the city so they can see changes over time for where claims are coming from. To date, however, they are unable to collect demographic information on the claims themselves (due to privacy laws).
- **Follow Up:** The damage claims process is consistently revisited and updated to make it easier for customers, with the most recent review initiated in March of 2020.
- **Next Steps:** The Damage Claims team is working to change their process to center community needs and voices much earlier in the design phase. While the efforts of this team are not ubiquitous throughout all of SPU, Damage Claims staff are working to share these practices and their results to increase adoption across the agency.

Figure 5.5 Case Study: SPU Damage Claims¹⁶⁹

5.2 EJ Frameworks, Metrics, & Mapping Tools

5.2.1 Literature Review: EJ Frameworks, Metrics, & Mapping Tools

Research Question: What indicators and metrics can state agencies use to measure progress and define success on EJ and health equity?

- How are agencies creating measurable and actionable goals to reduce environmental health disparities using EJ mapping tools? What additional metrics should be considered outside of those represented in Washington State agencies existing mapping tools? At what level should metrics be measured (e.g., program-level or activity-level)?

¹⁶⁹ Interviewee #24

Literature Review: EJ Frameworks for Public Policy

EJ is a relatively new field in government, therefore large inventories of policy tools or toolkits are unavailable. The EPA has a few policies specific to applying EJ to different federal policies, including the National Environmental Policy Act (NEPA) and the impacts of commercial transportation. The EPA's recommended strategies focus on: (1) how to do meaningful engagement, (2) defining the affected environment, (3) developing alternatives, and (4) identifying disproportionately high and adverse impacts. These recommended focus areas align with the steps found in the equity toolkits discussed in the previous section.

Regarding EJ in the state of Washington, we found community-based research reports from Got Green, Puget Sound Sage, and Front and Centered. Got Green and Puget Sound Sage developed the ["Our People, Our Power, Our Planet"](#) report in 2016 using a participatory research method that elevates voices from communities who are disproportionately impacted by climate change in South Seattle.¹⁷⁰ The report highlights the major historic and current environmental and climate justice concerns in these communities. Front and Centered [released a report](#) in 2018 that explores and analyzes the disproportionate risks from climate change that communities across Washington State will face.¹⁷¹ These reports provide a strong model for what the major EJ concerns are and methods to identify these concerns in partnership with communities across the State of Washington. In recent years, EJ-focused frameworks and tools have been created that could be applied in Washington which will be highlighted below.

Just Transition Framework

The Climate Justice Alliance (CJA), in collaboration with its member organizations, created a [Just Transition Framework](#) in 2016 to address environmental injustices and the climate crisis. As the climate crisis progresses, CJA is anticipating that the economy will need to transition and this framework is meant to ensure this transition from an extractive economy is equitable and just, leading to a regenerative economy (see **Figure 5.6**).¹⁷² CJA adapted the phrase Just Transition "to represent a host of strategies to transition whole communities to build thriving economies that provide dignified, productive and ecologically sustainable livelihoods, democratic governance and ecological resilience." This framework is accompanied with nine shared principles that center community and ecological resilience. CJA's Just Transition acts as a principle, process, and practice creating a strong overarching framework to guide policy decisions. This a relatively new framework and there have not been published examples of explicit application of this framework and/or subsequent outcomes.

¹⁷⁰ Got Green and Puget Sound Sage. (Mar 2016). Our People, Our Power, Our Planet. <https://gotgreenseattle.org/publications/>

¹⁷¹ University of Washington Climate Impacts Group, UW Department of Environmental and Occupational Health Sciences, Front and Centered and Urban@UW. (2018). An Unfair Share: Exploring the disproportionate risks from climate change facing Washington state communities. <https://frontandcentered.org/unfair-share/>

¹⁷² Climate Justice Alliance. (2018). Just Transition Principles. <https://climatejusticealliance.org/just-transition/>

Analysis, Framework and Strategy

JT Framework Design: Wisdom of Frontline communities and leaders with the support of Movement Generation

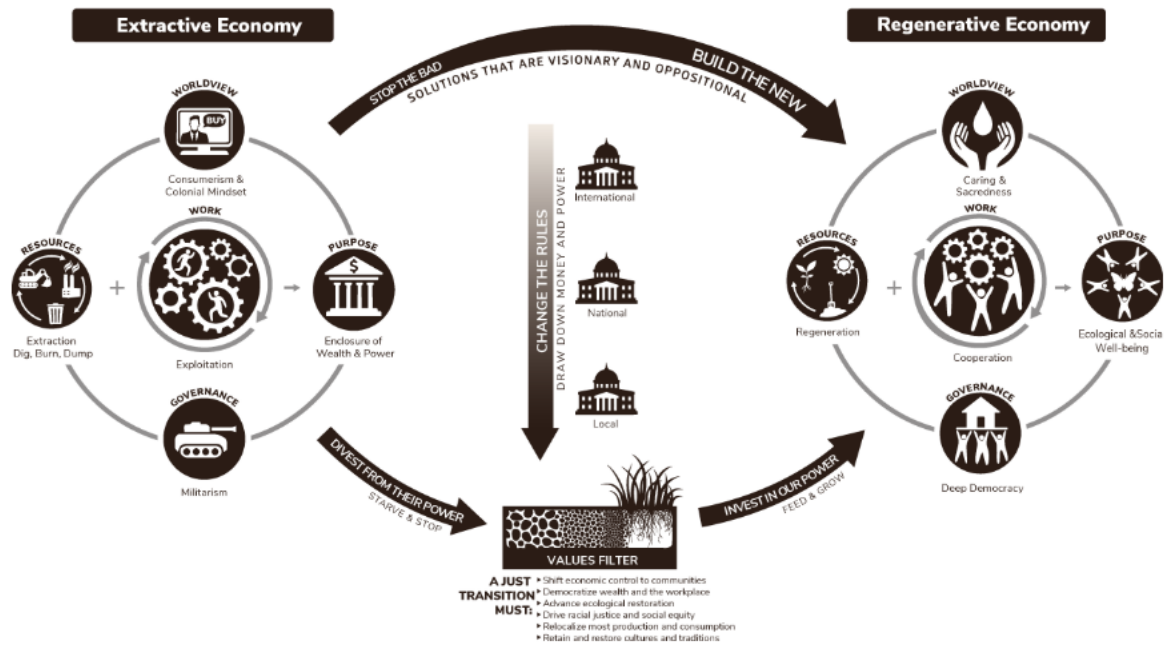


Figure 5.6 Just Transition Framework leveraged by the [Climate Justice Alliance](#)¹⁷³

City of Seattle: Equity and Environment Agenda

The City of Seattle produced the [Equity and Environment Agenda](#) in 2016 to create a framework for advancing racial equity in the city’s environmental work. This agenda came out of the Equity & Environment Initiative (EEI) and was created in collaboration with the Community Partners Steering Committee consisting of sixteen community leaders. This committee was convened to “ensure that those most-affected by environmental inequities would lead in creating the Agenda.”¹⁷⁴ The City of Seattle identifies EEI populations as “communities of color, immigrants and refugees, people with low incomes and limited English–proficiency individuals. Youth from these communities are also a priority.” The agenda identified four EJ guiding principles:

- Community Driven Strategies,
- The Influence and Decision Making of Those Most Affected,
- Strong Accountability, and
- Solutions that Recognize Complexity and Interdependence.

These guiding principles informed the goals and strategies identified in the agenda. The goal areas in the agenda included: healthy environments for all, jobs, local economies & youth pathways, equity in city environmental programs, and environmental narrative & community leadership. The specific strategies provide guidance for City of Seattle staff on the approach to, development of, and implementation of environmental policies and programs.

¹⁷³ Climate Justice Alliance. (2018). Just Transition Principles. <https://climatejusticealliance.org/just-transition/>

¹⁷⁴ City of Seattle. (2016). Equity & Environment Agenda. <https://www.seattle.gov/environment/equity-and-environment/equity-and-environment-initiative>

Literature Review: Environmental Equity & Health – Metrics & Indicators

Environmental justice indicators overlap with equity and equality indicators. These metrics and indicators act as proxies that aim to capture a specific disparity.¹⁷⁵ Each jurisdiction in the U.S. has varying methods or guidelines for defining “success” in EJ and equity policies. However, the common categories of metrics to capture progress on equity include economy, education, health, housing, justice, and services. These categories are further expanded on below.

Although jurisdictions from across the U.S. have their own localized data sources for determining measurements for EJ and Equity policies, many rely on Census and American Community Survey (ACS) data, underlying the importance of these data-gathering tools. Many local jurisdictions have also highlighted difficulty in collecting data on the local level, citing that communities most impacted by EJ issues may not be represented in the data due to biases present in data collection processes. Many already-existing metrics collected by states can be applied and implemented to measuring EJ and healthy equity. The focus within these indicators is identifying risks and barriers to access for various communities.

Figure 5.7 provides examples of existing equity and equality indicators from jurisdictions from across the U.S. and at multiple levels of government. Although not explicitly stated in some instances, many of these indicators capture and can be useful for identifying EJ considerations. EJ metrics are heavily intertwined with equity and equality indicators. It is valuable to consider equity indicators to better understand the overlap between the two and how progress can be tracked on success in addressing EJ concerns.

Examples of Equity and Equality Indicators from Jurisdictions across the U.S.

This list includes examples of the equity and equality indicators that government entities across the U.S. have identified to measure and capture equity and/or EJ considerations in their respective jurisdictions.

- City of Tacoma, WA [Equity Index](#)
- King County, WA [Equity Impact Review](#)
- Participants in [Equality Indicators](#) Program through the CUNY Institute for State & Local Government
 - [Oakland, CA](#)
 - [Dallas, TX](#)
 - [Tulsa, OK](#)
 - [St. Louis, MO](#)
 - [Pittsburg, PA](#)
 - [New York, NY](#)
- Los Angeles Water and Power District [Equity Metrics Data Initiative](#)
- California Energy Commission [Energy Equity Indicators](#) and [Tracking Progress Report 2018](#)
- Burlington, VT 2019 [Equity Report](#)
- Portland Bureau of Transportation [Equity matrix](#)

Figure 5.7 Examples of Equity & Equality Indicators from jurisdictions across the U.S.

¹⁷⁵ Institute for State and Local Governance. (2020). Methodology. <https://equalityindicators.org/methodology/>

Equality Indicators

The [CUNY Institute for State and Local Governance](#) created a comprehensive tool that helps cities understand and measure equality or equity in their city: the Equality Indicators. These indicators act as proxies to attempt to capture specific disparities. For example, one indicator included in this tool is race and asthma hospitalization which is a ratio between blacks' and whites' hospitalization rates due to asthma.

The equality indicators are broken into six themes which each have four corresponding topics seen below. Each topic contains four indicators, leading to 96 indicators in total. This comprehensive tool is adapted to cities' needs. There are currently six cities that have adopted this tool across the U.S., below are the [themes and corresponding topics](#).¹⁷⁶

- **Economy.** Topics include poverty, employment, income and benefits, and business development.
- **Education.** Topics include early education, elementary and middle school education, high school education, and higher education.
- **Health.** Topics include access to health care, quality of healthcare, mortality, and wellbeing.
- **Housing.** Topics include homelessness, affordability of housing, quality of housing, and neighborhood.
- **Justice.** Topics include safety and victimization, fairness of the justice system, political power, civic engagement.
- **Services.** Topics include transportation, essential needs and services, parks and recreation, and arts and culture.

This indicator identification framework is adapted for each city by adjusting the indicators used based on the local context. Thus far, the themes and topics remain constant and just the indicators are adjusted for each city. The primary steps in the process of adapting this framework are as follows¹⁷⁷:

1. Researching local inequalities, disadvantaged groups, and governmental priorities and areas of focus.
2. Based on what has been learned during the research phase, creating a draft framework for the tool.
3. Soliciting feedback from a wide range of stakeholders, including government agencies, community members, and nonprofits, ranging from service providers to research and policy groups.
4. Revising the draft framework in accordance with the feedback received.
5. Testing the indicators: assessing the availability and quality of regularly collected data and evaluating the potential value of each indicator once a data source has been identified.
6. Revising and soliciting additional feedback as needed.
7. Finalizing the tool.

¹⁷⁶ CUNY Institute for State & Local Governance. (2018). Equality Indicators. <https://nyc.equalityindicators.org>

¹⁷⁷ Ibid

Literature Review: EJ Mapping & Screening Tools

Types of Maps

EJ mapping tools and indexes are typically created and used in the planning process to identify and prioritize where public investments need to be made to ensure equitable distribution of environmental benefits and burdens. These mapping tools are created and used at the federal, state, and city government levels. Limitations regarding mapping data are discussed in Chapter 4. There are two types of EJ mapping tools designed to help identify priority communities for EJ-related work.

One mapping method uses the concept of citizen science to aggregate information about community-identified environmental injustice incidents. The Institute of Environmental Science and Technology (ICTA) at the Universitat Autònoma de Barcelona operates a citizen science map called the [Environmental Justice Atlas \(EJAtlas\)](https://ejatlas.org/).¹⁷⁸ The Atlas displays a collection of EJ incidents, or social conflicts around environmental issues, across the globe with information about the type of incident, timeline, involved stakeholders, etc. (**Figures 5.8 and 5.9**). The goal of this map is to make community mobilizations around EJ more visible to help create accountability for environmental injustices caused by corporate and government activities.

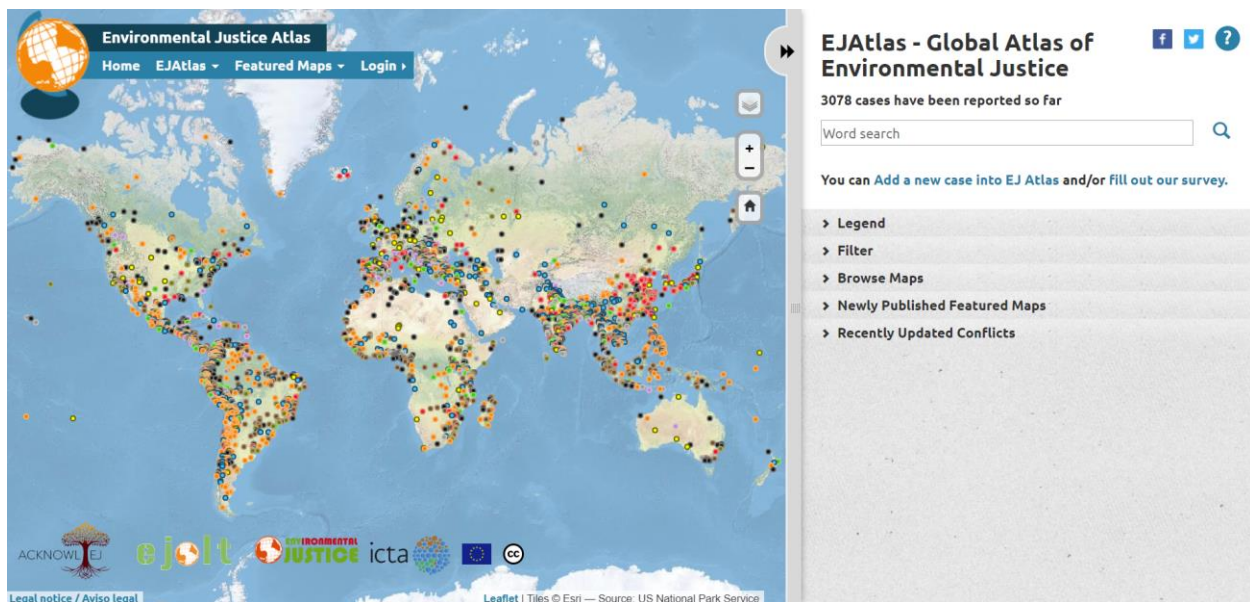


Figure 5.8 Screenshot of ICTA's Environmental Justice Atlas homepage

¹⁷⁸ EJAtlas. (2020). EJAtlas - Global Atlas of Environmental Justice. <https://ejatlas.org/>

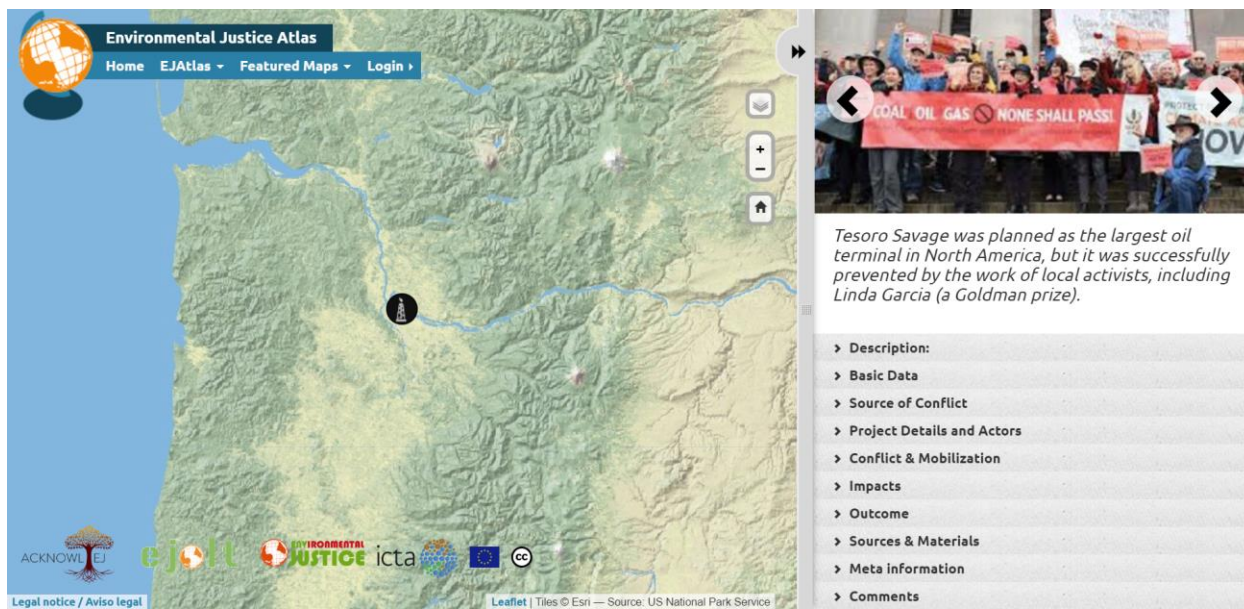


Figure 5.9 Screenshot of the “Tesoro Savage Oil Terminal, Washington State, United States” entry in ICTA’s Environmental Justice Atlas

The other type of map relies on data to identify communities at higher risk of being negatively impacted by environmental injustices. Some commonly used indicator-based mapping tools are the U.S. EPA’s EJSCREEN, CalEPA’s CalEnviroScreen, and WA DOH’s Environmental Health Disparities map. Each of these tools is described below. Indicator categories typically include demographic information, potential for exposure to human health risks, and negative environmental effects. See **Figure 5.12** for a full comparison of indicators used in these mapping tools.

It is important to note that agencies and organizations also often use the program ArcGIS, a Windows-based software used to create, store, and manage geospatial content, to upload their own internal datasets (i.e., residential customer utility bill delinquency) in addition to datasets used in these publicly available tools. These internal maps are typically not made publicly available due to privacy concerns.

U.S. EPA’s EJSCREEN

[EJSCREEN](#)¹⁷⁹ is an environmental justice mapping and screening tool created by the U.S. EPA. This mapping tool provides a nationally consistent dataset and approach for combining environmental and demographic indicators for users. EJSCREEN is a publicly available tool that has data for all 50 states. This screening tool includes 11 environmental indicators, 6 demographic indicators, and 11 EJ indexes. Each EJ index combines demographic indicators with a single environmental indicator. EJSCREEN is the most comprehensive resource provided by the EPA for making policy decisions as some of their other tools are tailored to specific community or tribal populations to understand their local environmental hazards. The EPA notes that the screening results should be supplemented with local knowledge and information to fully understand the EJ concerns in specific locations. **Figure 5.12** contains a comparison of the

¹⁷⁹ U.S. Environmental Protection Agency. (2019, October). EJSCREEN: Environmental Justice Screening and Mapping Tool. <https://www.epa.gov/ejscreen/what-ejscreen>

environmental and demographic data used for EJSCREEN with other common environmental mapping tools.

CalEPA’s CalEnviroScreen 3.0

In 2017, the Office of Environmental Health Hazard Assessment, on behalf of CalEPA, released Version 3.0 of the [California Communities Environmental Health Screening Tool \(CalEnviroScreen\)](#).¹⁸⁰ CalEnviroScreen identifies California communities by census tract that are most vulnerable and burdened by multiple sources of pollution. The CalEnviroScreen score is generated by multiplying the pollution burden (environmental effects and exposures) by population characteristics (sensitive populations and socioeconomic factors). See **Figure 5.10** for a breakdown of the score calculation. The Air Resources Board, other CalEPA boards and departments, and other state agencies use these designations to allocate resources and make policy decisions intended to benefit disadvantaged communities.

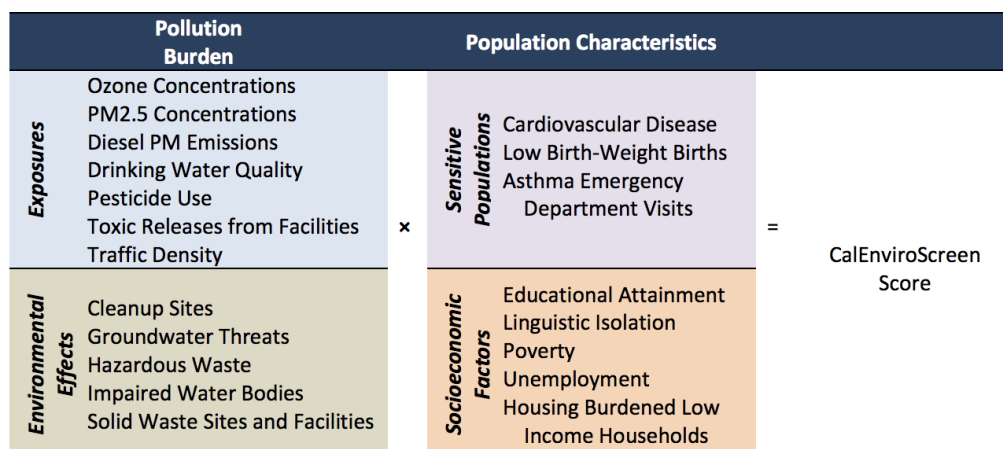


Figure 5.10 CalEnviroScreen 3.0 Indicator and Component Scoring Methodology

The CalEnviroScreen tool has limitations. Specifically, CalEPA notes that the tool is not a substitute for a cumulative impacts analysis and should be supplemented with looking at local data layers that might be more applicable for the work. This tool has been used to administer EJ grants, promote compliance with environmental laws, prioritization of site-cleanup activities, and identifying sustainable economic development in heavily impacted neighborhoods. The boards and departments use the CalEnviroScreen to prioritize supplemental environmental projects that use money paid by violators of environmental laws to fund projects that benefit the communities who bore the harm or burden that the violation created.¹⁸¹ Although the tool has been used in a variety of CalEPA practices, there is no publicly available documentation of whether the tool is required and/or how the use of the tool alters the policies that are being created or implemented.

Washington Department of Health’s Environmental Health Disparities Map

The [Environmental Health Disparities \(EHD\) Map](#) is a free online tool featuring customizable map views of Washington State to pinpoint where living and economic conditions combine with pollution to contribute to inequitable health outcomes and unequal access to healthy

¹⁸⁰ Rodriguez, M & Zeise, L. (2017, January). CalEnviroScreen 3.0. <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

¹⁸¹ Ibid

communities.¹⁸² The tool is hosted by the Washington State Department of Health through its Washington Tracking Network (WTN), a program focused on making public health data more accessible through provision of dashboards, mapping tools (including mobile access), and a query portal where data are viewable and downloadable as tables, charts, or maps. The EHD Map contains data only for Washington State and was shaped by input from communities of color across Washington, including immigrants, tribes, farmworkers, the elderly and other groups disproportionately impacted by pollution.

The EHD Map uses state and national census data to map 19 indicators of community health, including exposure to diesel emissions, proximity to hazardous waste facilities, housing affordability, and race. These 19 indicators are grouped in two major categories: pollution burden (environmental exposures and effects) and population characteristics (sensitive populations and socioeconomic factors). The [data are combined into a cumulative score](#) reflecting environmental and socioeconomic risk factors that allows for comparison across Washington's more than 1,450 U.S. Census tracts. The formula used to generate the disparity rank is similar to EJSCREEN where environmental exposure and effects are multiplied by sensitive populations and socioeconomic factors (see **Figure 5.11**).¹⁸³

Front and Centered, an organization involved in the development of the EHD Map, [released a report in 2019](#) with recommended policy applications of the EHD Map. The suggested policy applications in Washington state agencies include designating disadvantaged communities, resource and funding prioritization, jobs and hiring prioritization, enforcement and inspection prioritization, land-use planning and permitting, and public participation and local accountability.¹⁸⁴ Currently, Ecology uses the Washington Environmental Health Disparities Map in various agency activities, but it is unclear how much policy decisions are influenced by the mapping tool information.

¹⁸² Washington State Department of Health. (2019). Washington Environmental Health Disparities Map. <https://fortress.wa.gov/doh/wtn/WTNIBL/>

¹⁸³ University of Washington Department of Environmental & Occupational Health Sciences. (2019). Washington Environmental Health Disparities Map: technical report. <https://frontandcentered.org/ej-map/>

¹⁸⁴ Galaviz, V and Gruen, D. (Jan 2019). Policy Applications of the Washington Environmental Health Disparities Map. <https://frontandcentered.org/ej-map-policy/>

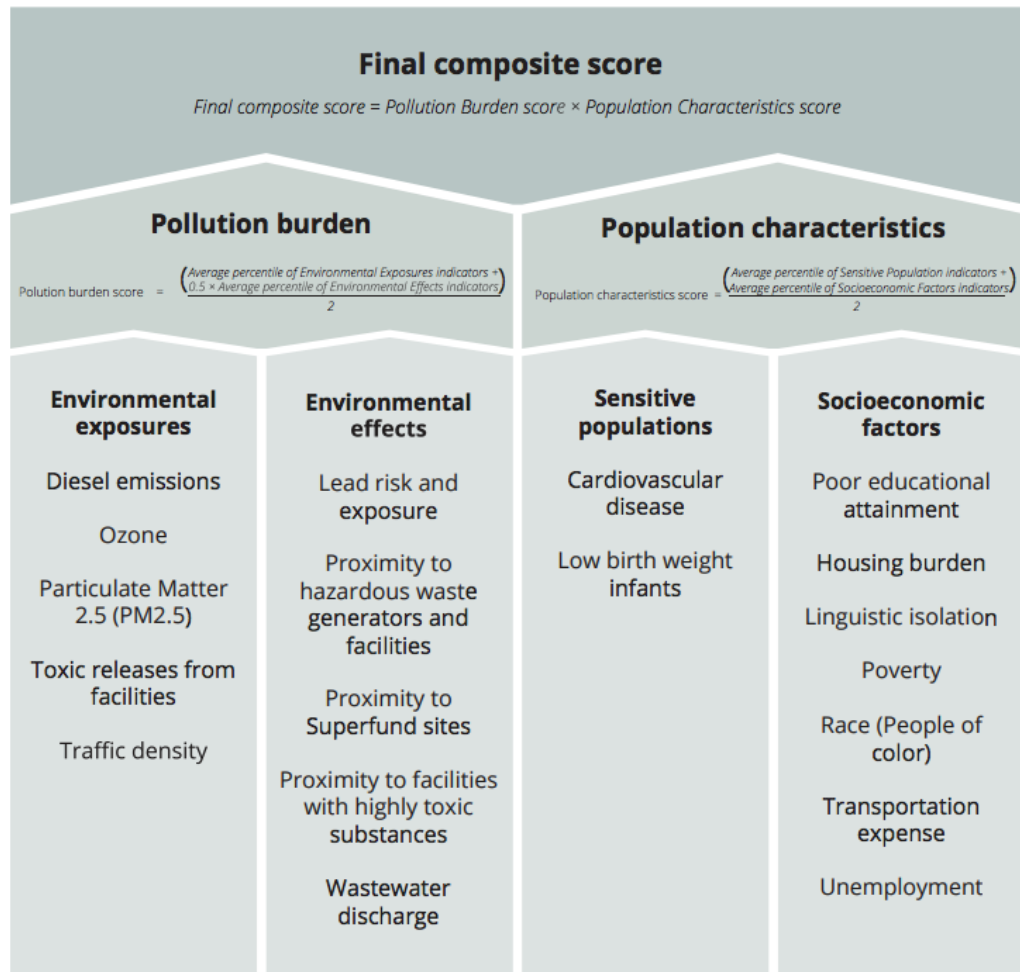


Figure 5.11 Indicators included in the Washington Environmental Health Disparities Map.¹⁸⁵

¹⁸⁵ University of Washington Department of Environmental & Occupational Health Sciences. (2019). Washington Environmental Health Disparities Map: technical report. <https://frontandcentered.org/ej-map/>

To put the EHD mapping tool in context, we compiled a comparison of indicators included in similar comprehensive mapping tools. **Figure 5.12** compares the environmental and demographic indicators included in CalEnviroScreen, EJSCREEN, and the EHD Map.

	CalEnviroScreen	EJSCREEN	EHD Map
<i>Environmental</i>			
Ozone	Measured	Measured	Measured
PM2.5	Measured	Measured	Measured
Diesel PM	Measured	Measured	Measured
Pesticides	Measured	Not Measured	Not Measured
Toxic Releases	Measured	Not Measured	Measured
Traffic	Measured	Measured	Measured
Drinking Water	Measured	Not Measured	Not Measured
Cleanups	Measured	Not Measured	Under Exploration
Groundwater	Measured	Not Measured	Not Measured
HazWaste	Measured	Measured	Measured
Impaired Water	Measured	Measured	Measured
Solid Waste	Measured	Not Measured	Not Measured
Lead Paint	Not Measured	Measured	Measured
Proximity to NPL	Not Measured	Measured	Measured
Proximity to RMP	Not Measured	Measured	Measured
Air Toxics Cancer	Not Measured	Measured	Not Measured
Resp Haz Index	Not Measured	Measured	Not Measured
Noise Pollution	Not Measured	Not Measured	Under Exploration
Surface Water Qual	Not Measured	Not Measured	Under Exploration
<i>Demographic</i>			
Asthma	Measured	Not Measured	Under Exploration
Low Birth Weight	Measured	Not Measured	Measured
Cardio Rate	Measured	Not Measured	Measured
Education	Measured	Measured	Measured
Linguistic Isol.	Measured	Measured	Measured
Poverty	Measured	Measured	Measured
Unemployment	Measured	Not Measured	Measured
Housing Burden	Measured	Not Measured	Measured
Minority	Not Measured	Measured	Measured
< Age 5	Not Measured	Measured	Not Measured
> Age 64	Not Measured	Measured	Not Measured
KEY:			
	Measured	Not Measured	Under Exploration

Figure 5.12 A comparison of environmental and demographic indicators included in CalEnviroScreen, EJSCREEN, and the EHD mapping tools.

Environmental Justice Screening Method

The [Environmental Justice Screening Method \(EJSM\)](#) is meant to be a relatively simple, flexible, and transparent way to evaluate the relative rank of cumulative impacts and social vulnerability in metropolitan regions.¹⁸⁶ Although this is not a mapping tool, this method provides guidance for creating a regionally or locally-based mapping analysis. The authors argue regulatory agencies do not always account for the cumulative impact of environmental and social stressors. This tool was developed by researchers at the University of Southern California, University of California, Berkeley, and Occidental College under a contract from the California Air Resource Board. The researchers received peer review from agency personnel, scientific colleagues, and community stakeholders throughout the development process to ensure the methodology was reliable and transparent.

The EJSM aims to determine areas with EJ concerns in metropolitan regions with 23 indicator metrics around health, environmental, and social vulnerability (see **Figure 5.13**).¹⁸⁷ These indicators fall into three categories:

1. Hazard proximity and land use,
2. Air pollution exposure and estimated health risk, and
3. Social and health vulnerability.

Each category is given a score between 1 and 5. These three scores are used to identify a cumulative impacts score for identifying local areas that might need targeted strategies to address EJ concerns. This method does not provide a database but rather a methodology, examples, and details on what type of data to acquire and where to find it (census tract data, land use data, etc.) to perform the analysis.

¹⁸⁶ Sadd, J.L., Pastor, M., Morello-Frosch, R., Scoggins, J., & Jesdale, B. (2011, March). Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California. *International Journal of Environmental Research and Public Health*, 8(5), 1441-1459. <https://www.mdpi.com/1660-4601/8/5/1441>

¹⁸⁷ Pastor, M., Wander, M., & Auer, M. (December 2012). Equity Issue Brief: Advancing Environmental Justice Through Sustainability Planning. https://www.policylink.org/resources-tools/publications_library

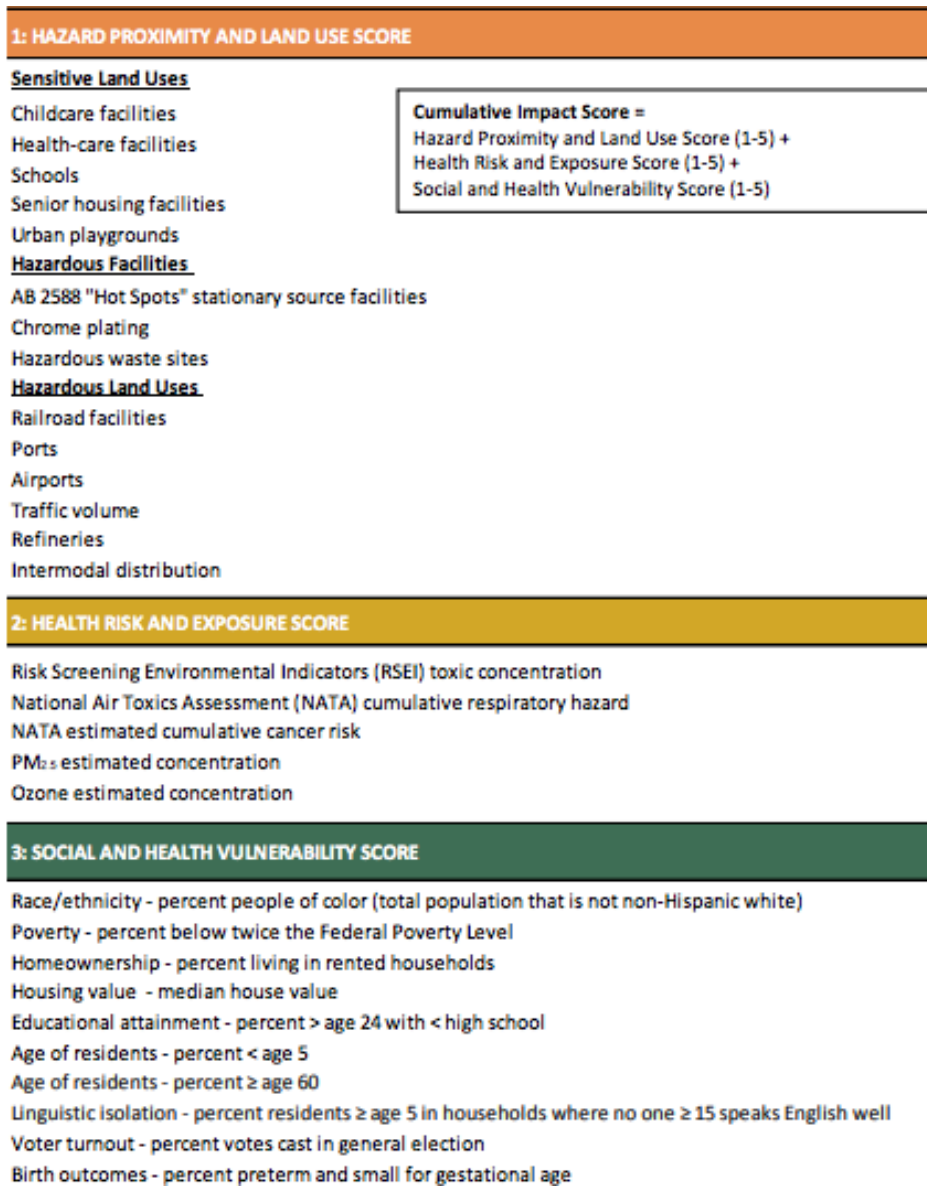


Figure 5.13 Environmental Justice Screening Method indicators.¹⁸⁸

San Diego Climate Equity Index

The [San Diego Climate Equity Index](#) (CEI), released in 2019, was created to address EJ and social equity concerns when addressing climate change. This tool was created in collaboration with the City of San Diego, University of San Diego, and an Equity Stakeholder Working Group. The City of San Diego convened the Equity Stakeholder Working Group composed of community stakeholders, including those from community-based organizations, to ensure community input would guide the development of the index. Although this mapping tool is focused on a local area, the City of San Diego, the methodology and choice of indicators provides guidance for creating and improving a regionally or locally based mapping analysis in Washington.

¹⁸⁸ Pastor, M., Wander, M., & Auer, M. (December 2012). Equity Issue Brief: Advancing Environmental Justice Through Sustainability Planning. https://www.policylink.org/resources-tools/publications_library

Collectively, 35 indicators were identified that fall into five indicator categories: environmental, socioeconomic, housing, mobility, and health (see **Table 5.2**). These equity indicators were applied to a geographic map to identify communities who have the least access to opportunity.¹⁸⁹ In the CEI, every census tract receives a value for each of the 35 indicators and these values are then used to determine its CEI score. The CEI scores range from 0-100 based on how each tract scores across all indicators. With scores between 0-20 representing areas with very low access to opportunity and 80-100 representing areas with very high access to opportunity. These scores illustrate the relative difference between census tracts in their ability to improve their quality of life and access to opportunities to improve their lifestyle.

Table 5.2 City of San Diego’s Climate Equity Index Categories and Indicators¹⁹⁰

Environmental	Health	Housing	Mobility	Socioeconomic
Flood Risk	Asthma Rates	Housing Cost Burden	Pedestrian Access	Unemployment
Fire Risk	Cancer Fatalities	Overcrowdedness	Commute Burden	Educational Attainment
Tree Coverage	Healthy Food Access		Transportation Cost Burden	Linguistic Isolation
Urban Heat Island Index	Low Infant Birth Weight		Disability	Digital Access
Proximity to Community Recreation Areas	Heart Attack Fatalities		Street Conditions	Median Income
Proximity to Waste Sites			Bikeability	Poverty Rate
Pesticide Use			Access to Public Transit	Change in Income
Drinking Water Contaminants			Traffic Density	Energy Cost Burden
Groundwater Threats			Electric Vehicle Charging Infrastructure	Solar Photovoltaic Systems
Impaired Water Bodies				

How EJ Mapping and Screening Tools are Used

These EJ mapping tools all generally aim to serve a common goal of acting as a screening tool to help identify where public investments need to be made and what questions need to be asked, with the intention of shaping public policy decisions. How much these mapping tools influence policy decisions and outcomes across the U.S. is still unclear. Public agencies may consult these mapping tools, however, there are no explicit requirements that public agencies use these mapping tools or make policy decisions based on the represented data.

¹⁸⁹ City of San Diego Sustainability Department. (2019). 2019 City of San Diego Climate Equity Index Report. https://www.sandiego.gov/sites/default/files/2019_climate_equity_index_report.pdf

¹⁹⁰ Ibid

Gaps in Literature

- **Consistent definitions and scope of EJ.** The existing literature shows regulatory authorities have developed broad guidance on how to define EJ, key questions to ask about EJ, and potential methods for assessing EJ during various functions. However, there is no consistency across the definitions used in public agencies nor in how agencies determine the scope of EJ work they pursue. Much of the published guidance comes from EPA and CalEPA, which differ in scope, structure, resources, context compared to Ecology.
- **Metrics to track success of EJ work.** Indicators and metrics to track the progress of equity and equality exist but there is a lack of clear success indicators present around EJ specifically.
- **Effective use of mapping tools.** There is a lack of analysis on if the use of mapping tools has been effective in improving outcomes for communities with EJ concerns. There are recommendations around using mapping tools but there are no clear requirements for agencies to use them.

5.2.2 Findings & Analysis: EJ Frameworks, Metrics, & Mapping Tools

Research Question: What indicators and metrics can state agencies use to measure progress and define success on EJ and health equity?

- How are state agencies creating measurable and actionable goals to reduce environmental health disparities using EJ mapping tools? What additional metrics should be considered outside of those represented in existing mapping tools? At what level should metrics be measured (e.g., program-level or activity-level)?

Many EJ-specific frameworks and mapping tools have been developed in the last few decades, which are valuable and should be adapted to the needs of specific agencies. Many of these align with the principles and questions asked in the equity frameworks and tools discussed in section 5.1. The metrics and indicators used to measure EJ concerns vary and there is no consensus around what measurements should be used to capture the cumulative impact of environmental inequities on communities.

The literature review on EJ frameworks and mapping tools was supplemented by interviews with practitioners to better understand how these tools are applied. Major key findings were identified across our research, including overarching findings around EJ frameworks and mapping tools as well as specific findings around the design and application of mapping practices.

Findings & Analysis: EJ Frameworks

Finding 1: Agency staff need to have a strong understanding of EJ principles and how to use equity/EJ frameworks and tools.

- There is a need to support agency staff's ability to understand the cumulative impact of their work on communities across the state. This requires an understanding that the impacts of their decisions do not exist in a vacuum, so their work should not be done in a silo.
- Without foundational knowledge on the purpose and goals of EJ frameworks and mapping tools, agency staff will not be able to effectively apply them to their work. This is especially important in policy development and implementation processes.

- To address cumulative impacts, agencies need to be able to understand their impact, measure it, and begin identifying strategies to address the disproportionate impacts in communities with EJ concerns.
- Staff equity/EJ efforts can be very selective and voluntary. If considering EJ is not a personal priority or a requirement then it is unlikely that staff who have not experienced environmental inequities will voluntarily integrate EJ considerations into their work.
- Those who are ‘on board’ and choose to use these tools might see better outcomes because they are already in the mindset to value the process.

Finding 2: The integration of EJ concerns into an agency’s work should consider the impacts of climate change.

- Climate change is a threat multiplier and will exacerbate existing social inequities. This point was emphasized by multiple interviewees who work at varying jurisdiction levels including county government, city government, and community-based organizations.¹⁹¹
- Multiple interviewees discussed the root causes of climate sensitivity.¹⁹² Root causes should be addressed as processes are adapted to prepare for climate change impacts (see **Figure 5.14**).¹⁹³ Many of the indicators seen in **Figure 5.14** align with indicators seen in mapping tools and questions considered in equity/EJ frameworks and toolkits.

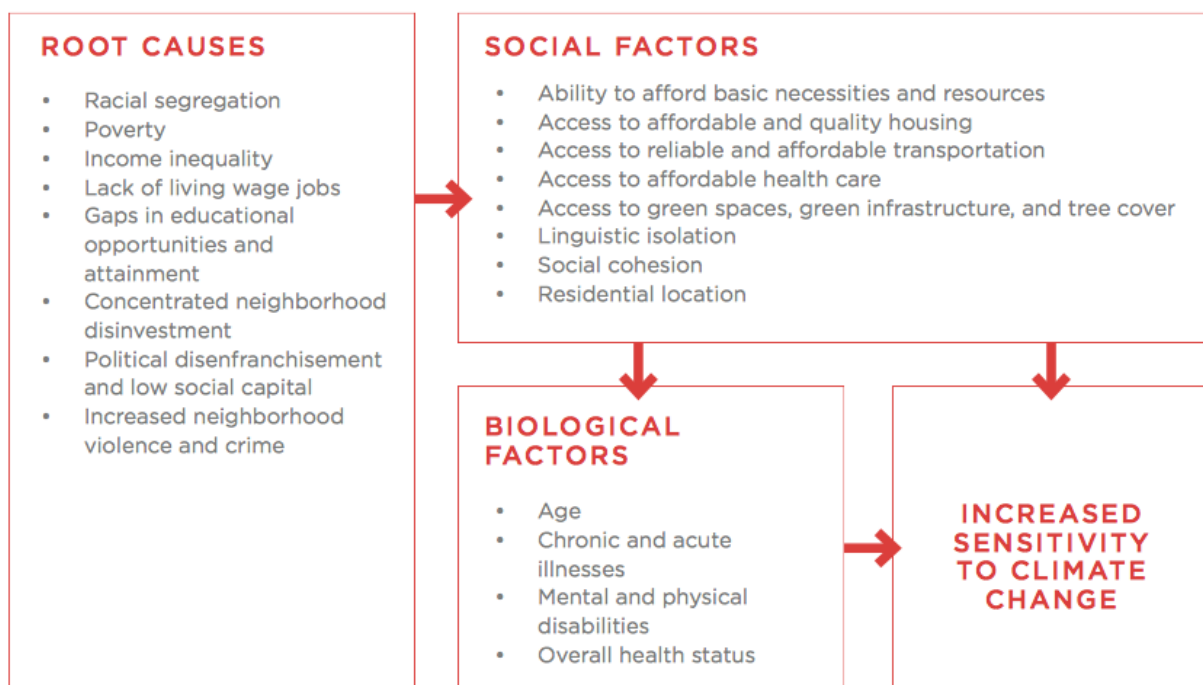


Figure 5.14 Root Causes and Factors Affecting Sensitivity to Climate Change leveraged by USDN.¹⁹⁴

¹⁹¹ Interviewees #7, #8, #13, #17, #18, #34

¹⁹² Interviewees #7 and #18

¹⁹³ Urban Sustainability Directors Network. (May 2017). Guide to Equitable Community-Driven Climate Preparedness Planning. https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf

¹⁹⁴ Urban Sustainability Directors Network. (May 2017). Guide to Equitable Community-Driven Climate Preparedness Planning. https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf

Findings & Analysis: EJ Metrics

Finding 3: There is a need for some standardization of data collection, measurement, and metrics for EJ and equity work in government.

- Different agencies use different data sources, which makes it difficult to compare EJ and equity policies and outcomes across departments.
- Often, data needed for EJ and equity measurement are incomplete, incompatible with other data sources, or not available.
- Most agencies do not have a practice of sharing data.¹⁹⁵
- Data sharing, when it is done, is difficult because data are classified, organized, and stored differently. There is not always consistency in data collection methods, categorization, or engineering.¹⁹⁶
- Data collection methods under-prioritize qualitative data or participatory research methods which are valuable in understanding EJ concerns.¹⁹⁷
- There are identified metrics to measure progress on equity and equality but there is lack of clarity on how to measure progress on addressing EJ concerns.

Finding 4: Meaningful community engagement is integral to EJ work. It is difficult, but imperative to involve communities in the data collection and analysis processes.

- The tools an agency chooses to use should be adapted in partnership with the communities who will be most impacted by the work.
- Multiple interviewees highlighted the need for more community-driven policy-making that allows community members to provide their expertise around the impacts of environmental injustices and potential solutions.¹⁹⁸
- It is important that mapping tools and the corresponding indicators are identified based on the needs and historical context of the geographic area. Communities with EJ concerns should be part of this process to ensure the tool is comprehensive and captures cumulative impact as well as possible.¹⁹⁹
- Mapping data should be publicly available, where possible, to ensure community members are able to find and easily understand what impacts their communities are facing. Access to information is an important piece of engagement.
- These practices of involving community members from impacted areas to participate in policy and EJ mapping development builds capacity for community members to engage more effectively. The involved community leaders can further expand education and capacity in their respective networks around agency practices and guidelines.²⁰⁰

¹⁹⁵ Interviewee #24

¹⁹⁶ Interviewee #22 and #24

¹⁹⁷ Interviewee #5

¹⁹⁸ Interviewee #4, #13, #18, #22, #31

¹⁹⁹ Interviewee #31

²⁰⁰ Interviewee #18

Findings & Analysis: EJ Mapping

Finding 5: There are limitations to data used for mapping tools and large-scale datasets can understate existing inequities.

- Census tract data are most commonly used in EJ mapping tools. An interviewee who works at a local level noted these data are not always specific enough as they are limited by census geographies which leads to data being aggregated.²⁰¹ Census data do not always accurately represent all residents in an agency's jurisdiction due to barriers to participation in these surveys. Additionally, a lot can change between data collection periods.
- EJ concerns are complex, nuanced, and difficult to fully capture. Data that is typically used in mapping tools tend to dilute the existing social inequities. For example, an interviewee noted that data around health equity, such as disease prevalence, are typically coarse-level data that wash out a lot of the nuance of inequities.²⁰²
- There are challenges with community-scale data around how to understand access to opportunity. Literature and interviewees discussed the challenges around selecting equity indicators that can be accurately captured on a local scale.²⁰³
- There is a lack of data around which communities are not being adequately served or if certain communities are being served more than others. Interviewees discussed the challenges they face in mapping when many service providers currently or historically have not collected EJ-related data.²⁰⁴ Expanding what data are being collected could allow for an agency to better capture the impact of their work in addressing EJ concerns.
- These types of spatial measurements over time are technically complicated which can limit the ability to hold agencies accountable and track progress on the investment of resources in specific communities.
- There is a lack of consistency in data collection and classification within and across agencies.²⁰⁵
- Typically mapping tools only include environmental hazards and indicators to capture equity concerns but this does not capture the cumulative impact on these communities. There is a need to expand the data that are being used to better capture which communities have the most EJ concerns.

Finding 6: Mapping tools should act as a screening tool and should not be used as a sole strategy to address EJ concerns.

- The data visualization tools described, including EJSCREEN and Washington's Environmental Health Disparities map, can help people connect with and conceptualize EJ concerns. These tools can act as a common starting point for agency staff to better understand the EJ concerns these communities are facing.
- Multiple interviewees from enforcement agencies that utilize mapping tools regularly, stated mapping tools can help identify questions the agency should be asking but are not the entirety of the work to address EJ concerns.²⁰⁶
- Interviewees discussed the importance of using a mapping tool to identify communities

²⁰¹ Interviewee #22

²⁰² Interviewee #22

²⁰³ Interviewee #4, #18, #22, #31

²⁰⁴ Interviewees #20 and #22

²⁰⁵ Interviewees #20 and #24

²⁰⁶ Interviewees #4 and #33

with EJ concerns.²⁰⁷ They also noted the need to complement mapping with qualitative data and work with communities on the ground to find out if the mapping data align with and fully capture what communities are actually experiencing.

- Interviewees from city and county agencies noted having a baseline map that includes EJ indicators that agencies and/or departments can overlay their data onto would be a valuable resource as all agencies do not have access to reliable data.²⁰⁸

5.3 Recommendations: Equity & EJ Frameworks, Toolkits, Measures, & Mapping Tools

The findings and analysis in sections 5.1 and 5.2 led to the following recommendations for Ecology leadership:

1	Select and invest in an equity and/or EJ framework to help provide guidance, structure, and direction as you pursue structural change.
2	Use equity and/or EJ toolkits, but tailor them to your specific agency functions, evaluate and modify them frequently, and measure how they affect policy outcomes.
3	Invest in relationship-building with the communities you serve and employ community participation as a principle of all policy and agency work.
4	Center equity in data collection, categorization, and analysis.
5	Utilize the Environmental Health Disparities Map as a screening tool but not as the entirety of the work to integrate EJ concerns.

Recommendation 1: Select and invest in an equity and/or EJ framework to help provide guidance, structure, and direction as you pursue structural change.

As explored in Chapter 4, structural change is foundational for equity and EJ work to take hold and impact policy outcomes. In section 5.1.2, we illustrate the need for frameworks and toolkits to be provided in the context of larger, structural change and the value of applying a toolkit only after selecting and implementing a framework. This will build the scaffolding and environment for equity and EJ work to thrive.

- **Use a framework in the context of larger, structural changes that center equity.** We recommend using any of the equity and EJ frameworks discussed in this chapter, but recognize they require structural change, leadership investment, and community partnerships as articulated in Chapter 4. The recommendations in that chapter should complement implementing this recommendation around leveraging an equity or EJ framework.

²⁰⁷ Interviewees #4 and #5

²⁰⁸ Interviewees #22 and #24

Recommendation 2: Use equity and/or EJ toolkits, but tailor them to specific agency functions, evaluate and modify them frequently, and measure how they affect policy outcomes.

Frameworks and toolkits are starting points in their general form. They require critical thinking and adaptation to specific agency functions—a valuable process in itself as agency staff begin to rethink how to integrate EJ into their work. Any of the tools explored in this chapter will help scale equity and EJ integration into agency functions in the context of the larger structural change and the use of a framework detailed in Recommendation 1 above.

- **Choose a tool.** Leadership and staff should utilize the comparison table in section 5.1 and assess the tools in section 5.2 to discern the pros and cons of each tool and select one based on best fit for the specific project, team, or department in mind. Questions to consider:
 - At what level (project, function, team, department) do I want to implement use of a tool?
 - Which tool feels like a best fit considering this scope?
- **Adapt the tool.** Work as a team to familiarize yourselves with the tool and collectively adapt it to your circumstance and context so agency staff will *be able to* and thoroughly *understand how to* apply it to their work. Questions to consider:
 - Where is there opportunity to integrate tool use?
 - Where do there appear to be barriers to integrating tool use?
 - How can the tool explicitly include questions that address specific EJ concerns in the region?
- **Scale the tool.** Use a Train-the-Trainer model in which agency staff who are more experienced and proficient with using and adapting an equity toolkit can teach their colleagues about when and how to leverage these tools. This model will enable staff to share what they have learned and pass on promising practices, as well as learn from and collaborate with their peers. Reliance on just a few equity or EJ-focused staff to train an entire department is not scalable or an efficient use of resources. A Train-the-Trainer model will help promote integrating equity into agency practices much faster and more effectively.
- **Create accountability mechanisms.** Build performance measurements around when, how, and how often the tool should be used. Determine the desired, measurable outcomes you would like to see come from its use as it relates to the specific scope at hand. Establish progress checkpoints for when these factors will be evaluated; we recommend doing so quarterly.
 - What is the consequence for not using the tool?
 - How is use of the toolkit highlighted, rewarded, and/or recognized internally?
- **Evaluate progress.** Follow through on established checkpoints. Assess progress on the aforementioned factors, as well as how the process of using the tool is going for staff. Questions to consider:
 - When, how, and how often has the tool been used?
 - What about the process of using the tool has gone well for staff?
 - What barriers have staff faced in implementing the tool?
 - How can we optimize the tool, the process of using it, or the progress measures according to staff experience?
- **Adapt the process.** Collectively explore ways to adjust the process of using the tool according to staff needs and their experiences thus far.

Recommendation 3: Invest in relationship-building with the communities you serve and employ community participation as a principle of all policy and agency work.

Chapter 4 describes in detail the vitality and value of partnering with community in equity and EJ policy work, which is echoed in the findings discussed in sections 5.1.2 and 5.2.2. Investing in proactive and sustained relationships with communities with EJ concerns will help agency staff create more equitable and EJ-focused policies and outcomes.

- **Create multiple opportunities for agency staff to interact with and learn about the communities they serve.** This can and should be done both within and outside of a policy context. Attending community events and proactively reaching out to community leaders and groups to learn about their concerns and ideas will help to increase staff knowledge and understanding, as well as build trust with these communities. It also presents an opportunity for agency staff to create education and awareness about their purview, duties, and responsibilities so community members better understand the function and operations of the agency and how they can inform agency policies and work. Such community relationships will ultimately help to inform staff decisions as they engage with your chosen framework and toolkit and integrate equity and EJ into their work.
- **Embed community engagement into policy processes and agency activities.** Proactive investment and interaction with communities will help inform agency staff and allow them to center their needs, concerns, and ideas more effectively in their work earlier in the process. These relationships can then be leveraged thoughtfully and consistently throughout the policy process and agency work to ensure communities remain centered and informed.
- **Consistently evaluate where you are on the Spectrum of Community Engagement (Figure 5.2).** Work towards moving along this spectrum toward “collaborate” and “defer to.” Iterate on this process consistently and consult with community partners to gauge your progress and opportunities for improvement.

Recommendation 4: Center equity in data collection, categorization, and analysis

In section 5.1.1 we discuss equity and measurement at length and detail the challenges inherent in this. We illustrated examples of how to integrate equity and EJ into the analysis process in sections 5.1.1 and 5.2.1 and provide recommendations for how to replicate and build on these successes below.

- **Ask questions about your data.** Investigate the data you have (i.e., what was and was not counted, how was data collected, what are potential gaps in the data) and work with communities to determine what data to collect and what indicators to use moving forward. Disaggregate and review quantitative data with community partners to understand if what those data are telling you matches what is happening on the ground.
- **Elevate the use of qualitative data in the policy process and agency functions.** Qualitative data can help provide much more context to your quantitative data and help connect it to what is happening in communities. Leverage community relationships to collect and analyze this data.

- **Collaborate and share data across agencies.** Proactively reach out to other state agencies and departments to understand what data they use and how they use them. Invest in sharing data whenever possible and work to standardize data collection and use across departments. Share promising practices across departments that intersect with your work and help each other leverage one another's community partnerships. Such partnerships can also help you move towards measuring cumulative impacts, which requires using data from multiple policy domains and departments.
- **De-silo your data collection and analysis.** Bring together the individuals and team who collect and analyze data with those who use it to inform their policy decisions or agency functions along with the community members the data pertains to.
- **Count what did not happen and share data publicly.** Count both what you did and did not do, what went well and what did not go well, and publish this data publicly. This will foster accountability and transparency, as well as build trust.

Recommendation 5: Utilize the Environmental Health Disparities Map as a screening tool but not as the entirety of the work to integrate EJ concerns.

Washington Department of Health's Environmental Health Disparities (EHD) mapping data serve as a useful starting point for determining which regions agency staff should be asking questions about. It is not a "catch-all" solution for determining which areas definitively and exclusively face EJ concerns. The use of the EHD as a screening tool should consider the following:

- **Integrate the use of the EHD map into a larger equity/EJ toolkit.** The EHD map can serve as an important screening step in the policy development process as it can help identify questions that should be asked. This screening tool provides an opportunity to better visualize the impacts a proposed program or policy can have. Emphasize that agencies should not use this tool as a check box for integrating EJ concerns. This recommendation ties into recommendation 2 above around adapting a toolkit as the EHD map can be used as a component of a larger toolkit.
- **Consider cumulative impact and evaluate included indicators.** The EHD map is a valuable resource but it is important to evaluate how effective it is in capturing communities with EJ concerns across the state. EJ concerns include the cumulative impact of historical and current inequities in our societies and systems which can be difficult to capture in a mapping tool. There is an opportunity to invest in relationship-building by including communities most impacted by environmental injustices in these conversations.

Chapter 6: EJ Work in Select Agency Functions

In addition to exploring EJ work overall, our research examined five key agency functions identified as priorities by Ecology (**Table 6.1**). Ecology prioritized **grantmaking, inspections and compliance, permitting, policy review, and rulemaking** due to their ubiquity across environmental regulatory agencies in the U.S., and to build upon efforts already underway at Ecology to incorporate EJ considerations in these activities. We hope the information below will be informative not only to the Washington State Department of Ecology, but also to environmental regulatory agencies across the country.

Research Question: How can Ecology, and other state agencies, integrate EJ practices into these five agency functions: grantmaking, inspections and compliance, permitting, policy review, and rulemaking?

- What do effective EJ policies look like for environmental agencies and the people they serve? Where and why do EJ efforts fail or fall short?

Table 6.1 Functional areas examined in this report.

Grantmaking (section 6.1)	Grantmaking is the process of developing a system to deliver funds to an entity. This includes designing notification, application, ranking, selection, disbursement, and reporting processes.
Inspections and Compliance (section 6.2)	The process state and federal agencies leverage to determine an individual or corporation’s compliance with environmental permits or regulations. Inspections can also take place based on complaints or perceived noncompliance.
Permitting (section 6.3)	A permit is a legal document issued by federal or state authorities that grants conditional, regulated permission for an activity.
Policy Review (section 6.4)	Decision-makers have the power to review proposed policies, their development process, and implementation plans and decide to approve or deny their implementation.
Rulemaking (section 6.5)	Rulemaking is the process of creating and reviewing regulatory actions that explain, detail, and implement the laws they are linked to.

For each agency function, we provide the following:

1. A summary defining the agency function and the main equity/EJ concerns,
2. A literature review covering:
 - a. Key federal level EJ work related to the agency function,
 - b. Examples of state/local level EJ work related to the agency function, and
 - c. Gaps in literature,
3. Findings & analysis, and
4. Recommendations.

6.1 Grantmaking

Grantmaking is the process of developing a system to deliver funds to an entity, specifically community organizations in the context of this report. The grantmaking process includes notification, application, ranking, selection, disbursement, and reporting processes. Grantmakers must decide how to notify community members about the grant opportunity, what the application process will require, how applications will be ranked and selected, how funds will be distributed, and reporting process requirements.

There are two primary sources of grant funding for EJ: funds specifically designated to support EJ-related work (EJ-specific funds) and funds not specifically designated for EJ-related work that can still prioritize applications that benefit communities impacted by environmental injustices (non-EJ-specific grants). Traditional grantmaking practices tend to introduce a variety of barriers for community organizations seeking funding, especially as it relates to the English proficiency, literacy skills, educational attainment, and professionalization of organization staff submitting applications. Professionalization refers to organizations becoming better organized, more established, and overall performing under higher expectations of integrity and demonstrable competence. However, there are opportunities to address these barriers and make grant opportunities more accessible.

6.1.1 Literature Review: Grantmaking

The following literature review highlights select grant programs that exhibit strong EJ or broader equity components in their design at the federal, state, and local levels, followed by a discussion of gaps in existing literature.

Literature Review: Federal Environmental Grantmaking

U.S. EPA – Environmental Justice Small Grants Program

The U.S. EPA has awarded over \$28 million in funding to over 1,400 organizations facing EJ issues through its [Environmental Justice Small Grants Program](#) (EJSG) since its inception in 1994. The grants are intended for community-based projects designed to “engage, educate, and empower communities to better understand local environmental and public health issues and develop strategies for addressing those issues, building consensus in the community, and setting community priorities.”²⁰⁹ Emphasis is placed on projects that address emergency preparedness, increase resiliency, and include the needs of U.S. military veterans and homeless populations. Additional “underserved” communities identified in the [2019 Request for Proposals](#) (RFP) include those with EJ considerations and/or vulnerable populations, including “minority, low income, rural, tribal, indigenous, and homeless populations who may be disproportionately impacted by environmental harms and risks.”²¹⁰ The total amount awarded in 2019 was close to \$1,500,000 (up to \$30,000 per project with ~50 grants, five per EPA region, for one-year projects). Numerous Washington projects have been awarded grants through the EJSG program dating back to 2000, with foci including community resilience, farming and fishing, air and noise pollution, renewables

²⁰⁹ U.S. Environmental Protection Agency. (n.d.). *Environmental Justice Small Grants Program*. <https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program>

²¹⁰ U.S. Environmental Protection Agency. (2019). *Environmental Justice Small Grants (EJSG) Program*. https://www.epa.gov/sites/production/files/2018-11/documents/fy2019_ejsg_rfp.pdf

and energy efficiency, water and air quality, toxic substances, and solid waste disposal.²¹¹ The most recent Washington-based EJSG recipient project centered on educating Beacon Hill residents about neighborhood air and noise pollution issues and empowering them to pursue mitigation efforts to improve air and noise quality.²¹²

U.S. EPA – Environmental Justice Collaborative Problem-Solving Program

The U.S. EPA has more recently initiated its [Environmental Justice Collaborative Problem-Solving](#) (EJCPS) program, which awarded its first grant in 2007. Project requirements are similar to the EJSG requirements and include demonstrating how the project will address disproportionate environmental and/or health harms and risks within “underserved” communities who the organization is able to demonstrate historical ties to. There is, however, the additional requirement of demonstrating use of the [Environmental Justice Collaborative Problem-Solving Model](#). The model is outlined in **Figure 6.1** below. The total amount anticipated to be awarded in 2020 is \$1,200,000 (one \$120,000 grant within each of the 10 EPA regions for two-year projects).

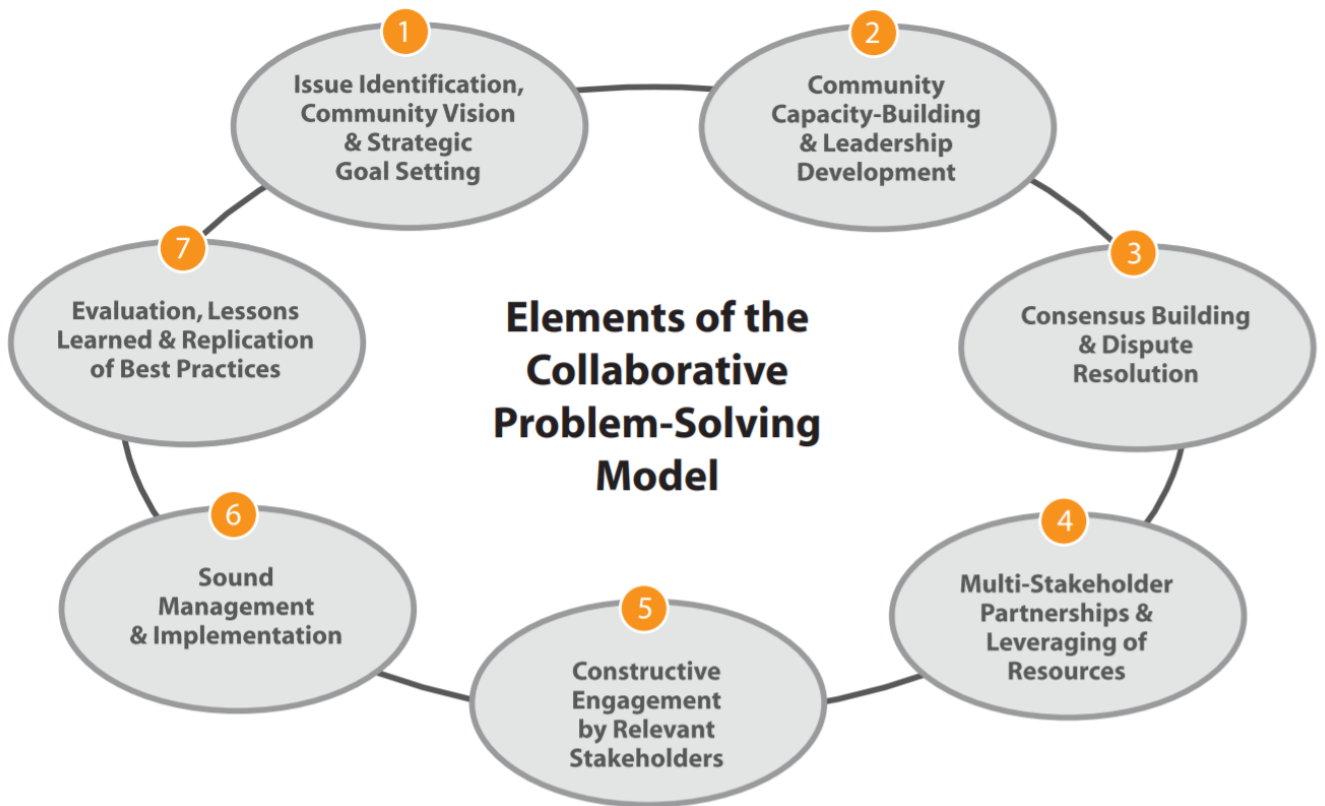


Figure 6.1 The EJ Collaborative Problem-Solving Model outlined in the EPA’s EJCPS program.

²¹¹ U.S. Environmental Protection Agency. (n.d.). Environmental Justice Grants: Grantees by State, 2000 – Present. <https://www.epa.gov/environmentaljustice/environmental-justice-grants#washington>

²¹² Ibid.

Literature Review: State & Local Environmental Grantmaking

Washington Department of Ecology – Public Participation Grants

Ecology administers [Public Participation Grants \(PPG\)](#) through its Solid Waste Management program, which are designed to support nonprofits and individuals seeking to increase public awareness of and involvement in contaminated site cleanups, and improve recycling and waste management.²¹³ The grant program is funded through the Model Toxics Control Act (MTCA), which requires at least one percent of revenues from the Hazardous Substance Tax to be designated for the PPG program. The legislature appropriated \$2.6 million from the MTCA for the 2019-21 funding cycle, up to \$120,000 of which can be granted per two-year project. Requirements for the grants process are dictated by Washington Administrative Code (WAC) [Chapter 173-321](#) and explained thoroughly through Ecology’s 2019-21 [Program Guidelines](#) document for the PPG.

City of Seattle – Environmental Justice Fund

The City of Seattle [Environmental Justice Fund](#) was created in 2017 and is administered by the Bullitt Foundation, a nonprofit organization dedicated to supporting environmental protection and restoration, climate activism, and green design. The Environmental Justice Fund is a grant opportunity for “community-led projects that improve environmental conditions, respond to impacts of climate change and get us closer to achieving environmental justice.”²¹⁴ Qualifying projects must be centered on communities of color, immigrants, refugees, and/or indigenous people—including people with low incomes, youth, and seniors—in a manner that: increases their capacity to have beneficial EJ outcomes; supports their ability to have meaningful engagements with and take lead in the work; and strengthens networks, relationships, and/or partnership within such communities.²¹⁵

Grant applications are reviewed by the Office of Sustainability & Environment’s (OSE) [Environmental Justice Committee](#) (EJC). The EJC consists of [12 representatives](#) from various nonprofit and community stakeholder groups. Nearly \$350,000 was awarded to nine EJ-focused projects in 2018 (~\$39,000 per project) and \$250,000 was awarded to seven projects in 2019 (~\$36,000 per project).^{216,217} One 2019 project centered on educating participants in the Somali Family Safety Task Force’s Girls Guide youth development program about asthma-related air quality issues and training them to educate their families and elders to foster intergenerational engagement around EJ issues.

²¹³ Washington State Department of Ecology. (n.d.). Public Participation Grants. <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants>

²¹⁴ City of Seattle. (n.d.). Environmental Justice Fund. <http://www.seattle.gov/environment/equity-and-environment/equity-and-environment-initiative/environmental-justice-fund>

²¹⁵ City of Seattle. (2019). The Environmental Justice Fund 2019. [http://www.seattle.gov/Documents/Departments/OSE/Equity/EJ_Fund_Criteria\(0\).pdf](http://www.seattle.gov/Documents/Departments/OSE/Equity/EJ_Fund_Criteria(0).pdf)

²¹⁶ Wysocki, S. (2018). Seattle awards nearly \$350,000 for environmental justice projects. <https://greenspace.seattle.gov/2018/12/seattle-awards-nearly-350000-for-environmental-justice-projects/#sthash.HwBvotoE.DlbNRLCe.dpbs>

²¹⁷ Brown, K. (2020). Seattle awards \$250,000 for environmental justice projects. <https://greenspace.seattle.gov/2020/01/seattle-awards-250000-for-environmental-justice-projects/#sthash.pETnE3GO.qp0iDgXe.dpbs>

Center for Health, Environment, & Justice – Small Grants Program

The Center for Health, Environment, & Justice (CHEJ) was founded in 1981, and was originally called the Citizens Clearinghouse for Hazardous Waste. CHEJ's mission is to provide technical and organizing support to individuals and communities facing a toxic hazard. In addition to providing science and technical assistance, ongoing coaching, free training calls and audio recordings, and guides to action for environmental leadership for K-12 students, CHEJ also administers a small grants program.

Grassroots communities of color, low wealth, rural, and urban groups who are impacted by environmental harms are encouraged to apply to the small grants program. CHEJ's grants support projects that help grassroots community groups move toward their environmental health and justice goals by building leadership, increasing capacity, and/or providing training and education.

Gaps in Literature

Publicly available literature does not capture the grant application screening or prioritization process undertaken by selection committees. We attempted to supplement gaps in publicly available literature through interviews with individuals involved in grantmaking processes.

6.1.2 Findings & Analysis: Grantmaking

This section identifies and analyzes findings across our grantmaking literature review and interview content, with a focus on barriers to grant applicants and how these can be overcome.

Finding 1: Grant application ranking and selection processes can be informed by EJ-specific grants.

- Although there are limited grants specifically designated for EJ projects, the equity criteria and focus populations centered in EJ-specific grants can be prioritized in non-EJ-specific grants as well. Selection committees can prioritize projects that:²¹⁸
 - Demonstrate an organization's understanding of the issue to be addressed and why they are a best fit to lead the work,
 - Are community-driven or otherwise demonstrate collaboration with the community,
 - Benefit communities disproportionately impacted by environmental injustices, and
 - Center on increasing environmental benefits or decreasing environmental harms.

Finding 2: There are two primary categories of EJ projects: reducing environmental harms and investing in environmental benefits.

- Projects centered on reducing environmental harms fall under the more traditional conceptualization of EJ and tend to focus on promoting regulatory restrictions or increased environmental enforcement. These are gradually getting funded less over time, with the exception of CalEPA, which actively encourages these types of projects.²¹⁹
- In other cases, many Requests for Application (RFA) discourage projects in pursuit of environmental change via regulatory or policy mechanisms. This is accomplished through

²¹⁸ Interviewees #5, 13, 17, 32, and 33

²¹⁹ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

listing examples of eligible projects or explicitly encouraging projects that center on:²²⁰

- Voluntary change, or changes that are willingly pursued rather than externally required. This is discussed further in Finding 3, but includes:
 - Voluntary individual behavior change (i.e., teaching about health benefits of growing and eating fresh produce) and
 - Voluntary industry behavior change (i.e., efforts to increase industry's voluntary commitments to improving environmental conditions).
- Market-based change (i.e., promotion of environmentally friendly products or less toxic consumer goods, which puts the onus on the consumer), and
- Collaborative problem-solving (i.e., through consensus building with industry stakeholders, whose interests are often in conflict with EJ work).

Finding 3: While funding projects that depend on voluntary individual or industry behavior change is not inherently bad, this is not an end-all solution.

- Exclusive focus on voluntary change as a method of addressing environmental justice issues can put the onus on communities for alleviating environmental injustices, or even put the blame on communities for the circumstances they are in.^{221,222}
 - For example, a campaign to increase environmental and nutritional health that focuses on building community gardens, educating community members about healthy food choices, and encouraging exercise, fails to challenge underlying systemic barriers to achieving environmental and nutritional health (e.g., why there are food deserts or why certain demographics are more susceptible to health issues).
- Increasing environmental benefits should play the role of augmenting, rather than replacing, efforts to reduce environmental harms. While many environmental benefits help mitigate environmental harms (e.g., increasing flora can help mitigate air pollution), outright removal of environmental harms is more effective in alleviating environmental health disparities, especially when cumulative impact is taken into consideration.^{223,224}
- The prioritization of grant applications that require collaborative problem-solving through consensus building with *industry stakeholders* reduces the strength of applications that propose regulatory or enforcement related projects *unless there is willingness* from industry to voluntarily change their behavior. While such projects are valuable, there should *also* be avenues for communities to pursue regulatory change that industry may oppose. Considering the role of industry actions in creating environmental injustices, requiring proposed EJ projects to align with industry interests minimizes the avenues through which communities can fight for environmental justice. An equity-centered approach would prioritize community needs and ensure EJ concerns and communities who have been historically underrepresented are influential in decision-making.²²⁵

²²⁰ Ibid.

²²¹ Ibid.

²²² Maniates, M. (2001). "Individualization: Plant a Tree, Buy a Bike, Save the World?" *Global Environmental Politics*. 1 (3): 31-52

²²³ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

²²⁴ Frickel, S. & Elliott, J. (2018). *Sites Unseen: Uncovering Hidden Hazards in America's Cities*. New York: Russell Sage Foundation.

²²⁵ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

Finding 4: Increasing the accessibility of grant opportunities for communities with EJ concerns involves addressing barriers faced by grant applicants and grantees in traditional approaches to grantmaking.

- During the **notification process**, how the grant opportunity is framed, which geographic regions are targeted for notification, what language(s) the information is conveyed in, and the formats and mechanisms through which information is disseminated all have implications for how accessible the grant opportunity is for different communities, groups, and entities.²²⁶
 - How the grant opportunity itself, and its corresponding requirements, are framed impacts public perception of which types of projects are most likely to be funded. Many EJ advocates have stated they do not apply for government EJ grants because they anticipate their work to increase environmental enforcement or strengthen regulations will not be funded.²²⁷
- **Application requirements** can serve as barriers for certain types of organizations, both in how feasible it is for them to apply for grant funding and how the strength of their applications could be impacted.²²⁸
 - Many grant applications require written responses and expect a level of professionalism that can influence grantee’s consideration of applications from less established organizations. There is a risk of bias against organizations that may not have a designated grant writer or are staffed by people with limited English proficiency or literacy, or who have lower educational attainment.
 - Application processes tend to be time and labor intensive, which can be difficult for organizations to prioritize pursuing since funding is not guaranteed.
 - Agencies are either limited in their capacity to provide additional guidance to applicants or are explicitly prohibited from doing so when giving guidance is deemed as “unfair” and reducing the “level playing field.” This makes the process more difficult to navigate for inexperienced, less professionalized, or underfunded organizations.
- **Ranking and selection processes** involve selection committees utilizing discretion when weighing factors within applications that influence which projects are more likely to receive funding (i.e., who the project will benefit, who will lead the project, etc.).²²⁹
 - Interviewees related that there is sometimes bias in favor of applications written well in English and that list additional project funding sources. This can disadvantage less professionalized organizations and make them less likely to be awarded grant funding.
- **Funding disbursement structures**, or how and when grant funding is distributed, impact whether proposed projects are viable for applicants to pursue.
 - For example, organizations with limited financial capacity are unlikely to be able to afford paying project costs upfront and being reimbursed afterwards.²³⁰
- **Reporting requirements**, including reporting methods and timelines, create barriers similar to those highlighted above regarding application requirements.²³¹
 - Some community organizations face a significant disadvantage if reporting must be

²²⁶ Interviewees #13 and 17

²²⁷ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

²²⁸ Interviewees #13 and 17

²²⁹ Interviewees #9, 16, 31, and 32

²³⁰ Interviewee #13

²³¹ Interviewees #13 and 17

- completed in English and written.
- Stringent reporting requirements, especially when they prioritize quantitative data, are more time and labor intensive for less professionalized organizations.
- Many RFAs require grant applicants to demonstrate measurable impacts in one to two years which is antithetical to policy and regulation reform, which typically occurs over decades rather than years.

6.1.3 Recommendations: Grantmaking

The findings and analysis in section 6.1.2 have led to the following recommendations for agency staff involved in the grantmaking process:

1	Identify and address barriers to grant applications throughout the grant notification, application, ranking, selection, distribution, and reporting processes.
2	Embed prioritization of EJ in the ranking and selection processes and publicize preference for EJ-related projects in the Request for Application (RFA).

Recommendation 1: Identify and address barriers to grant applications throughout the grant notification, application, ranking, selection, distribution, and reporting processes.

Our research indicated numerous variables that can serve as barriers to accessing grant funding throughout the grant management lifecycle. It is crucial for agency staff to identify potential barriers and think critically about opportunities to introduce flexibility.

- Assess what types of projects typically get funded, and which do not. Also assess, to the extent possible, which organizations may not have applied for funding at all and investigate why. This can be researched through community engagement, as community organizations can articulate reasons they have not previously pursued the grant funding.
- Ask and answer the following question as staff design and revise the grant application process as needed:
 - How are organizations being notified there is a grant they can apply for? Is the information itself, as well as the methods through which it is being conveyed, accessible for populations with varying levels of educational attainment, English proficiency, and literacy skills?
 - What are the application requirements? Could they be revised to be more accessible?
 - What factors contribute to how applications are ranked and selected? Is there any bias inherent in this process? If so, how can these biases be eliminated?
 - How are funds distributed to grant recipients? Do grant recipients receive funding prior to project implementation, or do they have to pay the costs out-of-pocket and get reimbursed later? How might this limit grant applicants? How can the distribution process be modified to eliminate this barrier for groups who may not be able to afford paying the costs up-front?
 - What are the progress reporting requirements for grant recipients? How can they be expanded to be more accessible for organizations that are newer, underfunded, or less professionalized?
- Provide technical assistance to organizations throughout the grant lifecycle to ensure applicants and recipients receive the support they need to succeed regarding technical expectations that have the potential to introduce barriers.

Recommendation 2: Embed prioritization of EJ in ranking and selection processes and publicize preference for EJ-related projects in the Request for Application (RFA).

The grant ranking and selection processes determine which applications will receive funding. This is an opportunity to prioritize applications that demonstrate inclusion of priority equity and EJ-related criteria.

- Communicate the value-add of EJ-related projects throughout the notification process about the grant opportunity and include explicit verbiage highlighting priority EJ and equity criteria and focus populations in the RFA itself, including projects that:
 - Demonstrate an organization’s understanding of the issue to be addressed and why they are a best fit to lead the work,
 - Center on community leadership (or collaboration if being community-led is demonstrated to not be feasible),
 - Benefit communities with EJ concerns, and
 - Increase environmental benefits or reduce environmental harms.
- Embed prioritization of EJ-related projects, or projects that integrate the priority equity criteria and focus populations listed in the RFA, into how selection committees rank applications and select grant recipients.

6.2 Inspections & Compliance

This section identifies and analyzes findings across our inspections and compliance literature review and interview content. Inspections and compliance refers to two points: 1) national goals set by the EPA to ensure states, communities, and localities comply with federal environmental regulations and laws and 2) state-wide environmental laws.

Inspections and compliance is a broad term; in general, it refers to the process state and federal agencies leverage to determine an individual or corporation’s compliance with environmental permits or regulations. However, these inspections can also take place based on complaints or perceived noncompliance. Inspections can either consist of on-site visits (e.g., an inspector physically visiting a landfill, school, etc.) or off-site assessments, which can be informed using mapping tools.

6.2.1 Literature Review: Inspections & Compliance

Literature Review: Federal Environmental Inspections & Compliance

In recent years, the EPA has developed methods to incorporate EJ into inspections and compliance. This is primarily highlighted in [Plan EJ 2014](#) (Plan EJ), a suite of guidance, tools, and policies on integrating EJ into EPA activities, programs, and policies. In Plan EJ, the EPA identified “Considering Environmental Justice in Compliance and Enforcement” as one of their cross-agency focus areas, committing to focusing enforcement efforts where vulnerable populations are overburdened by illegal pollution.²³² This is achieved historically through the EPA’s [National Compliance Initiatives](#) (formerly called National Enforcement Initiative), where the

²³² U.S. Environmental Protection Agency. (2015) Plan EJ 2014 Report. <https://www.epa.gov/sites/production/files/2015-02/documents/plan-ej-progress-report-2013.pdf>

EPA determines the most egregious environmental regulations on a two to three year basis, in order to focus its resources for inspections and compliance.²³³ Currently, the EPA has six major National Compliance Initiatives, under the three categories: 1) Improving Air Quality, 2) Ensuring Clean and Safe Water, and 3) Reducing Risk from Hazardous Chemicals

For the EPA, inspections and compliance consist of a two-step process: pre-site inspection and on-site inspection. A pre-site inspection is intended to obtain general information about the site or facility in question, while an on-site inspection consists of interviews with facility workers or sample collection (e.g., hazardous waste, air quality indicators, etc.).

The EPA has also taken steps to ensure internal compliance and enforcement of EJ in its Office of Enforcement and Compliance Assurance (OECA).²³⁴ This is achieved through integrating EJ into enforcement lifecycles by:

1. Picking priorities and work,
2. Choosing and developing cases,
3. Highlighting remedies, and
4. Increasing community engagement through the compliance and enforcement program.

To further ensure violations of environmental laws in vulnerable communities are addressed, the EJ 2020 Action Agenda elaborates on the aforementioned four primary strategies as follows:

1. Increase communication between local communities and the EPA, in order to empower communities and potential issues and violations that affect them.
2. Channel more EPA enforcement resources to overburdened communities.
3. Increase the amount of supplemental mitigation and environmental projects affecting these overburdened communities.
4. Efficiently monitor and address EJ violations in overburdened communities by building robust partnerships with state, federal, tribal, and local co-regulatory partners.

In addition, the EPA created a [Toolkit for Assessing Potential Allegations of Environmental Injustice](#). This toolkit serves two primary purposes:²³⁵

1. Provide a framework to understand the role of the Office of Environmental Justice and the role of the EPA in addressing environmental justice concerns.
2. Provide a systemic approach to assess and respond to potential allegations of environmental injustice and prevent them from occurring.

These documents are not mandates; they are designed to promote a shared understanding of how to approach environmental justice when performing inspections and compliance.

Although there is not much information on the actual inspection side of monitoring EJ compliance or EJ incorporation into the regulatory framework, the EPA recommends using EJSCREEN as a starting point for inspection targeting. EJSCREEN allows users to identify areas with potential EJ concerns at the census block group level, using the indicators listed in section 5.2.1. The EPA

²³³ U.S. Environmental Protection Agency. (n.d.) National Compliance Initiatives. <https://www.epa.gov/enforcement/national-compliance-initiatives>

²³⁴ U.S. Environmental Protection Agency. (2015) Plan EJ 2014 Report. <https://www.epa.gov/sites/production/files/2015-02/documents/plan-ej-progress-report-2013.pdf>

²³⁵ U.S. Environmental Protection Agency. (2004). Toolkit for Assessing Potential Allegations of Environmental Injustice. <https://www.fws.gov/economics/planningnepa/ej-toolkit-epa.pdf>

notes that EJSCREEN data may have limitations, such as:

1. **EJSCREEN is a screening tool.** EJSCREEN can only identify areas that need further analysis or consideration. It cannot give the full context or background for its results.
2. **Data may be inaccurate.** Historical data may not be indicative of current or future trends of environmental indicators.
3. **EJSCREEN has different usage implications.** EJSCREEN is limited to census block group levels, cities, and counties. This resolution/scale may be too large in some instances to capture vulnerable communities—for example, vulnerable communities nestled within a city may not be properly identified.²³⁶

However, the expectation is that EJSCREEN will become increasingly more useful with data updates and enhancement of existing functionality. This is culminated in annual updates, where additional data and indicators are added. For example, EJSCREEN was updated in 2019 to include multiple waste, air, and water indicators, such as Waste Discharge and Proximity to Hazardous Waste Facilities.

Literature Review: State & Local Environmental Inspections & Compliance

Many states use EJSCREEN to ensure compliance with federal and state environmental guidelines. However, states with more stringent environmental regulations use state-based mapping tools instead of, or in addition to, EJSCREEN.

California

The California EJ Task Force (formerly the CalEPA Enforcement Task Force) was created in 2013 by CalEPA, and is tasked with:²³⁷

1. Ensuring meaningful public participation in environmental decision-making processes.
2. Expanding data collection and research to address EJ concerns in vulnerable communities.
3. Integrating EJ into creation, adoption, implementation, and compliance of environmental policies, laws, and regulations.

To prioritize sites for inspections and compliance assessments, the California EJ Task Force first determines communities with potential EJ concerns using CalEnviroScreen. After engaging community leaders to learn more about their environmental concerns, the California EJ Task Force creates an inspection list that details community concerns and agency-identified areas of concern. CalEPA then takes enforcement actions guided by the community and agency inspection list. The results and outcomes of the inspection are reported back to communities, with specific reference to how community consultation was incorporated throughout the inspection and compliance process. These are highlighted in specific initiative reports for each community. There are currently 6 reports for Stockton, Imperial County, Pomona, Oakland, Fresno, and Los Angeles. Although this varies by each specific community, specific highlights of community engagement are as follows:²³⁸

²³⁶U.S. Environmental Protection Agency. (2015) Plan EJ 2014 Report.

https://www.chesapeakebay.net/channel_files/22169/ejscreen_overview_presentation.pdf

²³⁷ California Environmental Protection Agency. (2013) CalEPA Policy Memorandum: CalEPA Environmental Justice Compliance and Enforcement Working Group

²³⁸ California Environmental Protection Agency. (2016) Oakland Initiative Report, https://calepa.ca.gov/wp-content/uploads/sites/6/2018/03/OAKEJ_initiative_FINALweb.pdf

1. **Youth Engagement.** CalEPA introduces environmental justice concepts to youth, while providing them the resources and tools to identify environmental issues within their community and communicate them to the EJ Task Force.
2. **On-site Identification of Areas of Concern.** Community members lead EJ Task Force members through on-site identification of EJ concerns in their respective communities. This included tours of their city or county, showing them particular concerns community members have identified.
3. **Spotlights.** CalEPA highlights case studies of inspection and compliance success stories (e.g., pesticide use, solid waste facilities), with detailed accounts of how efforts were coordinated with local communities.

Oregon

Oregon state law ORS 182.545 requires state natural resource agencies to incorporate EJ issues in agency functions, and report directly to the governor on progress through annual reports.²³⁹ The Oregon Department of Environmental Quality has focused on incorporating EJ into many of the programs it monitors. Examples of this include the Food Safety Program, which recently increased language access to its inspections process and brought on a tribal consultant from the Columbia River Inter-Tribal Fish Commission to join the Food Safety Advisory Committee.²⁴⁰ However, there is no publicly available information or guidance on how Oregon DEQ incorporates EJ into the inspections and compliance process. Additionally, although Oregon has a robust framework, interviewees stated that there is little enforcement of this framework—potentially allowing state agencies to claim implementation of EJ into inspections and compliance without actually doing so.²⁴¹

Gaps in Literature

- There is no literature on how environmental regulatory agencies are quantitatively incorporating EJ and equity considerations into inspections and compliance processes. At most, many environmental regulatory agencies state they incorporated EJ through feedback from community members.
- Although almost all state agencies have some level of public participation or community engagement for their inspections and compliance efforts, there is no consistent mechanism to quantify how or to what degree this feedback was incorporated. In most cases, there is a distinct lack of transparency and communication about if and how feedback is incorporated as well as assessments of whether incorporated community input produced more equitable outcomes.

6.2.2 Findings & Analysis: Inspections & Compliance

This section identifies and analyzes findings across our inspections and compliance literature review and interview content.

²³⁹ ORS 182.545, Duties of Natural Resource Agencies, <https://www.oregonlaws.org/ors/182.545>

²⁴⁰ Oregon Department of Environmental Quality, 2018 *Environmental Justice Task Force Annual Report* <https://www.oregon.gov/ODA/shared/Documents/Publications/Administration/ODAEJTF2018AR.pdf>

²⁴¹ Interviewee #34

Finding 1: EJ integration into inspection and compliances procedures is limited.

- Many day-to-day inspections and compliance operations focus on compliance with Title VI federal requirements and how this compliance affects agency functions.²⁴² Some staff do not perceive there to be legal grounds to use EJ considerations in inspections and compliance decision-making processes or believe doing so would go against agency responsibility to be neutral and impartial.²⁴³
- Currently, there are no requirements around prioritizing inspection and compliance actions in vulnerable communities or areas with potential EJ concerns.
- Although agencies appear to be beginning to think about how to integrate EJ into their work, there are no data on how agency staff incorporate EJ into the inspections and compliance processes or if these efforts produce more equitable outcomes.²⁴⁴
- Many state environmental regulatory agencies measure success in enforcement through the number of inspections completed and how friendly staff interactions were with regulated entities.²⁴⁵ These measures are not compatible with a focus on identifying and addressing potential EJ allegations, which may potentially upset regulated entities and slow down the inspections and compliance timeline for agency staff.
- When violations are found during environmental inspections and compliance processes, some agencies allow companies to offset part of their penalties with a Supplemental Environmental Project (SEP) focused on improving environmental health beyond existing law requirements in overburdened and vulnerable communities. They encourage EJ advocates to submit ideas for SEPs to agency staff to share with interested violators.²⁴⁶
- Agency staff have expressed hesitation around enforcement actions based on EJ concerns due to fear of regulatory overreach.²⁴⁷ Whether real or perceived, allegations of regulatory overreach can result in expensive and time-consuming legal disputes.

Finding 2: State agencies currently rely on EJSCREEN or other state-based environmental health mapping tools (CalEnviroScreen, Washington EHD Map) to identify vulnerable communities.

- These mapping tools have been used to assess which communities could be prioritized for environmental inspections and compliance.²⁴⁸
- While there are recommendations for agency staff to “consider” potential EJ concerns, there are no instances of agencies being required to use EJ mapping data to inform their inspections and compliance prioritization process.
- Many agencies stress that these tools are not an end to a means; they are simply screening tools that offer an introduction to or first look into where communities with EJ concerns may exist.²⁴⁹

²⁴² Interviewee #4

²⁴³ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

²⁴⁴ Ibid.

²⁴⁵ Pautz, M., & Rinfret, S. (2014). State environmental regulators: perspectives about trust with their regulatory counterparts. *Journal of Public Affairs*, 16(1), 28–38. <https://doi.org/10.1002/pa.1558>

²⁴⁶ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

²⁴⁷ Ibid.

²⁴⁸ Interviewee #16

²⁴⁹ Interviewees #1 and #33

Finding 3: Inspections and compliance processes have historically been non-stringent in vulnerable communities.

- There is strong historical bias in how major federal environmental laws are enforced in vulnerable communities.²⁵⁰
- Regulators are currently less likely to detect or enforce compliance actions on noncompliant facilities in vulnerable communities.^{251,252} This is in part due to communication with agency staff being more accessible for members of wealthier communities, who are more likely to know how to navigate filing complaints and pressuring agency staff. Additionally, inspections and compliance staff have cited lack of resources as a barrier to pursuing enforcement actions on noncompliant facilities that are not particularly cooperative.^{253,254}
- Some agency staff are unfamiliar with these biases or actively reject them as being true. It is not uncommon for staff to believe that environmental regulatory actions are addressing EJ concerns by nature and do not need to be targeted in particular communities.²⁵⁵

6.2.3 Recommendations: Inspections & Compliance

The findings and analysis in section 6.2.2 led to the following recommendations for agency staff involved in inspections and compliance processes:

1	Commit to transparency about how community engagement is being incorporated throughout inspections and compliance processes.
2	Given limited resources, agencies should prioritize their inspections and compliance actions on facilities located in communities with EJ concerns.

Recommendation 1: Commit to transparency about how community engagement is being incorporated throughout inspections and compliance processes.

Community engagement is a key step in how state agencies should conduct inspections and compliance, as state agencies are directly affecting vulnerable communities through inspections and compliance processes.

- To effectively address EJ through statewide efforts, government agencies need to consult with—not just inform—communities with EJ concerns about what inspections and compliance efforts are taking place within their communities and how actions are being prioritized.
- Making communication with the agency more accessible is crucial for this relationship-

²⁵⁰ Konisky, D. M., & Reenock, C. (2013). Compliance Bias and Environmental (In)Justice. *The Journal of Politics*, 75(2), 506–519. <https://doi.org/10.1017/s0022381613000170>

²⁵¹ Ibid.

²⁵² Interviewee #3

²⁵³ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

²⁵⁴ Interviewee #3

²⁵⁵ Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.

building process. For example, it is important for staff to have easy access to translation services they can lean on during on-site inspections or when concerned individuals call the agency who have lower levels of English proficiency. Teams should assess opportunities to facilitate more accessible agency-community interactions.

- Agencies should publicize the results of their inspections and compliance actions, including how community input was collected and how it informed decision-making processes. This can be achieved through government publications such as CalEPA's case studies on inspections and compliance processes with specific sections showing how agency staff consulted the community and incorporated their feedback. These publications could include an appendix of community interactions (e.g., a list of efforts to engage the community, transcripts of public meetings, specific sections written by community leaders outlining their perspective, etc.).
- To the extent that SEPs are a viable option to offer violators to help offset noncompliance penalties, suggestions should be gathered from local community members to help offer community-identified priority projects to regulated entities.

Recommendation 2: Given limited resources, agencies should prioritize their inspections and compliance actions on facilities located in communities with EJ concerns.

There is discretion in how agencies prioritize which sites to focus inspections and compliance efforts. This should be capitalized on to focus on alleviation of environmental harm in communities with EJ concerns.

- It will be crucial to develop a shared understanding around EJ and communities with EJ concerns, as well as opportunities for inspections and compliance work to be strengthened by using an EJ lens to prioritize focus areas. This involves clarifying agency work does not necessarily address EJ concerns unless this EJ lens is used.
- Staff should coordinate with agency attorneys to understand what inspections and compliance actions are acceptable to be taken on the grounds of EJ concerns under the agency's regulatory purview. This will clarify the ways in which EJ can inform decision-making processes and help prevent potential inaction due to any misunderstandings about the law or agency obligations to uphold neutrality.
- Prioritization of inspections and compliance efforts should begin with identifying communities with potential EJ concerns using the EHD Map and these data should be supplemented with community engagement efforts to identify community priorities.
- Staff should prioritize inspections and compliance actions in communities with EJ concerns, including targeting these areas for repeat inspections. Facilities with a history of noncompliance in communities with EJ concerns should also be targeted for repeat inspections to hold violators more accountable.
- Measures of success should be expanded to include factors beyond the number of inspections and compliance actions taken in a year or the level of friendliness in staff interactions with regulated entities. Explore assessing data around where inspections and compliances actions took place and if environmental health disparities decrease over time.

6.3 Permitting

A permit is a legal document issued by federal or state authorities that grants conditional, regulated permission to do something. An environmental permit focuses on the conditional allowance of something that could impact environmental and human health, and outlines restrictions to minimize negative impacts. Environmental permits typically cover water and air pollution, waste and toxic pollution, and spills and cleanups. The objective of environmental permits is to reduce industries' environmental impacts and ensure compliance with state and federal environmental requirements. These requirements adhere to a standard of protection that takes into account the nature of the environmental hazard, the costs and risks to community and environmental health, and attempt to find a balance between allowing human activity and protecting the environment and human health.

When considering environmental permitting in the context of equity and environmental justice, there are two key focus areas: 1) the permits themselves and their impact on the environment and vulnerable communities, and 2) if and how federal and state agencies require permit applicants to not only consider, but integrate EJ concerns and communities with EJ considerations in the application process. Environmental regulation has generally improved over time, and the EJ movement has influenced permitting decisions and prompted federal and state agencies to add equity considerations into the process; however, at the federal level, the lack of clear policy guidance, disjointed policy coordination across regions, and uneven leadership has limited meaningful incorporation of EJ into environmental decision-making.²⁵⁶ This lack of clarity, coordination, and consistent leadership has impacted state environmental permitting and resulted in a patchwork of policies and practices as it pertains to EJ in permitting at the state and local level.

6.3.1 Literature Review: Permitting

Literature Review: Federal Environmental Permitting

In the 1999 edition of *Ecology Law Quarterly*, Richard J. Lazarus and Stephanie Tai discuss permitting and environmental justice at the EPA at length in their article *Integrating Environmental Justice into EPA Permitting Authority*. By their analysis, "In the context of an EPA permitting decision, the core expression of environmental justice is that EPA should take into account the racial and/or socioeconomic makeup of the community most likely to be affected adversely by the environmental risks of a proposed activity."²⁵⁷ They go on to identify two key steps to integrate EJ into permitting processes: identifying the community with EJ concerns that will be impacted by the permit in question, and incorporating that community's voice into the process itself.

²⁵⁶ Konisky, D. M. (2015). *Failed Promises: Evaluating the Federal Government's Response to Environmental Justice*. Cambridge, MA: The MIT Press.

²⁵⁷ Lazarus, R. J., & Tai, S. (2000). *Integrating Environmental Justice into EPA Permitting Authority*. *SSRN Electronic Journal*, 26(4), 620. doi: 10.2139/ssrn.209190

In doing so, some examples of permitting conditions that should be considered include “the enhancement of a community's capacity to participate in environmental enforcement and compliance assurance, assessment of risk aggregation or cumulative risk, and identification of disproportionality in risk imposition.”²⁵⁸ An acknowledged challenge inherent in these considerations is the authority and power of EPA officials to embed enforcement and accountability of such considerations into the permitting process. In other words, it is much easier to build such considerations into the written permitting policies than it is to enforce their application and address noncompliance.

An additional challenge is meaningfully incorporating and accounting for environmental risks in the permitting process itself. Specifically, “Risks that seem acceptable in isolation may be more properly seen as unacceptably high when the broader social context, including associated health and environmental risks, is accounted for in total aggregation.”²⁵⁹ Aggregation can be an issue when it comes to equitable permitting though. For example, by aggregating various geographies or demographic communities, it is possible to dilute an unacceptably high risk for one area by grouping it with other areas where the risk is low.

To account for these various considerations, the EPA advises regional offices to incorporate EJ *considerations* into their permitting protocols but does not mandate integrative *action*. As such, application and operationalization of EJ considerations is not uniform across the EPA. The EJ considerations themselves focus primarily on enhancing public participation “rather than imposing specific additional permit requirements.”²⁶⁰

The EPA has continued to provide guidance for regional offices in accordance with the agency’s strategy to advance environmental justice, [Plan EJ 2014](#), which was created in 2011 and named ‘Plan EJ 2014’ to commemorate the 20th anniversary of EO 12898 being signed. This plan calls on the EPA to (1) Enhance the ability of “overburdened” communities to participate fully and meaningfully in the permitting process for EPA-issued permits, and (2) take steps to meaningfully address environmental justice issues in the permitting process for EPA-issued permits to the greatest extent practicable.²⁶¹ The EPA acknowledges the barriers for these communities, including “lack of trust, lack of awareness or information, lack of ability to participate in traditional public outreach opportunities, language barriers, and limited access to technical and legal resources.”²⁶² In 2012, the EPA launched extensive outreach efforts with stakeholders in the EJ space, local and tribal governments, the business community, NGOs, and other stakeholder groups to understand, brainstorm with, and co-create specific actions on how to change its permitting processes to reduce the barriers for overburdened communities to participate. As a result, the EPA released two guidance documents (**Table 6.2**):

²⁵⁸ Ibid, 621

²⁵⁹ Ibid, 623

²⁶⁰ Ibid, 650

²⁶¹ U.S. Environmental Protection Agency Office of Environmental Justice, (2011). Plan EJ 2014. Washington D.C., District of Columbia. <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100DFCQ.PDF?Dockey=P100DFCQ.PDF>

²⁶² U.S. Environmental Protection Agency. (2013). EPA Activities to Promote Environmental Justice in the Permit Application Process. Washington D.C., District of Columbia. <https://www.federalregister.gov/d/2013-10945>

Table 6.2 EPA Permitting Guidance Document Summary

Document Name	Document Goal
“Actions that EPA Regional Offices Are Taking to Promote Meaningful Engagement in the Permitting Process by Overburdened Communities” (EPA Actions)	Provide guidance on outreach and resource planning to ensure consistency and transparency in the permitting process and invite more meaningful engagement with overburdened communities in this process
“Promising Practices for Permit Applicants Seeking EPA-Issued Permits: Ways to Engage Neighboring Communities” (Promising Practices)	Provide permit applicants with guidance on how to plan and conduct outreach to overburdened populations in the permitting process so they can avoid negative outcomes for these communities and take their concerns and needs into account

The EPA Actions document provides agency-wide guidelines to promote more involvement from overburdened communities so that regional offices can develop their own region-specific implementation plans. It also offers guidance on how to identify and prioritize permits that might have significant public health and/or environmental impacts so regional offices can target enhanced outreach efforts to those impacted communities.

The Promising Practices document focuses on how regional offices can engage with overburdened communities and provides examples of what different offices are doing. These suggested actions range from extending the EPA’s normal public comment period, to designating an EPA employee as the main contact for community members to reach out to, to using translation services for multilingual populations, to encouraging permit applicants to consult with the EPA for EJ guidance. The U.S. EPA does not enforce the creation of Regional EJ Implementation Plans for permitting, and while every region has nevertheless published an implementation plan, all but Region 5’s (which was last updated in 2016) have not been updated since 2013. The plans vary widely in detail and rigor and there is no publicly available reporting that indicates if these plans are still in use or if they have been successful in engaging with overburdened communities, much less reducing the burden on them. The Promising Practices document also offers guidance to the permit applicant on how they might engage with the communities their permit will impact and outlines why this is mutually beneficial for both parties. Despite these recommendations, the EPA acknowledges that ultimately, “Enhanced engagement of overburdened communities in the permitting process may not necessarily change the permit outcome.”²⁶³ They go on to say, “EPA believes that meaningful involvement of overburdened communities is a desirable end in and of itself.”²⁶⁴

Scholar Eileen Guana found that despite the promises of greater, more intentional public participation in Plan EJ 2014, the EPA has historically deferred to officials with expertise in highly technical environmental areas.²⁶⁵ Guana also found that, as of 2015, an EPA-issued permit has never been overturned by the agency based on EJ concerns.²⁶⁶ The EPA has two internal offices responsible for carrying out the agency’s EJ directives and ensuring compliance with Title VI and

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Guana, E. (2015). “Federal Environmental Justice in Permitting.” In Konisky, D (ed.) *Failed promises: Evaluating the Federal Government’s Response to Environmental Justice*. Cambridge, MA: The MIT Press.

²⁶⁶ Ibid.

EO 12898: The Environmental Appeals Board and the EPA Office of Civil Rights. A report by the U.S. Commission on Civil Rights—which is a bipartisan, independent commission charged with the responsibility for investigating, reporting on, and making recommendations concerning civil rights issues in the U.S.—did a comprehensive examination of the EPA’s compliance with EJ statutes. The report found that the Environmental Appeals Board, which is tasked with reviewing EPA permits and other regulatory actions to ensure compliance with EO 12898, has never pursued a single violation despite innumerable complaints and official filings.²⁶⁷ The report also found the EPA Office of Civil Rights has failed repeatedly to handle Title VI complaints in a timely manner and faced multiple lawsuits for not following the regulatory timeline to process complaints.²⁶⁸

While the EPA has extensive guidance around EJ in permitting, it is unclear if there is any consistent application of these guidelines, nor does there appear to be any incentive or accountability mechanisms in place to ensure EPA employees and Regional Offices comply with them.

Literature Review: State & Local Environmental Permitting

Some permitting authority is specifically under the purview of the Federal government and other authority is relegated to the states, but there is often significant overlap and applicants must seek permits both from federal and state environmental agencies. The states have wide latitude to require additional environmental permits beyond what the EPA requires. As such, there is wide variability in the environmental permits required for a given project depending on the state. Additional permits can be required at the county or city level. Some state and local entities have made significant progress regarding incorporating EJ considerations in what permits are allowed, and if or how a permit applicant must meet EJ standards and involve communities with EJ concerns.

Like the EPA, many states have focused their EJ permitting efforts around public involvement.

Illinois

The Illinois EPA has several mechanisms in place to notify and engage with the public about permit applications in “areas of EJ concern,” which the agency classifies as communities with a low-income or minority population more than twice the statewide average. These include issuing bi- and multilingual public notices, hosting small group meetings and informational hearings (and providing translation services if needed), and managing the local siting approval process. This approval process is mandated under the Illinois Environmental Protection Act for Pollution Control Facilities (PCF), which includes wastewater treatment plants, landfills, commercial incineration facilities, and other waste treatment, storage, or disposal facilities. The process requires the developer of a new PCF to conduct comprehensive public outreach and demonstrate to municipal or county government that they have met specific criteria. It is intended to provide an additional level of oversight, compliance, and public engagement to ensure EJ considerations are being reviewed and incorporated into the permitting process.

²⁶⁷ U.S. Commission on Civil Rights. (2016). Environmental Justice: Examining the Environmental Protection Agency’s Compliance and Enforcement of Title VI and Executive Order 12,898. Washington D.C., District of Columbia. 21
https://www.usccr.gov/pubs/2016/Statutory_Enforcement_Report2016.pdf

²⁶⁸ Ibid., 26

The state of Illinois has also appointed an EJ Officer who is responsible for coordinating all EJ activities for Illinois EPA, including reviewing proposed permits. This review includes arranging bilingual publication notices of proposed permitting actions, responding to public concerns about permits and preparing EJ assessments as needed to support a response, and responding to complaints that challenge the state's permitting actions.²⁶⁹ Despite these state-level efforts, the Illinois EPA acknowledges the limitations of their efforts due to the lack of clear direction from the federal EPA, especially with regard to the availability and effectiveness of cumulative risk assessment tools and standardized emissions data.²⁷⁰ Further, the department does not publicly report on the impact of these requirements nor the outcomes they lead to for communities with EJ concerns.

Connecticut

The state of Connecticut Department of Energy and Environmental Protection (DEEP) established an Environmental Equity policy in 1993. It outlines the Department's commitment to EJ through: impact assessments of agency activities in minority and low-income communities, enhanced communication with these communities, educating and diversifying agency staff, working with other municipalities and federal and state agencies, and the hiring of a staff member to promote environmental equity across all agency activities.²⁷¹ Specifically with regard to permitting, similar to Illinois, the main mechanism identified to embed EJ considerations into agency activities is through public participation. The policy specifically states, "The Department will enhance communication with, and improve environmental education opportunities for, minority and lower income communities. The Department will encourage community participation in the Department's ongoing operations and program development, including but not limited to inclusion on the agency's advisory boards and commissions, regulatory review panels, and planning and permitting activities."²⁷²

Building upon these commitments is the 2009 section 22a-20a of the Connecticut General Statutes, which "requires applicants seeking a permit for a new or expanded 'applicable facility' proposed to be located in an 'environmental justice community,' to file an Environmental Justice Public Participation Plan with and receive approval from the Department *prior* to filing any application for such permit."²⁷³ EJ communities in Connecticut are defined as those located in a "distressed municipality" or in a census block with 30% or more of their population living below 200% of the federal poverty line. The Connecticut Department of Economic and Community Development has created a list of [distressed municipalities](#) based on detailed economic and demographic criteria. DEEP provides a specific list of [applicable facilities](#) and facilities filing for expansion required to submit an EJ Public Participation Plan.^{274, 275}

²⁶⁹ Illinois Environmental Protection Agency. (n.d.). Environmental Justice Policy. <https://www2.illinois.gov/epa/topics/environmental-justice/Pages/ej-policy.aspx>

²⁷⁰ Ibid.

²⁷¹ Connecticut Department of Energy and Environmental Protection Environmental Equity Policy. (1993, December 17). <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Equity-Policy>

²⁷² Ibid.

²⁷³ Connecticut Department of Energy and Environmental Protection Environmental Justice Public Participation. (2009, January 1). <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice>

²⁷⁴ Connecticut Department of Energy and Environmental Protection. (n.d) Distressed Municipalities.

https://portal.ct.gov/DECD/Content/About_DECD/Research-and-Publications/02_Review_Publications/Distressed-Municipalities

²⁷⁵ Connecticut Department of Energy and Environmental Protection. (2012, February 8). Environmental Justice Public Participation Fact Sheet. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJfspd.pdf?la=en

There are [extensive guidelines](#) for the [EJ Public Participation plan](#), which must include supporting documents, reports, studies, copies of all of the public announcements, public meeting documentation (i.e., agenda, notes, handouts, presentation, etc.), a list detailing all contact with public officials and neighborhood and environmental groups, results and recommendations of public outreach, and an explanation of how the applicant has responded to them and modified their application accordingly.^{276,277} The Connecticut DEEP details that, “Meaningful public participation” must include a public meeting convenient for the local community members, wide publication of the meeting, translations of notices and publications in the languages of the community, and notifications to state and local officials and neighborhood and environmental groups. The Connecticut DEEP must review all submitted EJ Public Participation Plans as well as the public meeting outcomes and public comments before they make a final decision, as outlined in their [permitting process flow](#).

Despite the very detailed process documentation, the Connecticut DEEP website does not publish any evaluation or reporting about how this requirement and review process has impacted permit decisions. There is no publicly available information on how many permits have been denied due to the outcomes of EJ Public Participation Plans, the number of permit applications modified due to outcomes of the process, or if EJ Public Participation Plans have resulted in better outcomes for communities with EJ considerations.

California

California has consistently been a leader in environmental justice. California [SB 115](#) passed in 1999 and made the state the first in the nation to put EJ considerations into law. This law requires CalEPA consider EJ in all of its programs, policies and activities, develop an EJ mission statement, and incorporate greater public participation as they develop, adopt, and implement environmental regulations and policies.²⁷⁸ Specifically with regard to permitting, in 2015 the California legislature passed [SB 673](#), a Hazardous Waste Control Law that specifically mandates EJ considerations for permitting of facilities under hazardous waste regulation. The law only applies to the CalEPA Department of Toxic Substances Control (DTSC). As detailed in the bill text below, SB 673 (see **Figure 6.2**) requires the Department of Toxic Substances Control consider community vulnerability, health risks, and cumulative impacts when permitting. It also requires its permitting program to strengthen EJ safeguards, enhance how public health protections are enforced, and increase public participation and outreach in communities with EJ considerations.

²⁷⁶ Connecticut Department of Energy & Environmental Protection. (2012) The Environmental Justice Public Participation Guidelines. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJGuidpdf.pdf?la=en

²⁷⁷ Connecticut Department of Energy & Environmental Protection. (2012) Environmental Justice Public Participation Plan. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJPlanpdf.pdf?la=en

²⁷⁸ California State Senate Bill 115, chapter 690 (1999). An act to add Section 65040.12 to the Government Code, and to add Part 3 (commencing with Section 72000) to Division 34 of the Public Resources Code, relating to environmental quality. http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=199920000SB115

Excerpt: SB 673, Lara. Hazardous waste

The Hazardous Waste Control Law, among other things, authorizes the Department of Toxic Substances Control to regulate the generation and disposal of hazardous waste.

This bill would require the department, by January 1, 2018, to establish or update criteria for use in determining whether to issue a new or modified hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, and to develop and implement, by July 1, 2018, programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25200.21 is added to the Health and Safety Code, to read:

25200.21. On or before January 1, 2018, the department shall adopt regulations establishing or updating criteria used for the issuance of a new or modified permit or renewal of a permit, which may include criteria for the denial or suspension of a permit. In addition to any other criteria the department may establish or update in these regulations, the department shall consider for inclusion as criteria all of the following:

- (a) Number and types of past violations that will result in a denial.
- (b) The vulnerability of, and existing health risks to, nearby populations. Vulnerability and existing health risks shall be assessed using available tools, local and regional health risk assessments, the region's federal Clean Air Act attainment status, and other indicators of community vulnerability, cumulative impact, and potential risks to health and well-being.
- (c) Minimum setback distances from sensitive receptors, such as schools, childcare facilities, residences, hospitals, elder care facilities, and other sensitive locations.
- (d) Evidence of financial responsibility and qualifications of ownership.
- (e) Provision of financial assurances pursuant to Section 25200.1.
- (f) Training of personnel in the safety culture and plans, emergency plans, and maintenance of operations.
- (g) Completion of a health risk assessment.

SEC. 2. Section 25200.23 is added to the Health and Safety Code, to read:

25200.23. On or before July 1, 2018, the department shall develop and implement programmatic reforms designed to improve the protectiveness, timeliness, legal defensibility, and enforceability of the department's permitting program, including strengthening environmental justice safeguards, enhancing enforcement of public health protections, and increasing public participation and outreach activities. In accomplishing these reforms, the department shall do all of the following:

- (a) Establish transparent standards and procedures for permitting decisions, including those

that are applicable to permit revocation and denial.

(b) Establish terms and conditions on permits to better protect public health and the environment, including in imminent and substantial endangerment situations.

(c) Employ consistent procedures for reviewing permit applications, integrating public input into those procedures, and making timely permit decisions.

(d) Enhance public involvement using procedures that provide for early identification and integration of public concerns into permitting decisions, including concerns of communities identified pursuant to Section 39711.

Figure 6.2 Excerpt: SB 673, Lara. Hazardous waste.

The CalEPA [website](#) details how the DTSC divided the regulations required by SB 673 into two tracks, separating permitting criteria for hazardous waste facilities and cumulative impacts on communities with EJ considerations. The criteria for hazardous waste facilities includes a [Violations Scoring Procedure](#) that evaluates and scores a facility's significant violations over the previous 10 years in order to assign it to one of three compliance tiers:²⁷⁹

1. Acceptable: facility required to meet enhanced permit conditions and other requirements.
2. Conditionally acceptable: facility required to undertake third-party audit and correct compliance issues.
3. Unacceptable: facility may have permit denied, suspended, or revoked pending comprehensive compliance history review.

As part of their permit application, all facilities must submit a health risk assessment that determines the facility's risk to surrounding communities, meet financial assurance requirements to prove they have the capital to pay for "adequate and timely cleanup of contaminated facilities," meet training requirements for their staff to ensure safety and emergency prevention, and submit a community involvement profile.²⁸⁰ The community involvement profile "must include community demographics, community interest, and the locations of sensitive receptors, nearby tribal lands, and other off-site sources of potential exposures to hazardous waste, hazardous materials, or contaminated sites in the community, including transportation-related impacts."²⁸¹

The second track, which focuses on increased protections for vulnerable communities, is still being established. DTSC has created a [draft regulatory framework](#) that outlines the department's proposed methodology for evaluating cumulative impacts and engaging community stakeholders. The Department describes cumulative impacts as "the combined health and environmental effects of all sources of pollution in a community insofar as they can be assessed, including threats to air,

²⁷⁹ California Department of Toxic Substances Controls. (2020) Violations Scoring Procedure. <https://dtsc.ca.gov/violations-scoring-procedure/>

²⁸⁰ California Department of Toxic Substances Control. (2018) Hazardous Waste Facility Permitting Criteria Regulations: Effective January 1, 2-19. <https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/SB-673-Regulations-Overview-Fact-Sheet-12-13-2018.pdf>

²⁸¹ Ibid.

water, and land.”²⁸² DTSC would leverage mass datasets about health and disease across the state; tools that include [CalEnviroScreen 3.0](#) (CES 3.0), the [EJ Screening Method](#), and the [Healthy Places Index](#); and consider pollution impacts across environmental media and other factors in local environments that affect human and environmental health in order to help facilities identify, address, and mitigate cumulative impacts on vulnerable communities. They are currently considering the use of three tiers of action pathways to help address these concerns:

1. **Tier 1 Action Pathway:** Mitigation, monitoring, and community engagement for facilities whose assessment demonstrates a high level of potential community impact and that sit within a half-mile of communities in the 90th percentile or higher of the CES 3.0 census tracts. These facilities could be required to prepare a Community Engagement Plan detailing how the facility will communicate and collaborate with the community and take their concerns into account for DTSC evaluation and approval; establish and support a community advisory group; hold annual community meetings; and prepare and distribute updates for the community every six months.
2. **Tier 2 Action Pathway:** Mitigation or monitoring, and community engagement for facilities whose assessment demonstrates a moderate level of potential community impact and that sit within a half-mile of communities between the 65th and 90th percentile of the CES 3.0 census tracts. These facilities would have to do everything required of Tier 1 facilities, except for establishing and supporting a community advisory group.
3. **Tier 3 Action Pathway:** Community outreach for facilities whose assessment demonstrates a moderate level of potential community impact and that sit within a half-mile of communities who are below the 65th percentile of the CES 3.0 census tracts. These facilities would only be required to provide updates to the community on a regular basis.

DTSC was collecting comments on this draft framework as of April 30, 2020. They will provide an updated, revised draft to the public after comments and feedback are incorporated. There is an opportunity for future research to evaluate the impact of SB 673 and its pursuant changes within the DTSC to determine if the actions of the Department will result in more equitable outcomes for communities in proximity to hazardous waste facilities.

Gaps in Literature

- There is a need for program evaluation of the permitting process itself to better understand if and how EJ considerations are implemented and what impact EJ integration into the process has on permit decisions.
- The main mechanism for public participation is to hold a public meeting. There is no documented analysis of if or how public meetings lead to more equitable outcomes, or if the comments and concerns of public meeting attendees changes permit decisions and what permits do or do not get approved.
- There is also very little evaluation of what communities with EJ concerns think about this process. It is unclear if public meetings work for these communities and if they result in people feeling informed and confident they have influence over what happens in their community.
- There is a need for more robust outcomes analysis of the permitting process and the environmental justice impact of the sites that are permitted.

²⁸² California Environmental Protection Agency Department of Toxic Substances Control. (2018). Draft Sb 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework Concepts. <https://dtsc.ca.gov/wp-content/uploads/sites/31/2015/09/DRAFT-CI-Regulatory-Frameworks-Concepts-10-15-2018-accessible.pdf>

6.3.2 Findings & Analysis: Permitting

This section identifies and analyzes findings across our grantmaking literature review and interview content.

Finding 1: Government employees need clear accountability mechanisms for integrating EJ into permitting practices.

- Most of the recommendations in the permitting process that pertain to EJ are around “considering” EJ; as five interviewees who currently or previously worked in state or federal environmental agencies identified, there is a need for clearer guidance about how to integrate these ‘considerations’ into both permitting requirements and process.²⁸³ Based on our literature review and interviews, there does not appear to be a process to evaluate and track how EJ is integrated so agency staff can be held accountable and impact can be measured.
- Along these same lines, it is unclear if there are any consequences for failing to consider, much less integrate, EJ into the permitting process. Without clear expectations and accountability mechanisms, agency staff lack the incentive and the urgency to change behaviors. As one environmental agency staff person stated, “You don’t get credit just for doing it, it has to matter.”²⁸⁴
- Furthermore, there is not publicly available documentation that describes any kind of evaluation of how EJ considerations, or EJ integration, impacts permitting requirements, processes, or permitting decisions. We were unable to find reporting about if and how feedback and concerns expressed by impacted communities influenced permit decisions, and whether the permit applicant subsequently modified their plans to reduce negative environmental impacts.

Finding 2: There is a need to create more robust evaluation and reporting on permitting processes and programs.

- Permitting programs would benefit from an evaluation to determine if and how both EJ and the concerns or issues raised by communities with EJ concerns are integrated into permitting processes and decision-making. Such evaluations will help agency leadership and staff determine where they have opportunities to reinforce and create support and accountability for such actions within the permitting process and help create clear expectations and accountability for agency staff.
- As mentioned in section 5.2, many agencies would benefit from measuring the preventative impacts of their decisions. For permitting specifically, agencies could report the number of permits modified or denied due, in part, to EJ and/or community concerns. Agencies could also add estimates of the positive environmental impact achieved because of these decisions. A state environmental agency employee acknowledged, “It is hard to measure success when true success is having something not happen. How do you make performance measures to measure something that did not happen because of your efforts?”²⁸⁵ While difficult to measure, this question is worth considering and exploring for reporting purposes.

²⁸³ Interviewees #4, #6, #12, #25, and #33

²⁸⁴ Interviewee #4

²⁸⁵ Interviewee #27

- There is also an opportunity for permitting programs to evaluate if and how community concerns are integrated into the permitting requirement and decision-making process. The EPA and state environmental agencies with some form of EJ focus concentrate their efforts in the permitting process around public participation—specifically holding at least one public meeting—during the permit application process. As noted in the literature review, it is unclear if or how the comments and concerns raised in these meetings are incorporated into the permitting process. As discussed in the findings from Chapters 4 and 5 about the need for increased community engagement and partnership across agency functions, there is likewise an opportunity for agencies to reevaluate how they engage with the public in the permitting process and how this engagement improves decisions and outcomes.

Finding 3: There is an opportunity to move beyond public notices and public meetings for community engagement.

- The definition and requirements for community engagement vary widely across federal and state agencies, with some departments doing the bare minimum while others have more extensive requirements.
- However, as discussed at length in previous chapters, agencies would greatly benefit from moving along the Spectrum of Community Engagement (**Figure 5.2**) beyond inform (where most permitting agencies have remained for decades) and towards ‘collaborate’ and ‘defer to’ in order to truly integrate equity and EJ considerations into their work.
- To encourage this collaboration, agency staff will need resources and clarity on how to engage with communities, as well as clear accountability mechanisms in place to ensure they do so, as discussed above.
- Permitting processes could be revised to bring in community partnerships much earlier, during the permit application phase, and could integrate regular touch points throughout the remainder of the process. To do so effectively, there must be much clearer mechanisms for informing, engaging, and involving the public in decisions about the safety, health, and environmental implications of permits and in ultimately determining if and how permits are granted. This change could help to greatly reduce and mitigate negative impacts on communities with EJ concerns.

Finding 4: Agencies need to increase resources for enforcement.

- Two interviewees who currently or formerly worked for state and/or federal environmental agencies, identified a great need for more robust and timely responses to community reports and complaints about permit violations.²⁸⁶ As noted in section 6.3.1, the Environmental Appeals Board has never found a single violation despite myriad evidence to the contrary, and the EPA Office of Civil Rights has demonstrated a pattern of being both slow and non-compliant when it comes to addressing Title VI complaints. Like the federal EPA, state environmental agencies do not report on these data either, so it is unclear how much they respond to community concerns or how often their permitting decisions are influenced by such concerns.
- Permitting agencies could benefit from an evaluation of their community reporting process for permit violations and the outcomes of such reports. These data would help agencies determine how they can improve both the reporting process and their response process when it comes to permitting violations and negative environmental and community impacts.

²⁸⁶ Interviewees #12 and #33

- Looking at the publicly available information for most environmental permitting programs, it is not clear what enforcement mechanisms are available to hold permit holders who violate requirements accountable to making modifications to their sites if there are EJ concerns. We were unable to find public data documenting if, how, and why permits are denied, and how community members can engage in the enforcement process if there is a violation or environmental concern.
- Similarly, once a permit has already been granted and a site has been constructed, it is unclear what the enforcement mechanisms are for existing permit holders. There is not public reporting on the number of investigations conducted by environmental departments based on such concerns, nor information on permits that have been revoked or suspended due to EJ or community concerns.

6.3.3 Recommendations: Permitting

The findings and analysis in section 6.3.2 have led us to the following recommendations for agency staff involved in the permitting process:

1	Evaluate internal agency/employee adherence to existing EJ components of the permitting process.
2	Provide more clarity and structure around how to integrate EJ in the permitting process and pair it with accountability & reporting.
3	Involve communities with EJ considerations much earlier in the permitting process.
4	Enforce permitting violations and elevate community concerns.

Recommendation 1: Evaluate internal agency/employee adherence to existing EJ components of the permitting process.

As noted above, permitting programs would benefit from an evaluation to determine if and how EJ is integrated into the permitting process. A robust assessment of the current state will help agency leadership and staff determine where they can reinforce, create support, and ensure accountability for incorporating EJ throughout permitting activities.

- **Create an evaluation process.** Create an evaluation process and cadence that can track where and how EJ is integrated into the permit application process and agency permit evaluation process, not just where it is "considered." Based on the results of these evaluations, modify the permitting process as needed to ensure EJ is integrated meaningfully and consistently into the permitting application, decision-making, and compliance process.
- **Establish oversight and accountability for agency staff.** These processes should ensure agency staff consistently incorporate EJ into the permitting process.

Recommendation 2: Provide more clarity and structure around how to integrate EJ in the permitting process and pair it with accountability & reporting.

Ongoing assessment will help agency leaders refine how EJ is integrated into the permitting process and build accountability mechanisms to ensure it is done consistently.

- **Assess current permitting processes and provide additional guidance on how to integrate EJ.** Replace language or guidance around EJ ‘considerations’ with clear, concrete actions that redirect or request revisions and changes to permitting applications that do not adequately address the needs of communities with EJ concerns. The Connecticut DEEP [EJ Public Participation plan](#) and the process surrounding it may serve as a useful example of what this looks like.
- **Create accountability mechanisms for agency staff.** These accountability mechanisms should incorporate EJ and base decisions about granting, requesting revisions, or declining permit applications based on compliance with EJ protocols or procedures.
- **Evaluate and report on:**
 - When/why/how many permits are modified as a result of community input and EJ concerns. Measure the impact of these changes if possible (e.g., permit modifications due to EJ concerns prevented X amount of pollution from going into the environment/community).
 - When/why/how many permits are modified or denied due, in part, to EJ concerns in the permitting application process. Include measures on the impact of the modification or denial (e.g., the amount of pollution kept out of the community, estimates of the environmental and community health issues that were avoided)
- **Collect data and report on cumulative health impacts** of siting and other permitting activities and important environmental regulation and decision-making. Information about these potential impacts should be provided to the public as part of the public participation process. A helpful example of how to do this can be found in the California DTSC [draft regulatory framework](#), which details a methodology to evaluate cumulative impacts (as well as guidance on engaging community stakeholders).

Recommendation 3: Involve communities with EJ considerations much earlier in the permitting process.

Proactive, ongoing community engagement should inform when and how EJ is integrated throughout permitting activities. It should also serve as an additional accountability mechanism, as communities are informed and empowered to ensure that EJ is a core consideration in the permitting process.

- **Center community concerns in the permitting process.** Staff and programs must go beyond public notices and meetings to incorporate community perspectives, concerns, and voices into each stage of the permitting process. permit review process. As detailed in Chapter 4, this is best done through a community-led and community-partnership model that facilitates proactive relationship-building with communities with EJ concerns.
- **Clarify how community concerns are incorporated into the permitting process.** Make it clear and transparent how community input is integrated into the permitting process and how their concerns impact permitting decisions. Agencies should also improve the accessibility and timeliness of agency responses to community concerns in the permitting application process before permits are considered for approval or denial.

Recommendation 4: Enforce permitting violations and elevate community concerns.

The permitting process extends beyond the permit application cycle. EJ integration into the permitting process should include timely responses to communities' EJ concerns, paired with swift, transparent enforcement when there are threats to health, safety, and/or the environment.

- **Accelerate the permit response process.** For permits that have already been granted or approved, agencies should improve awareness and simplicity of the complaint process as well as the timeliness of their response to community concerns about issued permits and their impacts.
- **Report on enforcement.** Agencies should publicly report when, how, and why permits are revoked, particularly in areas with EJ concerns. This should include reporting on any damage done by the permit holder to the environment and communities with EJ concerns to explain (to the extent legally possible) why a permit was revoked. Such action will demonstrate the agency's commitment to accountability, transparency, and enforcement both to permit applicants and communities with EJ concerns.

6.4 Policy Review

A key cross-function that determines what policies are pushed through in Ecology and other state agencies is policy review. As decision-makers review proposed policies it is important they approach the policy development and implementation processes through an EJ lens. Our research indicates that there is a lack of resources for decision makers to improve their policy review with a specific environmental justice lens. The EPA provides federal guidance around policy review for EJ in response to Executive Order 12898. There are frameworks that can be leveraged for the policy review process as well as models from other state agencies.

6.4.1 Literature Review: Policy Review

Literature Review: Federal Environmental Policy Review

EPA Guidance from Executive Order 12898

The Federal Environmental Protection Agency (EPA) utilizes policy review procedures and guidelines to mitigate environmental harms. Executive Order (E.O.) 12898 was enacted on February 11, 1994 and was titled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." As previously discussed, this E.O. directs each federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

The [EPA suggests](#)²⁸⁷ the reviewer consider the following questions:

- Did the agency articulate and document the reasoning that supports its policy decision?
- Did the agency consider alternatives as a test of soundness for the policy decision?
- Did the agency provide avenues for public participation in the decision-making process?

The [Executive Order](#) dictates the policy development process should include public participation, identify potentially affected areas, analyze the impact on those areas, consider alternatives, and identify measures to mitigate the negative impacts associated with moving forward with the policy.²⁸⁸ Guidance on how to implement these elements of this directive can be drawn from EPA's technical guidance on the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. Key elements of an EIS EJ analysis can inform how to consider EJ in the policy review process, including:

Identification of Minority Populations

The reviewer needs to ensure minority populations are identified appropriately in the environmental impact of the proposed action. The first step is to ensure the geographic boundaries that surround communities who might be impacted are clearly outlined in the proposed action. It is important to consider that projects with air and water quality concerns might have impacts on populations outside a facility. The reviewer should then look for how the EIS identified the minority populations, especially those most dependent on the natural resource involved.

Identification of Low-Income Populations

As with the identification of minority populations, the delineation of geographic boundaries of low-income populations is important to review. The reviewer should look for what extent the EIS analysis considers the impacts on low-income communities, especially in geographic areas that have a high concentration of low-income individuals. The guide also recommends the EIS state the limitations of the data that were used since aggregated data and a lack of current information can fail to reveal relevant characteristics about the population.

Identification of Potential Impacts

The reviewer should consider if the agency proposing action identified potential direct, indirect, and cumulative impacts on minority and/or low-income populations. The agency should have also identified any concerns around subsistence-related consumption of fish and wildlife as well as water and vegetation by minority and/or low-income communities. The EIS should incorporate data on baseline demographic, socioeconomic, and environmental conditions so that a comprehensive assessment of the potential impacts that may affect human health and natural resources is complete. The reviewer should also look for a socioeconomic analysis that evaluates the adverse impacts on communities. The public should be involved and informed throughout the impact identification process.

Public Participation

Community involvement is key in the development process of the EIS. The reviewer should specifically look for who in the impacted communities participated and when in the process they were included. The reviewer should look for how the agency obtained input from impacted

²⁸⁷ Science and Technology Policy Council. (2015, October). U.S. Environmental Protection Agency Peer Review Handbook. https://www.epa.gov/sites/production/files/2016-03/documents/epa_peer_review_handbook_4th_edition.pdf

²⁸⁸ U.S. Environmental Protection Agency. (1999, July). Final Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews. https://www.epa.gov/sites/production/files/2014-08/documents/enviro_justice_309review.pdf

communities, when that input was collected, and how that input was used to inform the policy process. The actions the agency took to keep the public informed beyond the initial phases of policy development should be evaluated.

Disproportionately High and Adverse Impacts

If disproportionately high and adverse impacts are identified in the draft EIS, the review should also evaluate how the agency analyzed and documented the distribution of environmental and health effects within the community. The reviewer should evaluate the methods used to characterize the impacts on the community. The reviewer should consider how the agency informed the public with comprehensive information surrounding the disproportionate impacts and the rationale for the proposed action that was pushed forward.

Mitigation of Disproportionately High and Adverse Impacts

The reviewer should determine whether the agency has described mitigation measures that avoid, minimize, rectify, reduce, or eliminate the proposed action's impact(s) on potentially affected minority and/or low-income populations. The reviewer should ensure any decisions implementing mitigation measures reflect a process of public involvement wherein affected community members had an opportunity to provide input in the public participation processes.

Nature of Comments on the EIS

The reviewer should provide clear comments that outline any concerns about the proposal, suggested alternatives, and/or mitigation strategies in the proposed action. The reviewer should also comment on the adequacy of the EIS as a whole.

This recommended guidance can be used by the reviewer but there is no clear rating system provided with this guidance. The lack of which allows the reviewer flexibility but also creates a potential negative consequence of the guidance not being used or subject to individual bias.

Intersectionality-Based Policy Analysis Framework

The [intersectionality-based policy analysis framework](#) provides a practical guide that is applicable to policy review functions. This framework was released in 2014 and focuses on addressing the intersection of health and equity. It is meant to provide guidance for researchers, public health professionals, and policy actors seeking to address the challenges of health inequities across diverse populations. This is applicable because a major EJ concern is disparities in health outcomes.

Addressing the intersection of health and equity requires a conceptual shift in how social categories and their relationships and interactions are understood. This framework aims to push decision makers beyond singular categories, such as income level, typically used as social determinants in equity analyses. The framework has three major goals:

1. provide an innovative structure for critical policy analysis,
2. capture the different dimensions of policy contexts including history, politics, everyday lived experiences, diverse knowledges and intersecting social locations, and
3. generate transformative insights, knowledge, policy solutions and actions that cannot be gleaned from other equity-focused policy frameworks.²⁸⁹

²⁸⁹ Hankivsky, O. et al. (2014). An Intersectionality-based policy analysis framework: critical reflections on a methodology for advancing equity. *International Journal for Equity in Health* 13, 119. <https://link.springer.com/content/pdf/10.1186/s12939-014-0119-x.pdf>

The intersectionality-based framework has two components: a set of guiding principles and 12 overarching questions to help shape the analysis. These guiding principles can be seen in **Figure 6.3** and are meant to be used in concert with the overarching questions.

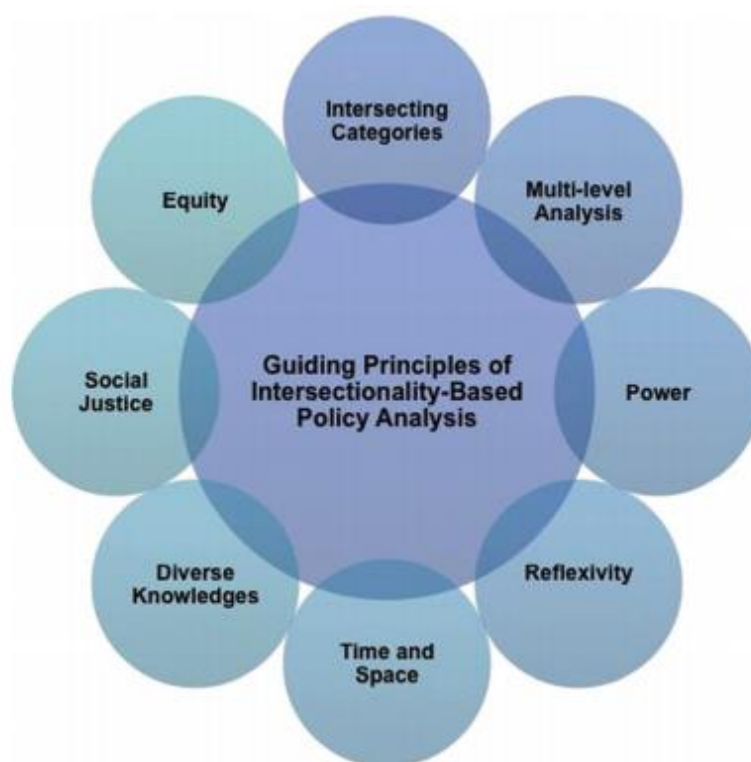


Figure 6.3. Guiding principles of Intersectionality-Based Policy Analysis.

The overarching questions are put in two buckets: descriptive and transformative. These two categories of questions are meant to expand the ways in which policy problems and processes are understood and analyzed. The descriptive questions are meant to generate critical background information around how policy problems are identified, constructed, and addressed. The transformative questions are meant to assist with identifying alternative policy responses and solutions to reduce inequities and promote social justice. The twelve questions identified in the intersectionality-based policy analysis framework are as follows:

Descriptive

1. What knowledge, values, and experiences for you bring to this area of policy analysis?
2. What is the policy 'problem' under consideration?
3. How have representations of the 'problem' come about?
4. How are groups differentially affected by this representation of the 'problem?'
5. What are the current policy responses to the 'problem?'

Transformative

6. What inequities actually exist in relation to the 'problem?'
7. Where and how can interventions be made to improve the problem?
8. What are feasible short, medium, and long-term solutions?
9. How will proposed policy responses reduce inequities?
10. How will implementation and uptake be assured?
11. How will you know if inequities have been reduced?

12. How has the process of engaging in an intersectionality-based policy analysis transformed:
- Your thinking about relations and structures of power and inequity?
 - The ways in which you and others engage in the work of policy development, implementation, and evaluation?
 - Broader conceptualizations, relations, and effects of power asymmetry in the everyday world?

Although all twelve of these questions may not apply at the policy review level, this framework can be leveraged to guide decision makers in how to review proposed policies. This framework can provide reviewers with guidance on what questions to ask. Tailoring these questions to fit the type of policies being reviewed could make this a very valuable tool. There is no documented analysis of the application of this tool or subsequent outcomes.

Literature Review: State & Local Environmental Policy Review

Since the National Environmental Policy Act (NEPA) was signed into law in 1970, sixteen states have enacted similar procedural laws. These state environmental policy acts (SEPA) generally require proposed state government actions be evaluated for their potential impact on the environment or public health. One example of a state that went beyond just a SEPA is New Jersey.

New Jersey Environmental Justice Alliance

In 2012, the New Jersey Environmental Justice Alliance proposed a model ordinance “to protect public health and the environment and to promote environmental justice” which was meant to be [a guide for municipalities](#) to adopt or amend local laws to protect environmental and public health.²⁹⁰ This model ordinance provides some guidance that can be applied to policy review processes.

A major piece highlighted in this [model ordinance](#) is identification of cumulative impact of an action. Cumulative impact “refers to the impact of the action which if evaluated in isolation may seem to be insignificant but which when combined with past, present, and reasonably foreseeable future actions contributes to a potential adverse impact on the environment and determinants of health as those determinants are recognized by the U.S. Department of Health and Human Services.”²⁹¹ The model ordinance provides guidance on how to evaluate new projects and activities for their potential effect on existing conditions using the below tools and practices:²⁹²

- A Health Impact Assessment** will be completed for any proposed action that could positively or negatively contribute to altering the determinants of health, except to the extent that such an assessment is part of the EIS or other published source. The cost of such assessment will be borne by the owners of the proposed projects, to the extent permitted by law.

²⁹⁰ Tishman Environment and Design Center. (Feb 2019). Local Policies for Environmental Justice: A National Scan. <https://www.nrdc.org/sites/default/files/local-policies-environmental-justice-national-scan-tishman-201902.pdf>

²⁹¹ New Jersey Environmental Justice Alliance. (June 2012). An Ordinance to Protect Public Health and the Environment and to Promote Environmental Justice. http://www.precaution.org/lib/muni_ord_master.pdf

²⁹² Ibid. p 15.

2. **The Checklist and Health Impact Assessment** will evaluate whether the proponent of a project can show the proposal will contribute to improving, not worsening, or worsening potential adverse cumulative impacts on public health and/or the environment.
3. **Municipal decisions will be revisited periodically**, at intervals no less frequent than whenever the Health Impact Assessment is updated, to evaluate whether prior decisions have produced the results anticipated or predicted, and if remedial actions are necessary.

The checklist described in number two includes evaluation of impacts on quality of life, integration of EJ principles, review of applicants' compliance record, current health status, a net impacts assessment, and more. This model ordinance provides strong guidance on the major pieces a policy proposal must include when it is brought to decision-makers for review. There is no publicly available information on the impacts of these practices on policy outcomes.

Gaps in Literature

- There is no explicit guidance about policy reviewers should address equity or EJ in environmental policy proposals.
- Most environmental review resources assume the Environmental Impact Statement (EIS) captures EJ concerns.
- There is a lack of critical analysis around the effectiveness of decision-makers bringing up equity concerns in the policy review phase of the policy development process (as opposed to the policy creation process). There is also no information about how EJ concerns that arise in the policy review process are addressed.

6.4.2 Findings & Analysis: Policy Review

Policy review is an important step in the policy development process because it presents an opportunity for decision-makers and/or leadership to use their positional power to require that equity and EJ concerns are considered in the creation and implementation of proposed policy. There is a lack of guidance and literature that addresses how to apply an EJ lens in the policy proposal review process. Based on a literature review and interviewee responses, the following key findings emerged.

Finding 1: There is a lack of comprehensive guidance around reviewing policy proposals with an equity and/or EJ lens.

- Interviewees noted that when they were put in a position to review policies for EJ concerns, the process was informal and lacked guidance.
- Multiple interviewees mentioned they use their own personal expertise and background to review policy with an equity or EJ lens, but not all decision-makers have this framing and/or commitment to prioritizing EJ, so it is inconsistently applied.
- Lack of guidance around policy review creates an opportunity for the individual biases of decision-makers to influence approval or disapproval of policy. Often, this means EJ concerns get left out.

Finding 2: Decision-makers lack expertise or are brought on too late in reviewing policy proposals to fully address equity and/or EJ concerns.

- Interviewees shared that many decision-makers do not always have the foundational knowledge or understanding of EJ concerns to incorporate EJ into the policy process or the policy review process.

- Typically, government entities tend to consider community engagement as the place where EJ work is done and do not consider broader integration of EJ concerns.²⁹³
- Interviewees noted that policy review and other opportunities for decision-makers to give feedback on the integration (or lack thereof) of equity concerns comes too late in the process.²⁹⁴
- Multiple interviewees discuss the importance of hiring and creating pathways for communities of color and other communities with EJ concerns.²⁹⁵ Having a diverse team with varied backgrounds, experiences, and insights can help the agency ask different questions that have historically been asked.

Finding 3: Many agencies and/or organizations use existing equity or EJ toolkits to guide their policy review processes.

- We heard from interviewees that when performing policy review, they utilize equity and/or EJ frameworks, like those discussed in Chapter 5, and work through the questions to see if equity concerns are addressed.
- An interviewee noted that their team and other organizations they know of have created their own policy review tools to help them ask questions around who benefits, who is burdened, and what impacts a given policy might have that could inadvertently hurt communities.²⁹⁶

6.4.3 Recommendations: Policy Review

The findings and analysis in section 6.4.2 led to the following recommendations for agency staff involved in the policy review process:

1	Implement an equity and/or EJ framework and toolkit in the policy proposal development process to preemptively ensure policy makers are integrating EJ considerations.
2	Create and cultivate a community of practice to build the capacity of decision-makers and policy developers around equity and/or EJ concerns.
3	Apply equity and EJ frameworks and toolkits to agency hiring, retention, and promotion practices to minimize barriers for individuals whose identities align with communities with EJ concerns to enter agency positions at all levels.

Policy review is an important stage of policy development as it presents an opportunity for decision-makers to deny or require updates to a policy proposal if it does not integrate EJ concerns. However, as discussed in the findings, there is a lack of guidance for decision-makers around reviewing proposed policies. The following recommendations provide opportunities for the agency to improve policy review processes to better integrate EJ concerns.

²⁹³ Interviewee #3

²⁹⁴ Interviewee #22, #31, #32

²⁹⁵ Interviewees #9, #10, #18, #19, #24-28, #30-32

²⁹⁶ Interviewee #7

Recommendation 1: Implement an equity and/or EJ framework and toolkit in the policy proposal development process to preemptively ensure policy makers are integrating EJ considerations.

Policy review comes late in the policy process, so collaboration with policy makers is necessary to ensure EJ concerns have been considered throughout the process. By applying an equity and/or EJ framework and toolkit to the policy development process, there is a better chance that EJ concerns are effectively addressed before they reach the final stages of policy review. See Chapter 5 to see a comparison of model equity/EJ frameworks and toolkits.

- Agency staff developing a policy proposal should explicitly identify how EJ and equity has been integrated into their policy and implementation processes. Applying one of the tools discussed in chapter 5 can help with this process.
- Create accountability mechanisms around the implementation of a framework and toolkit to ensure EJ considerations are integrated into the final policy proposal. This is especially important because by the time policy review is being conducted, it may be too late to change the policy and difficult to address the harm it may have caused.
- Document guidance for policy reviewers that pair with the selected equity/EJ tool. This guidance should contain questions that help reviewers recognize if the steps of the tool were applied. This guidance should support decision-makers in becoming comfortable asking these questions themselves.

Recommendation 2: Create and cultivate a community of practice to build the capacity of decision-makers and policy developers around equity and EJ concerns.

Building capacity around addressing equity and EJ concerns for decision-makers is just as important as building capacity of policy developers. Decision-makers have the power to elevate and prioritize the integration of EJ into policy in their divisions work while policy developers are the staff who will actively be integrating EJ concerns into their work.

- Provide agency staff and decision-makers with the foundational knowledge and understanding of EJ concerns in the regions they support and specifically around their work.
- Equip staff with the understanding of the selected equity and/or EJ framework and tool to ensure they can accurately apply it to their policy proposal development process.

Recommendation 3: Apply equity and EJ frameworks and toolkits to agency hiring, retention, and promotion practices to minimize barriers for individuals whose identities align with communities with EJ concerns to enter agency positions at all levels.

Communities of color face a variety of barriers entering the environmental field and/or having access to upward mobility within agencies. More than a third of interviewees noted the need for an analysis of their workforce and the need to address barriers to entry.²⁹⁷ By bringing in people who prioritize EJ work and creating pathways to leadership positions, there is an opportunity to better integrate EJ on every level of work within the agency.

²⁹⁷ Interviewees #9, #10, #18, #19, #24-28, #30-32

- Analyze current workplace diversity and create goals around diversity and representation for the agency as a whole. Application of an equity toolkit, such as those discussed in section 5.1.1 of this report, can help guide this analysis.
- Identify which groups have been disproportionately impacted by environmental injustices in the state of Washington and create goals that help get individuals from those communities into agency positions. Based on past analyses, these groups likely include black communities, communities of color, and indigenous communities.²⁹⁸
- Evaluate hiring practices and consider how to reduce barriers for people who come from communities historically most impacted by environmental injustices.
- Explore opportunities for creating early career pathways, such as paid internships or fellowships, for individuals whose identities align with those who have historically been impacted by environmental injustices.

6.5 Rulemaking

Creating and reviewing regulatory actions, or “rulemaking,” is a core function of environmental regulatory agencies. These rules explain, extend, and implement the laws they are linked to. In Washington, this function is governed by RCW 34.05 (the Administrative Procedure Act), which aims to “clarify the existing law of administrative procedure, to achieve greater consistency with other states and the federal government in administrative procedure, and to provide greater public and legislative access to administrative decision making.”²⁹⁹

Most rulemaking processes require a notice to the public and an opportunity for public comments. Given those baseline requirements, rulemaking is a valuable opportunity to identify and address EJ concerns. The U.S. EPA has produced robust recommendations based on their experience in this space and Washington and Oregon provide examples of how to bring those recommendations to life at the state-level.

6.5.1 Literature Review: Rulemaking

Literature Review: Federal Environmental Rulemaking

In 2015 and 2016 respectively, the U.S. EPA published robust process and technical guides for identifying EJ concerns within the regulatory action development and review processes.^{300,301} Prior to that, the U.S. EPA had released an Interim Guidance on Considering Environmental Justice During the Development of an Action 2010, which provided introductory guidance primarily focused on reducing pollution in overburdened communities.³⁰²

²⁹⁸ University of Washington Climate Impacts Group, UW Department of Environmental and Occupational Health Sciences, Front and Centered and Urban@UW. (2018). An Unfair Share: Exploring the disproportionate risks from climate change facing Washington state communities. <https://frontandcentered.org/unfair-share/>

²⁹⁹ Administrative Procedures Act: Wash. Rev Code 34 § 5 <https://app.leg.wa.gov/rcw/default.aspx?cite=34.05>

³⁰⁰ U.S. Environmental Protection Agency. (2016, June). Technical Guidance for Assessing Environmental Justice in Regulatory Analysis. https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf

³⁰¹ U.S. Environmental Protection Agency. (2015, May). Guidance on Considering Environmental Justice During the Development of Regulatory Actions <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>

³⁰² U.S. Environmental Protection Agency. (2010, July). Interim Guidance on Considering Environmental Justice During the Development of an Action <https://www.epa.gov/sites/production/files/2015-03/documents/considering-ej-in-rulemaking-guide-07-2010.pdf>

The initial 2010 guide and more robust 2015 and 2016 guides offer samples of how to integrate EJ considerations into the rule development process at the federal level, which can be adapted to support Ecology's needs. U.S. EPA recommends rule writers and reviewers use a variety of methods to address three key questions in their work:

1. How did the public participation process provide transparency and meaningful participation for minority populations, low-income populations, tribes, and indigenous peoples?
2. How did the rule-writers identify and address existing and/or new disproportionate environmental and public health impacts on minority populations, low-income populations, and/or indigenous peoples?
3. How did actions taken under #1 and #2 impact the outcome or final decision?

Specifically, the U.S. EPA recommends rulemakers take the following actions.³⁰³

- **Name, critique, and revisit assumptions about each regulatory action.** It is commonly assumed that if a rule is projected to reduce overall environmental burden, it will surely also benefit EJ communities. However, "this assumption may not fully consider the distributional effects associated" with a rule.
- **Use screening approach to evaluate the feasibility of using different methods to assess potential EJ concerns.** Screening methods vary and include mapping tools such as EJSCREEN.
 - Consider a combination of quantitative and qualitative analysis methods, calling out the limitations of each chosen method.
 - Disaggregate data geographically and by population group.
 - Collaborate with other federal agencies to increase access to data sources and capacity or analyses.
 - The following information should be collected:
 - Proximity of regulated sources to minority populations, low-income populations, and/or indigenous peoples,
 - number of sources that may be impacting these populations,
 - nature and amounts of different pollutants that may be impacting these populations,
 - any unique exposure pathways associated with the pollutant(s) being regulated,
 - stakeholder concerns about the potential regulatory action, and
 - history of EJ concerns associated with the pollutants being regulated.
- **Go beyond the minimum public participation requirements of standard notice and comment procedures.** The onus should be on the agency to provide targeted and inclusive outreach efforts.
- **Consider EJ in both the development and implementation of the action.** Consider how to craft the rule to influence its implementation in a manner that supports EJ, using prompts such as:
 - What approaches should be included in the regulatory action to make sure it is effective with high compliance by the regulated community?

³⁰³ U.S. Environmental Protection Agency. (2016, June). Technical Guidance for Assessing Environmental Justice in Regulatory Analysis. https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf

- Does the regulatory action support compliance and enforcement?
- Does the regulatory action promote transparency and meaningful involvement?
- Does the regulatory action encourage or require state, local, and tribal governments to consider?
- EJ as they implement federal programs?
- Does the regulatory action provide sufficient background information for drafting subsequent individual permits?

U.S. EPA mapped out their rulemaking process and flagged where and how to integrate EJ work into the process for their Tier I and Tier II regulatory actions, as seen in **Figure 6.4**. Tiering reflects the level of formality required for specific regulatory actions. Tier I and Tier 2 are the most formal, and include risk assessments, guidance documents, policy statements, etc. The efforts to integrate EJ into the rulemaking process also resulted in a checklist for incorporating EJ into rulemaking, which is included as [Appendix E](#) of this report. It is important to note that both the map and the checklist are tailored to the U.S. EPA's regulatory processes, structure, and other context, so should be adapted before use in any other agency.

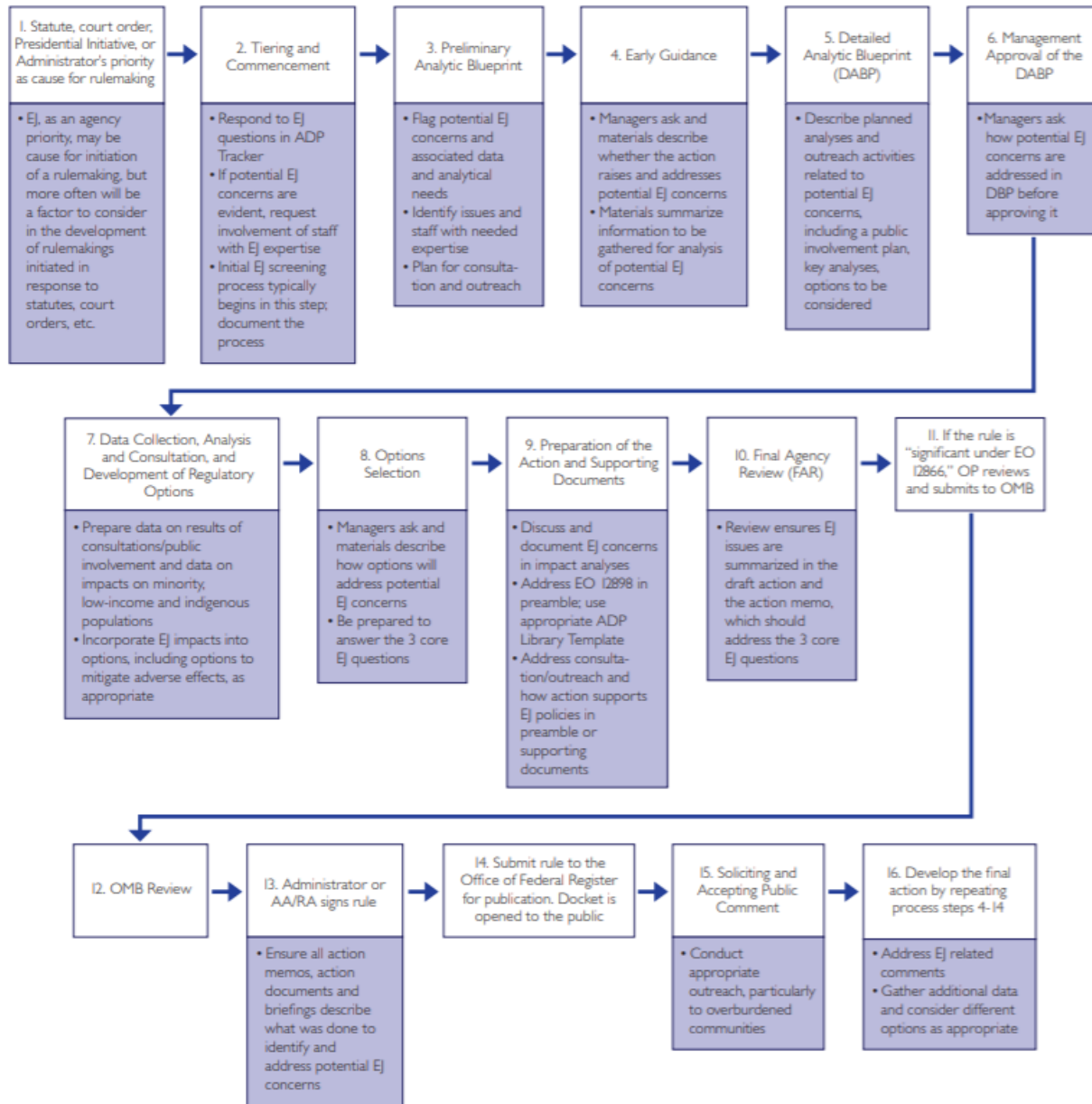


Figure 6.4. Incorporating EJ work into U.S. EPA's Regulatory Action Development Plan (ADP) for Tier I and Tier II actions³⁰⁴

Literature Review: State Rulemaking

Washington's *Model Toxics Control Act* and Oregon's *Cleaner Air Oregon* offer promising practices to build on to further EJ efforts within rulemaking.

³⁰⁴ U.S. Environmental Protection Agency. 2015, May. Guidance on Considering Environmental Justice During the Development of Regulatory Actions <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>

WA Department of Ecology: Exploratory Rulemaking and Stakeholder Engagement

Ecology’s exploratory rulemaking process provides an opportunity to strengthen EJ work. Unpacking the rulemaking process so that communities with EJ concerns have expanded opportunities to provide input supports the EJ principle of meaningful engagement. Washington’s Model Toxics Control Act (MTCA) is one example of how exploratory rulemaking, and related stakeholder engagement efforts, can be used to engage with communities in ways beyond the baseline public participation requirements. MTCA is funded by the Hazardous Substance Tax and “...directs the investigation, cleanup, and prevention of sites that are contaminated by hazardous substances. It works to protect people’s health and the environment, and to preserve natural resources for the future.”³⁰⁵ The associated rules—MTCA Cleanup Regulations or “the Cleanup Rule”—set the standards and procedures for implementing MTCA. In January of 2018, Ecology began a rule update through “exploratory rulemaking.”³⁰⁶

In contrast to the more common process of updating the entire rule at once, the exploratory rulemaking process phases partial updates over several years. For the Cleanup Rule, this resulted in three rounds of rulemaking:

- Round 1 (2018-2020) updates content focused on administrative and procedural requirements for site cleanups but intentionally defers updates to clean up standards for later review.
- Round 2 (expected to begin in 2021) will update technical cleanup standards.
- Round 3 (expected to begin in 2023) will revisit any topics deferred and address any issues that emerged during the earlier rounds.

The Stakeholder and Tribal Advisory Group (STAG) is a key participant in these rule updates. The STAG has 20-25 members “who have practical experience with contaminated site cleanups in Washington state” including representatives of tribal interests.³⁰⁷ STAG meetings offer opportunities for input from members and the general public. STAG provides advice and feedback to Ecology staff at their ~12 meetings between September 2019 and December 2022. STAG recommendations will be used “to make the rule easier to understand; process changes to make cleanups more efficient, and (during the 2nd rulemaking) input on changes to the cleanup standards themselves.”³⁰⁸ As round 2 of MTCA rulemaking comes to an end in 2021, it will be important to publicly demonstrate how and where the recommendations of STAG members were factored into updates to the relevant technical cleanup standards.

Though currently on hold due to the COVID-19 crisis, Ecology is planning to apply the exploratory rulemaking process in its updates to the *Controls for New Sources of Toxic Air Pollutants*, which applies to businesses that emit toxic air pollutants.³⁰⁹ These controls aim to provide criteria and conditions for permitting, update the permitting framework, and establish emission thresholds for about 400 toxic air pollutants.³¹⁰

³⁰⁵ Washington State Department of Ecology. (n.d.). Model Toxics Control Act. <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

³⁰⁶ Washington State Department of Ecology. (n.d.) Cleanup Rule exploratory rulemaking. <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking>

³⁰⁷ Washington State Department of Ecology MTCA Cleanup Rule Stakeholder & Tribal Advisory Group. (2020). Updating the MTCA Cleanup Rule: Stakeholder & Tribal Advisory Group (STAG). https://www.ezview.wa.gov/site/alias_1988/37514/overview.aspx

³⁰⁸ Ibid.

³⁰⁹ Washington State Department of Ecology Exploratory rulemaking for Chapter 173-460 WAC. (n.d.). <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-460-Exploratory-rulemaking>

³¹⁰ Ibid.

Oregon DEQ: Increasing Community Engagement in Rulemaking and Beyond

State of Oregon's Department of Environmental Quality's (DEQ) EJ work is grounded in their 1997 Environmental Justice Policy, which defined EJ principles. DEQ aims to enhance public participation, language access, training for DEQ employees on EJ, diverse hiring/employees at DEQ.³¹¹ Senate Bill 420, passed by the 2007 Oregon Legislature, requires state agencies (including DEQ) to prescribe steps to provide greater public participation and involvement from communities with EJ concerns.³¹² This bill also created the state's EJ Task Force which advises the Governor and natural resource agencies on EJ issues, including community concerns and public participation processes. DEQ aims to go beyond the baseline public notice and comment requirements by:

- Holding hearings at times and in locations convenient for people in the communities affected by decisions stemming from the hearings.
- Holding public outreach activities in the communities who will be affected by decisions of the agency.
- Creating a citizen advocate position responsible for encouraging public participation, ensuring the agency considers environmental justice issues, and informing the agency of the effect of its decisions on communities traditionally under-represented in public processes.

In 2016, the DEQ launched a program called *Cleaner Air Oregon* in response to community concerns about exposure to potentially harmful metal, chemical and pollutants from factories and industrial sources. The program uses rules to close the gaps in Oregon's permitting program, which previously "... allowed industrial facilities to release potentially harmful amounts of air toxics, but still operate within legal requirements."³¹³ As cited on DEQ's permitting page, "Cleaner Air Oregon requires facilities to report toxic air contaminant emissions, assess potential health risks, and reduce risk if the level of risk posed by the toxic air contaminant exceeds health risk action levels."³¹⁴

DEQ, in partnership with Oregon's Health Authority (OHA) also convened an advisory committee and a technical workgroup which each provided initial input to drafted rules before sharing the updated drafts for broader public comment.³¹⁵

The rules were adopted in November 2018 and, since then, the DEQ has hired a community coordinator to work with communities and "develop and implement a full set of procedures and guidelines for community involvement based on environmental justice and community engagement best practices."³¹⁶ It will be important for DEQ to publicly share progress on these community engagement efforts, including data on how community input has factored into subsequent CAO work.

³¹¹ State of Oregon. (n.d.). Environmental Justice. <https://www.oregon.gov/deq/about-us/Pages/Environmental-Justice.aspx>

³¹² S.B. 40, 2007 Biennium, 2007 Reg. Sess. (Oreg. 2017)
<https://olis.oregonlegislature.gov/liz/2007R1/Downloads/MeasureDocument/SB420/Enrolled>

³¹³ State of Oregon. (n.d.). Cleaner Air Oregon. <https://www.oregon.gov/deq/aq/cao/Pages/CAO-Fact-sheets.aspx>

³¹⁴ State of Oregon. (n.d.). Air Quality Permits <https://www.oregon.gov/deq/aq/aqPermits/Pages/CAO-reg.aspx>

³¹⁵ State of Oregon. (n.d.). Cleaner Air Oregon Regulatory Overhaul.
<https://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rcleanerair2017.aspx>

³¹⁶ State of Oregon. (2018 December). DEQ Air Permits and Cleaner Air Oregon Implementation.
<https://www.oregon.gov/deq/FilterDocs/CAOpermitsfs.pdf>

Gaps in Literature

- **Lack of guidance on active practices environmental agencies can take to go beyond baseline participation requirements.** There are not many examples of participatory rulemaking, especially with intentional community participation earlier in the process (i.e., prior to drafting a rule).
- Beyond inviting tribal leaders to advisory committees, there seems to be little information published on efforts taken to fill those committee seats. It is unclear if tribal leaders join these committees, and there is little information published on incentives or barriers to joining specific committees. Available documentation from state environmental agencies also do not provide detail on how rulemaking teams engage with tribal leaders who are from tribes not recognized by the federal government.

6.5.2 Findings & Analysis: Rulemaking

This section identifies and analyzes findings across our grantmaking literature review and interview content.

Finding 1: Rulemaking is a highly prescriptive process: this can serve as both a challenge and an opportunity for furthering EJ work.

- Rulemaking is intended to be an extension of a law. This limits the opportunities to further EJ work (e.g., if the law itself is inequitable, there is only so much the associated rules and rulemaking processes can do). This also means rulemaking opportunities are shaped—and, in some cases, limited—by the policy agenda of policymakers and other elected officials. Since the rulemaking process is downstream of other processes (e.g., new legislation, community outreach to elected officials), prioritization and the timeline of rulemaking topics and projects are often not within the rulemaking team's control.³¹⁷
- Rulemaking usually follows a very prescriptive process. If clear but flexible EJ guidance is inserted into this process, the guidance is more likely to be followed. In other words, the rulemaking process must be followed, so infusing the process with EJ guidance has increased the likelihood that rulemaking staff will incorporate EJ into the rulemaking process.³¹⁸
- Given the prescriptive nature of the rulemaking process, integrating an EJ-focus does not necessarily require creation of new processes. Instead, EJ-focused elements could be added to existing rulemaking processes (e.g., embedding the EJ checklist into rulemaking at Ecology).³¹⁹
- Specificity about how agency staff are incorporating EJ into the rulemaking process is good for accountability, but it also increases real and perceived liability. Initially limiting requirements for supporting data and documentation may encourage rule writers to try additional approaches for integrating EJ within the context of each rule.³²⁰

³¹⁷ Interviewee #4 and 5

³¹⁸ Interviewee #8

³¹⁹ Ibid.

³²⁰ Interviewee #5

Finding 2: Rulemaking provides public participation minimums, but more is needed for meaningful community engagement.

- Time and resource constraints often result in community engagement efforts that require community members to come to government spaces, rather than government meeting community members where they are. This puts the burden on community members to adjust schedules and get to agency spaces in order to engage with the rulemaking process and runs counter to goals of supporting community needs.³²¹
- If EJ is not considered in upfront assessments, such as risk assessments, rule writers and staff who own downstream processes will need to invest time in capturing the information needed to understand risks and opportunities for EJ within the context of each rule. Depending on capacity and deadlines for development of rules, sometimes starting this process at the beginning of rulemaking means it is already too late to obtain the data needed.³²²
- Public engagement efforts in rulemaking often focus on language access and translation services. Several interviewees noted language access is an important part of EJ work but efforts for community access and efforts should go beyond that.³²³

6.5.3 Recommendations: Rulemaking

The findings and analysis in section 6.5.2 led to the following recommendations for agency staff involved in the rulemaking process:

1	Integrate prompts and process checkpoints for EJ work early in the rulemaking process.
2	Invest in coordinated data planning efforts with teams that own processes upstream from rulemaking.
3	Innovate public participation efforts that center communities' needs and preferences.

Recommendation 1: Integrate prompts and process checkpoints for EJ work early in the rulemaking process.

As noted in the findings, the prescriptive nature of the rulemaking process can be leveraged as an opportunity for furthering EJ work.

- Proactively map out Ecology's rulemaking process steps, including the steps prior to the official start to rulemaking. Build in prompts, touch points with communities, and accountability mechanisms starting at the beginning of the rulemaking process. Ecology's exploratory rulemaking processes are a great opportunity for this mapping work.
- Define what it means to consider, integrate, and account for EJ within the context of rulemaking at Ecology. This will provide clear expectations for how EJ work fits into the broader rulemaking process.
- Start with low barrier, incremental documentation requirements to limit liability concerns. For example, start with prompts at key rulemaking steps that require responses, but do not require significant additional documentation. As staff get used to articulating EJ

³²¹ Ibid.

³²² Interviewee #25

³²³ Interviewees #5 and 25

implications throughout the rulemaking process, these initial requirements can be adjusted to require additional support.

Recommendation 2: Invest in coordinated data planning efforts with teams that own processes upstream from rulemaking.

Strategies for coordinated and transparent use of data support the need for meaningful community engagement, as noted in our findings. This coordination also supports collaborative efforts across teams and functions to further EJ in all parts of Ecology's work.

- Rulemaking teams should collaborate on EJ work with teams that own data analysis and risk assessment functions, so that EJ is integrated prior to beginning the rulemaking process. This should not be misinterpreted as handing off EJ work to other teams, but instead leaning into opportunities to collaborate on EJ with agency partners based on each partner's authority and role. For example, MCTA engages rulemaking, grants, and permitting functions.
- Risk assessments and analytical tools are also often used in processes prior to rulemaking. Embedding EJ indicators into screening-level analyses led by teams across the department and other state agencies can equip rulemaking teams with EJ-focused evidence from day one of developing a rule.
- Document rule writers' response to screening-level data. This can add transparency to how rule writers interpreted the data, what determinations were made about associated EJ concerns, and how the data were to inform subsequent rulemaking.

Recommendation 3: Create additional public participation efforts that center communities' needs and preferences.

Though community engagement recommendations may apply to many agency functions, rulemaking's public participation requirements make it a prime candidate to innovate community engagement practices that center the experience of communities with EJ concerns.

- Collaborate across Ecology teams and other Washington agencies to create opportunities for regular public participation beyond the baseline requirement of public notices, hearings, and—depending on the rule—advisory group invites. For example, invest in building a network of community and agency partnerships in addition to fulfilling specific public participation requirements inherent in current rulemaking processes.
- Meet the community where they are and make participation worth the burden. When planning community engagement for rule development and review, invest time to understand the times, days, and locations that are most accessible to the key community stakeholders for that specific rule.
- Establish accountability mechanisms to maintain the relationships within this network across Ecology's programs and functions. This should include coordinating requests across programs for community input and resources. Rulemaking intersects with many other agency functions highlighted in this report, and the same community partners may be asked for input on work across these functions. Coordination and communication across Ecology teams can help ensure community participation is thoughtful, coordinated, and intentional.

Chapter 7: Conclusion

This chapter summarizes the key findings, recommendations, and areas for future research. As a reminder, this work is focused on the following overarching research questions:

- **How can Ecology, and other state agencies, leverage equity and EJ frameworks and tools to integrate equity and EJ into their practices?**
 - How are other organizations using frameworks and tools to guide their work? How do they measure their use and impact?
- **What indicators and metrics can state agencies use to measure progress and define success on EJ and health equity?**
 - How are state agencies creating measurable and actionable goals to reduce environmental health disparities using EJ mapping tools? What additional metrics should be considered outside of those represented in existing mapping tools? At what level should metrics be measured (e.g., program-level or activity-level)?
- **How can Ecology, and other state agencies, integrate EJ practices into these five agency functions: grantmaking, inspections and compliance, permitting, policy review, and rulemaking?**
 - What do effective EJ policies look like for environmental agencies and the people they serve? Where and why do EJ efforts fail or fall short?

7.1 Summary of Key Recommendations

Our recommendations can be bundled into three categories (**Figure 7.1**):

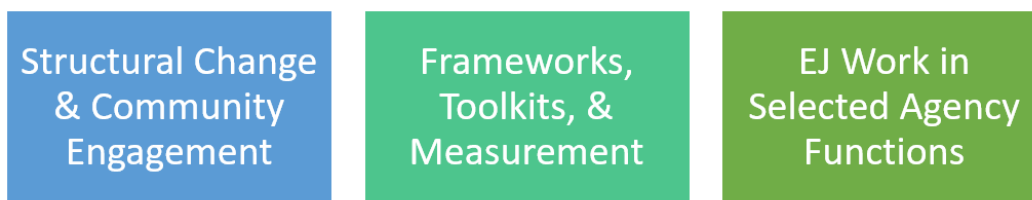


Figure 7.1 Categories of report recommendations

7.1.1 Summary: Structural Change & Community Engagement

Overall, our research has indicated that a meaningful integration of EJ and equity in the policy process and throughout agency functions will require cultural and structural changes. It requires consistent and intentional dedication to challenge preconceived notions of how agency work is and “should” be done. Our recommendations, detailed in section 4.3, can be summarized as:

1	Form a community of practice within Ecology, in partnership with other organizations and communities with EJ concerns.
2	Evaluate current organizational culture and structure at the agency and departmental levels.
3	Define what the desired organizational culture and structure is.
4	Build mechanisms for more regular communication, resource sharing, and coordination between state and local agencies, as well as internally.
5	Be thoughtful and intentional about how you refer to the communities you serve.
6	Invest in fostering stronger connections with communities.
7	Commit to a community-led and community-partnership model of policy making.

7.1.2 Summary: Frameworks, Toolkits, & Measurement

Frameworks, toolkits, and intentional practices around measurement are all critical for furthering EJ work at Ecology. Since a framework functions as an overarching strategy, it should build on foundational structural change, leadership investment, and community partnerships work. The toolkit should help put that framework into practice, given the specific project, team, or department in mind. Our recommendations, detailed in section 5.3, can be summarized as:

1	Select and invest in an equity and/or EJ framework to help provide guidance, structure, and direction as you pursue structural change.
2	Use equity and/or EJ toolkits, but tailor them to your specific agency functions, evaluate and modify them frequently, and measure how they affect policy outcomes.
3	Invest in relationship-building with the communities you serve and employ community participation as a principle of all policy and agency work.
4	Center equity in data collection, categorization, and analysis.
5	Utilize the Environmental Health Disparities Map as a screening tool but not as the entirety of the work to integrate EJ concerns.

7.1.3 Summary: EJ Work in Selected Agency Functions

Our agency function-specific recommendations echo and add depth to the overarching departmental recommendations already discussed. These agency function recommendations are detailed in Chapter 6, and can be summarized as the themes below:

Recommendation Theme 1: Decrease barriers to public participation wherever possible.

- **In grantmaking**, this means identifying and addressing barriers throughout the grant notification, application, ranking, selection, distribution, and reporting processes.
- **In permitting**, we recommend improving the accessibility and timeliness of responding to community concerns about issued permits and their impacts. Relatedly, agencies should publicly report when, how, and why permits are revoked due to EJ violations.
- **In rulemaking**, we recommend prioritizing the times, days, locations, and communication mechanisms that are most accessible to communities with EJ concerns. This requires investing time to understand the accessibility needs of these communities within the context of each rule.

Recommendation Theme 2: Engage with community early, often, and thoughtfully.

- **In permitting and rulemaking**, we recommend engagement with communities with EJ considerations much earlier and more often than what is required by each function's public participation guidance. Further, it is important to follow up with communities on what the agency understood to be their input and how it was factored into each function's process.
- **Across agency functions**, we also recommend collaboration across programs to create coordinated opportunities for regular public participation beyond the baseline requirement of public hearings. Investing a network of community and agency partnerships prior to the specific public participation requirements builds community partnerships that go beyond any one project or function.

Recommendation Theme 3: Embed and prioritize EJ in agency processes.

- **In grantmaking**, we recommend prioritizing EJ in the ranking and selection processes and publicize preference for EJ-related projects in the Request for Application (RFA).
- **In permitting**, we recommend providing more clarity and structure around how to integrate EJ in the permitting process, paired with accountability and reporting.
- **In policy review**, we recommend implementing an equity/EJ framework and toolkit in the policy proposal development process that could preemptively ensure policy developers are integrating EJ considerations.
- **In rulemaking**, we recommend integrating prompts and process checkpoints for EJ work early in the rulemaking process.

Recommendation Theme 4: Establish accountability and transparency mechanisms to make sure EJ initiatives play out in practice.

- **In permitting**, we recommended evaluating internal agency/employee adherence to EJ components of the permitting process.
- **In inspections and compliance**, we recommended investing in transparency to communities on how community engagement is being incorporated into inspections and compliance processes.
- **In policy review**, we recommend leadership and/or decision-makers embed accountability mechanisms for staff around integrating EJ throughout the policy development process.

Recommendation Theme 5: Build capacity and collaboration around EJ work among agency staff.

- **In policy review**, we recommend creating and cultivating a community of practice to build the capacity of decision-makers and policy developers around equity/EJ concerns.
- **In rulemaking**, we recommend investing in collaborative efforts between the rulemaking team and teams who own related processes (i.e., staff who lead risk assessments and other data analyses) to support coordinated and thoughtful use of screening-level analyses and other tools.

7.2 Opportunities for Future Research

There is still much work to do in understanding all the facets and intersections of EJ and other aspects of our communities and public policy. We recommend future research include additional study of:

- **EJ policy implementation.** Since context matters, it is valuable to study more examples of how to implement EJ principles into different kinds of agencies, functions, and processes.
- **Equity and EJ framework and toolkit usage, adaptation, and impact on policy outcomes.** There remains little empirical evidence about how specific equity and EJ frameworks and toolkits impact policy outcomes, specifically if they help ensure more equitable policy outcomes. Robust evaluation of how equity and EJ frameworks and toolkits are used and how they impact policy outcomes will help fill this gap and help existing frameworks and tools evolve to support “what works.”
- **Innovative and meaningful methods and examples of inclusive community engagement.** EJ work provides an opportunity to go beyond current iterations of public participation (e.g., public notices and public meetings) and integrate community partnership at every phase of policy process.

7.3 Final Remarks

The effects of the pandemic required us to adjust our methodology, contend with reduced stakeholder capacity, and reconsider what kind of recommendations are and are not actionable for Ecology in the near future.

However, the COVID-19 crisis also continuously reminds us of the importance of EJ and broader equity work due to environmental health disparities. The COVID-19 crisis has exacerbated inequities in our communities, and a focus on integrating EJ into government functions will allow us to respond and foster resiliency in our communities as we move forward. Agencies will need to ‘rebuild’, and the content of this report provides opportunities to do so collectively and collaboratively while demonstrating an unwavering commitment to EJ and equity more broadly.

We hope this collection of promising trends and tools, ideas for overcoming common barriers, and equitable practices for defining, measuring, mobilizing, and sustaining meaningful EJ work offers Washington State Department of Ecology and other agencies opportunities to further environmental justice (EJ) efforts in service of those who live, work, and play in Washington.

References

- Administrative Procedures Act: Wash. Rev Code 34 § 5
<https://app.leg.wa.gov/rcw/default.aspx?cite=34.05>
- Aldridge, J. (2015). *Participatory Research: Working with Vulnerable Groups in Research and Practice*. Bristol, UK: Bristol University Press.
- Anibarro, B. (n.d.). *Source of Income Discrimination*.
[https://www.seattle.gov/Documents/Departments/RSJI/Racial%20Equity%20Toolkit_SOID\(0\).pdf](https://www.seattle.gov/Documents/Departments/RSJI/Racial%20Equity%20Toolkit_SOID(0).pdf)
- Bernabei, Erika. (2017, July). *Racial Equity: Getting to Results*. https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf
- Brown, K. (2020). *Seattle awards \$250,000 for environmental justice projects*.
<https://greenspace.seattle.gov/2020/01/seattle-awards-250000-for-environmental-justice-projects/#sthash.pETnE3GO.qp0jDgXe.dpbs>
- Bullard, R. D. (1993). *Environmental racism and invisible communities*. *W. Va. L. Rev.*, 96, 1037.
- California Department of Toxic Substances Control. (2018). *Hazardous Waste Facility Permitting Criteria Regulations: Effective January 1, 2-19*. <https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/04/SB-673-Regulations-Overview-Fact-Sheet-12-13-2018.pdf>
- California Department of Toxic Substances Controls. (2020). *Violations Scoring Procedure*.
<https://dtsc.ca.gov/violations-scoring-procedure/>
- California Environmental Protection Agency. (2013). *CalEPA Policy Memorandum: CalEPA Environmental Justice Compliance and Enforcement Working Group*.
<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/EnvJustice-IWG-2013yr-PolicyMemo.pdf>
- California Environmental Protection Agency. (2016). *Oakland Initiative Report*.
https://calepa.ca.gov/wp-content/uploads/sites/6/2018/03/OAKEJ_initiative_FINALweb.pdf
- California Environmental Protection Agency Department of Toxic Substances Control. (2018). *Draft Sb 673 Cumulative Impacts and Community Vulnerability Draft Regulatory Framework Concepts*.
<https://dtsc.ca.gov/wp-content/uploads/sites/31/2015/09/DRAFT-CI-Regulatory-Frameworks-Concepts-10-15-2018-accessible.pdf>
- California State Senate Bill 115, chapter 690. (1999). *An act to add Section 65040.12 to the Government Code, and to add Part 3 (commencing with Section 72000) to Division 34 of the Public Resources Code, relating to environmental quality*.
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000SB115
- Center for the Study of Social Policy. (2016). *Building a Culture of Results: A Guide to Emerging Practices in Promise Neighborhoods*. <https://promiseneighborhoods.ed.gov/resources/building-culture-results-guide-emerging-practices-promise-neighborhoods-0>
- City of San Diego Sustainability Department. (2019). *2019 City of San Diego Climate Equity Index Report*.
https://www.sandiego.gov/sites/default/files/2019_climate_equity_index_report.pdf
- City of Seattle. (n.d.) *Race and Social Justice Initiative (RSJI)*. <https://www.seattle.gov/rsji>
- City of Seattle. (n.d.). *Environmental Justice Fund*. <http://www.seattle.gov/environment/equity-and-environment/equity-and-environment-initiative/environmental-justice-fund>

- City of Seattle. (2012). Race Equity in Seattle: Race and Social Justice Initiative Three-Year Plan. <https://www.seattle.gov/Documents/Departments/RSJI/RacialEquityinSeattleReport2012-14.pdf>
- City of Seattle. (2016). Equity & Environment Agenda. <https://www.seattle.gov/environment/equity-and-environment/equity-and-environment-initiative>
- City of Seattle. (n.d.). Environmental Justice Fund. <http://www.seattle.gov/environment/equity-and-environment/equity-and-environment-initiative/environmental-justice-fund>
- City of Seattle. (2019). The Environmental Justice Fund 2019. [http://www.seattle.gov/Documents/Departments/OSE/Equity/EJ_Fund_Criteria\(0\).pdf](http://www.seattle.gov/Documents/Departments/OSE/Equity/EJ_Fund_Criteria(0).pdf)
- City of Tacoma. (2016). Office of Equity and Human Rights Annual Report. https://cms.cityoftacoma.org/OEHR/AnnualReport/COT_OEHR_AnnualReport2016.pdf
- City of Tacoma. (n.d.). Tacoma's New Equity Index. <https://www.cityoftacoma.org/cms/One.aspx?portalId=169&pageId=175030>
- Cleanup Rule exploratory rulemaking. (n.d.). <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking>
- Climate Justice Alliance. (2018). Just Transition Principles. <https://climatejusticealliance.org/just-transition/>
- Clinton, William. (1994). Memorandum for the heads of all departments and agencies: Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf
- Cohn, D. V., & Brown, A. (2019, October 18). Most U.S. adults intend to participate in 2020 census, but some demographic groups aren't sure. <https://www.pewresearch.org/fact-tank/2019/10/18/most-u-s-adults-intend-to-participate-in-2020-census/>
- Connecticut Department of Energy and Environmental Protection. (n.d). Distressed Municipalities. https://portal.ct.gov/DECD/Content/About_DECD/Research-and-Publications/02_Review_Publications/Distressed-Municipalities
- Connecticut Department of Energy and Environmental Protection Environmental Equity Policy. (1993, December 17). <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Equity-Policy>
- Connecticut Department of Energy and Environmental Protection. (2009, January 1). Environmental Justice Public Participation. <https://portal.ct.gov/DEEP/Environmental-Justice/Environmental-Justice>
- Connecticut Department of Energy and Environmental Protection. (2012, February 8). Environmental Justice Public Participation Fact Sheet. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJfspdf.pdf?la=en
- Connecticut Department of Energy & Environmental Protection. (2012). The Environmental Justice Public Participation Guidelines. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJGuidpdf.pdf?la=en
- Connecticut Department of Energy & Environmental Protection. (2012). Environmental Justice Public Participation Plan. https://portal.ct.gov/-/media/DEEP/environmental_justice/EJPlanpdf.pdf?la=en
- CUNY Institute for State & Local Governance. (2018). Equality Indicators. <https://nyc.equalityindicators.org>

- Curran, R., Nelson, J., March, D., Noor, S., & Liu, N. (2016, November). Racial Equity Action Plans: A How-to Manual. <https://www.racialequityalliance.org/resources/racial-equity-action-plans-manual/>
- EHSB 1109, 2019 Biennium, 2019 Reg. Sess. Wash. (2019). <http://lawfilesexxt.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1109-S.SL.pdf>
- EHSB 1783, 2019 Biennium, 2020 Reg. Sess. Wash. (2020). <http://lawfilesexxt.leg.wa.gov/biennium/2019-20/Pdf/Bills/House%20Passed%20Legislature/1783-S2.PL.pdf?q=20200319212812>
- EJAtlas. (2020). EJAtlas - Global Atlas of Environmental Justice. <https://ejatlas.org/>
- Energy Justice Network. (1991). Principles of Environmental Justice. <http://www.ejnet.org/ej/principles.pdf>
- Environmental Protection Agency. (2019, October). EJSCREEN: Environmental Justice Screening and Mapping Tool. <https://www.epa.gov/ejscreen/what-ejscreen>
- Erin, A. & Dunn, D. (2015). Person-first and identity-first language: Developing psychologists' cultural competence using disability language. *American Psychologist*, 70(3), 255-264.
- Ewall, M. (2012). Legal Tools for Environmental Equity vs. Environmental Justice. *Sustainable Development Law & Policy*, 13(1), 4
<https://pdfs.semanticscholar.org/0df0/da876bb3345385e9bc6ac375e4dd9124d953.pdf>
- Exec. Order. No. 2019-01: Advancing a Green New Deal for Seattle. (2019). https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/01/Final-Executive-Order-2020-01-Advancing-a-Green-New-Deal-for-Seattle_.pdf
- Exploratory rulemaking for Chapter 173-460 WAC. (n.d.). <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-460-Exploratory-rulemaking>
- Frickel, S. & Elliott, J. (2018). Sites Unseen: Uncovering Hidden Hazards in America's Cities. New York: Russell Sage Foundation.
- Galaviz, V and Gruen, D. (Jan 2019). Policy Applications of the Washington Environmental Health Disparities Map. <https://frontandcentered.org/ej-map-policy/>
- Gonzalez, Rosa. (2017). Community-Driven Climate Resilience Planning: A Framework. National Association of Climate Resilience Planners. 13 https://movementstrategy.org/b/wp-content/uploads/2017/10/10.24.17_WEB_CD-CRP1.pdf
- Got Green and Puget Sound Sage. (2016, March). Our People, Our Power, Our Planet. <https://gotgreenseattle.org/publications/>
- Governor's Interagency Council on Health Disparities. (n.d) Office of Equity Task Force. <https://healthequity.wa.gov/TheCouncilsWork/OfficeofEquityTaskForceInformation>
- Government Alliance on Race and Equity. (n.d.). Our Approach. <https://www.racialequityalliance.org/about/our-approach/>
- Government Alliance on Race and Equity. (2019, November 14). <https://www.racialequityalliance.org/>
- Guana, E. (1998). The environmental justice misfit: Public participation and the paradigm paradox. *Stanford Environmental Law Journal*, 17, 3-72.
- Guana, E. (2015). "Federal Environmental Justice in Permitting." In Konisky, D (ed.) *Failed promises: Evaluating the Federal Government's Response to Environmental Justice*. Cambridge, MA: The

- MIT Press.
- Hankivsky, O. et al. (2014). An Intersectionality-based policy analysis framework: critical reflections on a methodology for advancing equity. *International Journal for Equity in Health* 13, 119. <https://link.springer.com/content/pdf/10.1186/s12939-014-0119-x.pdf>
- Harrison, J. L. (2019). *From the inside out: the fight for environmental justice within government agencies*. Cambridge, MA: The MIT Press.
- Hernandez, J. (2019). Indigenizing Environmental Justice: Case Studies from the Pacific Northwest. *Environmental Justice*, 12(4), 175–181. doi: 10.1089/env.2019.0005
- Illinois Environmental Protection Agency. (n.d.). Environmental Justice Policy. <https://www2.illinois.gov/epa/topics/environmental-justice/Pages/ej-policy.aspx>
- Institute for State and Local Governance. (2020). Methodology. <https://equalityindicators.org/methodology/>
- Jay Inslee's Plan for Community Climate Justice. (n.d.). <https://www.jayinslee.com/issues/climate-justice>
- Johnson, R. S. (2019, January). Snoqualmie Indian Tribe buys Salish Lodge for \$125M. <https://www.bizjournals.com/seattle/news/2019/11/01/snoqualmie-indian-tribe-buys-salish-lodge-for-125m.html>
- King County Local Hazardous Waste Management Program (n.d.) Environmental Justice Network in Action. <https://www.hazwastehelp.org/EnvironmentalJustice/ejna.aspx>
- King County Office of Equity and Social Justice. (2016). Equity and Social Justice Strategic Plan 2016-2022. <https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>
- Konisky, D. M. (2015). *Failed Promises: Evaluating the Federal Government's Response to Environmental Justice*. Cambridge, MA: The MIT Press.
- Kunkler, A. (2019, December 12). King County approves environmental justice provision. <https://www.seattleweekly.com/news/king-county-approves-environmental-justice-provision/>
- Lazarus, R. J., & Tai, S. (2000). Integrating Environmental Justice into EPA Permitting Authority. *SSRN Electronic Journal*, 26(4), 620. doi: 10.2139/ssrn.209190
- Lohrentz, T. (2015, December). Contracting for Equity: Best Local Government Practices that Advance Racial Equity in Government Contracting and Procurement. <https://www.racialequityalliance.org/resources/contracting-equity-best-local-government-practices-advance-racial-equity-government-contracting-procurement/>
- Maniates, M. (2001). "Individualization: Plant a Tree, Buy a Bike, Save the World?" *Global Environmental Politics*. 1 (3): 31-52
- McLean, J. (2014). Getting Equity Advocacy Results: Build the Base for Equity Advocacy - Equitable Development Toolkit. <https://www.policylink.org/resources-tools/gear-build-the-base>
- McLean, J. (2014). Getting Equity Advocacy Results: Tools for Navigating Change. Oakland, CA: PolicyLink. <https://www.policylink.org/resources-tools/gear-tools-for-navigating-change>
- Nelson, J., & Brooks, L. (2016, December). Racial Equity Toolkit: An Opportunity to Operationalize Equity. <https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>

- Nelson, J., Spokane, L., Ross, L., & Deng, N. (2015, September). Advancing Racial Equity and Transforming Government: A Resource Guide to Put Ideas into Action. <https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/>
- Nelson, J., & Tyrell, S. (2015, February). Public Sector Jobs: Opportunities for Advancing Racial Equity. <https://www.racialequityalliance.org/resources/public-sector-jobs-opportunity-for-advancing-racial-equity/>
- New Jersey Environmental Justice Alliance. (2012, June). An Ordinance to Protect Public Health and the Environment and to Promote Environmental Justice. http://www.precaution.org/lib/muni_ord_master.pdf
- Office of Environmental Justice, U.S. Environmental Protection Agency. (2011). Plan EJ 2014. Washington D.C., District of Columbia. <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100DFCQ.PDF?Dockey=P100DFCQ.PDF>
- Office of Equity Task Force. (2019, December). Preliminary Report to the Governor and Legislature. [https://healthequity.wa.gov/Portals/9/Doc/Task%20Force%20Meetings/Equity%20Office%20Task%20Force%20-%20Preliminary%20Report%20\(final\)%20\(002\).pdf](https://healthequity.wa.gov/Portals/9/Doc/Task%20Force%20Meetings/Equity%20Office%20Task%20Force%20-%20Preliminary%20Report%20(final)%20(002).pdf)
- Ordinance 2019-1904, 2019. (King County. 2019) <https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=4159833&GUID=26A4AEF3-D226-4E93-946B-AD0667B7FD7E&Options=&Search=>
- Oregon Department of Environmental Quality. (2018). 2018 Environmental Justice Task Force Annual Report <https://www.oregon.gov/ODA/shared/Documents/Publications/Administration/ODAEJTF2018AR.pdf>
- ORS 182.545, Duties of Natural Resource Agencies, <https://www.oregonlaws.org/ors/182.545>
- Pastor, M., Wander, M., & Auer, M. (2012, December). Equity Issue Brief: Advancing Environmental Justice Through Sustainability Planning. https://www.policylink.org/resources-tools/publications_library
- Pautz, M., & Rinfret, S. (2014). State environmental regulators: perspectives about trust with their regulatory counterparts. *Journal of Public Affairs*, 16(1), 28–38. <https://doi.org/10.1002/pa.1558>
- PolicyLink. (n.d.) Equitable Development Toolkit. <https://www.policylink.org/resources-tools/edtk>
- Ridgway, J. (1995). Environmental equity study in Washington state. Washington Department of Ecology. Publication number 95-413.
- Robert Wood Johnson Foundation. (2017). Visualizing Health Equity: One Size Does Not Fit All. <https://www.rwjf.org/en/library/infographics/visualizing-health-equity.html>
- Rodriguez, M & Zeise, L. (2017, January). CalEnviroScreen 3.0. <https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>
- Ross, T. (2019, July). In Cities: Building an Equitable Cities Movement. <https://allincities.org/resources-tools/equitable-cities-movement>
- Sadd, J.L., Pastor, M., Morello-Frosch, R., Scoggins, J., & Jesdale, B. (2011, March). Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California. *International Journal of Environmental Research and Public Health*, 8(5), 1441-1459. <https://www.mdpi.com/1660-4601/8/5/1441>

- S.B. 40, 2007 Biennium, 2007 Reg. Sess. (Oreg. 2017) <https://olis.oregonlegislature.gov/liz/2007R1/Downloads/MeasureDocument/SB420/Enrolled>
- S.B. 5469, 2019 Biennium, 2019 Reg. Sess. (Wash. 2019). <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5489.pdf?q=20200318143109>
- Science and Technology Policy Council. (2015, October). U.S. Environmental Protection Agency Peer Review Handbook. https://www.epa.gov/sites/production/files/2016-03/documents/epa_peer_review_handbook_4th_edition.pdf
- Seattle Department of Neighborhoods Participatory Budget Program RET. (n.d.). <https://www.seattle.gov/Documents/Departments/RSJI/Neighborhoods%20-%20Participatory%20Budget.pdf>
- Seattle Office of Civil Rights. (2012, August). Racial Equity Toolkit. <https://www.seattle.gov/civilrights/what-we-do/race-and-social-justice-initiative/racial-equity-toolkit>
- Stahly-Butts, M., & Subramanian, A. (2015, June). Building Momentum from the Ground Up: A Toolkit for Promoting Justice in Policing. <https://www.policylink.org/sites/default/files/JusticeInPolicing-9.pdf>
- Stamp, M. (2006). SHAWL Society pursues protection of Spokane Reservation area contaminated by mine waste. <http://www.thefigtree.org/jan06/010106shawl.html>
- State of Oregon. (n.d.). Air Quality Permits. <https://www.oregon.gov/deq/aq/aqPermits/Pages/CAO-reg.aspx>
- State of Oregon. (n.d.). Cleaner Air Oregon. <https://www.oregon.gov/deq/aq/cao/Pages/CAO-Fact-sheets.aspx>
- State of Oregon. (n.d.). Cleaner Air Oregon Regulatory Overhaul. <https://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rcleanerair2017.aspx>
- State of Oregon. (2018, December). DEQ Air Permits and Cleaner Air Oregon Implementation. <https://www.oregon.gov/deq/FilterDocs/CAOpermitsfs.pdf>
- Stone, D. (2011). *Policy paradox: The art of political decision making*. New York: W. W. Norton & Company.
- Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. (2018, September 17). <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>
- Targ, N. (2005). The states' comprehensive approach to environmental justice. In D.N. Pellow & R.J. Brulle (Eds.), *Power, justice, and the environment: A critical appraisal of the environmental justice movement*. 171-184. Cambridge, MA: MIT Press.
- Tishman Environment and Design Center. (2019, February). Local Policies for Environmental Justice: A National Scan. <https://www.nrdc.org/sites/default/files/local-policies-environmental-justice-national-scan-tishman-201902.pdf>
- Title VI of the Civil Rights Act of 1964. (2020, March 30). <https://www.justice.gov/crt/fcs/TitleVI>
- Tolson, M. (2014) Yakima Nation Fights for Nuclear Waste Cleanup at Hanford Site. https://www.earthisland.org/journal/index.php/articles/entry/yakama_nation_fights_for_nuclear_waste_cleanup_at_hanford_site/
- University of Washington Climate Impacts Group, UW Department of Environmental and Occupational Health Sciences, Front and Centered and Urban@UW. (2018). *An Unfair Share: Exploring the*

- disproportionate risks from climate change facing Washington state communities. <https://frontandcentered.org/unfair-share/>
- University of Washington Department of Environmental & Occupational Health Sciences. (2019). Washington Environmental Health Disparities Map: technical report. <https://frontandcentered.org/ej-map/>
- Unspecified Act: Wash. Rev. Code § 2 (1970). <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21A.020>
- Unspecified Act: Wash. Rev. Code § 4 (1970). <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21A.040>
- Urban Sustainability Directors Network. (2017, May). Guide to Equitable Community-Driven Climate Preparedness Planning. https://www.usdn.org/uploads/cms/documents/usdn_guide_to_equitable_community-driven_climate_preparedness-high_res.pdf
- U.S. Commission on Civil Rights. (2016). Environmental Justice: Examining the Environmental Protection Agency's Compliance and Enforcement of Title VI and Executive Order 12,898. Washington D.C., District of Columbia. 21 https://www.usccr.gov/pubs/2016/Statutory_Enforcement_Report2016.pdf
- U.S. Environmental Protection Agency. (n.d.). Environmental Justice Small Grants Program. <https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program>
- U.S. Environmental Protection Agency. (n.d.). Environmental Justice Grants: Grantees by State, 2000 – Present. <https://www.epa.gov/environmentaljustice/environmental-justice-grants#washington>
- U.S. Environmental Protection Agency. (n.d.) National Compliance Initiatives. <https://www.epa.gov/enforcement/national-compliance-initiatives>
- U.S. Environmental Protection Agency. (1999, July). Final Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews. https://www.epa.gov/sites/production/files/2014-08/documents/enviro_justice_309review.pdf
- U.S. Environmental Protection Agency. (2004). Toolkit for Assessing Potential Allegations of Environmental Injustice. <https://www.fws.gov/economics/planningnepa/ej-toolkit-epa.pdf>
- U.S. Environmental Protection Agency. (2010, July). Interim Guidance on Considering Environmental Justice During the Development of an Action <https://www.epa.gov/sites/production/files/2015-03/documents/considering-ej-in-rulemaking-guide-07-2010.pdf>
- U.S. Environmental Protection Agency. (2013). EPA Activities to Promote Environmental Justice in the Permit Application Process. Washington D.C., District of Columbia. <https://www.federalregister.gov/d/2013-10945>
- U.S. Environmental Protection Agency, Office of Environmental Justice. (2014). Title VI and Executive Order 12898 Comparison. <https://www.epa.gov/sites/production/files/2015-02/documents/title-vi-ej-comparison.pdf>
- U.S. Environmental Protection Agency. (2015, May). Guidance on Considering Environmental Justice During the Development of Regulatory Actions <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>
- U.S. Environmental Protection Agency. (2015). Plan EJ 2014 Report. https://www.chesapeakebay.net/channel_files/22169/ejscreen_overview_presentation.pdf
- U.S. Environmental Protection Agency. (2015, May). Guidance on Considering Environmental Justice

- During the Development of Regulatory Actions. <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>
- U.S. Environmental Protection Agency. (2016, June). Technical Guidance for Assessing Environmental Justice in Regulatory Analysis. https://www.epa.gov/sites/production/files/2016-06/documents/ejtg_5_6_16_v5.1.pdf
- U.S. Environmental Protection Agency. (2017, June 2). Environmental Justice Timeline. <https://www.epa.gov/environmentaljustice/environmental-justice-timeline>
- U.S. Environmental Protection Agency. (2019). Environmental Justice Small Grants (EJSG) Program. https://www.epa.gov/sites/production/files/2018-11/documents/fy2019_ejsq_rfp.pdf
- Vickery, J and Hunter, L. (2016). Native Americans: Where in Environmental Justice Research? <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4835033/pdf/nihms748858.pdf>
- Villarosa, L., & Harris, L. K. (2020, April 29). 'A Terrible Price': The Deadly Racial Disparities of Covid-19 in America. <https://www.nytimes.com/2020/04/29/magazine/racial-disparities-covid-19.htm>
- WA 66th Legislative Assembly, Second Substitute Senate Bill 5489, Sec. 2. p.3, Line 16, (2019). <http://lawfilesex.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Bills/5489-S2.pdf?q=20200424110222>
- Washington State Department of Ecology (n.d.) Contact us - find a location. <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us/Key-Ecology-personnel>
- Washington State Department of Ecology. (n.d.) Cleanup Rule exploratory rulemaking. <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act/Exploratory-rulemaking>
- Washington State Department of Ecology. (n.d.). Model Toxics Control Act. <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>
- Washington State Department of Ecology. (n.d.). Public Participation Grants. <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants>
- Washington State Department of Ecology. (2019). Washington Department of Ecology Budget & Program Overview 2019-21. 49. <https://fortress.wa.gov/ecy/publications/documents/1901005.pdf>
- Washington State Department of Ecology MTCA Cleanup Rule Stakeholder & Tribal Advisory Group. (2020). Updating the MTCA Cleanup Rule: Stakeholder & Tribal Advisory Group (STAG). https://www.ezview.wa.gov/site/alias_1988/37514/overview.aspx
- Washington State Department of Health. (2019). Washington Environmental Health Disparities Map. <https://fortress.wa.gov/doh/wtn/WTNIBL/>
- Washington Tribes. (n.d.) Washington Tribes Map. <https://www.washingtontribes.org/tribes-map>
- Wenger, E. (2011). Communities of practice: A brief introduction.
- Whitney, S. V. (2010). Seeking sustainable and inclusive communities: A King County case study. What Works Collaborative. <https://www.urban.org/sites/default/files/publication/28071/1001380-Seeking-Sustainable-and-Inclusive-Communities.PDF>
- Wysocki, S. (2018). Seattle awards nearly \$350,000 for environmental justice projects.

<https://greenspace.seattle.gov/2018/12/seattle-awards-nearly-350000-for-environmental-justice-projects/#sthash.HwBvotoE.DIbNRLCe.dpbs>

Wu, X., Nethery, R. C., Sabath, B. M., Braun, D., & Dominici, F. (2020). Exposure to air pollution and COVID-19 mortality in the United States: A nationwide cross-sectional study. doi: 10.1101/2020.04.05.20054502

Wysocki, S. (2018). Seattle awards nearly \$350,000 for environmental justice projects. <https://greenspace.seattle.gov/2018/12/seattle-awards-nearly-350000-for-environmental-justice-projects/#sthash.HwBvotoE.DIbNRLC>

Zaferatos, Nicholas. (2007). Environmental Justice in Indian Country: Dumpsite Remediation on the Swinomish Indian Reservation. Environmental management. <https://www.ncbi.nlm.nih.gov/pubmed/17058033>

Appendices

Appendix A: Interview Process & Protocol

Preparation

- Contact interviewee with an introductory email and interview request, along with suggested dates/time for an interview
- Once an interview is scheduled and calendar invitation sent:
 - Assign the two people who will join the call and determine who will lead the interview and who will take notes
 - Create interviewee-specific questions as needed
 - Create notes document and catalog in google folder so that notes taken during interviews are saved automatically and available to the whole team
 - Email interviewee 24 hours before the interview to reconfirm and share interview questions ahead of time for their review

Timing

- Request one hour of each interviewee's time
- Shorten or extend timing as needed, per each interviewee's availability

Recording

- At the beginning of each call, ask the interviewee if they are comfortable being recorded and confirm that the recording will only be used for reference by the capstone team to ensure that we accurately capture the information they share
- Following the call, the individual who set up the Zoom will upload a copy of the recording to the corresponding google folder
- All recordings were deleted upon project completion

Roles

- Two people from EJ Capstone team will attend each interview
- One person will take lead on asking questions
- Another person will take notes

Follow-Up

- Following interviews, notetaker will email to interviewee with a thank you and request for any documents, resources, or contacts mentioned in the interview
- EJ capstone teammates will rotate who will document the highlights of each interview
- Notes will be saved to the google drive in the appropriate folder

Appendix B: Interview Instrument

[Evans Team introduces themselves.] Thank you so much for speaking with us today! To start off we would like to provide some background information and then we will kick off introductions.

Do you mind if we record this conversation? This way we can focus on important details now and fill in any gaps we may have later. We know your time is valuable, so we hope to keep this conversation to 45 minutes. Please let us know if you need to get off the line at a certain time so we can plan accordingly.

We are graduate students at the University of Washington Evans School of Public Policy and Governance.

As part of our Capstone project we are working with the Washington State Department of Ecology to research and write a comprehensive policy report on equity and environmental justice measures, tools, and frameworks that Ecology and the Governor's EJ Task Force can utilize.

As part of this, we are interviewing individuals who can help us gain a better understanding of equity and environmental justice practices being used across agencies in the United States. We are excited to learn from your experience!

Before we begin, do you have any questions for us?

Topic 1: Background

1. Could (each of) you share your name, title, the team you work for, and—in a sentence or two—what your day-to-day work focuses on (e.g., grants management, reviewing permit applications)?
 - *Internal note: Make note of division, department, organization, and primary functions*
2. If there are multiple interviewees on the call: Please say your name before you respond to each question so we get a sense of who is saying what.

Topic 2: EJ Practices - Agency practices and tools in use

3. Within your team/domain [insert Millie's priority functions - e.g., grantmaking, inspections and compliance, permitting, policy review, and rulemaking], have you had opportunities to incorporate environmental justice, or broader equity, considerations?
 - Have you seen this on other teams within your organization?
4. Are there activities within your program or agency that have been especially successful at incorporating environmental justice and/or equity considerations?
 - What has made them successful and how do they define and measure success?
5. Is your agency required to consider environmental justice in your work? For example, are there laws, policies, or other mandates that require this for your agency?
 - If so, can you tell us more about them?
6. What do you feel are the challenges to adopting practices that require equity-focused program planning, resource allocation, and decision making?
7. Do you use any specific tools or frameworks to incorporate EJ/equity into your work?
 - If so, which ones?
8. In your work, do you have a commonly used term when referring to populations with EJ considerations (e.g., EJ Communities, highly impacted communities, vulnerable populations, priority populations, or another term?)

9. How does your agency or program measure progress on *environmental justice or equity*?
 - Please describe the measure/metric. Who tracks these data? Has this been useful in driving pro-EJ/equity decision-making?

Topic 3: EJ Practices - Digging deeper into an example

10. Can you tell us more about an example of when you used an equity tool or practice in your work (or at your agency)? As a preface, we would love to hear about how it went and how you measured outcomes.
 - Can you provide a copy of it to us?
 - What components of the practice did and did not work?
 - Did you measure progress using this tool? If so, how?
 - Are there agency program areas that have been more successful at incorporating equity?
 - Did your organization implement an accountability mechanism to ensure the use of this tool/framework?
 - If so, how did you measure outcomes?
 - What prompted implementing this tool? Relatedly, what were/are the goals for using this tool (a.k.a. What are you hoping to see)?
 - Did the use of this tool/framework result in more equitable outcomes?
 - If so, please expand. If not, why?
 - Is there anything you would be willing to share (i.e., documents, data, examples, documented processes to consider EJ/equity) around the EJ work you have done/spoken about today?
 - *Internal note: Consider the interviewee's responses to previous questions. Did they mention any examples that might be supported by data or documents?*

Topic 4: Wrap-up

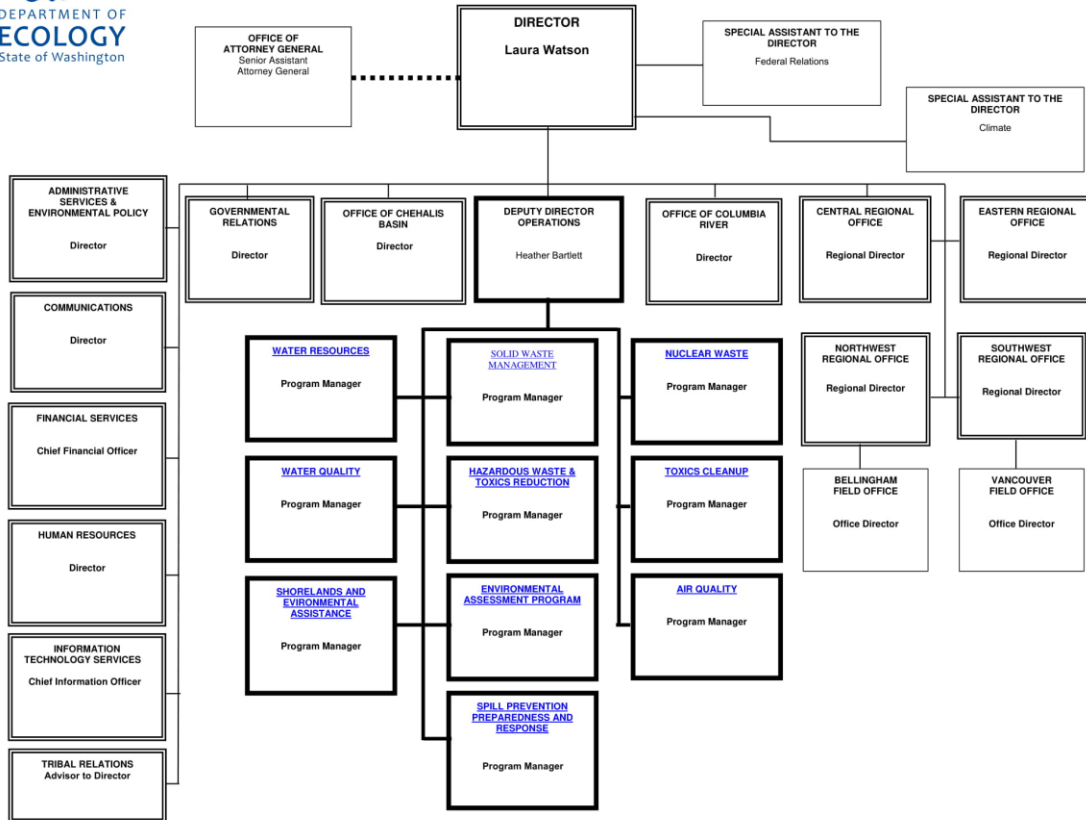
11. What else should we be asking as we learn about EJ and broader equity efforts within public policy?
12. Is there anyone you recommend that we talk to? Are there specific people you think would aid us in our research?
13. Would it be ok for us to follow-up with you by phone or email for resources or clarification?
14. Do you have any questions for us?
15. Thank you for your time! We really appreciate it.

Appendix C: Ecology Organizational Chart



Washington State Department of Ecology

10/01/19



Appendix D: EJ Task Force Affiliations

Committee Member Affiliations

- Governor's Interagency Council on Health Disparities
- Front and Centered
- Washington State Department of Natural Resources (DNR)
- Washington State Department of Commerce (DOC)
- Washington State Department of Ecology (Ecology)
- Puget Sound Partnership (PSP)
- Washington State Department of Transportation (DOT)
- Washington State Department of Health (DOH)
- Washington State Utilities and Transportation Commission (UTC)
- Washington State Department of Agriculture (WSDA)
- Community to Community Development (C2C)
- Tacoma League of Young Professionals
- Asian Pacific Islander Coalition
- Association of Washington Business
- The Union of Academic Student Employees & Postdocs at the University of Washington (UAW Local 4121)
- Washington State Farm Bureau (WFB)

Mapping Sub-Committee Member Affiliations

- Washington Department of Health (DOH)
- Washington State Department of Ecology (Ecology)
- Washington State Department of Labor and Industries (L&I)
- Washington State Department of Natural Resources (DNR)
- Front and Centered
- University of Washington (UW)
- Washington State Department of Transportation (DOT)
- Puget Sound Clean Air Agency (PSCAA)
- Washington State Farm Bureau (WFB)
- Asian Pacific Islander Coalition of Washington
- Association of Washington Business (AWB)
- Puget Sound Partnership (PSP)
- Public Health – Seattle King County (PHSKC)
- Washington State Department of Commerce (DOC)
- Community to Community Development (C2C)

Community Engagement Sub-Committee Member Affiliations

- PRR Seattle
- Washington Department of Ecology (Ecology)
- The Tacoma Urban League of Young Professionals
- Makah Tribe
- Asian Pacific Islander Coalition – Spokane
- Washington State Department of Natural Resources (DNR)
- BlueGreen Alliance
- Public Health – Seattle King County (PHSKC)
- Puget Sound Partnership (PSP)
- Latino Community Fund
- Washington State Department of Transportation (DOT)

- Washington State Commission on Hispanic Affairs
- Washington State Department of Agriculture (WSDA)
- Washington State Department of Commerce (DOC)
- Community to Community Development (C2C)
- Front and Centered
- Washington State Board of Health (SBOH)

Appendix E: U.S. EPA’s Checklist for EPA Rulewriters

This checklist is from U.S. EPA’s 2015 Guidance on Considering Environmental Justice During the Development of Regulatory Actions.³²⁴

Activity
1. BEFORE THE ADP PROCESS STARTS – Learn the basics about the ADP and EJ.
<input type="checkbox"/> Are rule-writers familiar with the process steps under the ADP? ⁴¹ <i>If a refresher on the process steps involved in the ADP is needed, please see the charts provided in Appendix A of the Guide.</i>
<input type="checkbox"/> Have the rule-writers read the Guide?
<input type="checkbox"/> Do the rule-writers know what the Executive Order on EJ requires?
<input type="checkbox"/> What is meant by “environmental justice”?
<input type="checkbox"/> What is meant by an “EJ concern”?
<input type="checkbox"/> Do the rule-writers know how it can identify, assess and address potential EJ concerns during the development of the action?
<input type="checkbox"/> Do the rule-writers know their different roles?
<input type="checkbox"/> Do the rule-writers know the “three core EJ questions”? (See item #5 on this checklist)
<input type="checkbox"/> Does the office have any applicable program specific requirements or guidance on EJ?
<input type="checkbox"/> Are the rule-writers familiar with the <i>Draft Technical Guidance for Assessing Environmental Justice in Regulatory Analysis</i> (U.S. EPA 2013)?
2. GETTING STARTED – Screen the action.
<input type="checkbox"/> Have the rule-writers responded to the EJ question in ADP TRACKER?
<input type="checkbox"/> Have the rule-writers completed an initial screening process to evaluate whether the action has the potential to raise or address potential EJ concerns and documented the analytic basis for the conclusions?
3. PLANNING – Complete an Analytic Blueprint (ABP) for the action.
<input type="checkbox"/> Have the rule-writers identified the potentially impacted minority populations, low-income populations, tribes, and/or indigenous peoples and their concerns? ⁴²
<input type="checkbox"/> Does the ABP address its plans for achieving meaningful involvement and contain plans for effectively engaging the minority populations, low-income populations, tribes, and indigenous peoples affected by the action?
<input type="checkbox"/> Have the rule-writers identified the factors that contribute to potential EJ concerns?
<input type="checkbox"/> Have the rule-writers identified the data needs and data sources for an appropriate EJ assessment, the scope and basic methodology of the EJ assessment and the outputs of the EJ assessment?
<input type="checkbox"/> Have the rule-writers explored alternative approaches for addressing potential EJ concerns (regulatory, voluntary and/or innovative approaches)?
<input type="checkbox"/> Have the rule-writers identified the resources needed to achieve meaningful involvement, gather needed data and conduct identified analyses?
<input type="checkbox"/> Have the rule-writers identified the key activities, analyses, consultation activities (including those called for by relevant statutes and EOs), contributors and timeline?
4. OPTIONS SELECTION – Identify and prepare options for decision-makers.
<input type="checkbox"/> Is input from affected minority populations, low-income populations and/or indigenous peoples reflected in the analysis of options, both in terms of potential impacts and options to consider?
<input type="checkbox"/> Have the rule-writers incorporated potential impacts on minority populations, low-income populations, and/or indigenous peoples into the analysis of options? <ul style="list-style-type: none"> <input type="checkbox"/> Have the rule-writers described the ways in which the action can address any existing potentially disproportionate impacts? <input type="checkbox"/> If the action has the potential to create new disproportionate impacts, has the rule-writers identified options that will avoid or mitigate those impacts?
<input type="checkbox"/> Are the rule-writers prepared to address how to answer the three core EJ questions?
5. DOCUMENTATION – Prepare the action and final documents.
<input type="checkbox"/> Have the rule-writers documented their outreach and consultation efforts, as well as the results of those efforts?
<input type="checkbox"/> Have the rule-writers used the appropriate ADP Library Template for the preamble discussion of EO 12898?
<input type="checkbox"/> Do the final economic and scientific analyses clearly present the potential EJ concerns?
<input type="checkbox"/> Have the rule-writers described in the preamble or supporting documents any identified potential disproportionate impacts and potential EJ concerns and how they are addressed by the action?
<input type="checkbox"/> Have the rule-writers addressed the “Three Core EJ Questions” in the Action Memo: <ol style="list-style-type: none"> 1. How did the public participation process provide transparency and meaningful participation for minority populations, low-income populations, tribes, and indigenous peoples? 2. How did the rule-writers identify and address existing and/or new disproportionate environmental and public health impacts on minority populations, low-income populations, and/or indigenous peoples? 3. How did the actions taken under #1 and #2 impact the outcome or final decision?

³²⁴ EPA. 2015, May. Guidance on Considering Environmental Justice During the Development of Regulatory Actions <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>