



STATE OF WASHINGTON
OFFICE OF EQUITY

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Dear Chair Brenda Mallory:

The Washington State Office of Equity, in partnership with state agencies coordinating a statewide approach to environmental justice, thank you for the opportunity to comment on the proposed Council on Environmental Quality's beta Climate and Economic Justice Screening Tool (CEJST). Our state is implementing new environmental justice laws, policies and tools aimed at reversing decades of environmental racism. We invite the Council on Environmental Quality to partner with us to learn more about our efforts and ensure they complement each other.

We are extremely concerned that the CEJST does not include race or ethnicity as indicators to identify "disadvantaged communities" for several reasons.

First, using a "race-neutral" approach at the national level to address current and historical environmental injustices further perpetuates the systemic racism giving rise to the need for the CEJST and the Justice40 initiative in the first place.

The environmental justice (EJ) movement was built on community activism to address **environmental racism**. In 1982, civil rights activists organized to stop North Carolina from dumping millions of pounds of polychlorinated biphenyl (PCB)-contaminated soil into Warren County, the county with the highest proportion of Black residents in the state.ⁱ This movement sparked decades of research documenting the inequitable impacts of environmental pollution on Black, Indigenous, and People of Color communities. Ignoring race and ethnicity in any map, tool, policy, program, approach, or dialogue to address environmental injustice shows a blatant disregard for both the history of the EJ movement and the people who have historically been, and continue to be, disproportionately overburdened by pollution, systematically excluded from community benefits and investments, and harmed by resultant environmental health inequities.

Second, excluding race and ethnicity from CEJST directly conflicts with the policy of the Biden administration to "listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities... ."ii It is impossible to distribute the benefit of environmental justice to **all** Americans without first reckoning the unequal distribution of burden borne by individuals who belong to communities that have been systematically denied a full opportunity to participate in all aspects of economic, social, and civic life.

In addition, we were unable to find the CEJST - or the comment portal - in any language other than English. Because linguistically isolated communities are also extremely impacted by environmental injustices, a public review and comment period that excludes communities who have limited English proficiency almost guarantees that the CEJST will exclude these communities.

Finally, a race-neutral approach is antithetical to our commitment in Washington state to [manifest a pro-equity anti-racism ecosystem](#) where everyone flourishes and achieves their full potential now and for future generations. Because we recognize the connection between human systems and nature systems, in 2021, the Washington State Legislature passed the Healthy Environment for All (HEAL) Act ([Chapter 70A.02 RCW](#)). The HEAL Act takes a historic step towards ensuring state government policies and operations address environmental injustices. Both the law and the implementation of the law center racial justice because the scientific evidence and community voices overwhelmingly confirm that we cannot address environmental injustices without centering race. A large body of evidence validates that race and ethnicity are the leading predictors of exposure to environmental harms, even after controlling for income.ⁱⁱⁱ Race is consistently a “more important predictor than income of where environmental hazards are located.”^{iv} The data and research confirm that income cannot serve as a proxy for race.

To illustrate the potential harm of using CEJST in Washington state, Dr. Esther Min, Geographic Information System (GIS) researcher and environmental justice expert in Washington, created a [storymap](#) comparing communities in our state that are designated as “disadvantaged” using CEJST and those that are identified as most impacted by environmental injustices using the [Washington Environmental Health Disparities Map](#). Washington’s map includes race and ethnicity as one of nineteen indicators to identify communities most impacted by environmental injustices. Black, Indigenous and People of Color communities most impacted by environmental injustices would be visible using the Washington Environmental Health Disparities Map, yet, they would be rendered invisible by the current beta version of CEJST. Federal actions and decisions that rely on CEJST as a screening mechanism would result in inequitable access to federal funding dedicated under Justice40, thus perpetuating injustice.

As government, we are duty-bound to strategically invest and direct benefits to those communities most impacted by environmental harms, are experiencing the highest rates of health risks and disparities, and are furthest from experiencing the standards of wellbeing afforded to other areas and communities. Intentionally investing in Black, Indigenous, and People of Color Communities is paramount in this duty. Furthermore, by having state and federal tools that point to different communities in need, we risk creating more confusion about where to invest and direct benefits to address inequities. Since many state agencies facilitate distribution of both federal and state funding, this contradiction would also create unnecessary inefficiencies and challenges in administering programs.

We urge the Council on Environmental Quality to be bold and embrace its responsibilities and accountability to “affirmatively advancing equity, civil rights, racial justice, and equal opportunity” in its policies and programs ([Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#)) by adopting a CEJST algorithm that both 1) acknowledges that **racism is the burden** that causes Black, Indigenous, and People of Color communities to experience inequitable environmental and health outcomes and 2) mathematically eradicates this burden for Black, Indigenous, and People of Color communities.

Again, we stand at the ready to collaborate with the Council on Environmental Quality. We can illustrate ways our tools have effectively integrated multiple streams of data, including data on race and ethnicity, and how we are working to improve these tools to assist with new environmental justice requirements.

Let us be the generation that gets this right for generations to come.

Equity and Justice for All,



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ⁱ Paul Mohai, David Pellow, J. Timmons Roberts (2009). Environmental Justice. *Annual Review of Environment and Resources* 34:1, 405-430.

ⁱⁱ Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. (2021). Available from: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/?msclkid=693ba13bb5fe11ecbfeee8b2524aebee>.

ⁱⁱⁱ *See for example:* Kristoffer Wikstrom, Trisha Miller, Heather E. Campbell, Michael Tschudi (2018). Environmental Inequities and Water Policy During a Drought: Burdened Communities, Minority Residents, and Cutback Assignments. *RPR*, Volume 36 Issue 1, 4-27; Zwickl K, Ash M, Boyce JK (2014). Regional Variation in Environmental Inequality: Industrial Air Toxics Exposure Disparities by Income, Race and Ethnicity in U.S. Cities. *Ecol Econ* 107:494–509; Ash M, Robert Fetter T (2004). Who Lives on the Wrong Side of the Environmental Tracks? Evidence from the EPA’s Risk-Screening Environmental Indicators Model. *SocSci Q*85:441–462.

^{iv} Paul Mohai, David Pellow, J. Timmons Roberts (2009). Environmental Justice. *Annual Review of Environment and Resources* 34:1, 405-430 *at page 409*.