



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

PO Box 47890 • Olympia, Washington 98504-7890

Tel: 360-236-4030 • 711 Washington Relay Service

August 15, 2023

Dear Honorable Tribal Leaders & Tribal Partners,

SUBJECT: Invitation to Consultation

In accordance with chapter [43.376 RCW](#), the [Washington State Centennial Accord of 1989](#), and [DOH Consultation and Collaboration Procedure](#), we invite collaboration with Indian tribes and tribal organizations in the development of policies, agreements, and program implementation that directly affects Indian tribes and tribal people.

This is in follow-up to the Dear Tribal Leader Letter sent June 14th, 2023, for [Department of Health Implementation of New Grant Programs During 2023-2025 Biennium](#), DOH held a Tribal Listening Session on August 8, 2023.

The presentation and summary of what we heard at the listening session regarding establishing three new grant programs centering environmental justice and climate change is attached. Participants from the listening session requested we move forward with scheduling roundtables & consultation, accordingly:

Date	Time	Virtual URL
Tribal Roundtable #1	Wednesday, Sept. 6, 2023 3:30 – 5:00 pm	https://us02web.zoom.us/j/87451955979?pwd=b0F2MHNwOXhyV3dLQlA3ZDI3QXhuZz09 Mobile 253-215-8782 253-205-0468 Meeting ID: 874 5195 5979 Passcode: 522408
Tribal Roundtable #2	Wednesday, Sept. 13, 2023 3:30 – 5:00 pm	https://us02web.zoom.us/j/89512150507?pwd=Vklkic1hXakJRjZ2UjZRb01BKzBoUT09 Mobile 253-215-8782 253-205-0468 Meeting ID: 895 1215 0507 Passcode: 474606

Dear Tribal Leaders Letter, Invitation to Consultation

August 28, 2023

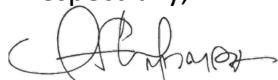
Page 2 of 2

Consultation	Wednesday, Sept. 27, 2023 3:30 – 5:00 pm	https://us02web.zoom.us/j/89008433248?pwd=M3BiVENHbUJ6cmFmUVdvVHZVNE15QT09 Mobile 253-215-8782 253-205-0468 Meeting ID: 890 0843 3248 Passcode: 627428
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If you need additional information or want to provide written comments, please contact Laura Johnson, Office Director for Environmental Public Health Sciences, at 360-236-3325 or laura.johnson@doh.wa.gov.

For tribal related matters please contact Candice Wilson – Quatz'tenaut, Tribal Policy Director, at 360-819-7626 or candice.wilson@doh.wa.gov.

Respectfully,



Umair A. Shah, MD, MPH
Secretary of Health

Enclosed: proviso language, summary of listening session, presentation given at listening session

cc: The Honorable AJ Dotzauer, Tulalip Tribes
The Honorable Misty Napeahi, Tulalip Tribes
Erika Baker, Office Deputy Director, Environmental Public Health Sciences, Dept Of Health
Lacy Fehrenbach, Chief of Prevention, Safety and Health, Department of Health
Kristopher Holiday, Chief of Strategic Partnerships, Department of Health
Lauren Jenks, Assistant Secretary of Environmental Public Health, Department of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Sierra Rotakhina, Environmental Justice Council Manager
Jessica Todorovich, Chief of Staff, Department of Health
Candice Wilson – Quatz'tenaut (Lummi), Tribal Policy Director, Department of Health

Environmental Justice and Climate Change Grant Program Provisos

This document includes the proviso language from [Engrossed Second Substitute Bill 5187](#) related to the three new environmental justice and climate change grant programs.

HEAL Capacity Grants (pg. 324 ESSB 5187)

(28)(a) \$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

(i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and

(ii) To the department on updates to the environmental health disparities map.

(b) At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

(c) Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

(d) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

Workplace Safety and Climate Change (pg. 325 ESSB 5187)

(26)(a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought, and flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers who face the most risk from climate-related impacts. This amount shall be limited to supporting vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, and the department of labor and industries, shall evaluate mechanisms to provide workers with financial

assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats.

(c) No more than five percent of this funding may be used to administer this grant program.

[Community Informed Budgeting Grant \(pg. 343 ESSB 5187\)](#)

(124) \$38,600,000 of the climate commitment account—state appropriation is provided solely for the department to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010(11). Of the amount provided in this subsection:

(a) \$6,000,000 of the climate commitment account—state appropriation is provided solely for fiscal year 2024 for the department and the environmental justice council created in RCW 11 70A.02.110 to engage in a participatory budgeting process with five overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The process must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities to achieve the greatest gain for decarbonization and resiliency. A report of the outcomes of the participatory budgeting process detailing its recommendations for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, 2023.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided solely for fiscal year 2025 for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. The department shall not sign contracts or 29 otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

Environmental Justice & Climate Grant Programs Tribal Listening Session

August 9, 2023 3:30-5:00pm

Action Items:

- DOH to follow-up:
 - Connect with Leah Muasau at DSHS to share about these grants and learn more about DSHS experience with consolidated contracts for Tribes
 - Connect with Commerce to understand how they are administering CCA funds/grants to Tribes to with up front funding (rather than reimbursement)
 - Learn about Emergency preparedness allocation formula as a possible model
- DOH to prepare and share:
 - Template options for each grant
 - List timeline dates (application due date, spend by deadline, etc.)
 - Save the date as DOH drafts Dear Tribal Leader Letter (Tim Collins will share example save the date template)
 - Dear Tribal Leader Letter: within one week/ASAP on round tables and consultation dates, include listening session notes and slides
- Hold roundtables and consultation:
 - Sept 6th 3:30pm-5pm Roundtable 1
 - Sept 13th : 3:30pm-5pm Roundtable 2
 - September 27th time TBD: Consultation

Meeting Note Summary:

Candice Wilson opened the listening session at 3:34pm

Tim Collins opened the meeting in a good way.

1. Presentation and Background Information

Laura Johnson offered tribal consultation on the three new EJ grants recommended by the EJ Council and funded by the Legislature this last session and provided brief presentation on the background for the grants (see slides on file)

1. Discussion and Recommendations

- Contract consolidation to bundle contracts with Tribes (Tribe by Tribe) so DOH takes on the administrative and staff work and reduces burden on the Tribes.
- Allow up front funding to Tribes rather than cost reimbursements as that creates barrier to accessing the funds (with the understanding that there may be limitations based on the funding source or other state laws).
 - Cost reimbursements are based on the risk assessments the agency does on contractors. Tribes as governments should not have to go through that same process because they have already established that they receive money, are audited, etc. Take those things into consideration and focus less on administration and reporting and more on outcomes and projects.

- Consider lessons-learned from Foundational Public Health Services (FPHS) contracts and removing some of the language that didn't belong in those contracts.
- Create templated options laid out for each grant for what these could look like.
- Work to make the funds broad enough (within the constraints of the funding source) to allow these grants to address built environment issues like indoor air quality. This is particularly important as outdoor smoke and heat drives the need for safe and healthy indoor spaces.
- Ensure that the scope includes Tribal Food Sovereignty.
- Other environmental health issues identified were: Built environment and indoor air quality (asthma with smoke and heat need indoor spaces to be safe), mold in buildings, workers exposed to smoking, food, water quality, access to and impacts on resources, fisheries. Priorities are unique to each Tribe.
- NPAIHB is now putting together needs assessments and data as quickly as possible because they understand the importance of having it put together, Tribe by Tribe, but all in one place. Collecting and including Tribal Ecological knowledge in the assessments which is informative for community action.
 - Timeframe for when NPAIHB data collection would be completed: Aiming for November. If anyone wants to know what data is being collected for their Tribe contact NPAIHB.
- Recommend NOT dividing the funds equally across Tribes because the impacts on the Tribes are different and the size of the Tribes are different. Instead, Tribes should describe in application their geographic impact, the membership impact, etc.
 - If using a formula start quickly because this can take a long time to develop. Need to balance the need for a formula with the need to get the funds out quickly so Tribes have time to spend them.
 - There is a formula in use with Emergency Preparedness funds that may use base amount - for capacity for all - plus population-based calculation that seems to work okay.
- Consider the system DSHS uses where if a Tribe can't use all of the funds, then they can give it back to be reallocated to another Tribe.
- When scoping, consider the impacts of genocide, colonization, and trauma experiences and climate change on overall wellbeing and how that ties to substance use and other health impacts that may not at first seem directly tied to climate and the built environment.
- Consider connections to the Indigenous Quality of Life Measures being developed through the Governor's Indian Health Council.
- Continue the roundtables and consultations with all three grants combined (rather than separate roundtables and consultation for each grant).

2. Information

- Sign-up for HEAL Act Newsletters at [Washington State Department of Health \(govdelivery.com\)](https://govdelivery.com)
- [National Indian Health Board | Climate Ready Tribes \(nihb.org\)](https://nihb.org)
- Reach out to Nicole Smith (nsmith@npaihb.org) for individual Tribe needs assessments

Tim closed the meeting in a good way.

Candice ended the listening session at 4:50 pm



Environmental Justice Grants Tribal Listening Session



August 9, 2023



**Government-to-Government
Commitment**

AGENDA

Welcome & Introductions/Candice

Inviting Tribal Collaboration/Laura

Overview of the New Grant Programs/Laura

Discussion/All

Next steps, including invite for continued collaboration & Closing/Candice

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5187

Chapter 475, Laws of 2023
(partial veto)

68th Legislature
2023 Regular Session

OPERATING BUDGET

EFFECTIVE DATE: May 16, 2023

Passed by the Senate April 23, 2023
Yeas 37 Nays 12

DENNY HECK

President of the Senate

Passed by the House April 23, 2023
Yeas 58 Nays 40

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 16, 2023 11:51 AM with
the exception of sections 124(5),
129(80), 129(92), 132(20), 147(7),
153(8), 202(26), 207(2), 207(3),
211(31), 223(5)(a), 223(6)(e),
223(7)(b), 225(20), 228(17), 310(38),
729, 743, 1220(4), page 1105, line
39, page 1106, line 1, 1517(47)(o),
1612(3), 1708, 119(3), 308(36), and
215(110), which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED
SUBSTITUTE SENATE BILL 5187** as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 17, 2023

**Secretary of State
State of Washington**

Background

2021:

- [Chapter 70A.02 RCW](#), or the Healthy Environment for All (HEAL) Act directs the Department of Health to staff an [Environmental Justice Council](#). Council includes four tribal representatives:
 - Hon. Jarred-Michael Erickson – Member from tribal community, Eastern Washington
 - Vacant - Member from tribal community, Western Washington
 - Hon. Misty Napeahi (delegate: AJ Dotzauer) - Member from tribal community (added through CCA)
 - Vacant - Member from tribal community (added through CCA)
- [Chapter 70A.65 RCW](#), or the Climate Commitment Act (CCA) caps and reduces greenhouse gas emissions.
 - At least 35% of funds invested in projects that benefit overburdened communities, and a minimum of 10% go to projects with tribal support

Background continued

2022:

- Environmental Justice Council convenes, develops by-laws and processes, and advise agencies.

2023:

- Environmental Justice Council adopts CCA [funding recommendations](#) and [budget priorities](#).
- Consultation on the [Environmental Health Disparities map](#), ongoing improvements based on tribal concerns, and hiring Tribal Relations Equity and Social Justice Strategist
- EHD map is an interactive mapping tool that provides insights into prioritizing public investments and decisions

Grant Programs Overview



HEAL Capacity

- \$26,355,000
- One-time funding
- Provide funding for capacity to engage in HEAL:
 - Agencies' implementation
 - Env Justice Council
 - Env Health Disparities map
- At least 50% to tribes and tribal orgs
- Funding may be used to hire or contract staff



Workplace Safety

- \$10,000,000
- Ongoing funding
- Support workers impacted by climate change



Community Budget

- \$38,600,000
- One-time funding
- Community-recommended decarbonization* and resiliency projects in five communities

*reducing greenhouse gas emissions

Discussion

Any questions?

Any concerns?

Any additional feedback or recommendations to guide DOH's implementation?



NEXT STEPS

Thank You!



Contact Information

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(Lummi)

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https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_909



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