



Citizens for a
Healthy
Bay

May 22, 2017

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Lynn Gooding
Washington State Department of Ecology
Waste 2 Resources Program
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Lynn.gooding@ecy.wa.gov

Re: Comments on Public Participation Grants Rulemaking (Chapter 173-321 WAC)

Dear Ms. Gooding:

Thank you for providing the opportunity to review and comment on the proposed Public Participation Grants rulemaking (WAC 173-321).

Citizens for a Healthy Bay (CHB) is a 26-year old environmental organization whose mission is to represent and engage citizens in the cleanup, restoration and protection of Commencement Bay, the surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in the Puget Sound area. We work side-by-side with local residents, businesses and governments to prevent water pollution and make our community more sustainable. CHB is a past PPG recipient and was awarded a grant for the last biennium before the fund was zeroed out by the legislature.

CHB staff and expert members of our Policy and Technical Advisory Committee have reviewed the proposed rulemaking and related information. For the most part, CHB largely supports the proposed changes to the rule.

Background

Under Chapter 70.105D RCW, the Washington State Department of Ecology (Ecology) administers a program for grants to "persons who may be adversely affected by a release or threatened release of a hazardous substance and not-for-profit public interest groups." Grants are used to "facilitate public participation in the investigation and remediation of a release or threatened release of a hazardous substance and to implement the state's solid and hazardous waste management priorities." apply these changes to grants awarded in the 2017-19 biennium.

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Citizens for a Healthy Bay, along with other past grant recipients, and other stakeholders have indicated a need to increase the emphasis the public participation grant (PPG) program places in reaching disadvantaged communities adversely affected by toxic contamination and cleanup work. Updating the rule now will allow Ecology to apply these changes to grants awarded in the 2017-19 biennium.

General Comments

We commend Ecology staff and members of the PPG advisory committee for their work on this important program. As a past PPG recipient, CHB knows firsthand how critical these funds are to grassroots organizations working to protect Washington's communities from the adverse effects of hazardous pollution. Simply put, without these funds to facilitate public participation, the people of Washington bear the hardship. It is imperative that Ecology is able to move quickly on this rulemaking in order to implement the program for this biennium. Our specific comments and concerns, regarding environmental justice and priority to new applicants, are outlined below.

1. Environmental Justice

The proposed changes revise PPG program priorities to include environmental justice. CHB fully supports the new priority area of "applicants who facilitate public participation in highly impacted or low-income communities." This change addresses the need to prioritize environmental justice concerns in the program.

Citizens for a Healthy Bay fully supports revising the PPG program priorities to include environmental justice. Studies have shown that toxic contamination disproportionately affects vulnerable communities in Washington, such as people of color and low-income populations.¹

By prioritizing projects that benefit these highly vulnerable communities, this program can seek to acknowledge the inequitable distribution of environmental burdens and benefits. Every Washingtonian deserves protection from hazardous pollution no matter who they are, where they live, or how much money they make. Citizens for a Healthy Bay commends Ecology for prioritizing funding for overburdened communities. Achieving this vision will help to make our vulnerable, environmentally burdened, and economically disadvantaged communities healthier, cleaner and more sustainable places in which to live, work, play and learn.

2. Priority Given to New Applicants

¹ "Equity Analysis of Washington State Toxics Sites & the Model Toxics Control Act." Samir Junejo, Front and Centered. 2017. http://frontandcentered.org/wp-content/uploads/2017/01/MTCA-Report_1-25-17.pdf.

The proposed rulemaking directs that priority consideration for grant funding will be given to new applicants. While CHB understands the intent behind this consideration to promote equity and encourage new applicants, we are concerned about its unintended consequences for people and small organizations doing environmental justice work.

By prioritizing new applicants who “have not received funding in the last two biennia,” the proposed change benefits large organizations with more financial stability while individuals and smaller grassroots groups are at a disadvantage – we believe this is the opposite effect Ecology has intended. The disruption in potential funding makes small organizations less financially stable, thereby decreasing both the consistency and quality of their education and outreach work.

CHB recommends that this provision is: 1) removed from the priority consideration language; 2) given less weight than the other two priority criteria; or 3) revised to read: “(c) Have not received funding in the last two biennia or have received funding in the last two biennia and have received positive performance evaluation by the department.”

Conclusion

We look forward to the successful continuance of the PPG program to facilitate meaningful participation of the public, particularly those communities hardest hit by environmental pollution, in the investigation and remediation of toxic contamination.

Please contact me if there are questions regarding these comments. Thank you for the opportunity to provide feedback.

Sincerely,

A handwritten signature in black ink that reads "Melissa Malott". The signature is written in a cursive, flowing style.

Melissa Malott
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