

November 10, 2022

Erin Torrone
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comment on Draft Process to Identify Overburdened Communities Highly Impacted by Air Pollution

Dear Erin Torrone:

Thank you for the opportunity to provide comments on Ecology's draft process to identify overburdened communities highly impacted by air pollution, per the requirements of RCW 70A.65.020. As a statewide advocacy organization, the Washington Environmental Council works to develop, advocate, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. We are committed to supporting a just and equitable implementation of the Climate Commitment Act, including its mandates for Environmental Justice Review to ensure the program "*achieves reductions in criteria pollutants as well as greenhouse gas emissions in overburdened communities highly impacted by air pollution.*"¹

We appreciate Ecology's attention to public input and work to develop an iterative process to identify communities. We offer the following comments in support of that work and urge Ecology to consider several areas of change to both its approach and the draft process, in order to more accurately and equitably identify overburdened communities highly impacted by air pollution.

APPROACH

We ask that Ecology incorporate the following items to strengthen public understanding and better address the experience of communities overburdened with pollution.

¹ RCW 70A.65.020(1)

- *Better document how and why specific indicators are being applied:* We appreciate Ecology's efforts to document process considerations and make data sources publicly available on its website. We also appreciate the importance of identifying indicators based on public input. To achieve this stated goal, more refining is needed. We offer specific recommendations below and urge Ecology to more explicitly articulate any intentional or unintentional biases built into the proposed process and explain how these biases will impact which communities are identified for expanded air quality monitoring and air quality improvement strategies.
- *Go beyond the binary approach to identifying overburdened communities:* We urge Ecology to explore a tiered approach to identifying overburdened communities, in order to account for built-in uncertainties and margins of error and ensure that similarly impacted communities are treated equitably. A tiered approach would avoid the pitfalls of a binary approach, where similarly impacted communities are either "in or out", and better reflect the gradation of air pollution impacts.
- *Incorporate an adaptive management approach:* We urge Ecology to clearly articulate a plan to review communities, evaluate outcomes, and revise the process at regular intervals. While Ecology is only just starting the process to identify overburdened communities and build out more tools to reduce air pollution, it is important to be upfront and explicit about how and when Ecology will be evaluating progress and the impacts of this process. This evaluation should be communicated in an accessible and transparent manner with the identified communities and should include information around investment of resources, monitoring stations, and pollution sources.
- *Target resources equitably and broaden impact by asking for additional resources:* We appreciate Ecology's affirmation at recent public meetings that the process should decide how many communities will be included. We also appreciate staff's statements of commitment to seek additional funding from the legislature if needed. To this end, we urge Ecology to consider public feedback on the current information and public process as a call to scale up the impact and benefits of the work to address air pollution in overburdened communities. This includes additional monitoring and importantly, more resources to invest in communities. We also support a process that treats similarly impacted communities equitably and see no need for a scarcity approach, especially considering the substantial upward adjustments to the CCA revenue forecast.

To meet these needs, we support and encourage Ecology to request additional funding to ensure that communities overburdened with air pollution across Washington feel the near-

term benefit of the Climate Commitment Act through increased monitoring data, emission control strategies, and community grants and resources.

PROCESS

We offer the following comments on indicators needing further development and improvement, so that overburdened communities highly impacted by air pollution are not left behind.

Community Indicators

- *Tribal Land*: The initiative website states that Ecology is “inviting government-to-government consultation with Tribal nations and organizations affiliated with Washington Tribes on the areas included in “Tribal land.” Tribal land is not limited to the listed bullets and we look forward to input from Tribal nations.” The process to identify overburdened communities highly impacted by air pollution must respect tribal sovereignty and treaty rights. To this end, the final process must explicitly incorporate Ecology’s existing obligation to proactively and meaningfully engage and consult with federally recognized tribes, with sufficient time and information made available.
- *Environmental Health Disparities (EHD) Map and EJScreen Demographic Index*: We appreciate the inclusion of the EHD Map and EJScreen Demographic Index as indicators. However, while it is critical to direct resources to communities experiencing the greatest disparities, it is also important to acknowledge the margins of uncertainty built into these tools.

For example, using a rank of 9 or 10 as the threshold for the EHD Map Indicator may be too restrictive and somewhat arbitrary. There are many communities whose rank changed considerably in the 2nd version of the EHD map released this year. The most recent Washington Environmental Health Disparities Map Technical Report, published in July, includes a map showing relative changes in overall EHD rank on the census tract level. The authors state, “*We observe substantial increases in north King County, in the areas surrounding Spokane, and near Olympia. The larger decreases are focused in more rural areas, such as Lewis and Cowlitz counties.*” Changes in rank ranged from -4 to +5.²

² University of Washington Department of Environmental & Occupational Health Sciences and Washington State Department of Health. Washington Environmental Health Disparities Map: Cumulative Impacts of Environmental Health Risk Factors Across Communities of Washington State: Technical Report Version 2.0. 2022. https://doh.wa.gov/sites/default/files/2022-07/311-011-EHD-Map-Tech-Report_0.pdf?uid=636bd14e54839

Furthermore, since Ecology proposes to use the application of indicators only as an initial screening step to identify general areas for further consideration, it is better to err on the side of casting a wider initial net in order to ensure that highly impacted, vulnerable communities are not missed. For these reasons, we urge Ecology to consider using a lower rank on the EHD Map and a lower percentile on the EJScreen Demographic Index as thresholds for these indicators.

Air Pollution Indicators

The proposed application of indicators appears to undervalue community exposure to criteria pollutants via several source categories of criteria air pollution. We encourage Ecology to consider adjustments to the following indicators in order to correct for this undervaluing and better represent communities' lived experiences of pollution:

- *Elevated Level of Criteria Pollution:* There are many communities that come close to meeting the required thresholds for the 'Elevated Level of Criteria Air Pollution' indicator, but seem to fall just short. However, it's unclear if there is a substantive difference between criteria air pollution in these communities and many who do meet the thresholds. A lack of existing monitoring data may reinforce the exclusion of these communities, which could result in similarly impacted communities being treated very differently under the proposed process.

For example, the 24-hour design value threshold for PM_{2.5} is 20.4 ug/m³. There are many grid cells on the map with a 24-hour design value of 20 ug/m³. If these are rounded numbers, the actual values for these grid cells may meet the 20.4 ug/m³ threshold. Since there is likely some degree of uncertainty, communities in these grid cells may experience comparable levels of exposure and vulnerability to PM_{2.5} pollution as communities who meet the thresholds. Examples of places containing grid cells with a 20 ug/m³ design value include Confederated Tribes of the Colville Reservation lands, Spokane Tribe lands, and neighborhoods in Lacey, Olympia, and Vancouver.

We urge Ecology to build in a corrective step for the 'Elevated Level of Criteria Air Pollution' indicator that accounts for rounding, margins of error, and gaps in existing monitoring and modeling data.

- *Proximity to Stationary Sources:* The proposed process leaves out some communities heavily impacted by stationary sources of criteria pollutants. Concern about air pollution from stationary sources was a primary motivation for including criteria air pollution reduction requirements in the CCA. However, there are places in the 99th percentile for this category that get screened out of the draft screening map, even though they also meet the proposed Community Indicator thresholds. Examples include Lummi Nation lands, Swinomish Tribe lands, Samish Nation lands, the Cherry Point Industrial District region, and the Longview-Kelso area.

It appears that communities in these areas are being screened out because they don't meet the 'Elevated Level of Criteria Pollution' indicator threshold. It makes sense that Ecology is prioritizing measures of criteria pollutants, since the statute requires this focus. However, the threshold value for this indicator is a measure of quantity of emissions of each criteria pollutant from a major stationary source of pollution, divided by the distance from that source. We appreciate that there is an important distinction between facility emissions and community exposure to criteria pollutants. However, communities who meet this threshold should not be screened out simply because they do not also meet the 'Elevated Level of Criteria Air Pollution' threshold.

- *Wildfire Smoke Exposure:* Tribal lands and communities highly impacted by wildfire smoke are largely left out under the proposed process. There are places at or above the 95th percentile for this category that get screened out of the draft screening map, even though they also meet the proposed Community Indicator thresholds. Examples include the city of Wenatchee, the Chelan region, Spokane Tribe lands, Kalispel Tribe lands, and Confederated Tribes of the Colville Reservation lands. Similar to the 'Proximity to Stationary Sources' indicator, it's important to note that the threshold value for this indicator is a measure of exposure to PM_{2.5}, a criteria pollutant. Communities who meet this threshold should not be screened out, or have to meet multiple criteria pollutant thresholds.

Since wildfire smoke is a pollution source of increasing concern, we also offer the following recommendations to improve the Wildfire Smoke Exposure indicator:

- The annual timeframe for monitoring PM_{2.5} concentrations should be expanded to occur year-round. Doing so would include the entirety of the expanding wildfire season, detect other sources of PM_{2.5} pollution, and provide comprehensive data that can help communities and practitioners understand the impact of wildfire.



- Calculating threshold data year-round would ensure the entirety of wildfire season is covered. The proposed time frame of capturing PM2.5 data June-September will not capture the existing wildfire season. This is likely to be exacerbated in the future as climate change increasingly extends the wildfire season. For example, in 2022, wildfire smoke issues extended well into October. As late as October 20, Seattle had the worst air quality of any major city globally, driven by wildfires.
- Additional, year-round data on PM2.5 would create consistency between data gathered for PM2.5 and other pollutants and provide additional data on community exposure from non-wildfire sources. Year-round calculations of the “smoke score” would help understand baseline PM2.5 pollution without significant wildfires and aid in identifying elevated PM2.5 concentrations due to smoke exposure from other causes such as use of wood-fired stoves and prescribed fires. These data may also interest other state agencies such as the Department of Health and the Department of Natural Resources, community public health organizations, and land managers.
- Ecology has acknowledged data collection limitations in rural areas without proximate monitoring sites. Many rural areas are significantly impacted by wildfire smoke. Supplementing the National Air Monitoring Stations/State and Local Air Monitoring Stations (NAMS/SLAMS) used in the EPA’s dataset with community-sourced data such as those from PurpleAir could help to ameliorate the current gaps in data.
- In the future, it would be valuable to complement data on air pollution with information on community exposure as a result of local living and working conditions. The human health impacts of poor air quality will depend on the exposure of community members and their ability to buffer themselves from poor air quality. Wildfire smoke, like other air pollution, disproportionately impacts people who are unhoused, live in substandard housing with inadequate sealing or ventilation, and/or work outdoors. While the current indicators capture overall presence of air pollutants, additional indicators or analysis on levels of exposure are important for accurate identification of air pollution burden at the community level. Development of future datasets to capture this could be pursued in collaboration with other state agencies such as the Department of Labor and Industries and the Department of Commerce.

- *Vehicle Pollution:* Vehicles are the largest source of criteria air pollution in Washington, but the proposed process may undervalue pollution from busy roadways and transportation hubs. Communities heavily impacted by vehicle pollution — who also meet the Community Indicator and Elevated Level of Criteria Pollution thresholds — may get screened out by the proposed process flow.

Communities highly impacted by vehicle pollution are likely included via the use of the Environmental Health Disparities Map and/or the 'Elevated Level of Criteria Air Pollution' indicator. However, these communities may get screened out if they don't meet a threshold for an indicator in the second tier of Air Pollution Indicators.

Because there are no discrete indicators for vehicle pollution in the proposed process, it is difficult to know if any communities are being screened out for this reason. However, traffic-impacted communities who meet the thresholds for a Community Indicator and the 'Elevated Level of Criteria Pollution' indicator should not be at risk of being screened out. For this reason, we urge Ecology to add one or more specific indicators for vehicle pollution.

- *Health Impacts and Vulnerable Populations:* We appreciate that Ecology is working to incorporate public feedback by including Asthma Prevalence, COPD Prevalence, Life Expectancy, Children and Older Adults, and Households with No Vehicle in the draft process. We are concerned that their application as indicators in the process is structured to narrow the number of eligible communities beyond those that meet the Community Indicators and the thresholds for Elevated Levels of Criteria Pollutants. Narrowing the field of eligible communities in this way is unnecessary and inequitable.

To address this, we urge Ecology to either remove these indicators in the initial screening process (and use them instead, for instance, when considering emission control strategies and targeted grantmaking) or include them in a way that does not unnecessarily remove vulnerable communities highly impacted by criteria pollution from further consideration.

- *Duration and Intensity:* It is unclear if or how the proposed indicators take into consideration community exposure to short-term, high intensity sources of criteria pollution - such as acute wildfire events, infrequent but severe increases in emissions from stationary sources, or agricultural pollution sources. These types of exposures may have significant and repeated impacts on public health. To that end, we urge Ecology to build into the approach, if it is not already, a way to capture these acute events either as an

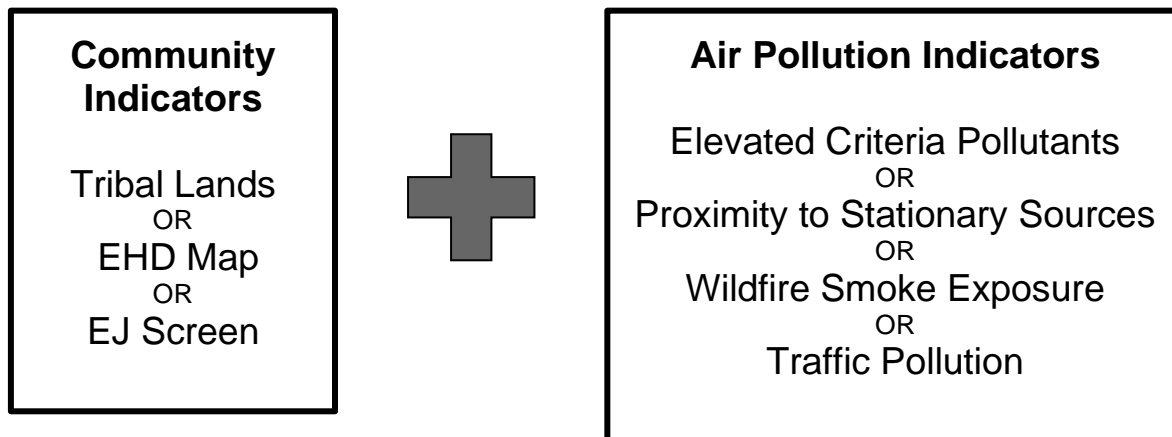
element of the appropriate indicator or another approach. This could be through the above suggested tiering approach or some other way. If Ecology does not have the data to be able to capture this temporal impact of acute events, we urge Ecology to seek out appropriate information and data to be able to incorporate these types of exposures.

Application of Indicators

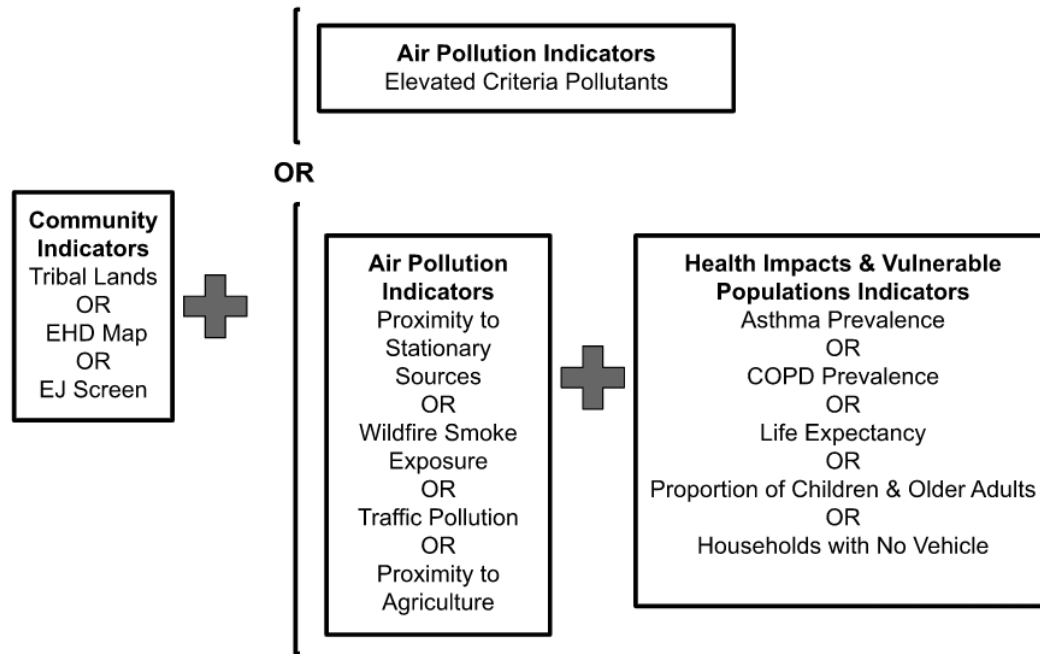
There are many ways that the existing indicators could be applied differently to correct the omission of communities described above. We urge Ecology to consider alternate processes for the application of indicators to make the process more equitable and more responsive to the intent of public input.

We are not recommending any specific alternate process. Rather, since the application of indicators is an initial screening step to identify general areas for further consideration, we believe it is better to err on the side of casting a wider initial net in order to ensure that highly impacted, vulnerable communities are not left behind. Here, we offer several examples to illustrate how different process flows could significantly impact outcomes.

Example 1



Example 2



Thank you for your consideration of these comments. We appreciate Ecology’s work to implement the critical Environmental Justice Review elements of the Climate Commitment Act, in order to reduce environmental health disparities and improve wellbeing and quality of life for millions of Washingtonians.

Sincerely,

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