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April 16, 2023

Clint Stanovsky  
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Rulemaking Lead – Cleanup Rule Update AO# 18-09  
Policy and Technical Support Unit, Toxics Cleanup Program  
Department of Ecology

RE: Comments on SHARP tool and manual

Dear Clint,

Thank you for providing the opportunity to comment on the SHARP tool and manual. Washington Conservation Action, Duwamish River Community Coalition, RE Sources, and Communities for a Healthy Bay offer these comments as members of the Stakeholder and Tribal Advisory Group.

While we provide specific comments on the SHARP tool and its manual below, we want to emphasize that we remain deeply concerned that Ecology has not documented how it will reprioritize program plans to eliminate the disparity in MTCA site location. As you know, MTCA sites are located disproportionately in low-income communities and communities of color, leading to serious disparities in health and quality of life (Front and Centered, 2017). Additionally, we do not see any materials describing the dashboard that Ecology staff mentioned in Fall 2022, nor how Ecology will prioritize its resources.

Until Ecology clarifies its approach and commits resources to this effort, we cannot support the shift outside of rule.

**Define and actively manage sites on the basis of environmental justice and tribal resources**

MTCA sites are disproportionately located in communities of color. These communities continue to live with the consequences of environmental racism and legacy pollution. Because of this, it is imperative that racial demographics be a stand alone factor in the SHARP analysis. Blending in racial demographics as one of many factors considered when looking at vulnerable populations minimizes the disparities that communities of color face.

We are also concerned that the SHARP manual does not have a definition for environmental justice. It is imperative that a clear definition is added to the manual so that anyone who uses the SHARP tool is working from the same, approved definition.



The materials available for review do not clarify how the existing list of MTCA sites across the state will be reassessed using the SHARP tool and transitioned from WARM. The manual suggests that each individual site will be reassessed separately. We recommend that Ecology complete a GIS analysis to fill in the demographic data rather than manually typing in information from EPA's EJ Screen tool that is currently described in the manual. We urge you to work directly with Tribes to reflect tribal resources at this step as well. The individual process described in the manual is subject to error and should be automated for readily available information. We urge you to work directly with EPA for access to datalayers used in the EJ Screen, and we can put you in contact with staff within EPA Region 10. A related comment is that the Centers for Disease Control also has relevant demographic and environmental online databases, and we would like to understand why you used the EPA product alone.

Once a statewide analysis is complete, SHARP assessments must also be available in a statewide database that can be queried so that Ecology, advocates, and impacted communities can track whether or not racial disparities decline as a result of active management. This is a critical component for tracking over time so that Ecology can adaptively manage programs that direct funding for MTCA cleanups and prevention. We would like to discuss this with you further before you finalize the SHARP tool.

We also have concerns over the visual report's lack of racial demographic information, information related to other overburdened communities, or anything that communicates a site's potential to impact Tribal resources. We request further clarification regarding why the "Working with Tribal Governments" section is in 5.4.4 and not included in the Socioeconomic tab.

Finally, the SHARP tool has no information on a site's potential to impact tribal resources for treaty-reserved resources or those established through executive order. This is an oversight that must be resolved before finalizing, and we defer to Tribes on how they would like to see this noted. We also urge you to work directly with Tribes to ensure that the identification of lands and waters relevant to tribal resources is clear and consistent across the state.

### **Expressly include mechanism for identifying cumulative impacts**

We remain concerned by the lack of a mechanism for identifying cumulative impacts. The existing site-by-site analyses do not account for cumulative health impacts to communities that are overburdened by MTCA sites, or in areas where there is broader regional contamination, such as the Duwamish Valley, Bellingham Bay, and Commencement Bay.

We would like to reiterate our comments on Preliminary Draft 2 regarding cumulative impacts:



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*We would like Ecology to consider the potential of future releases of hazardous substances, the potentially present hazardous substances associated with historical and current land use, as well as consider chronic exposure, not just acute exposure when evaluating possible receptors and contaminants as additional performance measures.*

*Ecology should consider how long a site has been on the list without any cleanup, in the prioritization process. We believe that sites that have been listed for an extended length of time should be prioritized over a site with equal contamination that was just added to the list. We would also like to raise our concerns regarding the prioritization of “easier sites.” If sites that are easier to clean up consistently get prioritized over more complicated cleanups, then complicated sites may never reach the top of the list.*

The proposed site-by-site approach also misses the cumulative impacts to tribal resources. We urge you to work directly with Tribes on how to ensure that tribal communities are able to shape how cumulative impacts are assessed and managed against.

### **Document commitments to center environmental justice in program cleanup plans**

As described above, we are unclear how the SHARP tool will be put into practice. We understand that Ecology intends to develop strategic program plans periodically and produce a dashboard where the public can track specific metrics of success. Specifically, we urge Ecology to regularly conduct the type of analysis that Front and Centered completed in 2017 to check for disparities on the basis of race and income. We also urge you to expand this analysis to evaluate sites from a tribal resource perspectives. Until the disparities that Front and Centered (2017) identified are closed and tribal resources or protected, the MTCA program will continue to contribute to environmental injustices in the state. We urge Ecology to clarify its approach as soon as possible.

We recommend that before Ecology separately rescors the thousands of sites awaiting cleanup across the state, Ecology first conduct a statewide GIS-based analysis to benchmark current status and socioeconomic information. When Ecology begins rescoring individual sites, we suggest that Ecology start with the Environmental Health Disparities (EHD) map and prioritize sites with a ranking of 8-10, and prioritize WARM rankings of 1 and 2. Further, the EHD mapping tool already includes data for people of color populations across the state. This is part of why we would like to discuss the approach with you further before you finalize the SHARP tool.

We recommend that Ecology publish and distribute a biennial report on the statewide analysis to improve transparency and accountability around whether the state is making progress toward its environmental justice goals and eliminating any disparities around tribal resources.



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Finally, we recommend that the report include how all MTCA grant funds are spent related to socioeconomic factors, including communities of color and tribal communities. We recommend that Ecology commit to a specific goal of eliminating all disparities within the next three biennia, or no later than June 30, 2027.

### **Improve public outreach**

We want to reiterate the comments, copied below, that we made for Preliminary Draft 1 regarding insufficient public outreach and the SHARP tool:

*To ensure the public interest is being served, we would seek to provide input on how the proposed site hazard assessment and ranking process will be used to prioritize cleanups. We recommend that Ecology simultaneously develop a formal policy for how SHARP will be used to prioritize cleanups with the opportunity for our additional input.*

As Ecology develops strategic plans and program plans for SHARP implementation and site cleanups, we recommend that Ecology deepen its commitment to public engagement. Too few people know about MTCA sites in the state, particularly where no local group exists or no Public Participation Grant funds have been dedicated. While not directly part of the SHARP tool or the manual on which Ecology is seeking public comment, we urge you to improve the public availability of MTCA site information available from the SHARP tool. This may include providing information in multiple languages, reaching out through social media, and other more modern ways to engage the public. We wanted to reiterate our separate comment letter on MTCA Rulemaking regarding public engagement.

### **Actively manage the consistency of SHARP applications**

In order to ensure that SHARP applications are applied consistently, we recommend that Ecology mandate annual training and program certifications for site managers as a form of consistency checks to identify outliers and retrain on expectations. Ecology should also create a Quality Assurance Project Plan (QAPP) detailing how SHARP will be used by individual staff members and programmatically.

We would like Ecology to specifically focus on staff training regarding socioeconomic factors, tribal resources, and also the ChemTox tab.

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Thank you again for engaging with us through the Stakeholder and Tribal Advisory Group and for ensuring the SHARP tool was available for public comment coincident with the public comment period on the Rulemaking. If you have any questions regarding these comments,



please contact Katie Byrnes at [kbyrnes@waconservationaction.org](mailto:kbyrnes@waconservationaction.org). We look forward to engaging with you to strengthen MTCA, protect communities, and ensure the public has access to important information in their own communities.

Sincerely,

Katie Byrnes  
Washington Conservation Action

Mindy Roberts  
Washington Conservation Action

Jamie Hearn  
Duwamish River Community Coalition

Erin Dilworth  
Communities for a Healthy Bay

Eleanor Hines  
RE Sources

#### References

Front and Centered. 2017. Equity Analysis of Toxic Sites and Model Toxic Control Act.  
<https://frontandcentered.org/mtca-report/>