



December 12, 2025

Toxics Cleanup Program
Washington State Department of Ecology
Olympia, Washington

Washington Conservation Action Education Fund (WCA) is a 501(c)(3) organization founded in 1967 as Washington Environmental Council. Our mission is to develop, advocate for, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. We are committed to reducing the environmental health disparities that communities of color and low-income neighborhoods face due to disproportionate exposure to toxic pollution.

For more than 30 years, we have remained committed to defending and improving MTCA by working to protect funding and ensure it benefits the communities most impacted by pollution. Over the last six years, we have invested significant time in the MTCA cleanup rule updates as members of the Stakeholder and Tribal Advisory Group and implementation of the new SHARP tool.

We are currently working under a Public Participation Grant to increase community engagement in site cleanup in Yakima, a community experiencing a high degree of environmental health inequality and with numerous MTCA sites awaiting cleanup. As the new Environmental Justice criteria are adopted and implemented, we want to emphasize that we, and our community members, remain deeply concerned about the higher risk of adverse health outcomes that overburdened communities and vulnerable populations face due to the location of MTCA sites. Thank you for considering our comments on the proposed Environmental Justice Criteria.

Environmental Justice Criteria

We understand that the proposed criteria currently rely solely on the Washington Environmental Health Disparities (EHD) Map. While an effective tool, it has key data gaps. The Washington Department of Health (DOH) intends the EHD Map to be used in combination with additional tools. We recognize that such tools are currently constrained or unavailable but are concerned that we miss critical information when using only the EHD



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Map. For example, we have found that health disparities in urban areas of our state are more accurately captured than in rural areas. DOH cautions against using the EHD map to assess rural areas and Tribal lands “because of the uniqueness of the communities and large area in rural census tracts.”¹

During the MTCA cleanup rule rulemaking, we submitted comments along with our partners at Communities for a Healthy Bay, Duwamish River Community Coalition, and RE Sources on the definition of “Indian Country” used throughout the rule that was adopted in the final language. When referring to areas for Tribal engagement, the original language relied on the same definition of “Indian Country” proposed in the Environmental Justice Criteria.

This definition does not encompass broader geographic areas that are within Tribal lands and waters defined by Executive Order or within Usual and Accustomed Areas under treaties. Resources that are used by Tribes, including fish and shellfish, extend well beyond reservation boundaries, and solely limiting this definition to narrow geographic boundaries does not appear to capture the intent of the proposed criteria. The final language in the cleanup rule was broadened to describe actions affecting “Indian tribes’ rights or interests” with the geographic boundary of “in their Tribal lands” removed.

We understand that the intent is to use the “Tribal Boundaries” overlay in the EHD map but emphasize that this may not fully reflect Tribes’ rights or interests. We defer to Tribal representatives on final wording and encourage Ecology to consult them.

How Ecology will use the proposed criteria

We appreciate Ecology’s emphasis on using Environmental Justice criteria to prioritize contaminated sites and use of state resources and the focus on transparency in cleanup decision-making. As stated in the document provided for comment, the updated MTCA cleanup rule requires Ecology to prioritize sites impacting vulnerable populations and overburdened communities and track progress.

¹ https://doh.wa.gov/sites/default/files/2025-05/334-541%20Using%20the%20Environmental%20Health%20Disparities%20Map%20and%20Supplemental%20Tools_0.pdf



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In our conversations with TCP staff, we have discussed the critical importance of developing a publicly available dashboard where advocates, impacted communities, and Ecology can query SHARP assessments by various environmental justice indicators. This is critical for Ecology to adaptively manage programs that direct funding for MTCA cleanups and prevention. For the dashboard to be effective, we requested that it is updated on a regular basis throughout the year and is shared widely, especially in communities with a high number of MTCA sites and high environmental health disparities. We understand that a dashboard is in the works. We commend Ecology for taking this step and look forward to its roll out.

This year, WCA participated in the Washington State Auditor Office audit of Community Engagement During Contaminated Site Cleanups. Through their investigation, auditors identified the need to improve site specific community engagement and plan for cleaning up high risk sites in a timely manner. They also found that Ecology manages 8% of Washington's contaminated sites, leaving the majority without requirements for community engagement.²

The cleanup rule requires Ecology to develop specific plans for engaging likely vulnerable populations and overburdened communities during Ecology-conducted or Ecology-supervised cleanups, but the same provisions do not apply to independent cleanups. Additionally, it is difficult to find information about independent cleanups as there is no requirement for third parties to make information available. We reiterate the need for Ecology to prioritize supervising and conducting cleanups at sites that are high risk for impacting a vulnerable population or overburdened community.

Community members deserve to know how Ecology makes cleanup decisions that impact their health and wellbeing. Increasing transparency and outreach is a step toward building trust in the MTCA cleanup process that was designed to protect people and the environment.

We appreciate TCP's continuous work to improve transparency, increase community engagement, and close the disparity gap. Thank you for considering these comments.

²

https://sao.wa.gov/sites/default/files/audit_reports/PA_Community_Engagement_During_Contaminated_Site_Cleanups_ar-1036880.pdf



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Thank you,
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