



Environmental Justice Assessment Checklist

COVER SHEET

An environmental justice assessment (EJA) is an opportunity to assess the potential environmental justice impacts of an agency action. Developed in collaboration with the HEAL Interagency Workgroup and the Environmental Justice Council, this checklist is designed to meet the environmental justice assessment requirements established under Washington’s [Healthy Environment for All \(HEAL\) Act](#). Each agency mandated within the HEAL Act has a version of this template with an accompanying guidance document to specifically address individual agency needs and processes.

1. Primary agency staff contact(s)	Ryan Murphy, Ryan.Murphy@dnr.wa.gov
2. Secondary agency contact(s), if applicable	Brian Considine, Brian.Considine@dnr.wa.gov
3. Description of proposed significant agency action (SAA)	<p>This Agency Request Legislation expands the definition of “Common School”, currently limited to K-12, to include early care and education. This allows for the construction and maintenance of early care and education facilities at public schools with revenue from DNR’s Common School Construction Fund. The Office of Superintendent of Public Instruction (OSPI) will have the authority and discretion to allocate the proceeds received by the sale of timber or otherwise generated by state lands.</p> <p>A separate new capital gains tax now provides enough funding for K-12 school construction; this is proposed legislation is complementary and addresses an unfunded need.</p>
4. Date EJA was initiated	12/15/2023



<p>5. Type of SAA (check all that apply)</p>	<p><input type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328.</p> <p><input type="checkbox"/> The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out.</p> <p><input type="checkbox"/> A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000.</p> <p><input checked="" type="checkbox"/> The submission of agency request legislation to the office of the governor or the office of financial management for approval.</p> <p><input type="checkbox"/> Programs requiring the labor of vulnerable and/or incarcerated populations.</p> <p><input type="checkbox"/> Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060, if so, please name: Click or tap here to enter text.</p>
<p>6. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.</p>	<p>TBD</p>

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HOW TO USE THIS DOCUMENT

This checklist is intended to guide staff and provide structure for reporting the outcomes of an environmental justice assessment. For more detailed guidance on how to complete each section of this template, see the Environmental Justice Assessment Guidance Document. For detailed guidance on how to engage with tribal governments and tribal communities, see [DNR’s Tribal Government Consultation Policy](#).

Section 1: Significant Agency Action Description

1. Describe the significant agency action (SAA) in 3-5 sentences.

This Agency Request Legislation expands the definition of “Common School”, currently limited to K-12, to include early care and education. This allows for the construction and maintenance of early care and education facilities at public schools with revenue from DNR’s Common



School Construction Fund. The Office of Superintendent of Public Instruction (OSPI) will have the authority and discretion the proceeds from timber sales or otherwise generated from state lands after covering the cost of K-12 school construction needs.

A separate new capital gains tax now provides enough funding for K-12 school construction; this is proposed legislation is complementary and addresses an unfunded need.

Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Describe the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

The geographic areas of construction and maintenance of early care and education facilities are yet to be determined. Facilities will be located at new or existing public schools within Washington State. OSPI will submit a ranked and prioritized listed of proposed purchases, major construction, and renovations every other year to the Office of Financial Management and relevant legislative committees.

2. Describe overburdened communities identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action. For a definition of 'overburdened communities' see Chapter [70A.02.010](#) RCW Section 11.

Since there are not yet designated geographic areas for this Significant Agency Action, DNR is not able to describe specific overburdened communities at this time.

To help inform where resources are allocated, OSPI shall convene a committee of early learning facilities experts to develop a prioritization methodology for applications of projects. Overburdened communities may include:

- Areas without part-day, full-day, or extended day early education and assistance program slots
- Low-income neighborhoods
- Rural locations

3. Describe vulnerable populations identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action. For a definition of 'vulnerable populations' see Chapter [70A.02.010](#) RCW Section 14 (a) and (b).

Since there are not yet designated geographic areas for this Significant Agency Action, DNR is not able to describe specific vulnerable populations at this time.



To help inform where resources are allocated, OSPI shall convene a committee of early learning facilities experts to develop a prioritization methodology for applications of projects. Vulnerable populations may include:

- Low-income children

Section 3: Analyze Environmental Benefits and Harms

1. Describe likely environmental **benefits** for overburdened communities, vulnerable populations, and Tribes associated with this action. For a definition of 'environmental benefits' see Chapter [70A.02.010](#) RCW Section 4(a)-(c).

The environmental benefits from new or renovated early care and education facilities may include climate-controlled indoor environments. Youth are the primary beneficiaries of these environmental benefits. During times of extreme weather events, these facilities can provide heating and cooling, clean water, healthy air, and dry environments. During months with shorter daylight, these facilities also provide a safe, well-lit space. For facilities with new or renovated kitchen facilities, youth may benefit from cooking methods that enhance overall student nutrition.

2. Describe likely environmental **harms** for overburdened communities, vulnerable populations, and Tribes associated with this action. For a definition of 'environmental harms' see Chapter [70A.02.010](#) RCW Section 5(a)-(d).

The environmental harms from new or renovated early care and education facilities may include harms associated with localized construction impacts. These can include diesel emissions and noise pollution from heavy machinery, increased traffic within one's community, and loss of access public school facilities during construction. Construction typically happens during the summer months, when school is closed. The completed infrastructure improvements are not expected to result in long-term environmental harms.

3. Describe likely associated **positive** health impacts for overburdened communities, vulnerable populations, and Tribes associated with this action.

The positive health impacts from new or renovated early care and education facilities may include benefits associated with climate-controlled facilities and programming that supports emotional and social needs. Youth are the primary beneficiary of these positive health impacts. These may include decreased incidents of allergies and asthma, lower stress and anxiety, and improved well-being and mental health.

4. Describe likely associated **negative** health impacts for overburdened communities, vulnerable populations, and Tribes associated with this action.



The negative health impacts from improved or new early learning facilities may include impacts associated with localized construction. These negative health impacts are more likely to occur in construction workers than for nearby community members. These may include temporary respiratory issues and long-term disease, like cancer, from exposure to diesel exhaust. Hearing loss may occur. Physical injury, bodily harm, and death may also occur in a high-risk and dynamic working environment. The completed infrastructure improvements are not expected to result in long-term negative health impacts.

Section 4: Tribal Consultation and Engagement of Indian Country

1. Summarize Tribal engagements and invitations for Tribal consultation to date.

Since the geographic areas for this Significant Agency Action are yet to be determined, specific Tribes have not been engaged nor invited for consultation.

2. Describe likely impacts to Tribal rights and resources associated with this action.

The resulting early care and education facilities are not expected to impact Tribal rights and resources.

3. Describe any plans for ongoing and/or future Tribal consultation.

DNR will formally invite Tribes to provide feedback on all the Agency Request Legislation for the upcoming legislative session. Comments will be received through an online portal and may be directed to individual DNR staff members, as well.

4. Summarize other engagement and feedback from Indian Country.

No formal engagement has been conducted yet.

Section 5: Community Engagement Summary

1. Summarize engagement with people from overburdened communities and vulnerable populations to date.



While preparing this Agency Request Legislation, DNR engaged with the Members of Color Caucus from the Washington State Legislature.

2. Summarize information received from people from overburdened communities and vulnerable populations.

The Members of Color Caucus expressed concern because early care and education programs are overwhelmingly owned and operated by women and people of color. The concern was that this legislation would isolate private providers from funding.

3. Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making about this action.

As a result of this feedback, the proposed bill also updates the Department of Commerce's Early Learning Facilities Fund—a separate fund source—to exclude funding for public schools but retain funding for private businesses; this ensures that private providers have a dedicated fund source for construction and renovation projects.

Between the DNR's Common School Construction Fund, new capital gains tax revenue, and the Department of Commerce's Early Learning Facilities Fund, there is more funding and less competition for providers, which will result in more options for parents and caregivers.

4. Describe plans for ongoing engagement with people from overburdened communities and vulnerable populations.

DNR will formally invite stakeholders to provide feedback on all the Agency Request Legislation for the upcoming legislative session. Comments will be received through an online portal and may be directed to individual DNR staff members, as well. Stakeholders are also encouraged to participate in the legislative process through public comment and engagement with elected representatives.

OSPI will also convene a committee of early learning facilities experts to advise the prioritization methodology of applications for projects; members will include representatives from the Department of Children, Youth, and Families, Department of Commerce, one of the State's educational Service Districts, the Washington State Housing Finance Commission, and the early learner facilities stakeholder group.

Section 6: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Which of the following approaches will the agency pursue to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits (check all that apply):



- Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations.
- Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.
- Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.
- Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action.
- Prioritizing equitable distribution of resources and benefits to overburdened communities.
- Promoting positive workforce and job outcomes for overburdened communities.
- Meeting community needs identified by the affected overburdened community.
- Modifying substantive regulatory or policy requirements.
- Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened communities and vulnerable populations.

2. Briefly describe the proposed action DNR will take for each approach selected in **Section 6, Question 1.**

This Significant Agency Action is not expected to cause any disparate environmental impacts on overburdened communities or vulnerable populations.

To provide equitable distribution of resources and benefits, the Agency Request Legislation requires a committee of stakeholders to create a prioritization methodology that meets the greatest need, maximizes public resources, and considers communities and populations that have been historically excluded.

3. Describe additional options the agency has to eliminate, reduce, and/or mitigate harms and equitably distribute benefits.

While this bill is rooted in expanding access to early care and learning facilities, it does not explicitly address environmental health. While developing prioritization methodology, the committee of early learning facilities experts could also utilize the Washington State Health Disparities Map and/or the Climate and Economic Justice Screening tool.



4. Describe how any environmental benefits will be equitably distributed and the resulting cumulative impacts of the proposed action.

The environmental benefit would be equitably distributed through the prioritization methodology of a stakeholder committee and the oversight of OSPI. With the additional revenue from the capital gains tax and better alignment of other fund sources, the state would see a net increase in early care and learning facilities over the years. Since these capital projects have a lifespan of decades, the impact would accumulate each year.

5. In the absence of ability or authority, to fully eliminate, reduce, or mitigate environmental harms caused by the significant agency action, or does not address the equitable distribution of environmental benefits, provide an explanation.

This Significant Agency Action is not expected to cause any disparate environmental impacts on overburdened communities or vulnerable populations.

Thank you for participating in this assessment and for your ongoing work toward equity and environmental justice at Department of Natural Resources. The final version of this document will be posted to the [Office of Equity & Environmental Justice page](#).