

SENATE BILL REPORT

E2SHB 1170

As Reported by Senate Committee On:
Environment, Energy & Technology, March 21, 2023

Title: An act relating to improving climate resilience through updates to the state's integrated climate response strategy.

Brief Description: Improving climate resilience through updates to the state's integrated climate response strategy.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet; by request of Department of Ecology).

Brief History: Passed House: 2/27/23, 82-14.

Committee Activity: Environment, Energy & Technology: 3/10/23, 3/21/23 [DP-WM, DNP, w/oRec].

Brief Summary of Bill

- Directs the Department of Ecology, in consultation and collaboration with multiple state agencies, to compile an updated Integrated Climate Change Response Strategy by September 30, 2024, and provide recommendations to the Governor and Legislature on a durable structure for coordinating and implementing the state's strategy, including a process to prioritize and coordinate state agency funding for climate resilience.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; Lovick, Trudeau and Wellman.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.

Signed by Senator Short.

Minority Report: That it be referred without recommendation.

Signed by Senators MacEwen, Ranking Member; Boehnke.

Staff: Gregory Vogel (786-7413)

Background: Integrated Climate Change Response Strategy. In 2009, the Legislature directed various state agencies to develop an Integrated Climate Change Response Strategy by December 1, 2011, to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change. In 2012, the strategy was published by the Department of Ecology (Ecology).

The strategy includes:

- a summary of the best-known science on climate change impacts to the state, and an assessment of the state's vulnerability to these impacts;
- efforts to identify priority planning areas for action;
- an assessment of project vulnerability to the impacts of climate change;
- barriers challenging state and local governments to take action;
- opportunities to integrate climate science, and projected impacts into planning and decisions; and
- methods to increase public awareness of climate change and to build support for meaningful policies and strategies.

Climate Commitment Act. Under the Climate Commitment Act (CCA), enacted in 2021, Ecology must implement a cap on greenhouse gas emissions from covered entities and a program to track, verify, and enforce compliance through the use of compliance instruments, with the program commencing by January 1, 2023.

The program must consist of, among other things, annual allowance budgets that limit emissions from covered entities, and periodic auctions of those allowances that may be used for program compliance. Receipts from the sale of emissions allowances are deposited in state accounts, to be used for clean energy, transportation, and climate resilience investments.

The CCA also requires the Governor to establish a coordinated and strategic approach to climate resilience, and to produce an updated statewide strategy for addressing climate risks and improving resilience of communities and ecosystems.

Environmental Justice. In 2021, the Legislature established environmental justice obligations for the departments of Health, Ecology, Agriculture, Natural Resources, Commerce, and Transportation, and the Puget Sound Partnership, including environmental

justice plan implementation, equitable community engagement and public participation, tribal consultation, environmental justice assessment, and budget and funding requirements. The Legislature also established the Environmental Justice Council to adopt guidelines to be considered by agencies in the compliance of these requirements.

Multijurisdictional Improvement Team. The Interagency, Multijurisdictional System Improvement Team was established in 2017 to identify, implement, and report on infrastructure system improvements that achieve certain designated outcomes, including projects that maximize value, minimize overall costs and disturbance to the community, and ensure long-term durability and resilience.

The team includes representatives from state infrastructure programs that provide funding for drinking water, wastewater, and stormwater projects. The Public Works Board and representatives from the departments of Ecology, Health, and Commerce facilitate the work of this team.

Summary of Bill: Ecology must compile an updated Integrated Climate Change Response Strategy by September 30, 2024, and provide recommendations to the Governor and Legislature on a durable structure for coordinating and implementing the state's strategy, including a process to prioritize and coordinate state agency funding for climate resilience.

Ecology must update the strategy every four years.

Starting September 30, 2025, Ecology must report on implementation progress and agency needs and priorities to the Governor's Office in interim biennial work plans for the budget planning process.

Beginning in 2025, agencies that must implement actions in the strategy must provide the information needed for reporting to Ecology by August 15th of odd-numbered years. Agency information may include any resources needed to carry out the required planning and design of policies and programs.

Ecology must consult and collaborate with, at a minimum, the departments of Fish and Wildlife, Agriculture, Commerce, Health, Natural Resources, Transportation, the State Conservation Commission, the Puget Sound Partnership, and the Washington State Military Department's Emergency Management Division. Ecology will engage other relevant state agencies to ensure that other climate resilience actions, such as those related to worker safety and community response, are incorporated in the updated strategy.

Ecology must also collaborate and engage with tribal governments, nongovernmental organizations, public and private businesses, and overburdened communities. Ecology must use guidance from the Office of Equity, the Environmental Justice Council, the agency's community engagement plan, and tribal consultation framework developed under state environmental justice laws to direct agency engagement with historically or currently

marginalized groups, overburdened communities, vulnerable populations, and tribal governments.

The strategy must include:

- a summary of each agency's current climate resilience priorities, plans, and actions;
- strategies and actions to reduce the highest climate vulnerabilities and risk to Washington's communities and ecosystems;
- a lead agency or group of agencies assigned to implement actions; and
- key gaps to advancing climate resilience actions, including gaps in state laws, policies, regulations, rules, procedures, and agency technical capacity.

The strategy must be guided by the following principles:

- prioritize actions that both reduce greenhouse gas emissions and build climate preparedness;
- protect the state's most overburdened communities and vulnerable populations, and provide more equitable outcomes;
- prioritize actions that deploy natural solutions, restore habitat, or reduce stressors that exacerbate climate impacts;
- prioritize actions that promote and protect human health;
- consider flexible and adaptive approaches for preparing for uncertain climate impacts, where relevant; and
- address the risks in each geographic region of the state with appropriate scope, scale, and urgency.

Collaborating agencies must assess the vulnerability of state assets and services and inform agency actions to reduce expected risks and increase resiliency to the impacts of climate change.

Ecology must work with the University of Washington Climate Impacts Group (Group) to ensure the state has access to relevant scientific and technical information about the impacts of climate change on Washington's ecology, economy, public health, and society, including a central location for accessing this information and use of any existing climate impact tools.

The Group will explore opportunities to partner with other data providers and leverage existing tools that can help further the understanding of climate impacts, such as the Department of Health's Washington Tracking Network.

The Group must examine existing best practices and new methods that could be used to measure and evaluate climate change resilience for the purpose of better understanding and tracking how investments made in climate change resilience translate into outcomes. The results of the examination must be provided to the Legislature by June 1, 2024.

When updating the strategy, the collaborating state agencies may consult with qualified

nonpartisan scientific experts, including the Group, as needed to assist with:

- identifying best practices and processes for prioritizing resilience actions and assessing the effectiveness of potential actions;
- developing a process for identifying metrics and measuring progress and success toward statewide resilience goals; and
- analyzing opportunities and gaps in current agency resilience efforts.

State agencies must consider current and future climate change impacts to the extent allowed under existing statutory authority and incorporate climate resilience and adaptation actions as priority activities when planning, designing, revising, or implementing relevant agency policies and programs.

Ecology must work with the Office of Financial Management and other relevant state agencies and entities to coordinate a state response to federal funding opportunities related to climate resilience.

Ecology must develop an interagency work group structure and leverage existing forums, such as the Interagency, Multijurisdictional System Improvement Team, to better coordinate funding for climate resilience.

By September 30, 2024, Ecology must provide the estimated state agency costs for implementing the updated climate response strategy, including existing programs and new recommended actions, to the Governor and appropriate committees of the Legislature. Estimated state agency costs should be projected over two-, four-, and ten-year time frames.

Ecology must track funding appropriated by the Legislature for implementing the strategy and include this information as part of reporting to the Governor's Office on odd-numbered years starting in 2025.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill updates the state's existing work on climate resilience, which we haven't updated since ten years ago. We've seen a growing number of climate impacts, including heat and drought, wildfire and smoke, causing negative economic and environmental impacts and affecting communities of color, indigenous people, and vulnerable populations worst and first. Updating the strategy will center climate justice for actions in the future.

Resilience planning for the state touches every sector. Environmental and cultural partners support the bill but strongly encourage ecology to work with the heritage sector while they do this.

The House made some important clarifications, including specifying particular issues to be addressed in the strategy and recognize geographic differences across the state and adding a report on examining outcomes for resilience.

The CCA requires this work, and the proposal satisfies the overdue responsibility of the state and benefits communities. It is important to take advantage of federal funding for this type of work.

CON: Running the process through the climate impacts group and Puget Sound Partnership, which are under contract with international shipping, is an illegal delegation of authority. This bill is not going to achieve what you're trying to achieve. It forces everything for international shipping and makes it hard on the local process, giving the world economic forum another advantage, leading to another ship in the harbor and more pollution that we don't track through the Puget Sound corridor.

Persons Testifying: PRO: Representative Chipalo Street, Prime Sponsor; Sarah Sutton, Environment and Culture Partners; Jennifer Hennessey, Washington State Department of Ecology; Scott Richards, The Nature Conservancy.

CON: John Worthington, AAMC.

Persons Signed In To Testify But Not Testifying: No one.