

SENATE BILL REPORT

SB 5093

As Reported by Senate Committee On:
Environment, Energy & Technology, January 27, 2023
Ways & Means, February 20, 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: Senators Rolfes, Lovelett, Hasegawa, Kuderer, Liias, Nguyen, Pedersen, Salomon, Valdez and Wellman; by request of Department of Ecology.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/20/23, 1/27/23 [DPS-WM, w/oRec].

Ways & Means: 2/13/23, 2/20/23 [DPS (ENET), DNP, w/oRec].

Brief Summary of First Substitute Bill

- Requires the Department of Ecology to update the state's Integrated Climate Change Response Strategy by September 30, 2024.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

Minority Report: That it be referred without recommendation.

Signed by Senators MacEwen, Ranking Member; Boehnke and Short.

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.

Staff: Gregory Vogel (786-7413)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5093 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Billig, Conway, Dhingra, Hasegawa, Hunt, Keiser, Nguyen, Pedersen, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senator Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall and Torres.

Staff: Wendy Brown (786-7359)

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 (First Substitute): 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 15 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; and
- consider flexible and adaptive approaches for preparing for uncertain climate impacts, where relevant.

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.

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.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Directs Ecology to announce the opportunity to participate in the strategy's development, and to include organizations who express interest in participating, to the extent possible, when developing the engagement plan.
- Clarifies that state agencies must consider climate change impacts to the extent allowed under existing statutory authority when conducting the work of agency

- policies and programs.
- Changes the due date for the updated strategy from July 1, 2024, to September 30, 2024.
 - Requires Ecology to provide estimated agency costs for implementing the updated climate response strategy to the Governor and Legislature by September 30, 2024, and to track and report on appropriated funding for implementing the strategy to the Governor's Office every other year starting in 2025.
 - Requires, rather than authorizes, Ecology to develop an interagency work group structure to better coordinate funding for climate resilience.

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 on Original Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: The original strategy bill was passed back when the Legislature was still arguing about whether climate change exists. It was a tough lift to get agencies to start talking about it before all the severe wildfires the state has experienced. The strategy has been key for outcomes, such as the Yakima Basin strategy and Chehalis Basin, but the plan is ten years old. The strategy needs to be updated to protect and prevent climate impacts to the state. It's a little bill with big impacts.

Updating and modernizing the strategy will ensure the state is addressing the highest risks and vulnerabilities for communities and ecosystems and is building capacity for equitable outcomes for those least able to prepare for impacts. An updated strategy will increase efficiency of state efforts by coordinating roles and identifying gaps in policy. It protects state investments and maximizes benefits for the public.

Leading public health journals have identified climate change as the greatest threat to public health today. The bill addresses health equity and addresses the needs of marginalized workers. It would improve available health data that the climate impacts group is also developing.

OTHER: We have small concerns around ambiguities in language that may allow expansive rulemaking beyond what this bill envisions. DNR supports acknowledgement of the role our agency plays in building climate resilience in public waters and lands we manage. We would like to change the interagency group language from a may to a must.

Persons Testifying (Environment, Energy & Technology): PRO: Senator Christine

Rolfes, Prime Sponsor; Martin Gibbins, League of Women Voters of WA; Joe Crumbley, CORA; Jennifer Hennessey, Washington State Department of Ecology; Rad Cunningham, Washington State Department of Health; Crystal Raymond, University of Washington, Climate Impacts Group; Jim Baumgart, Washington Military Department.

OTHER: Peter Godlewski, Association of Washington Business; Brian Considine, Washington Department of Natural Resources.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): PRO: Martin Gibbins, League of Women Voters of WA; Jim Baumgart.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: The Legislature appropriated funds in 2020 to begin this work, and a bulk of the implementation funds were vetoed because of COVID. This bill is a continuation of much of the staff work that occurred despite that veto. The first strategy, completed in 2012, was delivered before we had general consensus about the impacts of catastrophic wildfires, melting of ancient glaciers, and constant threat of drought. The bill is timely with this new understanding and will put us in a better position to compete for federal funding.

The bill will lead to a collaborative and cross-agency approach to update and modernize the state's integrated climate response strategy, which will support more equitable outcomes for those with the least capacity to respond. Funding is required to update the strategy every four years and ensure the University of WA Climate Impacts Group can serve in the roles identified in the bill.

CON: Ecology should not receive funding for this bill.

Persons Testifying (Ways & Means): PRO: Senator Christine Rolfes, Prime Sponsor; Jennifer Hennessey, Washington State Department of Ecology.

CON: John Worthington.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.