

PANDEMIC AAR AGENCY INPUT

Agency: **Department of Ecology**

Representative(s): *Jim Pendowski, William Hannah, and Jacob Rain*

Executive Summary

Like most state agencies, many of the Department of Ecology’s operations were affected in varying degrees by the response to the pandemic. Ecology adapted quickly to the dramatic changes that began in March of 2020 and expects that response activities will continue through at least the first half of 2022.

Ecology is comprised of ten environmental programs and seven administrative departments. The environmental programs include the Air Quality Program, Environmental Assessment Program, Hazardous Waste and Toxics Reduction Program, Nuclear Waste Program, Shorelands and Environmental Assistance Program, Solid Waste Management, Spill Prevention, Preparedness, Response, Toxics Cleanup Program, Water Quality Program, and Water Resources. Ecology’s seven administrative departments are the Administrative Services Division, Communications, Executive, Financial Services, Human Resources, and the Information Technology Services Office.

Ecology owns or leases 28 facilities across the state. Most of these facilities are leased for the purposes of equipment storage and prepositioned spill response caches. The majority of Ecology’s approximately 1900 employees are housed in eight facilities: Bellingham, Padilla Bay, Shoreline, Olympia/Lacey, Vancouver, Union Gap, Richland, and Spokane. A ninth facility, Manchester Lab, houses Ecology’s Environmental Assessment Program laboratory staff. However, this facility is owned and operated by the federal government.

Service Gap Analysis

The agency completed a Service Gaps analysis to determine the effectiveness of the adaptations used up to this point in the pandemic. This analysis reviewed eighteen broad areas of agency work, largely externally facing. Its purpose was to assess impacts on service levels to the agency’s ten environmental programs.

In order to catalog service impacts due to COVID restrictions, Ecology’s business operations were divided into eighteen categorical areas. Definition to the impact terms were provided for program use. The severity of impact was assessed in terms of timeliness, adequacy, and ability to carry out the functions of each program.

Categories/Function	COVID Impact on Work			
	Major	Moderate	Low	No
Community Outreach/Education				
Conferences/Professional Networking				
External Training/Drills				
General Technical Assistance and Customer Support				
Grants and Loans Issuance				
Hiring/Recruitment/Onboarding				

Laboratory Services – Manchester Lab Functions and Program Support				
Licensing/Certification/Accreditation (i.e., well drillers, lab accreditation, etc.)				
Non-Permit Related Regulatory and Compliance Inspections and Sampling				
Non-Regulatory Field Work/Sample Data Collection/Scientific Investigation				
Permit Activities (AQ, HWTR, Industrial, NWP, OCR, SEA, WQ, WR):				
▪ Permit Writing, Maintenance, Orders				
▪ Permit Compliance Inspections and Sampling				
▪ On-site Technical Assistance				
Plan Review and Approval (for example Cleanup Action Plans)				
Providing Public Access to Buildings for Business				
Public Hearings				
Public Meetings				
Public Records Access				
Stakeholder Meetings				
Staff Training				
Other				
Bidding Processing and Contracts				
Signatures/Approval Process				
Fee/Revenue Collection and Associated Customer Service				
Library Files and Administrative Records				

Impact Definitions:

- Major Impact: This function has stopped or was severely challenged by the pandemic
- Moderate Impact: Work is getting done but there are/was moderate gaps in timeliness or adequacy
- Low Impact: Most work is getting accomplished as usual, but there are/was minor gaps in timeliness or adequacy
- No Impact: This function has not been affected.

In eight of the eighteen areas assessed, programs reported major service gaps developed during the course of the pandemic. The majority of these centered in areas where personal interaction was desirable or where public access to facilities was necessary. These included community outreach and education, compliance inspection and sampling, and activities related to direct facility-specific technical assistance. Additional areas experiencing major impacts, not initially identified, were in the area of bidding and contracting, as well as some types of signature and approval processes.

Eight additional areas were identified as experiencing moderate impacts due to COVID restrictions. These included areas of general technical assistance and regulatory support, certain non-regulatory fieldwork, permit-related technical assistance, staff training, and public meetings and hearings. In these areas, reasonable adaptations were developed. Additional areas experiencing moderate impacts, not initially identified, were in the area of fee collection and related customer services, as well as some types of administrative records management.

General elements of work related to permit issuance, plan reviews and issuance of grants and loans were identified as being least impacted by COVID restrictions. It is important to note that the issuance of grants or loans is not the same as spending those funds. While the financial vehicles to provide funding worked well, restrictions posed on recipients and lack of Agency staff to oversee funded work resulted in a significant slowdown of the expenditure of those funds. The impact of this problem cannot be overstated in relation to Ecology's mission. This area and the impacts to staff recruitment and onboarding may well have the greatest long-term effects.

Externally

In collating program responses, it is clear that there was a gradient in the degree to which functions were impacted. This is due in large part to the unique elements of each program's mission. For example, the Environmental Assessment Program and the Spill Prevention, Preparedness and Response Program have two very different core missions, but both need to be able to deploy staff to do fieldwork. They also require highly trained staff, as do all environmental programs, to carry out their mission.

Programs were asked to provide examples of adaptations. This included those adaptations that they might keep in place after COVID restrictions are lifted. Not unexpectedly, Ecology staff rose to the challenges posed to operations by the pandemic response. Staff, supervisors, and managers exhibited open-mindedness and creativity as they continued to carry out the agency's work.

Areas where adaptations were developed and judged to some degree of effectiveness were:

1. Techniques used to replace routine, face-to-face interactions. The broad utilization of virtual techniques to maintain team cohesiveness and communication, quick morning virtual huddles of extended leadership team (including all regions) have been effective.
2. Virtual meetings helped programs with coordination and consistency, and allowed them to create tools they will continue using for the following:
 - 2.1. Permitting
 - 2.2. Inspections (limited in extent)
 - 2.3. Oil Spill Drills
 - 2.4. Remote Observations of Oil Transfers
 - 2.5. Email Screening of Cargo and Passenger Vessels
 - 2.6. Onboarding of new staff
 - 2.7. Training for staff and the regulated community
 - 2.8. Conferences
3. Electronic approval for documents. Ecology quickly found effective workarounds for the need for "wet signatures" on grants and loans. We learned this function is more efficient with electronic signatures, so the agency work should not return to the old paper system. Agencies should explore enterprise solutions for obtaining signatures (e.g., agency-wide purchases of DocuSign).
4. A demonstration (out of necessity) of what is required in the paperless office environment.

Conversely, there were a number of areas that were moderately to significantly impacted. Moreover, there were few if any effective workarounds developed. Areas identified as moderately to significantly impacted were:

1. Difficult to develop and maintain relationships with our partners and regulated entities.

2. Conducting inspections via a camera is challenging. It does not provide the granular detail needed to identify issues that would be clear with an in-person inspection.
3. Community outreach and education was severely limited and the option for no-person public stakeholder meetings was a disadvantage for some populations.
4. Accessing paper public records or making on-site viewing of records possible.
5. In-person oil transfer inspections/vessel substantial risk inspections.
6. In-person training for required First Aid and HAZWOPER (hazardous material response training).
7. Lab availability caused a setback on sampling deadlines.

Broadly speaking, the following activities will still require a significant degree of “in-person” interaction, both among staff and with the public. Examples of in-person and in-building activities (for both staff and the public) needed to be effective and provide customer service include, but are not limited to:

1. Fieldwork, including scientific studies, compliance inspections, and provision of technical assistance;
2. Regulated community training and licensing activities;
3. Certain types of community education and outreach, particularly around cleanup site activities;
4. Assisting with onboarding/training new employees;
5. Negotiations for the purposes of settlement or establishment of regulatory conditions or requirements (i.e., permit conditions);
6. Public review of agency records. Performing physical records management activities, including responding to public records requests and conducting proper records filing;
7. Receiving and processing mail or documents that must be physically submitted, such as bid documents. Signing official documents that require ink signatures. Picking up physical documents and/or equipment.
8. Using Ecology facilities and infrastructure to ensure sufficient connectivity and bandwidth for the purposes of attending regularly scheduled hybrid or in-person team/unit/section meetings for cohesion and work product coordination. This includes brainstorming and collaborating with colleagues in an active discussion format where electronic platforms are not fully adequate.
9. Hosting hybrid public virtual events using Ecology facilities and infrastructure to ensure sufficient connectivity and bandwidth.

Interagency

Ecology provided support in response to the Military Department, Emergency Management Division’s (EMD) State Emergency Operations Center (SEOC) Emergency Support Function activations. Primarily representing Emergency Support Function (ESF) 3 “Public Works and Engineering” as part of the Infrastructure Branch, Ecology advised EMD and the Governor’s Office on early clarifications of Washington’s Critical Infrastructure Sectors, guided by the Department of Homeland Security’s definitions. Additionally, WA Conservation Corps (WCC) crews remained available for coordinated SEOC and agency response as needed. Ecology also tracked COVID-related time and expenses, per OFM and EMD guidance.

Ecology’s Spill Prevention, Preparedness, and Response (SPPR) Program had activated the Regional Response Team, which covers Region X for the nation. Other federal and state agencies had response postures similar to Ecology’s, and were responding with elevated controls on social distancing and PPE, and remote operations for support positions where possible. The U.S. Coast Guard (USCG) suspended

most preparedness activities, such as area plan meetings. Ecology contacted and reaffirmed with EPA and USCG that should a large spill occur during this time, we would support the response with people and maximize virtual response as much as possible.

Ecology's SPPR program had periodic contact to check-in on transboundary topics. We learned that Transport Canada (TC), Canadian Coast Guard, and USCG were all using response postures similar to our own throughout the pandemic response. TC and USCG were also using similar methods for port state control inspections, which included social distancing practices. With Search and Rescue, helicopter pilots were isolated to remain an available resource, and Command Watch were working in an isolated unit.

The Department of Revenue (DOR) extended business tax deadlines by 30 days or more (depending on business and tax category). DOR's extensions directly affected Ecology's timing for sending out Hazardous Waste Generator Fee invoices, forcing Ecology to consider extensions on that billing as well. DOR grants the extensions through the Master Business License Program, not Ecology. The Underground Storage Tank (UST) Permitting information at DOR provided additional compliance assistance for UST owners. The Department of Revenue was no longer requiring people to request an UST extension on their Master Business License. Instead, they were automatically extending any UST permits that were not being extended by the tank owners by placing them in an "on hold" status in the Master Business Licensing system.

Strengths

Modern Work Environment Progress

Ecology has created a Modern Work Environment (MWE) Strategy in order to build upon the lessons learned during the pandemic. Development of the MWE Strategy began in late February 2021 and has been continually improved upon since that time. Its vision is to promote flexibility in where Ecology staff work, so that how they work aligns with the mission of the agency.

Ecology's Modern Work Environment Strategy's foundational assumption is that *all positions, outside of field-based crews or facility-related staffing, are eligible for telework*. Ecology defines telework as the practice of working from home or a location other than the primary worksite. The use of technology allows employees to access normal work material (email, telephone, electronic documents, meetings, etc.).

The frequency of telework may vary based upon a position's duties and responsibilities. This strategy also includes the broadly encompassing term of mobility. Mobility also encompasses remote work that is required for some jobs, such as fieldwork. A subset of that definition includes telework.

Equipment

Ecology developed procedures for the deployment of IT and office furniture. Staff utilized an online request and approval process. These online processes provided tips as to IT equipment set-up and safe transport of office equipment. It is anticipated for those staff who will be returning to Ecology facilities as their principal work location, these processes will be "reverse engineered" for equipment return.

As staff return and implementation of the MWE Strategy continues, use of buildings and office spaces will change. Based on needs, changes will be made to current workspaces in order to more efficiently use our spaces. We will take advantage of every opportunity to work with staff throughout this process.

Vaccine Mandate

On Monday, August 9, 2021, Governor Inslee announced that state government workers, consultants, and contractors working for state agencies, must show proof of being fully vaccinated against COVID by October 18, 2021. The vast majority of state workers were mandated to get the vaccine. Ecology complied with this mandate, losing approximately 4% of our workforce.

Follow up Actions

Continuity of Operations Plan (COOP) Update

The current agency Continuity of Operations Plan (COOP) is built using 10+ year old templates and data. A lot has changed since then, and even more drastically during the COVID-19 response. There are numerous updates to both guidance and models from across the country that have proven to be effective. Ecology believes a chapter approach, where each Program and Region have a chapter in the COOP, will provide the programmatic applicability Ecology works best with. It will also make maintenance, implementation, and expansion easier. It will continue to give Ecology leadership the tools they need to respond during a continuity event, while increasing the individual Programs' and Regions' abilities to independently respond and recover. This flexibility will allow for quick adaptability and use during a short-, mid-, or long-term response.

Emergency Operations Plan (EOP) Creation

Ecology will develop an Emergency Operations Plan (EOP) to become the center of information that discusses the agency's capabilities and how they contribute to our roles and responsibilities during emergencies and disasters. This EOP will connect with the State Emergency Support Functions and Recovery Support Functions, as well as tie into Ecology's COOP.