



# Healthy Environment for All (HEAL) Act – FAQ

## What are the goals of the HEAL Act and how will progress be measured?

The HEAL Act will define EJ in state law, create an EJ Council and an interagency workgroup, and would require the Departments of Health, Ecology, Agriculture, Natural Resources, Commerce, and Transportation, and the Puget Sound Partnership to:

- Incorporate EJ in their strategic plans or other planning documents
- Plan for meaningful community engagement and public participation
- Conduct environmental justice assessments
- Implement equitable budget and funding practices
- Report progress, as evaluated by the EJ Council, in implementing the requirements of the HEAL act on public dashboards

## In what areas will the HEAL Act require state agencies to make changes?

State agencies will be required to:

- Add an EJ implementation component to their strategic plans that describes how the agency will apply environmental justice to agency activities and guide the agency in its implementation of the act.
- Create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs, including facilitation of equitable participation and support of meaningful and direct involvement.
- Agencies must offer Tribal consultation for all significant agency actions, programs, and on the distribution of state funds that affect Tribes' rights and interests in their Tribal lands.
- Conduct an EJ assessment when considering a significant agency action to better inform them in making decisions and to assist with equitable distribution of environmental benefits, reduction of environmental harms, and identification and reduction of racial and economic disparities.
- Incorporate environmental justice into decision-making for budget development, making expenditures, granting or withholding benefits, and distributing funding.
- Publish a dashboard report delineating agency progress on implementing the environmental justice component of its strategic plan and its environmental justice assessments of proposed significant agency actions.

## Why doesn't the HEAL Act cover every state agency?

As a starting point, HEAL targets the agencies that can have the most impact on environmental health disparities. However, the bill includes language that encourages all state agencies to opt-in to the EJ obligations outlined in HEAL.

## How is the HEAL Act's definition of EJ different from the federal definition?

The HEAL Act defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This includes addressing disproportionate environmental and health impacts by prioritizing vulnerable populations and overburdened communities, equitably distributing resources and benefits, and eliminating harm.”

The first sentence of this definition is the same as the EPA's federal definition. After a months-long community engagement process focused on what a WA state definition for EJ should be, the WA EJ Task Force recommended adding the second sentence to specify who should be prioritized and how to address disproportionate environmental health impacts.

## Who appoints the EJ Council and what authority do they have?

Most members of the EJ Council will be appointed by the Governor, with the exception of two Tribal representatives on the Council. Tribal representatives will be appointed by the Governor's Office of Indian Affairs in consultation with all federally recognized tribes in Washington state, including all tribes with treaty reserved rights in Washington state. Councilmembers must be persons who are well-informed on and committed to environmental justice and who represent minority communities, low-income communities, environmental interests, and geographically diverse areas of the state.

The Council will work closely with the interagency workgroup, which is made up of one representative from each of the listed agencies on implementation of the HEAL act.

### The Council will:

- Serve as a forum for the public to voice environmental justice concerns and assist the council in understanding communities' priorities for recommendation to agencies
- Determine which of the obligations of the act—implementation in strategic plans, budgeting and funding criteria, or community engagement plans—agencies should pursue first
- Develop guidance in coordination with the interagency workgroup
- Identify and prioritize significant agency actions requiring an environmental justice assessment
- Evaluate progress of agencies on applying council guidance
- Communicate agencies' progress to the public, the governor, and the legislature

## Does the representation on the Council require geographic diversity?

Yes. Councilmembers will be chosen with consideration for geographic diversity and representation.

## How would the HEAL Act use the environmental health disparities map?

HEAL requires that the Department of Health (DOH), in consultation with the EJ Council, continue to develop and maintain an environmental health disparities map with the most current information necessary to identify cumulative environmental health impacts and overburdened communities. Furthermore, HEAL requires DOH to develop technical guidance for agencies that includes an

online training video detailing a description of how to utilize the environmental health disparities map's features, access source data, and explanation of map and indicator limitations. This will ensure that the map will continue to be a powerful tool that agencies can leverage to help meet the obligations of the HEAL Act.

### **How is the Environmental Justice Council different from the Office of Equity?**

While the Office of Equity will be focused on a broad range of equity, diversity, and inclusion-related issues that will span criminal justice reform to voting rights to labor standards, the Environmental Justice Council will be specifically focused on EJ and ensuring that community members with EJ concerns are heard, and that agencies are complying with the obligations of the HEAL Act.

### **Doesn't the law already state that environmental resources are to be used in a way that most benefits the environment?**

There is currently no existing law requiring State environmental spending to meet a health-based standard in every community. Resources can currently be allocated without consideration of how they may or may not benefit communities with the greatest environmental health disparities.

### **What are the environmental hazards we face?**

They are the changes forced on the ecosystem by greenhouse gas emissions, such as droughts, fires, floods, heat waves, ocean acidification, and storms as well as environmental pollutants released through burning fossil fuels, industrial processes, and transporting dangerous substances. We must also consider the compounding, cumulative impacts of these environmental and health harms and how they interact with one another to increase the burden on communities.

### **What factors define an overburdened community?**

Race, income, rate of employment, level of educational attainment, access to insurance, English language proficiency, proximity to pollution and climate change impacts are some of the considered factors. The combination of these factors influence how well a community is able to respond and recover from the impacts of pollution and climate change that we all face.

### **How would this help me if I'm not in an overburdened community?**

We are all connected. As we have seen from the COVID-19 pandemic, our economy relies on the health of the people participating in that economy. Reducing and eliminating pollution where it's most harmful prevents illness and death. Greater health and well-being contributes to better academic and job performance, which often leads to poverty reduction. These outcomes help strengthen community bonds, conserve public resources, and grow the economy to benefit everyone.

### **How would the HEAL Act benefit people?**

State agencies would be directed to consider environmental justice throughout their actions and decision-making processes, ultimately helping the state meet its environment and equity goals more efficiently and effectively. The HEAL Act is meant to improve the enforcement and implementation of statewide programs and policies to work towards ensuring the highest attainable environmental quality and health outcomes for the state and its residents.