

Questions and Answers from Front and Centered's 2024 Frontline Briefing on HEAL Act Progress and the State Budget September 10, 2024

Jeffrey (1:21pm): Do budget requests from the Governor to the Legislature specifically include reference to the HEAL Act? Should the Legislature mandate that agencies include the HEAL Act in their annual budget requests?

Agencies have to submit their request legislation and budget requests in September and those must include the laws that they (agencies) are already subject to like [the HEAL Act](#). We've met with some agencies already and they are asking for increased funds to increase their capacity to implement HEAL. In short, the answer is yes.

Anonymous: After reading the progress report, I have a question (knowing this might not be answered after just one convo) about going forward: What is the best way for CBOs [community-based organizations] to engage with HEAL? Does it make the most sense for CBOs to take on a specific HEAL policy or HEAL agency rather than all of us looking at all the things all the time?

CBOs can best engage by 1) following and influencing the work of the Environmental Justice Council. The EJ Council has opportunities for public comment and members of the council are open to connecting with members of the public 2) applying for the grants that are available for HEAL implementation. These grants are there to increase CBOs' capacity to implement HEAL projects at the local level. 3) Continue the work locally. The best work and acts of service start at the local level. We love to see models of a Just Transition and co-governance locally that help inform what Washington can do as a state.

Kamal (1:21pm): Thanks for this, hoping this gets answered through the presentation, but how is the overburdened communities data tracked? Meaning if it's the EHD map, what number or score does it mean to be "overburdened"?

Agencies adopted the following guidance developed by the Governor's task team to identify Overburdened Communities for budget and funding decisions: use census tracts with an score of 9 or 10 on the [Environmental Health Disparities \(EHD\) Map](#), census tracts designated as "disadvantaged" by the federal Climate and Economic Justice Screening Tool, and census tracts that overlap fully or partially with Tribal reservations as identified by

the Bureau of Indian Affairs. A list of identified communities for agency activities was published on the Office of Financial Management's dashboard in September 2024. No process or policy for self-identification and appeals has been established or published.

For all other agency activities, the Attorney General Office and Puget Sound Partnership direct staff to set an EHD score of 7 as the threshold. Taking a precautionary approach and setting the threshold to an EHD score of 7 in impact assessments and harm prevention helps avoid unintentional consequences. The remaining agencies have not developed or published additional guidance, though some agencies developed program-specific definitions for Overburdened Communities.

More information can be found in [our blog post](#) about identifying Overburdened Communities.

Kamal (1:25pm): Hi, can you share what number or score on the EHD Map makes a community "over-burdened"? Is it over 5 or 7? Is there a number?

7 and over is considered an overburdened community in the HEAL Act.

Jeffrey (1:25pm): Do expenditures towards electrification, e.g. electric drayage trucks, electric school buses, EV chargers, Tacoma rail yard, and electric ferries count towards meeting requirements to HEAL Act? These expenditures reduce pollution, especially PM2.5 which are particularly harmful.

We are specifically looking at expenditures that are explicitly going to overburdened communities. If an expenditure for example is \$100 million for electrification we ask that the state legislature make it clear that 40% of that funding goes to overburdened communities. In that calculation, \$40 million would be counted towards the overall goal to fund overburdened communities. Without that clear allocation to overburdened communities we can't count that towards the requirement. This is where agencies and the Governor's office in their calculation are making estimates of where the funding goes. Some of these funds will take a year or more to know exactly where the funding went.

Eric (1:28pm): I don't understand the relationship and gap between the 14% and 40% figures in the budget part of the presentation.

The Front and Centered budget analysis took a literal reading of the budget. If the budget provided clear language identifying a percent or dollar

amount to benefit overburdened communities we used that in our calculation. If no percent or dollar amount was identified in the budget language, we assumed the minimum by climate commitment act or 35% would go to the community. In the places where the budget language was vague, is where the gap exists. There are dozens of environmental justice programs intended to benefit overburdened communities, but unless there was a specific dollar amount stated, we could not assume in good faith all of the money would go to overburdened communities. [Our blog post](#) goes into greater depth on our methodology.

Naghmana (1:28pm): How do we empower the [EJ Council](#) to hold agencies accountable?

The Council is an advisory group that is tasked with providing guidance and recommendations on HEAL implementation. As community members, you can speak at Council meetings during their public comment period and urge for accountability and prioritization of their HEAL obligations. Unfortunately, community members are only allotted two minutes for comment. You can also submit a public comment letter to the Council for consideration.

The Council has struggled to review and provide guidance on key components of the HEAL Act like the community engagement plans and strategic plans. The Council needs to focus on HEAL implementation as its main priority. To do so, they need to frontload their meeting agendas with HEAL implementation. They must also work with the Legislature to clarify their capacity and prevent the addition of other priorities that may distract from HEAL.

Anonymous (1:32pm): Have you seen any response from agencies on committing to accessible education opportunities at the beginning of comment periods rather than in the last few days or AFTER a comment period closes?

Agencies have expressed their desire to provide better education and outreach to facilitate meaningful dialogue and participation. However, we have not seen or been made aware of many successful attempts to do so. At this time, engagement efforts are conducted towards the end of program development whether due to poor planning or short/misaligned project timelines. Agencies continue to establish basic, foundational pieces like staff, guidelines, and translation and interpretation services.

Tony (1:34pm): Do you have one example of where the HEAL Act has worked well and one example where it has failed?

Fundamentally, agencies, the state legislature, and community members have started working more cohesively on working towards environmental justice. There is more understanding about what our goals are (protecting community health, prioritizing the most impacted areas, and investing in community) as we combat climate change. This is a win for all Washingtonians. Every agency, even the state legislature, has made varied levels of progress on implementing HEAL and we appreciate every effort made to help make Washington healthier for all.

Eric: Regarding what Camille mentioned about education: what are 1-2 examples of changes resulting directly from HEAL that could be shared with affected community members?

HEAL established a goal of directing 40% of all expenditures that create environmental benefits to Overburdened Communities. In response, agencies have created several programs designed to benefit Overburdened Communities, and legislators have begun explicitly directing funds to Overburdened Communities in state budgets. How such plans/funds are implemented remain to be seen. However, HEAL has expanded funding opportunities for those living in Overburdened Communities across the state.

There are other components of HEAL with potential to greatly impact community members for the better, such as the Environmental Justice Assessments and expanded community engagement efforts. However, the positive impacts on frontline communities have yet to be realized.

Kathleen (1:47pm): Ione addresses an important point that I have heard in other spaces as well—having a single point of contact for community members. It's difficult to navigate government sites, know where to find this or that, and figure out who to call when. How can we begin the process of setting up that central contact for HEAL act questions, concerns, information, etc.?

Luckily we started some of that work already with the hiring of a HEAL Coordinator at the Governor's Office, Jerry Rivero. This is his email address: jerry.rivero@gov.wa.gov. As mentioned already too, there is now a [set of dashboards](#) that agencies have worked on to help track implementation of the HEAL Act.

Jeffrey (1:52pm): Follow up on my question. The state Legislature has the responsibility to meet the 40% requirement for expenditures. Do state agencies in their budget requests specifically document the amount of their budget request that meets the requirements of the HEAL Act. In the end, the legislature needs to sum up ALL agency requests to see if they are meeting the intent of the law. I don't see how they do that unless state agencies provide that estimation up front. Right now it seems like the process is an after-the-fact process that audits the expenditures rather than directing the expenditure.

Yes, agencies currently track and audit their expenditures. Agencies have made some program-specific efforts to direct expenditures; however, they have yet to do so at the agency level. We are calling on not just the Legislature to conduct an audit and demonstrate to frontline communities how their allocations meet the 40% goal - we also call on agencies to develop (and public release) agency-wide processes to direct and document expenditures going to Overburdened Communities.

Felipe (1:53pm): Thank you for this rich discussion and the opportunity for state agencies to learn and reflect. How were findings from the 2023 HEAL report communicated to state agencies? Are there follow-up plans from Front and Centered and member organizations to share and discuss the findings of the 2024 report with agencies tasked with HEAL implementation?

Findings from the 2023 HEAL Progress Report were sent to each respective agency's HEAL implementation team. They were also invited to last year's briefing to learn more about the report and its contents.

For the 2024 Report, agencies were much more involved in the data collection and assessment processes. They were asked to complete a self-assessment of their HEAL implementation and to submit any relevant information/materials to aid in our research. They were also given an advanced copy of our draft report and had ample opportunity to provide additional information, clarifications, and concerns for our consideration. HEAL agencies, the Governor's Office, and the Environmental Justice Council were all sent final copies of the report.

Just as we have done with the 2023 Report, we will continue to use the contents of the 2024 Report in our HEAL advocacy work. We've already heard reports of agency staff referencing our report in their internal meetings.

April (1:57pm): Not sure this comment/question is appropriate for this webinar, but I'm interested in whether and how organizations are pushing a degrowth and anticapitalist movement? I'm concerned that many EJ programs still cater to an extractive economy.

Front and Centered advocates for a [Just Transition](#), aiming to build and shift political and economic power away from an extractive economy to a regenerative economy. In this inevitable transition away from fossil fuels and other harmful practices, we must center frontline communities, redress harms, and create new opportunities and relationships through reparations. While the state continues to invest in false solutions that only harm frontline communities across Washington, we will expose such false solutions and ensure the frontline communities' vision of a Just Transition is central to the state's environmental justice work.

Larry (2:00pm): Has there been a WA State employee training on the HEAL Act? It would seem helpful for folks in at least certain positions to be required to understand the Act pretty deeply.

Employee training is conducted at the agency level - no statewide employee training on the HEAL Act has been established. Agencies have the discretion to decide if, when, and to whom to provide training to. Overall, there is a lack of training on community engagement, and a lack of agency-wide assessments and coordination to identify staff whose work may overlap with elements of the HEAL Act.

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