Healthy Environment for All (HEAL) Act

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Washington State Transportation Commission Meeting
July 20, 2022
Transportation Design Practices ... a Primary Spark for Environmental Justice
Let's Reflect on Past Practices ...
... and the Legacy Impacts
Freeway protesters in City Hall San Francisco (c. 1960)
Environmental Justice Background

• **What:** The fair treatment and meaningful involvement of all people regardless of race, color, culture, national origin, income, and educational levels with respect to the development, implementation, and enforcement of protective environmental laws, regulations, and policies.

• **Why:** Meaningful Engagement
  – People have an opportunity to participate in decisions about activities that may affect their environment and/or health;
  – The public's contribution can influence the regulatory agency's decision;
  – Community concerns will be considered in the decision-making process; and
  – Decision makers will seek out and facilitate the involvement of those potentially affected.
Title VI

“No person in the United States shall, on the ground of race, color, or national origin,

• be excluded from participation in,
• be denied the benefits of, or
• be subjected to discrimination

under any program or activity receiving Federal financial assistance.”


EJ principles

1. To ensure the **full and fair participation** in the transportation decision-making process.
2. To **prevent the denial of, reduction in, or significant delay in the receipt of benefits**.
3. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects.

USDOT’s Guiding Principles re: EO 12898: Federal Actions To Address Environmental Justice in Minority and Low-Income Populations
The law directs state agencies to incorporate environmental justice into decision making.

**Healthy Environment for All (HEAL) Act**

**ACCOUNTABILITY**
- Metrics Reporting
- Dashboard
- Council Progress Report

**IMPLEMENTATION**
- Conduct EJ Assessments
- EJ Council & Interagency Work Group
- Community Engagement
- Tribal Consultation

**FOUNDATION**
- Updated Community Engagement Plan
- Implementation Plan
- Tribal Consultation Process
- Budget Development Process
HEAL Act Goals

- Implement the Environmental Justice Task Force’s recommendations
- Incorporate EJ into agency decision-making processes
- Improve government accountability to communities
- Create consistent & accessible pathways for community to be meaningfully involved in government decision making processes
Covered Agencies

**Other state agencies are able to opt-in**
How is HEAL Different than NEPA?

The HEAL Act differs from EJ Analysis under NEPA in important ways.

**Scope**
Not limited to projects where a federal nexus exists
Applies to a broader group of agency actions

**Substance**
EJ principals will be incorporated into strategic and community engagement plans, and budgeting decisions
Agencies will report to the EJ Council and on public dashboards

**Outcomes**
Fair Treatment, equitable distribution of benefits
EJ principles are embedded in agency policies and practices
Healthy Environment for All (HEAL Act)

HEAL Act defines ‘environmental justice’ in state law; outlines how state agencies should consider community needs and environmental justice (EJ) in their work.

Agency requirements are sequenced as follows:

- Requires community engagement plan by July 1, 2022
- EJ implementation plan by January 1, 2023
- EJ Assessments for actions (begin July 1, 2023)
  - Individual projects and grants over $15 million
  - New grant or loan programs
  - Agency request legislation
  - Additional actions identify by July 1, 2025
- Incorporate EJ into budget & funding decisions (begin July 1, 2023)
WSDOT’s HEAL Act Implementation Team Structure
## HEAL Act Implementation Task Teams

<table>
<thead>
<tr>
<th>Task Team 1</th>
<th>Task Team 2</th>
<th>Task Team 3</th>
<th>Task Team 4</th>
<th>Task Team 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(Section 13)</strong></td>
<td><strong>(Section 12)</strong></td>
<td><strong>(Section 20)</strong></td>
<td><strong>(Section 14)</strong></td>
<td><strong>(Section 16)</strong></td>
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<tr>
<td>Community Engagement Plan update</td>
<td>Strategic Plan update (required to draft &amp; include EJ Implementation Plan)</td>
<td>EJ Council and Interagency Workgroup Support</td>
<td>EJ Assessment</td>
<td>Budget Development, Grants, Discretionary Program Expenditures</td>
</tr>
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<td><strong>Lead(s):</strong> Multimodal Planning &amp; Data Division</td>
<td><strong>Lead(s):</strong> Co-Project Managers</td>
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<td><strong>Lead(s):</strong> Office of Equal Opportunity, Environmental Services Office, Multimodal Planning &amp; Data Division</td>
<td><strong>Lead(s):</strong> Budget, Capital Program Development &amp; Management</td>
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<td><strong>Due:</strong> July 1, 2022</td>
<td><strong>Due:</strong> January 1, 2023</td>
<td><strong>Due:</strong> Ongoing</td>
<td><strong>Due to Begin:</strong> July 1, 2023 (then ongoing)</td>
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Plan for Equitable Community Engagement & Public Participation

HEAL Act defines ‘environmental justice’ in state law; outlines how state agencies should consider community needs and environmental justice (EJ) in their work.

“This plan must describe how the agency plans to facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities.”

DESIRED OUTCOME

Each agency adopts a plan for how to equitably engage with overburdened communities & vulnerable populations.
Incorporate Environmental Justice into Strategic Plans and Other Planning Documents

“The plan must describe how the agency will apply the principles of environmental justice to the agency's activities and guide the agency in its implementation of its obligations under [the HEAL Act].”

DESIRED OUTCOMES

- Each agency adopts a plan describing how it will implement its HEAL obligations and how it will apply EJ to agency activities
- Track and measure accomplishments of agencies’ goals and deliverables
Budget and Funding Obligations

“Each agency must incorporate environmental justice principles into its decision processes for budget development, making expenditures, and granting or withholding benefits.”

**DESIRERD OUTCOMES**

- Each agency strives to equitably distribute funding and expenditures towards overburdened communities and vulnerable populations
- Focus expenditures on eliminating health burdens, creating community and population resilience, and improving quality of life
Environmental Justice Assessment

DESIRED OUTCOMES

- Agencies consistently consider overburdened communities & vulnerable populations when making decisions
- Agencies strive for the equitable distribution of environmental benefits and the reduction of environmental harms
- Identify and reduce environmental & health disparities

“Prior to finalizing a significant agency action, an agency must conduct an environmental justice assessment”
Plan for Equitable Community Engagement and Public Participation

“This plan must describe how the agency plans to facilitate equitable participation and support meaningful and direct involvement of vulnerable populations and overburdened communities.”

DESIRED OUTCOME
Each agency adopts a plan and develops strategies to advance and support equitable engagement with overburdened communities & vulnerable populations
Environmental Health Disparities (EHD) Map

The Washington Environmental Health Disparities Map is an interactive tool that compares communities across Washington State for environmental health disparities. The map shows pollution as well as proximity to hazardous waste sites. It also shows poverty and unaffordable housing, among other population characteristics.

Department of Health

- Develop and maintain EHD map
- Track changes over time
- Document and public summary of updates and revisions for public review
- Develop technical guidance and training for agencies/practitioners

https://www.doh.wa.gov
Environmental Justice Definitions in Law

(Source: RCW 70A.02)

- Environmental justice
- Vulnerable Populations
- Equitable Distribution
- Environmental Benefits
- Environmental Harm
Questions?

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