2025 Supplemental Budget HEAL Act Template

Background

HEAL Act requirements

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 (RCW [70A.02](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02)) requires that “covered and opt in agencies” must implement the requirements of the HEAL Act. This includes the:

* Department of Ecology
* Department of Agriculture
* Department of Commerce
* Department of Health
* Department of Natural Resources
* Department of Transportation
* Puget Sound Partnership
* Office of the Attorney General

HEAL Act agencies that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010)(12) specifies that significant agency actions include:

* The development and adoption of significant legislative rules as defined in RCW [34.05.328](https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328).
* The development and adoption of any new grant or loan program that the agency is explicitly authorized or required by statute to implement.
* A capital project, grant, or loan award costing at least $12,000,000.
* A transportation project, grant, or loan costing at least $15,000,000.
* The submission of agency request legislation to the Office of the Governor or OFM.

Under RCW [70A.02.080](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.080), beginning on or before July 1, 2023, covered and opt in agencies must, where practicable, take specific actions when making expenditure decisions or developing budget requests to OFM and the Legislature for programs that address or may cause environmental harms or provide environmental benefits. This includes:

* Focus applicable expenditures on creating environmental benefits that are experienced by overburdened communities and vulnerable populations, including reducing or eliminating environmental harms, creating community and population resilience, and improving the quality of life of overburdened communities and vulnerable populations.
* Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in agency expenditure decisions.
* Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditures.
* Establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations overburdened communities.

To help OFM understand how HEAL Act agency budget requests meet HEAL Act requirements, covered agencies are required to complete additional questions related to the HEAL Act. These questions are shown below and are in addition to the equity related questions required of all agencies. Covered agencies are asked to complete the following questions and submit them through ABS.

HEAL Act questions

If you answer YES to any of the first three questions, please answer the six additional questions and submit them as an attachment through ABS.

1. Is this decision package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010)(12)?
2. Is this decision package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010)(12)?
3. Is this decision package requesting funding for a program/project/activity that may **provide environmental benefits or reduce, mitigate, or eliminate environmental harms**, (that is not a significant agency action)? Note: This may include decision packages for programs not purposely directed to provide environmental benefits but may have an indirect or unintentional impact.

If you answer YES to any of the above questions, please complete these additional questions.

1. Please describe specific likely or probable environmental harms and/or benefits related to your decision package and the associated health impacts to overburdened communities and vulnerable populations.
2. Please describe the estimated percentage and amount of the requested funds that will go towards creating environmental benefits in overburdened communities and vulnerable populations as defined in OFM’s the [OBC map](https://geo.wa.gov/datasets/e0074300efda47efa6b01e6236bcfe48_0/explore?location=47.044319%2C-120.897341%2C7.00) or as determined by the agency. If applicable, please include your methodology for making this estimate, including project/award lists if available.
3. Please describe any potential significant impacts to Indian Tribes’ rights and interest in their tribal lands, as well as traditional practices.
4. Describe how your agency engaged with Tribes in developing this proposal, including offers for tribal consultation including timelines, methods for feedback, and mechanisms for Tribes to express concern, opposition, or support., and any direction provided by Tribes through this engagement.
5. If the decision package is part of agency request legislation or supports another significant agency action that is required to complete an environmental justice assessment under RCW [70A.02.010](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.010)(12), please submit the assessment as an attachment in ABS.
6. If the decision package is part of agency request legislation or constitutes a significant agency action that is required to complete an environmental justice assessment, please describe how your agency used the environmental justice assessment process to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits. If your agency determined that you were unable to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits, please provide a justification for not doing so.