



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

Uniform approach for identifying overburdened communities and vulnerable populations to direct and track investments under the Healthy Environment for All and Climate Commitment Acts

Adopted June 26, 2024

Pursuant to the [Governor's Directive 24-11](#), the following document outlines a uniform approach for executive and small cabinet agencies to identify overburdened communities and vulnerable populations to direct and track investments under the Healthy Environment for All (HEAL) Act and Climate Commitment Act (CCA). The approach ensures that investments made under these laws are effectively directed towards creating benefits for vulnerable populations in overburdened communities and tracked consistently across state agencies.

This approach will guide investments and tracking methods for fiscal years 2024 and 2025. It does not apply retroactively. It is the Governor's Office intent that this approach be updated to guide investments and tracking for the 2025-2027 biennium.

This guidance is to be used for the purpose of making and tracking investments under HEAL and the CCA. It does not supersede any statutes, including proviso language on specific appropriations. Moreover, this guidance is not intended to inform how to identify vulnerable populations and/or overburdened communities for other purposes, including but not limited to environmental justice assessments under RCW 70A.02.060 or directing community engagement under RCW 70A.65.050.

Please note that the guidance in this document is intended to augment and support agency equity goals. When investing funds to benefit vulnerable populations in overburdened communities, agencies should work in collaboration with their Equity and HEAL Teams to design and implement funding programs that align with this guidance and support agency equity goals.

The interagency *Task Team on Identifying Overburdened Communities*, formed by the Governor's Office in December 2023, will develop and adopt an implementation guide to assist agencies in executing the approach established here.

Background

Statutory Requirements

The eight state agencies covered under the HEAL Act are required to incorporate environmental justice into budget and funding decisions. Specifically, HEAL requires that agencies, as practicable, “establish a goal of directing 40% of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities” (RCW 70A.02.080). Additionally, HEAL requires that covered agencies report to the Office of Financial Management (OFM) and the Environmental Justice Council annually on their progress implementing the act (RCW 70A.02.090).

The CCA requires that at least 35% (with a goal of 40%) of CCA revenues are invested to “provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities identified under chapter 70A.02 RCW [the HEAL Act]” and at least 10% are supported by Tribes (RCW 70A.65.230). In addition, multiple budget provisos require that specific CCA appropriations benefit overburdened communities, either in whole or in part.

Finally, Section 302 of the 2023-25 biennial operating budget (Chapter 475, Laws of 2023) requires the Department of Ecology (Ecology), in consultation with OFM and the Environmental Justice Council, to develop and implement a process to track, summarize and report on state agency expenditures from CCA accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities.

Throughout this guidance, the three statutory requirements outlined above will be referred to as the *CCA and HEAL funding equity requirements*.

Process

The identification of overburdened communities and vulnerable populations underlies each of these requirements. In recognition that a consistent, uniform approach was needed to effectively invest and track investments in these communities across agencies, in December 2023, the Governor’s Office convened a Task Team of agency staff working on HEAL implementation to develop recommendations for a common approach to identify overburdened communities for the purpose of making and tracking investments under the CCA and HEAL. The Task Team developed their recommendations by reviewing the statutory requirements, examining best practice from other jurisdictions, and considering how processes could be uniformly applied across all cabinet agencies while supporting flexibility for different agency needs. The Task Team sought advice and input from members of the Environmental Justice Council. The Governor’s Office is adopting the approach described in this document with the recommendation of the Task Team and the HEAL Subcabinet.

On May 24, 2024, the Governor issued [Executive Directive 24-11](#) directing certain executive and small cabinet agencies to use a uniform approach to be developed by the Governor’s Office for identifying overburdened communities and vulnerable populations.

HEAL and CCA Reporting

Beginning in September of 2024, HEAL covered and opt-in agencies will report to the Environmental Justice Council on their progress on incorporating environmental justice into their strategic plans, completing environmental justice assessments, and on meeting HEAL’s equity targets related to budgeting and funding. OFM is required to publish a dashboard in a uniform format on these metrics.

In the fall of 2024, state agencies with CCA appropriations will report to Ecology on their expenditure of these appropriations (RCW 70A.65.300). OFM will track and publish dashboards in a uniform format on all CCA expenditures and will include reporting pertaining to grant recipients as well as the benefits to overburdened communities (2023-25 operating budget Section 302(13)).

Ecology is adopting rules to govern the collection of information on CCA investments. Additionally, OFM will be sending agency instructions to fulfill the above reporting requirements. This guidance augments these rules and instructions by providing clarity on how agencies should determine and identify overburdened communities.

Approach for Identifying Vulnerable Populations within Overburdened Communities – Fiscal Years 2024 and 2025

Agencies shall use the following approach for identifying vulnerable populations within overburdened communities¹. The cornerstone of the approach is a statewide mapping tool to identify overburdened communities. Recognizing data limitations, the approach includes opportunities for an agency to expand overburdened community identification through additional data and information.

The mapping tool identifies geographic areas considered as “overburdened communities.” The mapping tool is a composite of map layers depicting census tracts ranked 9 or 10 on the Environmental Health Disparities map², areas characterized as “disadvantaged” on the federal

¹ Under RCW 70A.02.080, the HEAL Act requires investments that benefit “vulnerable populations **and** overburdened communities.” Under RCW 70A.65.230, the CCA requires investments to benefit “vulnerable populations **within the boundaries of** overburdened communities identified under chapter 70A.02 RCW.” Under this guidance for FY 24/25, the Governor’s Office does not differentiate between these terms. The effect is that under this guidance, agencies should direct and track investments to benefit vulnerable populations located within geographic areas identified as ‘overburdened communities.’

² “Washington Environmental Health Disparities Map.” Washington State Department of Health, <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map>.

Climate and Economic Justice Screening Tool³ (CEJST), and census tracts that are fully or partially on “Indian Country” as defined in 18 U.S.C. Sec. 1151⁴. The mapping tool is publicly available on [OFM’s website](#).

Tracking and Reporting Investments

When tracking and reporting investments to OFM, agencies should count an investment towards creating benefit for vulnerable populations in overburdened communities if it:

- Is invested in a geographic area identified on the overburdened communities mapping tool;
- Is reasonably expected to benefit a vulnerable population based on one or more of the “vulnerable populations” definitions established in the HEAL Act (RCW 70A.02.010 (14)); and
- Is reasonably expected to create environmental benefits per criteria established in the HEAL Act (RCW 70A.02.010 (4)), or for CCA, direct and meaningful benefit per RCW 70A.65.030(1).

Directing Investments

Several CCA-funded appropriations include provisos that require funding to be invested, either in whole or in part, towards benefiting vulnerable populations in overburdened communities. Additionally, under HEAL and CCA, agencies will actively direct funding towards creating environmental benefits and reducing environmental burdens for vulnerable populations and overburdened communities.

When designing grants and programs intended to benefit vulnerable populations in overburdened communities (either in whole or in part), and when reviewing grant or funding applications to determine whether a project will benefit vulnerable populations in overburdened communities, an agency should first determine whether a program, grant or funding application for the HEAL Act is reasonably expected to *create environmental benefits* based on criteria established in the HEAL Act (RCW 70A.02.010) or for the CCA, whether it is reasonably expected to *create direct and meaningful benefit* per RCW 70A.65.030(1).

If a program, grant, or funding application does not meet the above requirements for HEAL or CCA then the agency should not consider it further as eligible towards fulfilling the CCA and HEAL funding equity requirements.

³ “Climate and Economic Justice Screening Tool.” Council on Environmental Quality, <https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5>.

⁴ Indian Affairs (IA). “MMU’s Service Area and Jurisdiction | Indian Affairs,” <https://www.bia.gov/mmujurisdiction>.

If the program, grant, or funding application is reasonably expected to create environmental benefits (for HEAL) or meets the requirements under RCW 70A.65.030(1) (for CCA), then the agency shall use the following criteria to determine whether the program, grant, or funding application will benefit vulnerable populations in overburdened communities and therefore count towards the funding equity requirements:

- The program, grant or funding application is located within the geographic areas identified as overburdened, including:
 - Areas identified on the overburdened communities mapping tool; or
 - Areas not identified on the mapping tool but identified through additional information and data from the agency program or funding applicant; **and**
- Is reasonably expected to benefit a vulnerable population based on one or more of the “vulnerable populations” criteria established in the HEAL Act (RCW 70A.02.010).

Exception: Any project applicant or project proponent that indicates their project area as an overburdened community and provides rationale for how the project will create environmental benefits for vulnerable populations, regardless of whether the project is located in an area identified on the mapping tool, shall be counted as such.

If a program, grant, or funding application does not meet both of the criteria above nor qualifies for the exception, then the agency should not consider it as benefiting vulnerable populations in an overburdened community. The program, grant, or application should therefore not be considered as meeting or contributing to the CCA and HEAL funding equity requirements.

Investments Benefiting Tribes

The statutory definitions of “overburdened community” in HEAL and the CCA include tribal reservation lands (see RCW 70A.02.010 and RCW 70A.65.010). As such, the approach herein includes investments to Tribes as part of investments to overburdened communities and includes tribal lands in the overburdened communities mapping tool.

In addition to requiring investment in overburdened communities, the CCA requires that “a minimum of not less than 10 percent of total investments that are used for programs, activities, or projects formally supported by a resolution of an Indian tribe, with priority given to otherwise qualifying projects directly administered or proposed by an Indian tribe” (RCW 70A.65.230). The statute also states that an investment may count towards both the investment requirement for overburdened communities and the investment requirement for Tribes. The Governor’s Office, OFM, and Governor’s Office of Indian Affairs will work to determine what, if any, guidance may be needed to identify qualifying investments and will work with Tribes to develop this guidance.