

THE HEAL ACT REQUIREMENTS

Action and investments related to programs that address or may cause environmental harms or benefits

The Healthy Environment for All Act (HEAL Act), Chapter 314, Laws of 2021 ([RCW 70A.02](#)) was adopted for the following purposes:

- Reduce environmental and health disparities in Washington state and improve the health of all Washington state residents. Ensure policy and program decisions, environmental reviews, funding decisions, and permitting decisions meaningfully engage communities and identify and address environmental health disparities in overburdened communities and vulnerable populations.
- Reduce environmental harms and increase environmental benefits to Tribes.
- Track and measure implementation of environmental justice actions in state agencies and outcomes for Tribes and communities.

The following state agencies are “covered” and “opt in” agencies that must implement the requirements of the HEAL Act:

- 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

If state agencies not specifically covered by the law opt in to follow the HEAL Act requirements, they are obligated to follow the law.

Under [RCW 70A.02.080](#), beginning on or before July 1, 2023, the identified 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. Covered agencies must also consider any guidance developed by the Environmental Justice Council and the Environmental Justice Interagency workgroup under [RCW 70A.02.110](#).

Agencies required to comply that are considering a significant agency action initiated after July 1, 2023, are required to conduct an environmental justice assessment. RCW [70A.02.010](#)(12) defines significant agency actions as the following:

- The development and adoption of significant legislative rules as defined in RCW [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 for approval.
- Any other agency actions deemed significant by a covered agency consistent with RCW [70A.02.060](#).

To date, the Environmental Justice Council and the Environmental Justice Interagency workgroup have not developed guidance related to funding decisions and budget requests. However, the Environmental Justice Council will be developing its priorities for state agency budget requests this summer and fall.

To help agencies determine how their budget requests impact overburdened and tribal communities, the Governor has issued [Directive 24-11](#) which provides a map and guidance for identifying overburdened communities under the HEAL and Climate Commitment acts. This guidance and map can be [downloaded](#) from OFM.

To help OFM understand how budget requests submitted by covered agencies address HEAL Act requirements, covered and opt-in agencies are required to complete additional questions when submitting their decision packages (DPs). These questions are shown below and are in addition to the equity-related questions required of all agencies.

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 DP package part of an agency request legislation that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?
2. Is this DP package requesting funding to support another significant agency action that is required to complete an environmental justice assessment (RCW [70A.02.010](#)(12))?
3. Is this DP 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 DPs 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 DP 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 [OBC map](#) 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 DP 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](#)(12), please submit the assessment as an attachment in ABS.

6. If the DP 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.