



# **Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW):**

## **Summary of Progress and Implementation Goals**

Washington State Department of Ecology

Olympia, Washington

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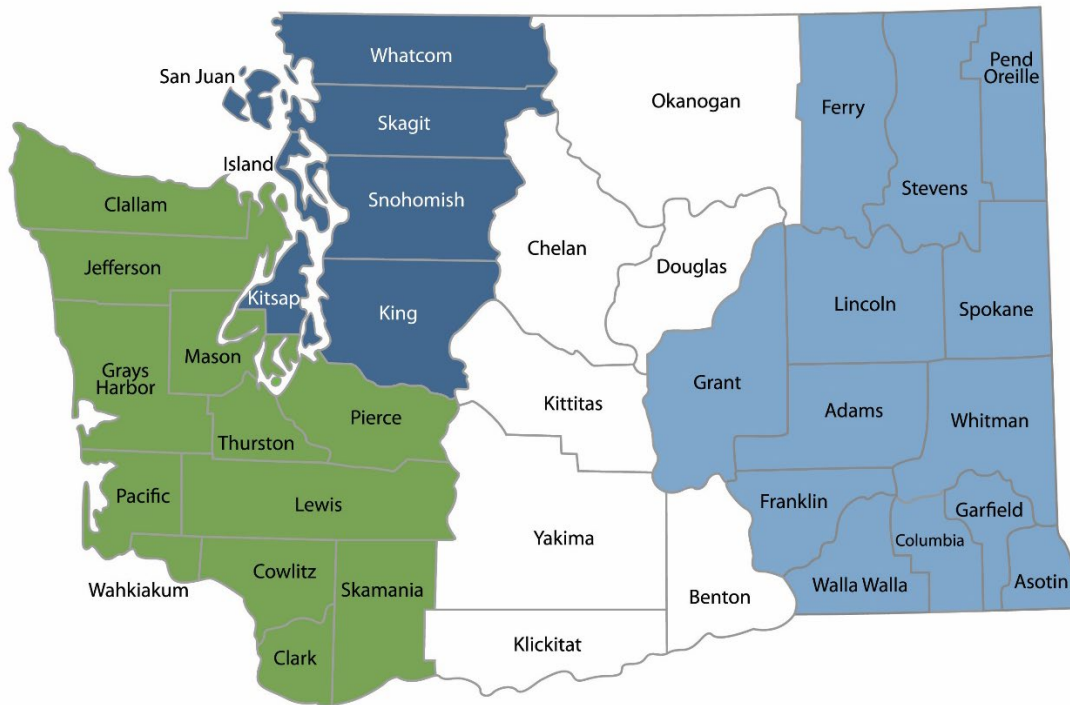
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<sup>1</sup> [www.ecology.wa.gov/contact](http://www.ecology.wa.gov/contact)

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

# Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW)

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Olympia, WA

**December 2022, Publication 23-01-001**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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# Introduction

## How to use this document

This document summarizes the progress the Department of Ecology has made on the implementation of Washington’s environmental justice law, [Chapter 70A.02 RCW](#)<sup>2</sup> (also known as the Healthy Environment for All Act, or the HEAL Act). This report identifies how the agency met key legislative targets and outlines the plan for implementing HEAL from 2023-2025. The included timelines in this summary report are only projected goals. In line with the intent of the act, we anticipate this to be an iterative and collaborative process.

## What is the environmental justice law?

Washington’s environmental justice law is the first statewide law to create a coordinated and collaborative approach by specific state agencies to address environmental justice. The purpose of the law is to improve environmental and health outcomes for everyone, and more pointedly, to address environmental and health disparities for communities of color and low-income communities.

## Implementing collaboratively

This new law takes a historic step toward making environmental justice a priority for key state agencies that have direct impacts on the distribution of environmental and health disparities.

Currently, fourteen agencies are involved in HEAL implementation in some capacity:

- The seven covered agencies identified in the law include Washington state’s Departments of Ecology, Transportation, Commerce, Health, Natural Resources, Agriculture, and the Puget Sound Partnership. They are required to fully implement the law, with slight differences across agencies depending on scope of work. Representatives from these agencies comprise the Interagency Work Group.
- The single opt-In agency is the Attorney General’s Office. They have chosen to fully implement the law.
- Additional “listen & learn” agencies include Recreation and Conservation Office, Washington Department of Fish and Wildlife, State Board of Health, Pollution Liability Insurance Agency, County Road Administration, and Washington State Transportation Commission. They each have their own relationship to the law, and some have participated in support capacities with the Interagency Work Group.

All covered agencies work together in a collaborative and coordinated manner to strategically share resources, streamline processes and avoid redundancies, facilitate clearer public access, improve engagement practices, as well as solve more complex problems that span across our individual jurisdictions. At Ecology, the Interagency Work Group representative from the Office

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<sup>2</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

of Equity and Environmental Justice, spearheads the production of plans, process, and guidance to suit our individual agency actions. The representative ensures we continually improve our work by also integrating the expertise and guidance of the Environmental Justice Council (an expert group appointed by the Governor), and communities affected by environmental health disparities.

## Requirements for Ecology

The HEAL Act requires covered agencies to implement a host of operational and programmatic changes, by specific deadlines (see also RCW.70A.02.040).

With various check-in points and reporting obligations, covered agencies must accomplish 5 primary requirements:

1. Adopt a Community Engagement Plan.
2. Develop and adopt a Tribal Consultation Plan.
3. Incorporate environmental justice into agency strategic plan.
4. Conduct environmental justice assessments on significant agency actions.
5. Incorporate environmental justice into budgeting and funding decisions.

Below is a timeline of the major HEAL milestones and when Ecology expects to complete them.



# REQUIREMENT 1: Adopt a Community Engagement Plan ([RCW 70A.02.050](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.050)<sup>3</sup>)

## Requirements

By July 1, 2022, Ecology must create and adopt a Community Engagement Plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs.

The plan must include:

- A process for identifying overburdened communities and vulnerable populations.
- Best practices for outreach and communication specifically to overcome barriers to engagement with overburdened communities and vulnerable populations.
- Guidance on how to use available screening tools and technologies.
- Processes that facilitate and support the meaningful inclusion of communities affected by agency decision making.
- Methods for outreach and communication with those who face barriers to participation.

## Actions Taken

- From September 2021 to June 2022, the Interagency Work Group created a draft community engagement plan that includes the above listed requirements. From that work, Ecology adopted a Provisional Community Engagement Plan on July 1, 2022, **meeting the statutory requirement.**
- Workgroups at Ecology have since been focused on **making the provisional plan actionable** across programs with differing regulatory authorities, goals, and protocols. We are in the process of developing useful instructional guides, self-serve educational content, and trainings to help our team achieve the collaboratively developed goals envisioned by the Interagency Work Group – with flexibility to account for anticipated feedback (expected by the summer of 2023).
- Ecology’s Office of Equity and Environmental Justice (which formed in 2021) has filled **new positions that oversee this work**, and the office is anticipating five more positions including a full-time position dedicated to the community engagement and Tribal consultation components of the Environmental Justice Law (expected by end the end of 2022 or early 2023).
- Ecology is in the process of adopting guidance from the Governor’s Office of Equity on **community compensation**, which will support engagement with impacted peoples by

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<sup>3</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.050>



reducing financial barriers to participation (expected in January 2023). Adopting this law into agency practices will help support Ecology’s community engagement goals, as the agency works towards the implementation of Washington’s environmental justice law. Ecology’s Interagency Work Group representative is working closely with other agencies to share best practices, and potentially leverage collective resources towards this effort.

## Looking Forward

- Ecology representatives in the Interagency Work Group are helping to plan statewide community **listening sessions** from March-November 2023, to help improve our new community engagement practices, and co-develop metrics and accountability mechanisms. This information will be shared with relevant parties at our agency.
- The plan for listening sessions will be **shared with the Environmental Justice Council** in early 2023, including a recorded presentation and an informational packet, to facilitate greater ease for feedback.
- When provided, Ecology also looks forward to **incorporating guidance from the Environmental Justice Council**, whose knowledge and expertise will be central to the success of these efforts. These sessions should be completed and analyzed by fall 2023, with adjustments to our community engagement practices to follow.
- The community engagement plan will evolve as our agency builds a relationship with the Environmental Justice Council and communities affected by the work of covered agencies. Ecology plans to **update our community engagement plan every two years**, in collaboration with the other covered agencies who have agreed to do the same.
- Finally, the Interagency Work Group representatives aim to develop more streamlined intra-agency processes, including potentially a comprehensive intra-agency **tracking system** to try to avoid redundant community asks, and to help better streamline our engagement processes across agencies.

## Projected Timeline – community engagement plan

Year	Month	Action	Responsible People
2022	July 1 <sup>st</sup>	<b>Legislative Requirement:</b> Ecology adopted a provisional Community Engagement Plan, developed in collaboration with the Interagency Work Group.	Ecology (internal): HEAL Implementation Team
	July 1 <sup>st</sup>	<b>Legislative Requirement:</b> The Interagency Work Group shared the plan, on behalf of Ecology and the other covered agencies, with the Environmental Justice Council for guidance. When available, this guidance will be incorporated into agency community engagement plans.	Interagency Work Group: Ecology Representative

	October-December	Interagency Work Group Community Engagement subcommittee, including an Ecology representative, began planning community listening sessions for 2023.	Interagency Work Group: Ecology Representative
	November (ongoing)	The Ecology HEAL Implementation Team formed an internal working group with volunteers across the agency. This team has begun developing internal documents to inform community engagement work, including self-serve educational and training materials – and works closely with the Interagency Work Group HEAL Education Subcommittee. This work will be ongoing through the following year.	Ecology (internal): HEAL Implementation Team
2023	January	Interagency Work Group will share draft plan for community listening sessions with the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	January-February	Interagency Work Group Community Engagement Subcommittee will incorporate feedback from the Environmental Justice Council on the plan for listening sessions.	Interagency Work Group: Ecology Representative
	March-October	Hold Community listening sessions with Interagency Work Group across the state on multiple HEAL Act requirements, including community engagement.	Interagency Work Group: Ecology Representative
	September 1 <sup>st</sup>	<b>Legislative Requirement:</b> Share early analysis from listening sessions in annual update to the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	October	Generate and share report of findings with the Governor’s Office of Equity to identify policy and system barriers to meaningful engagement with overburdened communities and vulnerable populations.	Ecology (internal): HEAL Implementation Team
2023	November-December	Assess, analyze, and apply information from community listening sessions, Environmental Justice Council, Office of Equity, and any additional public engagement activities.  Use this information to inform revisions to agency Community Engagement Plan.	Ecology (internal): HEAL Implementation Team

# REQUIREMENT 2: Implement Tribal Consultation Plans ([RCW 70A.02.100](#))

## Requirements

Covered agencies are required to develop a consultation framework in coordination with Tribal Governments that includes best practices, protocols for communication, and collaboration with federally recognized Tribes on:

- The inclusion or updating of an environmental justice implementation plan.
- The creation, adoption, or updating of community engagement plans.
- Significant agency actions that affect federally recognized Tribe's rights and interests.

## Actions Taken

- Ecology's Executive Advisor for Tribal Affairs serves and acts as a key leader on the State Agency Tribal Liaisons HEAL Act Workgroup (an Interagency Subcommittee).
- The workgroup members are **in the process of developing a consultation framework** that includes best practices, protocols for communication, and collaboration pathways with federally recognized Tribes for all covered agencies.
- The group began meeting in the fall of 2022, and is currently **producing and updating initial drafts** for the consultation processes.
- Ecology's Office of Equity and Environmental Justice (which formed in 2021) has filled **new positions to oversee this work**, and the Office anticipates onboarding another staff member to support the implementation of the Tribal consultation plans developed (positions expected by end the end of 2022, or early 2023).

## Looking Forward

Ecology's Executive Advisor for Tribal Affairs is also leading an agency **Tribal consultation survey** that will be launched in the spring of 2023. Data will be collected, analyzed, and the consultation process will be developed accordingly with additional support from Ecology's Governmental Relations Office and graduate student researchers from the UW Evans School.

Meeting this HEAL Act requirement, and developing meaningful consultation processes, is expected to take considerable time and require more responsive flexibility in our practices. Each of the 32 federally recognized nations that will be covered by our frameworks may have different capacities and interests in engaging with Ecology, or they might be interested in developing different processes from one another.

## Projected Timeline –Tribal consultation plan

Year	Month	Action	Responsible People
2022	November-December	State Agency Tribal Liaisons HEAL Act Workgroup (an Interagency Work Group) convened and began drafting initial engagement guides for both Tribal governments and Tribal communities, along with a definitions appendix.	Interagency Work Group: Ecology Representative
	December	Ecology began development of a survey to inform Tribal consultation processes for the agency.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
2023	January-February	Continued development of survey to inform Tribal consultation process	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
	January-February	Host an Interagency Work Group listening session with Tribal leaders and representatives	Ecology (internal): Tribal Relations HEAL Implementation Team
	March-TBD	In partnership with the University of Washington's Evans School of Public Affairs, Ecology will launch the survey.  Graduate students, under the supervision of agency experts, will analyze collected information to help inform the development of the Tribal consultation process.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
	TBD	<b>Legislative Requirement:</b> Ecology's Executive Advisor for Tribal Affairs, with the support of relevant HEAL Implementation Team members, will develop formal Tribal Consultation framework for the Agency, on timelines that work best for the federally recognized Tribes.  This work will include considerable engagement, including with the Governor's Office of Indian Affairs.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team

# REQUIREMENT 3: Incorporating Environmental Justice into Agency Strategic Plans ([RCW 70A.02.040](#))

## Requirements

The HEAL Act requires covered agencies to include an environmental justice implementation plan within their strategic plan by January 1, 2023. That plan must describe:

- How the agency will apply principles of environmental justice to the agency's activities.
- Agency specific goals and actions to reduce environmental and health disparities.
- Metrics to track and measure accomplishments.
- Strategies to improve community engagement and better democratize our services.
- Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice.

## Actions Taken

### Ecology's 2023-2025 Biennial Plan

Ecology has included environmental justice strategies in the agency's [2023-2025 Biennial Plan](#)<sup>4</sup>, with concrete action steps to address equity in our work both internal to the agency and external.

Key Initiatives from the strategic plan include:

- Implementing clear, standardized, and useful environmental justice protocols in enforcement and compliance activities.
- Collaboratively recalibrating environmental reporting and information on violations in overburdened communities for more accurate analyses and public data sharing.
- Integrating environmental justice and equity criteria in budget and funding decisions to distribute expenditures more equitably, create equitable environmental benefits, or reduce harms for overburdened communities and vulnerable populations.
- Implementing a community engagement plan, developed in collaboration with the Environmental Justice Council, to guide our work with communities across Washington.
- Establishing and implementing a Tribal consultation plan to ensure consistent protocols and best practices for engagement, communication, and collaboration.

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<sup>4</sup> <https://ecology.wa.gov/About-us/Who-we-are/Strategic-plan/2023-25-Strategic-Plan#goalbox1>

- Establishing standards in our compliance and enforcement processes that ensure meaningful and inclusive public engagement from diverse communities across the state.
- Increasing the accessibility and transparency of Ecology’s discrimination complaints process. Gathering and using feedback from our customers and employees to inform our work so we can understand where we are successful, address needs, and more equitably and effectively provide our services.
- Increasing the use of engaging visual and audio content to make our external communications more relevant and accessible.
- Improving audit timeliness for testing laboratories in response to feedback from regulatory partners and customers, so potentially impacted people don’t have to wait as long to learn crucial information.
- Implementing recommendations from our diversity, equity, inclusion, and respect (DEIR) Agency Organizational Assessment.
- Operationalizing new and revised anti-discrimination, anti-harassment, workplace accommodation, DEIR policies and procedures using principles of change management to create a culture of belonging and respect for all and be an antiracist organization.
- Updating required job qualifications to recognize that life experiences, work experience, and education are all ways to gain the knowledge, skills, and abilities to perform our work.
- Supporting successful recruitment and retention of a diverse and well-trained workforce that carries out their responsibilities with cultural humility, service excellence, and professionalism.
- Developing and implementing a DEIR training program for our workforce.

Ecology’s mission, vision, goals, and named initiatives incorporate principles of environmental justice, identify agency specific goals, includes metrics, and incorporate strategies to improve community engagement. The strategic plan was published ahead of the 2021 deadline, so it is already [publicly available](#). Consolidated information on our initiatives and plans is also being shared directly with the Environmental Justice Council for review by the end of 2022.

## **Plan for Partnering with the Environmental Protection Agency**

Ecology also incorporates environmental justice into agency strategic plans by way of agreements with the U.S. Environmental Protection Agency (EPA). The [Environmental Performance Partnership Agreement](#) (PPA) establishes and implements a joint work plan between the EPA and the Department of Ecology for administering federal grant dollars that the EPA provides to Ecology for air quality, water quality, and hazardous waste management. For over a decade the PPA has included dedicated agreements on environmental justice priorities, and this work bolsters agency implementation of Washington’s environmental justice law.

Significant relevant environmental justice agreements in the current plan include:

- Establishing a goal of providing all people the same degree of protection from environmental and health hazards, ensuring equal access to decision making processes, and working towards providing a healthy environment for all to live, learn and work.
- Developing metrics for measuring environmental justice.
- Data sharing for tracking and assessing environmental justice progress across the state.
- Hosting environmental justice learning events.
- Developing training opportunities and fostering shared training related to environmental justice.
- Coordinating and working together to tackle issues at the intersection of environmental justice and ongoing climate change.
- In addition the agency strategic plan and PPA, Ecology programs, (such as the Hazardous Waste and Toxics Reduction Program) have also integrated EJ goals into their strategic plans.

## Ensuring Compliance with Existing Federal and State Laws

Ecology, as an agency that receives federal funding, is required to comply with several federal and state laws and policies that directly relate to environmental justice, and Ecology affirms our goal of compliance in our strategic plans.

These laws and policies prevent discrimination on the basis of identities and experiences such as disability, race, language, geography, sex, and age, and include:

- Title 40 of the Code of Federal Regulations, parts 5 and 7
- Title 6 of the Code of Federal Regulations, part 21
- Title VI of the Civil Rights Act of 1964, as amended
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972

Ecology strengthens our compliance with these laws by developing and implementing plans that support digital and document accessibility, language access, and nondiscrimination compliance for subrecipients of federal funding. That implementation work is guided and supported by Ecology's Office of Equity and Environmental Justice, Civil Rights Compliance Coordinator, Digital Accessibility Coordinator, and various work groups across the agency.

## Looking Forward

Ecology will continue to include environmental justice as an agency priority in future strategic plan developments.

## Projected Timeline – agency strategic plans

Year	Month	Action	Responsible People
2022	November	<b>Legislative Requirement:</b> Ecology published 2023-2025 Biennial Strategic Plan, which included our plan for applying the principles of environmental justice into the agency's activities. Completed before the January 1 <sup>st</sup> legislative deadline.	Ecology (internal): Leadership HEAL Implementation Team Communications
	December 31	<b>Legislative Requirement:</b> Ecology will produce and make available agency summary of progress and implementation goals connected to Washington's Environmental Justice Law. This document outlines how Ecology plans to apply the principles of environmental justice to the agency's activities and guides the agency in its implementation of obligations under the environmental justice law. Completed before the January 1 <sup>st</sup> legislative deadline.	Ecology (internal): HEAL Implementation Team
2023	February	<b>Legislative Requirement:</b> Share plans with the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	February-December	Work with Ecology offices and programs to find additional goals and metrics for evaluating environmental justice issues and to improve environment and health disparities for overburdened communities and vulnerable populations. This will inform future strategic plans.	Ecology (internal): HEAL Implementation Team
	March-October	Incorporate any feedback that might emerge from Tribal roundtable discussions.	Ecology (internal): HEAL Implementation Team Tribal Relations
	May-June	Incorporate any guidance on incorporating environmental justice into agency strategic plans by the Environmental Justice Council.	Ecology (internal): HEAL Implementation Team
2024-TBD		Work with Ecology offices, divisions, and programs to incorporate environmental justice metrics and goals into their planning.  Continue to iteratively and collaboratively develop ambitious environmental justice goals and adopt them into future agency strategic plans.	



# REQUIREMENT 4: Conduct Environmental Justice Assessments on Significant Agency Actions

(RCW.70A.02.060)

## Requirements

Starting July 1, 2023, all covered agencies will begin conducting environmental justice assessments of all significant agency actions. The purpose is to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

There are four primary categories of action that will require an environmental justice assessment:

1. The development and adoption of significant legislative rules.
2. The development and adoption of any new grant or loan program.
3. A capital project, grant, or loan award of at least \$12,000,000.
4. The submission of agency request legislation to the office of the governor or the office of financial management.

Beginning in 2025, Ecology and the covered agencies are invited to expand their definitions of significant agency actions, with feedback from Tribes, the Environmental Justice Council, agency leadership, and affected communities.

An environmental justice assessment contains specific process requirements. The assessment process must:

- Use a cumulative environmental health impact analysis to help determine the impacts of the action.
- Identify overburdened communities and vulnerable populations impacted by the action.
- Identify if the proposed action will have impacts to federally recognized Tribes.
- Engage communities about the action, summarize community input, and incorporate feedback into agency actions.
- Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts.

This requirement also includes additional metrics and reporting requirements that will be shared publicly.

## Actions Taken

- Ecology is in the process of **identifying current activities** that meet the statutory definition of a significant agency action. This involves meeting with relevant programs and program managers and discussing with agency leadership.
- Leading up to the July 1, 2023, statutory deadline, Ecology will work with the Interagency Work Group to create a provisional or pilot process to conduct environmental justice assessments.
- Ecology’s representatives on the Interagency Work Group will work to help adapt and adopt the collaboratively developed guidance to fit the specificities of our agency and programmatic specialties.

## Looking Forward

Similar to our approach with community engagement plans, we will update the environmental justice assessment process every two years to add community feedback on the process and guidance from the Environmental Justice Council.

## Projected Timeline – environmental justice assessments

Year	Month	Action	Responsible People
2023	January	Identify activities at Ecology that meet the statutory definition of a significant agency action.	Ecology (internal): Heal Implementation Team
	January-February	Create initial process for environmental justice assessments, ideally with Environmental Justice Council representatives	Interagency Work Group: Ecology representative
	February	<b>Legislative Requirement:</b> Engage the Environmental Justice Council formally, seeking guidance on identified significant agency actions and processes for conducting environmental justice assessments.	Interagency Work Group: Ecology representative
	March	<b>Legislative Requirement:</b> Open list of significant agency actions for public comment	Interagency Work Group: Ecology representative Communications
	March-November	Hold community listening sessions across the state to help inform the environmental justice assessment process	Interagency Work Group: Ecology representative
	May	Incorporate early feedback and revise environmental justice assessment process	Ecology (internal): Heal Implementation Team
	June	<b>Legislative Requirement:</b> Publish on agency website the types of agency actions that Ecology has determined are significant agency actions that require an environmental justice assessment, as well as provide	Ecology (internal): Heal Implementation Team

		notification of those determinants to the Washington State Register.	
	June	<b>Legislative Requirement:</b> Finalize first-iteration of agency specific guidance, akin to a checklist or step-by-step process, on how to conduct environmental justice assessments on relevant projects (including self-serve educational materials and offering limited trainings).	Ecology (internal): Heal Implementation Team
	July 1 <sup>st</sup>	<b>Legislative Requirement:</b> Begin conducting environmental justice assessments to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.	Ecology (internal): Heal Implementation Team Relevant staff
	July-December	Assess, analyze, and improve environmental justice assessment process internally	Ecology (internal): Heal Implementation Team
2024	April-August	<b>Legislative Requirement:</b> Identify other programs that meet the statutory definition of significant agency actions.	Ecology (internal): Heal Implementation Team
	September 1 <sup>st</sup>	<b>Legislative Requirement:</b> Share findings in the legislatively mandated annual report, soliciting engagement from the council.	Ecology (internal): Heal Implementation Team
2025	January-May	<b>Legislative Requirement:</b> Repeat engagement processes above to assess the new expanded scope of significant agency actions.	Ecology (internal): Heal Implementation Team
	May-June	Ensure that programs and projects affected by scope expansion have educational and training materials to prepare them to begin conducting environmental justice assessments.	Ecology (internal): Heal Implementation Team
	July 1 <sup>st</sup>	<b>Legislative Requirement:</b> Launch environmental justice assessment process for expanded scope significant agency actions.	Ecology (internal): Heal Implementation Team & Interagency Work Group: Ecology Representatives
	TBD	<b>Legislative Requirement:</b> Assess, analyze, and improve this process at least once every two years, in collaboration with the Interagency Work Group.	Ecology (internal): Heal Implementation Team & Interagency Work Group: Ecology Representatives

# REQUIREMENT 5: Incorporate Environmental Justice into Budgeting and Funding ([RCW.70A.02.080](#))

## Requirements

All covered agencies must incorporate environmental justice principles into their decision processes for budget development, making expenditures, and granting or withholding environmental benefits. Each agency must find ways to equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations.

Beginning July 1, 2023, covered agencies must take the following actions when making expenditure decisions of developing budget requests for the Office of Financial Management and the legislature, specifically for programs that address or may cause environmental harms or provide environmental benefits:

- Focus applicable expenditures on creating benefits for overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditure.
- Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles.
- Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

This requirement also includes additional metrics and reporting requirements that will be shared publicly.

## Actions Taken

Ecology is on track to meet this deadline, but the process is still in development. Steps taken towards implementing this requirement so far include:

- Early assessment and planning meetings with agency financial leaders at Ecology
- Clarifying the requirements and goals in the law across agencies with the Interagency Work Group
- Developing a budget-specific subcommittee through the Interagency Work Group

- Using a cumulative impacts approach, Ecology met and exceeded expectations of the Volkswagen settlement funding distributing 95% of the funds (71% of the projects) to highly impacted areas.

## Looking Forward

The bulk of the work for this requirement will be conducted in 2023.

- The Office of Equity and Environmental Justice will partner with the Government Relations team to launch **an agency survey on our grants processes** in early 2023.
- Ecology will work with Interagency Work Group to **develop shared environmental justice principles** that will guide budget equity work, with the goal of soliciting feedback from the Environmental Justice Council in February 2023, and adopting them in March.
- Ecology will **develop methods to assess, analyze and improve budget and expenditure equity**, and produce guidance on best practices, methods for evaluation, and metrics.
- The agency will **pilot programs and projects** with new guidance, paying special attention to opportunities for improvement from programs and agency leadership.
- In collaboration with the Interagency Work Group, Ecology will also **solicit high-level feedback** on budget and expenditure equity from the Environmental Justice Council, and more broadly, rolled into community listening sessions launching in March of 2023.

## Projected Timeline – incorporating environmental justice into budgeting and funding

Year	Month	Action	Responsible People
2022	November	Ecology released the 2023-2025 Biennial Strategic Plan, in which the agency committed to incorporating environmental justice and equity criteria in budget and funding decisions, moving our agency towards the 40% goal.  <b>Legislative Requirement:</b> Each covered agency must establish a goal of directing 40% of grants and expenditure to vulnerable populations and overburdened communities.	Ecology (internal): Agency leadership
2023	January	Interagency Work Group will identify and align shared environmental justice principles that will be incorporated into budgetary and expenditure processes per legislative requirement	Interagency Work Group: Ecology representative
	January-February	Agency survey on environmental justice in grants processes designed	Ecology (internal): HEAL Implementation Team Government Relations Office

	February	Share the environmental justice principles accepted by the Interagency Work Group with the Environmental Justice Council for feedback and guidance	Interagency Work Group
	February-March	Agency survey on environmental justice in grants launched, analyzed	Ecology (internal): HEAL Implementation Team Government Relations Office
	March	Incorporate any guidance from the Environmental Justice Council on proposed environmental justice principles into high-level processes for interagency alignment.  <b>Legislative Requirement:</b> Incorporate principles, after iterative consultation, into process design for assessing the equitable distribution of funding and expenditures.	Interagency Work Group: Ecology representative
	March	Develop methods to assess, analyze and improve budget expenditure and equity that reflect agreed upon principles, including all the legislative requirements.	Ecology (internal): HEAL Implementation Team
	March-May	Pilot budget equity programs and projects at Ecology (targeting those with largest financial impacts to ensure we are working towards our 40% goal).	Ecology (internal): HEAL Implementation Team Relevant financial offices
	May	Develop lessons learned from initial pilots.	Ecology (internal): HEAL Implementation Team Relevant financial offices
	End of May	Develop and share guidance widely with relevant programs.	Ecology (internal): HEAL Implementation Team Relevant financial offices
	June	Write report that summarizes the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take to meet the requirement.  Solicit feedback from relevant parties at the agency.	Ecology (internal): HEAL Implementation Team Relevant financial offices Communications
	July 1st	<b>Legislative Requirement:</b> Ecology will publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take to meet the requirement	Ecology (internal): HEAL Implementation Team Relevant financial offices Communications
	September	<b>Legislative Requirement:</b> In Ecology's annual report, the agency will engage the Environmental Justice Council over the implementation of environmental justice assessments, welcoming guidance for improvements.	Interagency Work Group: Ecology Representative
	October-December	Expand budget equity processes into other relevant agency processes, programs, and actions.	Ecology (internal): HEAL Implementation Team Relevant financial teams

2024		Continue improving budget equity processes, ongoing implementation	Ecology (internal): HEAL Implementation Team
2025		Continue improving budget equity processes, ongoing implementation	Ecology (internal): HEAL Implementation Team

## Learn and Connect with the HEAL Team

The passage of the HEAL Act in 2021 was a significant step towards transforming state agency policy and practice. In its implementation, it will further environmental justice in Washington state. This implementation plan outlines the path we will take to achieve the aims of the HEAL Act and monitor its progress in implementation. We will regularly update and strengthen this plan, and incorporate direction and feedback from Tribal consultation, Environmental Justice Council, community engagement, Legislature, and Governor's Office.

Learn more about implementation of the HEAL Act and environmental justice by visiting [Ecology's Office of Equity & Environmental Justice](#) webpage.

For more information about HEAL implementation at Ecology please contact Courtney Cecale ([courtney.cecale@ecy.wa.gov](mailto:courtney.cecale@ecy.wa.gov)).

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