

HEAL PROGRESS REPORT

Seeding the Culture and Building the Structures for a Just Transition through Washington's Landmark Law on Environmental Justice



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ABOUT FRONT AND CENTERED

Front and Centered is a diverse and powerful coalition of groups across Washington State composed of and serving communities of color whose missions and members come together to advance equity and environmental and climate justice. Front and Centered envisions a transition away from an economy where we dig, burn, and dump oil, and exploit workers for accumulation by a few, toward an economy where our communities and the earth are healed and thriving, our people have dignified livelihoods, and our government values, respects, and represents us. We know a transition is inevitable, whether by disaster or design, but justice is not. The compounding threats of climate, environmental, economic, and racial injustice—along with the Covid pandemic—impact frontline communities first and worst. We follow the leadership, knowledge, and expertise of communities of color across Washington State and strive to ensure a Just Transition, where frontline communities are at the forefront of building equitable, democratic systems and creating transformative environmental and economic outcomes for everyone.

AGO — Washington State Office of the Attorney General

DOH — Washington State Department of Health

COMMERCE — Washington State Department of Commerce

EHD MAP — Environmental Health Disparities Map

ECOLOGY — Washington State Department of Ecology

LABOR AND INDUSTRIES — Washington State Department of Labor and Industries

OFM — Office of Financial Management

WSDA — Washington State Department of Agriculture

PSP — Puget Sound Partnership

WSDOT — Washington State Department of Transportation

Suggested citation:

Patschke, M. & Gruen, D. (2023). 2022 HEAL Act progress report: Seeding the culture and building the structure for a Just Transition through Washington's landmark law on environmental justice. Produced by Front and Centered, Seattle, WA.

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EXECUTIVE SUMMARY

At this critical juncture of the climate crisis and its compounding impacts of environmental health disparities and racial and economic injustice, the Healthy Environment for All (HEAL) Act emerged as a comprehensive solution—one of the most ambitious in the nation—built upon the expertise and collective advocacy of frontline communities in Washington.

Enacted in 2021, HEAL leverages the power of the state, including agency budgets, policies, and programs, toward eliminating the almost six-year gap in life expectancy experienced by communities facing the greatest cumulative impacts of pollution in Washington. In this first community progress report, Front and Centered assesses implementation of the HEAL Act midway through its first cycle of requirements and recommends how to realize the full potential from a non-governmental, community-based perspective, based on our observations, conversations, and participation.

Front and Centered believes HEAL is foundational to a Just Transition—a truly systemic shift from a legacy of extraction and harm to regeneration and well-being. This transition requires **communities on the frontlines of the crisis to have the power to determine what they need**. HEAL seeks to align agencies with communities in breaking down barriers to equitable co-governance and everyone's right to a healthy environment. We know this won't come easy. White supremacy and the “dig, dump, burn” consumer economy are still a reality for all of us. State government was not set up to undo these harms. The legislature remains distant from community experience.

WHY A PROGRESS REPORT

In this key moment between major HEAL milestones we seek to help everyone involved, agencies, dedicated staff, the EJ Council, the governor's office, legislators, and community to:

- Refocus into what's possible under HEAL for achieving environmental justice
- Identify changes needed and recommend specific actions and investments
- Ensure accountability to frontline communities and the Front and Centered coalition's vision for initiating HEAL

We believe we can persevere through these obstacles and make change if we work together. We can build on the more than twelve million dollars that has been invested. Agencies have built small teams of environmental justice changemakers where they mostly didn't exist. The Environmental Justice (EJ) Council was formed with community representation. An Environmental Justice Participation Fund will soon launch. However, we must overcome gaps in leadership and structure, misunderstandings, and missed opportunities. HEAL deliverables have been slow to show how they will make people's lives better, and to involve them in that process. **Core challenges we face today include:**

- **A governance structure still finding its feet.** An understaffed interagency structure that needs clear leadership, sufficient technical support, and more public transparency; and a disjointed EJ Council, who have been dealt nearly impossible duties outside of HEAL by the legislature, who need trust and member-leadership, and who can get tied-up in formality and procedure rather than making an impact.
- **EJ engagement plans and implementation plans relevant to agency actions.** The plans submitted have process steps identified, but vary in quality. Most would benefit from deeper exploration into their agency's role in shaping environmental health outcomes. Agencies name feedback, and lack thereof, from the EJ Council, as a barrier to progress, while navigating change management, coordination, and need for direction.
- **Transparency and community opportunities to participate.** Communities ready to participate in shaping HEAL deliverables haven't been given the opportunity. Community funding is modest and lags behind the HEAL timelines.

The HEAL Act has an ambitious vision for frontline communities, but it could fall into a trap of box-checking and exclude the very people it was intended to benefit if we don't find a path forward together. Time is limited, but necessary changes in perspective, structure, and actions include:

Co-governance as the Most Essential Ingredient in Environmental Justice

Communities most impacted must be able to influence decision-making processes. That includes our communities building capacity, creating solutions, and mobilizing to hold the state accountable.

- We need direct, timely funding and support for communities to organize and share their needs and solutions through the adoption of community assemblies and other structures—**starting by increasing the Environmental Justice Participation Fund to \$10 million dollars.** Community funding is necessary for agencies to see significant, meaningful engagement and is complimented by responsive agencies that are prepared to genuinely listen and respond, not react, to community experience.
- The Interagency Work Group (IWG) and EJ Council need their own engagement plans, with regular and accessible interactions and open-source, transparent follow-through on HEAL obligations that respond to community needs.
- The EJ Council must be a pathway to community voice, not a replacement. The EJ Council's core charge is HEAL, and changes are needed given the workload assigned by the legislature, in particular oversight of the Climate Commitment Act, which poses as an accountability mechanism but without the technical capacity to deliver.

Creating Environmental Justice Impact with Every Action under the HEAL Act

Agencies must maximize the opportunity this law presents and create value with every action. This requires better clarity and depth in HEAL work products, including:

- **A universal baseline for Overburdened Communities and Vulnerable Populations**, starting with the Environmental Health Disparities Map and being clear and transparent in publishing priority areas and populations and the actions/investments associated.
- **Revised community engagement and implementation plans** with specific, measurable outcomes that people experience, relevant to each agency's work, that speak to reducing environmental health disparities through co-governance.
- **EJ assessments and budgets and funding processes that are clear and legitimate.** Use of community-driven data and transparency in decision-making are critical. Participatory processes and accountability are required and feedback must be applied.

Overarching Recommendations:

- Increase the Environmental Justice Participation Fund to **\$10 million dollars per year**
- Publish lists and justify **universal baseline for overburdened** and vulnerable communities
- Revise engagement and implementation plans for **specific, measurable agency actions that lead to outcomes**
- Create transparent, **community accountable** budgets/expenditures and EJ assessments
- Assign a **HEAL implementation director** and add relevant agencies, starting with **Labor and Industries**

Assigning Clear Leadership and Stronger Structures for HEAL Implementation

There is a gap in clear leadership that could be filled by a **HEAL implementation director** in the Governor's Office and whose role is to hold the state's vision and provide direction to the IWG, EJ Council, and staff; streamline and integrate a unified framework for equity and environmental justice; and build an approach where major deliverables like engagement, plans, assessments, and budgeting are synchronized within and across agencies for consistency. The HEAL Act must also expand to all agencies that affect environmental health disparities. Start with adding the **Department of Labor and Industries**, to ensure both where we live and where we work are part of the environmental justice work.¹

Making these important changes is key to implementing the HEAL Act, so that its vision becomes reality. HEAL is a groundbreaking law that affirms our fundamental rights, and it is also a tool that Washington State can use to create lasting, transformative change. However, it is up to us—frontline communities, agency changemakers, and others who envision a more just future—to ensure that we realize the ambition of the HEAL Act and advance a Just Transition for Washington State.

¹ For more see Front and Centered's collaborative work with UW: "An Unfair Share: Climate Change Hits Some Harder Than Others" at <https://frontandcentered.org/unfair-share/>

INTRODUCTION

In 2021, the state legislature passed a landmark environmental justice bill for Washington State, the Healthy Environment for All Act (SB 5141). The law originated out of a history of struggle of people of color and Indigenous peoples in Washington over decades, and in more recent history the vision of the Front and Centered coalition through our work on Initiative 1631, the Environmental Health Disparities Map, and the aspirations of our community leadership for equitable co-governance and self-determination (**Figure 1**).

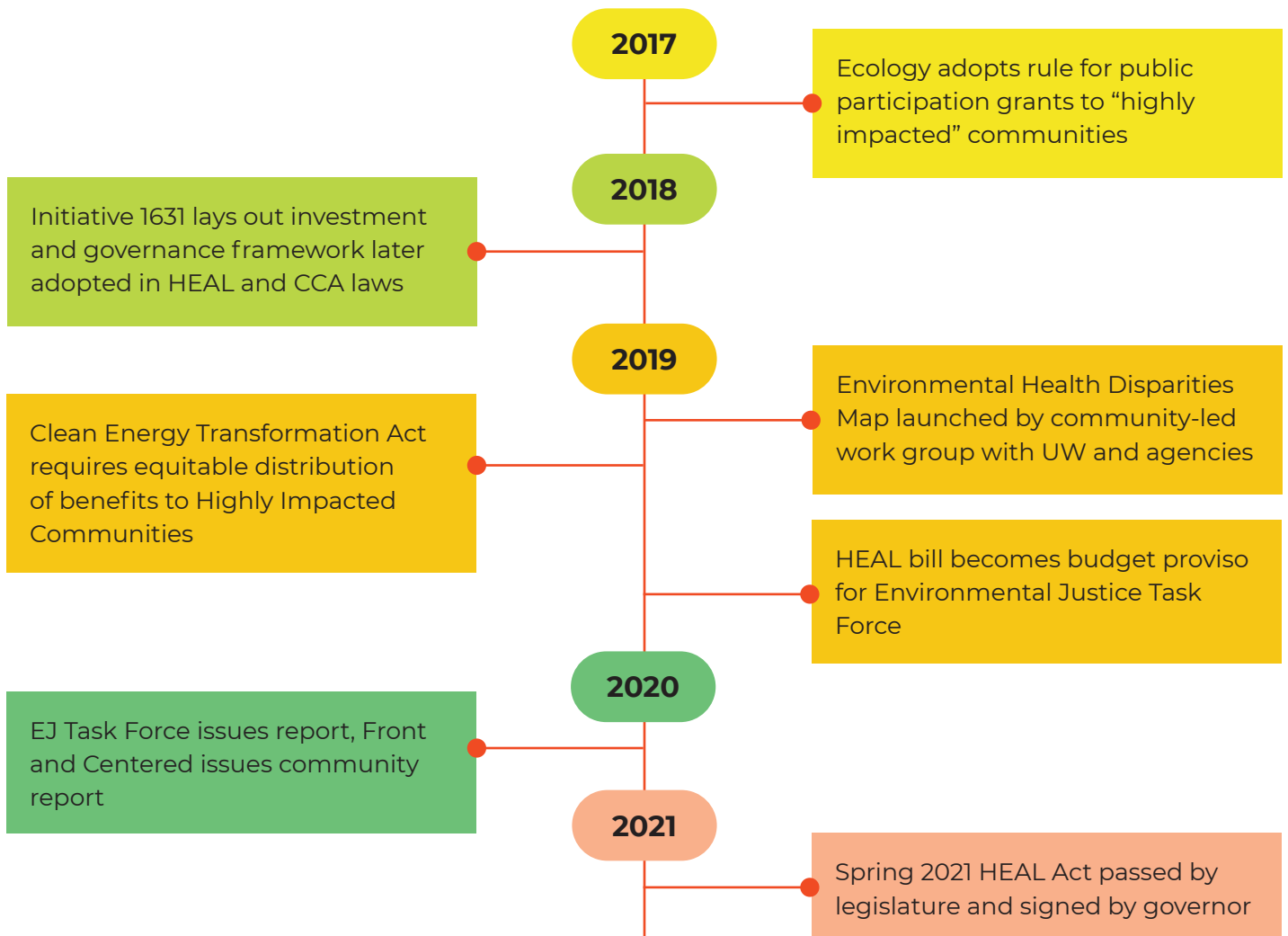


Figure 1. Key Events and Community Work Leading to the HEAL Act

The HEAL Act did not make it out of the legislative process with the vision of frontline communities fully intact due to efforts by some legislators, business interests, and agencies to strip down co-governance and equitable representation of impacted communities in decision-making. However, the law does achieve the most comprehensive attempt in the nation to shift the priorities of state agencies toward environmental justice. Key provisions of the bill, which cover seven agencies by law, include:

- The governance structure of Environmental Justice (EJ) Council and Interagency Work Group (IWG)
- The development of Community Engagement Plans
- EJ implementation plans that shape agency strategic plans
- Environmental Justice Assessments of Significant Agency Actions
- EJ principles in Budgets and Funding, including 40% of agency environmental expenditures to Overburdened Communities.
- Reporting and dashboard for monitoring progress

“Environmental justice” means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm.”
 RCW 70A.02.010

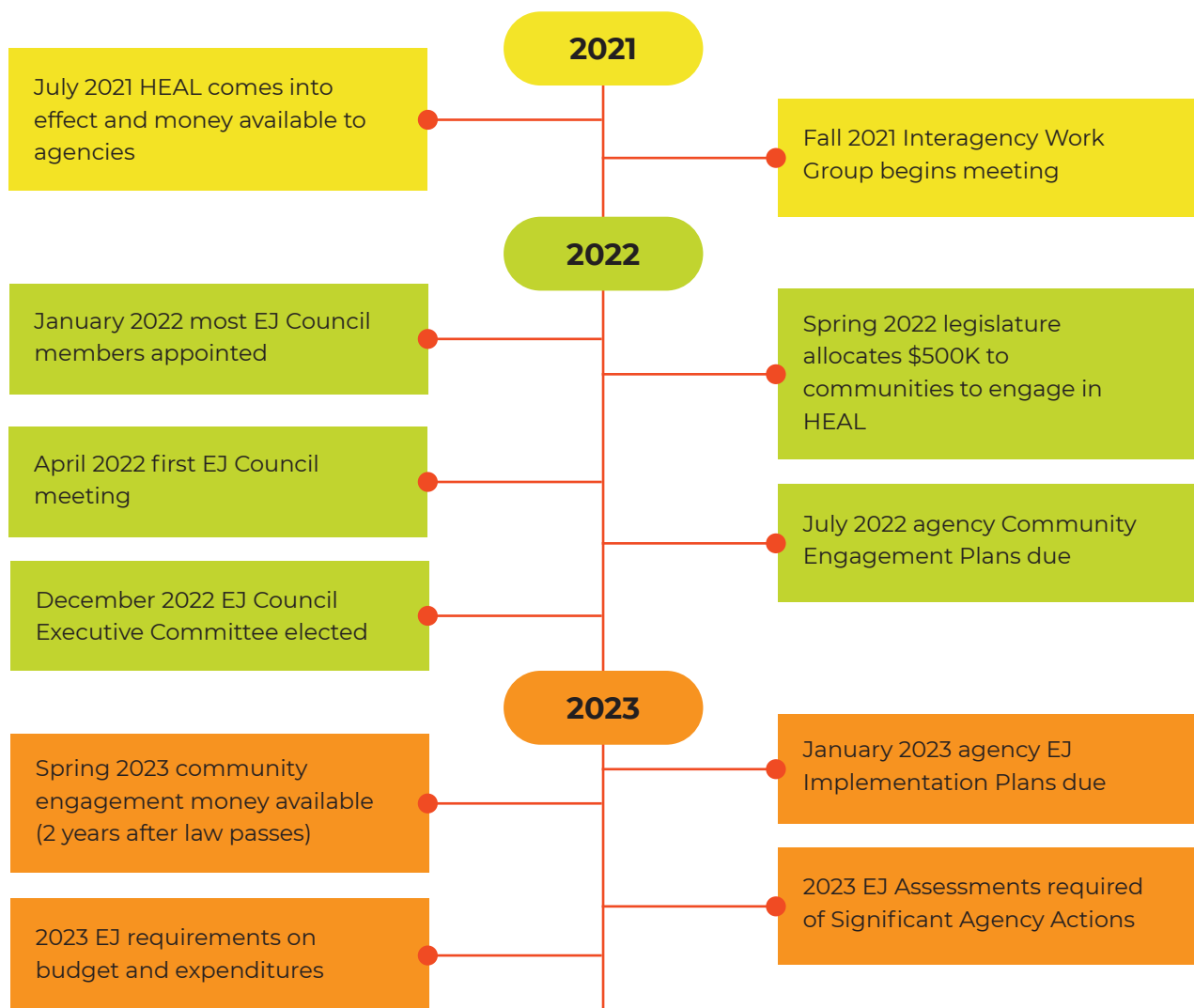


Figure 2. Implementation Timeline of the HEAL Act

Through HEAL, we hope that structural changes in governance, practice, and culture lead to changes in actions like policy, budgets, and programs, contributing to changes in environmental and community context that ultimately bring about a reduction in environmental health disparities and promote community health and well-being (Figure 3).



Figure 3. Logic Model for HEAL Act

Now, a year and a half into implementation (**Figure 2**), initial milestones of the law are in effect. This report assesses progress on what has been done and offers interim direction and recommendations to make the most of the law moving forward. This report does not attempt to address tribal consultation issues in HEAL as tribal consultation is a key aspect of government-to-government relationships between tribal governments and the settler state, and tribal governments are therefore positioned to assess progress. HEAL requires agencies to offer consultation with federally recognized Tribes on decisions that affect their rights and interests in their lands.

The intent of this report is first and foremost to make progress on eliminating environmental health disparities. It is not to point fingers or assign blame, but to keep our focus clearly on meaningful involvement in decision-making and equitable outcomes promised and required by law. To that end we hope to provide insight into where to refocus or reset as needed, offer concrete recommendations, and build on the passion of everyone involved for environmental justice.

THE FRONT AND CENTERED METHODOLOGY

This progress report explores three factors in assessing HEAL implementation to date. First, the letter and the spirit of the law as realized in the final bill signed by the Governor. Second, progress on a systems shift, or what we call a Just Transition, integral to achieving environmental justice. Third, the realization of co-governance with communities most impacted by environmental injustice. Each of these factors are considered when examining what we found across major elements of the HEAL Act.

The Letter & Spirit of Law

The State of Washington has an obligation to deliver on the HEAL Act, including the full spirit and legislative intent in defining environmental justice and tasking agencies with achieving goals. This is not an unfunded mandate—agencies were allocated a meaningful, if not sufficient, \$12 million in the first biennium to get this work underway. Meanwhile, hundreds of millions of dollars in revenue are being collected for climate and environmental work and reducing not just the disparities that contribute to the persistence of pollution, but also the impacts of climate change that affect everyone.

Progress on a Just Transition

Front and Centered communities organize in coalition under the Just Transition framework, which recognizes that environmental justice requires a fundamental and systemic shift from the extractive economy we know, to the living economy we need—one built on a worldview of care, regenerative resources, cooperative work, and ecological well-being. To achieve this, our coalition documents our experiences, develops solutions, and mobilizes to demand what we really need and codify what’s politically possible now (**Figure 4**). At the same time, we oppose and expose false solutions which promise us health and well-being but serve only to further fence off our rights to clean air, water, and land. None of this can happen, however, if we don’t shift our governance from a system of domination and paternalism to one of co-governance and decision-making with communities most impacted. Accordingly, in evaluating progress in the implementation of the HEAL Act, we look for:

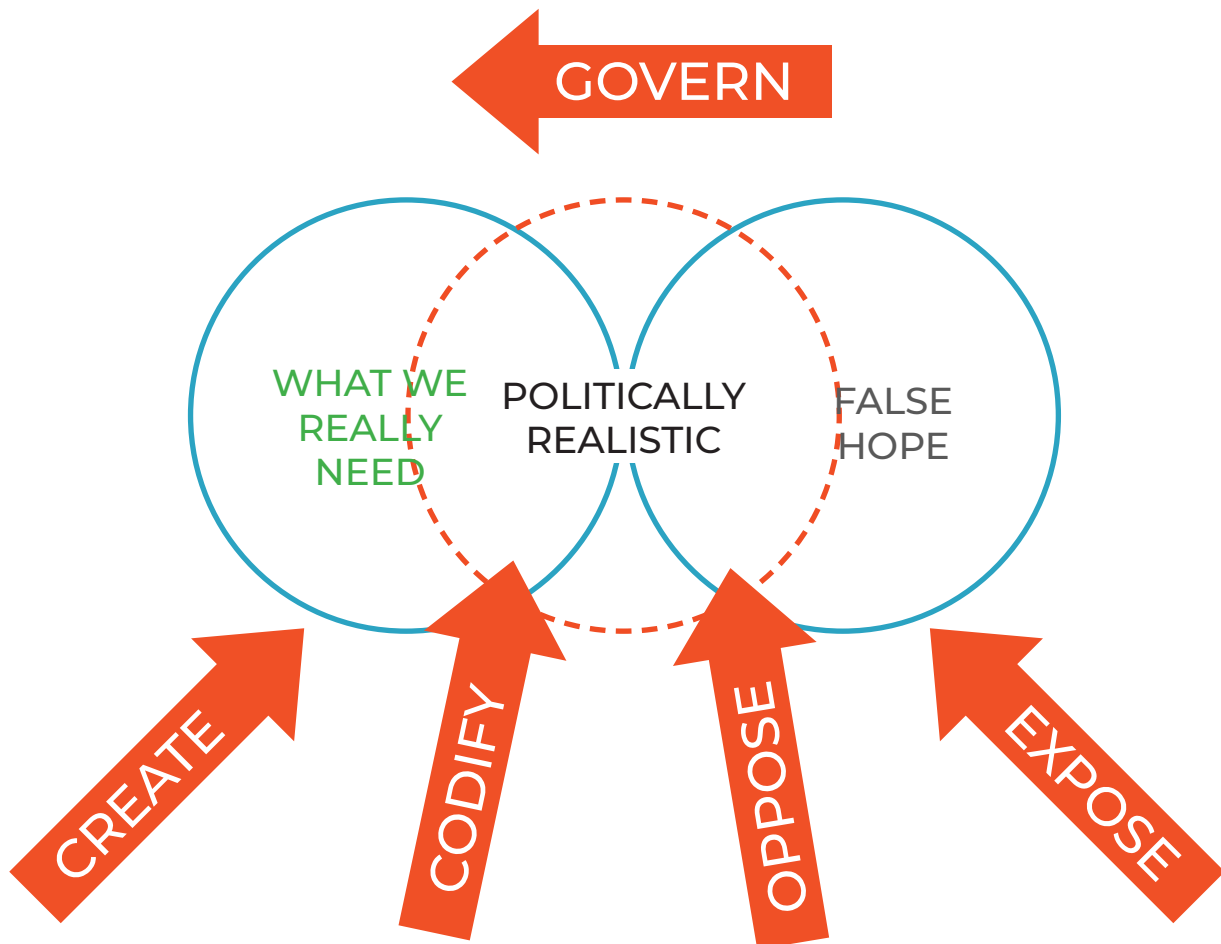


Figure 4. Three Circles Illustration of Just Transition by Movement Generation

Community Self Determination — Who’s in control?

Is there a role for communities most impacted to identify needs and solutions, and do communities have the ability to meaningfully shape decisions in implementation, or does it threaten their ability to organize and create their own destiny, diminishing their power?

Communities' Rights to a Healthy Environment — *What rights are enforced for whom?*
Is the approach and action clear that everyone has a right to a healthy environment, with greatest attention to those with greatest barriers or does it further fence off overburdened communities' access to the social determinants of health and information they need?

Equitable investment of resources and livelihoods — *Who benefits?*
Are strategies and tools employed to prioritize investments to communities with the greatest barriers to accessing their rights and realizing self-determination or does it further aid in the concentration of wealth and power and its use for exclusion?

Directly limits harm, holding wealthier/ powerful responsible — *Who's Held Accountable?*
Are those with the ability to change required to do so without further aiding their concentration of power, or are perpetrators of harm allowed to avoid accountability or pay their way out?

Alignment with Co-governance Cornerstones

To understand and measure co-governance, we draw on the Just Futures project's Cornerstones of Co-governance (**Figure 5**).² These cornerstones emerged from the Just Future's Community Leadership Committee's discussions on how to create space for leadership and participation of communities most impacted and historically excluded in setting the vision, creating measures, assessing progress, and holding the state accountable in the wake of COVID-19 pandemic that revealed deep inequities within the Washington State economy. The committee consisted of eleven community leaders who represent Indigenous, African American/African diaspora, Latino/Hispanic, low-income, Asian American/Asian diaspora, LGBTQ+, incarcerated, farmworker, youth, family, small business, and faith communities from across the state, and who believe that visioning a healthy future requires understanding the history of our current systems, because in order to realize just and equitable outcomes, we must first create the conditions necessary to pursue them.

The cornerstones were created as a guide towards equitably informed processes and decision-making to shift outcomes for communities furthest away from economic and environmental benefits. They include, as illustrated below:

² In Spring of 2021, Front and Centered and Statewide Poverty Action Network worked with the People's Economy Lab to create the Just Futures project with the aim of creating a community vision, measures, and strategies for state accountability in the economic recovery from COVID-19 that serves as a roadmap for equitable co-governance in the HEAL Act.

- 1 Establishing government commitment to the self-determination of communities
- 2 Supporting communities to build their capacity to effectively participate
- 3 Developing shared governing power in principles and in process
- 4 Demonstrating equitable processes and results. The arrows in the figure denote the conditions required for success.

The Just Futures project has put forth this model as a roadmap for the co-governance element of a Just Transition with state agencies and how we can move forward in a way that doesn't look like where we've been already. It was clear that this systems shift will not happen on its own unless we define a purpose embedded in social and ecological well-being, and better governance rooted in deep, participatory democracy.

Cornerstones of Co-governance for a Just and Equitable Future

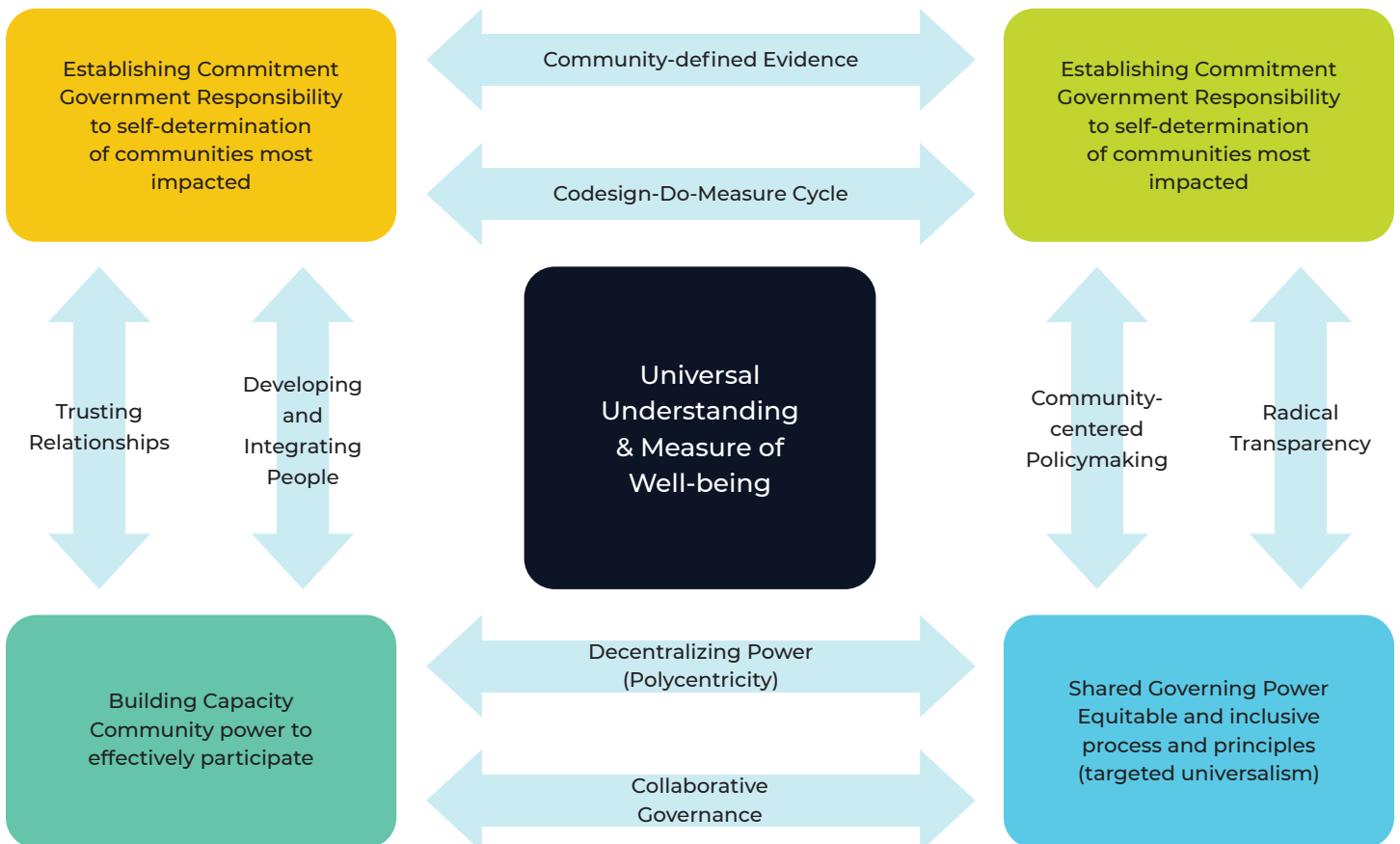


Figure 5. Just Futures Cornerstones of Co-governance

Evaluation

In this report, we draw primarily on the deliverables submitted by agencies, EJ Council meetings and materials, and discussions with agency staff. We are very grateful to everyone who shared their perspectives. The report is informed by work within the Front and Centered HEAL Community Team, one of our coalition's policy work groups that draws from our membership of frontline, community of color organizations across Washington State.

Drawing from the law, our Just Transition principles, and the Cornerstones of Co-governance, we evaluate progress against the following key questions: 1) Is the state meeting the letter of the law, with a focus on impact? 2) Is the state meeting the spirit of the law and the overall intent? 3) Are the actions and results aligned with our principles for a Just Transition and co-governance? [See the appendix](#) for a detailed version of these evaluation matrices.

REVIEW OF HEAL REQUIRED WORK TO DATE

GOVERNANCE & FUNDING

Section Summary

The Environmental Justice (EJ) Council and Interagency Work Group (IWG) were created to facilitate and guide agency implementation of HEAL.

Over \$12 million dollars were invested into agencies in the first budget cycle (2021-2023) and \$500,000 to communities (2022), which has not yet been distributed

The Council, IWG, and agencies have faced several barriers to making progress on HEAL including a need for leadership, transparency, and guidance

HEAL success requires building community capacity, opportunities to participate, leadership and direction, and reform and better integration of the IWG and EJ Council.

What the Law Says

The HEAL Act identified three main bodies to guide implementation of the law as well as their duties:

The Environmental Justice (EJ) Council is first and foremost a forum for the public on environmental justice and the guidance body for implementation of required agency work, including their community engagement plans, implementation plans, environmental justice assessments, and budgets. It also has the ability to review and make recommendations on legislation, provide assistance to agencies on EJ principles, and recommend funding allocations. The Council is made up of seven community leaders, including a youth representative, two practitioners, two tribal representatives, one business representative, one union representative, one representative at large, and one representative for each of the seven covered agencies.³

The Interagency Work Group (IWG) is responsible for technical support for the agencies on implementation of HEAL obligations and for assisting and identifying issues, goals, and guidance with the EJ Council. The Work Group is made up of each covered agency's HEAL staff, most of whom were hired for HEAL implementation work, and facilitated by Council staff.

The Department of Health (DOH) staffs the EJ Council and the IWG. It is responsible for administrative duties in support of the council and facilitates information sharing, assessment tools, technical assistance, and training. In addition, the DOH is responsible for collaborating with the state's Office of Financial Management, Office of Equity, and covered agencies on tracking data collection, performance measures, and creating a performance dashboard for the environmental justice work of agencies.

In addition to these three main bodies:

Covered Agencies are required to implement the HEAL Act's environmental justice provisions. They must dedicate staff to the IWG and ex-officio liaisons to the council, and an executive team level staff person to participate on behalf of the agency. The seven covered agencies are: Department of Agriculture, Department of Commerce, Department of Ecology, Department of Health, Department of Natural Resources, Department of Transportation, and the Puget Sound Partnership. Other agencies may opt in, and some have, including the Office of the Attorney General.

The Fiscal Note is what agencies use to assess what it will cost to implement a law. Covered agencies identified the funding levels as part of the legislative process and they included updates for each budget.

³ Learn more about the EJ Council at <https://waportal.org/partners/home/environmental-justice-council>

What We Found

The Heal Act identified three main bodies to guide implementation of the law and duties of the Environmental Justice Council and the Interagency Work Group, both staffed by the Department of Health.

Agencies

For the agencies' perspectives, refer to the HEAL Interagency Workgroup January 2023 Update provided in [the full agenda packet for the January 26, 2023 meeting of the Environmental Justice \(EJ\) Council](#). While not all agencies were fully funded for their requests, over \$12 million was invested in the first budget cycle of HEAL for agencies. The majority of funds went to support staff salaries to assist in completion of agency obligations, forming small staff teams of as few as one to as many as a handful of people dedicated to agency-wide delivery, and spread remaining funds across the agency assuming impacts across programs or departments (**Table 1**).

Initial Covered Agencies	WSDA	Commerce	DOH, EJ Council, EHD Map	WSDOT	DNR	Ecology	PSP
FY 21-23	\$812K	\$3.1M	\$2.54M	\$1.3M	\$3M	\$1.5M	\$1.7M
FY 23-25 Request	\$409K	\$3.09M	\$7.87M	\$2.07M	\$1.8M	\$1.6M	\$778K

Table 1. Initial, Requested, and Continuing Funds for HEAL Act Implementation by Covered Agencies

The first report from agencies on HEAL implementation at the end of 2022 and beginning of 2023 identified barriers including: needs for additional staffing, insufficient resources for engagement work, outdated financial systems, change management, confusion between HEAL and the Office of Equity Pro-Equity Anti-Racism (PEAR) Plan and Playbook, and the need for clearer processes on how to work with the EJ Council. The IWG requested clarity on what guidance from the EJ Council meant, and they have expressed the desire for guidance in their engagement work and key deliverables.

Front and Centered met regularly with several agency point people to assess progress during implementation. We found that there is a core group of dedicated agency staff who are committed to ensuring their agencies fulfill the intent of the state's "compelling interest in preventing and addressing such environmental health disparities." However, there is wide variation between agencies and staff in terms of their need for training and understanding of environmental justice, the structure of the law, and the role of communities most impacted in the decision-making process. Specifically, we found:

- **Gaps in leadership**, including vision, power, and direction, to implement the law and to meet its intent, both within agencies and the interagency structure; a variety and lack of consistency in agency approach to HEAL provisions; and underinvestment in centralized capacity to develop the foundations for HEAL implementation. included updates for each budget.
- **Change management struggles**, including lack of awareness or pockets of resistance within agencies, fear of doing something wrong, and overall insufficient positional power and support. There is also a struggle to hire qualified staff with appropriate training or experience in environmental justice as it relates to agencies and to communities most impacted.
- **Need for transparency** in agency structures to accommodate community participation, confusion and overreliance on the EJ Council, and a need for direct community input.

Frontline Community Participation

At the heart of environmental justice is “meaningful involvement” of all people in the development, implementation, and enforcement of environmental laws, rules, and policies. No funding was allocated to build community capacity as a direct result of the law, but a subsequent budget proviso allocated \$500,000 for this purpose. There has been very little involvement from the public, let alone frontline communities, in the development of HEAL provisions to date. When representatives from Front and Centered attempted to participate, they were at times welcomed, at times ignored, and at other times excluded. It is a significant challenge to even attempt to understand and track the structures and activities of HEAL Act implementation, even with individuals on the EJ Council who are associated with Front and Centered in different ways.

Overall we found that:

- Community participation has been sparse to our knowledge outside the EJ Council and the Front and Centered coalition self-identifying pathways to get involved.
- Agency plans are underway to coordinate and not overwhelm communities, but there have been no significant opportunities to participate to date outside of the EJ Council.
- A potential misconception that the EJ Council is the voice for the community, when in reality the Council is just one pathway for participation, not a replacement.

- Despite no funding being allocated for community capacity in the HEAL fiscal notes, Front and Centered fought for a \$500K proviso in the 2021 legislative session. The DOH was not able to deploy the first \$100K before a cutoff deadline and so it was lost. The remaining \$400K was only awarded in February 2023, for Front and Centered to distribute beginning in July.
- There is conflation and confusion on issues of tribal consultation, tribal sovereignty, and government-to-government relations—rights that are reserved in treaties—with issues pertaining to groups of nongovernmental communities and accommodating for both.
- Frontline communities organizing to advocate for themselves are at times treated the same as special interest groups and government, indicating a failure to acknowledge or address power dynamics in the decision-making spaces.

Environmental Justice Council

The DOH was directed to hold the first EJ Council meeting by January 1, 2022. However, late appointments to the council delayed the convening of the first meeting. While the council did not have their first meeting until April 4, 2022, the Interagency Work Group went ahead and began working on HEAL obligations in January 2022. Unsurprisingly, the EJ Council has fallen behind, unable to keep up with the demands of HEAL, the IWG, and additional legislative duties. It was only in January of 2023 that the leadership of the council, the Executive Committee, had the opportunity to begin to direct the work of the EJ Council, but it is still plagued by unclear governance and process issues. Key challenges include:

- Lack of structure and organization in the EJ Council, in addition to the late appointments to the council (which included several community representatives active in the Front and Centered coalition), led to a series of prolonged decision-making processes. The council did not adopt their bylaws until late October, 2022, nor were they given the opportunity to elect their executive committee until mid-December, 2022. Furthermore, EJ Council staff operating without council leadership made it difficult for the council to prioritize HEAL work and community-identified environmental health concerns. The council structure and procedures also do not adequately address power differentials between members: for example, the Office of the Governor allows governments on the council (agencies and Tribes) to send alternates to council meetings if needed, while community representative alternates are not allowed.
- While the EJ Council was formed to monitor and guide implementation of HEAL, other legislation, primarily the Climate Commitment Act (CCA) that sought to link up to

HEAL, pulled Council attention away from their HEAL responsibilities. Legislators have assigned legal obligations in the CCA that are nearly impossible for the council, a volunteer group that meets occasionally, to fulfill. This work usurped the mission of the council, taking precedence over establishing council governance procedures and trust, reviewing and providing guidance to agencies on HEAL obligations, and generally creating the framework to eliminate environmental health disparities.

- HEAL requires the EJ Council to provide guidance throughout the development process of agency-delegated work. However, as discussed above, delays in the appointment and formation of the council has impacted their ability to provide timely feedback to agencies. To meet the legislative deadlines, the council and agencies agreed to submit the agencies' own draft Community Engagement Plans (due June 31, 2022), with a plan to update the plans after meaningful conversations with both the EJ Council and the broader community. **As of publication, the council has yet to provide official guidance on HEAL.**

Interagency Work & Oversight

The Interagency Work Group (IWG), consisting of HEAL implementation staff from each covered agency, has consistently met on a monthly basis since January 2022. Within the main IWG umbrella are several subcommittees focused on specific HEAL obligations who meet on a weekly or biweekly basis. **Due to the delays in the EJ Council's appointment and subsequent work, the IWG has gone on to develop interim HEAL deliverables without guidance from the council and no visible public participation opportunities.**

- The activities and outcomes of the IWG are closed to the public. Their meeting schedules, agendas, rosters, meetings, processes, and progress are inaccessible to non-IWG members, and few opportunities exist for community and even EJ Council members to participate. Their lack of transparency and accountability to the community undermine the basic environmental justice principle of meaningful involvement.
- Similarly, the IWG has not conducted equitable community engagement prior to and during the development of HEAL deliverables to our knowledge. The work of the IWG should be informed by communities most impacted, yet their current operations fail to even include communities in the discussion.
- While the group consists of staff leading HEAL implementation efforts in their respective agencies, there is no oversight or clear, designated leadership guiding the IWG itself. The work group is facilitated by EJ Council staff, but as discussed above, council staff also lack mandate or capacity, and do not dictate the activities of the IWG.

- The IWG creates templates for HEAL deliverables, like the implementation plan, for agencies to use and develop agency-specific versions. However, some agencies have chosen to submit generic templates produced by the IWG, these plans lack internal assessments and tailored actions that apply to the role of their agency in environmental justice.

What Our Frontline Coalition Wants to See

Community Participatory Implementation of HEAL

The starting point for improvements in governance must start with opportunities for community participatory implementation of HEAL. Agencies express hunger for input, but have been focused on seeking guidance from the EJ Council, as required by law, which has not yet created an effective platform for external engagement.

Coordinated agency engagement is good, but will be effective only if there is community capacity to participate. Communities must be coordinated and have technical assistance, and agencies must be ready and open to receive input prior to project conception, and feedback. Agencies should not go back to the same people over and over, but expand participation. One pathway is for every agency to support community-led and operated assemblies, without expectation of their agenda taking precedence. When communities have the capacity to clarify and work together on articulating their needs in their own trusted spaces, then agency opportunities will be easier and feel more meaningful.

Community Assemblies

Front and Centered, Statewide Poverty Action Network, and the People's Economy Lab have been developing a Community Assembly Framework: a process that will enable communities historically most marginalized to mobilize around a clear strategy, address community issues and needs, and provide solutions to policymakers. The framework is intentionally designed to define, understand, and resource community capacity in order to convene, build trust, and develop and integrate community-based evidence/lived experiences within community-centered policies, upon which state decision-makers can act.

A core principle of this framework is addressing community positioning in policy-design and decision-making spaces. Inclusion demands radical transparency, more so in data collection and decision-making where government agencies have a responsibility to empower self-determination of communities most impacted. This serves to disrupt scarcity narratives and prioritize community self-determination, focusing on shared values and accountability and encouraging legislators/agency staff to listen to community groups instead of interpreting.

Ultimately, the Community Assembly Framework seeks to address four areas of community concern to affect policy change: community capacity to organize, formulation of solutions, participation in shared decision-making, and participatory budgeting processes. Agency funding for this work will position communities to engage in a meaningful way and be informed enough to have impact—in planning, preparation, and implementation with stipend opportunities to ensure people have the support they need to collaborate in changemaking.

Transparency & Engagement

Agencies should focus on providing transparency to the community about how they are implementing HEAL in real-time and through open opportunities to receive and respond to input and feedback when it is available. Both the IWG and the EJ Council also need their own community engagement plans. If and when it comes, a single HEAL website—where agencies can report their actions to reduce environmental health disparities, progress and barriers to HEAL deliverables, and accept and respond to feedback—would be a good step.

Agencies must hear feedback without reacting. Community members can be very direct in sharing their experiences and needs, but they also understand that progress takes time. As frontline communities, we need assurance that we can express true concerns without becoming a target of resentment and reactions such as shutting down, burning out, or band-aid solutions. Whether it's communities or agencies, each of us has a role to play.

Leadership

There needs to be a high-level position appointed to ensure the law is living up to its promise. This includes coordinating agency standards and ensuring accountability, managing political dynamics and pressures, and helping to stay on course toward an evidence-based approach to reducing environmental health disparities. Much of the HEAL funding was spread across agency staff, and the environment justice teams and the IWG lacked sufficient investment to build the foundation necessary to move these large agencies. There also needs to be leadership within the EJ Council to run the council on their terms without interference from agency or legislative demands. Agencies may be concerned if the council does not prioritize responding to their plans and proposals but should assume good intentions that the council is acting to meet a community need. Agencies must embrace community leadership and support co-governance principles towards shared objectives, and to do that, the council must be clear and focused on its agenda.

Focus

The EJ Council needs to narrow in on a HEAL-focused agenda with time allocated accordingly. First and foremost, the Council must fulfill its primary duty as a public forum for the concerns of frontline communities. It cannot provide guidance on environmental justice if it has not first listened to community concerns. The Council should dedicate much of its capacity moving forward to statewide engagement on environmental justice, and the rest to providing guidance on upcoming deliverables, specifically environmental justice assessments and budgets and expenditures. To have a meaningful impact the council must prioritize their time, even with legislative requirements or opportunities

to do a great deal of work. Larger reforms should be considered based on progress, building community capacity to better distribute the council's role to the communities most impacted by the decisions.

Coordination & Training

The silos and the power dynamic between the IWG, EJ Council, and the communities most impacted must be consolidated and addressed. There should be one primary work space for each major HEAL deliverable, including community engagement, implementation plans, budgets, and assessments at a minimum. The deliberations of these groups should include public input and be open to council and agency participation. Each of these groups needs a budget to hire technical consultants to ensure they are gathering the best available research, while focusing agency staff on the unique application in their agencies. All participants should receive appropriate training and support to fulfill their duties.

PRIORITY COMMUNITIES & ENVIRONMENTAL HEALTH DISPARITIES MAP

Section Summary

The Environmental Health Disparities Map (EHD Map) illustrates the best available data on health disparities and Overburdened Communities in Washington State, and should continue to be improved with new data and knowledge.

The identification of overburdened areas must start with the EHD Map, be targeted based on cumulative impacts, and be transparent, including a published list of areas with justification and opportunity for community appeal.

Vulnerable Populations must also be identified and targeted for support, both within priority areas and beyond.

What the Law Says

Identification of Overburdened Communities and Vulnerable Populations is at the heart of the HEAL Act, and is required in the community engagement, environmental justice assessment, and funding and budgeting obligations of agencies. Agencies must be able to identify the most impacted or susceptible communities to provide targeted approaches to eliminating environmental health disparities.

Section 19 of HEAL tasks the Department of Health with creating and maintaining the Washington State Environmental Health Disparities (EHD) Map, which uses the most up-to-date data to track health disparities and overburdened communities. The EHD Map originates from a Front and Centered work group alongside the University of Washington and agencies. It is a product that was originated by the coalition and built on the foundation of the shared expertise and knowledge of communities of color and people with lower incomes in Washington State. While the map should not be solely relied upon in the identification of Overburdened Communities and Vulnerable Populations, it is the best available data and should be used as a starting point. Definitions in the law include:

Overburdened Community means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. “Highly impacted community” refers to a community designated as such by the Department of Health based on cumulative impact analyses in RCW 19.405.140, or a community located in census tracts that are fully or partially on “Indian Country” as defined in 18 U.S.C. Sec. 1151.

Vulnerable Populations are population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. Vulnerable populations include, but are not limited to: (i) racial or ethnic minorities; (ii) low-income populations; (iii) populations disproportionately impacted by environmental harms; and (iv) populations of workers experiencing environmental harms.

Front and Centered generally uses the term “frontline communities” as a descriptor for communities of color, Indigenous people, and people with lower incomes who are hit first and worst by environmental damage and climate change. However, the terms Overburdened Communities and Vulnerable Populations will be used throughout this document to conform to the language of the law and will remain capitalized to signify that they are both terms of art.

What We Found

Identifying Overburdened Communities and Vulnerable Populations

Agencies are depending on the IWG and its Identifying Overburdened Communities subcommittee. As of now, the only decision that has been made on this topic is to create a process to identify Overburdened Communities and Vulnerable Populations, rather than an actual list thereof. The aim is to ensure transparency and accountability, inclusivity of communities that may not fully meet the eventual criteria for Overburdened Communities and Vulnerable Populations, nuance, use of up-to-date data, and avoidance of harmful hierarchies that may prioritize one community over another. The subcommittee is also working to create pathways for self-identification. Questions still surround the eventual criteria, accountability measures, and evaluation metrics. Community listening sessions that are set to take place March–November 2023 will help inform the IWG’s development of the identification process.

Environmental Health Disparities (EHD) Map

The Governor’s office compiled a report on state agency uses of the EHD Map and found it was widely used, and used in conjunction with other data sources. The map is being used by law to inform the identification of Overburdened Communities and decisions such as grant scoring, request legislation, evaluation of programs, engagement, and more.⁴ At the December 13, 2022 meeting of the Environmental Justice Council, IWG members voiced that the EHD Map was the most valuable tool to look at cumulative health impacts as there is no substitute tool built specifically for Washington State.

The legislature requested a technical review of the EHD Map by the Washington State Institute for Public Policy and found that the map is consistent with environmental justice mapping tools across the nation. The tool uses some of the best data available at a small geographical level to measure environmental exposures and health disparities. The legislature also found that the EHD Map “provide[s] insight into a variety of the environmental harms present in communities and how well equipped these communities are to overcome those challenges.” The map has become such an important tool that it was adopted and is now maintained by the Department of Health, under the Washington Tracking Network.

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⁴ https://drive.google.com/file/d/1HtExPCZZUhhk5j_6PLk12NudEJBvkjG/view?usp=share_link

environmental harms present in communities and how well equipped these communities are to overcome those challenges.”⁵ The map has become such an important tool that it was adopted and is now maintained by the Department of Health, under the Washington Tracking Network.

DOH worked with Front and Centered to host additional listening sessions on the EHD Map in the spring and summer of 2022. Front and Centered’s member organizations shared suggestions to enhance the usability of the tool for frontline communities, including the ability to connect the EHD Map with other community health information as well as community-owned data and information (**Figure 6**). Front and Centered also recommends development of new indicators including: greenhouse gas emission concentrations, sources of pollution, drinking water quality, compliance status of facilities, gentrification, resilience and adaptive capacity to harms, access and availability of community resources, and affordable transportation and access options.⁶



Figure 6. Graphic Recording of the 2022 Community Listening Sessions for the Environmental Health Disparities Map. Synthesized and drawn by Kristi Sogn.

⁵ [Washington State Institute for Public Policy Technical Review of the Washington State Environmental Health Disparities Map, November 2022](#)

⁶ Final report and recommendations for the Washington Environmental Health Disparities (EHD) Map, June 2022 (unpublished)

The EHD Map is a living, iterative tool that can and should evolve and improve with continued input, including continued engagement of frontline communities to ensure the map continues to reflect community expertise and best available data. Now that DOH maintains the map under HEAL, the Front and Centered coalition will track and inform how the tool is refined to ensure that input from those on the frontlines of climate change and environmental harm is properly integrated. Some improvements are already underway at DOH; for example, indicators currently under development include pesticide exposure, asthma, and wildfire smoke, all of which are in response to feedback from frontline communities about their experiences and impacts.

What We Want to See

Identifying Overburdened Communities and Vulnerable Populations

The EHD Map is the best starting point and required by law: The Environmental Health Disparities Map is the best available starting point for identifying Overburdened Communities as required by both HEAL and the Climate Commitment Act. The map is the best source of data that is available consistently across the state. Agencies can and should fully comply with consultation requests on any improvements or concerns with the map and improve on engagement, including with tribal nations and frontline communities, but this should not impede use of the map for immediate and active use.

Include rank 7 and above and automatically include tribal lands: There is no definitive threshold that has been standardized for defining an overburdened community using these tools, but California's use of a statutory definition of the top 25% of communities provides a useful starting point (CA SB 535). Washington should use communities ranked 7 and above by the EHD Map as its starting point. Tribal lands should also be defined as Overburdened Communities, as is required by the HEAL Act, other state law, and federal orders.

Use additional tools to improve, not exclude: Use additional tools to improve, not exclude: The EHD Map is the starting point for defining Overburdened Communities, but not the end point. It can be complimented by tools with complimentary data or greater resolution at the local level; however, when used in any environmental justice or risk assessment, none of these additional tools should be used to exclude any communities that qualify at the statewide level for the Overburdened Communities designation.

Create alternative paths: There must be a pathway for communities to petition or appeal their inclusion in or exclusion from the Overburdened Communities designation—one that permits consideration due to lived experience, data gaps, or special or unforeseen circumstances. The state must expand its efforts to reach affected persons who are in potentially Overburdened Communities to incorporate hard-to-reach

perspectives and input that could affect decisions about identifying an Overburdened Community and its boundaries.

Focus on people, rooted in place: While Overburdened Communities are “geographic areas,” the state must also define and address Vulnerable Populations, which are population groups, within or outside Overburdened areas, defined by socioeconomic factors, healthy sensitivity factors, race, income, and work. They should be appropriately supported both inside and outside of defined Overburdened Communities with strategies appropriate to need. Support must reach people and improvements that create displacement or green-gentrification must be avoided.

Transparency: Process alone is not sufficient without clarity on the outcome. The state should publish a draft list of places designated as overburdened for each use and clearly explain and show data and justification for why they were included.

Environmental Health Disparities (EHD) Map

The legislature should fully fund improvements to the EHD Map, including requests from communities that contributed to the original map and consultation requests from Tribes. DOH should respond to requested changes based on community demand and evidence, and invest in sufficient engagement to ensure frontline communities across Washington State ideas and concerns are addressed. As originators of the EHD Map, Front and Centered hopes to see investments from DOH towards intentional and ongoing community engagement to ground truth the map, its data, and its methodologies, and we look forward to continuing to engage with DOH so that the map continues to be agencies best available tool for health disparities and frontline communities.

COMMUNITY ENGAGEMENT PLANS

Section Summary

Community Engagement Plans (CEPs) are required to describe equitable engagement of Overburdened Communities and Vulnerable Populations.

The first drafts of current CEPs lack substantive guidance on developing and deploying a community engagement plan that are connected to agency decisions, actions, and goals.

Future versions must include investments in community capacity and be clear on the how engagement leads to changes in decisions and actions.

What the Law Says

In accordance with the HEAL Act (SB 5141), seven covered agencies and one opt-in agency published their draft Community Engagement Plans (CEPs) on July 1, 2022. Each plan should have included the following:

- How the agency will identify and prioritize Overburdened Communities.
- Best practices for outreach and communication to overcome barriers to engagement with Overburdened Communities and Vulnerable Populations.
- Best practices for outreach and communication to overcome barriers to engagement with Overburdened Communities and Vulnerable Populations.
- Use of special screening tools that integrate environmental, demographic, and health disparities data to evaluate and understand the nature and needs of the people who the agency expects to be impacted by significant agency actions and processes.
- Processes that facilitate and support the inclusion of members of communities affected by agency decision-making including, to the extent legal and practicable, but not limited to, child care and reimbursement for travel and other expenses.
- Methods for outreach and communication with those who face barriers, language or otherwise, to participation.
- The HEAL Act requires that agencies consider recommendations provided by the EJ Council.

What Happened

On July 1, 2022, seven covered agencies and one opt-in agency published draft CEPs in accordance with the HEAL Act. RCW § 70A.02.050 (1). Unfortunately, due to the delayed appointments of council members, the EJ Council was unable to provide support during the development process. It was therefore agreed upon that each agency document would be provisionally approved as drafts until further review by the council. **As of publication, agencies have yet to receive official guidance on their plans.**

Three main versions of the CEP were submitted. The guides for creating CEPs are written to those with little to no experience in environmental justice nor community engagement. However, the draft plans lack substantive, step-by-step instructions on how to actually carry out the act of engagement, and most importantly, how it will be used to impact decision-making. Outside of the Department of Transportation's (WSDOT) CEP which had some advance work, the plans also lack agency-specific information such as the types of agency actions in which community engagement may be conducted. It is worth noting that each department is working with different timelines and therefore, quality/completeness of CEPs and related documents may differ from agency to agency.

Among the eight agencies complying with the HEAL Act, Agriculture, Commerce, Ecology, Health, Natural Resources, and Puget Sound Partnership submitted similar—in some cases even identical—plans that were created by the IWG. Ecology's draft plan was an abbreviated version, while WSDA and Commerce included agency-specific forewords and resources. However, as the contents of the guide itself are identical, these six agencies will be assessed as one. The Attorney General's Office and WSDOT each released their own versions of a Community Engagement Plan (**Table 2**).

Departments of Agriculture, Commerce, Ecology, Health, and Natural Resources; and Puget Sound Partnership	Department of Transportation	Attorney General's Office
<ul style="list-style-type: none"> ● Fairly comprehensive, emphasizes significance of engagement with Overburdened Communities and Vulnerable Populations ● Provides step-by-step instructions. Helpful to those with little to no experience with community engagement ● Does not provide much guidance on the act of engagement but rather, on processes and the planning phase ● Generic; does not evaluate past practices ● Lacks agency-specific language and considerations ● Does not consider transparency as a form of engagement (e.g., data sharing with communities, open decision-making forums, etc.) ● Does not address how the agency will ensure that feedback solicited from engagement opportunities are incorporated and used to inform decision-making 	<ul style="list-style-type: none"> ● Offers ways for the public to engage with agency actions outside of required community engagement efforts ● Comprehensive review of past projects that were well implemented ● Performance metrics are detailed and specific but relies solely on quantitative measures ● Discusses ways to conduct community engagement but does not guide readers to develop a plan (e.g., how to match modes of engagement to engagement goals) ● Does not define terms used ● Does not provide guidance on how to engage (e.g., says “consider culturally sensitive outreach” but does not expand) 	<ul style="list-style-type: none"> ● Acknowledges general past practices and public perception of agency throughout ● Offers guiding questions and principles for engagement ● Provide more examples of modes of engagement (only discusses meetings in depth) ● Does not offer guidance on how to develop project or action-specific plans ● Not specific to the agency’s unique role as the state’s legal advisor and representative of the people ● No actual guidance; reviews several guiding principles and objectives ● No methods, identification of Overburdened Communities and Vulnerable Populations, or processes discussed

Table 2. Comparative Analysis of Community Engagement Plans

For a more detailed explanation of each plan, [see appendices](#).

What We Want to See

Key Principles Identified by Community to Help Guide Agency Action

- Go to community, do not expect community to come to you.
- Engage from existing community leadership, do not reinvent it.
- Demonstrate accountability by moving funding to community capacity.
- Apply community input and feedback, do not just record it, and be transparent.
- Align understanding, process, and language as baseline for all agencies.
- Community engagement is about getting information. It should not be predetermined but genuinely reflect what the community says.
- Seek to expand participation rather than rely on a few individuals.

Specific Recommendations

Section 13 of the HEAL Act lays out specific components that each agency must develop in their community engagement plan (CEP), and while each draft includes each of the required sections, they generally lack a detailed, agency-specific guide to community engagement. It is therefore recommended that each agency address the following points



Intended outcomes: As outlined in the Environmental Justice Task Force Final Report,⁷ agencies should evaluate new and existing programs for community engagement to develop outreach goals. These goals should help develop and guide tailored engagement strategies



Identifying overburdened communities: Develop a more comprehensive guide for identifying overburdened communities and vulnerable populations.

- Populations should not only be identified based on place of residence, but also places of work, recreation, and other frequented areas.
- Emphasize importance of meeting with community leaders first to help identify impacted communities and providing opportunities for self-identification.

⁷ [Environmental Justice Task Force Recommendations for Prioritizing EJ in Washington State Government Fall 2020](#)

- In addition to engaging with Overburdened Communities (based on screening tools), prioritize engaging with potentially impacted communities that fall just below the “overburdened” threshold (e.g., communities that have a score of 7 on the Environmental Health Disparities Map).



Building community capacity: Agencies will never meet their objectives to engage Overburdened Communities and Vulnerable Populations in their work if they don't invest in building community capacity. Incorporating community data is not enough and should not be a substitute for community voice. There can be opportunities for co-design and shared decision-making to craft equitable practices that shift funding and power dynamics by incorporating community expertise, input, and time. A well-resourced community leadership is able to identify gaps in both government and community action and better positioned to define leadership, direction, oversight as a collective through mechanisms such as:

- Asset mapping: What organizations are in the community, and what work are they doing (Are there gaps? Are gaps being filled by other organizations? Is there overlap?)
- Community Assembly Framework: Provides an opportunity for agencies to engage in a participatory and collaborative process where agency action is aligned with community direction. The assembly framework exists to organize and elevate community voice, so agencies must ask themselves:
 - What does it mean to embed community voice within agency decision-making structures?
 - How are communities resourced and represented within these structures ([see pg. 17](#))?



Data collection: Plans should include best practices on how to conduct qualitative data collection through the form of interviews, meetings, surveys, and other methods:

- What questions to ask and how.
- How to conduct/facilitate discussions (deficit- vs. asset-based approaches).
- How to collect the feedback (identifying what you are listening for).
- Formats for data collection (recording devices, accurate representation of feedback, etc.).

- 5 **Use of data:** Include detailed discussion of interpretation of data, transparency regarding how the feedback was used or why it was not, and what was the analysis and impact of the data gathered.
- 6 **Performance metrics:** Develop a more robust set of quantitative and qualitative metrics to evaluate engagement. How are variables tracked against measures of success vs. an equity-based assessment of racial disparities within performance processes?
- 7 **Examples of effective community engagement:** It will be helpful if the plans included examples of past successful and unsuccessful attempts at community engagement. See appendices to reference the Department of Transportation's draft community engagement guide.
- 8 **Specificity:** Six of the eight agencies submitted near-duplicate copies of the community engagement plan, and the Attorney General's Office drafted a generic document. For plans to be helpful to staff, they must include agency-specific language and examples.
 - How are they doing the work?
 - What funds do they have access to?
 - What types of agency actions may require community engagement?

ENVIRONMENTAL JUSTICE IMPLEMENTATIONS PLANS

Section Summary







Environmental Justice (EJ) Implementation Plans should include methods, processes, and metrics to evaluate the incorporation of EJ principles into agency activities.

The five plans published to date focus on minimum compliance with HEAL, although some fail to meet the letter of the law, rather than a genuine plan for agency actions that reduce environmental health disparities.

Agencies should pinpoint the ways their activities contribute to environmental justice concerns and develop robust strategies to address these concerns in their implementation plans.

What the Law Says

Covered agencies had until January 1, 2023 to release their Environmental Justice Implementation Plans (IPs). Section 12 of the HEAL Act lays out six required components of an IP:

-  Agency-specific goals and actions to reduce environmental and health disparities and for otherwise achieving environmental justice in the agency's programs.
-  Metrics to track and measure accomplishments of the agency goals and actions.
-  Methods to embed equitable community engagement and participation, with and from members of the public, into agency practices for soliciting and receiving public comment.
-  Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice (EJ).
-  Plan for community engagement required under the engagement plans and public participation section of the HEAL Act.
-  Specific plans and timelines for incorporating EJ considerations into agency activities.

What We Found

The EJ Council was unable to provide guidance during the development phase of Environmental Justice Implementation Plans as they focused their time on establishing governance rules and procedures. Therefore, agencies have worked under the assumption that the IPs will be considered provisional drafts until guidance from the council has been received and incorporated.

Agencies communicated feeling pressured by the timeline and a lack of guidance and direction. As of January, only five agencies have released their IPs: Commerce, Health, Ecology, Puget Sound Partnership, and Agriculture.

Our analysis of the agency plans concluded that the IPs focus too much on compliance with HEAL and do not sufficiently reflect the law, that “the plan must describe how the covered agency plans to apply the principles of environmental justice to its activities.”

Even where agencies were verbally able to articulate a broad suite of activities on environmental justice, they did not appear in their IPs. The following paragraphs describe submittals from agencies:

Department of Commerce (Commerce)

Commerce's implementation plan, which also includes the agency's strategic plan, is guided by nine environmental justice principles that helped inform the development of the IP and its contents. Commerce acknowledges that nearly all of their programs have EJ implications and recognizes that they can make significant impact by reforming their business practices and workplace culture. The IP's extensive list of agency-specific and HEAL-related actions also come with sets of quantitative metrics that will be used to evaluate the agency's progress. Commerce's IP considers necessary internal changes and agency-specific initiatives to implement EJ more than others. However, the plan is still mainly composed of strategies to meet HEAL requirements rather than to incorporate EJ principles in all aspects of the agency.

Of the nine overarching EJ goals, only one is not directly derived from HEAL: build internal capacity and increase applied EJ competency across the agency. This one goal is likely insufficient in leading Commerce to reform the department at all levels. It also does not include accountability measures to track Commerce's commitment and progress towards EJ implementation and elimination of environmental and health harms. Furthermore, Overburdened Communities and Vulnerable Populations are not prioritized enough in the decision-making process as discussed in the plan. While it aims to provide more equitable, inclusive opportunities for members of Overburdened Communities and Vulnerable Populations, there is no consideration for how Commerce will center their voices or ensure their feedback is incorporated in their work.

Department of Health (DOH)/Department of Agriculture (WSDA)

The implementation plans submitted by DOH and WSDA are near-identical and therefore, are assessed as one. The only difference between the two plans occurs in the introduction where DOH discusses HEAL obligations assigned specifically to their agency. The IP is organized by HEAL obligation, each of which is planned for using a timeline, logic model, and evaluation plan. There is no narrative discussion of the logic model or evaluation plan, making it difficult to understand the agency's EJ framework that helped inform these models. In contrast to Commerce's IP, the DOH/WSDA plan only discusses actions to ensure compliance with HEAL, not EJ principles. No strategies were discussed to prioritize or include Overburdened Communities and Vulnerable Populations in agency actions and decision-making outside of HEAL. The plan therefore did not meet the first requirement under Section 12 of HEAL, nor did it reflect Just Transition principles. Overall, there is a gap in the IP in strategizing or planning for reducing environmental health disparities.

It demonstrates that the agencies are on track to meet all of HEAL's upcoming deadlines, but does not consider basic EJ principles and how they can inform agency activities at all levels. DOH and WSDA should work separately to identify how EJ is impacted by their agency activities and develop specific goals and actions that center Overburdened Communities and Vulnerable Populations and eliminate environmental health disparities.

Department of Ecology (Ecology)

Similar to the DOH/WSDA implementation plans, Ecology's plan explicitly states that the "document summarizes the progress the Department of Ecology has made on the implementation of Washington's environmental justice law," which does not align with the intent of IPs as written in HEAL. The plan does not speak to substantive strategies to incorporate EJ principles into their department, nor does it acknowledge a legacy role in creating and eliminating environmental health disparities.

The current version of the plan does not address any agency-specific plans, goals, or actions, even where they already exist. A significant portion of it discusses actions that Ecology has already taken towards implementing HEAL, rather than forward looking plans. Further, many of the planned activities are that of the Interagency Work Group, not Ecology. In its second iteration, Ecology should identify core EJ principles, their impacts on environmental and health disparities, and actions they can take—or in some cases are already taking—to help reduce existing disparities.

Puget Sound Partnership (PSP)

PSP's document is not an implementation plan but an expansion of EJ-related goals from their strategic plan. PSP has compiled a list of overarching goals from their 2020–2025 Strategic Plan with EJ implications. It lacks specific actions, metrics to track and measure accomplishments, methods to embed equitable community engagement, strategies to ensure compliance with existing state and federal laws, and timelines for incorporating EJ considerations. For this reason, PSP's IP is not meeting its HEAL Act obligations.

Of the goals listed, many are agency-specific, such as their Puget Sound and salmon recovery projects, workplace culture, and their Management Conference. However, there is minimal focus on Overburdened Communities and Vulnerable Populations as well as strategies to center their priorities. It also does not acknowledge PSP's impacts on health and their role in eliminating environmental health disparities. Due to its lack of alignment with the required plan elements, we cannot fully analyze PSP's document with our evaluation questions.

Conclusion

Overall, the first iteration of the environmental justice implementation plans do not reflect the intent of HEAL and the obligations on incorporating environmental justice into agency plans. The level of compliance with HEAL varies significantly across agencies, but all failed to communicate clear actions that lead to results in communities. Many of the agencies also did not acknowledge their contributions to existing environmental health disparities and therefore, plans are not sufficient in guiding covered agencies towards implementing EJ and eliminating environmental health disparities.

What Agencies Should Do for HEAL to Succeed

Each agency should revisit and revise their implementation plans to first identify guiding environmental justice principles and then identify ways to practice and meet those principles so that they can successfully prioritize and incorporate environmental justice into their work. Specifically, recommended actions include:

Identify core environmental justice principles: The HEAL Act requires agencies to describe how they plan to apply environmental justice principles to their activities. Agencies must therefore first identify and define the EJ principles that will guide agency work from here on out.

Assess agency policies, activities, and programs for environmental justice implications: To develop agency-specific goals, actions, and strategies, the agency must first understand its role in environmental justice. How do agency activities impact or fail to impact local communities? What existing opportunities does the public have to participate in decision-making processes, and where can they play a role?

Identify roles that the agency can play in eliminating environmental health disparities: HEAL instructs agencies to identify goals and actions to reduce environmental health disparities. How does the agency and their work contribute to existing environmental health disparities? What role can they play in eliminating them? Once such questions are answered, the agency can then identify specific goals and new actions to aid in reduction of such disparities.

Review and incorporate HEAL-required components of Implementation Plans: Many of the implementation plans do not comply with the HEAL Act, omitting several components of an IP as described in the law. At minimum, agencies should evaluate their plans against the requirements laid out in Section 12 of the HEAL Act and address areas of noncompliance.

Strategize ways to center voices of Overburdened Communities and Vulnerable Populations and include them in the decision-making process: While some of the plans consider ways to create more equitable and inclusive opportunities for Overburdened Communities and Vulnerable Populations to participate, there is no consideration for the roles communities will play, nor for how the agency will utilize their feedback. To eliminate environmental health disparities, the work must be guided by frontline communities, which can only occur in a system that prioritizes their voices and allows for self-determination.

Identify needs and gaps in knowledge within the agency: To build capacity and competency to promote and implement environmental justice principles, an agency must first evaluate its staff, their level of understanding, and available supporting resources. Once gaps and limitations are identified, the agency can begin developing goals and actions to increase capacity.

Consider how the agency can invest in the long-term successes of communities: A Just Transition aims to empower communities so that they can practice self-determination. Articulating planned investments would indicate the agency's commitment to environmental justice and frontline communities.

UPCOMING WORK UNDER THE HEAL ACT

ENVIRONMENTAL JUSTICE ASSESSMENTS

Section Summary

Assessments will be required for any significant agency action to identify and mitigate or maximize potential environmental health harms and benefits to Overburdened Communities and Vulnerable Populations.

Assessments must be guided by Vulnerable Populations potentially impacted; agencies must be transparent with communities in their assessment of potential impacts, mitigation methods, and Overburdened Communities and Vulnerable Populations; and there must be clear plans to prevent harm.

Front and Centered, in partnership with the UW Law Clinic, developed a model process that outlines the steps agencies should take for a robust assessment.

What the Law Says

Environmental Justice Assessments (EJAs) will inform and support the identification and inclusion of Overburdened Communities and Vulnerable Populations that are expected to be impacted by a proposed agency action. It will also guide agencies to identify methods to equitably distribute benefits and resources, the reduction of environmental harms, and the reduction of environmental health disparities. Agencies must utilize equitable community engagement methods to include Overburdened Communities and Vulnerable Populations throughout the completion of the assessment to ensure accurate assessments. Section 14 of the HEAL Act directs agencies to conduct EJAs for all proposed activities deemed a significant agency action (SAA) beginning July 1, 2023, which include legislative rules and legislation, grants and loans, capital projects, and other actions subject to specific dollar and legal thresholds of significance.

What We Heard So Far

Agencies are in the early stages of designing the EJA process. Each agency has sent out internal surveys to evaluate existing programs and identify a list of SAAs. So far, the plan is to develop an initial list of programs that meet the SAA criteria and have the biggest impact. Once the EJA process has been deployed and further refined, agencies will expand their list for a more comprehensive list of SAAs.

The IWG is currently working to draft a template EJA and a process to identify Overburdened Communities and Vulnerable Populations for all covered agencies to utilize and tailor to their specific needs. Once a template has been created, the group will identify several existing programs and pilot the assessment. Community listening sessions will be held in March–November 2023 and help inform further refinement of the process.

What HEAL Requires to Succeed

Agencies must be transparent in listing all SAAs which are defined clearly in the law and consistent in their application. The EJAs will then assist agencies, impacted communities, and the public in evaluating the potential environmental justice impacts of proposed agency actions on Overburdened Communities and Vulnerable Populations, beneficial or harmful.

Front and Centered will be looking at both the spirit and the letter of the law and our Just Transition principles when evaluating this deliverable. The evaluation would include questions like:

- Is the EJA process guided by the communities most impacted?
- Is there a “do not proceed” route?

- Are there clear definitions and accountability for equitable benefits, and appeals process for those impacted?

Our preliminary evaluation criteria is detailed in the appendices.

Front and Centered also worked with the University of Washington Environmental Law Clinic to develop a model Environmental Justice Assessment. Iterating from the clinic's work, we suggested a version for project proposals that gets at specific place-affected impacts and a non-project proposals version to address policies and funding. The core elements of these models, detailed in the appendices, include:

Background: Provide background information on the proposal, including impacted census tracts, timing and future plans for activity, and known stakeholders and parties involved.

Potential impacts: Identify the potential impacts using research, literature review, and equitable community engagement. Consider intended and unintended benefits and harms that may result from the proposal.

Identify Overburdened Communities and Vulnerable Populations: Utilize screening tools and community engagement to identify potentially impacted communities, always erring on the side of greater inclusivity and precaution when a risk is involved, and determine existing environmental health concerns and potential impacts from the proposal.

Community engagement: Conduct community engagement to solicit feedback on the overall project, its potential impacts, and methods for mitigation and equitable distribution of resources. Describe how the agency plans to incorporate the feedback. Community engagement should begin before an assessment is conducted, and should continue throughout to inform the completion of the assessment.

Reduction of harms and equitable distribution of resources: Identify strategies to eliminate potential harms, and if impossible to prevent harm, fully reduce or mitigate; strategies to equitably distribute resources and benefits to Overburdened Communities and Vulnerable Populations; and describe implementation methods.

Evaluation metrics: Develop a set of metrics for future use to assess implementation of harm reduction and resource distribution strategies, its outcomes, and prioritization of community input.

FUNDING & BUDGETS

Section Summary

Agencies must develop a process that incorporates environmental justice principles into funding and budgeting processes, HEAL sets a goal of allocating 40% of all funding and expenditures that create environmental benefits to Overburdened Communities and Vulnerable Populations.

Defining equitable distribution, qualifying benefits and harms on Overburdened Communities and Vulnerable Populations from agency actions, and identifying goals and evaluation metrics have proven to be difficult without community participation.

Agencies should aim to invest in community capacity building and use participatory budgeting to meet the 40% allocation goal and include processes that consistently solicit and incorporate feedback from Vulnerable Populations.

What the Law Says

Agencies have until June 30, 2023 to develop a decision process that incorporates environmental justice principles for budget development, making expenditures, and granting or withholding environmental benefits. The process will require funding and budgeting decisions to be informed by Overburdened Communities and Vulnerable Populations, and create environmental benefits, improve quality of life, build community resilience, or eliminate harms. The HEAL Act aims to ensure funding and expenditures are equitably distributed, setting a goal to direct 40% of funding and expenditures that create environmental benefits to Overburdened Communities and Vulnerable Populations.

What We Heard So Far

Few updates have been provided on the IWG and agencies' progress towards developing equitable funding and budgeting methods. Agencies have begun assessing their current practices to identify gaps and misalignment with HEAL and the state financial systems. However, HEAL staff are struggling to identify ways to incorporate environmental justice principles in their methods and have requested additional support from the Office of Financial Management and the EJ Council. Defining equitable distribution, qualifying benefits and harms on Overburdened Communities and Vulnerable Populations from agency actions, and identifying goals and evaluation metrics have proven to be difficult tasks for agencies.

DOH has also partnered with the University of Washington Evans School of Public Policy Student Consulting Lab to identify programs subject to the funding and budgeting obligations of HEAL, a baseline assessment of how the agency currently incorporates (or doesn't incorporate) EJ principles into their funding and budgeting decisions, and recommendations on how to incorporate EJ principles into budgeting and funding processes.

What We Want to See

This particular element of the HEAL Act has tremendous transformative power if fully implemented. Agency decision-packages and budgets are currently developed largely out of community eyesight and with little input from communities. They go to the Offices of Financial Management and the Governor for selection in the governor's budget with, at times, no clear justification for what is selected. We can do better by leading with the HEAL Act.

The HEAL Act requires work on behalf of agencies on the front end. This includes the following:

Meet the HEAL goal that 40% of expenditures create environmental benefits to Overburdened Communities and Vulnerable Populations: To do so agencies must clarify direct and meaningful benefits and set aside funds for participatory budgeting and community capacity. Direct and meaningful benefits are derived from communities' defined needs and proposed solutions. The agencies should set aside 40% of funds intended for community benefit to be decided through community participatory decision-making. This must be an ongoing process of soliciting and listening to communities on the priorities. Beyond set aside funds, agencies should strive for all funds to directly benefit Overburdened Communities as those with the greatest barriers to environmental benefits and most impact from environmental harm. strategies, its outcomes, and prioritization of community input.

Invest in community participatory capacity building and budgeting: Front and Centered and the Environmental Justice Council were clear in their budget guidances that communities most impacted by climate change must be collaborators in plans to protect and address the causes. This includes funding for communities to organize, including through our proposed community assemblies, and to decide for themselves what their communities need separate from an agency-led process, especially for Vulnerable Populations in Overburdened Communities. The Just Futures project is developing a model of community assemblies, described earlier as a structure that would give communities autonomy to identify their needs and concerns while linking up to agency processes.

Develop methodologies, publish results, and adjust with feedback: To determine benefits for these funds and additional agency spending, agencies must include a description and relevant data for the intended outcomes, measures/metrics, and timeline for those outcomes; the strategy to achieve the outcome; and how the funds will be deployed in the strategy. This type of methodology that clearly justifies a “benefit” is critical and can be evaluated by those intended to benefit as effective or needing improvement. Agencies must accept, publish, and respond to feedback, in part to address unintended consequences. Most important, this must all happen prior to allocation and final determination of how funds are being used. Agencies must produce and the Office of Financial Management must publish an annual report with aggregate details and easy to navigate data dashboards and maps of investments against priority populations. For example, refer to [California’s project map](#) and [dashboard](#).

Overall, we need to see change in both the budgeting process and the outcome. Agencies may be tempted to try to justify the budget they have, rather than assess what it needs to be in order to comply with HEAL. HEAL calls for structural change that should start now and grow in impact over time.

ENVIRONMENTAL JUSTICE REPORTING

Section Summary

Agencies will be required to maintain an online dashboard located on the Office of Financial Management website to update communities on HEAL implementation progress.

Identification of Overburdened Communities and Vulnerable Populations, as well as significant agency actions, must be made publicly available.

Funding and attention should be focused on reporting progress on HEAL deliverables, environmental justice not explicitly tied to HEAL, and environmental health outcomes.

Covered agencies are required to report their progress towards meeting HEAL obligations and eliminating environmental health disparities. By September 1 of each year, each agency must update the Environmental Justice Council on the development and implementation of their Community Engagement Plans, EJ Implementation Plans, EJ Assessments, and budgeting and funding methods. These updates will also be published

on the Office of Financial Management's (OFM) online dashboard for the public to access. In addition, each agency must file notices with the OFM of significant agency actions for which an EJA is being initiated, including a brief description of the action and methods for public comment, which will be published weekly on the OFM website. Agencies will also release a list of Overburdened Communities and Vulnerable Populations identified in the Community Engagement Section of the law so that effectiveness of HEAL's implemented obligations can be measured.

What We Heard So Far

Covered agencies and the Interagency Work Group have been reporting to the Environmental Justice Council as they have been allowed time and space to do so; however, that time has been limited. The creation of a video that is accessible to the public was a step forward in HEAL reporting as the first easily accessible progress report. However, the frame of the reporting overall, like the agency actions, has been constrained to progress on fulfilling HEAL deliverables, rather than progress on reducing environmental health disparities. Ultimately we need both, with one serving as a path to the other.

What We Want to See

The state should not wait until their deadlines to communicate their work on environmental justice, and they should communicate beyond the Environmental Justice Council. Funding and attention should be allocated for agencies to report their progress on HEAL deliverables, on environmental justice actions not explicitly tied to HEAL, and on environmental health outcomes. Agencies should work to integrate all their work on environmental justice into HEAL deliverables as part of effective communication and engagement. Progress on environmental justice and lack thereof should be reported transparently, and success factors and barriers clearly named.

LOOKING AHEAD

This year is a critical year for the HEAL Act, with the law's requirements to assess significant agency actions as well as budgets and spending coming into effect:

HEAL affirms that communities have certain fundamental rights, and that we have every right to use them. However, rights need to be properly articulated, resourced, and integrated into state agencies to be protected and exercised. The potential is tremendous, but real hurdles need to be addressed to ensure that the funding and effort on HEAL is focused on impact and that everyone involved is aligned in purpose and value, even while the workflow issues become more streamlined. The legislature will determine what funding is available to communities and agencies, which is especially essential while the law is still in its startup phase.

The HEAL Act is the first of its kind. It is a model law, a tool, and a unique opportunity that communities can use to advance environmental justice and community health. Because the expertise and knowledge of Front and Centered's coalition brought the HEAL Act to Washington State, we believe we are uniquely positioned to articulate the standard to which HEAL should be implemented.

Agencies must put their best effort into upcoming, current, and prior HEAL deliverables, and we must all accept that dialogue and critique is part of the process of improvement. It's important that we set a high bar not just for our communities and our state, but for frontline communities across the nation who are looking to Washington as a leader. With focus, dedication, technical expertise, and the engagement of communities most impacted, we will be successful in implementing not just the minimum requirements of the HEAL Act, but its full transformative vision and intent.

APPENDICES VIA LINKS

Front and Centered Supplementary Resources

[Summary of Recommendations \(PDF\)](#)

[HEAL Deliverables Guiding Criteria \(PDF\)](#)

[Summary of Agency Community Engagement Plans \(PDF\)](#)

[EJ Implementation Plan Assessment \(PDF\)](#)

[Front and Centered Model Environment Justice Assessment Tool \(PDF\)](#)

[Just Futures Cornerstones of Equitable Co-governance \(webpage\)](#)

Agency Community Engagement Plans

[Attorney General's Office](#)

[Department of Agriculture](#)

[Department of Commerce](#)

[Department of Ecology](#)

[Department of Health](#)

[Department of Natural Resources](#)

[Department of Transportation](#)

[Puget Sound Partnership](#)

Agency Implementation Plans

[Department of Agriculture](#)

[Department of Commerce](#)

[Department of Ecology](#)

[Department of Health](#)

[Puget Sound Partnership](#)