
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-0809.1/25

ATTY/TYPIST: MFW:ajr

BRIEF DESCRIPTION: Reducing environmental and health disparities and improving the health of Washington state residents in large port districts.

1 AN ACT Relating to reducing environmental and health disparities
2 and improving the health of Washington state residents in large port
3 districts; and adding a new chapter to Title 53 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Cumulative environmental health impact" has the same meaning
9 as in RCW 70A.02.010.

10 (2) "Environmental benefits" has the same meaning as in RCW
11 70A.02.010.

12 (3) "Environmental harm" has the same meaning as in RCW
13 70A.02.010.

14 (4) "Environmental impacts" has the same meaning as in RCW
15 70A.02.010.

16 (5) "Evidence-based" has the same meaning as in RCW 70A.02.010.

17 (6) "Overburdened communities" has the same meaning as in RCW
18 70A.02.010.

19 (7) "Qualifying port district" means a port district authorized
20 to undertake programs for the abatement of aircraft noise under RCW
21 53.54.010.

1 (8) "Significant port action" means any action involving a
2 capital improvement project, purchase, or construction of \$8,000,000
3 or more in value or any action that increases the number of gates at
4 an airport.

5 (9) "Vulnerable populations" has the same meaning as in RCW
6 70A.02.010.

7 NEW SECTION. **Sec. 2.** (1) A qualifying port district must
8 include an environmental justice implementation plan within its
9 strategic plan. A qualifying port district may additionally
10 incorporate an environmental justice implementation plan into other
11 significant port planning documents. The plan must describe how the
12 qualifying port district plans to apply the principles of
13 environmental justice to port district activities and must guide the
14 qualifying port district in its implementation of its obligations
15 under this chapter.

16 (2) In its environmental justice implementation plan, each
17 qualifying port district must include:

18 (a) Port district-specific goals and actions to reduce
19 environmental and health disparities and for otherwise achieving
20 environmental justice in port district programs;

21 (b) Metrics to track and measure accomplishments of the port
22 district's goals and actions;

23 (c) Methods to embed equitable community engagement with, and
24 equitable participation from, members of the public, into port
25 district practices for soliciting and receiving public comment;

26 (d) Strategies to ensure compliance with existing federal and
27 state laws and policies relating to environmental justice, including
28 Title VI of the civil rights act of 1964, 42 U.S.C. Sec.
29 2000d-2000d-4; Title IX of the education amendments of 1972, 20
30 U.S.C. Sec. 1681-1683; section 504 of the rehabilitation act of 1973,
31 29 U.S.C. Sec. 794; and the age discrimination act of 1975, 42 U.S.C.
32 Sec. 6101-6107;

33 (e) The plan for community engagement required under section 3 of
34 this act; and

35 (f) Specific plans and timelines for incorporating environmental
36 justice considerations into the qualifying port district's activities
37 as required under this chapter.

1 NEW SECTION. **Sec. 3.** (1) By January 1, 2026, a qualifying port
2 district must create and adopt a community engagement plan that
3 describes how it will engage with overburdened communities and
4 vulnerable populations as it evaluates new and existing activities
5 and programs. This plan must describe how the qualifying port
6 district plans to facilitate equitable participation and support
7 meaningful and direct involvement of vulnerable populations and
8 overburdened communities. The plan must include:

9 (a) How the qualifying port district will identify and prioritize
10 overburdened communities for purposes of this chapter;

11 (b) Best practices for outreach and communication to overcome
12 barriers to engagement with overburdened communities and vulnerable
13 populations;

14 (c) Use of special screening tools that integrate environmental,
15 demographic, and health disparities data to evaluate and understand
16 the nature and needs of the people who the qualifying port district
17 expects to be impacted by significant port actions and processes to
18 overcome barriers to participation;

19 (d) Processes that facilitate and support the inclusion of
20 members of communities affected by port district decision making
21 including, to the extent legal and practicable, but not limited to,
22 child care and reimbursement for travel and other expenses; and

23 (e) Methods for outreach and communication with those who face
24 barriers, language or otherwise, to participation.

25 (2) A qualifying port district must regularly review their
26 compliance with existing laws and policies that guide community
27 engagement and must comply with the following:

28 (a) Title VI of the civil rights act, prohibiting discrimination
29 based on race, color, or national origin and requiring meaningful
30 access for people with limited English proficiency, and disability;

31 (b) Executive Order 05-03, requiring plain talk when
32 communicating with the public; and

33 (c) Guidance related to Executive Order 13166, requiring
34 meaningful access to port district programs and services for people
35 with limited English proficiency.

36 (3) In developing and updating its plan, a qualifying port
37 district must consider any guidance developed by the environmental
38 justice council pursuant to RCW 70A.02.110.

39 (4) A qualifying port district may coordinate with the office of
40 equity to identify policy and system barriers to meaningful

1 engagement with communities as conducted by the office under RCW
2 43.06D.040(1)(b).

3 NEW SECTION. **Sec. 4.** (1) When considering a significant port
4 action initiated after January 1, 2026, a qualifying port district
5 must comply with the requirements of this section prior to approving
6 the action.

7 (2) To comply with this section, a qualifying port district must:

8 (a) Obtain an assessment from the University of Washington, in
9 collaboration with the county department of health for the county in
10 which a qualifying port district is located on the likely adverse
11 cumulative impacts of the proposed action on overburdened communities
12 and vulnerable populations that will be affected by the action,
13 together with recommendations on ways to mitigate or minimize the
14 likely cumulative impacts of the proposed action;

15 (b) Implement the recommendations to mitigate or minimize the
16 likely adverse impacts or, if the port district determines it does
17 not have the ability or authority to avoid or reduce any likely
18 adverse impacts, including public health impacts, of the action on
19 overburdened communities and vulnerable populations, provide a clear
20 explanation of why it has made that determination; and

21 (c) Consult with overburdened communities and vulnerable
22 populations about the proposed action, including by publicly
23 providing the results of the assessment, conducting outreach within
24 the communities or populations to raise awareness of the proposed
25 action, and holding at least one public meeting at a location easily
26 accessible to the communities and populations.

27 (3) Based on the assessment, a qualifying port district must
28 seek, to the extent legal and feasible, to reduce or eliminate the
29 environmental harms and maximize the environmental benefits created
30 by the significant port action on overburdened communities and
31 vulnerable populations. Consistent with the qualifying port
32 district's mission and statutory responsibilities, the port district
33 must consider each of the following methods for reducing
34 environmental harms or equitably distributing environmental benefits:

35 (a) Eliminating the disparate impact of environmental harms on
36 overburdened communities and vulnerable populations;

37 (b) Reducing cumulative environmental health impacts on
38 overburdened communities or vulnerable populations;

1 (c) Preventing the action from adding to the cumulative
2 environmental health impacts on overburdened communities or
3 vulnerable populations;

4 (d) Providing equitable participation and meaningful engagement
5 of vulnerable populations and overburdened communities in the
6 development of the significant port action;

7 (e) Prioritizing equitable distribution of resources and benefits
8 to overburdened communities;

9 (f) Promoting positive workforce and job outcomes for
10 overburdened communities;

11 (g) Meeting community needs identified by the affected
12 overburdened community;

13 (h) Modifying substantive regulatory or policy requirements; and

14 (i) Any other mitigation techniques, including those suggested by
15 the environmental justice council, the office of equity, or
16 representatives of overburdened communities and vulnerable
17 populations.

18 (4) Nothing in this section creates a right of action against a
19 qualifying port district or a right of review of an action taken by a
20 qualifying port district.

21 NEW SECTION. **Sec. 5.** (1) A qualifying port district, acting
22 through its commission, has power to expend moneys in the district or
23 general area to mitigate environmental impacts and cumulative
24 environmental health impacts that arise from a port district's
25 exercise of its granted powers. A qualifying port district may expend
26 funds for remediation and mitigation, and may participate in and
27 expend funds for programs to identify, study, and make
28 recommendations for remediation and mitigation of environmental
29 impacts and cumulative environmental health impacts that result or
30 are expected to result from the port district's use of the authority
31 granted herein. In addition, a qualifying port district may contract
32 with nonprofit corporations and private and public entities that
33 provide expertise in relation to these purposes.

34 (2) A qualifying port district may expend funds, including from
35 the fund authorized in RCW 53.54.040, to address environmental health
36 disparities to remedy the effects of current and past disparate
37 treatment of overburdened communities and vulnerable populations.

1 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
2 constitute a new chapter in Title 53 RCW.

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