



**Public Comment
Summary and
Responses –
Environmental Justice
Assessments and
Significant Agency
Actions**

June 2023

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For more information or additional copies of this report:

Environmental Public Health Division

Office of Assistant Secretary

111 Israel Road Southeast

Tumwater, Washington 98501

Report Authors

Leah Wood, Equity and Environmental Justice Consultant

Leah.Wood@doh.wa.gov



Introduction

The purpose of this document is to summarize and respond to comments received during the May 5 – June 15 public comment period on significant agency actions for environmental justice assessments. A copy of the posting is available below:

Public Comment on Types of Significant Agency Actions for Environmental Justice Assessments – posted to DOH Environmental Justice Webpage on May 5, 2023

Public comments will be accepted until 11:59pm on June 15, 2023.

Washington State’s first statewide environmental justice law, the [Healthy Environment for All \(HEAL\) Act](#) instructs the Department of Health (DOH) to conduct environmental justice assessments when considering significant agency actions.

Starting July 1, 2023, we are required to complete an environmental justice assessment for the following actions named in the law:

- Adopting or developing significant legislative rules as defined in [RCW 34.05.328](#).
- Adopting or developing new grant or loan programs initiated after July 1, 2023.
- Designing or awarding capital projects, grants, or loans of \$12 million or more.
- Developing agency request legislation.

DOH can identify additional types of significant agency actions, in addition to the above, which will require environmental justice assessments starting July 1, 2025. We are beginning a process to identify actions that may benefit from an environmental justice assessment and there will be additional opportunities for the public to comment in the future.

We are seeking your comments and feedback on the following:

- The above list of significant agency actions.
- Other types of DOH actions you think would benefit from an assessment starting in 2025.
- How DOH can best engage with communities impacted by significant agency actions.
- How you would like to stay informed about environmental justice assessments.

While this comment period is open through June 15, 2023, in order to meet required deadlines, we invite you to reach out to us at any time. We will use your input to help inform decisions on conducting assessments and how we communicate and engage with you.

Submit written comments to HealAct@doh.wa.gov. A summary of comments and DOH responses will be posted to our DOH Environmental Justice webpage by June 30, 2023.

Summary of comments received

Comments and responses are grouped together and organized by topic. Under each topic heading you can see the summary of comments, the summary response, and recommended action for DOH staff.

Types of significant agency actions and other types of DOH actions that would benefit from an assessment starting in 2025.

Comment Summary	One commenter recommended that DOH expand the list of types of significant agency actions being considered to include issuance of grants and loans under existing programs as significant agency actions.
Response Summary	Due to limited existing capacity, the DOH will begin implementation on existing significant agency actions named in statute; however, the agency is also beginning a process to identify additional types of significant agency actions for implementation starting in 2025. We appreciate this comment and will consider including this action for implementation in 2025.
Recommended Action	Explore feasibility of expanding significant agency actions to include grants and loans under existing programs for implementation of environmental justice assessments in 2025.

How DOH can best engage with communities most impacted by significant agency actions

Comment Summary	One commenter recommended continued funding and support for frontline communities to shape implementation of the HEAL Act.
Response Summary	The DOH is currently piloting several grant programs to support capacity for overburdened communities and vulnerable populations to engage with HEAL Act implementation. These programs are the \$400K Environmental Justice Community Participation Fund grant program for distribution in 2023-2024 and \$26.3M in capacity grants for communities and tribes to engage in Environmental Health Disparities Map and HEAL Act during the 2023-2025 biennium.
Recommended Action	No additional action recommended.

Comment Summary	One commenter recommended coordination with local health jurisdictions, including requesting recent, contextually-relevant data and partnering to identify and engage local populations. Examples include Community Health Assessments; climate, housing, and economic strategies; and fair housing plans. The commenter also
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	asked that when using existing data, the information is to be ‘looped back’ to the sponsoring jurisdiction to ensure accuracy.
Response Summary	We agree and recognize the opportunity to partner with local health jurisdictions on environmental justice assessments. There are several existing pathways that we can build upon for partnership, including contracts, data-sharing, and programmatic collaboration, in addition to developing new pathways, as needed.
Recommended Action	Include specific guidance for DOH staff on when and how to engage local health jurisdictions in completing environmental justice assessments and how to coordinate on requesting and interpreting data from local health jurisdictions.
Comment Summary	Several commenters recommended the DOH proactively communicate and engage with leaders and members of communities who may be impacted by significant agency actions. This includes when identifying impacted communities and defining potential impacts during an environmental justice assessment.
Response Summary	The environmental justice assessment process being developed by the DOH includes a process for notifying communities prior to beginning the assessment. In addition, our draft Environmental Justice Community Engagement Guide directs DOH staff to proactively communicate and engage with potentially impacted communities in all HEAL Act activities.
Recommended Action	Include specific guidance for DOH staff on when and how to proactively engage potentially impacted communities starting with notification and throughout the environmental justice assessment process. Link existing DOH draft Environmental Justice Community Engagement Guide and revise and update this resource, as needed.
Comment Summary	Several commenters recommend the DOH prioritize language access and accessibility in sharing information about significant agency actions, community engagement efforts, and findings from environmental justice assessments.
Response Summary	The DOH has adopted the National Culturally and Linguistically Appropriate Services (CLAS) standards that require us to prioritize access in all communications. Our draft Environmental Justice Community Engagement Guide further supports adherence to these standards.
Recommended Action	Include specific guidance for DOH staff to support adherence to CLAS standards and accessibility in all communications.
Comment Summary	Several commenters recommended that DOH utilize community-engaged, participatory processes for decision-making through

	environmental justice assessments, especially in cases where existing data is not available.
Response Summary	The DOH has a draft Environmental Justice Community Engagement Guide that provides directive on how to respectfully engage with overburdened communities and vulnerable populations. The environmental justice process being developed by the DOH includes robust community engagement and qualitative requirements integrated throughout all phases of the process.
Recommended Action	Include specific guidance for DOH staff on how to embed community-engaged participatory processes for decision-making throughout the environmental justice assessment process.

How commenters would like to stay informed about environmental justice assessments

Comment Summary	One commenter recommended that DOH identify primary contacts at local health jurisdictions for environmental justice assessments.
Response Summary	Thank you for this suggestion. As our capacity allows, we will work to identify primary contacts at local health jurisdictions for environmental justice assessments.
Recommended Action	Identify and compile list of primary contacts for environmental justice assessments at local health jurisdictions.

Comment Summary	One commenter recommended that HEAL agencies create an option to sign up for a single email subscription to receive HEAL Act communications from all participating agencies.
Response Summary	Thank you for this suggestion. We will coordinate with our interagency partners to streamline communications about HEAL Act implementation.
Recommended Action	Coordinate with HEAL agencies to develop coordinated email communications strategy across agencies.

Comment Summary	One commenter stated that they would like to be informed with advance notice of environmental justice assessments impacting their communities and be provided with tools, including translated materials to disseminate to community partners.
Response Summary	The environmental justice assessment process being developed by the DOH includes a process for notifying communities. We are also required to follow CLAS standards in all communications. We appreciate the suggestion to provide communication tools to partners for dissemination in their communities.
Recommended Action	Include specific guidance for DOH staff to support proactive, early notification to potentially impacted communities, including

	translated materials to support communication with community partners.
Comment Summary	One commenter recommended that if a change is made after a significant agency action begins, the environmental justice assessment should be updated and re-submitted to all participating individuals.
Response Summary	The environmental justice assessment process being developed by the DOH includes a process for updating the environmental justice assessment and notifying individuals who have participated in the environmental justice assessment to date.
Recommended Action	Include specific guidance for DOH staff on how to update the environmental justice assessment and notify participating individuals.

Environmental justice assessment structure and process

Comment Summary	One commenter recommended the DOH include an appeal and/or self-identification process for overburdened communities and vulnerable populations.
Response Summary	The DOH is currently coordinating with interagency partners to develop guidance for identifying overburdened communities and vulnerable populations for environmental justice assessments, including recommendations on how communities can self-identify as overburdened. We will also work with the EJ Council on this guidance.
Recommended Action	Include specific guidance for DOH staff, based on interagency guidance, on how to solicit and respond to community self-identification as overburdened or vulnerable.

Comment Summary	One commenter recommended the DOH include a statement on why a significant agency action is being pursued, including an assessment of its purpose and outcomes, in the environmental justice assessment.
Response Summary	Thank you for this suggestion. We will integrate this into our staff guidance for completing environmental justice assessments.
Recommended Action	Include specific guidance for DOH staff to include a statement on why a significant is being pursued, including its purpose and outcomes, in the environmental justice assessment final report or communications.

Comment Summary	One commenter suggested the DOH identify evaluation metrics to assess effectiveness of pursued mitigation/elimination measures.
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Response Summary	The environmental justice assessment process being developed by the DOH asks staff to identify evaluation metrics to monitor equitable distribution of environmental benefits and reduction, mitigation, and elimination of environmental harms for overburdened communities and vulnerable populations. Additionally, agencies are required to begin reporting on environmental justice assessments through a public dashboard being developed by the Office of Financial Management. We anticipate this dashboard will be published by September 2024.
Recommended Action	Include specific guidance for DOH on how to identify evaluation metrics and continue to coordinate with the Office of Financial Management on reporting those metrics.

Other comments

Comment Summary	One commenter suggested DOH promote equitable procurement by partnering with the Washington State Department of Enterprise Services' Supplier Diversity in State Contracts program when developing contract opportunities.
Response Summary	As of April 1, 2023, the DOH has begun implementation of the Washington State Department of Enterprise Services' Supplier Diversity policy (Enterprise Services Policy No. POL-DES-090-06). The DOH has developed the following additional policies and related procedures to further guide this work: Contracting Policy 18.001 and Procurement Policy 14.005.
Recommended Action	No additional action recommended.

