WASHINGTON STATE DEPARTMENT OF HEALTH

Environmental Justice Assessment Report

Agency Request Legislation to Revise ORP Site Surveillance Fee Structure

DOH 320-138 July 2026

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Washington State Department of HEALTH

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Environmental Justice Reporting Overview

An Environmental Justice Assessment (EJA) is an opportunity to assess the environmental justice impacts of an agency action. The template is designed to meet all of the requirements established under Washington's Environmental Justice Law[1] (also known as the Healthy Environment for All, or HEAL, Act). While it was developed by the HEAL Interagency Working Group, this document has been adapted by the Washington State Department of Health (DOH) to meet agency needs for fulfilling the requirements of completing an EJA.

Table 1: Environmental Justice Assessment and Budgeting & Funding Overview

Primary agency responsible for this action	Washington State Department of Health
Agency staff contact(s)	Jill Wood (jill.wood@doh.wa.gov), Director, Office of Radiation Protection
Secondary agency contact(s), if applicable	John Martell (john.martell@doh.wa.gov), Associate Director, Office of Radiation Protection Jasmin Hernandez (jasmin.hernandez@doh.wa.gov), Strategic Planner, Office of Radiation Protection
Description of proposed significant agency action	The Department of Health proposes modifying RCW 70A.388.060 to add an annual license fee to the existing volumetric site surveillance fee for the commercial low-level radioactive waste (LLRW) disposal facility. This change stabilizes long-term funding for radiation control activities, inspections, licensing, and environmental surveillance. One-time funding is also requested to address the current $775,000 annual program deficit caused by declining disposal volumes.
Date environmental justice assessment was initiated	June 25, 2026
Date environmental justice assessment was completed	July 31, 2026
Type of significant agency action (check one)	☐ The development and adoption of significant legislative rules as defined in RCW 34.05.3282 ☐ The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out ☐A capital project, grant, or loan award by a covered agency of

[1] Washington's Environmental Justice Law (HEAL Act) https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true

	at least $12,000,000 or a transportation project, grant, or loan by a covered agency of at least $15,000,000 ☒The submission of agency request legislation to the office of the governor or the office of financial management for approval ☐Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.0603 if so, please name: _____
Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.	

Background Information

What is the Office of Radiation Protection Site Surveillance Program?

The Office of Radiation Protection (ORP) Site Surveillance Program is Washington's Nuclear Regulatory Commission (NRC) recognized Agreement State radiation control program. Its core job is to run a full regulatory system for radioactive materials, machines, environmental monitoring and low-level radioactive waste (LLRW) disposal.

What is the problem that this proposed legislation is intended to solve?

Washington law (RCW 70A.388.060) currently structures the ORP Site Surveillance program based on the volume of waste disposed. The ORP Site Surveillance Fee program is experiencing an annual deficit of ~$775,000 due to declining disposal volumes at the Hanford commercial low-level radioactive waste (LLRW) facility. Despite reduced waste volumes, DOH must continue full regulatory oversight as required to maintain Agreement State status required by the Nuclear Regulatory Commission (NRC). Without the Agreement State program, the federal NRC would directly regulate hospitals, universities, industries, environmental monitoring and waste activities in the state. Most importantly it preserves Washington's authority over Hanford and statewide radioactive waste. The current volumetric fee model to support ORP operations is no longer sustainable, prompting the need for statutory modification and interim funding.

What is the solution being proposed?

The Department of Health is proposing a small change to state law (RCW 70A.388.060) so the program can collect an annual license fee from the LLRW facility. This fee would be added to the existing per cubic foot fee and would provide stable funding for inspections, licensing, monitoring and other safety activities. The proposal also asks for one-time funding to cover the current shortfall while the new fee system is put in place.

Section 1: Analyze Environmental Benefits and Harms

1. Describe likely environmental benefits for overburdened communities, vulnerable populations, and tribes associated with this action.

When considering environmental benefits, the proposed statutory change ensures stable funding for radiation oversight, which directly benefits overburdened communities, vulnerable populations, and Tribal Nations by:

- Maintaining continuous environmental surveillance at the Low-Level Radioactive Waste facility to detect radioactive contamination and minimizing spread and harmful effects to public and environmental health.
- Prevent gaps in radiation monitoring that could increase exposure risks to all members of the general public.
- Collaborating with Washington State Patrol and Department of Transportation to support inspections of radioactive waste shipments, reducing transportation-related risks.

Stable and continuous oversight reduces cumulative environmental and public health impacts and supports all people in Washington.

2. Describe likely environmental harms for overburdened communities, vulnerable populations, and tribes associated with this action.

Any amount of radiation, even very small amounts, carry some level of risk, and that risk increases as radiation exposure increases. There has been no "safe threshold" where radiation suddenly becomes harmless. Small harms can accumulate over time, so protecting the land, water, and people means reducing exposure wherever possible.

If ORP's funding model for waste site surveillance is not updated, possible environmental harms to overburdened communities and vulnerable populations and Tribal Nations could occur due to:

- Reduced inspection frequency.
- Delayed detection and immediate response to radiation/radioactive contamination leading to regulatory violations.
- Increased risk of exposure for communities near transport routes or the disposal site.

Historically marginalized communities including low-income residents, rural populations, and Tribal Nations are more vulnerable to these harms due to existing disparities in health access and environmental burden.

3. Describe likely associated positive health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

Positive health impacts associated with this action include:

- Continued ORP oversight of radiation and environmental monitoring which reduces cumulative low radiation exposure risks to all people in Washington.
- Stable oversight prevents risk of environmental contamination that may disproportionately affect vulnerable populations.
- Maintains public health protection for all communities near the Hanford site and waste transport corridors.

4. Describe likely associated negative health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

No direct negative health impacts are anticipated with implementing the proposed fee schedule changes. However, failure to act would increase health risks associated with the absence of ORP's institutional radiation safety regulations.

Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

Affected geographic areas include Hanford Reservation region, all transportation corridors (interstate and local grounds) utilized for radioactive waste shipments entering Washington.

2. Describe overburdened communities[2] and vulnerable populations[3] identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

Based on DOH's Health Disparities map as shown here, Washington Environmental Health Disparities Map | Washington State Department of Health, the following communities are affected:

- Low-income rural communities near Hanford
- Tribal Nations with cultural and environmental ties to the region
- Communities of color are disproportionately impacted by environmental harms.
- Licensee staff exposed to radiation and radioactive materials.
- Populations with limited access to health care or environmental information.

These communities would face cumulative environmental burdens and are more sensitive to regulatory gaps.

[2] **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.

[3] **Vulnerable populations** means 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.

Section 3: Tribal Engagement and Consultation

1. Summarize tribal engagements and invitations for tribal consultation to date.

A Dear Tribal Leader Letter (DTLL) was sent on June 29, 2026 inviting federally recognized Tribes to discuss DOH's potential legislative and budget priorities at a Listening Session that was hosted on July 7, 2026. At the July listening session, no specific comments about this proposed legislation were made, nor were there any requests for additional engagement on this proposed legislation.

Another Listening Session will be offered to Tribes in late summer or early fall of 2026 to provide an additional opportunity for input or questions.

2. Describe likely impacts to tribal rights and resources associated with this action.

Potential impacts to environmental health trickle down to traditional food resources and cultural sites if ORP waste site surveillance funding and oversight lapses. Impacts to water quality, soil integrity, and surrounding ecosystems can cascade into harm to traditional foods, fisheries and culturally significant sites. Because tribal communities rely on these resources, reduced oversight has disproportionate potential impacts on tribal rights and environmental health.

3. Summarize how information received from Tribes and tribal organizations informed decision-making about this action.

The department did not receive any feedback on this action from Tribes or tribal organizations.

4. Describe any plans for ongoing and/or future tribal engagement after the publication of the EJ Assessment.

If passed, this proposed legislation would then require rulemaking to implement the changes in fee structure. At that point, the department plans to meet its government-to-government obligations by providing formal consultation invitations, regular updates during rulemaking, and collaboration on culturally relevant risk communication.

Section 4: Community Engagement Summary

1. Summarize engagement with people from overburdened communities and vulnerable populations to date.

Due to the limited timeframe allowed in the agency request legislation process, and the narrow scope of the proposed legislation, the department decided to take an informative approach to community engagement. In alignment with this approach, the department has created an informative one-pager intended for distribution with the Department of Ecology's Hanford site permitting listserv. This one-pager includes contact information so that any interested individuals can reach out with comments or questions.

2. Summarize information received from people from overburdened communities and vulnerable populations.

No direct community feedback has been collected to date.

3. Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making about this action.

No direct community feedback has been collected to date.

4. Describe any plans for ongoing engagement with people from overburdened communities and vulnerable populations after publication of the EJ Assessment.

If passed, this proposed legislation would then require rulemaking to implement the changes in fee structure. At that point, the department will conduct further engagement efforts, which may include:

- Increased outreach to communities near the Hanford site and waste transport corridors.
- Continue engagement with local and public health jurisdictions to maintain emergency response readiness to reduce health disparities in overburdened communities.
- Commitment to thorough review and responsiveness to public comments during rulemaking activities.
- Use of the Health Disparities Map to identify priority communities for targeted engagement.

Section 5: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Which of the following strategies will the agency pursue to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits (check all that apply):

☐ Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations.

☒ Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.

☒ Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.

☐ Providing opportunities for equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action.

☒ Prioritizing equitable distribution of resources and benefits to overburdened communities.

☐ Promoting positive workforce and job outcomes for overburdened communities.

☒ Meeting community needs identified by the affected overburdened community.

☒ Modifying substantive regulatory or policy requirements

Any other mitigation techniques, including those suggested by any one of the following:

☐ Environmental Justice Council

☐ Office of Equity

☐ Representatives of overburdened communities and/or vulnerable populations.

2. Briefly describe the proposed method/approach for each strategy selected in Section 5, Question 1.

☒ Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations.

DOH and ORP will stabilize funding for radiation oversight by adding an annual license fee to RCW 70A.388.060. Stable funding ensures key actions are performed including uninterrupted inspections, environmental surveillance and regulatory enforcement of the commercial LLRW facility. This reduces risk of contamination, transportation incidents and oversight gaps that

disproportionately affect vulnerable communities.

☒ Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations.

The proposed statutory change prevents oversight reductions caused by declining disposal volumes. Without stable funding, gaps in surveillance could increase environmental health risks for communities near Hanford and along waste transportation corridors across Washington state. The new fee structure ensures that DOH can maintain all required radiation control activities until at least 2065.

☒ Prioritizing equitable distribution of resources and benefits to overburdened communities.

ORP's institutionalized environmental surveillance of the Hanford disposal facility, transportation inspections, and regulatory oversight benefits all people in Washington, but ensures protections remain consistent and reliable.

☒ Meeting community needs identified by the affected overburdened community.

Surrounding communities around the LLRW facility have historically expressed concerns over radiation exposure, transportation safety, and environmental contamination near Hanford. ORPs continued presence and stable oversight directly addresses these concerns by preventing lapses in monitoring and ensuring timely detection of environmental hazards.

☒ Modifying substantive regulatory or policy requirements

The proposed change to RCW 70A.388.060 adds an annual license fee and modernizes the current funding model. This change aligns fees with ORP oversight program costs and ensures long-term regulatory stability required to maintain Washington's agreement state status. Rulemaking activities will follow this statutory change to implement the new fee model.

Additional strategies:

- Strengthen coordination with Washington State Patrol and Department of Transportation to ensure continued inspection of radioactive waste shipments.

- Enhancing communication with Tribal Nations and overburdened communities through plain language descriptions of ORPs programmatic oversight of the LLRW facilities, the environment and culturally relevant outreach to surrounding communities.

- Monitor and utilize DOH's Health Disparities Map to prioritize surveillance and engagement in communities with higher cumulative environmental burdens.

3. If the agency determines that it does not have the ability or authority to reduce, or mitigate environmental harm caused by a significant agency action or does not have the ability or authority to address the equitable distribution of environmental benefits,

provide a clear explanation of why it has made that determination.

N/A

4. Identify performance measures or indicators (recommended 3-5) that can be used to track the equitable distribution of environmental benefits and/or the elimination, reduction, or mitigation of environmental harms for overburdened communities, vulnerable populations, or tribes.

These performance measures are currently monitored quarterly to monitor trends and inform strategies to prevent future health disparities.

1. Annual completion of required inspections (target: 100%).
2. Environmental surveillance metrics (e.g., number of samples collected, anomalies detected).
3. Number of Tribal and community engagement activities conducted.

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