
HOUSE BILL 1347

State of Washington

68th Legislature

2023 Regular Session

By Representatives Pollet, Lekanoff, Berry, Ramel, Kloba, Slatter, Ryu, Taylor, and Doglio

Read first time 01/16/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to integrating community-based health assessments
2 into foundational environmental policies to improve environmental
3 justice; amending RCW 70A.65.260; reenacting and amending RCW
4 70A.65.230; adding a new section to chapter 70A.02 RCW; adding a new
5 section to chapter 43.21C RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** (1) To reduce serious health disparities
8 that reduce lifespans and years of living without disabilities due to
9 environmental exposures suffered by the residents of highly impacted
10 and overburdened communities, the legislature intends to invest in
11 community-based health assessments. These assessments have been
12 utilized by tribal nations and highly impacted communities in other
13 states to identify the most serious health conditions, local
14 environmental risk factors, and prioritize evidence-based investments
15 to improve health and reduce disparities. The legislature intends
16 that the use of community-based health assessments will empower the
17 residents of the communities to participate in identifying the harms,
18 causes, and solutions to build healthier communities throughout
19 Washington.

20 (2) The legislature recognizes that the environmental justice
21 assessments authorized by the 2021 HEAL act (chapter 314, Laws of

1 2021) will require significant additional community-based health
2 information to inform and support the agency's consideration of
3 overburdened communities and vulnerable populations when making
4 decisions. The legislature intends to ensure that the residents of
5 those overburdened communities and members of vulnerable populations
6 are involved in identification of both the conditions of their
7 communities and identification and development of solutions that
8 consider the unique characteristics of their communities.

9 (3) The legislature finds that the state environmental policy act
10 checklist utilized by agencies pursuant to chapter 43.21C RCW does
11 not include meaningful measures related to environmental justice and
12 is not designed to identify health disparities that arise from
13 exposures and other environmental conditions in overburdened
14 communities in comparison to other, healthier communities in
15 Washington. Therefore, it is the intent of the legislature to ensure
16 that a range of tools developed by state and federal agencies to
17 identify overburdened, highly impacted, or disadvantaged communities
18 are utilized when assessing if a project will have a probable
19 significant environmental impact through the state environmental
20 policy act checklist.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.02
22 RCW to read as follows:

23 (1)(a) The department of health shall annually initiate no fewer
24 than 10 community-based health assessments in collaboration with
25 organizations and residents of overburdened communities and federally
26 recognized tribal nations. The council must develop and annually
27 adopt a prioritized list of community-based health assessments for
28 the department of health to initiate.

29 (b) For purposes of this section, a community-based health
30 assessment is a comprehensive report that documents the current
31 health status of a community in order to make plans for improving it
32 in the future. Assessments should document health risks, exposures,
33 and social determinants of health that influence the health of a
34 community and specific vulnerable populations. Data used for analysis
35 may include both primary data collected as part of the assessment and
36 secondary data from existing databases and studies. Community-based
37 health assessments should be carried out in a manner that values
38 cross-sector collaboration and community engagement to form strong
39 networks and partnerships working towards sustainable solutions,

1 common goals, and funding streams. Community-based health assessments
2 may be used to inform community health improvement plans that outline
3 the community's evidence-based plans to lessen health disparities.
4 Community-based health assessments are intended to inform policy
5 changes, including funding evidence-based interventions addressing
6 community health needs.

7 (2) Covered agencies shall submit to the council a list of all
8 communities identified by the covered agency as overburdened, and the
9 purposes for which the covered agency's identification of an
10 overburdened community is applicable. To accompany this list, each
11 covered agency must submit adequate information to assess if the
12 program or action triggering an environmental justice assessment and
13 other related proposals or cumulative impacts should result in the
14 council recommending that a community-based health assessment should
15 be conducted in collaboration with the overburdened community.
16 Covered agencies shall update the list of actions and overburdened
17 communities provided to the council no less than once per quarter
18 until the council adopts its recommendations for funding community-
19 based health assessments, and annually thereafter.

20 (3) The department of health shall seek to enter into cooperative
21 agreements with federally recognized tribal governments requesting
22 community-based health assessments and recommended by the council in
23 order to fund and provide support for the tribal governments to
24 conduct an assessment or for the department of health to contract for
25 an assessment with tribal participation.

26 (4) Funds for the community-based health assessments may be from
27 the climate commitment account in RCW 70A.65.260 or the air quality
28 and health disparities improvement account in RCW 70A.65.280. Subject
29 to the availability of amounts appropriated for this specific
30 purpose, the department of health must fund no fewer than 10
31 community-based health assessments each year unless the total number
32 of communities or tribal nations identified as overburdened that have
33 not had community-based health assessments conducted is under 10.

34 (5) By December 31, 2023, if covered or opt-in agencies have
35 identified 10 overburdened communities, the department of health
36 shall conduct or contract for initiation of 10 community-based health
37 assessments to serve the residents of 10 overburdened communities, of
38 which at least five shall be tribal nations, if five or more
39 federally recognized tribal nations have requested assessments. If
40 fewer than 10 overburdened communities have been identified by

1 December 31, 2023, the department of health shall initiate community-
2 based health assessments for up to 10 Indian tribes and communities.

3 (6) In meeting its obligation pursuant to RCW 70A.02.060(6) to
4 reduce or eliminate environmental harms, including those that
5 contribute to health disparities, a covered agency shall utilize the
6 results and findings of any community-based health assessment
7 conducted on behalf of the community in assessing if additional
8 environmental exposures or risks may cause significant harm to
9 vulnerable populations and in prioritizing actions to mitigate or
10 reduce such harm or actions to improve health in the community.

11 (7) A covered agency must engage with residents and organizations
12 in overburdened communities to incorporate the findings and
13 recommendations of a community-based health assessment conducted
14 pursuant to this section when fulfilling the agencies' environmental
15 justice assessment obligations pursuant to RCW 70A.02.060.

16 (a) In addition to community-based health assessments carried out
17 by the department of health under this section, when a covered agency
18 action triggers an environmental justice assessment relating to one
19 or more overburdened communities pursuant to the requirements of RCW
20 70A.02.060 and the potentially affected communities have not had a
21 community-based health assessment conducted within 12 years, the
22 agency shall notify the council, which has 90 days to request that a
23 community-based health assessment be conducted with one or more of
24 the overburdened communities potentially impacted by the program,
25 project, or action. The council may recommend that funding for such a
26 community-based health assessment be included in its next round of
27 funding recommendations pursuant to this chapter, or that the covered
28 agency proposing the action fund one or more representative
29 community-based health assessments prior to completing the required
30 environmental justice assessment.

31 (b) If a covered agency declines to fund a community-based health
32 assessment requested by the council and the council has not included
33 the community in its recommendations for the upcoming year, the
34 covered agency proposing the action shall issue an explanation in
35 writing as to why it believes a community-based health assessment
36 will not provide information to assist the agency in meeting its
37 environmental justice and health obligations, and conduct at least
38 one public meeting in the community upon request of a tribal
39 government, a local government, or an organization or petition
40 representing 10 or more community members.

1 (c) Organizations or governmental entities representing residents
2 of a community that has not been designated as an overburdened
3 community by a covered agency, but which believe, based on community
4 health and environmental data, that they should be considered
5 overburdened, may submit a request to the council with documentation
6 as required by the council. The council may review the applications
7 and include recommendations for funding a community-based health
8 assessment in its upcoming annual prioritized list. The results of
9 such a community-based health assessment must be in the council's
10 upcoming annual prioritized list. The results of such a community-
11 based health assessment must be considered in all future
12 determinations of whether the community or vulnerable populations are
13 overburdened and in meeting the environmental justice obligations of
14 covered agencies.

15 (d) The council shall designate council-designated priority
16 overburdened communities for purposes of covered agencies fulfilling
17 their duties to conduct environmental justice assessments and reduce
18 or mitigate environmental and health harms. The council may designate
19 council-designated priority overburdened communities based upon
20 factors including, but not limited to:

21 (i) The community being identified by more than one covered
22 agency or by the same covered agency multiple times as being an
23 overburdened community under this chapter; and

24 (ii) The results of community-based health assessments under this
25 section.

26 (e) Upon the designation of a council-designated priority
27 overburdened community, the council must provide a brief explanation
28 of key reasons for the designation and links to resources on the
29 dashboard specified in RCW 70A.02.090.

30 (f) Any project or program that has a significant potential
31 impact perpetuating or increasing health or environmental disparities
32 in a community designated by the council as overburdened is presumed
33 to require an environmental justice assessment that must consider any
34 community-based health assessment and other documentation referred to
35 by the council. Any project subject to review under chapter 43.21C
36 RCW in a community designated by the council as an overburdened
37 community shall specifically address environmental and health
38 disparities in any state environmental policy act checklist prepared
39 by an agency. If probable significant impacts would increase adverse
40 health outcomes or increase environmental and health disparities in

1 the community compared to statewide or regional baselines, then those
2 impacts, potential actions for mitigation of impacts, and
3 alternatives to the project must be addressed in an environmental
4 impact statement and avoided or mitigated consistent with the
5 authority provided under chapter 43.21C RCW.

6 (8) For purposes of this section, "council-designated priority
7 overburdened communities" means the communities designated by the
8 council consistent with subsection (7) of this section.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21C
10 RCW to read as follows:

11 Any project subject to review under this chapter in a community
12 designated by the environmental justice council established in RCW
13 70A.02.110 as an overburdened community under section 2 of this act
14 shall specifically address environmental and health disparities in
15 any checklist prepared by an agency under this chapter. If probable
16 significant impacts include an increase in adverse health outcomes or
17 increased environmental and health disparities in the overburdened
18 community compared to statewide or regional baselines, then those
19 impacts, potential actions for mitigation of impacts, and
20 alternatives to the project must be addressed in an environmental
21 impact statement and avoided or mitigated consistent with the
22 authority provided to lead agencies under this chapter.

23 **Sec. 4.** RCW 70A.65.230 and 2022 c 182 s 426 and 2022 c 181 s 8
24 are each reenacted and amended to read as follows:

25 (1) It is the intent of the legislature that each year the total
26 investments made through the carbon emissions reduction account
27 created in RCW 70A.65.240, the climate commitment account created in
28 RCW 70A.65.260, the natural climate solutions account created in RCW
29 70A.65.270, the air quality and health disparities improvement
30 account created in RCW 70A.65.280, the climate transit programs
31 account created in RCW 46.68.500, and the climate active
32 transportation account created in RCW 46.68.490, achieve the
33 following:

34 (a) A minimum of not less than 35 percent and a goal of 40
35 percent of total investments that provide direct and meaningful
36 benefits to vulnerable populations within the boundaries of
37 overburdened communities identified under chapter 70A.02 RCW; and

1 (b) In addition to the requirements of (a) of this subsection, a
2 minimum of not less than 10 percent of total investments that are
3 used for programs, activities, or projects formally supported by a
4 resolution of an Indian tribe, with priority given to otherwise
5 qualifying projects directly administered or proposed by an Indian
6 tribe. An investment that meets the requirements of both this
7 subsection (1)(b) and (a) of this subsection may count toward the
8 minimum percentage targets for both subsections.

9 (2) The expenditure of moneys under this chapter must be
10 consistent with applicable federal, state, and local laws, and treaty
11 rights including, but not limited to, prohibitions on uses of funds
12 imposed by the state Constitution.

13 (3) For the purposes of this section, "benefits" means
14 investments or activities that:

15 (a) Reduce vulnerable population characteristics, environmental
16 burdens, or associated risks that contribute significantly to the
17 cumulative impact designation of overburdened communities;

18 (b) Meaningfully protect an overburdened community from, or
19 support community response to, the impacts of air pollution or
20 climate change; or

21 (c) Meet a community need identified by vulnerable members of the
22 overburdened community that is consistent with the intent of this
23 chapter.

24 (4) The state must develop a process by which to evaluate the
25 impacts of the investments made under this chapter, work across state
26 agencies to develop and track priorities across the different
27 eligible funding categories, and work with the environmental justice
28 council pursuant to RCW 70A.65.040.

29 (5) As a supplement to the analysis required under this section,
30 the department, in consultation with the department of health, must
31 recommend how to allocate funding to reduce health disparities and
32 environmental harms in overburdened communities, as defined in RCW
33 70A.02.010, with revenues from the auction of allowances under this
34 chapter. In doing so, the department, in consultation with the
35 department of health, must document how the funding recommendations:

36 (a) Consider the results of community-based health assessments;

37 (b) Are directed to efforts to reduce the greatest risks to
38 health in overburdened communities as defined in RCW 70A.02.010 as
39 identified through a combination of credible data sources with
40 specifics for individual communities or vulnerable populations

1 identified through community-based health assessments. Risks to
2 health include consideration of prevalence of conditions, disease or
3 adverse health effects, incidence, relative risk, and potential for
4 harm if a potential environmental exposure occurs;

5 (c) Are based on community prioritized solutions or interventions
6 documented in community-based health assessments;

7 (d) Are based on strong evidence that the proposed action will
8 result in improved health and reduced health disparities; and

9 (e) Have considered alternative interventions that may have
10 stronger evidence in support of improved health outcomes and reduced
11 disparities.

12 **Sec. 5.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to
13 read as follows:

14 (1) The climate commitment account is created in the state
15 treasury. The account must receive moneys distributed to the account
16 from the climate investment account created in RCW 70A.65.250. Moneys
17 in the account may be spent only after appropriation. Projects,
18 activities, and programs eligible for funding from the account must
19 be physically located in Washington state and include, but are not
20 limited to, the following:

21 (a) Implementing the working (~~families tax rebate~~) families'
22 tax credit in RCW 82.08.0206;

23 (b) Supplementing the growth management planning and
24 environmental review fund established in RCW 36.70A.490 for the
25 purpose of making grants or loans to local governments for the
26 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and
27 36.70A.600, for costs associated with RCW 36.70A.610, and to cover
28 costs associated with the adoption of optional elements of
29 comprehensive plans consistent with RCW 43.21C.420;

30 (c) Programs, activities, or projects that reduce and mitigate
31 impacts from greenhouse gases and copollutants in overburdened
32 communities, including strengthening the air quality monitoring
33 network to measure, track, and better understand air pollution levels
34 and trends, performing community-based health assessments as
35 specified in section 2 of this act, and to inform the analysis,
36 monitoring, and pollution reduction measures required in RCW
37 70A.65.020;

38 (d) Programs, activities, or projects that deploy renewable
39 energy resources, such as solar and wind power, and projects to

1 deploy distributed generation, energy storage, demand-side
2 technologies and strategies, and other grid modernization projects;

3 (e) Programs, activities, or projects that increase the energy
4 efficiency or reduce greenhouse gas emissions of industrial
5 facilities including, but not limited to, proposals to implement
6 combined heat and power, district energy, or on-site renewables, such
7 as solar and wind power, to upgrade the energy efficiency of existing
8 equipment, to reduce process emissions, and to switch to less
9 emissions intensive fuel sources;

10 (f) Programs, activities, or projects that achieve energy
11 efficiency or emissions reductions in the agricultural sector
12 including:

13 (i) Fertilizer management;

14 (ii) Soil management;

15 (iii) Bioenergy;

16 (iv) Biofuels;

17 (v) Grants, rebates, and other financial incentives for
18 agricultural harvesting equipment, heavy-duty trucks, agricultural
19 pump engines, tractors, and other equipment used in agricultural
20 operations;

21 (vi) Grants, loans, or any financial incentives to food
22 processors to implement projects that reduce greenhouse gas
23 emissions;

24 (vii) Renewable energy projects;

25 (viii) Farmworker housing weatherization programs;

26 (ix) Dairy digester research and development;

27 (x) Alternative manure management; and

28 (xi) Eligible fund uses under RCW 89.08.615;

29 (g) Programs, activities, or projects that increase energy
30 efficiency in new and existing buildings, or that promote low carbon
31 architecture, including use of newly emerging alternative building
32 materials that result in a lower carbon footprint in the built
33 environment over the life cycle of the building and component
34 building materials;

35 (h) Programs, activities, or projects that promote the
36 electrification and decarbonization of new and existing buildings,
37 including residential, commercial, and industrial buildings;

38 (i) Programs, activities, or projects that improve energy
39 efficiency, including district energy, and investments in market

1 transformation of high efficiency electric appliances and equipment
2 for space and water heating;

3 (j) Clean energy transition and assistance programs, activities,
4 or projects that assist affected workers or people with lower incomes
5 during the transition to a clean energy economy, or grow and expand
6 clean manufacturing capacity in communities across Washington state
7 including, but not limited to:

8 (i) Programs, activities, or projects that directly improve
9 energy affordability and reduce the energy burden of people with
10 lower incomes, as well as the higher transportation fuel burden of
11 rural residents, such as bill assistance, energy efficiency, and
12 weatherization programs;

13 (ii) Community renewable energy projects that allow qualifying
14 participants to own or receive the benefits of those projects at
15 reduced or no cost;

16 (iii) Programs, activities, or other worker-support projects for
17 bargaining unit and nonsupervisory fossil fuel workers who are
18 affected by the transition away from fossil fuels to a clean energy
19 economy. Worker support may include, but is not limited to: (A) Full
20 wage replacement, health benefits, and pension contributions for
21 every worker within five years of retirement; (B) full wage
22 replacement, health benefits, and pension contributions for every
23 worker with at least one year of service for each year of service up
24 to five years of service; (C) wage insurance for up to five years for
25 workers reemployed who have more than five years of service; (D) up
26 to two years of retraining costs, including tuition and related
27 costs, based on in-state community and technical college costs; (E)
28 peer counseling services during transition; (F) employment placement
29 services, prioritizing employment in the clean energy sector; and (G)
30 relocation expenses;

31 (iv) Direct investment in workforce development, via technical
32 education, community college, institutions of higher education,
33 apprenticeships, and other programs including, but not limited to:

34 (A) Initiatives to develop a forest health workforce established
35 under RCW 76.04.521; and

36 (B) Initiatives to develop new education programs, emerging
37 fields, or jobs pertaining to the clean energy economy;

38 (v) Transportation, municipal service delivery, and technology
39 investments that increase a community's capacity for clean
40 manufacturing, with an emphasis on communities in greatest need of

1 job creation and economic development and potential for commute
2 reduction;

3 (k) Programs, activities, or projects that reduce emissions from
4 landfills and waste-to-energy facilities through diversion of organic
5 materials, methane capture or conversion strategies, installation of
6 gas collection devices and gas control systems, monitoring and
7 reporting of methane emissions, or other means, prioritizing funding
8 needed for any activities by local governments to comply with chapter
9 70A.540 RCW;

10 (l) Carbon dioxide removal projects, programs, and activities;
11 and

12 (m) Activities to support efforts to mitigate and adapt to the
13 effects of climate change affecting Indian tribes, including capital
14 investments in support of the relocation of Indian tribes located in
15 areas at heightened risk due to anticipated sea level rise, flooding,
16 or other disturbances caused by climate change. The legislature
17 intends to dedicate at least \$50,000,000 per biennium from the
18 account for purposes of this subsection.

19 (2) Moneys in the account may not be used for projects or
20 activities that would violate tribal treaty rights or result in
21 significant long-term damage to critical habitat or ecological
22 functions. Investments from this account must result in long-term
23 environmental benefits and increased resilience to the impacts of
24 climate change.

25 NEW SECTION. **Sec. 6.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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