



SB 5141: The Healthy Environment for All (“HEAL”) Act



The Healthy Environment for All Act, commonly referred to as the [HEAL Act](#), was passed and enacted in 2021 and is codified at [RCW 70A.02](#). This legislation is the result of the recommendations provided in the October 2020 Environmental Justice Task Force [Report](#). The goals of the HEAL Act are to reduce environmental and health disparities across Washington State and prioritize vulnerable populations and overburdened communities by integrating environmental justice (EJ) into several state agency activities including: strategic plans, community engagement plans, and decision processes for budget development, expenditures, and granting or withholding benefits. It is the first law in Washington to create a coordinated approach to EJ across state government.

What Is Environmental Justice?

Building off the United States Environmental Protection Agency's definition, the HEAL Act defines EJ as *“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.”*¹

What Does the HEAL Act Require?

The HEAL Act mandates seven state agencies to apply specific EJ requirements to agency actions. These agencies are the departments of Agriculture, Commerce, Ecology, Health, Natural Resources, and Transportation, and the Puget Sound Partnership. Other agencies may opt-in to implement the HEAL Act. The HEAL Act establishes the [EJ Council](#). Members of the EJ Council are appointed by the Governor and advise covered and opt-in agencies on incorporating EJ into agency activities. The HEAL Act directs the Department of Health to continue maintaining and regularly updating the [Washington Environmental Health Disparities \(EHD\) Map](#).

How is the HEAL Act Being Implemented?

The law gives agencies standards of practice and seeks to accelerate and coordinate work. An EJ Interagency Workgroup is convened by Department of Health to support EJ Council work and ensure coordination among agencies. The Interagency Workgroup and state agencies implementing the HEAL Act will work in an iterative fashion with the EJ Council.

The Office of the Attorney General chose to opt-in to implementing the HEAL Act when the legislation passed in 2021. The AGO will enact the requirements of the HEAL Act according to the timeline of the legislation. The AGO is committed to integrating EJ principles and practices adopted by the EJ Council and Interagency Work Group into agency activities.

HEAL Act Timeline

The HEAL Act requires the mandated state agencies to:

1. Develop a community engagement plan that facilitates meaningful engagement and direct involvement of vulnerable populations and overburdened communities by July 1, 2022;
2. Provide annual reports to the EJ Council beginning Sept. 1, 2022;
3. Incorporate an EJ implementation plan into agency strategic plans by Jan. 1, 2023;
4. Publish list of significant agency actions requiring EJ assessments on agency website and notify the Washington State Register by July 1, 2023, and periodically thereafter;
5. Conduct EJ assessments for significant agency actions and provide opportunity for public comment on the assessment's determinations beginning July 1, 2023;
6. Incorporate EJ principles into decision processes for budgeting, funding, and expenditures beginning July 1, 2023;
7. Publish an annual dashboard report on OFM's website of agency implementation of items 3-6 beginning September 1, 2024;
8. Define additional significant agency actions by July 1, 2025; and
9. Develop a tribal consultation framework in coordination with tribal governments.

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