

DRAFT ENVIRONMENTAL JUSTICE

February 2023

What is Environmental Justice?

Environmental justice (EJ) is rooted in the idea that everyone—regardless of race, ethnicity, language, income, or other demographic factors—has the right to live, learn, work, and play in a clean, safe, and healthy environment.

Washington State studies reflect the findings of national EJ research that people of color and low-income people continue to be disproportionately exposed to environmental hazards in their communities

Racially and economically segregated neighborhoods across the United States are the resulting legacy of redlining and other racist and discriminatory policies. These policies have led to the continued divestment of Black, Indigenous, and People of Color (BIPOC) neighborhoods which has contributed to the racial wealth gap and has made it exceptionally difficult for BIPOC and low-income communities to access safe and healthy homes, schools, jobs, and community spaces.

A CLEAN, SAFE, HEALTHY ENVIRONMENT FOR ALL

State HEAL Act



Environmental justice in Washington State, as provided in the 2021 Healthy Environment for All (HEAL) Act, addresses disproportionate environmental and health impacts in all laws, rules, and policies by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm. The law covers seven state agencies—the Washington State Department of Health (DOH); the state departments of Agriculture, Commerce, Ecology, Natural Resources and Transportation; and Puget Sound Partnership—and allows other agencies the opportunity to opt in.

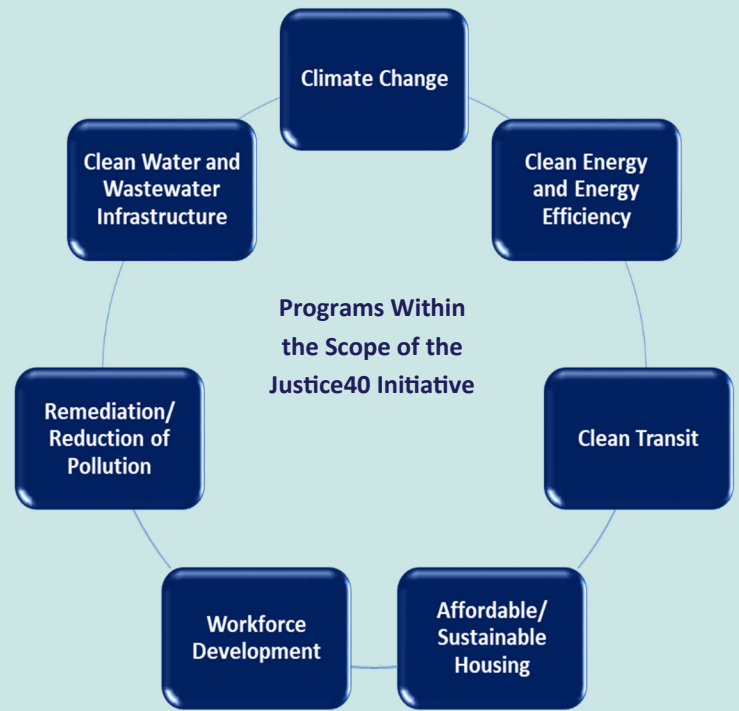
The HEAL Act established the following requirements:

- State agencies have to incorporate EJ into strategic plans, community engagement plans, tribal consultation frameworks, and environmental justice assessments for certain significant actions
- Promoting the equitable sharing of environmental benefits and investing in communities that have experienced the greatest environmental and health burdens, with a goal of 40% of expenditures to those communities.
- Creation of an Environmental Justice Council and an interagency workgroup to coordinate EJ priorities among state agencies to advise on how best to address EJ issues across the state
- State agencies and the EJ Council must track, measure, and report on environmental justice progress through tools such as the Department of Health’s [Environmental Health Disparities map](#) for evaluating and tracking environmental health disparities.

Justice40 Initiative

The Biden-Harris Administration created the Justice40 Initiative to confront and address decades of underinvestment in disadvantaged communities with the goal of 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. The investment will help to confront decades of underinvestment in disadvantaged communities, and bring critical resources to communities that have been overburdened by legacy pollution, climate change and environmental hazards.

Programs that fall in the scope of the Justice40 initiative because they include investments that can benefit disadvantaged communities cover the following seven areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure.



DOT Guidance for MPOs

Under the Justice40 Initiative, programs administered through the Department of Transportation (DOT) are affected by the new executive order. Since earlier this year DOT has been working to develop a process to implement the Justice40 Initiative for their affected programs. As part of this effort, the DOT has provided some initial considerations for nonfederal transportation planning agencies to consider:

- Develop public engagement processes to be representative of those that will be impacted by a project and throughout the project's lifecycle
- For service areas that include disadvantaged communities, identify benefits that could be created to help reverse the causes that created the disparities.
- Utilize strategies that:
 - ⇒ improve infrastructure for nonmotorized travel, public transportation access, and increased public transportation service in underserved communities;
 - ⇒ plan for the safety of all road users, particularly those on arterials, through infrastructure improvements and advanced speed management;
 - ⇒ reduce single-occupancy vehicle travel and associated air pollution in communities near high volume corridors;
 - ⇒ offer reduced public transportation fares as appropriate;
 - ⇒ target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services; and
 - ⇒ consider equitable and sustainable practices while developing transit-oriented development, including affordable housing strategies and consideration of environmental justice populations awards through the program.





CONSIDERATIONS FOR THE RTP

At this time neither the HEAL Act or Justice40 Initiative have requirements for MPOs or local agencies. The Department of Transportation has provided agencies some initial considerations and has noted that additional guidance will be released in early to mid 2023. Potential tools have been developed and will continue to be refined to assist agencies in the development of environmental justice policies.

Changes to grant programs and other processes that have already occurred at state and federal levels include:

- Grant programs require the identification of disadvantaged communities as part of the application process
- Focus on equitable community engagement and how agencies are ensuring it is reaching those who have been historically excluded from previous processes
- Development of goals related to investments in historically disadvantaged communities
- Integration of environmental justice into strategic plans
- Development of environmental justice metrics to measure and report progress

