WSR 23-14-066
DEPARTMENT OF COMMERCE
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Notification of Significant Agency Action Types

The Healthy Environment for All Act, passed in 2021, requires agencies to perform environmental justice assessments for specific covered activities, termed "significant agency action" (SAA). SAA is statutorily defined in RCW 70A.02.010(12):

(a) Significant legislative rules: The development and adoption of significant legislative rules as defined in RCW 34.05.328.

(b) New grant and loan programs: The development and adoption of any new grant or loan program that commerce is explicitly authorized or required by statute to carry out.

(c) Capital projects ≥ $12 million: A capital project, grant, or loan award of at least $12 million or a transportation project, transportation grant, or transportation loan of at least $15 million.

(d) Agency request legislation: The submission of agency request legislation to the office of the governor or the office of financial management for approval.

(e) Other deemed actions: Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060.

Commerce released the agency SAAs, including an additional SAA for public comment, as required by RCW 70A.02.060(3). The public comment period ran from May 11 through June 8, 2023. Commerce received 20 responses, of which none rejected or amended the additional SAA. Commerce intends to adopt an additional SAA as worded below:

Where practicable, as determined by commerce upon recommendation of the applicable program:

• Projects of existing commerce grant or loan programs that do not otherwise qualify as an SAA under RCW 70A.02.010(12); and/or
• Federally funded loans or grants, where the federal agency has identified the program as a covered investment in a covered program under the Justice40 Initiative.

Additional SAAs must be determined by agencies no later than July 1, 2023; however, additional SAAs are not subject to environmental justice assessments until July 1, 2025.