

SENATE BILL REPORT

SB 5652

As of February 17, 2025

Title: An act relating to reducing environmental and health disparities and improving the health of Washington state residents in large port districts.

Brief Description: Reducing environmental and health disparities and improving the health of Washington state residents in large port districts.

Sponsors: Senators Orwall, Hasegawa, Nobles and Valdez.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/18/25.

Brief Summary of Bill

- Requires a qualifying port district to include an environmental justice implementation plan within its strategic plan.
- Specifies that a qualifying port district must create and adopt a community engagement plan.
- Specifies certain actions a qualifying port district must take to assess and mitigate environmental impacts of significant port actions.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Alicia Kinne-Clawson (786-7407)

Background: Port Districts. Port districts are special purpose districts empowered to acquire, construct, maintain, operate, develop, and regulate harbor improvements; rail or motor transfer and terminal facilities; water transfer and terminal facilities; air transfer or terminal facilities; other commercial transportation, transfer, handling, storage, and terminal facilities; and industrial improvements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Airports can generate a significant amount of noise for those who live around the airport. The Federal Aviation Administration (FAA) currently uses a threshold of a Day-Night Average Sound Level of 65 decibels to determine significant noise impacts. A Day-Night Average Sound Level is a measure of the average decibel level of noise a person experiences over a 24-hour period due to aircraft operations. In determining this level, any aircraft noise at night is increased by ten decibels.

Noise Abatement Programs. Port districts in Washington that operate an airport serving more than 900 scheduled jet flights per day are authorized to undertake Aircraft Noise Abatement Programs to alleviate the impact of jet noise on the surrounding area. In 2023, only Seattle-Tacoma International Airport, operated by the Port of Seattle, served this many jet flights, averaging more than 1000 jet flights per day. Spokane International Airport, by contrast, averages fewer than 250 jet flights per day.

An aircraft noise abatement program can only be undertaken within an impacted area. This area extends two miles from the centerline of any runway to a point ten miles north of the paved north end of any runway, and to a point 13 miles south of the paved south end of any runway. If any portion of a property is within the impacted area, then the entire property is considered within the area.

Port District Equity Fund. In 2024, the Legislature established the Port District Equity Fund. The Port District Equity Fund was created to provide grants to port districts to supplement noise mitigation programming. Moneys to the account may consist of appropriations by the Legislature, contributions from county and local governments and port districts, and private contributions. A port district authorized to undertake Aircraft Noise Abatement Programs may apply for money from the fund to facilitate the assessment and inspection of sound mitigation equipment that is no longer working or is reported to have caused additional hazards or structural property damage.

Environmental Justice. Legislation enacted in 2021 defined environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with the 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.

Summary of Bill: Environmental Justice Implementation Plan. A qualifying port district must include an environmental justice implementation plan within its strategic plan. The plan must describe how the port district plans to apply the principles of environmental justice to port district activities. The environmental justice plan must include:

- specific goals and actions to reduce environmental and health disparities;
- metrics to track and measure accomplishments of the port district's goals;
- methods for equitable community engagement;

- strategies to ensure compliance with federal and state laws including Title VI of the Civil Rights Act, Title IX of the Education Amendments, section 504 of the Rehabilitation Act, and the Age Discrimination Act; and
- specific plans and timelines for incorporating environmental justice.

A qualifying port district is a port district that is authorized to undertake an Aircraft Noise Abatement Program.

Community Engagement Plan. By January 1, 2026, a qualifying port district must create and adopt a community engagement plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs. The plan must include:

- how overburdened communities will be identified and prioritized and best practices for outreach and communication with these communities;
- use of special screening tools to integrate environmental, demographic, and health disparities data to evaluate and understand the needs of impacted populations;
- processes that support the inclusion of members of communities affected by port district decision making, including to the extent legal and practicable, childcare and travel expenses; and
- methods for outreach and communication.

A qualifying port district must regularly review compliance with existing laws and policies that guide community engagement, including those specified.

In developing and updating the plan, the qualifying port district must consider any guidance from the environmental justice council and may coordinate with the Office of Equity.

Adverse Impacts Assessment. Any significant port action involving a capital improvement project, purchase, or construction of \$8 million or more in value or any action that increases the number of gates at an airport must do the following:

- obtain an assessment from the University of Washington's Department of Environmental and Occupational Health Sciences, in collaboration with the county in which the project is located, on the likely adverse cumulative impacts of the proposed action on overburdened communities and vulnerable populations that will be affected by the action, together with recommendations on ways to mitigate or minimize the likely cumulative impacts of the proposed action;
- develop and share an action plan that implements recommendations to mitigate or minimize likely adverse impacts. A detailed explanation must be provided for any constraints on the port districts ability to provide mitigation; and
- consult with overburdened communities and vulnerable populations about the proposed action and ensure this information is contained in the assessment and mitigation strategies.

Based on the assessment, a qualifying port district must seek, to the extent legal and

feasible, to reduce or eliminate the environmental harms and maximize the environmental benefits of any significant port action. The port district must consider each of the following methods for reducing environmental harms or equitably distributing environmental benefits for overburdened communities and vulnerable populations:

- eliminating disparate impacts;
- reducing cumulative environmental health impacts;
- preventing the action from adding to the cumulative environmental health impacts;
- providing equitable participation and meaningful engagement;
- prioritizing equitable distribution of resources and benefits;
- promoting positive workforce and job outcomes;
- meeting community needs;
- modifying substantive regulatory or policy requirements; and
- applying any other mitigation techniques.

The University of Washington's Department of Environmental and Occupational Health Sciences must periodically review and evaluate the effectiveness of mitigation strategies and provide transparent public reports detailing the outcomes, costs, and benefits of the implemented actions.

None of the assessment and mitigation requirements create a right of action against a qualifying port district or a right of action taken by a qualifying port district.

Funds for Remediation and Mitigation. A qualifying port district, acting through its commission, has power to expend moneys to mitigate environmental health and cumulative environmental health impacts.

Appropriation: None.

Fiscal Note: Requested on February 17, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.