

WSR 23-12-088

ATTORNEY GENERAL'S OFFICE

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Significant Agency Action Statement

The Healthy Environment for All (HEAL) Act, codified at chapter 70A.02 RCW, requires implementing agencies to designate certain agency activities as significant agency actions to receive environmental justice assessments. RCW 70A.02.010(12) defines significant agency actions as:

- a. The development and adoption of significant legislative rules as defined in RCW 34.05.328;
- b. The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out;
- c. A capital project, grant, or loan award by a covered agency of at least \$12,000,000 or a transportation project, grant, or loan by a covered agency of at least \$15,000,000;
- d. The submission of agency request legislation to the office of the governor or the office of financial management for approval; and
- e. Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060.

After careful consideration of the HEAL Act and the activities of the agency, the attorney general's office (AGO) determined that agency request legislation is the only applicable significant agency action at this time. As an agency, AGO pursues litigation on behalf of the state, provides legal counsel to state agencies, boards, and commissions, and administers special projects as assigned by the legislature. AGO does not have general rule-making authority, does not administer legislatively mandated grant or loan programs, and does not take on capital or transportation projects.

Under RCW 70A.02.060 (2)(a), additional significant agency actions (not listed in RCW) must be defined by July 1, 2025, and must be actions that may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or vulnerable population. AGO will continue evaluating the agency's activities to determine any additional significant agency actions under RCW 70A.02.060 (2)(a), and will post them by July 1, 2025.