

WASHINGTON STATE BOARD OF HEALTH AND
WASHINGTON STATE DEPARTMENT OF HEALTH

Environmental Justice Assessment Report

WASHINGTON STATE 
BOARD OF HEALTH



October 2025

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Environmental Justice Reporting Overview

An Environmental Justice Assessment (EJA) is an opportunity to assess the environmental justice impacts of an agency action. This EJA reporting template is designed to meet all of the requirements established under [Washington’s Environmental Justice Law](#), also known as the “HEAL Act”.¹ While developed by the HEAL Inter-Agency Working Group, this EJA template has been adapted by the Department and Board to help fulfill agency requirements for reporting.

EJA Table 1: Environmental Justice Assessment Overview

1. Primary agency responsible for this action	Washington State Board of Health (Board), in partnership with the Washington State Department of Health (Department).
2. Primary agency staff contact(s)	Shay Bauman (Board) Zehra Siddiqui (Department) Mike Means (Department; Office of Drinking Water)
3. Secondary agency contact(s), if applicable	
4. Description of proposed significant agency action	<p>The Board, in partnership with the Department, is considering changes to the rules in Chapter 246-290 WAC for large (Group A) public water supplies to help keep all people who use and drink the water safe.</p> <p>Currently, WAC 246-290-315 and WAC 246-290-71006 ensure people are informed about risk from exposure to unsafe levels of certain Per- and Polyfluoroalkyl Substances (PFAS) and other chemical contaminants that could occur in a Group A water system.²</p> <p>In 2021, The Board adopted state action levels and other requirements for PFAS in drinking water. In 2024, the United States Environmental Protection Agency adopted the first-ever national standards for PFAS in public drinking water. Therefore, the Board is exploring rule changes and clarifications to maintain existing public health protections, align the rule with the new federal standards for PFAS, and guide ongoing Group A water supply reporting and public notification requirements until the federal law becomes effective in April 2029.</p>
5. Date environmental justice assessment was initiated	September 30, 2024

¹ The Healthy Environment for All (HEAL) Act <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

² Revised Code of Washington, 70A.125.010 <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.125.010> Accessed September 5, 2025.

6. Date Environmental Justice Assessment was completed	October 1, 2025
7. Type of significant agency action (check one)	<input checked="" type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328 ³ <input type="checkbox"/> 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 <input type="checkbox"/> 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 <input type="checkbox"/> The submission of agency request legislation to the office of the governor or the office of financial management for approval <input type="checkbox"/> Any other agency actions deemed significant by a covered agency consistent with RCW 70A.02.060 ⁴ if so, please name: _____
8. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.	<ul style="list-style-type: none"> • OFM website: Environmental Justice Assessment notices • Board: Group A Public Water Supplies - PFAS - Current Rulemakings • Department Notification of EJA: Group A Water Supplies PFAS Rulemaking • 2-pager English • 2-pager Spanish

³ RCW 34.05.328

<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328#:~:text=PDF%20RCW%2034.05.328%20Significant%20legislative%20rules%2C%20other%20selected,objectives%20of%20the%20statute%20that%20the%20rule%20implements%3B>

⁴ RCW 70A.02.060 <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.060>

Environmental Justice Assessment Report

Background Information:

Washington law gives the State Board of Health (Board) the authority to create public health policy and rules to protect all residents.⁵ The Board adopts rules for Group A public water supplies to “assure safe and reliable public drinking water and to protect the public health.”⁶ The Department of Health (Department) and Local Health Jurisdictions (LHJ) work in partnership with the Board to update and implement the rules that keep Group A water supplies in Washington safe.

On April 10, 2024, the United States Environmental Protection Agency (EPA) published the first-ever [national standards](#) for per- and polyfluoroalkyl substances (PFAS) in public drinking water. The EPA officially adopted the standards on June 24, 2024. These new federal standards affect Chapter 246-290 WAC and the rules the Board proactively adopted in 2021 to help protect public health if unsafe levels of PFAS are in a public water supply.

PFAS are odorless and tasteless, so the only way to know if they are in a water system is through testing. Recent studies have linked PFAS exposure to reproductive effects such as decreased fertility or increased high blood pressure in pregnant women, developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes, and reduced ability of the body’s immune system to fight infections, including reduced vaccine response.⁷

Currently, state rules in [WAC 246-290-315](#) and [WAC 246-290-71006](#) set State Action Levels (SALs) that are used to inform communities about unsafe levels of PFAS. The rules include requirements for monitoring and public notice about unsafe levels of PFAS that are established with the SALs. The rules also say that they will be superseded when the federal rules are adopted. The EPA’s newly adopted Maximum Contaminant Levels (MCLs) do not take *effect* until April 2029. The gap in time between the federal adoption and effective dates created a problem for the existing protections in rule that rely on SALs, including the requirement that water systems notify customers of unsafe levels of PFAS within 30-days of the detection. In other words, if the rule is not updated, the state would be left with no public health protections against PFAS between June 24, 2024, and April 2029.

To continue state protections and preserve public health, the Board adopted an emergency amendment to the rule in 2024. This amendment clarified that the MCLs and associated requirements would replace the SALs *when the MCLs become effective*. Emergency rules are effective for 120 days. The Board filed a fourth emergency rule on June 18, 2025. The Board will consider additional emergency filings to keep this amendment until the rule change is permanently

⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=43.20.050&pdf=true>
(Accessed 8/14/2025)

⁶ [RCW 70A.125.010: Definitions](#). "Group A public water system" means a public water system with 15 or more service connections, regardless of the number of people; or a system serving an average of 25 or more people per day for 60 or more days within a calendar year, regardless of the number of service connections; or a system serving 1,000 or more people for two or more consecutive days.

⁷ [Our Current Understanding of the Human Health and Environmental Risks of PFAS | US EPA](#)

adopted. The Board anticipates holding a public hearing and adopting the permanent rule in November 2025.

The Board filed a CR-101 as [WSR 24-20-093](#) on September 30, 2024, to consider changes to [WAC 246-290-315](#) and [WAC 246-290-71006](#). The Board is considering changes to keep current protections related to PFAS in place until new federal regulations are effective and permanently adopt the amendments made in the emergency rulemaking. The Board will also consider adopting new SALs for PFAS based on the EPA's new science, in addition to other changes. This EJA, a small business economic impact statement, and a significant analysis reviewing the potential changes will inform Board decision-making.

Section 1: Analyze Environmental Benefits and Harms

1. Describe likely environmental benefits for overburdened communities, vulnerable populations, and tribes associated with this action.⁸

Permanent rulemaking for PFAS will help the Board and Department ensure that people in Washington who consume water from Group A systems are kept safe from unsafe levels of certain PFAS and other chemical contaminants that could be detected in a public water system/supply (PWS).

Statewide, vulnerable population members who will likely receive environmental benefit from the permanent rulemaking for PFAS include infants, school-aged children, pregnant and immuno-compromised people.⁹

People who are the most vulnerable to PFAS in drinking water may also live in communities experiencing cumulative impacts due to historic and ongoing environmental and social disparities and inequities. The primary environmental benefit from this rulemaking is that overburdened communities who rely on Group A PWS will be kept safe from additional harm due to unsafe levels of PFAS in drinking water. For example, Non-Transient Non-Community systems are one type of Group A PWS supply. These include places like schools that provide drinking water to students, parents, employees, and other members of the community who consume it regularly.

Updating the rules for PFAS will continue the Board and Department's efforts to support Group A PWS owners-operators who are often first in the community-level line of drinking water protection. The ongoing partnership among the Board, Department, and Group A owners-operators will result in positive environmental benefit for overburdened communities that rely on a safe, reliable supply of drinking water from these systems.

⁸ **Environmental benefits** mean activities that: (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts; (b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or (c) meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of chapter 70A.02 RCW.

⁹ [https://www.atsdr.cdc.gov/pfas/about/health-effects.html#:~:text=Health%20effects,and%20testicular%20cancer%20\(PFOA\).](https://www.atsdr.cdc.gov/pfas/about/health-effects.html#:~:text=Health%20effects,and%20testicular%20cancer%20(PFOA).)

2. Describe likely environmental harms¹⁰ for overburdened communities, vulnerable populations, and tribes associated with this action.

Inaction or a delay in the PFAS rulemaking would create environmental harm. Current known harms due to exposure to PFAS—also known as “Forever Chemicals”—include higher risk of serious health issues such as certain cancers, thyroid disease, increased cholesterol, and negative reproductive effects like pregnancy-induced hypertension. The Department provides several resources to the public about PFAS and the risks to human environmental health through PFAS contamination of not just water, but also our air and soil. A comprehensive set of [“Plain Language”](#) videos about the hazards of PFAS in the environment is available for viewing and sharing.

The proposed permanent rulemaking for PFAS will maintain the state’s existing protective rules for PFAS in Group A water supplies and help ensure future adequate levels of human health protection for public water consumers.

3. Describe likely associated positive health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

The EPA considered the benefits and costs of reducing PFAS in drinking water as part of setting federal standards. At a national level, when implemented, new protections are expected to reduce exposure to PFAS for approximately 100 million people, prevent thousands of deaths, and reduce tens of thousands of serious illnesses.¹¹ At the state level, people who use and consume Group A public water will continue to receive substantial health benefits including:

- reduced impacts to immune systems and ability to fight disease,
- reductions in thyroid disease and impacts to human hormone systems,
- reductions in liver disease, and
- reductions in negative reproductive effects such as decreased fertility.¹²

The permanent rulemaking for PFAS will:

- Maintain the state’s existing protections from unsafe levels of PFAS in public drinking water supplies until April 2029, when the new EPA standards for certain PFAS become effective.
- Align the SALs with new MCLs, providing advanced public health protections.
- Allow the Board, the Department, and LHJs to continue working with Group A water system owners and operators to best protect tribes, overburdened communities, and members of vulnerable populations from exposure to unsafe levels of PFAS in drinking water.

4. Describe likely associated negative health impacts for overburdened communities, vulnerable populations, and tribes associated with this action.

¹⁰ **Environmental harm** means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected: (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land; (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change; (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or (d) Health and economic impacts from climate change.

¹¹ EPA Fact Sheet: https://www.epa.gov/system/files/documents/2024-04/pfas-npdwr_fact-sheet_cost-and-benefits_4.8.24.pdf

¹² *ibid*

Without both the ongoing emergency rules and this permanent rule for PFAS, people in Washington who drink or use water from Group A public supplies would not be notified of unsafe levels of PFAS.

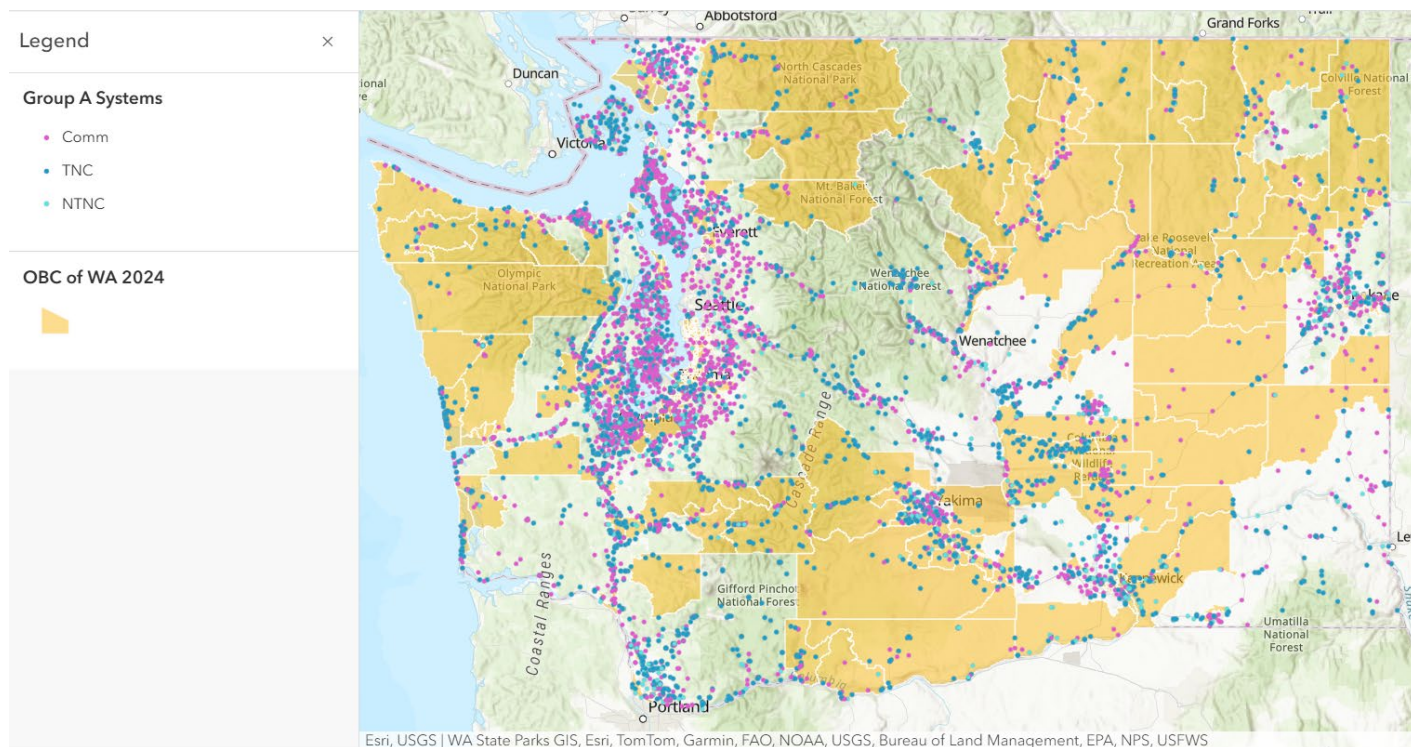
Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

The Department's Office of Drinking Water maintains publicly available data about Group A Public Water Systems (PWS) and other drinking water systems in the state through an [Excel table](#) and in [Geographic Information System \(GIS\) format](#).

As of September 1, 2025, the Department's GIS data showed 6,669 Group A PWS in the state. Of these, 4,153 are active, 2,450 are inactive, 57 are in preactive status which means they are going through the process to become an active Group A water system, and 9 no longer exist. Group A PWS location, owner, type (i.e., Community, Non-transient Non-Community, Transient Non-Community) and other system information is also accessible in the datasets noted above.

Figure 1: Screenshot of the Group A systems and overburdened communities



2. Describe overburdened communities¹³ and vulnerable populations¹⁴ identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

The permanent rulemaking for PFAS will affect over 4,000 active Group A PWS distributed across the state, and future public drinking water systems. Active Group A PWS provides water to approximately 6.9 million residents in Washington. This amount may actually be higher, as many individuals access water from Group A PWS while working, engaging with businesses, attending events, or traveling across the state. Each PWS has a defined service area that can vary greatly in terms of its geographic size and the number of people to which it provides drinking water.

The online [Environmental Health Disparities \(EHD\) Map Tool](#) and other GIS data resources, like the publicly available PWS location information used in Figure 1, can be used to help evaluate specific demographic characteristics associated with each Group A system; however, descriptions for each service area were not included because it was not practicable for the purposes of this EJA report.

Section 3: Tribal Engagement and Consultation

1. Summarize tribal engagements and invitations for tribal consultation to date.

In September 2024, the Department’s HEAL Team Tribal Engagement Coordinator and the Board’s Tribal Liaison met to develop an appropriate strategy for tribal engagement, because this PFAS rulemaking will not apply to the water systems of federally recognized tribes in Washington. The EPA and tribes maintain a government-to-government relationship to discuss changes to federal law that could impact tribal rights and resources (i.e., national standards for PFAS in public drinking water).

The Board adopts the rules in Chapter 246-290 WAC and did not delegate its rulemaking authority to the Department. Therefore, Board tribal and policy staff drafted a Dear Tribal Leader Letter (DTLL) about this permanent rulemaking. The Board sends a DTLL to all potentially impacted tribes to officially offer engagement, collaboration, and consultation on an action that is being considered or proposed. A tribe or tribes may initiate consultation with the state at any time.

The Board sent a DTLL about this rulemaking on February 6, 2025. The letter was “Informational” in nature, given that the state rulemaking does not impact tribal water system owners, operators or consumers; the standards for PFAS that the EPA adopted directly apply.

¹³ **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

¹⁴ **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

Vulnerable populations includes, but is not limited to:

- (i) Racial or ethnic minorities;
- (ii) Low-income populations;
- (iii) Populations disproportionately impacted by environmental harms; and
- (iv) Populations of workers experiencing environmental harms.

The HEAL Team Tribal Engagement Coordinator also collaborated with the Department's Office of Tribal Public Health and Relations (OTPHR) to include information about the proposed Permanent Rulemaking for PFAS in the OTPHR's May 1, 2025 semi-monthly summary update to tribes: [DTLL Informative- Information on Agency Rulemaking April 16-30 2025](#). No Tribe requested additional information or a Listening Session.

In May 2025, the HEAL Implementation Team and Board staff finalized a "plain language," 2-page informational flyer with information about the proposed PFAS rulemaking, next steps in the process, who to contact at the Department and Board for additional information, and how to engage in the EJA Rulemaking process as it proceeds. Engagement with Tribes was prioritized in the overall engagement timeline and it also shaped the process and audience for the flyer. More information on the "2-pager" is found under the Community Engagement Summary/Section 4.

2. Describe likely impacts to tribal rights and resources associated with this action.

No impacts to tribal rights and resources will result from the permanent rulemaking for PFAS.

3. Summarize how information received from tribes and tribal organizations informed decision-making about this action.

The Board received no information or input from tribes.

4. Describe any plans for ongoing and/or future tribal consultation after the publication of the EJ Assessment.

Government-to-Government Consultation is always available to tribes. The Board and Department anticipate that there may continue to be federal changes to laws about PFAS and other contaminants in public drinking water. There will be additional engagement and consultation, as needed or requested, with tribes in future matters.

Section 4: Community Engagement Summary

1. Summarize engagement with people from overburdened communities and vulnerable populations to date.

The state (Board and Department) has engaged widely with the public for many years about PFAS and how human health, especially the health of vulnerable population members, can be impacted by harmful levels of PFAS in drinking water. After the EPA released new standards for PFAS on April 10, 2024, the Board initiated rulemaking and collaborated with the Department to consider how to maintain and enhance current protections until the federal regulations become effective in 2029.

The Board and Department staff identified the following actions to protect public health:

1. Adopt emergency rules as necessary to keep existing public health protections in place until the federal MCLs become effective.
2. Initiate an exception rulemaking process to adopt federal MCLs.
3. Initiate a significant rulemaking process to consider adopting federal MCL values as SALs.

The information below summarizes the community engagement that occurred to support the permanent rulemaking for PFAS (Step 3, above). Because Board and Department public engagement about PFAS in drinking water is ongoing across the state, this report highlights how EJ

principles were incorporated into the overall engagement strategy while aligning with the formal rulemaking process and timeline.

The Board and Department sent the initial rulemaking notice to interested and impacted parties on October 4, 2024, announcing the start of the formal (significant) rulemaking process to consider adopting federal MCL values for PFAS as SALs.

2. Summarize information received from people from overburdened communities and vulnerable populations.

The Board held a public informal comment period from May 29, 2025, to June 11, 2025. Five comments, all from water systems, were received. The Board did not receive comments from overburdened communities or vulnerable populations during the informal comment period.

Two water systems suggested keeping the current SAL values in place until the federal rule becomes effective, one water system supported the rules but was concerned about adopting the provisions, and two water systems identified some technical corrections. The Board incorporated the technical corrections into the CR-102 proposal.

During the informal comment period, the Department's Office of Drinking Water discussed the rulemaking and potential changes at their Drinking Water Advisory Group meeting on June 2, 2025. The majority of questions raised during the discussion were focused on clarifying the federal effective dates and requirements.

3. Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making about this action.

The permanent rulemaking for PFAS is narrow and technical in scope and part of ongoing efforts between the Board and the Department to plan, mitigate for, and address the potential impacts of PFAS in public drinking water. This formal rulemaking is specifically in response to changes in federal regulations for PFAS. The Board did not receive any comments from overburdened communities or vulnerable populations regarding this rulemaking.

4. Describe plans for ongoing engagement with people from overburdened communities and vulnerable populations.

This rulemaking is one of a series of state rulemakings related to PFAS. The Board and Department will continue to engage with communities and support statewide efforts to mitigate PFAS in drinking water and beyond. For example, the Department of Health recently released a [PFAS Basics YouTube series](#). These videos help educate the public about what PFAS are, why they are a concern, and practical steps to lower exposure to PFAS. Health educators at the Department host and attend community listening sessions, informing the public of ongoing efforts to mitigate PFAS, and listening to concerns of communities on a statewide level.

The Board works closely with the Department to monitor community concerns, particularly related to group A public water systems. Future engagement will be informed by community input.

Section 5

Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Which of the following strategies will the agency pursue to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits (check all that apply):

- ☐ Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;
- ☐ Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;
- ☐ Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;
- ☐ Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;
- ☐ Prioritizing equitable distribution of resources and benefits to overburdened communities;
- ☐ Promoting positive workforce and job outcomes for overburdened communities;
- ☐ Meeting community needs identified by the affected overburdened community;
- ☒ Modifying substantive regulatory or policy requirements; and
- ☐ Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened communities and vulnerable populations.

2. Briefly describe the proposed method/approach for each strategy selected in Section 5, Question 1.

As mentioned before, this rulemaking is one of many that the Board and Department have used to proactively establish and maintain necessary public health protection from PFAS in drinking water.

The initial community engagement strategies and feedback that are summarized in this report can be used to help guide future engagement with Group A PWS whose primary consumers are overburdened communities.

3. Describe additional strategies the program has identified to eliminate, reduce, and/or mitigate harms and equitably distribute benefits.

The Board will continue to use rulemaking to respond to changes in federal standards for PFAS in public drinking water over time. Any future formal rulemaking for PFAS will require additional community engagement, which will be iteratively informed by prior EJA reports.

In the future, the Department could consider strategies such as how to prioritize available resources to best support owners-operators of Group A systems that primarily serve overburdened communities.

4. **If the agency determines that it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by a significant agency action, or does not have the ability or authority to address the equitable distribution of environmental benefits, provide a clear explanation of why it has made that determination.**

The rule does not apply to Washington's federally recognized tribes. Additionally, if there is a geographic discrepancy between federal funding objectives for disadvantaged communities and state HEAL Act expenditure goals for overburdened communities, federal priorities would apply.

5. **Identify performance measures or indicators (recommended 3-5) that can be used to track the equitable distribution of environmental benefits and/or the elimination, reduction, or mitigation of environmental harms for overburdened communities, vulnerable populations, or tribes.**

The Department has developed an interactive, online [PFAS Testing Results Dashboard](#) to track and share the status of the state's progress working with Group A systems. A [PFAS Dashboard Tutorial](#) for the tool is also available on YouTube. Notably, the dashboard allows the public to see if a Group A PWS has been tested and the results.