

Incorporating Health and Climate Change into the Minnesota Environmental Assessment Worksheet

**Minnesota Climate and Health Program
Minnesota Department of Health
Environmental Impacts Analysis Unit**

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Table of Contents

I. Background	5
II. Minnesota environmental review process	6
III. Health and climate change in federal and state environmental review.....	8
IV. Incorporating health impact assessments (HIA) with environmental review	11
Purpose of HIA	11
History	12
Benefits of incorporating HIA with environmental review	13
Barriers to incorporating HIA with environmental review	14
Overcoming barriers and general recommendations.....	15
V. Overview of Divine Mercy Development desktop HIA	17
VI. Review of Minnesota’s EAW for health and climate change impacts	18
Public health	19
Climate change.....	19
VII. Discussion	20
VIII. Recommendations to the EQB.....	21
Changes to the EAW	21
Changes to the EAW Guidelines	22
Changes to EAW process	24
IX. Conclusion.....	24
Appendix A: EAW Projects 2008-2010.....	26
Appendix B: Health and climate change in state environmental review.....	28
California.....	28
Public health	28
Climate change.....	30
Massachusetts	30
Public health	30
Climate change.....	31
New York.....	31
Public health	31
Climate change.....	32
Washington.....	33

Public health	33
Climate change.....	34
Hawaii	35
Public health	35
Climate change.....	36
Appendix C.....	38
References	39

I. Background

In 2010, the Minnesota Department of Health (MDH) received funds from the Centers for Disease Control and Prevention (CDC) to review the state Environmental Assessment Worksheet (EAW), part of the environmental review process in Minnesota. The purpose of the review was to discern whether climate change and health effects were being considered in the EAW. The scope of the project included an examination of the best practices of federal and state environmental review processes regarding the inclusion of human health and climate change, a literature review on incorporating health impact assessments (HIAs) into the environmental review process, a review of legislation requiring HIAs, a desktop HIA on a mixed-use project that completed an EAW in Minnesota, and a review of Minnesota's EAW for present assessment of health and climate change impacts.

As the culmination of this effort, MDH developed recommendations on incorporating health and climate change considerations into the EAW itself and the EAW Guidelines which are used to help guide preparation of the worksheet. The recommendations will be presented to the Environmental Quality Board (EQB), which oversees the state environmental review process, for its review and approval. Incorporating consideration of human health and climate change impacts within the EAW could have significant positive effects on human health and climate change adaptation and mitigation in Minnesota.

The built environment impacts the health of the public and can also influence factors that drive climate change. For example, developing a subdivision on the outskirts of an urban area may remove existing vegetation and trees and increase vehicle-miles traveled (VMT). Increases in VMT may increase greenhouse gas (GHG) emissions that contribute to climate change and can also result in negative health effects, including reduced air quality, increased motor vehicle-related injuries, and promotion of more sedentary life-styles. The EAW is used to assess a wide range of projects that can alter the natural and/or built environment, including mining operations, hog farms, and mixed-use developments. Addressing the potential negative health and climate change effects of increased vehicle traffic induced by new projects, or the positive effects of increasing density and walkability, can provide critical information to the public and decision makers for promoting a healthy built environment.

This report includes an evaluation of the environmental review process, an examination of potential methods for addressing public health and climate change through environmental review, and provision of specific recommendations to the EQB for how to address health and climate change in the Minnesota EAW.

II. Minnesota environmental review process

The Minnesota Environmental Policy Act of 1973 (MEPA) established a formal environmental review process to provide information about the environmental impacts of projects before necessary permits or approvals are issued. MEPA established the EQB to develop policies, create long-range plans and review proposed projects that would significantly influence Minnesota's environment. The EQB brings together the Governor's Office (as chair), five citizens and the heads of several state agencies (i.e., the Department of Agriculture, the Minnesota Pollution Control Agency (MPCA), the Department of Employment and Economic Development, the Department of Health, the Department of Natural Resources (DNR), the Minnesota Department of Transportation (MnDOT), the Department of Commerce, and the Board of Water and Soil Resources) that play a role in Minnesota's environmental quality and economic development.

The EQB writes rules for conducting environmental reviews, which are carried out by state and local governments.¹ At the state level, agencies responsible for carrying out environmental reviews include the MPCA, MnDOT, and the DNR. At the local level, watershed districts, counties, townships, and cities conduct environmental reviews under MEPA.²

An environmental review as outlined in Chapter 116D of Minnesota Statutes examines how a proposed project could potentially affect the environment and ways to avoid or minimize impacts before the project is permitted and built. Not all development projects require environmental review. The need for review is determined by the nature, size and location of a project. An environmental review must be conducted for any project or action that directly or indirectly alters the physical environment; involves governmental approval, assistance, or action; and has not yet been permitted or constructed (i.e., no retroactive reviews). Additionally, citizens can request an environmental review by petition. If an environmental review is required, the governmental body with jurisdiction over the project (i.e., the Responsible Government Unit, or "RGU") works with the developer to complete one or both of the following documents:

- Environmental Assessment Worksheet (EAW): A screening tool to determine whether a full environmental impact statement is needed. The worksheet is a six-page questionnaire about the project's environmental setting, the potential for environmental harm and plans to reduce the harm. Approximately 150 worksheets are completed each year.
- Environmental Impact Statement (EIS): An in-depth analysis used for major development projects that will significantly change the environment. The EIS covers social and economic influences, as well as environmental impact, and looks at alternate ways to proceed with the project. Seven EISs for private sector proposals were started between 2007 and 2010.³

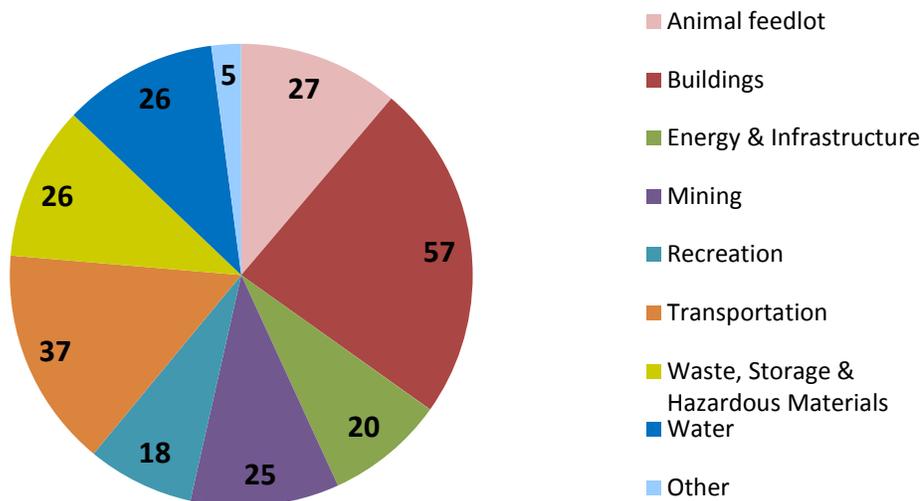
According to EQB guidance documents, the EAW process typically requires 3 to 4 months to complete and has a total of six steps. First, the RGU determines if an EAW is needed. Second, the RGU obtains data

needed for the completion of the EAW from the project's proposer. Third, the RGU completes the EAW and distributes it to agencies for review. The member agencies of the EQB receive and review EAWs, as well as other local, state, and federal agencies, depending on the project type and location. Fourth, notice of the EAW is published in the EQB Monitor^a and a press release is given to a local newspaper. Fifth, any interested person can review the EAW and submit written comments to the RGU within 30 days following the Monitor notice. Comments may address the accuracy and completeness of information, additional environmental effects or corrective actions that should be considered and the potential for significant environmental effects due to the project. Finally, the RGU considers the EAW information and the comments received, and officially decides if the project has the potential for significant environmental impacts. If it is determined that there are no significant impacts or that impacts will be mitigated, the environmental review process is over. Any appeal of this decision must be made in district court within 30 days.⁴ If the project is determined to have the potential for significant impacts, an EIS is required.

MDH chose to review the EAW because more projects in the state complete an EAW than an EIS. Therefore, if public health and climate change analysis were included in the EAW, it would affect more projects overall. Figure 1 below demonstrates the nature and quantity of projects that undergo an EAW. Figure 1 includes all EAW projects that were published in the EQB Monitor during fiscal years 2008, 2009, and 2010. Projects published in fiscal years 2008 and 2009 were categorized by the MPCA and EQB staff for the Environmental Review Streamlining report published in December 2009.⁵ MDH staff categorized projects from fiscal year 2010 using EQB files and archived issues of the EQB Monitor. MDH aggregated EAW categories into nine meta-categories for Figure 1. A full list of projects by EAW category is provided in Appendix A. The categories used are consistent with the mandatory EAW categories defined by Minnesota Administrative Rule 4410.4300.

^a EQB Monitor is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements and other notices. Available online at <http://www.eqb.state.mn.us/monitor.html>

**Figure 1: EAW Projects Public-Notices in Fiscal Years 2008-2010
(by meta category)**



The EQB has reviewed the EAW process in recent years to find areas to simplify the process for the RGU. In 2009, the MPCA was charged by the legislature to study options to streamline the environmental review process in Minnesota. The final report, *Environmental Review Streamlining: A summary of past efforts, current ideas, and stakeholder input*, noted that past efforts to explore broad streamlining of environmental review have often resulted in polarized views among stakeholders and these efforts have largely been unable to find a path toward consensus.⁶ The report demonstrated that there is still a divide among stakeholders on whether environmental review should be streamlined. In 2011, a working group of state agency staff and consultants that regularly complete EAWs developed a streamlined version of the worksheet. The majority of the content of the EAW remained the same, but was reorganized to flow better and reworded to provide clarity. Within this report, the EAW that was streamlined in 2011 will be referred to as the “streamlined EAW,” the EAW in operation at the time of this writing will be referred to as the “EAW,” and the documents that guide practitioners through completing EAWs will be referred to as the “EAW Guidelines.”

III. Health and climate change in federal and state environmental review

Many countries, including the United States, have enacted legislation or given executive orders to address the environmental impacts of policies and projects that affect the health of their citizens. In 1970, the United States passed the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 et seq.] to establish national environmental policy and goals for the protection, maintenance, and enhancement of the environment. The legislation provides a process for implementing these goals within the federal agencies.

The Act also established the federal Council on Environmental Quality (CEQ).⁷ The purposes of this Act are to “encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man. . .”⁸ In its original context, the federal environmental review process was intended to ascertain the effects of federal projects and actions on public health. Since implementation, the focus has been on the environment and biosphere with little review of human health except in cases where project-related pollution exposure may lead to cancer.⁹

More recently, the potential impacts of climate change have led the U.S. government to look at GHG emission reductions. In February 2010, the CEQ released Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions. The purpose of the draft guidance is to encourage agencies to use the NEPA process “to reduce vulnerability to climate change impacts, adapt to changes in our environment, and mitigate the impacts of Federal agency actions that are exacerbated by climate change.” As rationale for this guidance, the CEQ cites Federal statutes, Executive Orders and agency policies committing the government to the goals of energy conservation, reducing energy use, eliminating or reducing GHG emissions, and promoting the deployment of renewable energy.

Around the same time of the passage of NEPA, many states enacted state environmental policy acts to address the

environmental impacts of actions and projects by states and other local governments not covered by NEPA. In addition to Minnesota, 15 states and the District of Columbia have enacted state environmental policy acts, often called “mini-NEPAs”. Minnesota’s response to NEPA was enacting MEPA, as described in Section II. Table 2 provides a list of states with state

Table 2 States with state environmental policy acts			
State	Act/Regulation	Climate Change?	Public Health?
California*	CEQA	YES	YES
Connecticut	CEPA	NO	YES
District of Columbia	EPA	NO	YES
Georgia	GEPA	NO	NO
Hawaii*	OEQC	NO	YES
Indiana	IDEM	NO	YES
Massachusetts*	MEPA	YES	YES
Maryland	MEPA	NO	NO
Minnesota	MEPA	YES	YES
Montana	MEPA	NO	YES
New Jersey	Executive Order #215	NO	YES
New York*	SEQR	YES	YES
North Carolina	SEPA	NO	NO
South Dakota	Statute 34A	NO	NO
Virginia	Virginia Code 3.2	NO	NO
Washington*	SEPA	YES	YES
Wisconsin	WEPA	YES	YES
*States reviewed in more detail for climate change and public health measures.			

environmental policy acts. These Acts established environmental review processes that range from a sentence or two of regulation requiring that a project must state its environmental impact, to full checklists and guidelines for completing the review.

MDH reviewed the 17 mini-NEPAs and found that the health issues of air quality (including odor and air pollution emissions), noise, hazardous activities or waste, aesthetics and scenic vistas, active transit and recreational resources, economic and cultural welfare, and climate change issues related to GHGs have been incorporated into the environmental review process of some states. Six states directly or indirectly address public health, another six states directly or indirectly address both public health and climate change or GHG emissions. The mini-NEPAs that address public health use language such as, does a project “expose people to potential substantial adverse effects/a significant risk” or “create hazards to human health and safety.” The mini-NEPAs that address climate change refer to the generation and mitigation of GHG emissions and require the RGU to comply with existing climate change or GHG emission policies.

MDH reviewed five of these states in detail because their environmental review process are comprehensive and include a worksheet similar to the Minnesota EAW. The five states were California, Massachusetts, New York, Washington, and Hawaii. Full review details are included in Appendix B. One of the strengths of California’s environmental review checklist is that it addresses the displacement of existing housing and people due to the development of a new project. Recent studies and health impact assessments have shown the health impact, especially mental health impact, experienced by displaced persons.¹⁰ A notable inclusion in Massachusetts’s environmental notification form is within the Traffic Impacts and Permits section. Subsection D asks, “How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?” Massachusetts is one of the only states to reference physical activity and accessibility as key public health issues. New York State included a section in their environmental assessment form specifically called “Impact on Public Health,” which asks “will proposed action affect public health and safety?” New York State and Washington State both provide detailed guidance on calculating projected GHG emissions from proposed projects. Hawaii does not currently require the calculation of GHG emissions, but undertook a report in 2010 that discussed whether the environmental assessment or impact statement is the appropriate tool for addressing climate change and GHGs. The report noted a few reasons for why the environmental review may not be the appropriate tool for addressing climate change. See Table 3 for a brief summary of this discussion.

Table 3: Why the EIS may not be the appropriate tool for addressing climate change

<ul style="list-style-type: none">• It will just be another barrier to prevent development.• It would just add cost to the project.• Do not add another layer. If there are no consequences for not doing it, why require it?• The EIS process is too late. It should be addressed in master planning.• Is it fair or practical to ask developers to evaluate these issues?• This should be addressed through strategic environmental assessment (SEA).
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Source: <http://tinyurl.com/HawaiiERSReport>

While the use of mini-NEPAs for promoting public health and climate change is in its infancy, it is encouraging to note that several states, as described above, have been able to use the authority given by their environmental protection legislation to begin addressing public health and climate change issues. Minnesota may want to consider some of these notable examples for the EAW. Other public health issues that could potentially be addressed by environmental review, such as affordable housing, food security, and social determinants of health, have yet to be addressed through environmental review.

IV. Incorporating health impact assessments (HIA) with environmental review

Purpose of HIA

A key question of this project was whether Health Impact Assessment (HIA) would be an effective tool for incorporating public health and climate change evaluation into the EAW. HIA is a systematic process that uses an array of data sources and analytic methods and considers input from stakeholders to determine the potential effects of a proposed policy, plan, program, or project on the health of a population and the distribution of those effects within the population.¹¹ HIA provides recommendations on monitoring and managing those effects.

HIA has developed into a framework that contains six major steps, including: screening, scoping, assessment, recommendations, reporting, and evaluation and monitoring. The screening step primarily determines whether a project or policy could benefit from an HIA and whether the HIA could affect a decision that would mitigate negative health impacts and/or improve beneficial health impacts. The scoping step determines the health issues that will be assessed. The assessment step determines the health impact (direction, magnitude and severity) of a project. The recommendations step develops recommendations for promoting positive health impacts and/or mitigating the negative health impacts of a project. The reporting step reports the findings and recommendations to the decision makers. The last step, evaluation and monitoring, evaluates the HIA process and monitors the effect the HIA had on the decision being made and ultimately the health of the population being affected.

History

HIAs originated in the 1980s and have been primarily conducted in Australia, Europe (especially the UK), and the US. HIAs are frequently initiated by local public health authorities or local communities concerned about the health impacts of a policy or project within their community. HIAs began with a narrow definition of health favoring quantitative risk assessment and precision. Since then, public health has helped broaden the definition of health to include the social determinants of health^b and health equity^c.¹² This has resulted in an increased acceptance of less quantitative risk assessment and inclusion of qualitative evidence and best practices.

To date, the majority of HIAs are conducted voluntarily. In the US, six states have attempted to pass legislation promoting HIA use. Five states were unable to pass legislation including, California, Maryland, Alaska, Illinois, and Minnesota. California and Maryland introduced legislation in 2008 to integrate HIAs into the public health decision making process. Alaska explored the idea of requiring an HIA to provide analysis and insight on human health prior to any government action in 2010.¹³ Illinois attempted to require HIAs through an Environmental Policy Act update in 2011. Minnesota introduced language in the 2011 Healthy Communities Act to provide funding for HIAs on projects, programs, or policies identified by the community.¹⁴ Massachusetts is the only state to successfully pass legislation to require HIA. The 2009 legislation reorganized the Massachusetts transportation department and established a 'healthy transportation compact' which includes 11 actions steps, including Action (v) "establish methods to implement the use of health impact assessments to determine the effect of the transportation projects on public health and vulnerable populations" and Action (x) "institute a health impacts assessment for use by planners, transportation administrators, public health administrators and developers."¹⁵

HIAs can be combined with environmental impact assessments. There is a growing collection of literature looking at the effectiveness of incorporating the two processes. Proponents of integrating HIA with environmental review cite the similar processes used in both assessments; the similar purpose of both assessments to provide decisions makers information on mitigating risks and maximizing benefits; the existing multidisciplinary input of environmental assessment that provides a place for health to be addressed; and the established public involvement process that is key to both assessment processes.¹⁶ However, incorporating health into the environmental review process faces many challenges, such as the unknown and disputed cause-and-effect relationships of hazards and health outcomes; the complex nature of environmental health impacts; the general reluctance to use a broader, social definition of health; lack

^b The social determinants of health are the conditions in which people are born, grow, live, work and age, including the health system. (WHO, source: http://www.who.int/social_determinants/en/)

^c Health equity is the "attainment of the highest level of health for all people. Achieving health equity requires valuing everyone equally with focused and ongoing societal efforts to address avoidable inequalities, historical and contemporary injustices, and the elimination of health and health care disparities." (Healthy People 2020, Accessed online: <http://www.healthypeople.gov/2020/about/DisparitiesAbout.aspx>)

of involvement from health professions in environmental review; and a shortage of resources to implement HIAs, which means that health is not seen as a priority.¹⁷ The next sections address the benefits of incorporating HIA with environmental review, the barriers, and possible strategies for overcoming barriers.

Benefits of incorporating HIA with environmental review

Integrating HIA with environmental review provides the opportunity to examine the health impacts of industry and government actions, which is one of the original purposes of NEPA in addition to many state Environmental Policy Acts.¹⁸

The similar procedural steps of environmental reviews and HIAs assist in the integration of the two processes. First, there is no need to develop a new framework, which could be confusing and potentially duplicate work already in the Environmental Assessment Worksheet (EAW).¹⁹ For example the EAW has a section on the environmental impact of air pollutant emissions. Instead of a separate HIA checklist including air pollution, the EAW could consider both the environmental and public health impacts in one framework to prevent duplication of work. Second, there is no need to learn a new process, which enables practitioners in the health, environmental, and planning fields to be more familiar with the tool and saves on staff training or requiring potentially expensive external expertise.

The existing multidisciplinary input of environmental assessment provides a place for health to be addressed more thoroughly. For example, a housing development in San Francisco underwent an environmental review process for the demolition of an affordable, rent-controlled housing project and the development of a new residential development in its place. The environmental review found no adverse impacts on human populations and housing because the project would contribute a net gain in dwelling units. However, San Francisco Department of Public Health conducted a rapid HIA and found health impacts related to “psychological stress, fear, and insecurity due to eviction; crowding or substandard living conditions due to limited affordable replacement housing; food insecurity or hunger due to increased rent burdens; and the loss of supportive social networks due to displacement.”²⁰ These are major health concerns that would have impacted already marginalized populations had they not been addressed through an HIA during the environmental review process.

In the example of San Francisco, the health issues that were analyzed were concerns primarily brought up by the residents themselves. Public involvement is a required component of the environmental review process and public input will often bring up issues such as housing affordability and displacement.²¹ This is a benefit of HIA because federal and state agencies are more likely to accept input of health professionals when information is not only scientifically grounded, but presented in participation with an affected stakeholder community.²² Coordinating the public involvement for the environmental review with HIA can allow for more meaningful conversations and address citizens’ concerns of real or perceived risk.

Finally, one of the most important benefits is that HIA improves decision making. When processes are combined the authority making the ultimate decision must consider all information together at once – which provides for more comprehensive, holistic conclusions.²³ The HIA considers not only the negative impacts, but also the positive ones, which is not required for federal and some state environmental reviews.²⁴ It allows decision makers to see a more complete picture of the impact of a proposed project.

Barriers to incorporating HIA with environmental review

There are a number of barriers that have limited the use of HIAs. Researchers generally agree that the number one barrier to implementing HIAs is the general uncertainty of health risks, including the probability, magnitude, and severity of potential health effects.^{25,26,27} The uncertainty of health risks is compounded by the lack of available health data.^{28,29} HIAs are often more qualitative than quantitative, which can be seen as a weakness, but stories and anecdotes can be informative and persuasive regarding previously unforeseen health issues. This realization may be causing a trend change. Risk assessments, which are generally viewed as highly quantitative, acknowledge that the relative importance of an impact is influenced by the experiences and biases of those involved in the process because not every risk or impact has been established through a quantitative, scientific study.

Tied to the uncertainty of health risks, is the initial problem of identifying potential risks to human health or climate change from a proposed project. Agencies and organizations that conduct environmental reviews frequently do not have expertise in the health field. Additionally, there is a general lack of coordination with public health professionals.^{30,31,32,33} Health impacts related to water and air pollution are generally the most accepted and comprehensive impacts because more quantitative information exists. Environmental reviewers often lack the experience, expertise, and capacity to identify more complex health issues around socio-economic status, mental health, and perceived risks that can vary considerably by geography, project size and population composition.^{34,35,36}

If health was a higher priority in the review process, authorities and political leaders might provide more resources, incentives and linkages to health professionals, who have experience and expertise, for determining health impacts within the environmental review process.^{37,38,39} The relatively low importance of health in the mission of some authorities or organizations can be tied to the lack of involvement in the environmental review process by health professionals. Bringing health professionals to the table will highlight the public health impacts of projects undergoing environmental review. Authorities may not be aware that public health is high priority issue because the problems have not been brought to their attention.

An issue related to the relative importance of public health is the resulting informality of the current attempts to integrate HIAs with environmental review processes. Without the support of an explicit formal requirement and clear administrative procedures, the quality and content of informal attempts are inconsistent and potentially ineffective.⁴⁰ Legislative and administrative support, and especially funding and resources, would promote integrating and streamlining HIAs with environmental review.

Finally, some of the remaining barriers to incorporating HIAs in the environmental review process include lack of uniformity in both content and administrative structure between the two processes^{41,42,43}; the reactionary nature of the environmental review – the assessment occurs too late in the decision making process^{44,45,46}; and the underdeveloped or missing risk assessment and risk mitigation⁴⁷. However, these barriers are not insurmountable. For example, uniformity could be addressed with proper resources and support from authorities. The reactionary nature of the HIA in the environmental review process could be addressed by considering health at the beginning of a project before the environmental review is initiated. Additionally, mitigation strategies to prevent harm to public health will likely develop with advances in risk assessment.

Below is a chart that summarizes some of the main benefits and barriers to incorporating HIA into the environmental review process. (See Table 4.)

<i>Benefits</i>	<i>Barriers</i>
Address health as intended in national and state Environmental Policy Acts. (NPHP, 2005)	Limited quantitative health data and limited literature (quantitative and qualitative issues). (Kemm JR, 2004)
No need to develop new framework, reduce confusion and duplication of work (NPHP, 2005)	May require more time and resources in the current environment of tight budgets and limited resources
Combining processes requires consideration of all information together for combined, holistic conclusions. (Bond et al, 2001)	Difficulty in interpreting which impacts are more important; risks emphasizing one issue over the other (e.g., environment versus health). (Kemm JR, 2000)

Overcoming barriers and general recommendations

Most of the issues with conducting HIAs or integrating HIAs with environmental review can be remedied through standardization of process, guidelines, trainings, experience, and coordination with health officials.⁴⁸ However, a single standardized method of integrated health assessment is not recommended because context also is important: project size, historical/cultural context, stage in the planning process that the health assessment is taking place, etc.^{49,50}

The definition of health is important and needs to be agreed upon within the environmental review process. Health definitions vary from narrow and quantitative (e.g., the presence of illness, such as cancer) to holistic definitions of health, such as from the World Health Organization (WHO) that states that health is “a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.”⁵¹ Among the reviewed studies, there is general consensus that the definition of health should be broad and include socioeconomic status, mental health, and other health determinants.^{52,53,54,55}

HIAs should incorporate qualitative information into health risk assessment; accept the inability to document direct cause-effect relationships; and listen to human ‘canaries’ – those who may see symptoms first and call out the signs of potential trouble.⁵⁶ Anecdotal information, case studies, and doctors’ observations (i.e., “soft data”) can complement other sources of environmental health data.⁵⁷ To improve and increase knowledge on health impacts from specific hazards, health outcomes of current decisions should be monitored to improve future decisions.⁵⁸

As previously mentioned, health professionals at all levels must be involved in guiding health incorporation. Additionally, health professionals have a role in convincing other agencies and authorities of the importance of including health.^{59,60,61}

Also, it is critical to involve the public early and throughout the process. Issues identified by the public, including perceived risks, will be different than those identified by public health professionals but no less influential.⁶² Empowering individuals through effective public participation can provide support for the HIA and any mitigation measures that result.^{63,64}

For governments and agencies that choose to embed HIAs in environmental review processes, there are some general recommendations found in literature. At the screening stage, determine first if an environmental review is necessary and then if an HIA is necessary. All screening procedures should consider the need to assess a project’s potential effects on health.⁶⁵ In the scoping process, work with health professionals to select the health indicators to include based on the impacts that are more likely to occur as a result of the specific project or policy. Impact mitigation should start with risk reduction measures, where decisions are made on a combination of impacts and risks.^{66,67} Overall, identify the potentially affected groups/populations; current health status of said population; and likely effects of the project on said population based on literature review, case studies, site visits, and other information.⁶⁸

Some literature questioned the suitability of the environmental review as the place for the HIA to be conducted. The HIA may be more effective if it considered health impacts, mitigation and alternatives at an earlier stage – in the development of the plans and policies, not at the environmental review stage.^{69,70}

However, environmental review in collaboration with HIA can result in better outcomes and further public consideration of underlying health issues.^{71,72}

V. Overview of Divine Mercy Development desktop HIA

MDH undertook a desktop HIA on a mixed-use development EAW to inform the development of MDH recommendations on incorporating health and climate change indicators into the EAW process. The HIA was intended to be a pilot for how HIA or health indicators might be incorporated or combined with the EAW. Therefore, the actual public health impacts of the project were not considered as important as the findings that could be generalized to mixed-use projects overall and incorporated into the EAW.

Determining the health impacts that are currently missing from the EAW was the primary objective.

The desktop HIA included five of the six standard steps in HIAs: Screening, Scoping, Assessment, Recommendations, and Reporting. To select the project, MDH screened all of the mixed-use development projects that completed an EAW between fiscal years 2008-2010. The Divine Mercy Development EAW was selected because it screened positive for an HIA and contained more information for analysis than other EAWs. A group of internal MDH staff with knowledge of HIAs and experience completing environmental reviews selected the health indicators that would be used for the assessment. Health indicators were selected from research-based measures of the built environment and land use that relate to public health and climate change mitigation and adaptation. MDH chose indicators using the following criteria: 1) whether the indicator was directly related to public health, 2) whether the indicator addressed climate change or public health impacts from climate change, and 3) whether the EQB would have the authority to include the measure in the EAW (e.g., not a municipal ordinance or regional system). Generally an indicator had to meet at least two of the three criteria to be included.

Health indicators that directly related to public health included the following:

- minimizing exposure to harmful noise, hazardous sites and sources of air pollution emissions;
- providing access to parks, community gardens, and trails for physical activity;
- providing affordable and diverse housing options to improve community stability and foster social networks and community; and
- providing access to healthy food retailers and emergency services.

Health indicators that addressed climate change or public health impacts from climate change included the following:

- protection from flooding and impaired water quality;

- proximity and provision of public transit, bicycle lanes, and trails;
- provision of mixed-use buildings; and
- permitted clustered or high-density development.

A complete list of the health indicators included in the final HIA report is provided in Appendix C. The full HIA report is available online at <http://www.health.state.mn.us/divs/hia/reports.html>.

MDH analyzed the Divine Mercy Development EAW based on the selected health indicators. Analyses that are missing from the EAW that were identified via the HIA include:

- Food availability (farm land impacts and accessibility to stores/farmers markets/etc.)
- Housing
- Urban heat island effect
- Connectivity of recreation facilities and multi-modal trails related to activity and obesity levels
- Pedestrian/vehicular safety and response times for emergency services
- Secondary effects (e.g., the need for new public facilities, such as schools, fire, and police)

MDH acknowledges that examining only one type of project does not provide sufficient information to discover all of the climate change and public health impacts of the different types of EAW projects. The pilot project provides an example of how projects in one category (i.e., mixed use) could benefit from implementing an HIA. It also demonstrates the health impacts associated with one specific mixed-use project that completed an EAW.

VI. Review of Minnesota's EAW for health and climate change impacts

To some degree all of the projects that undergo environmental review will impact public health – either positively or negatively – and many of them will also affect climate change or be affected by climate change. In 2011, a working group of state agency staff and consultants that regularly complete EAWs developed a streamlined version of the worksheet. MDH reviewed the streamlined EAW to determine if direct or indirect health and climate change language was already included.

Overall, the EAW does include some components related to public health and climate change. The analysis of air quality impacts is the most comprehensive in terms of health effects and GHG emissions. Other components include impacts from hazardous waste (exposure or groundwater/soil contamination that could lead to exposure), water quality, and noise.

Public health

Similar to the national and other state environmental review worksheets, the streamlined EAW most often refers to health indirectly. The streamlined EAW contains 20 categories of questions, called “items.” The specific streamlined EAW items that address health impacts include the following:

- *Item 11b (water and wetlands, wastewater):* “3) If the wastewater discharge is to surface water – Identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.”
- *Item 12 (contamination/hazardous materials/wastes):*
 - “Pre-project site conditions – Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or groundwater contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines.”
 - “Project related generation/storage of solid wastes – Discuss potential environmental effects from solid waste handling, storage and disposal.”
 - “Project related use/storage of hazardous materials – Discuss potential environmental effects from accidental spill or release of hazardous materials.”
 - “Project related generation/storage of hazardous wastes – Discuss potential environmental effects from hazardous waste handling, storage, and disposal.”
- *Item 16 (air):*
 - Stationary source emissions - “Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria.”
 - Vehicle emissions – “Discuss the project’s vehicle-related emissions effect on air quality.”
 - Dust and odors - “Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life.”
- *Item 17 (noise):* “Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life.”
- *Item 18a (transportation):* “Describe traffic-related aspects of project construction and operation. Include . . . and 5) availability of transit and/or other alternative transportation modes.”

Climate change

The only item in the streamlined EAW that address climate change (either adaptation or mitigation) is *item 16 (air)*. The two subparts to this item that address emissions include the following:

- Stationary source emissions – “Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous pollutants, criteria pollutants, and any greenhouse gases.”
- Vehicle emissions – “Describe the effects of the project’s traffic generation on air emissions.”

MDH met with the EAW workgroup to discuss adding greenhouse gases to the Vehicle emissions subpart. The workgroup informed MDH that vehicle emissions (including greenhouse gases) are thoroughly addressed by the MPCA for those projects that generate additional vehicle trips and traffic. Additionally, “projects currently subject to the Minnesota Environmental Policy Act, under the jurisdiction of MPCA, and requiring a federal or state air emissions permit due to emission of criteria pollutants regulated under the Clean Air Act must calculate a ‘carbon footprint’.”⁷³

VII. Discussion

While the EAW addresses some health and climate change issues, the streamlined EAW could be improved to more thoroughly address public health and climate change impacts. There are several strategies that could be used to improve public health and climate change mitigation/adaptation including the following: requiring a full HIA, integrating HIA with the EAW, including more public health professionals in the EAW process, using the EAW to screen for HIA, and more.

As part of the process of developing the report’s final recommendations, MDH shared draft strategies for including health and climate change with the EAW working group. One of the major hurdles identified in the discussion was the narrow definition of ‘environment’ that the EQB uses in rule. EQB rules define “environment” to include: “land, air, water, minerals, flora, fauna, ambient noise, energy resources, and man-made objects or natural features of historic, geologic or aesthetic significance (part 4410.0200, subpart 23).” The EAW working group members, while not against the consideration of public health and climate change, questioned the ability to discuss human health in a forum where environment is defined so narrowly that the EAW can only analyze direct impacts to the environment that would result in a health impact and not health impacts that are indirectly related to changes in the environment. For example, the workgroup considered contaminated ground water from construction a direct impact, but vehicle-related injuries because of additional car and truck traffic as an indirect impact. Safety was one of the issues of human health that the EAW working group questioned specifically as not appropriate in the EAW. However, the EAW Guidelines already includes language about safety. Under “Guidance for certain types of projects,” on page 15 under *Item 21 Nonmetallic mineral mining*, the guidelines read, “Although safety-related traffic concerns are not “environmental” in nature, nearby residents will likely want to know about the numbers and routing of truck traffic to and from the mine.”

MDH has found that there are many questions in the EAW that suggest the process was developed for the benefit of human health. Additionally, the declaration of state environmental policy in statute indicates a responsibility to "...assure for all people of the state safe, healthful, productive, and aesthetically and culturally pleasing surroundings..." (116D.02, Sudv.2). It could be argued that including consideration of human health is much more in line with the purpose of the original Act than including items such as minerals, man-made objects and energy resources, which are in place for economic, not ecologic, reasons.

It would be ideal to agree upon the Minnesota environmental review's purpose and reconstruct the EAW process with the consideration of health and climate change. Coincidentally, a Governor's Order was issued on November 16, 2011 to review the entire environmental review process in Minnesota. MDH staff was invited to participate on two of the working groups. While this could be a great opportunity for promoting health, it is not the only way or even the most likely way to incorporate health and climate change into the process. In that regard, MDH has considered a suite of potential recommendations to the EQB, which are described in the next section.

VIII. Recommendations to the EQB

Using results from the literature review, measures from other states, the Divine Mercy Development HIA, and conversations with the EQB and the EAW working group, MDH has the following recommendations for the EQB for incorporating climate change and public health measures into the EAW process. The recommendations are threefold: minor changes to the language in the streamlined EAW form, inclusion of additional guidance language in the EAW Guidelines (which have not been revised to match the streamlined EAW), and the addition of a MDH staff person to review EAWs as a screening tool for recommending HIAs.

Changes to the EAW

MDH is recommending four changes to the streamlined EAW; they include the following:

- *Item 11c: Stormwater*, MDH recommends changing the first sentence from "'Describe the quantity and quality of stormwater runoff at the site prior to construction,'" to "Describe the quantity and quality of stormwater runoff at the site prior to and post construction."
- *Item 11: Water and Wetlands*, MDH proposes adding the following question: "11f: Floodplains – If the project is located in a designated 100-year floodplain, describe any anticipated impacts to the floodplain as a result of construction, including reduced floodplain function, and identify measures to mitigate any anticipated impacts."
- *Item 16a: Stationary source emissions*, MDH recommends including the list of GHGs. The first sentence should read, "Describe the type, sources, quantities and compositions of any emissions

from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases (such as, carbon dioxide, methane, and nitrous oxide).”

- *Item 19: Cumulative potential effects*, MDH recommends reinserting “impacts to infrastructure and public services” which were removed from the streamlined EAW (originally *Item 28: Infrastructure and public services*). The piece of *Item 28: Infrastructure and public services*, “streets,” was included in the streamlined EAW under *Item 18: Transportation*. MDH recommends that *Item 19: Cumulative potential effects* in the streamlined EAW include both “connected actions” identified in previous versions of the EAW and “consequential actions,” such as the addition of police protection, fire protection and schools to serve both the existing area and the new project which may not fall under “connected actions.”

Changes to the EAW Guidelines

Based on the literature review, it is beneficial from a public health perspective to include health indicators in the EAW because the reviewer/decision maker and even the public will have information on all benefits and risks to inform the final decision. However, MDH recognizes the need to keep the EAW concise; therefore, the majority of the recommendations are to add specific guidance and examples of health impacts or mitigation strategies in the EAW Guidelines within Chapter 3: Item-by-item-guidance. RGUs looking for guidance will see the examples for health and climate change related environmental issues and may choose to incorporate them. Specific recommendations to the EAW Guidelines^d include the following:

- *Item 9: Land Use* should be re-written to read as follows: “The purpose of this question is to identify existing land uses, the community’s plans for future land use as directed by plans and zoning, any incompatibility between the existing land use, plans or zoning, and proposed project, and mitigation measures for any incompatibilities. Proposed projects that are incompatible with nearby land uses may cause public nuisance^e issues that have health impacts. A typical example would be a gravel operation proposed next to a residential area: dust and noise could cause significant conflicts with the residential land use. Many communities use land use plans, zoning, and special overlay districts to prevent the proximate siting of incompatible uses. Proposed projects that do not comply with local land use controls must provide reasoning for not complying and mitigation measures.”
- *Item 14: Water-related land use management districts*, specifically the guidance for floodplains, should be retained and incorporated into *Item 11f: Floodplains* of the streamlined EAW. *Item 14* was cut from the EAW during the 2010/2011 streamlining process. The specific language MDH recommends retaining is, “The local planning and zoning office should be contacted regarding

^d Note: The EQB has not yet revised the EAW Guidelines to correspond to the streamlined EAW.

^e The term *public nuisance* covers a wide variety of minor crimes that threaten the health, morals, safety, comfort, convenience, or welfare of a community.

local shoreland and flood plain ordinances that may apply. . . [F]lood plain . . . land use districts are protected by special zoning ordinances designed to protect the resources of such lands. The EAW should discuss whether the project fully complies with all these special zoning requirements.”

Additional language that MDH recommends the EQB to add to this item is as follows, “Future climate conditions are anticipated to result in increased frequency and intensity of floods.

Construction within designated floodplains can reduce the effectiveness of these areas in containing flood water. Additionally, construction in these areas is more susceptible to impacts from flood events. Not only will the protected resources in this area be impacted, but people living in flood-plain areas will be at increased risk for flood-related human health impacts, such as injuries, drowning, and other health issues.” If the EQB chooses not to add *Item 11f*, MDH recommends incorporating the specified language from *Item 14* stated above into *Item 9a – iii*.

- *Item 17: Water quality: surface water runoff*, MDH recommends that the correction made to this item in the 2010 Errata & Updates for EAW Guidelines be retained. The specific language MDH recommends retaining is, “The descriptions of stormwater management system elements in item 17a should not be limited to detention/retention basins; newer types of Best Management Practices, such as infiltration areas, should also be described and shown on site plans.” MDH recommends including examples of additional Best Management Practices, such as ensuring stormwater pipes are designed for larger storm events, or that projects that impact municipal storm and sewer pipes should be aware of whether their storm and sewer pipes are connected for potential overflow and contamination concerns.
- *Item 17b*, MDH recommends specifically including groundwater as receiving waters, in addition to surface waters. The item uses lakes as an example, and should consider using an additional example of an aquifer or drinking water well.
- *Item 21: Traffic*, MDH recommends incorporating the original guidance language from *Item 21: Traffic* into *Item 18: Transportation* of the streamlined EAW, and recommends adding the following guidance language to *Item 18c*, “Discuss intersections or streets where pedestrian (or bicycle or vehicular) injury/collisions have occurred. Or identify where potential conflicts may occur after construction. Provide any measures the project is planning to mitigate these conflicts.” The streamlined EAW combined “transportation” from *Item 28: Infrastructure and public services* and “traffic” from *Item 21: Traffic* into *Item 18: Transportation*. Additionally, MDH supports the addition of *Item 18a #5*) “availability of transit and/or other alternative transportation modes.”
- *Item 29: Cumulative impacts*, (*Item 19* in the streamlined EAW) MDH recommends that the guidance make a more direct connection to climate change. MDH recognizes that several items in the EAW indirectly address potential impacts of climate change, such as, stormwater management, GHG emissions, and the availability of public transit or alternative modes of transportation. While individual projects themselves cannot calculate their direct impact on climate change, scientific

consensus holds that GHG emissions are the leading cause of anthropogenic climate change, and the project should describe any efforts it is taking to mitigate emissions or adapt to the potential impacts of climate change. For example, if the project is an infill development and proposes to increase the tree canopy – this would be a mitigation effort to reduce GHG as well as an adaptation measure to increase infiltration to manage stormwater and reduce the urban heat island effect, especially during extreme heat events. MDH can provide resources to include in the guidance document for project proposers.

- *Guidance for certain types of projects – Residential development, subpart 19*, MDH recommends adding guidance for affordable housing best practices. Specifically, if the project proposes the demolition, removal or remodeling of housing and especially affordable housing, it should discuss how it plans to support the replacement of the housing.
- *Guidance for certain types of projects – Mixed residential and commercial-industrial projects, subpart 32*, MDH recommends adding the clustering of development as a best practice. Clustered development addresses accessibility, physical activity, reduced mobile emissions from vehicles, and preserves existing uses of land which is especially important if the project is being developed on farmland, forest, or other prime environmental resources.

Changes to EAW process

MDH provided initial recommendations to the EQB working group that streamlined the EAW. There were concerns about adding additional questions to the EAW to address health and climate change. A recommendation from the working group was that MDH use the EAW as a screening tool for an HIA, like the EQB uses the EAW as a screening tool for a potential EIS. Therefore, MDH recommends that an MDH staff person review all EAWs using an HIA screening tool, such as the Design for Health Screening tool used for the Divine Mercy Development HIA, to screen projects for an HIA, as resources permit. If a project triggers an HIA, the MDH staff person would then recommend to the RGU that they conduct a voluntary HIA on the project, focusing on the specific health issues that are most likely to be impacted by the project.

IX. Conclusion

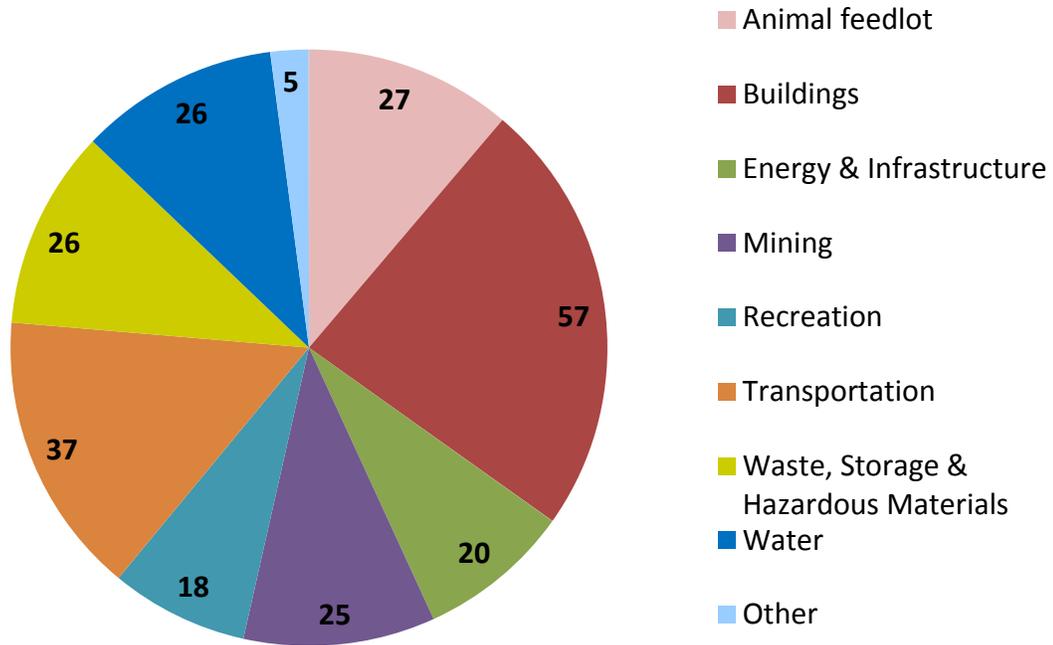
The built environment impacts the health of the public and can also influence factors that affect climate change. NEPA and state environmental policy acts have been developed to determine whether proposed projects would significantly influence the environment. Additionally, MDH's review found that these statutes support the inclusion of public health and climate change considerations. Many states incorporate health and climate change considerations within their environmental review process. However, not all states have incorporated health and climate change, and none of the states have included the myriad of health considerations that may result from a proposed project, such as housing displacement, food security, and social determinants of health. This report concludes that HIA is one tool that can be used to more

comprehensively assess the health and climate change impacts of projects that go through the environmental review process.

Minnesota's EAW already addresses some health and climate change issues; however, several public health issues remain unaddressed or insufficiently addressed by the EAW. This report provides simple recommendations for modifying the streamlined EAW and EAW Guidelines and for incorporating HIA into the environmental review process to address some of the gaps and to enhance the promotion of public health and climate change adaptation and mitigation. These simple changes could have a broad impact on the health of Minnesota citizens.

Appendix A: EAW Projects 2008-2010

**EAW Projects Public-Notices in Fiscal Years 2008-2010
(by meta category)**



Category	FY08/09	FY10	Total
Air pollution	1	-	1
Airport	5	-	5
Animal feedlot	25	2	27
Campground	7	3	10
Commercial	18	7	25
Communication tower	-	2	2
Fuel conversion	6	-	6
Highway	27	1	28
Historical places	1	3	4
Land use conversion	1	-	1
Landfill	5	2	7
Marina	3	1	4
Metallic mining	1	1	2

Mixed use	8	-	8
Natural areas	1	-	1
Nonmetallic mining	18	5	23
Other	2	-	2
Public waters	16	2	18
Recreational trail	5	2	7
Residential	18	2	20
Solid waste	1	1	2
Sports facility	1	-	1
Storage facilities	2	1	3
Streams & ditches	4	3	7
Transmission lines	8	3	11
Water appropriation	1	-	1
Wind farm	1	-	1
Wastewater treatment facilities	12	2	14
Total	198	43	241

Appendix B: Health and climate change in state environmental review

MDH reviewed the 17 mini-NEPAs and found that the health issues of air quality (including odor and air pollution emissions), noise, hazardous activities or waste, aesthetics and scenic vistas, active transit and recreational resources, economic and cultural welfare, and climate change issues related to GHGs have been incorporated into the environmental review process of some states. MDH reviewed five states in more detail because their environmental review process are comprehensive and include a worksheet similar to the Minnesota EAW. The five states are California, Massachusetts, New York, Washington, and Hawaii. Full review details are included below.

California

California projects that require permit approval must complete a preliminary checklist of potential environmental impacts. The checklist reviews projects for potential impacts of significance. If a project is determined to have significant impacts on the environment, a full environmental impact report (EIR) is required.

Public health

In California's preliminary environmental checklist, public health including a range of issues such as exposure to pollutants, noise and safety hazards, and the mental health effects of scenic vistas. The preliminary environmental checklist includes questions on the following health-related issues: air quality; aesthetics; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; and transportation and traffic. Two of the indicators for air quality include the following: Would the project expose sensitive receptors to substantial pollutant concentrations? And, would the project create objectionable odors affecting a substantial number of people? Under noise pollution, California's preliminary checklist has six questions related to the negative exposure of people to excessive noise and ground-borne vibrations. One indirect public health impact that California's checklist addresses is the displacement of existing housing and people due to the development of a new project. Recent studies and health impact assessments have shown the health impact, especially mental health, experienced by displaced persons.⁷⁴ Overall, California's preliminary environmental review addresses many issues related to public health.

Public Health related language

Section I. Aesthetics. Would the project:

- a) Have a substantial adverse effect on a scenic vista?

Section III. Air Quality. Would the project:

- d) Expose *sensitive receptors* to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

Section VI. Geology and Soils. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving . . .

Section VIII. Hazards and Hazardous Materials. Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Section IX. Hydrology and Water Quality. Would the project:

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Section XII. Noise. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Section XVI. Transportation/Traffic. Would the project:

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Section XVIII. Mandatory Findings of Significance.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Climate change

In the preliminary checklist, California addresses climate change through GHG emissions. The section on GHG emissions asks the following: “Would the project: a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?”, and/or “b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?” Possible responses to the question are ‘potentially significant impact’, ‘less than significant with mitigation incorporated’, ‘less than significant impact’, or ‘no impact’. “If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.”⁷⁵

Climate change related language

Section II. Agriculture and Forestry Resources. Would the project:

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Section VII. Greenhouse Gas Emissions. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Massachusetts

The Massachusetts Environmental Policy Act requires that any project that exceeds a specific threshold^f for which state agency action is required^g must complete an environmental notification form (ENF) and may be required to complete an EIR.

Public health

The Massachusetts ENF addresses public health issues related to air quality, noise impacts, asbestos exposure, and other solid and hazardous waste impacts. A notable inclusion in the state’s ENF is within the Traffic Impacts and Permits section. Subsection D asks, “How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?”⁷⁶ Massachusetts is one of the only states to reference physical activity and accessibility as key public health issues.

^f “Examples of threshold activities include the following: alteration of 25 or more acres of land; alteration of designated significant habitat, and/or taking of endangered or threatened species or species of special concern; alteration of coastal dunes, barrier beaches, or coastal banks; alteration of 500 ft. of fish run or inland bank; alteration of 1,000 s.f. of salt marsh or outstanding resource waters; alteration of 5,000 s.f. of bordering or isolated vegetated wetlands; new or expanded fill or structure in a velocity zone or regulatory floodway; alteration of one-half acre of other wetlands; and projects proposed within an Area of Critical Environmental Concern (ACEC).” Source: MEPA, available online: <http://www.mass.gov/czm/permitguide/regs/policyact.htm>.

^g “State agency action includes activities that are undertaken, permitted, and/or funded by agencies of the Commonwealth, and the transfer of lands owned or controlled by the Commonwealth.” Source: MEPA, available online: <http://www.mass.gov/czm/permitguide/regs/policyact.htm>.

Public Health related language

Traffic Impacts and Permits Section
 D. How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?

Air Quality Section
 B. Describe the project's other impacts on air resources and air quality, including noise impacts

Solid and Hazardous Waste Section
 D. If the project involves demolition, do any buildings to be demolished contain asbestos?
 E. Describe the project's other solid and hazardous waste impacts (including indirect impacts)

Climate change

ENF sections on Solid & Hazardous Waste and Air Quality ask that project proposers describe anti-idling and other measures to limit emissions, but the major connection made to climate change is through the state's GHG policy. Specifically, the language states that "proponents for projects that are subject to the requirement to prepare a mandatory EIR should attempt to qualitatively identify sources and types of GHG emissions in the Environmental Notification Form (ENF) filing."⁷⁷

Climate change related language

Solid and Hazardous Waste Section
 Describe anti-idling and other measures to limit emissions from construction equipment

Air Quality Section
 B. Describe the project's other impacts on air resources and air quality, including noise impacts

All projects requiring ENF/EIR must also comply with GHG policy
<http://www.env.state.ma.us/mepa/downloads/GHG%20Policy%20FINAL.pdf>
 Proponents for projects that are subject to the requirement to prepare a mandatory EIR should attempt to qualitatively identify sources and types of GHG emissions in the Environmental Notification Form (ENF) filing.

New York

New York State (NYS) requires that an environmental assessment form (EAF) be completed for qualifying projects under the State Environmental Quality Review (SEQR). Qualifying projects include most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government. On completing an EAF, the lead agency determines the significance of an action's environmental impacts. The agency then decides whether to require (or prepare) an EIS and whether to hold a public hearing on the proposed action.

Public health

NYS is unique in that it has a section within the EAF specifically called "Impact on Public Health". It asks, "Will proposed action affect public health and safety?" Topics of public health and safety include risk of explosion, emissions, burial of hazardous waste, storage of flammable liquids, and

excavation near hazardous waste. Other sections within the EAF also relate to public health such as affecting aesthetic resources, open space and recreation, noise and odor.

Public Health related language

Impact on Aesthetic Resources

11. Will Proposed Action affect aesthetic resources?

Examples that would apply:

- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

Impact on Open Space and Recreation

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

Examples that would apply:

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.

Noise and Odor Impact

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

Examples that would apply:

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.

Impact on Public Health

18. Will Proposed Action affect public health and safety?

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.

Climate change

NYS produced the "Guide for Assessing Energy Use and Greenhouse Gas Emissions" for staff reviewing EIS. Conducting the review of energy use and GHG emissions is viewed as being within the guidance of the original SEQRA Act. State and local governments should "conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations."⁷⁸ The Guide states that projects are responsible for the climate change impacts enhanced by energy use and GHG emissions (i.e., mitigation) but that planning for climate change impacts on the project (i.e., adaptation) is not part of the requirement. The document includes

guidance on a number of specific requirements including the following: the exact emissions that require counting; the mathematical units (e.g., lbs of CO₂) in which to present the data; that both direct and indirect sources of emissions must be included (e.g., the direct source of a smokestack on a plant side versus the indirect emissions generated when equipment used in the plant were manufactured and shipped); and emissions mitigation measures such as carbon sinks.

Climate change related language

Impact on Air

7. Will Proposed Action affect air quality?

Examples that would apply:

- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

Impact on Energy

16. Will Proposed Action affect the community's sources of fuel or energy supply?

Examples that would apply:

- Proposed Action would cause a greater than 5% increase in the use of any form of energy in the municipality.

Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement, provides instructions to DEC staff for reviewing an environmental impact statement (EIS) pursuant to the State Environmental Quality Review Act (SEQR) when the EIS includes a discussion of energy use or greenhouse gas (GHG) emissions. http://www.dec.ny.gov/docs/administration_pdf/eisghgpolicy.pdf

Washington

Washington's State Environmental Policy Act (SEPA) requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. To determine the environmental impacts of a project, the state provides an environmental checklist to evaluate the significance of a project and decide whether a full EIS must be completed.

Public health

Public health is most specifically addressed in the Washington environmental checklist within the section Environmental Health, but also has implications in Air Emissions and Recreation sections. The Environmental Health section asks what environmental health hazards exist and potential exposure to "toxic chemicals, risk of fire and explosion, spill, or hazardous waste." The Air Emissions section includes emissions during and post construction from automobile and stationary sources. The Recreation section concerns the loss of recreational uses.

Public Health related language

Subsection a. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any?

Section 7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Section 12. Recreation

b. Would the proposed project displace any existing recreational uses? If so, describe.

Climate change

In Washington the analysis of GHG emissions is currently voluntary. The Washington State Department of Ecology, which oversees state agency compliance of SEPA, wrote a working paper called *Greenhouse Gas Emissions and SEPA* and developed guidance for agencies completing EAWs on how to account for GHG emissions from project actions. Measures mentioned in the paper are addressed within the Air Emissions section of the environmental review. The guidance is similar to that provided by NYS; however, Washington requests the consideration of both GHG emissions and how the environment might be impacted by anticipated climate change resulting from GHG emissions.⁷⁹

The Washington Department of Transportation (WSDOT) environmental review process requires that all state and federal transportation projects overseen by WSDOT calculate GHG emissions in three ways: Operational, Construction, and Embodied/Lifecycle.⁸⁰ Locally, King County drafted GHG Emissions Worksheet to assist in calculating the emissions generated by each project – including emissions associated with building energy use. At the local level only King County and the City of Seattle require addressing GHG emissions in SEPA documents.

Climate change related language

Subsection a. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

c. Proposed measures to reduce or control emissions or other impacts to air, if any?

Section 6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

Section 14. Transportation

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

c. How many parking spaces would the completed project have? How many would the project eliminate?

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

g. Proposed measures to reduce or control transportation impacts, if any.

Uses 'air emissions' section to analyze greenhouse gases which the lead agency uses to determine impact. SEPA Climate Change working paper:

http://www.ecy.wa.gov/climatechange/docs/sepa/20110603_SEPA_GHGinternalguidance.pdf

Hawaii

Hawaii's environmental review law was modeled after NEPA. For any proposed project or activity, if one or more of nine conditions (called "triggers")^h is present, then an environmental assessment (EA) or an EIS must be prepared and circulated to the public for review.

Public health

Hawaii does not have any specific questions on the impact of a project on public health. Instead the state uses "significant criteria" within its EA to evaluate health impacts. Hawaii considers a proposed action to have a significant effect on the environment if it causes loss or destruction of a natural or cultural resource; "substantially affects the economic welfare, social welfare, and cultural practices of the community or State"; "substantially affects public health"; or negatively affects air quality, water quality, noise levels, scenic vistas and viewplanes.⁸¹

^h A list of the nine triggers can be found online here: http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0343/HRS_0343-0005.HTM

Public Health related language
Significance Criteria

B. In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
5. Substantially affects public health;
10. Detrimentally affects air or water quality or ambient noise levels;
12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies

Climate change

In 2010 Hawaii released the “Final Report on Hawaii Environmental Review System 2010,” which acknowledged that Hawaii’s environmental review laws do not explicitly address climate change, and it reviewed how climate change might be included in the environmental review process. The Report suggested adding a question about a project emitting substantial quantities of GHG to the significance criteria, or adding a question that addresses climate change hazards that increase the “scope or intensity of hazards to the public, such as increased coastal inundation, flooding, or erosion that may occur as a result of climate change anticipated during the life-time of the project.” Finally, the Report includes a checklist for reviewing the effectiveness of the current EA for addressing climate change. One of the questions is whether the EA/EIS is an appropriate tool for addressing climate change in the first place. Hawaii’s full discussion on climate change from the report is included following the box on climate change related language.

Climate change related language
Significance Criteria

B. In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:

13. Requires substantial energy consumption.

From the Final Report on Hawaii Environmental Review System 2010 CLIMATE CHANGE

Are climate changes issues adequately addressed in the current EIS system?

Uncertainty and lack of methodology prevent addressing climate change.

- No agreement exists on what the impacts will be.
- Research exists, but decision-makers do not use it.

- Standard indicators, baselines, and metrics are necessary to measure impacts.
- The precautionary principle should guide our actions when knowledge is insufficient.
- The State and Counties should establish a database of likely climate change impacts and make this available to EA/EIS preparers.

Climate change is addressed in the current system.

- The coastal zone management (CZM) process is effective.
- Experienced consultants understand the issue and address it appropriately.

The EIS is not the appropriate tool for addressing climate change.

- It will just be another barrier to prevent development.
- It would just add cost to the project.
- Do not add another layer. If there are no consequences for not doing it, why require it?
- The EIS process is too late. It should be addressed in master planning.
- Is it fair or practical to ask developers to evaluate these issues?
- This should be addressed through strategic environmental assessment (SEA).

How best can climate change impacts to Hawaii be incorporated into the EIS process?

The best way to address climate change is still undetermined.

- The science exists, but it is not widely accepted by the public.
- Change the rules to be more specific about what should be addressed.
- Approach the EIS through the lens of sustainability.
- The 2050 plan should be a template for addressing climate change.
- Address how a project will affect climate change; and how climate change will affect a project.
- California is currently addressing this. Hawaii should look there for guidance.

Climate change is a cumulative impact issue, which must be resolved first.

Climate change in Hawaii is best addressed another way, not through EIS.

- Assess climate change through established agency policies and guidelines.
- The State and local levels are too small scale. Leave this to NEPA to address.
- It should be addressed at the long-range planning level.

Comments and Concerns

- Should secondary and tertiary impacts be considered?
- Agencies, developers, and the public do not want to acknowledge it.
- Global warming will be a boilerplate statement stuck into the EA/EIS.

Appendix C

Divine Mercy Development HIA

Currently available online at: <http://www.health.state.mn.us/divs/hia/reports.html>

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