

NOTIFICATION OF ENVIRONMENTAL JUSTICE ASSESSMENT ON SIGNIFICANT RULEMAKING

Private Detention Facilities

May 13, 2024

WHAT

The Department of Health (DOH) is conducting an environmental justice assessment for rulemaking related to Chapter [70.395 RCW](#), which allows DOH to investigate complaints and perform health and safety inspections in private detention facilities. This is to ensure facilities meet safety and hygiene standards and provide safe conditions for people being detained.

This is a list of private detention facilities currently in operation:

- Northwest Detention Center in Tacoma, Washington.

To learn more about this rulemaking, visit the [Private Detention Facilities Rulemaking webpage](#).

The purpose of an environmental justice assessment is to identify:

- Who might be most impacted by an agency action
- Ways to minimize negative environmental impacts
- How to equitably distribute positive environmental impacts

Visit our [Environmental Justice webpage](#) to learn more about assessments.

WHY

People being detained in private detention centers have the right to experience healthy and safe conditions during their detention. They also have the right to report concerns and complaints about these conditions. Through the rulemaking process, DOH is developing health and safety standards for inspections. We are also establishing procedures to receive and investigate complaints related to violations of these standards.

To learn more about the DOH complaint procedure or to file a complaint, see the [Private Detention Facility Complaints webpage](#).

The law requires rulemaking to address at a minimum:

- Use of personal belongings
- Cleaning and sanitizing of living areas
- Laundry facilities
- Personal hygiene items
- Nutritious, balanced, and special diets
- Food handling and hygiene practices
- Indoor air quality and room temperature
- Infection control program
- Site inspection
- Civil penalties

WHO

In completing the environmental justice assessment, we are seeking to connect with people directly impacted by detainment. This includes people currently being detained, as well as their friends, families, and community members. We are partnering with local organizations, immigrant rights organizations and advocates to identify potential contacts and ways to engage. If you believe you meet the above description and would like to connect with someone from our team, please contact us at EPH.CRU@doh.wa.gov.

WHEN

See below for our proposed timeline for rulemaking and how the environmental justice assessment fits into that process. We highlighted **in yellow** when the public can engage in the assessment and rulemaking process:

Due Date*	Action	Purpose
November 2023	File CR-101 Preproposal Statement of Inquiry	Formally file with the state to announce our intent to create rule language
December 2023 - January 2024	Listening Sessions	Invite the public to join informal conversations around key questions for our rulemaking
December 2023 - February 2024	Assemble Rule Advisory Committee (RAC)	Assemble a group of community members, advocates, and other interested parties to advise on rule language and implementation
Spring/Summer 2024	Develop Rule Language	Work with RAC to draft language in accordance with HB 1470
Late Summer 2024	Informal Comment Period	Invite all interested parties to review and share feedback on the draft rule language
Fall 2024	Complete 102 package	Update the rule language based on comments received and completing additional analysis, as needed
Winter 2024	File 102 - Proposed Rule Making	Formally file with the state to request a public hearing to invite formal comments on the proposed rule language, environmental justice assessment, and economic analysis can be made
Late Winter 2025	Formal Comment Period	Interested parties can submit comments on the rule language, environmental justice assessment, and economic analysis
Spring 2025	Public Hearing	Interested parties can testify on record about the proposed rulemaking
Late Spring 2025	File 103 - Rule-Making Order	Submit formal notice that the rule was adopted and any changes to the rule language that happened between the 102 and 103 state of the rulemaking
Summer 2025	Rule Becomes Effective	

*All due dates are tentative as of May 2024 and are subject to change.

HOW TO GET INVOLVED

[Sign up to receive updates](#) about this rulemaking and the environmental justice assessment, including information about public comment opportunities. After completion of the environmental justice assessment, there will also be a formal public comment period on the suggested rulemaking language from December 2024 - January 2025.

For questions about this rulemaking or the environmental justice assessment, please contact [Joe Laxson](#) or the HEAL Act Implementation team at HEALAct@doh.wa.gov.



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