Integrating HIA into the U.S. federal EIA process:

Early experience from Alaska

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Alaska’s North Slope
NEPA: The National Environmental Policy Act

National Environmental Policy Act of 1969
42 USC § 4321-4375

- Created the Environmental Impact Statement, or EIS process:

  Simply stated, and EIS is a comprehensive review of the potential impacts of a proposed decision, undertaken in a publicly transparent and accountable manner.
U.S. EIA:
Some differences from international practice

- Federal government responsible for leading EIA
- Federal agencies often do EIA themselves, or hire contractors

Responsibilities of industry and government:
  - Project-specific EIA (e.g. permitting a large mine):
    - proponent pays government, which undertakes HIA or hires contractor.
    - “firewall” between proponent and contractor.
  - Programmatic EIA (e.g. leasing land for oil development or logging): government pays, and leads HIA or hires contractor
The Problem:
No systematic analysis of public health in EIS process:

1. Survey of 45 EIS:
   - No discussion of health in 83%
   - In the remainder, discussion of health limited to single-substance cancer risk assessment


2. Survey of NEPA professionals:
   - Found little understanding, discussion, or analysis of health among EIS professionals

Nuiqsut, Alaska: small Inupiat community 7 miles from large oil development.

Communities raised a range of health concerns as proposed development expanded:
- Pollution
- Influx of oil workers exacerbating social change, drug/alcohol problems
- Impacts on local food supply
"The benefits of oil development are clear -- I don’t deny that for a moment. The negative impacts are more subtle. They’re also more widespread and more costly than most people realize. We know the human impacts of development are significant and long-term. So far, we’ve been left to deal with them on our own. They show up in our health statistics, alcohol treatment programs, emergency service needs, police responses – you name it."  

George Ahmaogak, Former Mayor of North Slope Borough

NEPA and Human Health:

Purpose
The purposes of this Act are: … to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. *NEPA Sec. 2 [42 USC § 4321]*

“Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of a proposed agency action.”
### NEPA Regulations and Guidance

#### 40 C.F.R. 1508.8 Effects:

“Effects” includes ecological, aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.”

#### 40 C.F.R. 1508.27 Significantly:

**(b) Intensity:** includes “The degree to which the proposed action affects public health or safety.”

### Sec. 1508.14 Human environment:

"Human environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.
The First U.S. Federal HIA/EIS:
Oil and gas leasing in the National Petroleum Reserve

- Local government became a “cooperating agency” – a role defined by NEPA through which local governments can formally participate in an EIS
- The community health agency drafted an HIA through this role
- The lead federal agency (BLM) incorporated the HIA into the EIS
Result of the NPR-A HIA?
Mitigation measures in the Northeast NPR-A EIS

General Outcome:
This was a very contentious leasing proposal. Community engagement via the cooperating agency relationship and HIA process resulted in:
• Improved relationships between the community and the agency
• A compromise leasing plan that was widely accepted on both sides
## Result of the NPR-A HIA?

### Mitigation measures in the Northeast NPR-A EIS

<table>
<thead>
<tr>
<th>Health Concern</th>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>Need to address health in planning future projects</td>
<td>BLM will consult with relevant health agencies in the development of future proposals in Northeast NPR-A</td>
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<tr>
<td>“Social ills”: alcohol, STIs, violence</td>
<td>Expand cultural orientation for workers</td>
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<tr>
<td>Air pollution</td>
<td>Additional baseline, modeling, and monitoring above CAA requirements.</td>
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<tr>
<td>Contamination of local food sources</td>
<td>Baseline levels and ongoing monitoring</td>
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Current status of HIA/EIA in the U.S.

• Since NPR-A, 4 more HIA/EIAs completed in Alaska; 2 more in progress
• Discussions underway for major highway project in CA, and requests for HIA around the U.S. are increasing
• Joint state/tribal/federal working group to develop voluntary guidance for HIA in resource sector EIA in Alaska
• U.S. EPA issued first contract for HIA/EIA in U.S.
• U.S. EPA reviews other agency’s EIAs, and has begun to comment on need for more robust health analysis.
• Considerable work on state-level EIA in San Francisco
Challenges & Lessons Learned

- Transparency and public engagement are a strength of U.S. EIA.
- U.S. law confers strong EIA requirements, yet agencies often have limited authority to impose mitigation for health impacts.
- Industry is an essential partner: many mitigation measures for health will not be implemented as regulatory requirements.
- EIA legal requirements & “firewalls” between the EIA team and the proponent can make effective collaboration more challenging.
- EIA is not yet viewed as a central part of a health agency’s mission.
- Staffing and funding shortfalls make greater participation in EIA by U.S. health agencies more difficult.
Discussion

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