

Legal review concerning the use of health impact assessments in non-health sectors

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A report released today finds that a wide variety of existing laws offer important opportunities to improve Americans' health. The first comprehensive study of its kind found an unexpectedly large number of laws that facilitate the consideration of health effects, in fields such as transportation, energy, and agriculture. Many of these legal requirements may be satisfied by conducting health impact assessments (HIAs), a type of study that helps decision makers identify and address the potential and often unrecognized health risks and benefits of their decisions. Most HIAs are done without any formal legal or regulatory requirement. This review highlights laws that may require or support their use.

The report, prepared by Arizona State University's (ASU) Public Health Law and Policy Program, was commissioned by the Health Impact Project, a [collaboration](#) of the Robert Wood Johnson Foundation and The Pew Charitable Trusts.

"Living conditions—including factors as diverse as roadway design and zoning decisions—are important drivers of health," said Aaron Wernham, M.D., director of the [Health Impact](#) Project. "This report highlights many untapped opportunities to take health into account in decisions that shape such conditions. It shows that HIAs—whose use is rapidly increasing—may help satisfy many legal requirements, bring public health experts to the table, and help inform policy makers' decisions that reduce the risk of major illnesses in communities around the United States."

"Our research looked at laws and policies across a broad sample of local, state, tribal, and federal jurisdictions," said Professor James G. Hodge, Jr., JD, LLM, who led ASU's research team. "We found that many laws require public and private actors to identify [health risks](#) and benefits underlying key policies. These laws can open the door to using HIAs as a means to fulfill requirements for broad, systematic assessments of [health effects](#) to inform specific decisions or processes."

Using a sample of 36 jurisdictions in the United States, the research found that existing laws offer many opportunities for health to be factored into a range of decision making in which it typically would not otherwise be considered. The sample included laws and policies in 20 states, 10 localities, five tribal nations, and the federal government. These jurisdictions were selected to represent a broad and varied range of characteristics, such as population, geographic location, and the degree of regulatory activity by the jurisdiction.

The report looked specifically at laws in the following sectors:

-- Environment and Energy—Laws in 22 jurisdictions (61 percent of the sample) either require or facilitate the use of HIAs concerning environmental or energy policies and programs. For example, the National Environmental Policy Act (NEPA) and its state equivalents provide strong legal support for the use of HIAs to fulfill health consideration requirements.

-- Transportation—Laws in seven jurisdictions (19 percent of the sample) require or facilitate the use of HIAs related to transportation policies and programs. Two states' laws (Massachusetts and Washington) specifically require HIAs. U.S. Department of Transportation regulations facilitate broader use of HIAs in certain contexts related to highway planning.

-- [Agriculture](#)—Laws in seven jurisdictions (19 percent of the sample) facilitate the use of HIAs concerning policies, programs, or projects related to farming practices, pesticide use, and regulation of large animal facilities.

Waste Disposal and Recycling—Laws in 11 jurisdictions (31 percent of the sample) facilitate the use of HIAs related mostly to assessing the public [health](#) impacts for licensing and construction of solid waste or radioactive waste facilities.

Provided by Pew Health Group

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