

Senate Bill No. 828

Passed the Senate September 13, 2001

Secretary of the Senate

Passed the Assembly September 12, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend and renumber Sections 72000, 72001, 72001.5, 72002, 72003, and 72004 of, to add the heading of Part 3 (commencing with Section 71110) to Division 34 of, and to repeal the heading of Part 3 (commencing with Section 72000) of Division 34 of, the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 828, Alarcon. Environmental justice.

Existing law requires the Secretary for Environmental Protection, on or before January 15, 2002, to convene a Working Group on Environmental Justice, composed of various representatives, as specified, to assist the California Environmental Protection Agency (Cal-EPA) in developing an interagency environmental justice strategy. Existing law defines "environmental justice" to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. Existing law requires the working group to examine existing data and studies on environmental justice, make recommendations to various entities and hold public meetings, among other things.

This bill would require the secretary to convene the working group on or before January 1, 2002. The bill would require the working group to assist Cal-EPA in developing that agencywide strategy by July 1, 2002, and to examine data, make recommendations, and hold public meetings, among other things, on or before April 1, 2002. The bill would require each board, department, and office within Cal-EPA to review its programs and identify gaps that may impede achievement of environmental justice by December 31, 2003. The bill would renumber various provisions of the Public Resources Code.



The people of the State of California do enact as follows:

SECTION 1. The heading of Part 3 (commencing with Section 71110) is added to Division 34 of the Public Resources Code, to read:

PART 3. ENVIRONMENTAL JUSTICE

SEC. 2. The heading of Part 3 (commencing with Section 72000) of Division 34 of the Public Resources Code is repealed.

SEC. 3. Section 72000 of the Public Resources Code is amended and renumbered to read:

71110. The California Environmental Protection Agency, in designing its mission for programs, policies, and standards, shall do all of the following:

(a) Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.

(c) Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.

(d) Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(e) Coordinate its efforts and share information with the United States Environmental Protection Agency.

(f) Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the agency.

(g) Consult with and review any information received from the Working Group on Environmental Justice established to assist the California Environmental Protection Agency in developing an



agencywide strategy pursuant to Section 71113 that meets the requirements of this section.

SEC. 4. Section 72001 of the Public Resources Code is amended and renumbered to read:

71111. On or before January 1, 2001, the California Environmental Protection Agency shall develop a model environmental justice mission statement for boards, departments, and offices within the agency. For purposes of this section, environmental justice has the same meaning as defined in subdivision (c) of Section 65040.12 of the Government Code.

SEC. 5. Section 72001.5 of the Public Resources Code is amended and renumbered to read:

71112. In developing the model environmental justice mission statement pursuant to Section 71111, the California Environmental Protection Agency shall consult with, review, and evaluate any information received from the Working Group on Environmental Justice established pursuant to Section 71113.

SEC. 6. Section 72002 of the Public Resources Code is amended and renumbered to read:

71113. (a) On or before January 1, 2002, the Secretary for Environmental Protection shall convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

(b) The working group shall be composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Planning and Research.

(c) The working group shall do all of the following on or before April 1, 2002:

(1) Examine existing data and studies on environmental justice, and consult with state, federal, and local agencies and affected communities.

(2) Recommend criteria to the Secretary for Environmental Protection for identifying and addressing any gaps in existing



programs, policies, or activities that may impede the achievement of environmental justice.

(3) Recommend procedures and provide guidance to the California Environmental Protection Agency for the coordination and implementation of intraagency environmental justice strategies.

(4) Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.

(5) Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for the California Environmental Protection Agency to translate crucial public documents, notices, and hearings relating to human health or the environment for limited-English-speaking populations.

(6) Hold public meetings to receive and respond to public comments regarding recommendations required pursuant to this section, prior to the finalization of the recommendations. The California Environmental Protection Agency shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.

(7) Make recommendations on other matters needed to assist the agency in developing an intraagency environmental justice strategy.

SEC. 7. Section 72003 of the Public Resources Code is amended and renumbered to read:

71114. The Secretary for Environmental Protection shall, on or before January 1, 2002, convene an advisory group to assist the working group described in Section 71113 by providing recommendations and information to, and serving as a resource for, the working group. The Secretary for Environmental Protection shall appoint members to the advisory group according to the following categories:

(a) Two representatives of local or regional land use planning agencies.

(b) Two representatives from air districts.

(c) Two representatives from certified unified program agencies (CUPAs).



(d) Two representatives from environmental organizations.

(e) Three representatives from the business community, one from a small business and two from a large business, except that two of the representatives of the business community may be from an association that represents small or large businesses. As used in this subdivision, “small business” has the meaning given that term by subdivision (c) of Section 1028.5 of the Code of Civil Procedure, and a large business is any business other than a small business.

(f) Two representatives from community organizations. The advisory group may form subcommittees to address specific types of environmental program areas. The California Environmental Protection Agency shall provide a reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

SEC. 8. Section 71114.1 is added to the Public Resources Code, to read:

71114.1. After the California Environmental Protection Agency develops the strategy pursuant to Section 71113 and before December 31, 2003, each board, department, and office within the agency shall, in coordination with the Secretary for Environmental Protection and the Director of the Office of Planning and Research, review its programs, policies, and activities and identify and address any gaps in its existing programs, policies, or activities that may impede the achievement of environmental justice.

SEC. 9. Section 72004 of the Public Resources Code is amended and renumbered to read:

71115. The Secretary for Environmental Protection shall, not later than January 1, 2004, and every three years thereafter, prepare and submit to the Governor and the Legislature a report on the implementation of this part.



Approved _____, 2001

Governor

