

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2292**

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**Introduced by Assembly Member Gordon**  
*(Coauthor: Assembly Member Ting)*

February 18, 2016

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An act to amend Section ~~71090~~ 39711 of the ~~Public Resources~~ *Health and Safety Code*, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2292, as amended, Gordon. ~~California—Communities Environmental Health Screening—California Global Warming Solutions Act of 2006: disadvantaged communities.~~

*The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation. Existing law requires the California Environmental Protection Agency to identify disadvantaged communities, also known as the California Communities Environmental Health Screening, and requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund.*

*This bill would require the agency, no later than July 1, 2017, to update the California Communities Environmental Health Screening to include specified factors when identifying disadvantaged communities for investment opportunities related to the 3-year investment plan.*

~~Existing law requires the California Environmental Protection Agency to identify disadvantaged communities as part of a 3-year investment plan developed by the Department of Finance for the moneys collected by the State Air Resources Board resulting from a market-based compliance mechanism relative to greenhouse gas emissions. Existing law requires the Office of Environmental Health Hazard Assessment to update the California Communities Environmental Health Screening tool, developed by the agency and the office for the purposes of identifying those disadvantaged communities, to include specified environmental data, when available, relating to communities in the California-Mexico border region.~~

~~This bill would additionally require the office in the next update of the tool or by January 1, 2018, whichever is sooner, to include in the tool population density as a population characteristic.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 39711 of the Health and Safety Code is  
2     amended to read:

3     39711. (a) (1) The California Environmental Protection  
4     Agency shall identify disadvantaged communities for investment  
5     opportunities related to this chapter. These communities shall be  
6     identified based on geographic, socioeconomic, public health, and  
7     environmental hazard criteria, and may include, but are not limited  
8     to, either of the following:

9     (1)

10    (A) Areas disproportionately affected by environmental pollution  
11    and other hazards that can lead to negative public health effects,  
12    exposure, or environmental degradation.

13    (2)

14    (B) Areas with concentrations of people that are of low income,  
15    high unemployment, low levels of homeownership, high rent  
16    burden, sensitive populations, or low levels of educational  
17    attainment.

1     ~~(b)~~  
 2     (2) The California Environmental Protection Agency shall hold  
 3 at least one public workshop prior to the identification of  
 4 disadvantaged communities pursuant to this section.

5     ~~(e) Chapter~~  
 6     (3) *The Administrative Procedure Act (Chapter 3.5*  
 7 *(commencing with Section 11340) of the Part 1 of Division 3 of*  
 8 *Title 2 of the Government Code Code)* does not apply to the  
 9 identification of disadvantaged communities pursuant to this  
 10 section.

11     **(b)** *No later than July 1, 2017, the California Environmental*  
 12 *Protection Agency shall update the identification of disadvantaged*  
 13 *communities for investment opportunities related to this chapter,*  
 14 *as established pursuant to subdivision (a), to include factors that*  
 15 *include, but need not be limited to, areas of the state that are*  
 16 *disproportionately impacted by any of the following:*

- 17     (1) *High poverty rates.*
- 18     (2) *High rent burden and severe rent burden where households*  
 19 *pay more than 50 percent of their household income in gross rent.*
- 20     (3) *High cost of living.*

21     ~~SECTION 1. Section 71090 of the Public Resources Code is~~  
 22 ~~amended to read:~~

23     71090. ~~(a) For purposes of this part, the following terms have~~  
 24 ~~the following meanings:~~

- 25     (1) ~~“Border” means the California-Mexico border.~~
- 26     (2) ~~“Office” means the Office of Environmental Health Hazard~~  
 27 ~~Assessment.~~
- 28     (3) ~~“Tool” means the California Communities Environmental~~  
 29 ~~Health Screening, also known as CalEnviroScreen, that is used to~~  
 30 ~~identify disadvantaged communities pursuant to Section 39711 of~~  
 31 ~~the Health and Safety Code.~~

32     ~~(b) (1) In the next update of the tool or by January 1, 2017,~~  
 33 ~~whichever is sooner, the office shall report to the Legislature on~~  
 34 ~~air quality, water quality, and toxic release and hazardous waste~~  
 35 ~~site data necessary for updating the indicators in the tool for~~  
 36 ~~communities located in the border region, including both of the~~  
 37 ~~following:~~

- 38     ~~(A) Deficiencies in and barriers to accessing necessary data.~~
- 39     ~~(B) Current and future monitoring studies and plans for~~  
 40 ~~obtaining the data.~~

- 1     ~~(2) A report submitted pursuant to this subdivision shall be~~
- 2     ~~submitted in compliance with Section 9795 of the Government~~
- 3     ~~Code.~~
- 4     ~~(e) For the purposes of subdivision (b), necessary data and~~
- 5     ~~information may include, but need not be limited to, the following:~~
- 6         ~~(1) Air quality measurements for ozone and particulate matter~~
- 7         ~~2.5 microns and smaller in size in the border region.~~
- 8         ~~(2) Vehicle emissions at border crossings.~~
- 9         ~~(3) Complete traffic density data within 150 meters of the~~
- 10        ~~border.~~
- 11        ~~(4) Water quality data for waterways that cross the border.~~
- 12        ~~(5) Feasibility of incorporating into the tool information from~~
- 13        ~~Mexico contained in the Pollutant Release and Transfer Registry.~~
- 14     ~~(d) When data of sufficient quality identified in subdivisions~~
- 15     ~~(b) and (c) are available for the communities in the border region,~~
- 16     ~~the office shall include that data in the next update of the tool.~~
- 17     ~~(e) In the next update of the tool or by January 1, 2018,~~
- 18     ~~whichever is sooner, the office shall include in the tool population~~
- 19     ~~density as a population characteristic.~~