

Introduced by Senator Escutia

December 7, 1998

An act to add Chapter 4.6 (commencing with Section 71076) to Part 2 of Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as introduced, Escutia. Environmental quality: minority and low-income populations.

Existing law requires the California Environmental Protection Agency, the Resources Agency, and the State Department of Health Services to implement, administer, and enforce various environmental laws and regulations in this state.

This bill would require the Secretary for Environmental Protection, not later than April 1, 2000, to convene a Working Group on Environmental Justice, comprised of representatives from each environmental agency, as defined, for the purpose of identifying disproportionately high and adverse human health or environmental effects on minority populations or low-income populations, and providing guidance to state agencies that implement, administer, and enforce environmental laws in the state. The bill would require each environmental agency, in cooperation with the Working Group on Environmental Justice, to take specified actions to develop an agencywide strategy to identify and address issues relating to environmental justice, as defined.

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. The Legislature finds and declares both
2 of the following:

3 (a) On February 11, 1994, President Bill Clinton
4 signed federal Executive Order 12898, which covers
5 federal actions to address environmental justice in
6 minority populations and low-income populations, and
7 directs specified federal agencies to address human
8 health and environmental issues in minority and
9 low-income communities.

10 (b) Federal Executive Order 12898 followed a 1992
11 United States Environmental Protection Agency (EPA)
12 report that indicated that minority populations and
13 low-income populations experience higher than average
14 exposures to selected air pollutants, hazardous waste
15 facility emissions, and other forms of environmental
16 pollution.

17 (c) A recent federal Environmental Working Group
18 study reveals that communities of color are three times
19 more likely to be exposed to unsafe levels of air pollutants
20 than are white neighborhoods.

21 (d) A study prepared by the University of California at
22 San Francisco and the San Francisco Department of
23 Health found that an area with a 90 percent minority
24 population had over three times the hospitalization rate
25 for asthma, congestive heart failure, hypertension,
26 diabetes, and emphysema than is found in the rest of the
27 state.

28 (e) Unlike the United States Government, the State of
29 California has failed to address the issue of environmental
30 justice in minority populations and low-income
31 populations in the state.

32 (f) To the greatest extent practicable and permitted
33 by law, each environmental agency in the state should
34 identify and address, as appropriate, disproportionately
35 high and adverse human health or environmental effects
36 of its programs, policies, and activities on minority and
37 low-income communities in this state.



1 SEC. 2. Chapter 4.6 (commencing with Section
2 71076) is added to Part 2 of Division 34 of the Public
3 Resources Code, to read:

4
5 CHAPTER 4.6. ENVIRONMENTAL JUSTICE
6

7 71076. For purposes of this chapter, the following
8 terms have the following meanings:

9 (a) “Environmental agency” means all of the
10 following:

11 (1) The California Environmental Protection Agency,
12 and any of the various departments, boards, offices, and
13 commissions within that agency.

14 (2) The Resources Agency, and any of the various
15 departments, boards, offices, and commissions within
16 that agency.

17 (3) The State Department of Health Services.

18 (b) “Environmental justice” means the fair treatment
19 of people of all races, cultures, and income levels with
20 respect to the development, implementation, and
21 enforcement of environmental laws, regulations, and
22 policies.

23 71077. Not later than April 1, 2000, the Secretary for
24 Environmental Protection shall convene a Working
25 Group on Environmental Justice, comprised of
26 representatives from each environmental agency, for the
27 purpose of identifying disproportionately high and
28 adverse human health or environmental effects on
29 minority populations and low-income populations, and
30 providing guidance to state agencies that implement,
31 administer, and enforce environmental laws in the state.
32 The working group shall also hold public meetings, as
33 appropriate, for the purpose of investigating problems
34 and issues, receiving public comments, and conducting
35 inquiries concerning environmental justice.

36 71078. In cooperation with the Working Group on
37 Environmental Justice established pursuant to Section
38 71077, each environmental agency shall do all of the
39 following:

- 1 (a) Examine existing data and studies on
2 environmental justice.
- 3 (b) Hold public meetings and develop interagency
4 model projects on environmental justice that evidence
5 cooperation among state agencies that oversee and
6 administer environmental protection programs.
- 7 (c) Develop an agencywide environmental justice
8 strategy that makes environmental justice issues a
9 priority, and identifies and addresses disproportionately
10 high and adverse human health or environmental effects
11 of its programs, policies, and activities on minority
12 populations and low-income populations. The strategy
13 developed by the environmental agency shall do all of the
14 following:
- 15 (1) Promote enforcement of all health and
16 environmental statutes in areas with minority
17 populations and low-income populations.
- 18 (2) Ensure greater public participation in
19 policymaking activities.
- 20 (3) Improve research and data collection relating to
21 the health and living environment of minority
22 populations and low-income populations.
- 23 (4) Identify differential patterns of consumption of
24 natural resources among minority populations and
25 low-income populations.
- 26 (d) Identify an internal administrative process for
27 developing an environmental strategy, and a list and
28 schedule for implementation of specific projects that can
29 be promptly undertaken to address particular concerns
30 identified during the formation of the proposed
31 environmental justice strategy.
- 32 (e) Provide minority populations and low-income
33 populations with an opportunity to comment on the
34 development and design of research strategies
35 undertaken pursuant to this chapter.
- 36 71079. Each environmental agency may translate
37 public documents, notices, and testimony at hearings
38 relating to human health or the environment for
39 limited-English-speaking populations.



1 71080. Each environmental agency shall conduct its
2 programs, policies, and activities that substantially affect
3 human health or the environment in a manner that
4 ensures that those programs, policies, and activities are
5 administered in a fair and consistent manner that does
6 not have the effect of excluding persons, including
7 minority and low-income populations, from any benefits
8 derived from those programs, policies, and activities, or
9 subjecting those persons to discrimination because of
10 their race, culture, or income level.

11 71081. The chief administrative officer of each
12 environmental agency shall be responsible for ensuring
13 compliance with this chapter, and shall conduct internal
14 reviews and take any other measures that are necessary
15 to monitor compliance with this chapter.

16 71082. Each environmental agency shall implement
17 this chapter consistent with, and to the extent permitted
18 by, existing law.

