

AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 89

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 Section 21182~~ to the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, *known as the California Environmental Quality Act*, requires the ~~California Environmental Protection Agency, Office of Planning and Research to prepare, and the Secretary of the Resources Agency, and the State Department of Health Services to implement, administer, and enforce various environmental laws and regulations in this state to certify and adopt, guidelines for use in implementing the act.~~

This bill would require the ~~Secretary for Environmental Protection Office of Planning and Research, not later than April 1~~ on or before January 15, 2000, to convene a Working Group on Environmental Justice, comprised of representatives from each ~~environmental~~ state 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~~ *This provision would become operative only if SB 115 is enacted at the 1999–2000 Regular Session, becomes effective on or before January 1, 2000, and adds a prescribed provision to the Public Resources Code.*

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.



1 (e) Unlike the United States Government, the State of
2 California has failed to address the issue of environmental
3 justice in minority populations and low-income
4 populations in the state.

5 ~~(f) To the greatest extent practicable and permitted~~
6 ~~by law, each environmental agency in the state should~~
7 ~~identify and address~~

8 (f) Each state agency shall make achieving
9 environmental justice part of its mission by identifying
10 and addressing, as appropriate, disproportionately high
11 and adverse human health or environmental effects of its
12 programs, policies, and activities on minority and
13 low-income communities in this state.

14 ~~SEC. 2. Chapter 4.6 (commencing with Section~~

15 *SEC. 2. Section 21182 is added to Division 13.1 of the*
16 *Public Resources Code, to read:*

17 *21182. (a) On or before January 15, 2000, the Office*
18 *of Planning and Research shall convene a Working Group*
19 *on Environmental Justice to assist the office in developing*
20 *the agencywide strategy required pursuant to Section*
21 *21181.*

22 *(b) The working group shall be composed of the*
23 *secretaries of each state agency and the Attorney*
24 *General, or their designees.*

25 *(c) On or before June 1, 2000, the working group shall:*

26 *(1) Examine existing data and studies on*
27 *environmental justice.*

28 *(2) Recommend criteria for identifying*
29 *disproportionately high and adverse human health or*
30 *environmental effects on minority populations and*
31 *low-income populations.*

32 *(3) Recommend procedures for coordinating and*
33 *providing guidance to each state agency in implementing*
34 *an agencywide environmental justice strategy.*

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

38 *(5) Recommend procedures to ensure that public*
39 *documents, notices, and public hearings relating to*
40 *human health or the environment are concise,*



1 understandable, and readily accessible to the public. The
 2 recommendation shall include guidance for determining
 3 when it is appropriate for a state agency to translate
 4 crucial public documents, notices, and hearings relating
 5 to human health or the environment for
 6 limited-English-speaking populations.

7 (6) Hold public meetings, as appropriate, to receive
 8 public comments regarding recommendations required
 9 pursuant to this section.

10 (7) Make recommendations on other matters needed
 11 to assist the office in developing an agencywide
 12 environmental justice strategy, as requested by the
 13 director of the office.

14 (d) To ensure consistency in state and federal
 15 environmental justice strategies, the working group shall
 16 rely on procedures utilized to implement federal
 17 Executive Order 12898 in meeting the requirements of
 18 subdivision (c).

19 SEC. 3. Section 2 of this act shall become operative
 20 only if Senate Bill 115 is enacted at the 1999–2000 Regular
 21 Session, becomes effective on or before January 1, 2000,
 22 and adds a Division 13.1 (commencing with Section
 23 21180) to the Public Resources Code.

24 ~~71076) is added to Part 2 of Division 34 of the Public~~
 25 ~~Resources Code, to read:~~

26
 27 CHAPTER 4.6. ENVIRONMENTAL JUSTICE

28
 29 ~~71076. For purposes of this chapter, the following~~
 30 ~~terms have the following meanings:~~

31 (a) ~~“Environmental agency” means all of the~~
 32 ~~following:~~

33 (1) ~~The California Environmental Protection Agency,~~
 34 ~~and any of the various departments, boards, offices, and~~
 35 ~~commissions within that agency.~~

36 (2) ~~The Resources Agency, and any of the various~~
 37 ~~departments, boards, offices, and commissions within~~
 38 ~~that agency.~~

39 (3) ~~The State Department of Health Services.~~

1 ~~(b) “Environmental justice” means the fair treatment~~
2 ~~of people of all races, cultures, and income levels with~~
3 ~~respect to the development, implementation, and~~
4 ~~enforcement of environmental laws, regulations, and~~
5 ~~policies.~~

6 ~~71077. Not later than April 1, 2000, the Secretary for~~
7 ~~Environmental Protection shall convene a Working~~
8 ~~Group on Environmental Justice, comprised of~~
9 ~~representatives from each environmental agency, for the~~
10 ~~purpose of identifying disproportionately high and~~
11 ~~adverse human health or environmental effects on~~
12 ~~minority populations and low-income populations, and~~
13 ~~providing guidance to state agencies that implement,~~
14 ~~administer, and enforce environmental laws in the state.~~
15 ~~The working group shall also hold public meetings, as~~
16 ~~appropriate, for the purpose of investigating problems~~
17 ~~and issues, receiving public comments, and conducting~~
18 ~~inquiries concerning environmental justice.~~

19 ~~71078. In cooperation with the Working Group on~~
20 ~~Environmental Justice established pursuant to Section~~
21 ~~71077, each environmental agency shall do all of the~~
22 ~~following:~~

23 ~~(a) Examine existing data and studies on~~
24 ~~environmental justice.~~

25 ~~(b) Hold public meetings and develop interagency~~
26 ~~model projects on environmental justice that evidence~~
27 ~~cooperation among state agencies that oversee and~~
28 ~~administer environmental protection programs.~~

29 ~~(c) Develop an agencywide environmental justice~~
30 ~~strategy that makes environmental justice issues a~~
31 ~~priority, and identifies and addresses disproportionately~~
32 ~~high and adverse human health or environmental effects~~
33 ~~of its programs, policies, and activities on minority~~
34 ~~populations and low-income populations. The strategy~~
35 ~~developed by the environmental agency shall do all of the~~
36 ~~following:~~

37 ~~(1) Promote enforcement of all health and~~
38 ~~environmental statutes in areas with minority~~
39 ~~populations and low-income populations.~~



1 ~~(2) Ensure greater public participation in~~
2 ~~policy-making activities.~~

3 ~~(3) Improve research and data collection relating to~~
4 ~~the health and living environment of minority~~
5 ~~populations and low-income populations.~~

6 ~~(4) Identify differential patterns of consumption of~~
7 ~~natural resources among minority populations and~~
8 ~~low-income populations.~~

9 ~~(d) Identify an internal administrative process for~~
10 ~~developing an environmental strategy, and a list and~~
11 ~~schedule for implementation of specific projects that can~~
12 ~~be promptly undertaken to address particular concerns~~
13 ~~identified during the formation of the proposed~~
14 ~~environmental justice strategy.~~

15 ~~(e) Provide minority populations and low-income~~
16 ~~populations with an opportunity to comment on the~~
17 ~~development and design of research strategies~~
18 ~~undertaken pursuant to this chapter.~~

19 ~~71079. Each environmental agency may translate~~
20 ~~public documents, notices, and testimony at hearings~~
21 ~~relating to human health or the environment for~~
22 ~~limited-English speaking populations.~~

23 ~~71080. Each environmental agency shall conduct its~~
24 ~~programs, policies, and activities that substantially affect~~
25 ~~human health or the environment in a manner that~~
26 ~~ensures that those programs, policies, and activities are~~
27 ~~administered in a fair and consistent manner that does~~
28 ~~not have the effect of excluding persons, including~~
29 ~~minority and low-income populations, from any benefits~~
30 ~~derived from those programs, policies, and activities, or~~
31 ~~subjecting those persons to discrimination because of~~
32 ~~their race, culture, or income level.~~

33 ~~71081. The chief administrative officer of each~~
34 ~~environmental agency shall be responsible for ensuring~~
35 ~~compliance with this chapter, and shall conduct internal~~
36 ~~reviews and take any other measures that are necessary~~
37 ~~to monitor compliance with this chapter.~~



1 ~~71082. Each environmental agency shall implement~~
2 ~~this chapter consistent with, and to the extent permitted~~
3 ~~by, existing law.~~

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