

AMENDED IN SENATE JANUARY 14, 2000

AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 89

Introduced by Senator Escutia

December 7, 1998

~~An act to add Section 21182 to the Public Resources Code, relating to environmental protection. An act to amend Section 72001 of, and to add Sections 72002, 72003, and 72004 to, the Public Resources Code, relating to environmental justice.~~

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law establishes the Office of Planning and Research as the coordinating agency in state government for environmental justice programs. 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.

This bill would require the Secretary for Environmental Protection, on or before January 15, 2001, to convene a Working Group on Environmental Justice, composed of representatives from state and local government, as prescribed. The bill would make the existing definition of "environmental justice" applicable to its provisions and would require the working group to take various actions relating to

the developmental and implementation of environmental justice strategies.

The bill would require the secretary, on or before January 15, 2001, to convene a technical advisory committee to assist the working group by providing recommendations and information to, and serving as a resource for, the working group. The bill would also require the secretary, not later than January, 1 2006, and every 3 years thereafter, to prepare and submit to the Governor and the Legislature a report on the implementation of the body of law of which this bill would be a part.

~~Existing law, known as the California Environmental Quality Act, requires the Office of Planning and Research to prepare, and the Secretary of the Resources Agency to certify and adopt, guidelines for use in implementing the act.~~

~~This bill would require the Office of Planning and Research, on or before January 15, 2000, to convene a Working Group on Environmental Justice, comprised of representatives from each 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. 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 *SECTION 1. Section 72001 of the Public Resources*
 3 *Code is amended to read:*
 4 72001. (a) On or before January 1, 2001, the
 5 California Environmental Protection Agency shall
 6 develop a model environmental justice mission statement
 7 for boards, departments, and offices within the agency.
 8 ~~For~~



1 (b) For purposes of this ~~section~~ part, environmental
2 justice has the same meaning as defined in subdivision (c)
3 of Section 65040.12 of the Government Code.

4 SEC. 2. Section 72002 is added to the Public Resources
5 Code, to read:

6 72002. (a) On or before January 15, 2001, the
7 Secretary for Environmental Protection shall convene a
8 Working Group on Environmental Justice to assist the
9 California Environmental Protection Agency in
10 developing an agencywide strategy for identifying and
11 addressing any gaps in existing programs, policies, or
12 activities that may impede the achievement of
13 environmental justice.

14 (b) The working group shall be composed of the
15 Attorney General, the Director of Planning and
16 Research, and any other appropriate state agency
17 representatives, as determined by the Secretary for
18 Environmental Protection, and representatives of local
19 governments.

20 (c) On or before January 1, 2002, the working group
21 shall do all of the following:

22 (1) Examine existing data and studies on
23 environmental justice.

24 (2) Recommend criteria to state agencies for
25 identifying and addressing any gaps in existing programs,
26 policies, or activities that may impede the achievement
27 of environmental justice.

28 (3) Recommend procedures and provide guidance to
29 each state agency for the coordination and
30 implementation of intraagency and agencywide
31 environmental justice strategies.

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

35 (5) Recommend procedures to ensure that public
36 documents, notices, and public hearings relating to
37 human health or the environment are concise,
38 understandable, and readily accessible to the public. The
39 recommendation shall include guidance for determining
40 when it is appropriate for a state agency to translate



1 crucial public documents, notices, and hearings relating
2 to human health or the environment for
3 limited-English-speaking populations.

4 (6) Hold public meetings, as appropriate, to receive
5 public comments regarding recommendations required
6 pursuant to this section.

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

10 SEC. 3. Section 72003 is added to the Public Resources
11 Code, to read:

12 72003. The Secretary for Environmental Protection
13 shall, on or before January 15, 2001, convene a technical
14 advisory group to assist the working group described in
15 Section 72002 by providing recommendations and
16 information to, and serving as a resource for, the working
17 group. The technical advisory group shall be composed of
18 representatives from local and regional land use planning
19 agencies, air pollution control districts, certified unified
20 program agencies (CUPAs), the public, and the business
21 community. The technical advisory group may form
22 subcommittees to address specific types of
23 environmental program areas.

24 SEC. 4. Section 72004 is added to the Public Resources
25 Code, to read:

26 72004. The Secretary for Environmental Protection
27 shall, not later than January 1, 2006, and every three years,
28 thereafter, prepare and submit to the Governor and the
29 Legislature a report on the implementation of this part.
30 of the following:

31 ~~(a) On February 11, 1994, President Bill Clinton~~
32 ~~signed federal Executive Order 12898, which covers~~
33 ~~federal actions to address environmental justice in~~
34 ~~minority populations and low-income populations, and~~
35 ~~directs specified federal agencies to address human~~
36 ~~health and environmental issues in minority and~~
37 ~~low-income communities.~~

38 ~~(b) Federal Executive Order 12898 followed a 1992~~
39 ~~United States Environmental Protection Agency (EPA)~~
40 ~~report that indicated that minority populations and~~



1 ~~low-income populations experience higher than average~~
2 ~~exposures to selected air pollutants, hazardous waste~~
3 ~~facility emissions, and other forms of environmental~~
4 ~~pollution.~~

5 ~~(e) A recent federal Environmental Working Group~~
6 ~~study reveals that communities of color are three times~~
7 ~~more likely to be exposed to unsafe levels of air pollutants~~
8 ~~than are white neighborhoods.~~

9 ~~(d) A study prepared by the University of California at~~
10 ~~San Francisco and the San Francisco Department of~~
11 ~~Health found that an area with a 90-percent minority~~
12 ~~population had over three times the hospitalization rate~~
13 ~~for asthma, congestive heart failure, hypertension,~~
14 ~~diabetes, and emphysema than is found in the rest of the~~
15 ~~state.~~

16 ~~(e) Unlike the United States Government, the State of~~
17 ~~California has failed to address the issue of environmental~~
18 ~~justice in minority populations and low-income~~
19 ~~populations in the state.~~

20 ~~(f) Each state agency shall make achieving~~
21 ~~environmental justice part of its mission by identifying~~
22 ~~and addressing, as appropriate, disproportionately high~~
23 ~~and adverse human health or environmental effects of its~~
24 ~~programs, policies, and activities on minority and~~
25 ~~low-income communities in this state.~~

26 ~~SEC. 2. Section 21182 is added to Division 13.1 of the~~
27 ~~Public Resources Code, to read:~~

28 ~~21182. (a) On or before January 15, 2000, the Office~~
29 ~~of Planning and Research shall convene a Working Group~~
30 ~~on Environmental Justice to assist the office in developing~~
31 ~~the agencywide strategy required pursuant to Section~~
32 ~~21181.~~

33 ~~(b) The working group shall be composed of the~~
34 ~~secretaries of each state agency and the Attorney~~
35 ~~General, or their designees.~~

36 ~~(e) On or before June 1, 2000, the working group shall:~~

37 ~~(1) Examine existing data and studies on~~
38 ~~environmental justice.~~

39 ~~(2) Recommend criteria for identifying~~
40 ~~disproportionately high and adverse human health or~~



1 environmental effects on minority populations and
2 low income populations.

3 (3) Recommend procedures for coordinating and
4 providing guidance to each state agency in implementing
5 an agencywide environmental justice strategy.

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

9 (5) Recommend procedures to ensure that public
10 documents, notices, and public hearings relating to
11 human health or the environment are concise,
12 understandable, and readily accessible to the public. The
13 recommendation shall include guidance for determining
14 when it is appropriate for a state agency to translate
15 crucial public documents, notices, and hearings relating
16 to human health or the environment for
17 limited-English-speaking populations.

18 (6) Hold public meetings, as appropriate, to receive
19 public comments regarding recommendations required
20 pursuant to this section.

21 (7) Make recommendations on other matters needed
22 to assist the office in developing an agencywide
23 environmental justice strategy, as requested by the
24 director of the office.

25 (d) To ensure consistency in state and federal
26 environmental justice strategies, the working group shall
27 rely on procedures utilized to implement federal
28 Executive Order 12898 in meeting the requirements of
29 subdivision (e).

30 SEC. 3. Section 2 of this act shall become operative
31 only if Senate Bill 115 is enacted at the 1999-2000 Regular
32 Session, becomes effective on or before January 1, 2000,
33 and adds a Division 13.1 (commencing with Section
34 21180) to the Public Resources Code.

