

AMENDED IN ASSEMBLY JUNE 20, 2000
AMENDED IN ASSEMBLY JUNE 13, 2000
AMENDED IN SENATE JANUARY 26, 2000
AMENDED IN SENATE JANUARY 14, 2000
AMENDED IN SENATE APRIL 14, 1999

SENATE BILL

No. 89

Introduced by Senator Escutia
(Coauthor: Senator Alarcon)
(Coauthor: Assembly Member Honda)

December 7, 1998

An act to ~~add Sections~~ amend Section 65040.12 of the Government Code, to amend Section 72000 of, and to add Sections 72001.5, 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, 2002, to convene a Working Group on Environmental Justice, composed of various representatives as specified. 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 development and implementation of environmental justice strategies.

The bill would require the secretary, on or before January 15, 2002, to convene an 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.

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 65040.12 of the Government*
2 *Code is amended to read:*

3 65040.12. (a) The office shall be the coordinating
4 agency in state government for environmental justice
5 programs.

6 (b) The director shall do all of the following:

7 (1) Consult with the Secretaries of the California
8 Environmental Protection Agency, the Resources
9 Agency, the Trade and Commerce Agency, the Business,
10 Transportation, and Housing Agency, *the Working*
11 *Group on Environmental Justice established pursuant to*
12 *Section 72002 of the Public Resources Code*, any other
13 appropriate state agencies, and all other interested
14 members of the public and private sectors in this state.

15 (2) Coordinate the office’s efforts and share
16 information regarding environmental justice programs
17 with the Council on Environmental Quality, the United
18 States Environmental Protection Agency, the General



1 Accounting Office, the Office of Management and
2 Budget, and other federal agencies.

3 (3) Review and evaluate any information from federal
4 agencies that is obtained as a result of their respective
5 regulatory activities under federal Executive Order
6 12898, *and the Working Group on Environmental Justice*
7 *established pursuant to Section 72002 of the Public*
8 *Resources Code.*

9 (c) For the purposes of this section, “environmental
10 justice” means the fair treatment of people of all races,
11 cultures, and incomes with respect to the development,
12 adoption, implementation, and enforcement of
13 environmental laws, regulations, and policies.

14 *SEC. 1.5. Section 72000 of the Public Resources Code*
15 *is amended to read:*

16 72000. The California Environmental Protection
17 Agency, in designing its mission for programs, policies,
18 and standards, shall do all of the following:

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

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

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

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

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

39 (f) Identify differential patterns of consumption of
40 natural resources among people of different

1 socioeconomic classifications for programs within the
2 agency.

3 (g) Consult with and review any information received
4 from the Working Group on Environmental Justice
5 established to assist the California Environmental
6 Protection Agency in developing an agencywide strategy
7 pursuant to Section 72002 in meeting the requirements of
8 this section.

9 (h) Prepare an evaluation of the benefits and costs,
10 including, for example, impacts on local land use planning
11 or fiscal resources, of any changes recommended by the
12 working group.

13 SEC. 1.6. Section 72001.5 is added to the Public
14 Resources Code, to read:

15 72001.5. In developing the model environmental
16 justice mission statement pursuant to Section 72001, the
17 California Environmental Protection Agency shall
18 consult with, review, and evaluate any information
19 received from the Working Group on Environmental
20 Justice established pursuant to Section 72002.

21 SEC. 1.7. Section 72002 is added to the Public
22 Resources Code, to read:

23 72002. (a) On or before January 15, 2002, the
24 Secretary for Environmental Protection shall convene a
25 Working Group on Environmental Justice to assist the
26 California Environmental Protection Agency in
27 developing an agencywide strategy for identifying and
28 addressing any gaps in existing programs, policies, or
29 activities that may impede the achievement of
30 environmental justice.

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

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

(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 *and identify common terminology for identifying and addressing any disproportionately high and adverse human health or environmental effect.*

(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* 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. 2. Section 72003 is added to the Public Resources Code, to read:

72003. The Secretary for Environmental Protection shall, on or before January 15, 2002, convene an advisory

1 group to assist the working group described in Section
2 72002 by providing recommendations and information to,
3 and serving as a resource for, the working group. The
4 Secretary for Environmental Protection shall appoint
5 members to the advisory group according to the
6 following categories:

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

9 (b) Two representatives from air districts.

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

12 (d) Two representatives from environmental
13 organizations.

14 (e) ~~Two~~ *Three* representatives from the business
15 community, *one from a small business and two from a*
16 *large business. As used in this subdivision, “small*
17 *business” has the meaning given that term by subdivision*
18 *(c) of Section 1028.5 of the Code of Civil Procedure, and*
19 *a large business is any business other than a small business.*

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

28 SEC. 3. Section 72004 is added to the Public Resources
29 Code, to read:

30 72004. The Secretary for Environmental Protection
31 shall, not later than January 1, 2006, and every three years,
32 thereafter, prepare and submit to the Governor and the
33 Legislature a report on the implementation of this part.