

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

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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

(Coauthors: Senators ~~Alarcon~~, Murray, and Solis)

(Coauthors: Assembly Members Alquist, Aroner, Firebaugh, ~~Honda~~, Longville, Keeley, *Romero*, *Shelley*, Strom-Martin, and Wildman)

December 7, 1998

An act to 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 to assist the California Environmental Protection Agency in developing an interagency environmental justice strategy. The bill 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, *and* the
10 Business, Transportation and Housing Agency, the
11 Working Group on Environmental Justice established
12 pursuant to Section 72002 of the Public Resources Code,
13 any other appropriate state agencies, and all other

1 interested members of the public and private sectors in
2 this state.

3 (2) Coordinate the office's efforts and share
4 information regarding environmental justice programs
5 with the Council on Environmental Quality, the United
6 States Environmental Protection Agency, the General
7 Accounting Office, the Office of Management and
8 Budget, and other federal agencies.

9 (3) Review and evaluate any information from federal
10 agencies that is obtained as a result of their respective
11 regulatory activities under federal Executive Order
12 12898, and from the Working Group on Environmental
13 Justice established pursuant to Section 72002 of the Public
14 Resources Code.

15 (c) For the purposes of this section, "environmental
16 justice" means the fair treatment of people of all races,
17 cultures, and incomes with respect to the development,
18 adoption, implementation, and enforcement of
19 environmental laws, regulations, and policies.

20 SEC. 1.5. Section 72000 of the Public Resources Code
21 is amended to read:

22 72000. The California Environmental Protection
23 Agency, in designing its mission for programs, policies,
24 and standards, shall do all of the following:

25 (a) Conduct its programs, policies, and activities that
26 substantially affect human health or the environment in
27 a manner that ensures the fair treatment of people of all
28 races, cultures, and income levels, including minority
29 populations and low-income populations of the state.

30 (b) Promote enforcement of all health and
31 environmental statutes within its jurisdiction in a manner
32 that ensures the fair treatment of people of all races,
33 cultures, and income levels, including minority
34 populations and low-income populations in the state.

35 (c) Ensure greater public participation in the agency's
36 development, adoption, and implementation of
37 environmental regulations and policies.

38 (d) Improve research and data collection for
39 programs within the agency relating to the health of, and
40 environment of, people of all races, cultures, and income

1 levels, including minority populations and low-income
2 populations of the state.

3 (e) Coordinate its efforts and share information with
4 the United States Environmental Protection Agency.

5 (f) Identify differential patterns of consumption of
6 natural resources among people of different
7 socioeconomic classifications for programs within the
8 agency.

9 (g) Consult with and review any information received
10 from the Working Group on Environmental Justice
11 established to assist the California Environmental
12 Protection Agency in developing an agencywide strategy
13 pursuant to Section 72002 in meeting the requirements of
14 this section.

15 ~~(h) Prepare an evaluation of the benefits and costs,~~
16 ~~including, for example, impacts on local land use planning~~
17 ~~or fiscal resources, of any changes recommended by the~~
18 ~~working group.~~

19 SEC. 1.6. Section 72001.5 is added to the Public
20 Resources Code, to read:

21 72001.5. In developing the model environmental
22 justice mission statement pursuant to Section 72001, the
23 California Environmental Protection Agency shall
24 consult with, review, and evaluate any information
25 received from the Working Group on Environmental
26 Justice established pursuant to Section 72002.

27 SEC. 1.7. Section 72002 is added to the Public
28 Resources Code, to read:

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

37 (b) The working group shall be composed of the
38 Secretary for Environmental Protection, the Chairs of the
39 State Air Resources Board, the California Integrated
40 Waste Management Board, and the State Water

Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Planning and Research.

~~(e) On or before January 1, 2002, the working group~~

(c) *The working group* 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 terminology for addressing environmental justice issues.

(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 to 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.

1 SEC. 2. Section 72003 is added to the Public Resources
2 Code, to read:

3 72003. The Secretary for Environmental Protection
4 shall, on or before January 15, 2002, convene an advisory
5 group to assist the working group described in Section
6 72002 by providing recommendations and information to,
7 and serving as a resource for, the working group. The
8 Secretary for Environmental Protection shall appoint
9 members to the advisory group according to the
10 following categories:

11 (a) Two representatives of local or regional land use
12 planning agencies.

13 (b) Two representatives from air districts.

14 (c) Two representatives from certified unified
15 program agencies (CUPAs).

16 (d) Two representatives from environmental
17 organizations.

18 (e) Three representatives from the business
19 community, one from a small business and two from a
20 large business, except that two of the representatives of
21 the business community may be from an association that
22 represents small or large businesses. As used in this
23 subdivision, "small business" has the meaning given that
24 term by subdivision (c) of Section 1028.5 of the Code of
25 Civil Procedure, and a large business is any business other
26 than a small business.

27 (f) Two representatives from community
28 organizations. The advisory group may form
29 subcommittees to address specific types of
30 environmental program areas. The California
31 Environmental Protection Agency shall provide a
32 reasonable per diem for attendance at advisory
33 committee meetings by advisory committee members
34 from nonprofit organizations.

35 SEC. 3. Section 72004 is added to the Public Resources
36 Code, to read:

37 72004. The Secretary for Environmental Protection
38 shall, not later than January 1, 2006, and every three years;

- 1 thereafter, prepare and submit to the Governor and the
- 2 Legislature a report on the implementation of this part.

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