Senate Bill No. 89

CHAPTER 728

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.

[Approved by Governor September 25, 2000. Filed with Secretary of State September 27, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 89, 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.

The people of the State of California do enact as follows:

SECTION 1. Section 65040.12 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The working group shall be composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated 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.

(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.

(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.

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

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

(b) Two representatives from air districts.

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

(d) Two representatives from environmental organizations.

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

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

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

72004. The Secretary for Environmental Protection shall, not later than January 1, 2006, and every three years thereafter, prepare

and submit to the Governor and the Legislature a report on the implementation of this part.

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