

Environmental Justice Legislation in California (2001-2016)

1999

SB 115 (Solis, Chapter 690, Statutes of 1999) was California's first environmental justice law and provided the framework for environmental justice in California. It established a definition for "environmental justice" in the California Government Code and directed CalEPA to conduct its programs, policies, and activities and promote the enforcement of all its existing health and environmental statutes "...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." It designated the Governor's Office of Planning and Research as the lead agency for coordinating environmental justice programs and directed CalEPA to ensure greater public participation in the development, adoption, and implementation of environmental regulations and policies.

2000

SB 89 (Escutia, Chapter 728, Statutes of 2000) was enacted to guide and assist CalEPA in the implementation of SB 115. The bill required the establishment of the CalEPA Interagency Working Group on Environmental Justice to assist CalEPA in "...developing an agency-wide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice." It required CalEPA to report to the Legislature regularly on the status of its environmental justice implementation and to appoint an advisory group comprised of specified representatives to assist the Working Group in developing recommendations for CalEPA's intra-agency environmental justice strategy.

2001

AB 1553 (Keeley, Chapter 762, Statutes of 2001) required the Governor's Office of Planning and Research to adopt guidelines for addressing environmental justice considerations in city and county general plans by July 1, 2003.

SB 32 (Escutia, Chapter 764, Statutes of 2001) required CalEPA to conduct a scientific peer review of existing screening values, the advisory numbers that estimate what level of cleanup is needed to restore a property. It also required the development of new screening values and a guidance document to assist communities, developers, and local governments in understanding the factors and procedures used for cleaning up hazardous waste. Finally, it required that a local agency proposing to carry out a remedial action to provide information to the public and enable community participation.

2002

AB 2312 (Chu, Chapter 994, Statutes of 2002) established CalEPA's Environmental Justice Small Grant Program. The program requires the Agency to award grants on a competitive basis to nonprofit entities and federally recognized tribal governments. Grants are limited to \$20,000, and are awarded to community-based, grassroots nonprofit organizations located in areas adversely affected by environmental pollution and hazards and involved in work addressing environmental justice issues.

SB 1542 (Escutia, Chapter 1003, Statutes of 2002), required the California Integrated Waste Management Board, the predecessor of CalRecycle, to provide local jurisdictions and private business assistance with the consideration of environmental justice concerns when developing and revising countywide siting elements for solid waste disposal facilities. It required that countywide siting elements

submitted or revised on or after January 1, 2003 to include a description of the actions taken to solicit public participation by affected communities, including minority and low-income populations.

2003

AB 1497 (Montanez, Chapter 823, Statutes of 2003) required that a local solid waste enforcement agency hold a hearing and provide notice of that hearing when the operator of a solid waste facility applies to make a change to the design or operation of the facility. It also required that the enforcement agency consider environmental justice issues when preparing and distributing the notice to ensure that the notice is concise and understandable for limited-English-speaking populations.

2004

SB 18 (Burton, Chapter 905, Statutes of 2004) required the Governor's Office of Planning and Research to provide advice for consulting with Native American tribes to promote the preservation of and mitigation of impacts to Native American places, features, and objects. The bill required that city and county general planning agencies consult with California Native American tribes and provide them with an opportunity to involve themselves in proposed general plan actions. The bill allowed California Native American tribes and other specified tribes to acquire and hold conservation easements.

2006

AB 32 (Chapter 488, Statutes of 2006) requires California to reduce its greenhouse gas emissions to 1990 levels by 2020 — a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario. It requires the State Air Resources Board to adopt regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. It also authorizes the collection of a fee from sources of greenhouse gases. Requires consideration of Cumulative Emission Impacts and direct public and private investment toward the most Disadvantaged Communities

2007

SB 162 (McLeod, Chapter 428, Statutes of 2007), required local agency formation commissions to consider comments from residents and voters when reviewing a proposal for a change of organization or reorganization, and to consider the extent to which the proposal will promote environmental justice.

2012

AB 685 (Eng, Chapter 524, Statutes of 2012), declared that it is the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The bill required all relevant state agencies, including the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health, to consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria are pertinent to the uses of water described in the policy.

SB 965 (Wright, Chapter 551, Statutes of 2012) required the State Water Resources Control Board and the California Regional Water Quality Control Boards to make each meeting agenda notice that they provide available in both English and Spanish. It permitted the state board or a regional board to make the agenda notice available in any other language. It also required that state bodies subject to the

Bagley-Keene Open Meeting Act ensure that non-English speakers receive the same opportunity to directly address such bodies as English speakers do, by requiring them to allot speakers using a translator at least twice the time that speakers not using a translator receive. This requirement does not apply if simultaneous translation equipment is used.

SB 535 (de León, Chapter 830, Statutes of 2012), required CalEPA to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria. It also required that 25 percent of cap and trade auction proceeds obtained under AB 32 (Núñez, Chapter 488, Statutes of 2006), California's Global Warming Solutions Act, be expended on projects that will benefit disadvantaged communities. It required that at least 10 percent of the available carbon auction proceeds be expended on projects located in such communities. These requirements must be accounted for in the investment plan developed and submitted to the Legislature pursuant to Assembly Bill (AB) 1532 (John A. Pérez, Chapter 807, Statutes of 2012).

2013

AB 1329 (Perez, Chapter 598, Statutes of 2013) required the Department of Toxic Substances Control to prioritize enforcement actions affecting communities that have been identified by the CalEPA as being the most impacted environmental justice communities.

2014

AB 1179 (Bocanegra, Chapter 589, Statutes of 2014) authorized the Department of Resources Recycling and Recovery, when awarding grants pursuant to the tire recycling program, to award grants for public works projects to create parklets, greenways, or both, that use tire-derived products. It also required the department, if it awards those grants, to give priority for funding to those projects in disadvantaged communities.

SB 861 (Committee on Budget and Fiscal Review, Chapter 35, Statutes of 2014) increased the maximum amount of the Environmental Justice Small Grant from \$20,000 to \$50,000. The bill authorized the Secretary for CalEPA to expend up to \$1,500,000 per year for the above purposes. The bill authorized the BDOs within the agency to allocate funds from various special funds, settlements, and penalties to implement the program.

SB 1204 (Lara, Chapter 524, Statutes of 2014) created the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, to be funded from cap and trade revenues, to fund zero- and near-zero emission truck, bus, and off-road vehicle and equipment technologies and related projects with priority to be given to projects benefiting disadvantaged communities. The program is administered by the Air Resources Board, in conjunction with the State Energy Resources Conservation and Development Commission. The bill required the state board, in consultation with the commission, to create an annual framework and plan, and to develop guidance through the existing Air Quality Improvement Program funding plan process for implementation of the program.

2015

AB 1059 (Garcia, Chapter 584, Statutes of 2015) AB 1059 required the Office of Environmental Health Hazard Assessment to report to the Legislature on environmental data necessary for updating the indicators in CalEnviroScreen for communities located in the California-Mexico border region by January 1, 2017. It also required the Office to use, when available, data of sufficient quality in the next update of the tool.

AB 1071 (Atkins, Chapter 585, Statutes of 2015) required each BDO with the CalEPA, that has enforcement authority, to establish specified policy supplemental environmental projects that benefit disadvantaged communities.

AB 1288 (Atkins, Chapter 586, Statutes of 2015) increased the membership of the California Air Resources Board from 12 to 14. The two new board members work directly with communities in the state that are most significantly burdened by, and vulnerable to, high levels of pollution, including, communities with diverse racial and ethnic populations and communities with low-income populations.

SB 83 (Committee on Budget and Fiscal Review, Chapter 24, Statutes of 2015) established the Assistant Director for Environmental Justice at the Department of Toxic Substances Control. The Assistant Director serves as ombudsperson and outreach coordinator for disadvantaged communities where hazardous materials and hazardous waste disposal facilities are located.

SB 88 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2015) authorized the State Water Resources Control Board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. This bill authorized the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water. The bill also required the state board to conduct an initial public meeting and a public hearing and to make specified findings.

SB 328 (Hueso, Chapter 278, Statutes of 2015) required the landlord or the landlord's authorized agent to provide a tenant with specified notice of the use of pesticides at the dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator. It also required the posting of a similar notice at least 24 hours prior to application of any pesticide to a common area without a licensed pest control operator. For scheduled application in common areas, a notification is required to existing tenants prior to the initial routine application and to new tenants.

SB 350 (de León, Chapter 547, Statutes of 2015) required the State Air Resources Board, in consultation with the Energy Commission and with input from relevant state agencies and the public, to develop and publish a study on barriers for low-income customers to zero-emission and near-zero-emission transportation options, including those in disadvantaged communities. The board must also include recommendations on how to increase access to zero-emission and near-zero-emission transportation options to low-income customers, including those in disadvantaged communities.

SB 673 (Lara, Chapter 611, Statutes of 2015) required the Department of Toxic Substances Control, by January 1, 2018, to establish or update criteria for use in determining whether to issue a new, modified, or renewed hazardous waste facilities permit, and to consider the vulnerability of and existing health risks to nearby populations when establishing or updating the criteria. Additionally, the bill required the Department of Toxic Substances Control to develop and implement programmatic reforms designed to include strengthening environmental justice safeguards, enhancing enforcement of public health protections, and increasing public participation and outreach activities.

AB 1550 (Gomez, Chapter 369, Statutes of 2016) modified the investment minimums to disadvantaged communities, requiring that at least 25 percent of funds go to projects within and benefitting disadvantaged communities and at least an additional 10 percent go toward low-income households or communities.