

REFERENCE TITLE: environmental quality; task force

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1282

Introduced by
Senators Peshlakai: Alston, Bradley, Gonzales, Navarrete, Rios, Steele;
Representatives Andrade, Hernandez A, Salman, Teller

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-710.02; AMENDING TITLE 49, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-118.01 AND 49-118.02; RELATING TO THE ENVIRONMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-710.02, to read:

4 41-710.02. State agencies; boards; environmental justice
5 policies; definition

6 A. IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
7 THE DEPARTMENT OF ADMINISTRATION SHALL ENSURE THAT ALL STATE AGENCIES,
8 BOARDS, COMMISSIONS AND OTHER PUBLIC BODIES THAT ARE INVOLVED IN DECISIONS
9 THAT MAY AFFECT ENVIRONMENTAL QUALITY ADOPT AND IMPLEMENT ENVIRONMENTAL
10 JUSTICE POLICIES THAT PROVIDE MEANINGFUL OPPORTUNITIES FOR INVOLVEMENT OF
11 ALL PEOPLE, REGARDLESS OF RACE, COLOR, ETHNICITY, RELIGION, INCOME OR
12 EDUCATION LEVEL.

13 B. IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY,
14 THE DEPARTMENT OF ADMINISTRATION SHALL ENSURE THAT ALL STATE PROGRAMS AND
15 POLICIES DESIGNED TO PROTECT THE ENVIRONMENT BE REVIEWED PERIODICALLY TO
16 ENSURE THAT PROGRAM IMPLEMENTATION AND DISSEMINATION OF INFORMATION MEET
17 THE NEEDS OF LOW-INCOME AND MINORITY COMMUNITIES AND ADDRESS
18 DISPROPORTIONATE EXPOSURE TO ENVIRONMENTAL HAZARDS.

19 C. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" MEANS
20 THE FAIR TREATMENT OF PEOPLE OF ALL RACES, CULTURES AND INCOMES IN THE
21 DEVELOPMENT, ADOPTION, IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL
22 LAWS, POLICIES AND PROGRAMS.

23 Sec. 2. Title 49, chapter 1, article 1, Arizona Revised Statutes,
24 is amended by adding sections 49-118.01 and 49-118.02, to read:

25 49-118.01. Environmental justice; department review; advisory
26 council; membership; council termination;
27 definition

28 A. THE DEPARTMENT SHALL REVIEW AVAILABLE ENVIRONMENTAL AND PUBLIC
29 HEALTH DATA TO IDENTIFY EXISTING AND PROPOSED INDUSTRIAL AND COMMERCIAL
30 FACILITIES AND AREAS IN COMMUNITIES OF COLOR AND IN LOW-INCOME COMMUNITIES
31 FOR WHICH COMPLIANCE, ENFORCEMENT, REMEDIATION, SITING AND PERMITTING
32 STRATEGIES WILL BE TARGETED TO ADDRESS THE DISPROPORTIONATE IMPACTS FROM
33 THESE FACILITIES ON THOSE COMMUNITIES.

34 B. THE DEPARTMENT SHALL ESTABLISH AN ENVIRONMENTAL JUSTICE ADVISORY
35 COUNCIL TO ADVISE THE DEPARTMENT AND THE ENVIRONMENTAL JUSTICE TASK FORCE
36 ESTABLISHED PURSUANT TO SECTION 49-118.02 ON ENVIRONMENTAL JUSTICE ISSUES.
37 THE COUNCIL SHALL CONSIST OF FIFTEEN PERSONS AND SHALL INCLUDE FIVE
38 PERSONS FROM GRASSROOTS OR FAITH-BASED COMMUNITY ORGANIZATIONS, WITH
39 ADDITIONAL PERSONS FROM AMONG STATEWIDE ENVIRONMENTAL, CIVIL RIGHTS AND
40 PUBLIC HEALTH ORGANIZATIONS, THE ACADEMIC PUBLIC HEALTH COMMUNITY, LARGE
41 AND SMALL BUSINESSES AND INDUSTRIES, MUNICIPAL AND COUNTY GOVERNMENTS AND
42 ORGANIZED LABOR ORGANIZATIONS.

43 C. THE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL SHALL MEET AT LEAST
44 QUARTERLY AND SHALL ANNUALLY SELECT A CHAIRPERSON FROM ITS MEMBERSHIP.

1 D. THE COUNCIL ESTABLISHED PURSUANT TO THIS SECTION ENDS JULY 1,
2 2028 PURSUANT TO SECTION 41-3103.

3 E. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" HAS
4 THE SAME MEANING PRESCRIBED IN SECTION 41-710.02.

5 49-118.02. Environmental justice task force; membership;
6 duties; task force termination; definition

7 A. THE DIRECTOR OF ENVIRONMENTAL QUALITY AND THE DIRECTOR OF THE
8 DEPARTMENT OF HEALTH SERVICES, OR THEIR APPOINTED DESIGNEES, SHALL CONVENE
9 A MULTIAGENCY ENVIRONMENTAL JUSTICE TASK FORCE. THE TASK FORCE SHALL
10 INCLUDE SENIOR MANAGEMENT DESIGNEES FROM ALL OF THE FOLLOWING:

- 11 1. THE OFFICE OF THE GOVERNOR.
- 12 2. THE OFFICE OF THE ATTORNEY GENERAL.
- 13 3. THE DEPARTMENT OF HEALTH SERVICES.
- 14 4. THE ARIZONA DEPARTMENT OF AGRICULTURE.
- 15 5. THE DEPARTMENT OF TRANSPORTATION.
- 16 6. THE DEPARTMENT OF EDUCATION.

17 B. THE TASK FORCE IS AN ADVISORY BODY, THE PURPOSE OF WHICH IS TO
18 MAKE RECOMMENDATIONS TO STATE AGENCY HEADS REGARDING ACTIONS TO BE TAKEN
19 TO ADDRESS ENVIRONMENTAL JUSTICE ISSUES THAT ARE CONSISTENT WITH EACH
20 STATE AGENCY'S EXISTING STATUTORY AND REGULATORY AUTHORITY. THE TASK
21 FORCE IS AUTHORIZED TO CONSULT WITH, AND EXPAND ITS MEMBERSHIP TO, OTHER
22 STATE AGENCIES AS NEEDED TO ADDRESS CONCERNS RAISED IN AFFECTED
23 COMMUNITIES.

24 C. ANY COMMUNITY MEMBER MAY FILE A PETITION WITH THE TASK FORCE
25 THAT ASSERTS THAT RESIDENTS AND WORKERS IN THE COMMUNITY ARE SUBJECT TO
26 DISPROPORTIONATE ADVERSE EXPOSURE TO ENVIRONMENTAL HEALTH RISKS OR
27 DISPROPORTIONATE ADVERSE EFFECTS RESULTING FROM THE IMPLEMENTATION OF LAWS
28 AFFECTING PUBLIC HEALTH OR THE ENVIRONMENT.

29 D. THE TASK FORCE SHALL IDENTIFY A SET OF COMMUNITIES FROM THE
30 PETITIONS FILED BASED ON SELECTION CRITERIA DEVELOPED BY THE TASK FORCE,
31 INCLUDING CONSIDERATION OF STATE AGENCY RESOURCE CONSTRAINTS. THE TASK
32 FORCE SHALL MEET DIRECTLY WITH MEMBERS OF THE SELECTED COMMUNITIES TO
33 RECEIVE INFORMATION REGARDING THE COMMUNITIES' CONCERNS.

34 E. AFTER CONSULTATION WITH COMMUNITY MEMBERS AND LOCAL GOVERNMENTS,
35 AS RELEVANT, THE TASK FORCE SHALL DEVELOP AN ACTION PLAN FOR EACH OF THE
36 SELECTED COMMUNITIES THAT WILL ADDRESS ENVIRONMENTAL FACTORS THAT AFFECT
37 COMMUNITY HEALTH AND SAFETY. THE ACTION PLAN SHALL CLEARLY DELINEATE THE
38 STEPS THAT WILL BE TAKEN IN EACH OF THE SELECTED COMMUNITIES TO REDUCE
39 EXISTING ENVIRONMENTAL BURDENS AND TO AVOID OR REDUCE THE IMPOSITION OF
40 ADDITIONAL ENVIRONMENTAL BURDENS THROUGH ALLOCATION OF RESOURCES, EXERCISE
41 OF REGULATORY DISCRETION AND DEVELOPMENT OF NEW STANDARDS AND PROTECTIONS.
42 THE ACTION PLAN, DEVELOPED IN CONSULTATION WITH THE ENVIRONMENTAL JUSTICE
43 ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 49-118.01, SHALL INCLUDE
44 SPECIFIC RESPONSES TO COMMUNITY CONCERNS, A TIME FRAME FOR IMPLEMENTATION
45 AND THE JUSTIFICATION FOR AND AVAILABILITY OF FINANCIAL AND OTHER

1 RESOURCES TO IMPLEMENT THE PLAN. THE TASK FORCE SHALL PRESENT THE ACTION
2 PLAN TO THE RELEVANT STATE AGENCIES OR LOCAL GOVERNMENTS AND SHALL
3 RECOMMEND IMPLEMENTATION OF THE ACTION PLAN.

4 F. THE TASK FORCE SHALL MONITOR THE IMPLEMENTATION OF EACH ACTION
5 PLAN IN THE SELECTED COMMUNITIES AND SHALL MAKE RECOMMENDATIONS TO STATE
6 AGENCIES AND LOCAL GOVERNMENTS AS NECESSARY TO FACILITATE IMPLEMENTATION
7 OF THE ACTION PLANS. STATE AGENCIES SHALL IMPLEMENT THE STRATEGY TO THE
8 FULLEST EXTENT PRACTICABLE IN LIGHT OF STATUTORY AND RESOURCE CONSTRAINTS.

9 G. THE TASK FORCE ESTABLISHED PURSUANT TO THIS SECTION ENDS JULY 1,
10 2028 PURSUANT TO SECTION 41-3103.

11 H. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" HAS
12 THE SAME MEANING PRESCRIBED IN SECTION 41-710.02.

13 Sec. 3. Legislative findings and purpose; environmental
14 justice

15 A. The legislature finds that:

16 1. Racial and ethnic minority populations and low-income
17 communities bear a disproportionate share of the health risks caused by
18 polluted air and contaminated water and by solid waste landfills,
19 hazardous waste facilities, wastewater treatment plants and waste
20 incinerators and other similar projects.

21 2. This disproportionate impact of environmental hazards on
22 minority and low-income communities is largely the result of past
23 governmental decisions.

24 3. The federal government underscores the importance of
25 environmental justice by having a national environmental justice advisory
26 council to promote environmental justice in the United States
27 environmental protection agency's policies, programs, initiatives and
28 activities.

29 4. This state is committed to ensuring that communities are
30 afforded fair treatment and meaningful involvement in decision-making
31 regardless of race, color, ethnicity, religion, income or education level.

32 B. The purpose of this act is to establish governmental procedures
33 to safeguard residents' health and welfare and to achieve environmental
34 justice.

35 Sec. 4. Short title

36 This act may be cited as the "Environmental Justice Act".