

REFERENCE TITLE: environmental justice; task force

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2681

Introduced by  
Representatives Hernandez D: Longdon

## 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 BUSINESS AND INDUSTRY, MUNICIPAL AND COUNTY GOVERNMENT 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. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" MEANS  
2 THE FAIR TREATMENT OF PEOPLE OF ALL RACES, CULTURES AND INCOMES IN THE  
3 DEVELOPMENT, ADOPTION, IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL  
4 LAWS, POLICIES AND PROGRAMS.

5 49-118.02. Environmental justice task force; membership;  
6 duties; 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 ENVIRONMENTAL JUSTICE  
10 TASK FORCE SHALL INCLUDE SENIOR MANAGEMENT DESIGNEES FROM ALL OF THE  
11 FOLLOWING:

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

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

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

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

37 E. AFTER CONSULTATION WITH COMMUNITY MEMBERS AND LOCAL GOVERNMENTS,  
38 AS RELEVANT, THE ENVIRONMENTAL JUSTICE TASK FORCE SHALL DEVELOP AN ACTION  
39 PLAN FOR EACH OF THE SELECTED COMMUNITIES THAT WILL ADDRESS ENVIRONMENTAL  
40 FACTORS THAT AFFECT COMMUNITY HEALTH AND SAFETY. THE ACTION PLAN SHALL  
41 CLEARLY DELINEATE THE STEPS THAT WILL BE TAKEN IN EACH OF THE SELECTED  
42 COMMUNITIES TO REDUCE EXISTING ENVIRONMENTAL BURDENS AND TO AVOID OR  
43 REDUCE THE IMPOSITION OF ADDITIONAL ENVIRONMENTAL BURDENS THROUGH  
44 ALLOCATING RESOURCES, EXERCISING REGULATORY DISCRETION AND DEVELOPING NEW  
45 STANDARDS AND PROTECTIONS. THE ACTION PLAN, DEVELOPED IN CONSULTATION

1 WITH THE ENVIRONMENTAL JUSTICE ADVISORY COUNCIL ESTABLISHED PURSUANT TO  
2 SECTION 49-118.01, SHALL INCLUDE SPECIFIC RESPONSES TO COMMUNITY CONCERNS,  
3 A TIME FRAME FOR IMPLEMENTATION AND THE JUSTIFICATION FOR AND AVAILABILITY  
4 OF FINANCIAL AND OTHER RESOURCES TO IMPLEMENT THE PLAN. THE ENVIRONMENTAL  
5 JUSTICE TASK FORCE SHALL PRESENT THE ACTION PLAN TO THE RELEVANT STATE  
6 AGENCIES OR LOCAL GOVERNMENTS AND SHALL RECOMMEND IMPLEMENTATION OF THE  
7 ACTION PLAN.

8 F. THE ENVIRONMENTAL JUSTICE TASK FORCE SHALL MONITOR THE  
9 IMPLEMENTATION OF EACH ACTION PLAN IN THE SELECTED COMMUNITIES AND SHALL  
10 MAKE RECOMMENDATIONS TO STATE AGENCIES AND LOCAL GOVERNMENTS AS NECESSARY  
11 TO FACILITATE IMPLEMENTATION OF THE ACTION PLANS. STATE AGENCIES SHALL  
12 IMPLEMENT THE STRATEGY TO THE FULLEST EXTENT PRACTICABLE IN LIGHT OF  
13 STATUTORY AND RESOURCE CONSTRAINTS.

14 G. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" MEANS  
15 THE FAIR TREATMENT OF PEOPLE OF ALL RACES, CULTURES AND INCOMES IN THE  
16 DEVELOPMENT, ADOPTION, IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL  
17 LAWS, POLICIES AND PROGRAMS.

18 Sec. 3. Legislative findings and purpose: environmental  
19 justice

20 A. The legislature finds that:

21 1. Racial and ethnic minority populations and low-income  
22 communities bear a disproportionate share of the health risks caused by  
23 polluted air and contaminated water and by solid waste landfills,  
24 hazardous waste facilities, wastewater treatment plants, waste  
25 incinerators and other similar projects.

26 2. This disproportionate impact of environmental hazards on  
27 minority and low-income communities is largely the result of past  
28 governmental decisions.

29 3. The federal government underscores the importance of  
30 environmental justice by having a national environmental justice advisory  
31 council to promote environmental justice in the United States  
32 environmental protection agency's policies, programs, initiatives and  
33 activities.

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

37 B. The purpose of this act is to establish governmental procedures  
38 in order to safeguard residents' health and welfare and to achieve  
39 environmental justice.

40 Sec. 4. Short title

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