

REFERENCE TITLE: environmental quality; task force

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1139

Introduced by
Senator Hatathlie

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 TO INVOLVE ALL
11 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
17 MEET 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
21 DEVELOPING, ADOPTING, IMPLEMENTING AND ENFORCING ENVIRONMENTAL LAWS,
22 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; definition

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

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

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

44 D. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" HAS
45 THE SAME MEANING PRESCRIBED IN SECTION 41-710.02.

1 49-118.02. Environmental justice task force: membership:
2 duties; definition

3 A. THE DIRECTOR OF ENVIRONMENTAL QUALITY AND THE DIRECTOR OF THE
4 DEPARTMENT OF HEALTH SERVICES, OR THEIR DESIGNEES, SHALL CONVENE A
5 MULTIAGENCY ENVIRONMENTAL JUSTICE TASK FORCE. THE TASK FORCE SHALL
6 INCLUDE SENIOR MANAGEMENT DESIGNEES FROM ALL OF THE FOLLOWING:

- 7 1. THE OFFICE OF THE GOVERNOR.
8 2. THE OFFICE OF THE ATTORNEY GENERAL.
9 3. THE DEPARTMENT OF HEALTH SERVICES.
10 4. THE ARIZONA DEPARTMENT OF AGRICULTURE.
11 5. THE DEPARTMENT OF TRANSPORTATION.
12 6. THE DEPARTMENT OF EDUCATION.

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

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

25 D. THE TASK FORCE SHALL IDENTIFY A SET OF COMMUNITIES FROM THE
26 PETITIONS FILED BASED ON SELECTION CRITERIA DEVELOPED BY THE TASK FORCE,
27 INCLUDING CONSIDERING STATE AGENCY RESOURCE CONSTRAINTS. THE TASK FORCE
28 SHALL MEET DIRECTLY WITH MEMBERS OF THE SELECTED COMMUNITIES TO RECEIVE
29 INFORMATION REGARDING THE COMMUNITIES' CONCERNS.

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

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

6 G. FOR THE PURPOSES OF THIS SECTION, "ENVIRONMENTAL JUSTICE" HAS
7 THE SAME MEANING PRESCRIBED IN SECTION 41-710.02.

8 Sec. 3. Legislative findings and purpose; environmental
9 justice

10 A. The legislature finds that:

11 1. Racial and ethnic minority populations and low-income
12 communities bear a disproportionate share of the health risks caused by
13 polluted air and contaminated water and by solid waste landfills,
14 hazardous waste facilities, wastewater treatment plants and waste
15 incinerators and other similar projects.

16 2. This disproportionate impact of environmental hazards on
17 minority and low-income communities is largely the result of past
18 governmental decisions.

19 3. The federal government underscores the importance of
20 environmental justice by having a national environmental justice advisory
21 council to promote environmental justice in the United States
22 environmental protection agency's policies, programs, initiatives and
23 activities.

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

27 B. The purpose of this act is to establish governmental procedures
28 to safeguard residents' health and welfare and to achieve environmental
29 justice.

30 Sec. 4. Short title

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