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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2034 Session of  
2021

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INTRODUCED BY KENYATTA, BULLOCK, RABB, SANCHEZ, HILL-EVANS,  
STURLA, D. WILLIAMS, KIRKLAND AND N. NELSON, OCTOBER 29, 2021

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 29, 2021

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AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania  
2 Consolidated Statutes, in preliminary provisions, providing  
3 for the Environmental Justice Advisory Board.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 27 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 9

9 ENVIRONMENTAL JUSTICE ADVISORY BOARD

10 Sec.

11 901. Definitions.

12 902. Establishment of board.

13 903. Board membership and duties.

14 904. Voting.

15 905. Officers.

16 906. Office of Environmental Justice.

17 907. Election of officers.

18 908. Standing committees.

1 909. Meetings.

2 910. Outside presentations.

3 911. Written notice.

4 912. Board presentation.

5 § 901. Definitions.

6 The following words and phrases when used in this chapter  
7 shall have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Board." The Environmental Justice Advisory Board  
10 established under section 902 (relating to establishment of  
11 board).

12 "Department." The Department of Environmental Protection of  
13 the Commonwealth.

14 "Secretary." The Secretary of Environmental Protection of  
15 the Commonwealth.

16 § 902. Establishment of board.

17 The Environmental Justice Advisory Board is established in  
18 the department for the purpose of recommending the adoption,  
19 amendment or repeal of rules, regulations, standards, criteria,  
20 policies, guidance and procedures as necessary and advisable for  
21 the implementation of the department's environmental justice  
22 programs and recommendations.

23 § 903. Board membership and duties.

24 (a) Membership.--The board shall consist of 15 members from  
25 a broad representation of interests, including, but not limited  
26 to:

27 (1) private citizens from low-income and minority  
28 communities;

29 (2) regulated entities;

30 (3) local governments;

1           (4) environmentalists;

2           (5) academia; and

3           (6) industry.

4           (b) Appointment and term.--The secretary shall appoint or  
5 reappoint members of the board at the discretion of the  
6 secretary for a term of two years. The chairperson shall be  
7 elected by a simple majority of the board under section 907  
8 (relating to election of officers).

9           (c) Removal.--Any board member not attending two consecutive  
10 meetings without prior notice to the chairperson may be  
11 recommended for removal upon a vote of the board. The  
12 chairperson shall make the recommendation under this subsection  
13 to the secretary. In the event the individual recommended for  
14 removal under this subsection is the chairperson, the vice  
15 chairperson shall preside over the board and make the  
16 recommendation to the secretary under this subsection.

17           (d) Vacancy.--The secretary may, at any time, fill any  
18 vacancy on the board.

19           (e) Proxy.--Board members shall be permitted to vote through  
20 a proxy vote on issues that have previously been discussed or  
21 distributed. Proxies shall be submitted in writing through email  
22 or delivery of documents prior to the vote to the attention of  
23 the board.

24           (f) Participation in meeting by telephone and other means.--  
25 One or more members of the board may participate in a meeting of  
26 the board by conference telephone or similar communications  
27 equipment by which all board members participating in the  
28 meeting can hear each other. All board members participating  
29 under this subsection shall be deemed present in person at the  
30 meeting.

1 § 904. Voting.

2 Members shall be entitled to one vote, in person, on all  
3 matters that come before the board. A quorum for voting requires  
4 the presence of a majority of the board members. An affirmative  
5 vote is a majority of the board members present. Board members  
6 are permitted to vote via a proxy vote in accordance with  
7 section 903(e) (relating to board membership and duties). No  
8 action may be taken on a specific matter unless the meeting and  
9 agenda meet the requirements of 65 Pa.C.S. Ch. 7 (relating to  
10 open meetings).

11 § 905. Officers.

12 (a) Assignment.--The officers of the board shall be a  
13 chairperson and a vice chairperson, appointed under section  
14 903(b) (relating to board membership and duties).

15 (b) Duty of chairperson.--It shall be the duty of the  
16 chairperson to:

17 (1) Preside at all meetings of the board.

18 (2) Call special meetings of the board.

19 (3) Perform such other duties as pertain to the office  
20 of chairperson.

21 (c) Duty of vice chairperson.--It shall be the duty of the  
22 vice chairperson to perform the duties of the chairperson in the  
23 event of the absence of the chairperson. The vice chairperson  
24 shall also assist the chairperson in the performance of duties  
25 as may be assigned by the chairperson.

26 (d) Term of office.--Each member of the board shall serve a  
27 term of two calendar years or until a successor is elected.

28 § 906. Office of Environmental Justice.

29 The secretary shall assign appropriate staffing to the board  
30 as necessary for any secretarial duties of the board. The Office

1 of Environmental Justice within the department shall perform the  
2 following duties:

3 (1) provide timely notice of meetings and standing  
4 committee meetings to the affected board members and public;

5 (2) record, transcribe and maintain a permanent file of  
6 all transactions and minutes of the board;

7 (3) receive, prepare and transmit all incoming and  
8 outgoing correspondence of the board and maintain a permanent  
9 file of the correspondence; and

10 (4) perform other duties as may be requested by the  
11 board.

12 § 907. Election of officers.

13 The officers of the board may be elected at any meeting or  
14 special meeting of the board where a quorum has been attained  
15 under section 904 (relating to voting). Officers under section  
16 905(a) (relating to officers) shall be elected by a simple  
17 majority of those board members present at any meeting where a  
18 quorum has been attained, provided that a written notice of the  
19 election shall be sent to each board member at least one week  
20 prior to the meeting.

21 § 908. Standing committees.

22 The board may create committees and establish guidelines for  
23 committee operations as the board deems necessary.

24 § 909. Meetings.

25 The board shall meet quarterly. Regular meeting dates shall  
26 be established on an annual basis. Alternate meeting dates and  
27 additional meetings shall be called by the chairperson or at the  
28 request of the department. Subcommittee meetings shall be called  
29 by subcommittee chairpersons with notification to the board.

30 § 910. Outside presentations.

1 Outside presentations such as speakers, films and other  
2 methods may be allowed at the discretion of the chairperson. Any  
3 member of the board may request a vote of the board as to  
4 determine whether a presentation shall be permitted.

5 § 911. Written notice.

6 (a) Acceptable methods.--Written notice, when required to be  
7 provided under this chapter, may be provided in the following  
8 methods to the address or number supplied by the board for the  
9 purpose of notice:

10 (1) in person;

11 (2) by sending a copy of the notice by first class mail  
12 or by facsimile transmission; or

13 (3) by email.

14 (b) Mailbox rule.--If notice under subsection (a) is  
15 provided by mail, it shall be deemed to have been given when  
16 deposited in the United States mail or with a telegraph office  
17 or courier service for delivery. If notice is provided by  
18 facsimile transmission or by email, it shall be deemed given  
19 when dispatched.

20 (c) Specificity.--A notice of a meeting shall specify the  
21 place, day and hour of the meeting and any other information  
22 required by statute or these bylaws.

23 § 912. Board presentation.

24 The board shall act as a body in all matters and only the  
25 chairperson or the chairperson's designated spokesperson shall  
26 communicate with the secretary or third parties on behalf of the  
27 board. Board members may meet with the secretary or third  
28 parties in their individual capacity.

29 Section 2. This act shall take effect in 60 days.