

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 742 Session of 2023

INTRODUCED BY KENYATTA, BULLOCK, RABB, PROBST, STURLA, MADDEN, SANCHEZ, PARKER, FREEMAN, HOHENSTEIN, HILL-EVANS, N. NELSON, BRIGGS, KRAJEWSKI, HOWARD, KINKEAD, D. WILLIAMS, KHAN, INNAMORATO, OTTEN AND KINSEY, MARCH 28, 2023

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MARCH 28, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in powers and duties of the Department of
 22 Environmental Resources, its officers and departmental and
 23 advisory boards and commissions, providing for Office of
 24 Environmental Justice.

25 The General Assembly of the Commonwealth of Pennsylvania
 26 hereby enacts as follows:

27 Section 1. The act of April 9, 1929 (P.L.177, No.175), known

1 as The Administrative Code of 1929, is amended by adding a
2 section to read:

3 Section 1940-A. Office of Environmental Justice.--(a) It
4 shall be the policy of the Commonwealth to promote and ensure
5 that environmental justice is effectuated in this Commonwealth.
6 Each Commonwealth agency shall make achieving environmental
7 justice part of the agency's mission by identifying, addressing
8 and mitigating disproportionately high and adverse human health
9 or environmental effects of the programs, policies and
10 activities of the agency on communities of color and low-income
11 communities in this Commonwealth.

12 (b) The Office of Environmental Justice is established
13 within the department to assist in the implementation of the
14 public policy under subsection (a).

15 (c) The secretary shall appoint a director.

16 (d) The office shall have the following powers and duties:

17 (1) To advise and make recommendations to the Governor and
18 the Governor's cabinet on:

19 (i) Integrating environmental justice considerations
20 throughout Commonwealth programs, regulations, policies and
21 procedures.

22 (ii) Improving the environment and public health in
23 communities disproportionately burdened by environmental harms
24 and risks.

25 (iii) Addressing environmental justice by ensuring
26 transparent, authentic and equitable engagement in decision
27 making, building capacity in disproportionately burdened
28 communities and promoting collaborative problem solving for
29 issues involving environmental justice.

30 (iv) Strengthening partnerships on environmental justice

1 among governmental agencies, including Federal, State and local
2 government.

3 (v) Enhancing research and assessment approaches related to
4 environmental justice.

5 (2) To coordinate with all Commonwealth agencies to:

6 (i) Address and eliminate the disproportionate environmental
7 and human health impacts on communities of color and low-income
8 communities.

9 (ii) Develop and enforce rules, regulations, guidance,
10 standards, policies, plans and practices that promote
11 environmental justice.

12 (iii) Increase cooperation and require coordination among
13 Commonwealth agencies in achieving environmental justice.

14 (iv) Mitigate the inequitable distribution of the burdens
15 and benefits of Commonwealth programs having significant impacts
16 on human health and the environment.

17 (v) Provide guidance regarding criteria for identifying
18 disproportionately high and adverse human health or
19 environmental effects on communities of color and low-income
20 communities and the environmental impact on communities on the
21 basis of race, color, national origin or income.

22 (3) If appropriate, to assist all State agencies in
23 examining new regulations and policies involving State action or
24 the appropriation of money related to the impact those actions
25 and resources have on environmental justice prior to adopting a
26 regulation or policy.

27 (4) To provide to communities of color and low-income
28 communities greater access to public information and
29 opportunities for participation in decision making affecting
30 human health and the environment.

1 (5) To receive comments, concerns and recommendations from
2 individuals throughout this Commonwealth.

3 (6) To develop resources and strategies and share relevant
4 information with the public.

5 (7) To examine existing data and studies relating to
6 environmental justice.

7 (8) To develop and update, no less than every five years, a
8 Statewide environmental justice strategy that identifies and
9 addresses disproportionately high and adverse human health or
10 environmental effects of the programs, policies, spending and
11 other activities of the Commonwealth with respect to communities
12 of color and low-income communities, including:

13 (i) Impacts from the lack of infrastructure or from
14 deteriorated infrastructure.

15 (ii) Impacts from land use.

16 (iii) Impacts from climate change.

17 (iv) Impacts from commercial transportation.

18 (9) To identify programs, policies, planning and public
19 participation processes, rulemaking, agency spending and
20 enforcement activities relating to human health or the
21 environment that may be revised to:

22 (i) promote enforcement of all health, environmental and
23 civil rights laws and regulations in communities of color and
24 low-income communities; and

25 (ii) improve research and data collection relating to the
26 health and environment of communities of color and low-income
27 communities.

28 (10) To ensure that meaningful opportunities exist for the
29 public to submit comments and recommendations relating to the
30 environmental justice strategy under paragraph (8).

1 (11) To hold public meetings or otherwise solicit public
2 participation from communities of color and low-income
3 communities for the purpose of fact-finding, policy development,
4 receiving public comments and conducting inquiries concerning
5 environmental justice.

6 (12) To prepare a public review and publish a summary of the
7 comments and recommendations.

8 (e) The following shall apply:

9 (1) The secretary shall convene a task force which may not
10 have more than fifteen (15) members, each of whom shall be
11 residents of this Commonwealth, and shall include:

12 (i) Representatives who reside or work in a community
13 designated as an Environmental Justice Area under the
14 Environmental Justice Public Participation Policy.

15 (ii) Senior management officials or designees from the
16 Governor's Office of General Counsel, the Office of Attorney
17 General, the Department of Aging, the Department of Agriculture,
18 the Department of Community and Economic Development, the
19 Department of Conservation and Natural Resources, the Department
20 of Education, the Department of Human Services and the
21 Department of Transportation.

22 (2) The task force shall have the following powers and
23 duties:

24 (i) To plan strategy and develop guidelines for operation of
25 regional environmental justice committees.

26 (ii) To prepare an annual report about the combined work of
27 regional environmental justice committees across this
28 Commonwealth.

29 (iii) To monitor reporting processes for regional
30 environmental justice committees.

1 (3) The governing body of a municipality or a resident of
2 this Commonwealth may file a petition directly with a regional
3 environmental justice committee regarding adverse exposure to
4 environmental health risks or to disproportionate adverse
5 effects resulting from the implementation of a State law,
6 regulation, guideline or policy affecting public health or the
7 environment.

8 (4) After review of the petition under paragraph (3) by the
9 governing body of a municipality and an initial review of the
10 petition by the regional environmental justice committee, the
11 regional environmental justice committee shall meet with the
12 governing body of the municipality to discuss the petition. The
13 meeting shall be open to the public and the public may offer
14 comments at the meeting.

15 (5) Within one hundred twenty (120) days of the meeting
16 under paragraph (4), the task force, in consultation with county
17 government officials, the governing body of the municipality,
18 municipal residents and municipal school boards of directors,
19 shall develop an action plan for the municipality addressing
20 environmental factors that affect community health. The action
21 plan shall clearly delineate the steps necessary to reduce
22 existing environmental burdens and avoid or reduce the
23 imposition of additional environmental burdens through
24 allocation of resources, the exercise of regulatory discretion
25 and the development of new standards and protections. The action
26 plan must specify municipal deliverables, a time frame for
27 implementation and the justification and availability of
28 financial and other resources to implement the plan. The task
29 force shall present the action plan to the relevant departments,
30 recommending implementation.

1 (6) The task force shall monitor the implementation of each
2 action plan under paragraph (5) and make recommendations to
3 Commonwealth agencies as necessary to facilitate implementation
4 of the action plans. Agencies shall implement the action plan to
5 the fullest extent practicable.

6 (f) An environmental justice advisory board is established
7 for purposes of reviewing and making recommendations to the
8 director of the task force and the secretary relating to
9 existing and proposed laws, legislation, regulations, if
10 appropriate, and policies that impact the environmental health
11 of communities. The board shall:

12 (1) consist of fifteen (15) individuals appointed by the
13 secretary;

14 (2) meet at least quarterly;

15 (3) annually select a chairperson from board membership; and

16 (4) be composed of representatives from a diverse complement
17 of sectors which may include:

18 (i) Academic public health.

19 (ii) Statewide environmental organizations.

20 (iii) Civil rights and public health organizations.

21 (iv) Large and small business and industry.

22 (v) Municipal and county officials.

23 (vi) Organized labor.

24 (vii) Grassroots or faith-based community organizations.

25 (g) As used in this section:

26 "Board" means the Environmental Justice Advisory Board.

27 "Community of color" means any geographically distinct
28 population with a substantial number of individuals who identify
29 as black, African American, Hispanic, Latino, Asian, Pacific
30 Islander or any other nonwhite race.

1 "Department" means the Department of Environmental Protection
2 of the Commonwealth.

3 "Director" means the director of the Office of Environmental
4 Justice.

5 "Environmental justice" means the fair treatment and
6 meaningful involvement of all individuals, regardless of race,
7 color, national origin, education level or income, with respect
8 to the development, implementation and enforcement of
9 environmental laws, regulations and policies to ensure that:

10 (1) communities of color and low-income communities have
11 access to public information and opportunities for meaningful
12 public participation relating to human health and environmental
13 planning, regulations and enforcement; and

14 (2) no community of color or low-income community is exposed
15 to a disproportionate burden of the negative human health and
16 environmental impacts of pollution or other environmental
17 hazards.

18 "Office" means the Office of Environmental Justice.

19 "Secretary" means the Secretary of Environmental Protection
20 of the Commonwealth.

21 "Task force" means the Environmental Justice Task Force.

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