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HOUSE BILL NO. 2330

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.11, relating to the Environmental Justice Advisory Council; consideration of environmental justice.*

Patrons—Kearm and Carroll Foy

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 36, consisting of sections numbered 2.2-2699.8 through 2.2-2699.11, as follows:

*Article 36.**Environmental Justice Advisory Council.*

§ 2.2-2699.8. Environmental Justice Advisory Council; purpose; membership; compensation; chairman.

A. For purposes of this article, unless the context requires a different meaning:

"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, faith, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

"Fair treatment" means the fair and equitable treatment of all whereby no group of people bears a disproportionate share of negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.

"Meaningful involvement" means (i) a person's opportunity to participate in decisions about activities that may affect his environment or health, (ii) influence on a regulatory agency's decision from public contribution, (iii) consideration of community concerns in the decision-making process, and (iv) decision-makers seeking out and facilitating the involvement of those potentially affected by a decision.

B. The Environmental Justice Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Secretaries of Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Natural Resources, Public Safety and Homeland Security, and Transportation on strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice throughout the Commonwealth. The Council, through nondiscriminatory actions and meaningful involvement of all people, especially individuals and communities most impacted and vulnerable, shall work to achieve environmental justice in the Commonwealth by equitable development, implementation, evaluation, and enforcement of environmental laws, regulations, policies, and practices.

C. The Council shall have a total membership of 19 members that shall consist of 12 voting nonlegislative citizen members and seven nonvoting ex officio members. Two nonlegislative citizen members shall be appointed by the Governor for each of the six different geographic regions defined by the regional offices of the Department of Environmental Quality and balanced among the following sectors: (i) academia, (ii) public health, (iii) environmental, nongovernmental organizations, (iv) civil rights, (v) public health organizations, (vi) local government officials, and (vii) tribal governments or indigenous people groups. A minimum composition of four nonlegislative citizen members shall be from grassroots or faith-based community organizations. The Secretaries of Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Natural Resources, Public Safety and Homeland Security, and Transportation, or their designees, shall serve as ex officio members with nonvoting privileges.

Ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. Nonlegislative citizen members shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All other expenses of the Council shall be provided by the Department of Environmental Quality.

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59 E. The Council shall elect a chairman and a vice-chairman annually from among its membership. A
60 majority of the members shall constitute a quorum. The Council shall meet at such times as may be
61 called by the chairman or whenever the majority of the members so request.

62 F. the Department of Environmental Quality shall provide staff to the Council. All agencies of the
63 Commonwealth shall provide assistance to the Council, upon request.

64 **§ 2.2-2699.9. Powers and duties of the Council.**

65 A. The Council shall provide advice and recommendations to the Governor and his cabinet on:

66 1. Integrating environmental justice considerations throughout the Commonwealth's programs,
67 regulations, policies, and procedures;

68 2. Improving the environment and public health in communities disproportionately burdened by
69 environmental harms and risks;

70 3. Addressing environmental justice by ensuring transparent, authentic, and equitable engagement in
71 decision-making, building capacity in disproportionately burdened communities, and promoting
72 collaborative problem-solving for issues involving environmental justice;

73 4. Strengthening partnerships on environmental justice among governmental agencies, including
74 federal, tribal, and local governments;

75 5. Enhancing research and assessment approaches related to environmental justice;

76 6. Receiving comments, concerns, and recommendations from individuals throughout the
77 Commonwealth; and

78 7. Developing resources and strategies to share relevant information with the public.

79 B. The Council shall submit an annual report to the Governor and the General Assembly for
80 publication as a report document as provided in the procedures of the Division of Legislative Automated
81 Systems for the processing of legislative documents and reports. The chairman shall submit to the
82 Governor and the General Assembly an annual executive summary of the interim activity and work of
83 the Council no later than the first day of each regular session of the General Assembly. The executive
84 summary shall be submitted as a report document as provided in the procedures of the Division of
85 Legislative Automated Systems for the processing of legislative documents and reports and shall be
86 posted on the General Assembly's website. Such annual report shall contain specific recommendations
87 on furthering environmental justice outcomes within the Commonwealth, including recommendations on
88 (i) proposed legislation, regulations, or policies; (ii) commencement of research initiatives; or (iii)
89 establishment of task forces and commissions.

90 **§ 2.2-2699.10. Meetings.**

91 A. The Council shall meet at least quarterly and shall establish a meeting schedule on an annual
92 basis. The location of the meetings shall rotate among the six different geographic regions defined by
93 the regional offices of the Department of Environmental Quality. Meetings shall be held in accordance
94 with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). When possible, meetings shall be
95 broadcast online or via teleconference. Each meeting shall include an in-person public comment
96 component. In order to maximize public participation, meetings shall be scheduled to take place in the
97 evening when possible.

98 B. The Council may provide for the creation of subcommittees. Any subcommittee meetings shall be
99 scheduled with notification to the full Council.

100 **§ 2.2-2699.11. Policy of the Commonwealth regarding environmental justice; responsibilities of**
101 **state agencies.**

102 A. As used in this section, "state agency" means any agency, institution, board, bureau, commission,
103 council, or instrumentality of state government in the executive branch.

104 B. It shall be the policy of the Commonwealth to promote and ensure that environmental justice is
105 carried out throughout the Commonwealth. To further this policy all state agencies shall examine any
106 new regulation or policy involving state action or funds in relation to its impact on environmental
107 justice prior to adopting such regulation or policy. The Council shall coordinate and lead efforts to
108 achieve the goals of the Commonwealth established by this section.