

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 2 of Title 2.2 an article numbered 12,*  
3 *consisting of sections numbered 2.2-234 and 2.2-235, relating to policy regarding environmental*  
4 *justice.*

5 [S 406]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Chapter 2 of Title 2.2 an article numbered**  
9 **12, consisting of sections numbered 2.2-234 and 2.2-235, as follows:**

10 *Article 12.*11 *Virginia Environmental Justice Act.*12 **§ 2.2-234. Definitions.**13 *For purposes of this article, unless the context requires a different meaning:*

14 *"Community of color" means any geographically distinct area where the population of color,*  
15 *expressed as a percentage of the total population of such area, is higher than the population of color in*  
16 *the Commonwealth expressed as a percentage of the total population of the Commonwealth. However, if*  
17 *a community of color is composed primarily of one of the groups listed in the definition of "population*  
18 *of color," the percentage population of such group in the Commonwealth shall be used instead of the*  
19 *percentage population of color in the Commonwealth.*

20 *"Environment" means the natural, cultural, social, economic, and political assets or components of a*  
21 *community.*

22 *"Environmental justice" means the fair treatment and meaningful involvement of every person,*  
23 *regardless of race, color, national origin, income, faith, or disability, regarding the development,*  
24 *implementation, or enforcement of any environmental law, regulation, or policy.*

25 *"Environmental justice community" means any low-income community or community of color.*

26 *"Fair treatment" means the equitable consideration of all people whereby no group of people bears a*  
27 *disproportionate share of any negative environmental consequence resulting from an industrial,*  
28 *governmental, or commercial operation, program, or policy.*

29 *"Fenceline community" means an area that contains all or part of a low-income community or*  
30 *community of color and that presents an increased health risk to its residents due to its proximity to a*  
31 *major source of pollution.*

32 *"Low income" means having an annual household income equal to or less than the greater of (i) an*  
33 *amount equal to 80 percent of the median income of the area in which the household is located, as*  
34 *reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal*  
35 *Poverty Level.*

36 *"Low-income community" means any census block group in which 30 percent or more of the*  
37 *population is composed of people with low income.*

38 *"Meaningful involvement" means the requirements that (i) affected and vulnerable community*  
39 *residents have access and opportunities to participate in the full cycle of the decision-making process*  
40 *about a proposed activity that will affect their environment or health and (ii) decision makers will seek*  
41 *out and consider such participation, allowing the views and perspectives of community residents to*  
42 *shape and influence the decision.*

43 *"Population of color" means a population of individuals who identify as belonging to one or more of*  
44 *the following groups: Black, African American, Asian, Pacific Islander, Native American, other*  
45 *non-white race, mixed race, Hispanic, Latino, or linguistically isolated.*

46 *"State agency" means any agency, authority, institution, board, bureau, commission, council, or*  
47 *instrumentality of state government in the executive branch of government.*

48 **§ 2.2-235. Policy regarding environmental justice.**

49 *It is the policy of the Commonwealth to promote environmental justice and ensure that it is carried*  
50 *out throughout the Commonwealth, with a focus on environmental justice communities and fenceline*  
51 *communities.*