

By: West

H.B. No. 3078

A BILL TO BE ENTITLED

AN ACT

relating to state agency action to identify and address disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 5, Water Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. ENVIRONMENTAL JUSTICE

Sec. 5.851. DEFINITIONS. In this subchapter:

(1) "State agency" means an executive agency of this state with statewide jurisdiction, including a department, board, commission, office, and council, or an institution of higher education.

(2) "Working group" means the interagency working group established under Section 5.852.

Sec. 5.852. INTERAGENCY WORKING GROUP. The commission shall establish an interagency working group on environmental justice. The working group is composed of a representative of:

(1) the commission;

(2) the attorney general;

(3) the Texas Department of Human Services;

(4) the Texas Department of Housing and Community Affairs;

(5) the Texas Workforce Commission;

- 1 (6) the Department of Agriculture;
- 2 (7) the Texas Department of Health;
- 3 (8) the General Land Office;
- 4 (9) the Texas Department of Economic Development;
- 5 (10) the Railroad Commission of Texas;
- 6 (11) the comptroller;
- 7 (12) the Parks and Wildlife Department;
- 8 (13) the Veterans' Land Board; and
- 9 (14) any other agency or officer of the state
10 designated by the governor.

11 Sec. 5.853. REPORT TO GOVERNOR. The working group shall
12 report to the governor through staff in the governor's office, as
13 designated by the governor.

14 Sec. 5.854. DUTIES OF WORKING GROUP. The working group
15 shall:

16 (1) provide guidance to agencies of this state on
17 criteria for identifying disproportionately high and adverse human
18 health or environmental effects on minority populations and
19 low-income populations;

20 (2) coordinate with, provide guidance to, and serve as
21 a clearinghouse for each state agency as it develops an
22 environmental justice strategy as required by this subchapter, to
23 ensure that the administration, interpretation, and enforcement of
24 programs, activities, and policies are undertaken in a consistent
25 manner;

26 (3) assist in coordinating research by and stimulating
27 cooperation among the commission, the Texas Department of Health,

1 the Texas Department of Housing and Community Affairs, the Texas
2 Department of Human Services, and other state agencies conducting
3 research or other activities in accordance with this subchapter;

4 (4) assist in coordinating collection of data under
5 this subchapter;

6 (5) examine existing information on environmental
7 justice;

8 (6) hold hearings relating to the functions of the
9 working group; and

10 (7) develop interagency model projects on
11 environmental justice that evidence cooperation among state
12 agencies.

13 Sec. 5.855. DUTIES OF STATE AGENCIES. (a) Each state
14 agency shall make achieving environmental justice a part of the
15 agency's mission.

16 (b) To the extent practicable and permitted by law, each
17 state agency shall identify and address, as appropriate, the
18 disproportionately high and adverse human health or environmental
19 effects of the agency's programs, policies, and activities on
20 minority populations and low-income populations.

21 (c) In implementing this section, a state agency shall
22 consider the principles on environmental justice stated in the
23 report on the National Performance Review.

24 Sec. 5.856. DEVELOPMENT OF AGENCY STRATEGIES. (a) Each
25 state agency shall develop an agency-wide environmental justice
26 strategy. The environmental justice strategy must identify and
27 address, as appropriate, the disproportionately high and adverse

1 human health or environmental effects of the agency's programs,
2 policies, and activities on minority populations and low-income
3 populations. The environmental strategy must list programs,
4 policies, planning and public participation practices, enforcement
5 practices, and rules related to human health or the environment
6 that should be revised to, at minimum:

7 (1) promote enforcement of all health and
8 environmental laws in areas with minority populations and
9 low-income populations;

10 (2) ensure greater public participation;

11 (3) improve research and data collection relating to
12 the health and environment of minority populations and low-income
13 populations; and

14 (4) identify differential patterns of consumption of
15 natural resources among minority populations and low-income
16 populations.

17 (b) Each state agency's environmental justice strategy must
18 address the economic and social implications of the revisions
19 anticipated by the strategy.

20 (c) Each state agency's environmental justice strategy must
21 include specific projects that can be undertaken to address
22 particular concerns identified during the development of the
23 strategy and a schedule for implementing those projects.

24 (d) Each state agency shall provide periodic reports to the
25 working group on implementation of the agency's environmental
26 justice strategy.

27 Sec. 5.857. STATE AGENCY PROGRAMS, POLICIES, AND

1 ACTIVITIES. Each state agency shall conduct the programs,
2 policies, and activities of the agency that substantially affect
3 human health or the environment in a manner that ensures that the
4 programs, policies, and activities do not:

5 (1) exclude persons or groups of persons from
6 participation in the programs, policies, and activities because of
7 race, color, or national origin;

8 (2) deny persons or groups of persons the benefits of
9 the programs, policies, and activities because of race, color, or
10 national origin; or

11 (3) subject persons or groups of persons to
12 discrimination under the programs, policies, and activities
13 because of race, color, or national origin.

14 Sec. 5.858. RESEARCH, DATA COLLECTION, AND ANALYSIS. (a) A
15 state agency that conducts or supports environmental human health
16 research shall ensure that the research complies with this
17 subchapter.

18 (b) Environmental human health research, as practicable and
19 appropriate, must include diverse segments of the population in
20 epidemiological and clinical studies, including segments of the
21 population at high risk from environmental hazards, such as
22 minority populations, low-income populations, and workers who may
23 be exposed to substantial environmental hazards.

24 (c) Environmental human health analyses, as practicable and
25 appropriate, must identify multiple and cumulative exposures.

26 (d) A state agency shall provide minority populations and
27 low-income populations the opportunity to comment on the

1 development and design of research strategies in accordance with
2 this subchapter.

3 Sec. 5.859. DUTIES OF STATE AGENCY RELATING TO RESEARCH.

4 (a) To the extent consistent with applicable law, including law
5 imposing privacy protections, each state agency, as practicable and
6 appropriate, shall collect, maintain, and analyze information
7 assessing and comparing environmental and health risks borne by
8 populations identified by race, national origin, or income. To the
9 extent practicable and appropriate, each state agency shall use
10 information obtained under this subsection to determine whether the
11 programs, policies, and activities of the agency have
12 disproportionately high and adverse human health or environmental
13 effects on minority populations and low-income populations.

14 (b) Each state agency, as practicable and appropriate,
15 shall collect, maintain, and analyze information on race, national
16 origin, and income level and other readily accessible and
17 appropriate information for areas surrounding facilities or sites
18 under the jurisdiction of the agency that are:

19 (1) subject to administrative or judicial action or
20 subject to the reporting requirements of the federal Emergency
21 Planning and Community Right-to-Know Act (42 U.S.C. 11001 et seq.),
22 as amended; and

23 (2) expected to have a substantial environmental,
24 human health, or economic effect on the surrounding populations.

25 (c) To the extent practicable and appropriate, each state
26 agency, in implementing this section, shall share information and
27 eliminate unnecessary duplication of efforts through the use of

1 available data systems and cooperative agreements with federal
2 agencies, other state or tribal governments, and local political
3 subdivisions.

4 SECTION 2. (a) Not later than December 1, 2003, the Texas
5 Commission on Environmental Quality shall establish the
6 interagency working group required by Section 5.852, Water Code, as
7 added by this Act.

8 (b) Not later than January 1, 2004, each state agency
9 subject to Subchapter S, Chapter 5, Water Code, as added by this
10 Act, shall identify an internal administrative process for
11 developing its environmental justice strategy and shall inform the
12 interagency working group established under Section 5.852, Water
13 Code, as added by this Act, of the process. Not later than March 1,
14 2004, each state agency shall provide the working group with an
15 outline of the environmental justice strategy. Not later than July
16 1, 2004, each state agency shall file the agency's proposed
17 environmental justice strategy with the working group. Not later
18 than September 1, 2004, each state agency shall finalize its
19 environmental justice strategy and provide a copy of the strategy
20 to the working group. Not later than September 1, 2005, each state
21 agency shall report to the working group on the agency's progress in
22 implementing its environmental justice strategy.

23 (c) Not later than November 1, 2005, the interagency working
24 group established under Section 5.852, Water Code, as added by this
25 Act, shall file with the governor, in the manner described by
26 Section 5.853, Water Code, as added by this Act, a report that
27 describes the implementation of Subchapter S, Chapter 5, Water

1 Code, and includes the finalized environmental justice strategies
2 of each state agency subject to that subchapter.

3 SECTION 3. This Act takes effect September 1, 2003.