

By: Thompson

H.B. No. 601

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that state agencies identify and address adverse human health and 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 Health and Human Services Commission;

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

(5) the Texas Workforce Commission;

- 1 (6) the Department of Agriculture;
- 2 (7) the Department of State Health Services;
- 3 (8) the General Land Office;
- 4 (9) the Texas Economic Development and Tourism Office;
- 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 this state
10 designated by the governor.

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

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

16 (1) provide guidance to state agencies on criteria for
17 identifying disproportionately high and adverse human health or
18 environmental effects on areas with 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 the
22 environmental justice strategy 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 Department of State Health

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

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

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

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

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

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

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

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

25 Sec. 5.856. DEVELOPMENT OF AGENCY STRATEGIES. (a) Each
26 state agency shall develop an environmental justice strategy for
27 the entire agency that identifies and addresses, as appropriate,

1 the disproportionately high and adverse human health or
2 environmental effects of the agency's programs, policies, and
3 activities on areas with minority populations and low-income
4 populations.

5 (b) The environmental justice strategy must list programs,
6 policies, planning and public participation practices, enforcement
7 practices, and rules related to human health or the environment
8 that should be revised to, at a minimum:

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

12 (2) ensure greater public participation;

13 (3) improve research and data collection relating to
14 the health and environment in areas with minority populations and
15 low-income populations; and

16 (4) identify different patterns of consumption of
17 natural resources in areas with minority populations and low-income
18 populations.

19 (c) Each state agency's environmental justice strategy
20 must:

21 (1) address the economic and social implications of
22 the revisions anticipated by the strategy; and

23 (2) include specific projects that can be undertaken
24 to address particular concerns identified during the development of
25 the strategy and a schedule for implementing those projects.

26 (d) Each state agency shall provide periodic reports to the
27 working group on implementation of the agency's environmental

1 justice strategy.

2 Sec. 5.857. STATE AGENCY PROGRAMS, POLICIES, AND
3 ACTIVITIES. Each state agency shall conduct the programs,
4 policies, and activities of the agency that substantially affect
5 human health or the environment in a manner that does not:

6 (1) exclude any person or group from participation
7 because of race, color, or national origin;

8 (2) deny benefits to any person or group because of
9 race, color, or national origin; or

10 (3) subject any person or group to discrimination
11 because of race, color, or national origin.

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

16 (b) Research described by Subsection (a), as practicable
17 and appropriate, must include diverse segments of the population in
18 epidemiological and clinical studies, including segments of the
19 population at high risk from environmental hazards, such as
20 minority populations, low-income populations, and workers who may
21 be exposed to substantial environmental hazards.

22 (c) An analysis of research described by Subsection (a), as
23 practicable and appropriate, must identify multiple and cumulative
24 exposures.

25 (d) A state agency shall provide minority populations and
26 low-income populations the opportunity to comment on the
27 development and design of research strategies in accordance with

1 this subchapter.

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

3 (a) To the extent consistent with applicable law, including law
4 imposing privacy protections, each state agency, as practicable and
5 appropriate, shall collect, maintain, and analyze information
6 assessing and comparing environmental and health risks borne by
7 populations identified by race, national origin, or income.

8 (b) To the extent practicable and appropriate, each state
9 agency shall use information obtained under Subsection (a) to
10 determine whether the agency's programs, policies, and activities
11 have disproportionately high and adverse human health or
12 environmental effects on areas with minority populations and
13 low-income populations.

14 (c) 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 agency's jurisdiction 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 and

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

25 (d) 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, 2007, 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) Each state agency subject to Subchapter S, Chapter 5,
9 Water Code, as added by this Act, shall:

10 (1) not later than January 1, 2008, identify an
11 internal administrative process for developing its environmental
12 justice strategy and inform the interagency working group
13 established under Section 5.852, Water Code, as added by this Act,
14 of the process;

15 (2) not later than March 1, 2008, provide the working
16 group with an outline of the environmental justice strategy;

17 (3) not later than July 1, 2008, file the agency's
18 proposed environmental justice strategy with the working group;

19 (4) not later than September 1, 2008, finalize its
20 environmental justice strategy and provide a copy of the strategy
21 to the working group; and

22 (5) not later than September 1, 2009, report to the
23 working group on the agency's progress in implementing its
24 environmental justice strategy.

25 (c) Not later than November 1, 2009, the interagency working
26 group established under Section 5.852, Water Code, as added by this
27 Act, shall file with the governor, in the manner described by

1 Section 5.853, Water Code, as added by this Act, a report that
2 describes the implementation of Subchapter S, Chapter 5, Water
3 Code, as added by this Act, and includes the final environmental
4 justice strategy of each state agency subject to that subchapter.

5 SECTION 3. This Act takes effect September 1, 2007.