

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **205**

January 18, 2007

Authored by Mullery and Kahn

The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 13, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to environment; establishing the Environmental Justice Act; proposing
1.3 coding for new law in Minnesota Statutes, chapter 116B.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **SHORT TITLE.**

1.6 This act shall be called the "Environmental Justice Act."

1.7 Sec. 2. **[116B.14] DEFINITIONS.**

1.8 For purposes of sections 116B.14 to 116B.17:

1.9 (1) "board" means the Environmental Quality Board; and

1.10 (2) "environmental justice" means the fair treatment of people of all races,
1.11 cultures, and income in the development, adoption, implementation, and enforcement of
1.12 environmental laws and policies.

1.13 Sec. 3. **[116B.15] IMPLEMENTATION OF ENVIRONMENTAL JUSTICE**
1.14 **POLICIES.**

1.15 Subdivision 1. **Policies and review.** (a) The state is committed to ensuring that
1.16 communities are afforded fair treatment and meaningful involvement in decision making
1.17 regardless of race, color, ethnicity, religion, income, or education level.

1.18 (b) All state agencies, boards, commissions, and other bodies involved in decisions
1.19 that may affect environmental quality shall adopt and implement environmental justice
1.20 policies that provide meaningful opportunities for involvement to all people, regardless of
1.21 race, color, ethnicity, religion, income, or education level.

2.1 (c) All state programs and policies designed to protect the environment shall
2.2 be reviewed periodically by the board to ensure that program implementation and
2.3 dissemination of information meet the needs of low-income and minority communities
2.4 and seek to address disproportionate exposure to environmental hazards.

2.5 Subd. 2. **Pollution impact.** The board shall use available environmental and
2.6 public health data to identify existing and proposed industrial and commercial facilities
2.7 and areas in communities of color and low-income communities for which compliance,
2.8 enforcement, remediation, siting, and permitting strategies will be targeted to address
2.9 impacts from these facilities.

2.10 Sec. 4. **[116B.16] ENVIRONMENTAL JUSTICE TASK FORCE.**

2.11 Subdivision 1. **Purpose.** The commissioners of the Pollution Control Agency and
2.12 the Department of Health, or their appointed designees, shall convene a multiagency task
2.13 force, to be named the Environmental Justice Task Force. The task force shall include
2.14 senior management designees from the Public Utilities Commission and the Departments
2.15 of Human Services, Employment and Economic Development, Health, Agriculture,
2.16 Transportation, and Education. The task force shall be an advisory body and its purpose
2.17 is to make recommendations to state agency heads regarding actions to be taken to
2.18 address environmental justice issues consistent with each agency's existing statutory
2.19 and regulatory authority. The task force shall consult with, and expand its membership
2.20 to, other state agencies as needed to address environmental justice concerns raised in
2.21 affected communities.

2.22 Subd. 2. **Community petitions.** (a) A community may file a petition through
2.23 a resolution passed by the governing body with the task force that asserts that residents
2.24 and workers in the community are subject to disproportionate adverse exposure to
2.25 environmental health risks or disproportionate adverse effects resulting from the
2.26 implementation of laws affecting public health or the environment.

2.27 (b) The task force shall identify a set of communities from the petitions filed, based
2.28 on selection criteria developed by the task force, including consideration of state agency
2.29 resource constraints. The task force must meet directly with the selected communities to
2.30 understand their concerns.

2.31 Subd. 3. **Community action plans.** (a) The task force must develop an action plan
2.32 for each of the selected communities after consultation with the citizens, as well as local
2.33 and county government, as relevant, that will address environmental factors that affect
2.34 community health. The action plan shall clearly delineate the steps that will be taken in
2.35 each of the selected communities to reduce existing environmental burdens and avoid or

3.1 reduce the imposition of additional environmental burdens through allocation of resources,
3.2 exercise of regulatory discretion, and development of new standards and protections.
3.3 The action plan, which shall be developed in consultation with the Environmental
3.4 Justice Advisory Council established under section 116B.17, shall specify community
3.5 deliverables, a time frame for implementation, and the justification and availability of
3.6 financial and other resources to implement the plan. The task force shall present the action
3.7 plan to the relevant state agencies, recommending its implementation.

3.8 (b) The task force shall monitor the implementation of each action plan in the
3.9 selected communities and make recommendations to state agencies as necessary to
3.10 facilitate implementation of the action plans. Agencies shall implement the strategy to the
3.11 fullest extent practicable with regard to statutory and resource constraints.

3.12 **Sec. 5. [116B.17] ADVISORY COUNCIL.**

3.13 The board shall create an Environmental Justice Advisory Council to advise the
3.14 board, Pollution Control Agency, and Environmental Justice Task Force on environmental
3.15 justice issues. The council shall consist of 15 individuals and shall meet at least quarterly.
3.16 The council shall annually select a chairperson from its membership and shall have a
3.17 composition of one-third membership from grassroots, neighborhood, or faith-based
3.18 community organizations, with additional membership to include representatives from the
3.19 following communities: academic public health, statewide environmental, civil rights,
3.20 and public health organizations; large and small business and industry; municipal and
3.21 county officials; and organized labor.

3.22 **Sec. 6. EFFECTIVE DATE.**

3.23 Sections 1 to 5 are effective July 1, 2007. The Environmental Justice Task Force
3.24 and the Environmental Justice Advisory Council shall be established and operating by
3.25 October 1, 2007.