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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1155

03/04/2013 Authored by Mullery

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

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, cultures,

1.11 and income levels 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 is an advisory body, the purpose of which  
 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 and  
 2.19 regulatory authority. The task force shall consult with, and expand its membership to  
 2.20 include, other state agencies it determines are necessary to address environmental justice  
 2.21 concerns raised in affected communities. Staff of the Pollution Control Agency and the  
 2.22 Department of Health shall serve as staff to the task force.

2.23 Subd. 2. **Community petitions.** (a) A community may file a petition with the task  
 2.24 force through a resolution passed by the governing body of the city, town, or county in  
 2.25 which the community is located that asserts that residents and workers in the community  
 2.26 are subject to disproportionate adverse exposure to, or disproportionate adverse effects  
 2.27 resulting from, environmental health risks that are not adequately addressed by the  
 2.28 implementation of laws affecting public health or the environment.

2.29 (b) The task force shall identify a set of communities from the petitions filed, based  
 2.30 on selection criteria developed by the task force, including consideration of state agency  
 2.31 resource constraints, with which the task force will develop action plans under subdivision  
 2.32 3. The task force must meet directly with the selected communities to understand their  
 2.33 concerns and may consult with local government officials, at the discretion of the task force.

2.34 Subd. 3. **Community action plans.** (a) The task force must develop an action plan  
 2.35 for each community identified under subdivision 2 that will address environmental factors

3.1 that affect community health. The action plan shall clearly delineate the steps that will be  
3.2 taken in each of the selected communities to reduce existing environmental exposures  
3.3 and avoid or reduce the imposition of additional environmental exposures through the  
3.4 allocation of resources, the exercise of regulatory authority, and the development of new  
3.5 environmental standards. The action plan, which shall be developed in consultation with  
3.6 the Environmental Justice Advisory Council established under section 116B.17, must  
3.7 specify community deliverables, specify a time frame for implementation, and identify  
3.8 available sources of funding and other resources to implement the plan. The task force  
3.9 shall present the action plan to the state agencies identified as needing to take actions  
3.10 under the plan and shall recommend implementation of the action plan.

3.11 (b) The task force shall monitor the implementation of each action plan in the  
3.12 selected communities and make recommendations to state agencies as necessary to  
3.13 facilitate implementation of the action plans.

3.14 **Sec. 5. [116B.17] ENVIRONMENTAL JUSTICE ADVISORY COUNCIL.**

3.15 The board shall create an Environmental Justice Advisory Council to advise the  
3.16 board, Pollution Control Agency, and Environmental Justice Task Force on environmental  
3.17 justice issues. The council shall consist of 15 individuals appointed by the board and  
3.18 shall meet at least quarterly. The council shall annually select a chair from among its  
3.19 members. One-third of the council's members must be representatives from grassroots,  
3.20 neighborhood, or faith-based community organizations. Additional members must include  
3.21 representatives from the following communities: academic public health, statewide  
3.22 environmental, civil rights, and public health organizations; large and small business and  
3.23 industry; municipal and county officials; and organized labor.

3.24 **Sec. 6. EFFECTIVE DATE.**

3.25 Sections 1 to 5 are effective July 1, 2013. The Environmental Justice Task Force  
3.26 and the Environmental Justice Advisory Council shall be established and operating by  
3.27 October 1, 2013.