

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 158 Session of 2023

INTRODUCED BY HUGHES, SCHWANK, SANTARSIERO, FONTANA, COMMITTA,
HAYWOOD, COLLETT AND COSTA, JANUARY 19, 2023

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 19, 2023

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in powers and duties of the Department of
 22 Environmental Resources, its officers and departmental and
 23 advisory boards and commissions, providing for Office of
 24 Environmental Justice.

25 The General Assembly of the Commonwealth of Pennsylvania
 26 hereby enacts as follows:

27 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
 28 as The Administrative Code of 1929, is amended by adding a
 29 section to read:

1 Section 1940-A. Office of Environmental Justice.--(a) It
2 shall be the policy of the Commonwealth to promote and ensure
3 that environmental justice is effectuated in this Commonwealth.
4 Each Commonwealth agency shall make achieving environmental
5 justice part of the agency's mission by identifying, addressing
6 and mitigating disproportionately high and adverse human health
7 or environmental effects of the programs, policies and
8 activities of the agency on communities of color and low-income
9 communities in this Commonwealth.

10 (b) The Office of Environmental Justice is established
11 within the department to assist in the implementation of the
12 public policy under subsection (a).

13 (c) The secretary shall appoint a director.

14 (d) The office shall have the following powers and duties:

15 (1) To advise and make recommendations to the Governor and
16 the Governor's cabinet on:

17 (i) Integrating environmental justice considerations
18 throughout Commonwealth programs, regulations, policies and
19 procedures.

20 (ii) Improving the environment and public health in
21 communities disproportionately burdened by environmental harms
22 and risks.

23 (iii) Addressing environmental justice by ensuring
24 transparent, authentic and equitable engagement in decision
25 making, building capacity in disproportionately burdened
26 communities and promoting collaborative problem solving for
27 issues involving environmental justice.

28 (iv) Strengthening partnerships on environmental justice
29 among governmental agencies, including Federal, State and local
30 government.

1 (v) Enhancing research and assessment approaches related to
2 environmental justice.

3 (2) To coordinate with all Commonwealth agencies to:

4 (i) Address and eliminate the disproportionate environmental
5 and human health impacts on communities of color and low-income
6 communities.

7 (ii) Develop and enforce rules, regulations, guidance,
8 standards, policies, plans and practices that promote
9 environmental justice.

10 (iii) Increase cooperation and require coordination among
11 Commonwealth agencies in achieving environmental justice.

12 (iv) Mitigate the inequitable distribution of the burdens
13 and benefits of Commonwealth programs having significant impacts
14 on human health and the environment.

15 (v) Provide guidance regarding criteria for identifying
16 disproportionately high and adverse human health or
17 environmental effects on communities of color and low-income
18 communities and the environmental impact on communities on the
19 basis of race, color, national origin or income.

20 (3) If appropriate, to assist all State agencies in
21 examining new regulations and policies involving State action or
22 the appropriation of money related to the impact those actions
23 and resources have on environmental justice prior to adopting a
24 regulation or policy.

25 (4) To provide to communities of color and low-income
26 communities greater access to public information and
27 opportunities for participation in decision making effecting
28 human health and the environment.

29 (5) To receive comments, concerns and recommendations from
30 individuals throughout the Commonwealth.

1 (6) To develop resources and strategies and share relevant
2 information with the public.

3 (7) To examine existing data and studies relating to
4 environmental justice.

5 (8) To develop and update, no less than every five years, a
6 Statewide environmental justice strategy that identifies and
7 addresses disproportionately high and adverse human health or
8 environmental effects of the programs, policies, spending and
9 other activities of the Commonwealth with respect to communities
10 of color and low-income communities, including:

11 (i) Impacts from the lack of infrastructure or from
12 deteriorated infrastructure.

13 (ii) Impacts from land use.

14 (iii) Impacts from climate change.

15 (iv) Impacts from commercial transportation.

16 (9) To identify programs, policies, planning and public
17 participation processes, rulemaking, agency spending and
18 enforcement activities relating to human health or the
19 environment that may be revised to:

20 (i) promote enforcement of all health, environmental and
21 civil rights laws and regulations in communities of color and
22 low-income communities; and

23 (ii) improve research and data collection relating to the
24 health and environment of communities of color and low-income
25 communities.

26 (10) To ensure that meaningful opportunities exist for the
27 public to submit comments and recommendations relating to the
28 environmental justice strategy under paragraph (8).

29 (11) To hold public meetings or otherwise solicit public
30 participation from communities of color and low-income

1 communities for the purpose of fact-finding, policy development,
2 receiving public comments and conducting inquiries concerning
3 environmental justice.

4 (12) To prepare a public review and publish a summary of the
5 comments and recommendations.

6 (e) The following shall apply:

7 (1) The secretary shall convene a task force which may not
8 have more than fifteen (15) members, each of whom shall be
9 residents of this Commonwealth, and shall include:

10 (i) Representatives who reside or work in a community
11 designated as an Environmental Justice Area under the
12 Environmental Justice Public Participation Policy.

13 (ii) Senior management officials or designees from the
14 Governor's Office of General Counsel, the Office of Attorney
15 General, the Department of Aging, the Department of Agriculture,
16 the Department of Community and Economic Development, the
17 Department of Conservation and Natural Resources, the Department
18 of Education, the Department of Human Services and the
19 Department of Transportation.

20 (2) The task force shall have the following powers and
21 duties:

22 (i) To plan strategy and develop guidelines for operation of
23 Regional Environmental Justice Committees.

24 (ii) To prepare an annual report about the combined work of
25 Regional Environmental Justice Committees across this
26 Commonwealth.

27 (iii) To monitor reporting processes for Regional
28 Environmental Justice Committees.

29 (3) The following shall apply:

30 (i) The governing body of a municipality or a resident of

1 this Commonwealth may file a petition directly with a Regional
2 Environmental Justice Committee regarding adverse exposure to
3 environmental health risks or to disproportionate adverse
4 effects resulting from the implementation of a State law,
5 regulation, guideline or policy affecting public health or the
6 environment.

7 (ii) After review of petition under subparagraph (i) by the
8 governing body of a municipality and an initial review of the
9 petition by the Regional Environmental Justice Committee, the
10 Regional Environmental Justice Committee shall meet with the
11 governing body of the municipality to discuss the petition. The
12 meeting shall be open to the public and the public may offer
13 comments at the meeting.

14 (4) Within one hundred twenty (120) days of the meeting
15 under paragraph (3)(ii), the task force, in consultation with
16 the governing body of the municipality, municipal residents,
17 municipal school board of directors and county government
18 officials, shall develop an action plan for the municipality
19 addressing environmental factors that affect community health.
20 The action plan shall clearly delineate the steps necessary to
21 reduce existing environmental burdens and avoid or reduce the
22 imposition of additional environmental burdens through
23 allocation of resources, the exercise of regulatory discretion
24 and the development of new standards and protections. The action
25 plan must specify municipal deliverables, a time frame for
26 implementation and the justification and availability of
27 financial and other resources to implement the plan. The task
28 force shall present the action plan to the relevant departments,
29 recommending its implementation.

30 (5) The task force shall monitor the implementation of each

1 action plan and make recommendations to Commonwealth agencies as
2 necessary to facilitate implementation of the action plans.
3 Agencies shall implement the strategy to the fullest extent
4 practicable.

5 (f) An environmental justice advisory board is established
6 for purposes of reviewing and making recommendations to the
7 director of the task force and the secretary relating to
8 existing and proposed laws, legislation, regulations, if
9 appropriate, and policies that impact the environmental health
10 of communities. The board shall:

11 (1) consist of fifteen (15) individuals appointed by the
12 secretary;

13 (2) meet at least quarterly;

14 (3) annually select a chairperson from board membership; and

15 (4) be composed of representatives from a diverse complement
16 of sectors which may include:

17 (i) Academic public health.

18 (ii) Statewide environmental organizations.

19 (iii) Civil rights and public health organizations.

20 (iv) Large and small business and industry.

21 (v) Municipal and county officials.

22 (vi) Organized labor.

23 (vii) Grassroots or faith-based community organizations.

24 (g) As used in this section:

25 "Board" means the Environmental Justice Advisory Board.

26 "Community of color" means any geographically distinct
27 population with a substantial number of individuals who identify
28 as black, African American, Hispanic, Latino, Asian, Pacific
29 Islander or any other nonwhite race.

30 "Department" means the Department of Environmental

1 Protection.

2 "Director" means the Director of the Office of Environmental
3 Justice.

4 "Environmental justice" means the fair treatment and
5 meaningful involvement of all individuals, regardless of race,
6 color, national origin, educational level or income, with
7 respect to the development, implementation and enforcement of
8 environmental laws, regulations and policies to ensure that:

9 (1) communities of color and low-income communities have
10 access to public information and opportunities for meaningful
11 public participation relating to human health and environmental
12 planning, regulations and enforcement; and

13 (2) no community of color or low-income community is exposed
14 to a disproportionate burden of the negative human health and
15 environmental impacts of pollution or other environmental
16 hazards.

17 "Office" means the Office of Environmental Justice.

18 "Secretary" means the Secretary of Environmental Protection.

19 "Task force" means the Environmental Justice Task Force.

20 Section 2. This act shall take effect in 60 days.