

Calendar No. 1076110TH CONGRESS
2^D SESSION**S. 2549****[Report No. 110-498]**

To require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2008

Mr. REID (for Mrs. CLINTON (for herself, Mr. CARDIN, Mrs. BOXER, Mr. LAUTENBERG, and Mr. SCHUMER)) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mrs. BOXER, without amendment

A BILL

To require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Environmental Justice
5 Renewal Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) ADVISORY COUNCIL.—The term “Advisory
12 Council” means the National Environmental Justice
13 Advisory Council established by the Administrator
14 under section 9(a).

15 (3) CLEARINGHOUSE.—The term “clearing-
16 house” means the Environmental Justice Clearing-
17 house developed by the Administrator under section
18 10(a).

19 (4) DIRECTOR.—The term “Director” means
20 the Director of the National Institute of Environ-
21 mental Health Sciences.

22 (5) ENVIRONMENTAL JUSTICE.—The term “en-
23 vironmental justice” means the fair treatment and
24 meaningful involvement of all individuals regardless
25 of race, color, national origin, educational level, or

1 income with respect to the development, implementa-
2 tion, and enforcement of environmental laws (includ-
3 ing regulations) to ensure that—

4 (A) minority and low-income populations
5 have access to public information relating to
6 human health and environmental planning, reg-
7 ulations, and enforcement; and

8 (B) no minority or low-income population
9 shall be exposed to a disproportionate burden of
10 the negative human health and environmental
11 impacts of pollution or other environmental
12 hazards.

13 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—

14 The term “environmental justice community” means
15 a community with significant representation of racial
16 or ethnic minorities or low-income populations that
17 experiences, or is at risk of experiencing, a signifi-
18 cant or disproportionate burden of environmental
19 stressors, risks, adverse human health effects, or en-
20 vironmental effects.

21 (7) FAIR TREATMENT.—The term “fair treat-

22 ment” means the conduct of policies and practices to
23 ensure that no group of individuals (including racial,
24 ethnic, or socioeconomic groups) experiences a dis-
25 proportionate burden of high and adverse human

1 health or environmental effects resulting from any
2 program, activity, or policy of a Federal agency.

3 (8) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 450b).

7 (9) STATE.—The term “State” means—

8 (A) a State;

9 (B) a territory or possession of the United
10 States; and

11 (C) a tribal government.

12 (10) TRIBAL GOVERNMENT.—The term “tribal
13 government” means the governing body of an Indian
14 tribe.

15 (11) WORKING GROUP.—The term “Working
16 Group” means the Interagency Working Group on
17 Environmental Justice established by the Adminis-
18 trator under section 3(a).

19 **SEC. 3. INTERAGENCY WORKING GROUP ON ENVIRON-**
20 **MENTAL JUSTICE.**

21 (a) ESTABLISHMENT.—Not later than 30 days after
22 the date of enactment of this Act, the Administrator shall
23 establish a working group to be known as the “Inter-
24 agency Working Group on Environmental Justice”.

1 (b) PURPOSES.—The purposes of the Working Group
2 are—

3 (1) to provide guidance to Federal agencies on
4 the development of the guidance document under
5 subsection (f)(1) for identifying disproportionately
6 high and adverse human health or environmental ef-
7 fects on—

8 (A) minority populations; and

9 (B) low-income populations;

10 (2) to coordinate with, provide guidance to, and
11 serve as a clearinghouse for, each Federal agency
12 during the development by each Federal agency of
13 an environmental justice strategy;

14 (3) to ensure that the administration, interpre-
15 tation, and enforcement of each applicable program,
16 activity, and policy of each Federal agency is under-
17 taken in a manner that minimizes or eliminates dis-
18 proportionately high and adverse human health or
19 environmental effects on racial minority, ethnic mi-
20 nority, or low-income populations;

21 (4) to assist in the coordination of research
22 conducted by, and stimulate cooperation among—

23 (A) the Agency;

24 (B) the Department of Health and Human
25 Services;

1 (C) the Department of Housing and Urban
2 Development;

3 (D) the Department of Transportation;
4 and

5 (E) any other Federal agency that con-
6 ducts research or any other activity relating to
7 the study of human health and environmental
8 research and analysis;

9 (5) to assist in the coordination of data collec-
10 tion activities conducted by each Federal agency de-
11 scribed in paragraph (4);

12 (6) to examine each study and available data
13 with respect to issues relating to environmental jus-
14 tice in existence as of the date of enactment of this
15 Act;

16 (7) to hold public meetings to conduct fact-find-
17 ing, receive public comments, and conduct inquiries
18 concerning issues relating to environmental justice,
19 the summaries of the comments and recommenda-
20 tions from which shall be made available to the pub-
21 lic;

22 (8) to develop interagency model projects on
23 issues relating to environmental justice that evidence
24 cooperation among Federal agencies;

1 (9) to engage in regular consultation with the
2 Advisory Council, but not less than once per year;

3 (10) to assess and review the activities of the
4 Federal Government (including any policy or pro-
5 gram of the Federal Government in existence as of
6 the date of enactment of this Act) to minimize and
7 eliminate disproportionately high and adverse human
8 health or environmental effects on racial minority,
9 ethnic minority, or low-income populations; and

10 (11) to seek advice from community-based orga-
11 nizations and academic experts who are engaged in
12 environmental justice research and other activities.

13 (c) COMPOSITION.—The Working Group shall be
14 composed of—

15 (1) the Administrator (or a designee);

16 (2) the Secretary of Defense (or a designee);

17 (3) the Secretary of Health and Human Serv-
18 ices (or a designee);

19 (4) the Secretary of Housing and Urban Devel-
20 opment (or a designee);

21 (5) the Secretary of Labor (or a designee);

22 (6) the Secretary of Agriculture (or a designee);

23 (7) the Secretary of Transportation (or a des-
24 ignee);

25 (8) the Attorney General (or a designee);

1 (9) the Secretary of the Interior (or a des-
2 ignee);

3 (10) the Secretary of Commerce (or a des-
4 ignee);

5 (11) the Secretary of Energy (or a designee);

6 (12) the Secretary of Homeland Security (or a
7 designee);

8 (13) the Director of the Office of Management
9 and Budget (or a designee);

10 (14) the Director of the Office of Science and
11 Technology Policy (or a designee);

12 (15) the Deputy Assistant to the President for
13 Environmental Policy (or a designee);

14 (16) the Assistant to the President for Domes-
15 tic Policy (or a designee);

16 (17) the Director of the National Economic
17 Council (or a designee);

18 (18) the Chairman of the Council of Economic
19 Advisers (or a designee); and

20 (19) any other official of the Federal Govern-
21 ment that the President may designate.

22 (d) CHAIRPERSON.—The President (or a designee)
23 shall serve as the Chairperson of the Working Group.

24 (e) REPORT TO PRESIDENT.—The Working Group
25 shall report to the President through—

1 (1) the Deputy Assistant to the President for
2 Environmental Policy; or

3 (2) the Assistant to the President for Domestic
4 Policy.

5 (f) UNIFORM CONSIDERATION GUIDANCE DOCU-
6 MENT.—

7 (1) IN GENERAL.—To ensure that there is a
8 common level of understanding of terminology used
9 in dealing with environmental justice issues, not
10 later than 1 year after the date of enactment of this
11 Act, the Working Group shall develop and publish in
12 the Federal Register a guidance document that out-
13 lines the ways in which the following considerations
14 will be taken into account in defining communities
15 as environmental justice communities:

16 (A) A disproportionate burden of adverse
17 human health or environmental impacts, or the
18 potential for those impacts.

19 (B) Aggregation of risk.

20 (C) Cumulative sources of risk.

21 (D) Additional elements in the community
22 that indicate vulnerability, such as a high inci-
23 dence of disease and lower income levels.

24 (E) The capacity of communities to ad-
25 dress environmental concerns.

1 (2) PUBLIC COMMENT.—For a period of not
2 less than 30 days, the Working Group shall seek
3 public comment on the guidance document developed
4 under paragraph (1).

5 (3) DOCUMENTATION.—Not later than 90 days
6 after the date of publication of the guidance docu-
7 ment under paragraph (1), the head of each Federal
8 agency participating in the Working Group shall
9 document the ways in which the Federal agency will
10 incorporate guidance from the document into the en-
11 vironmental justice strategy of the Federal agency.

12 (g) DEVELOPMENT OF INTERAGENCY FEDERAL EN-
13 VIRONMENTAL JUSTICE STRATEGY.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date on which the environmental justice strate-
16 gies of the Federal agencies are finalized under sec-
17 tion 4(b)(3)(A)(i), after notice and opportunity for
18 public comment, the Working Group shall develop
19 and promulgate a coordinated interagency Federal
20 environmental justice strategy.

21 (2) CONSIDERATION.—In carrying out para-
22 graph (1), the Working Group shall consider each
23 environmental justice strategy developed by each
24 Federal agency under section 4(b)(3)(A)(i).

25 (h) REPORT TO PRESIDENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date described in subsection (g)(1), the
3 Working Group shall, through the Chairman of the
4 Council on Environmental Quality and the Assistant
5 to the President for Domestic Policy, submit to the
6 President a report that contains—

7 (A) a description of the implementation of
8 the interagency Federal environmental justice
9 strategy; and

10 (B) a copy of the finalized environmental
11 justice strategy of each Federal agency.

12 (2) PUBLIC AVAILABILITY.—The head of each
13 Federal agency shall make the report described in
14 paragraph (1) available to the public (including by
15 posting a copy of the report on the website of each
16 Federal agency).

17 **SEC. 4. RESPONSIBILITIES OF FEDERAL AGENCIES.**

18 (a) CONDUCT OF PROGRAMS.—Each Federal agency
19 shall conduct each program, policy and activity of the Fed-
20 eral agency that adversely affects or has the potential to
21 affect human health or the environment in a manner that
22 ensures that each program, policy, and activity does not
23 have an effect of excluding any individual from partici-
24 pating in, denying any individual the benefits of, or sub-
25 jecting any individuals to discrimination or disparate im-

1 pact under any program, policy, or activity of the Federal
2 agency because of the race, color, national origin, or in-
3 come level of the individual.

4 (b) FEDERAL AGENCY ENVIRONMENTAL JUSTICE
5 STRATEGIES.—

6 (1) DEVELOPMENT.—Each Federal agency that
7 participates in the Working Group shall develop an
8 agency-wide environmental justice strategy that—

9 (A) identifies and addresses any dispropor-
10 tionately high or adverse human health or envi-
11 ronmental effects of each program, policy, and
12 activity of the Federal agency on—

13 (i) minority populations; and

14 (ii) low-income populations; and

15 (B) complies with each requirement de-
16 scribed in paragraph (2).

17 (2) CONTENTS.—Each environmental justice
18 strategy developed by a Federal agency under para-
19 graph (1) shall contain—

20 (A) an assessment that identifies each pro-
21 gram, policy, planning and public participation
22 process, enforcement activity, and rulemaking
23 procedure relating to human health or the envi-
24 ronment that the Federal agency determines
25 should be revised—

- 1 (i) to ensure the enforcement by the
2 Federal agency of each health or environ-
3 mental statute relating to—
- 4 (I) minority populations; and
 - 5 (II) low-income populations;
- 6 (ii) to ensure greater and more mean-
7 ingful public participation;
- 8 (iii) to improve the conduct by the
9 Federal agency of research and data collec-
10 tion activities relating to the health and
11 environment of—
- 12 (I) minority populations; and
 - 13 (II) low-income populations;
- 14 (iv) to facilitate the identification of
15 differential development patterns and ac-
16 cess to natural resources among—
- 17 (I) minority populations; and
 - 18 (II) low-income populations;
- 19 (v) to integrate environmental justice
20 into the activities of the Federal agency;
21 and
- 22 (vi) to ensure that the Federal agency
23 undertakes activities to reduce or eliminate
24 disproportionately high and adverse human
25 health or environmental effects on racial

1 minority, ethnic minority, and low-income
2 populations; and

3 (B) a timetable for the completion of—

4 (i) each revision identified under sub-
5 paragraph (A); and

6 (ii) an assessment of the economic
7 and social implications of each revision
8 identified under subparagraph (A).

9 (3) FINALIZATION; IMPLEMENTATION.—

10 (A) FINALIZATION OF AGENCY-WIDE ENVI-
11 RONMENTAL JUSTICE STRATEGY.—

12 (i) IN GENERAL.—Not later than 1
13 year after the date of enactment of this
14 Act, after notice and opportunity for public
15 comment, each Federal agency shall final-
16 ize the environmental justice strategy of
17 the Federal agency.

18 (ii) IDENTIFICATION OF PROJECTS.—
19 During the period described in clause (i),
20 as part of the environmental justice strat-
21 egy finalized under that clause, each Fed-
22 eral agency shall—

23 (I) identify each project that
24 could be promptly carried out by the
25 Federal agency to address any revi-

1 sion identified under paragraph (2);
2 and

3 (II) develop a schedule for car-
4 rying out each project identified by
5 the Federal agency under subclause
6 (I).

7 (iii) COORDINATION OF ACTIVITIES.—

8 In carrying out clause (ii), each Federal
9 agency shall coordinate the activities of the
10 Federal agency with the Working Group to
11 minimize the duplication of, and maximize
12 the effectiveness of, the activities of each
13 Federal agency.

14 (iv) REPORTS.—

15 (I) ANNUAL REPORTS.—Not
16 later than 2 years after the date of
17 enactment of this Act, and annually
18 thereafter, each Federal agency shall
19 submit to the Working Group a report
20 describing the progress of the Federal
21 agency in implementing the environ-
22 mental justice strategy of the Federal
23 agency.

24 (II) PERIODIC REPORTS.—In ad-
25 dition to the annual reports described

1 in subclause (I), upon the receipt of a
2 request from the Working Group, a
3 Federal agency shall submit to the
4 Working Group a report that contains
5 such information as the Working
6 Group may require.

7 (B) REVISION OF AGENCY-WIDE ENVIRON-
8 MENTAL JUSTICE STRATEGY.—Not later than 5
9 years after the date of enactment of this Act,
10 each Federal agency shall—

11 (i) evaluate the environmental justice
12 strategy of the Federal agency; and

13 (ii) submit to the Working Group a
14 copy of the revised version of the environ-
15 mental justice strategy of the Federal
16 agency.

17 (4) PETITION.—

18 (A) IN GENERAL.—The head of a Federal
19 agency may submit to the President a petition
20 for an exemption of any requirement described
21 in this section with respect to any program or
22 activity of the Federal agency.

23 (B) AVAILABILITY TO PUBLIC.—Each peti-
24 tion submitted by a Federal agency to the
25 President under subparagraph (A) shall be

1 made available to the public (including through
2 a description of the petition on the website of
3 the Federal agency).

4 (C) CONSIDERATION.—In determining
5 whether to grant a petition for an exemption
6 submitted by a Federal agency to the President
7 under subparagraph (A), the President shall
8 consider whether the granting of the petition
9 would likely—

10 (i) result in disproportionately high
11 and adverse human health or environ-
12 mental effects on racial minority, ethnic
13 minority, or low-income populations; or

14 (ii) exacerbate any disproportionately
15 high and adverse human health or environ-
16 mental effect on any racial minority, ethnic
17 minority, or low-income population.

18 (D) APPEAL.—

19 (i) IN GENERAL.—Not later than 90
20 days after the date on which the President
21 approves a petition under this paragraph,
22 an individual may appeal the decision of
23 the President to approve the petition.

24 (ii) WRITTEN APPEAL.—

1 (I) IN GENERAL.—To appeal a
2 decision of the President under clause
3 (i), an individual shall submit a writ-
4 ten appeal to—

5 (aa) the Deputy Assistant to
6 the President for Environmental
7 Policy; or

8 (bb) the Assistant to the
9 President for Domestic Policy.

10 (II) CONTENTS.—A written ap-
11 peal shall contain a description of
12 each reason why the exemption that is
13 the subject of the petition is unneces-
14 sary.

15 (iii) REQUIREMENT OF PRESIDENT.—
16 Not later than 90 days after the date on
17 which an official described in clause (ii)(I)
18 receives a written appeal submitted by an
19 individual under that clause, the President
20 shall provide to the individual a written no-
21 tification describing the decision of the
22 President with respect to the appeal.

23 **SEC. 5. OMBUDSMEN.**

24 (a) ESTABLISHMENT.—The Administrator shall es-
25 tablish within the Environmental Protection Agency a po-

1 sition of Environmental Justice Ombudsman to receive,
 2 review, and process complaints and allegations with re-
 3 spect to environmental justice programs and activities of
 4 the Environmental Protection Agency.

5 (b) REPORTING.—The Environmental Justice Om-
 6 budsman shall—

7 (1) report directly to the Administrator; and

8 (2) not be required to report to the Office of
 9 Environmental Justice.

10 (c) REGIONAL STAFF.—

11 (1) AUTHORITY OF ENVIRONMENTAL JUSTICE
 12 OMBUDSMAN.—The Administrator shall allow the
 13 Environmental Justice Ombudsman to hire such
 14 staff as the Environmental Justice Ombudsman de-
 15 termines to be necessary to carry out at each re-
 16 gional office of the Environmental Protection Agency
 17 the responsibilities of the Environmental Justice
 18 Ombudsman described in subsection (a).

19 (2) FULL-TIME POSITION.—Each individual
 20 hired by the Environmental Justice Ombudsman
 21 under paragraph (1) shall be hired as a full-time
 22 employee of the Environmental Protection Agency.

23 **SEC. 6. TRAINING OF EMPLOYEES OF FEDERAL AGENCIES.**

24 (a) INITIAL PERIOD OF TRAINING.—Not later than
 25 1 year after the date of enactment of this Act, the Admin-

1 istrator shall offer to each employee of the Environmental
2 Protection Agency an opportunity to participate in an en-
3 vironmental justice training program to ensure that each
4 employee of the Environmental Protection Agency—

5 (1) has received training in environmental jus-
6 tice; and

7 (2) is capable of—

8 (A) appropriately incorporating environ-
9 mental justice concepts into the daily activities
10 of the employee;

11 (B) addressing the needs of environmental
12 justice communities; and

13 (C) increasing the meaningful participation
14 of individuals from environmental justice com-
15 munities in the activities of the Environmental
16 Protection Agency.

17 (b) MANDATORY PARTICIPATION.—Effective on the
18 date that is 1 year after the date of enactment of this
19 Act, each individual hired by the Environmental Protec-
20 tion Agency after that date shall be required to participate
21 in environmental justice training.

22 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
23 EES.—

24 (1) IN GENERAL.—With respect to each Fed-
25 eral agency, not later than 30 days after the date on

1 which an individual is appointed to the position of
2 environmental justice coordinator, environmental
3 justice ombudsman, or any other position the re-
4 sponsibility of which involves the conduct of environ-
5 mental justice activities, the individual shall be re-
6 quired to possess documentation of the completion
7 by the individual of environmental justice training.

8 (2) EFFECT.—If an individual described in
9 paragraph (1) fails to meet the requirement de-
10 scribed in that paragraph, the Federal agency at
11 which the individual is employed shall transfer the
12 individual to a different position until the date on
13 which the individual completes environmental justice
14 training.

15 (3) EVALUATION.—Not later than 3 years after
16 the date of enactment of this Act, the Inspector
17 General of the Environmental Protection Agency
18 shall evaluate each training program of the Environ-
19 mental Protection Agency to determine if the Envi-
20 ronmental Protection Agency has improved the rate
21 of training of the employees of the Environmental
22 Protection Agency to ensure that each employee has
23 received environmental justice training.

24 **SEC. 7. GRANT PROGRAMS.**

25 (a) SMALL GRANT PROGRAM.—

1 (1) ESTABLISHMENT.—The Administrator shall
2 establish a program under which the Administrator
3 shall provide grants to eligible entities to assist the
4 eligible entities in—

5 (A) building capacity to address issues re-
6 lating to environmental justice; and

7 (B) carrying out any activity described in
8 paragraph (4).

9 (2) ELIGIBILITY.—To be eligible to receive a
10 small grant under paragraph (1), an eligible entity
11 shall be a nonprofit, community-based organization
12 that conducts activities to reduce the dispropor-
13 tionate health impacts of environmental pollution in
14 the environmental justice community at which the
15 eligible organization proposes to conduct an activity
16 that is the subject of the application described in
17 paragraph (3).

18 (3) APPLICATION.—To be eligible to receive a
19 small grant under paragraph (1), an eligible entity
20 shall submit to the Administrator an application at
21 such time, in such manner, and containing such in-
22 formation as the Administrator may require, includ-
23 ing—

1 (A) an outline describing the means by
2 which the project proposed by the eligible entity
3 will—

4 (i) with respect to environmental and
5 public health issues at the local level, in-
6 crease the understanding of the community
7 at which the eligible entity will conduct the
8 project;

9 (ii) improve the ability of the commu-
10 nity to address each issue described in
11 clause (i); and

12 (iii) facilitate collaboration and co-
13 operation among various stakeholders (in-
14 cluding members of the community);

15 (B) a proposed budget for each activity of
16 the project that is the subject of the applica-
17 tion;

18 (C) a list of proposed outcomes with re-
19 spect to the proposed project;

20 (D) a description of the ways by which the
21 eligible entity may leverage the funds of the eli-
22 gible entity, or the funds made available
23 through a small grant under this subsection, to
24 develop a project that is capable of being sus-

1 tained beyond the period of the small grant;
2 and

3 (E) a description of the ways by which the
4 eligible entity is linked to, and representative
5 of, the community at which the eligible entity
6 will conduct the project.

7 (4) USE OF FUNDS.—An eligible entity that re-
8 ceives funds through a small grant under paragraph
9 (1) shall use the funds to carry out culturally and
10 linguistically appropriate activities that are tailored
11 to the needs of the community to address environ-
12 mental justice concerns and improve the health or
13 environment of the community, including activities—

14 (A) to create or develop collaborative part-
15 nerships;

16 (B) to educate and provide outreach serv-
17 ices to the community at which the eligible enti-
18 ty proposes to conduct the project;

19 (C) to identify, and implement projects to
20 address, environmental or public health con-
21 cerns; or

22 (D) to develop a comprehensive under-
23 standing of environmental or public health
24 issues.

25 (5) REPORT.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, and an-
3 nually thereafter, the Administrator shall sub-
4 mit to the appropriate committees of Congress
5 a report describing the ways by which the grant
6 program has helped community-based nonprofit
7 organizations address issues relating to environ-
8 mental justice.

9 (B) PUBLIC AVAILABILITY.—The Adminis-
10 trator shall make the report required under
11 subparagraph (A) available to the public (in-
12 cluding by posting a copy of the report on the
13 website of the Environmental Protection Agen-
14 cy).

15 (6) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to carry out
17 this subsection \$5,000,000 for each of fiscal years
18 2009 through 2013.

19 (b) COLLABORATIVE GRANT PROGRAM.—

20 (1) ESTABLISHMENT.—The Administrator shall
21 establish a program under which the Administrator
22 shall provide not more than 20 collaborative grants
23 to eligible entities that propose, through an applica-
24 tion submitted by each eligible entity, to address
25 local environmental or public health issues through

1 the use of the environmental justice collaborative
2 problem-solving model established by the Environ-
3 mental Protection Agency.

4 (2) ELIGIBILITY.—

5 (A) IN GENERAL.—Subject to subpara-
6 graph (B), to be eligible to receive a collabo-
7 rative grant under paragraph (1), an eligible
8 entity shall be a nonprofit, community-based or-
9 ganization that conducts activities to reduce the
10 disproportionate health impacts of environ-
11 mental pollution in the community in which the
12 eligible organization is located.

13 (B) LIMITATION.—The Administrator shall
14 select not more than 2 grantees from each re-
15 gion of the United States, as determined by the
16 Administrator.

17 (3) APPLICATION.—To be eligible to receive a
18 collaborative grant under paragraph (1), an eligible
19 entity shall submit to the Administrator an applica-
20 tion at such time, in such manner, and containing
21 such information as the Administrator may require,
22 including a description of—

23 (A) the means by which—

1 (i) the eligible entity will use the envi-
2 ronmental justice collaborative problem-
3 solving model; and

4 (ii) the activities of the eligible entity
5 will incorporate relevant statutes;

6 (B) the ways by which the eligible entity is
7 linked to, and representative of, the community
8 at which the eligible entity will conduct the ac-
9 tivities proposed by the eligible entity; and

10 (C) the activities that the eligible entity
11 shall undertake to reduce or eliminate dis-
12 proportionately high and adverse human health
13 or environmental effects on the community in
14 which the eligible entity is based.

15 (4) USE OF FUNDS.—

16 (A) COLLABORATIVE PROBLEM-SOLVING
17 ACTIVITIES.—An eligible entity that receives
18 funds through a collaborative grant under para-
19 graph (1) shall use the funds to carry out col-
20 laborative problem-solving activities—

21 (i) to address environmental justice
22 concerns and improve the health or envi-
23 ronment of the community; and

24 (ii) through the use of not less than
25 2 statutes described in subparagraph (B).

1 (B) AUTHORIZED STATUTES.—In carrying
2 out an activity described in subparagraph (A),
3 an eligible entity may use any appropriate statute,
4 including—

5 (i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

7 (ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

9 (iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

11 (iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

13 (v) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

15 (vi) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

18 (vii) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

21 (viii) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

1 (ix) the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.);

3 (x) the Emergency Planning and
4 Community Right-To-Know Act of 1986
5 (42 U.S.C. 11001 et seq.);

6 (xi) Federal pollution prevention stat-
7 utes;

8 (xii) the National Environmental Pol-
9 icy Act of 1969 (42 U.S.C. 4321 et seq.);
10 and

11 (xiii) any other statute relating to—

12 (I) the use of tribal land, terri-
13 tories, or artifacts; or

14 (II) environmental justice (in-
15 cluding the Civil Rights Act of 1964
16 (42 U.S.C. 2000a et seq.)).

17 (5) REPORT.—

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, and an-
20 nually thereafter, the Administrator shall sub-
21 mit to the appropriate committees of Congress
22 a report describing—

23 (i) the implementation of the collabo-
24 rative grant program established under
25 paragraph (1); and

1 (ii) the impact of the collaborative
2 grant program in addressing environmental
3 justice concerns in communities.

4 (B) PUBLIC AVAILABILITY.—The Adminis-
5 trator shall make the report required under
6 subparagraph (A) available to the public (in-
7 cluding by posting a copy of the report on the
8 website of the Environmental Protection Agen-
9 cy).

10 (6) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated to carry out
12 this subsection \$5,000,000 for each of fiscal years
13 2009 through 2013.

14 (c) INTERAGENCY COOPERATIVE AGREEMENT PRO-
15 GRAM.—

16 (1) ESTABLISHMENT.—The Administrator, in
17 cooperation with appropriate Federal agencies, shall
18 establish a program under which the Administrator
19 shall enter into not more than 20 cooperative agree-
20 ments with eligible entities to carry out interagency
21 activities that address issues relating to environ-
22 mental justice in communities.

23 (2) ELIGIBLE ENTITIES.—

24 (A) PARTNERSHIP REQUIREMENT.—To be
25 eligible to enter into a cooperative agreement

1 with the Administrator under paragraph (1), an
2 eligible entity shall be a partnership comprised
3 of 2 or more entities described in subparagraph
4 (B).

5 (B) ELIGIBLE PARTNERS.—A partnership
6 described in subparagraph (A) may be com-
7 prised of 1 or more—

8 (i) Federal agencies;

9 (ii) State or local governmental agen-
10 cies;

11 (iii) community-based organizations
12 that conduct activities relating to environ-
13 mental justice issues;

14 (iv) representatives of accredited insti-
15 tutions of higher education;

16 (v) local businesses and representa-
17 tives of the private sector; and

18 (vi) appropriate entities, as deter-
19 mined by the Administrator.

20 (3) USE OF FUNDS.—An eligible entity that re-
21 ceives funds through a cooperative agreement under
22 paragraph (1) shall use the funds to carry out any
23 activity that the Administrator determines would ad-
24 vance the objectives of the environmental justice

1 strategy developed by the Working Group under sec-
2 tion 3(g)(1).

3 (4) REPORT.—

4 (A) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this Act, and
6 every 2 years thereafter, the Administrator
7 shall submit to the appropriate committees of
8 Congress a report describing—

9 (i) the implementation of the coopera-
10 tive agreement program established under
11 paragraph (1); and

12 (ii) the impact of the cooperative
13 agreement program on addressing issues
14 relating to environmental justice in com-
15 munities.

16 (B) PUBLIC AVAILABILITY.—The Adminis-
17 trator shall make the report required under
18 subparagraph (A) available to the public (in-
19 cluding by posting a copy of the report on the
20 website of the Environmental Protection Agen-
21 cy).

22 (5) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated to carry out
24 this subsection \$5,000,000 for each of fiscal years
25 2009 through 2013.

1 (d) STATE GRANT PROGRAM.—

2 (1) ESTABLISHMENT.—The Administrator shall
3 establish a program under which the Administrator
4 shall provide grants to States to enable the States—

5 (A) to establish culturally and linguistically
6 appropriate protocols, activities, and mecha-
7 nisms for addressing issues relating to environ-
8 mental justice; and

9 (B) to carry out culturally and linguis-
10 tically appropriate activities to reduce or elimi-
11 nate disproportionately high and adverse human
12 health or environmental effects on environ-
13 mental justice communities in the State.

14 (2) ELIGIBILITY.—

15 (A) APPLICATION.—To be eligible to re-
16 ceive a grant under paragraph (1), a State shall
17 submit to the Administrator an application at
18 such time, in such manner, and containing such
19 information as the Administrator may require,
20 including—

21 (i) a plan that contains a description
22 of the means by which the funds provided
23 through a grant under paragraph (1) will
24 be used to address issues relating to envi-
25 ronmental justice at the State level; and

1 (ii) assurances that the funds pro-
2 vided through a grant under paragraph (1)
3 will be used only to supplement the
4 amount of funds that the State allocates
5 for initiatives relating to environmental
6 justice.

7 (B) ABILITY TO CONTINUE PROGRAM.—To
8 be eligible to receive a grant under paragraph
9 (1), a State shall demonstrate to the Adminis-
10 trator that the State has the ability to continue
11 each program that is the subject of funds pro-
12 vided through a grant under paragraph (1)
13 after the date of receipt of the funds.

14 (3) REPORT.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this Act, and an-
17 nually thereafter, the Administrator shall sub-
18 mit to the appropriate committees of Congress
19 a report describing—

20 (i) the implementation of the grant
21 program established under paragraph (1);

22 (ii) the impact of the grant program
23 on improving the ability of each partici-
24 pating State to address environmental jus-
25 tice issues; and

1 (iii) the activities carried out by each
2 State to reduce or eliminate disproportion-
3 ately high and adverse human health or
4 environmental effects on environmental
5 justice communities in the State.

6 (B) PUBLIC AVAILABILITY.—The Adminis-
7 trator shall make the report required under
8 subparagraph (A) available to the public (in-
9 cluding by posting a copy of the report on the
10 website of the Environmental Protection Agen-
11 cy).

12 (4) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to carry out
14 this subsection \$2,500,000 for each of fiscal years
15 2009 through 2013.

16 (e) COMMUNITY-BASED PARTICIPATORY RESEARCH
17 GRANT PROGRAM.—

18 (1) ESTABLISHMENT.—The Administrator, in
19 consultation with the Director, shall establish a pro-
20 gram under which the Administrator shall provide
21 not more than 25 multiyear grants to eligible enti-
22 ties to carry out community-based participatory re-
23 search—

24 (A) to address issues relating to environ-
25 mental justice;

1 (B) to improve the environment of resi-
2 dents of environmental justice communities; and

3 (C) to improve the health outcomes of resi-
4 dents of environmental justice communities.

5 (2) ELIGIBILITY.—To be eligible to receive a
6 multiyear grant under paragraph (1), an eligible en-
7 tity shall be a partnership comprised of—

8 (A) an accredited institution of higher edu-
9 cation; and

10 (B) a community-based organization.

11 (3) APPLICATION.—To be eligible to receive a
12 multiyear grant under paragraph (1), an eligible en-
13 tity shall submit to the Administrator an application
14 at such time, in such manner, and containing such
15 information as the Administrator may require, in-
16 cluding—

17 (A) a detailed description of the partner-
18 ship of the eligible entity that, as determined by
19 the Administrator, demonstrates the participa-
20 tion of members of the community at which the
21 eligible entity proposes to conduct the research;
22 and

23 (B) a description of—

24 (i) the project proposed by the eligible
25 entity; and

1 (ii) the ways by which the project
2 will—

3 (I) address issues relating to en-
4 vironmental justice;

5 (II) assist in the improvement of
6 health outcomes of residents of envi-
7 ronmental justice communities; and

8 (III) assist in the improvement of
9 the environment of residents of envi-
10 ronmental justice communities.

11 (4) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this subsection \$5,000,000 for each of fiscal years
14 2009 through 2013.

15 **SEC. 8. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
16 **GRAM.**

17 (a) ESTABLISHMENT.—The Administrator shall es-
18 tablish a basic training program to increase the capacity
19 of residents of environmental justice communities to iden-
20 tify and address disproportionately high and adverse
21 human health or environmental effects by providing cul-
22 turally and linguistically appropriate—

23 (1) training relating to—

1 (A) basic and advanced techniques for the
2 detection, assessment, and evaluation of the ef-
3 fects of hazardous substances on human health;

4 (B) methods to assess the risks to human
5 health presented by hazardous substances;

6 (C) methods and technologies to detect
7 hazardous substances in the environment; and

8 (D) basic biological, chemical, and physical
9 methods to reduce the quantity and toxicity of
10 hazardous substances; and

11 (2) short courses and continuation education
12 programs for residents of communities who are lo-
13 cated in close proximity to hazardous substances to
14 provide—

15 (A) education relating to—

16 (i) the proper manner to handle haz-
17 ardous substances;

18 (ii) the management of facilities at
19 which hazardous substances are located
20 (including facility compliance protocols);
21 and

22 (iii) the evaluation of the hazards that
23 facilities described in clause (ii) pose to
24 human health; and

1 (B) training on environmental and occupa-
2 tional health and safety with respect to the pub-
3 lic health and engineering aspects of hazardous
4 waste control.

5 (b) GRANT PROGRAM.—

6 (1) ESTABLISHMENT.—In carrying out the
7 training program, the Administrator may provide
8 grants to, or enter into any contract or cooperative
9 agreement with, an eligible entity to carry out any
10 training or educational activity described in sub-
11 section (a).

12 (2) ELIGIBLE ENTITY.—To be eligible to receive
13 assistance under paragraph (1), an eligible entity
14 shall be an accredited institution of education in
15 partnership with—

16 (A) a community-based organization that
17 carries out activities relating to environmental
18 justice;

19 (B) a generator of hazardous waste;

20 (C) any individual who is involved in the
21 detection, assessment, evaluation, or treatment
22 of environmental waste;

23 (D) any owner or operator of a facility at
24 which hazardous substances are located; or

25 (E) any State or local government.

1 (c) PLAN.—

2 (1) IN GENERAL.—Not later than 270 days
3 after the date of enactment of this Act, the Adminis-
4 trator, in consultation with the Director, shall de-
5 velop and publish in the Federal Register a plan to
6 carry out the basic training program described in
7 subsection (a).

8 (2) CONTENTS.—The plan described in para-
9 graph (1) shall contain—

10 (A) a list that describes the relative pri-
11 ority of each activity described in subsection
12 (a); and

13 (B) a description of research and training
14 relevant to environmental justice issues of com-
15 munities adversely affected by pollution.

16 (3) COORDINATION WITH FEDERAL AGEN-
17 CIES.—The Administrator shall, to the maximum ex-
18 tent practicable, take appropriate steps to coordinate
19 the activities of the training program described in
20 the plan with the activities of other Federal agencies
21 to avoid any duplication of effort.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, and every 2 years
25 thereafter, the Administrator shall submit to the ap-

1 appropriate committees of Congress a report describ-
2 ing—

3 (A) the implementation of the training pro-
4 gram established under subsection (a); and

5 (B) the impact of the training program on
6 improving training opportunities for residents
7 of environmental justice communities.

8 (2) PUBLIC AVAILABILITY.—The Administrator
9 shall make the report required under paragraph (1)
10 available to the public (including by posting a copy
11 of the report on the website of the Environmental
12 Protection Agency).

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$3,000,000 for each of fiscal years 2009 through 2013.

16 **SEC. 9. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
17 **COUNCIL.**

18 (a) ESTABLISHMENT.—The Administrator shall es-
19 tablish an advisory council to be known as the “National
20 Environmental Justice Advisory Council”.

21 (b) MEMBERSHIP.—The Advisory Council shall be
22 comprised of 26 members who have knowledge of, or expe-
23 rience relating to, the effect of environmental conditions
24 on racial minority, ethnic minority, or low-income commu-
25 nities, including—

1 (1) representatives of—

2 (A) community-based organizations that
3 carry out initiatives relating to environmental
4 justice;

5 (B) State and local governments;

6 (C) Indian tribes and other indigenous
7 groups;

8 (D) nongovernmental and environmental
9 organizations; and

10 (E) private sector organizations (including
11 representatives of industries and businesses);
12 and

13 (2) experts in the fields of—

14 (A) socioeconomic analysis;

15 (B) health and environmental effects;

16 (C) exposure evaluation;

17 (D) environmental and civil rights law; and

18 (E) environmental health science research.

19 (c) SUBCOMMITTEES; WORKGROUPS.—

20 (1) ESTABLISHMENT.—The Advisory Council
21 may establish any subcommittee or workgroup to as-
22 sist the Advisory Council in carrying out each duty
23 of the Advisory Council described in subsection (d).

24 (2) REPORT.—Upon the request of the Advisory
25 Council, each subcommittee or workgroup estab-

1 lished by the Advisory Council under paragraph (1)
2 shall submit to the Advisory Council a report that
3 contains—

4 (A) a description of each recommendation
5 of the subcommittee or workgroup; and

6 (B) any advice requested by the Advisory
7 Council with respect to any duty of the Advi-
8 sory Council.

9 (d) DUTIES.—The Advisory Council shall provide
10 independent advice and recommendations to the Adminis-
11 trator with respect to issues relating to environmental jus-
12 tice, including advice—

13 (1) to help develop, facilitate, and conduct re-
14 views of the direction, criteria, scope, and adequacy
15 of the scientific research and demonstration projects
16 of the Environmental Protection Agency relating to
17 environmental justice;

18 (2) to improve the manner by which the Envi-
19 ronmental Protection Agency and other entities par-
20 ticipate, cooperate, and communicate within the En-
21 vironmental Protection Agency and between other
22 Federal agencies, State and local governments, In-
23 dian tribes, environmental justice leaders, interest
24 groups, and the public;

1 (3) requested by the Administrator to help im-
2 prove the response of the Environmental Protection
3 Agency in securing environmental justice for com-
4 munities of color and low-income citizens of the
5 United States; and

6 (4) on issues relating to—

7 (A) the developmental framework of the
8 Environmental Protection Agency with respect
9 to the integration by the Environmental Protec-
10 tion Agency of socioeconomic programs into the
11 strategic planning, annual planning, and man-
12 agement accountability of the Environmental
13 Protection Agency to achieve environmental jus-
14 tice results throughout the Environmental Pro-
15 tection Agency;

16 (B) the measurement and evaluation of the
17 progress, quality, and adequacy of the Environ-
18 mental Protection Agency in planning, devel-
19 oping, and implementing environmental justice
20 strategies, projects, and programs;

21 (C) any existing and future information
22 management systems, technologies, and data
23 collection activities of the Environmental Pro-
24 tection Agency (including recommendations to
25 conduct analyses that support and strengthen

1 environmental justice programs in administra-
2 tive and scientific areas);

3 (D) the administration by the Adminis-
4 trator of grant programs relating to environ-
5 mental justice assistance; and

6 (E) the awareness of, and educational,
7 training, and other outreach activities con-
8 ducted by, the Environmental Protection Agen-
9 cy relating to environmental justice.

10 (e) MEETINGS.—

11 (1) FREQUENCY.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), the Advisory Council shall meet bi-
14 annually.

15 (B) AUTHORITY OF ADMINISTRATOR.—The
16 Administrator may require the Advisory Council
17 to conduct additional meetings if the Adminis-
18 trator determines that the conduct of any addi-
19 tional meetings are necessary.

20 (2) PUBLIC PARTICIPATION.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), each meeting of the Advisory Coun-
23 cil shall be open to the public to provide the
24 public an opportunity—

1 (i) to submit comments to the Advi-
2 sory Council; and

3 (ii) to appear before the Advisory
4 Council.

5 (B) AUTHORITY OF ADMINISTRATOR.—The
6 Administrator may close any meeting, or por-
7 tion of any meeting, to the public.

8 (f) FACA.—The Federal Advisory Committee Act (5
9 U.S.C. App.) shall apply to the Advisory Council.

10 (g) TRAVEL EXPENSES.—The Administrator may
11 provide to any member of the Advisory Council travel ex-
12 penses, including per diem in lieu of subsistence, at rates
13 authorized for an employee of an agency under subchapter
14 I of chapter 57 of title 5, United States Code, while away
15 from the home or regular place of business of the member
16 in the performance of the duties of the Advisory Council.

17 **SEC. 10. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

18 (a) ESTABLISHMENT.—Not later than 1 year after
19 the date of enactment of this Act, the Administrator shall
20 establish an internet-based clearinghouse to be known as
21 the “Environmental Justice Clearinghouse”.

22 (b) CONTENTS.—The clearinghouse shall be com-
23 prised of culturally and linguistically appropriate mate-
24 rials, including—

1 (1) information describing the activities con-
2 ducted by the Environmental Protection Agency to
3 address issues relating to environmental justice;

4 (2) copies of training materials provided by the
5 Administrator to help individuals and employees un-
6 derstand and carry out environmental justice activi-
7 ties;

8 (3) links to webpages that describe environ-
9 mental justice activities of other Federal agencies;

10 (4) a directory of individuals who possess tech-
11 nical expertise in issues relating to environmental
12 justice;

13 (5) a directory of nonprofit and community-
14 based organizations that address issues relating to
15 environmental justice at the local, State, and Fed-
16 eral levels (with particular emphasis given to non-
17 profit and community-based organizations that pos-
18 sess the capability to provide advice or technical as-
19 sistance to environmental justice communities); and

20 (6) any other appropriate information, as deter-
21 mined by the Secretary.

22 (c) CONSULTATION.—In developing the clearing-
23 house, the Administrator shall consult with individuals
24 representing academic and community-based organiza-

1 tions who have expertise in issues relating to environ-
2 mental justice.

3 (d) ANNUAL REVIEW.—The Advisory Council shall—

4 (1) conduct a review of the clearinghouse on an
5 annual basis; and

6 (2) recommend to the Administrator any up-
7 dates for the clearinghouse that the Advisory Coun-
8 cil determines to be necessary for the effective oper-
9 ation of the clearinghouse.

10 **SEC. 11. PUBLIC MEETINGS.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, and biennially thereafter,
13 the Administrator shall hold public meetings on environ-
14 mental justice issues at each regional office of the Envi-
15 ronmental Protection Agency to gather public input with
16 respect to the planning of future environmental justice ac-
17 tivities of the Environmental Protection Agency.

18 (b) REQUIRED ATTENDANCE OF CERTAIN EMPLOY-
19 EES.—In holding a public meeting under subsection (a),
20 the Administrator shall ensure that at least 1 employee
21 of the Environmental Protection Agency at the level of As-
22 sistant Administrator is present at the meeting to serve
23 as a representative of the Environmental Protection Agen-
24 cy.

1 **SEC. 12. SUPPLEMENTAL ENVIRONMENTAL PROJECTS FOR**
2 **ENVIRONMENTAL JUSTICE COMMUNITIES.**

3 The Administrator shall ensure that all supplemental
4 environmental projects developed as part of a settlement
5 relating to violations in an environmental justice commu-
6 nity—

7 (1) are developed through consultation with,
8 and with the meaningful participation of, individuals
9 from the affected environmental justice community;
10 and

11 (2) result in a quantifiable improvement to the
12 health or well-being of individuals in the affected en-
13 vironmental justice community.

14 **SEC. 13. EVALUATION BY COMPTROLLER GENERAL OF THE**
15 **UNITED STATES.**

16 Not later than 2 years after the date of enactment
17 of this Act, and biennially thereafter, the Comptroller
18 General of the United States shall submit to the relevant
19 committees of Congress a report that contains an evalua-
20 tion of the effectiveness of each activity carried out in ac-
21 cordance with this Act, including, for the period covered
22 by the report, an evaluation of—

23 (1) the ways by which the Working Group has
24 developed and implemented environmental justice
25 strategies;

1 (2) the effectiveness of each grant program car-
2 ried out under this Act; and

3 (3) the effectiveness of the Environmental Pro-
4 tection Agency in carrying out the meeting and re-
5 porting requirements under this Act.

Calendar No. 1076

110TH CONGRESS
2^D SESSION

S. 2549

[Report No. 110-498]

A BILL

To require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes.

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported without amendment