

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 13, 2002

AMENDED IN ASSEMBLY APRIL 25, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2312

Introduced by Assembly Member Chu
(Coauthors: Assembly Members Cedillo, Firebaugh, Lowenthal,
Pavley, Vargas, and Wayne)
(Coauthor: Senator Alarcon)

February 21, 2002

An act to add Section 71116 to the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2312, as amended, Chu. Environmental justice: grant program.

Existing law requires the California Environmental Protection Agency to develop policies, and implement and coordinate various activities for boards, departments, and offices within the agency relating to environmental justice.

This bill would create the Environmental Justice Fund in the State Treasury, and would require that moneys in the fund, upon appropriation by the Legislature, be used by the agency for the Environmental Justice Small Grant Program, which the bill would establish. The bill would require the agency to award grants on a competitive basis to nonprofit entities, as defined, and federally recognized tribal governments, in accordance with specified priorities. The bill would ~~authorize~~ *require* the agency to adopt regulations to

implement the grant program. The bill would require the agency to review, evaluate, and select grant recipients, and screen grant applications to ensure that they meet the requirements of the bill. The bill would limit the maximum amount of a grant to \$20,000, and would prohibit an individual from receiving a grant. The bill would require the agency to provide a report to the legislative ~~by June 30, 2006~~ *on or before a specified date* on the implementation of the grant program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 ~~following:~~

3 ~~(a) Many communities with low-income and minority~~
4 ~~populations are subject to disproportionately high and adverse~~
5 ~~human health and environmental effects.~~

6 ~~(b) One of the causes of this historical inequality of~~
7 ~~environmental burdens is the lack of financial and other resources~~
8 ~~in communities with low-income and minority populations to~~
9 ~~obtain technical assistance to participate in complicated state~~
10 ~~permitting, remediation orders, and corrective action processes.~~

11 ~~(c) Without technical assistance, communities with~~
12 ~~low-income and minority populations are at a disadvantage in~~
13 ~~effectively voicing concerns about a project.~~

14 ~~(d) The provision of small grants to community-based~~
15 ~~organizations in communities with low-income and minority~~
16 ~~populations will facilitate greater participation by those~~
17 ~~communities in permitting, remediation orders, and corrective~~
18 ~~action decisions and will reduce the risk that already overburdened~~
19 ~~communities will be subject to additional environmental~~
20 ~~degradations in the future.~~

21 ~~SEC. 2.—~~

22 ~~SECTION 1.~~ Section 71116 is added to the Public Resources
23 Code, to read:

24 71116. (a) The Environmental Justice Fund, is hereby
25 created in the State Treasury. Upon appropriation by the
26 Legislature, the California Environmental Protection Agency
27 shall expend moneys from the Environmental Justice Fund, for the
28 making of grants pursuant to the Environmental Justice Small



1 Grant Program, which is hereby established. The California
2 Environmental Protection Agency ~~may~~ shall adopt regulations for
3 the implementation of this section. *These regulations shall*
4 *include, but need not be limited to, all of the following:*

5 (1) *Specific criteria and procedures for the implementation of*
6 *the program.*

7 (2) *A requirement that each grant recipient submit a written*
8 *report to the agency documenting its expenditures of the grant*
9 *funds and the results of the funded project.*

10 (3) *Provisions promoting the equitable distribution of grant*
11 *funds in a variety of areas throughout the state, with the goal of*
12 *making grants available to organizations that will attempt to*
13 *address environmental justice issues.*

14 (b) The purpose of the program is to provide ~~financial~~
15 ~~assistance grants~~ to eligible community groups, including, but not
16 limited to, community-based, grassroots, nonprofit ~~organizations~~
17 ~~with a focus on community-based environmental issues, and~~
18 ~~federally recognized tribal governments that are working on, or~~
19 ~~that plan to carry out, projects that address environmental justice~~
20 ~~issues.~~ *organizations that are located in areas adversely affected*
21 *by environmental pollution and hazards and that are involved in*
22 *work to address environmental justice issues.*

23 (c) (1) Both of the following are eligible to receive moneys
24 from the fund.

25 (A) A nonprofit entity.

26 (B) A federally recognized tribal government.

27 (2) For the purposes of this section, “nonprofit entity” means
28 any corporation, trust, association, cooperative, or other
29 organization that meets all of the following criteria:

30 (A) Is operated primarily for scientific, educational, service,
31 charitable, or other similar purposes in the public interest.

32 (B) Is not organized primarily for profit.

33 (C) Uses its net proceeds to maintain, improve, and or expand
34 its operations.

35 (D) Is a tax-exempt organization under Section 501 (c)(3) of
36 the federal Internal Revenue Code, or is able to provide evidence
37 to the agency that the state recognizes the organization as a
38 nonprofit entity.



1 (3) For the purposes of this section, “nonprofit entity”
 2 specifically excludes an organization that ~~meets both of the~~
 3 ~~following criteria:~~

4 ~~(A) Is is a tax-exempt organization under Section 501 (c)(4) of~~
 5 ~~the federal Internal Revenue Code.~~

6 ~~(B) Engages in lobbying activities.~~

7 (d) Individuals may not receive grant moneys from the fund.

8 ~~(e) Preference for grants shall be given to both of the following:~~

9 ~~(1) Community-based, grassroots organizations that are~~
 10 ~~working on local solutions to local environmental problems.~~

11 ~~(2) Projects based in areas most heavily impacted by pollution;~~
 12 ~~as determined by whether an area has attained applicable air, water,~~
 13 ~~or ground pollution control goals.~~

14 ~~(f) Grants shall be awarded by the agency on a competitive~~
 15 ~~basis, in accordance with the following priorities:~~

16 ~~(1) Projects that address public health concerns or issues in~~
 17 ~~minority and low-income communities.~~

18 ~~(2) Projects that address how environmental information is~~
 19 ~~made available to minority and low-income communities.~~

20 ~~(3) Projects that promote and strengthen community~~
 21 ~~involvement in the decisionmaking process that affects the~~
 22 ~~environment of the community.~~

23 ~~(4) Projects that collect and interpret health and environmental~~
 24 ~~data.~~

25 ~~(5) Projects that identify pollution sources.~~

26 ~~(6) Projects that resolve environmental problems through~~
 27 ~~dissemination of information.~~

28 ~~(7) Projects that monitor pollution sources and the~~
 29 ~~implementation of mitigation measures.~~

30 ~~(g) Grant moneys may not be used as matching funds for any~~
 31 ~~of the following:~~

32 ~~(1) Other state grant programs.~~

33 ~~(2) Lobbying purposes.~~

34 ~~(3) Adjudicatory proceedings.~~

35 ~~(4) Funding of a lawsuit against a government entity.~~

36 (e) *Grant recipients shall use the grant award to fund only the*
 37 *project described in the recipient’s application. Recipients may not*
 38 *use the grant funding to shift moneys from existing or proposed*
 39 *projects to activities for which grant funding is prohibited under*
 40 *subdivision (g).*



1 (f) Grants shall be awarded on a competitive basis for projects
2 that do any of the following and are based in communities with the
3 most significant exposure to pollution:

4 (1) Resolve environmental problems through distribution of
5 information.

6 (2) Identify improvements in communication and coordination
7 among agencies and stakeholders in order to address the most
8 significant exposure to pollution.

9 (3) Expand the understanding of a community about the
10 environmental issues that affect their community.

11 (4) Develop guidance on the relative significance of various
12 environmental risks.

13 (5) Promote community involvement in the decisionmaking
14 process that affects the environment of the community.

15 (6) Present environmental data for the purposes of enhancing
16 community understanding of environmental information systems
17 and environmental information.

18 (g) (1) The agency may not award grants for, and grant
19 funding may not be used for, any of the following:

20 (A) Other state grant programs.

21 (B) Lobbying or advocacy activities relating to any federal,
22 state, regional, or local legislative, quasi-legislative,
23 adjudicatory, or quasi-judicial proceeding involving development
24 or adoption of statutes, guidelines, rules, regulations, plans or any
25 other governmental proposal, or involving decisions concerning
26 siting, permitting, licensing, or any other governmental action.

27 (C) Litigation, administrative challenges, enforcement action,
28 or any type of adjudicatory proceeding.

29 (D) Funding of a lawsuit against any governmental entity.

30 (E) Funding of a lawsuit against a business or a project owned
31 by a business.

32 (F) Matching state or federal funding.

33 (G) Performance of any technical assessment for purposes of
34 opposing or contradicting a technical assessment prepared by a
35 public agency.

36 (2) An organization's use of funds from a grant awarded under
37 this section to educate a community regarding an environmental
38 justice issue or a governmental process does not preclude that
39 organization from subsequent lobbying or advocacy concerning



1 *that same issue or governmental process, as long as the lobbying*
2 *or advocacy is not funded by a grant awarded under this section.*

3 (h) The agency shall review, evaluate, and select grant
4 recipients, and screen grant applications to ensure that they meet
5 the requirements of this section.

6 (i) The maximum amount of a grant provided pursuant to this
7 section may not exceed twenty thousand dollars (\$20,000).

8 (j) The agency shall provide a report to the Legislature and
9 ~~Governor no later than June 30, 2006, on the implementation of~~
10 *Governor on or before a date that is four years after the date the*
11 *program first receives funding under this section, regarding the*
12 *implementation of the grant program created by this section. To*
13 *ensure that awards and the use of grant funding is consistent with*
14 *this section, the report shall include, but need not be limited to, all*
15 *of the following:*

16 (1) *A description of each grant awarded, including, but not*
17 *limited to, the name of the recipient, the amount of the grant, a*
18 *description of the project, the status of the project, and the*
19 *environmental or health benefits, or both, of the project.*

20 (2) *The total amount of grants awarded each year.*

21 (k) *For the purposes of this section, “environmental justice”*
22 *has the same meaning as defined in Section 65040.12 of the*
23 *Government Code.*

