
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Environmental justice is generally understood
2 to require the fair treatment and meaningful involvement of all
3 people regardless of race, color, national origin, or income
4 with respect to the development, implementation, and enforcement
5 of environmental laws, regulations, and policies. In 1994,
6 President Clinton signed Executive Order 12,898 (order) to focus
7 federal attention on the environmental and human health
8 conditions of minority and low-income populations, with the goal
9 of achieving environmental protection for all communities. The
10 order directed federal agencies to develop environmental justice
11 strategies to help federal agencies address the
12 disproportionately high and adverse human health or
13 environmental effects of their programs on minority and
14 low-income populations. The order was intended to provide
15 minority and low-income communities with access to public
16 information and with meaningful public participation in matters
17 relating to human health and the environment.



1 In 2005, the legislature adopted Senate Concurrent
2 Resolution No. 140, H.D. 1, in recognition of the environmental
3 justice concerns that may arise from impacts on the natural and
4 physical environment, such as human health or ecological impacts
5 on minority populations, low-income populations, and native
6 Hawaiians, or from related social or economic impacts. The
7 environmental council drafted a plan to accomplish the tasks
8 requested by the legislature.

9 The legislature finds that there is a need to conduct a
10 comprehensive and scholarly review of the state environmental
11 impact statement process to evaluate its continued efficacy, the
12 effectiveness of the amendments made by Act 50, Session Laws of
13 Hawaii 2000, and the possible need to revise chapter 343, Hawaii
14 Revised Statutes. The review should include a determination of
15 whether the environmental impact statement process includes
16 appropriate consideration of the effects of a proposed action on
17 the cultural practices of the State and community, as required
18 by section 343-2, Hawaii Revised Statutes.

19 The legislature further finds that there is a need to
20 develop an environmental justice guidance document to ensure
21 that principles of environmental justice are systematically
22 included in all phases of the environmental review process, and



1 that each agency fulfills its duty to identify and address at
2 the earliest possible time any disproportionately adverse human
3 health, environmental, or cultural effects on minority
4 populations, native Hawaiians, and low-income populations that
5 would be caused by a proposed action or the agency's policies,
6 programs, and activities.

7 SECTION 2. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$, or so
9 much thereof as may be necessary for fiscal year 2006-2007, for
10 the environmental council to contract with a consultant to
11 facilitate and coordinate the State's environmental justice
12 activities and for related administrative and operational costs.
13 The environmental justice activities shall include, but not be
14 limited to:

- 15 (1) Defining "environmental justice" in the unique context
16 of this State through educational community outreach
17 activities;
- 18 (2) Developing and adopting a guidance document that
19 addresses environmental justice in all phases of the
20 environmental impact statement process;

1 (3) Making recommendations to update the environmental
2 impact statement process in chapter 343, Hawaii
3 Revised Statutes; and

4 (4) Conducting educational and community outreach
5 activities.

6 SECTION 3. The sum appropriated shall be expended by the
7 department of health for the purposes of this Act.

8 SECTION 4. Notwithstanding chapter 103D, Hawaii Revised
9 Statutes, the office of environmental quality control shall
10 contract with the University of Hawaii environmental center to
11 conduct a comprehensive review of the State's existing
12 environmental impact statement process under chapter 343, Hawaii
13 Revised Statutes. The comprehensive review shall include:

14 (1) A review of all guidance documents for implementing
15 chapter 343;

16 (2) An evaluation of the amendments made in Act 50,
17 Session Laws of Hawaii 2000, to determine if
18 environmental impact statements give appropriate
19 consideration to the effects of a proposed action on
20 the cultural practices of the State and community; and

21 (3) The conclusions, findings, and recommendations of the
22 comprehensive review.



1 The University of Hawaii environmental center shall submit the
2 comprehensive review to the legislature not later than twenty
3 days prior to the convening of the regular session of 2008.

4 SECTION 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$, or so
6 much thereof as may be necessary for fiscal year 2006-2007, for
7 the University of Hawaii environmental center to perform a
8 comprehensive review of the State's current environmental impact
9 statement process under chapter 343, Hawaii Revised Statutes,
10 pursuant to section 4 of this Act.

11 SECTION 6. The sum appropriated shall be expended by the
12 department of health for the purposes of this Act.

13 SECTION 7. This Act shall take effect on July 1, 2006.



SB 2145 SD2
HD1

Report Title:

Environmental Justice; Environmental Impact Statements

Description:

Requires OEQC to contract with the UH environmental center to perform a comprehensive review of the EIS process. Appropriates money to DOH to fund the contract. Appropriates money for the environmental council to contract with a consultant to coordinate the State's environmental justice activities.
(SB2145 HD1)

