

JAN 23 2006

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 to focus federal
7 attention on the environmental and human health conditions of
8 minority and low-income populations with the goal of achieving
9 environmental protection for all communities. The order
10 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. The
14 review should include a determination whether the environmental
15 impact statement process includes appropriate consideration of
16 the effects of a proposed action on the cultural practices of
17 the State and community, as required by section 343-2.

18 The legislature further finds that there is a need to
19 develop an environmental justice guidance document to ensure
20 that principles of environmental justice are systematically
21 included in all phases of the environmental review process, and
22 that each agency fulfills its duty to identify and address at



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

6 SECTION 2. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$146,000, or so much
8 thereof as may be necessary for fiscal year 2006-2007, for the
9 environmental council to hire a program director to facilitate
10 and coordinate the State's environmental justice activities and
11 for related administrative and operational costs. The
12 environmental activities shall include, but not be limited to:

- 13 (1) Defining "environmental justice" in the unique context
14 of this State through educational community outreach
15 activities;
- 16 (2) Developing and promulgating a guidance document that
17 addresses environmental justice in all phases of the
18 environmental impact statement process;
- 19 (3) Making recommendations to update the environmental
20 impact statement process in chapter 343, Hawaii
21 Revised Statutes; and



1 (4) Conducting educational and community outreach
2 activities.

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

5 SECTION 4. The office of environmental quality control
6 shall contract with the University of Hawaii environmental
7 center to conduct a comprehensive review of the State's current
8 environmental impact statement process under chapter 343, Hawaii
9 Revised Statutes. The study shall include, but not be limited
10 to:

- 11 (1) A review of all guidance documents for implementing
- 12 chapter 343, Hawaii Revised Statutes;
- 13 (2) An evaluation of the amendments made in Act 50,
- 14 Session Laws of Hawaii 2000, to determine if
- 15 environmental impact statements give appropriate
- 16 consideration to the effects of a proposed action on
- 17 the cultural practices of the State and community; and
- 18 (3) The conclusions, findings, and recommendations of the
- 19 comprehensive review.

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$, or so
22 much thereof as may be necessary for fiscal year 2006-2007, for



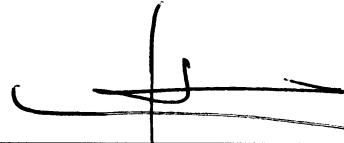

1 the University of Hawaii environmental center to perform a
2 comprehensive review of the State's current environmental impact
3 statement process under chapter 343, Hawaii Revised Statutes.

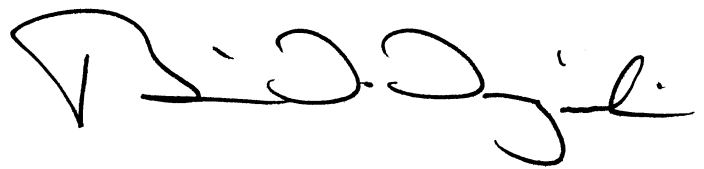
4 SECTION 6. The sum appropriated shall be expended by the
5 department of health for the purposes of this Act.

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

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INTRODUCED BY:


S.S.T.L.

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Russell Kohl
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SB 2145

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 hire a program director to coordinate the State's environmental justice activities.

