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# 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 hire a program director 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 no later than twenty  
3 days prior to the convening of the regular session of 2007.

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.

**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. (SD2)

