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HOUSE BILL NO. 2267

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 2.2-2699.12 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 13 of Title 10.1 a section numbered 10.1-1322.6, relating to air quality monitoring program for certain communities; Virginia Council on Environmental Justice; report.

Patron—Anthony

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2699.12 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 13 of Title 10.1 a section numbered 10.1-1322.6 as follows:

§ 2.2-2699.12. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Advise and provide recommendations to the Governor regarding the development of policies and procedures, focusing on equality and equity, to ensure that environmental justice issues are heard and addressed as the Commonwealth evolves, as impacts of climate change increase, and as new environmental justice issues emerge. The Council shall provide advice and recommendations to the Governor and his cabinet on:

a. Integrating environmental justice considerations throughout the Commonwealth's programs, regulations, policies, and procedures;

b. Strengthening partnerships on environmental justice among governmental agencies, including federal, tribal, and local governments;

c. Incorporating potential solutions to environmental justice issues related to stakeholder communication, local governments, climate change and resilience, transportation, clean energy, outdoor access, and cultural preservation;

d. Enhancing research and assessment approaches related to environmental justice and identifying potential risks or disproportionate public health impacts related to environmental pollution, particularly those that threaten or could threaten low-income and historically underserved communities;

e. Receiving comments, concerns, and recommendations from individuals throughout the Commonwealth; and

f. Recommending statutory, regulatory, or executive action, or relevant improvements or additions, for consideration to better address environmental justice issues; and

g. Incorporating any findings and recommendations provided in the air quality monitoring report pursuant to § 10.1-1322.6.

2. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairperson shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly starting in 2021. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

3. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds designated in an appropriation act, to enable it to better carry out its objectives.

§ 10.1-1322.6. Air quality monitoring program for certain communities; report.

A. The Department shall establish an ongoing air quality monitoring program for fenceline communities, as defined in § 2.2-234, disproportionately impacted by toxic metals, coal dust pollution, and other inhalable particulate matter that can cause adverse health effects, including PM2.5 and PM10, in the Commonwealth. The Department shall report its findings and recommendations to the General Assembly and the Virginia Council on Environmental Justice, established in § 2.2-2699.9, by October 1, 2026, and annually thereafter. Such report shall include data analysis on current pollution levels, health risks associated with the identified pollution levels, and any recommendations for regulatory or legislative actions to address any identified risks, and when thresholds established by the U.S. Environmental Protection Agency for particulate matter are exceeded, such report shall also include recommended actions to mitigate such risks.

B. The General Assembly shall review annually the findings and recommendations from the report pursuant to subsection A to determine if any legislation is necessary.