
A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

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

1 PART I

2 SECTION 1. Chapter 341, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 **"PART II. ENVIRONMENTAL JUSTICE MAPPING AND DATA COLLECTION**

6 **§341-A Environmental justice mapping.** (a) The
7 environmental council, in consultation with the department of
8 health, department of land and natural resources, university of
9 Hawaii environmental center, and relevant stakeholders, shall
10 establish an interactive, transparent, integrated, and statewide
11 tool for assessing and mapping environmental justice
12 communities, based on the cumulative impacts of all indicators
13 selected by the council to be integrated into the tool.

14 (b) In establishing the tool under subsection (a), the
15 council shall:

16 (1) Integrate into the tool indicators that fall into
17 categories including:



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- 1 (A) Demographics, particularly relating to
2 socioeconomic hardship and social stressors, such
3 as:
4 (i) Race and ethnicity;
5 (ii) Low income;
6 (iii) High unemployment;
7 (iv) Low levels of home ownership;
8 (v) High rent burden;
9 (vi) High transportation burden;
10 (vii) Low levels of educational attainment;
11 (viii) Linguistic isolation;
12 (ix) Energy insecurity or high utility rate
13 burden;
14 (x) Food insecurity;
15 (xi) Health insurance status and access to
16 healthcare; and
17 (xii) Incidence of police brutality complaints;
18 (B) Public health, particularly data that are
19 indicative of sensitive populations, such as:
20 (i) Rates of asthma;
21 (ii) Rates of cardiovascular disease;



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- 1 (iii) Child leukemia or other cancers that
- 2 correlate with environmental hazards;
- 3 (iv) Low birth weight;
- 4 (v) Maternal mortality;
- 5 (vi) Domestic violence;
- 6 (vii) Rates of lead poisoning; and
- 7 (viii) Rates of diabetes;
- 8 (C) Pollution burdens, such as pollution burdens
- 9 created by:
- 10 (i) Toxic chemicals;
- 11 (ii) Air pollutants;
- 12 (iii) Water pollutants;
- 13 (iv) Soil contaminants; and
- 14 (v) Perfluoroalkyl and polyfluoroalkyl
- 15 substances; and
- 16 (D) Environmental effects, such as effects created by
- 17 proximity to:
- 18 (i) Risk management plan sites;
- 19 (ii) Hazardous waste facilities; and
- 20 (iii) Sites on the National Priorities List
- 21 developed by the President of the United



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- 1 States in accordance with section
2 105(a)(8)(B) of the Comprehensive
3 Environmental Response, Compensation, and
4 Liability Act of 1980 (42 U.S.C.
5 9605(a)(8)(B));
- 6 (2) Investigate how further indicators of vulnerability to
7 the impacts of climate change, including proximity and
8 exposure to sea level rise, wildfire smoke, fossil
9 fuel infrastructure, flooding, drought, rising average
10 temperatures, extreme storms, and extreme heat, should
11 be incorporated into the tool as an additional set of
12 layers;
- 13 (3) Identify and consider the effects of other indicators
14 relating to environmental justice, including:
- 15 (A) Safe, sufficient, and affordable drinking water,
16 sanitation, and stormwater services;
- 17 (B) Access to and the quality of:
- 18 (i) Green space and tree canopy cover;
19 (ii) Healthy food;
20 (iii) Affordable energy;
21 (iv) Transportation;



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- 1 (v) Reliable communication systems, such as
- 2 broadband internet;
- 3 (vi) Child care;
- 4 (vii) High-quality public schools;
- 5 (viii) Streets; and
- 6 (ix) Health care facilities;
- 7 (C) Length of commute;
- 8 (D) Indoor air quality in multiunit dwellings;
- 9 (E) Outdoor air quality;
- 10 (F) Mental health;
- 11 (G) Labor market categories, particularly relating to
- 12 essential workers; and
- 13 (H) Each type of utility expense;
- 14 (4) Identify a methodology to account for the cumulative
- 15 impacts of all indicators selected by the council to
- 16 be integrated into the tool to provide environmental
- 17 justice scores for regions that are as small as
- 18 practicable to identify communities, given the
- 19 identified available data, and not larger than a
- 20 census tract;



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- 1 (5) Ensure that the tool is capable of providing maps of
2 environmental justice communities based on
3 environmental justice scores described in paragraph
4 (4);
- 5 (6) Implement a method for users of the tool to generate a
6 map and environmental justice score based on a subset
7 of indicators, particularly for the purpose of using
8 the tool in addressing various policy needs and
9 investment goals;
- 10 (7) Make the tool customizable to address specific policy
11 needs and investment goals;
- 12 (8) Account for conditions that are not captured by the
13 quantitative data used to develop the one or more maps
14 and environmental justice scores comprising the tool,
15 by:
- 16 (A) Developing and executing a plan to perform
17 outreach to relevant communities; and
- 18 (B) Establishing a mechanism by which communities can
19 self-identify as environmental justice
20 communities to be included in the tool, which may
21 include citing qualitative data on conditions for



1 which quantitative data are lacking, such as
2 cultural loss in native Hawaiian communities;

3 (9) Consider that the tool:

4 (A) Shall be used across the State in screening state
5 policies and investments for environmental and
6 climate justice impacts; and

7 (B) May be used to assess communities for pollution
8 reduction programs; and

9 (10) Carry out any other activities the council determines
10 to be appropriate.

11 **§341-B Hearings; updates.** (a) In developing the tool
12 described in section 341-A, the council shall conduct public
13 hearings in accordance with chapter 92.

14 (b) The council shall update the tool described in section
15 341-A not less frequently than annually to account for data sets
16 that are updated annually.

17 (c) Not less frequently than once every three years, the
18 council shall:

19 (1) Update the indicators, methodology, or both for the
20 tool described in section 341-A; and



1 (2) Reevaluate data submitted by state agencies that is
2 used for the tool.

3 (d) After the initial establishment of the tool described
4 in section 341-A and each update under subsection (b) or (c),
5 the council shall publish a report describing:

6 (1) The process for identifying indicators relating to
7 environmental justice in the development of the tool;

8 (2) The methodology described in section 341-A(b) (4); and

9 (3) The use of public input and community engagement in
10 that process.

11 (e) The council shall:

12 (1) Develop virtual training tutorials and sessions for
13 environmental justice communities for the use of the
14 tool described in section 341-A; and

15 (2) Where practicable, provide in-person training sessions
16 for environmental justice communities for the use of
17 that tool.

18 (f) The council shall make available to the public on an
19 internet website of the office of environmental quality control:

20 (1) The tool described in section 341-A;

21 (2) Each update under subsections (b) and (c);



- 1 (3) Each report under subsection (d); and
- 2 (4) The training tutorials and sessions developed under
- 3 subsection (e).

4 **§341-C Data gap audits.** (a) In establishing the tool
5 described in section 341-A, the council shall direct relevant
6 state departments and agencies to conduct an audit of data
7 collected by the department or agency to identify any data that
8 are relevant to environmental justice concerns, including data
9 relating to:

- 10 (1) Public health metrics;
- 11 (2) Toxic chemicals;
- 12 (3) Socioeconomic demographics;
- 13 (4) Air quality; and
- 14 (5) Water quality.

15 (b) The council shall direct a state department or agency,
16 in conducting an audit under subsection (a), to address gaps in
17 existing data collection that will assist the council in
18 establishing and operating the tool described in section 341-A,
19 including by providing to the department or agency:

- 20 (1) Benchmarks to meet in addressing the gaps; and



1 (2) Instructions for consistency in data formatting that
2 will allow for inclusion of data in the environmental
3 justice data repository described in section 341-D.

4 (c) Not later than one hundred eighty days after a state
5 department or agency has conducted an audit under subsection

6 (a), the council shall:

7 (1) Make available to the public on an internet website of
8 the office of environmental quality control a report
9 describing the findings and conclusions of the audit,
10 including the progress made by the department or
11 agency in addressing environmental justice data gaps;
12 and

13 (2) Submit the report to the legislature.

14 **§341-D Data collection.** (a) The director of
15 environmental quality control shall establish an environmental
16 justice data repository to maintain the data collected by the
17 council through the establishment of the tool described in
18 section 341-A and the audits conducted under section 341-C.

19 (b) The director shall update the data in the data
20 repository described in subsection (a) as frequently as



1 practicable, but not less frequently than once every three
2 years."

3 SECTION 2. Chapter 341, Hawaii Revised Statutes, is
4 amended by designating sections 341-1 to 341-6 as part I,
5 entitled:

6 "PART I. GENERAL PROVISIONS"

7 SECTION 3. Section 341-2, Hawaii Revised Statutes, is
8 amended by adding four new definitions to be appropriately
9 inserted and to read as follows:

10 "Cumulative impacts" means a measure of how multiple
11 environmental harms, such as exposure to different types of
12 pollution, co-occur and then interact with extant population
13 characteristics, such as health, economic, demographic, and
14 social factors, to produce amplified harm.

15 "Environmental justice" means the fair treatment and
16 meaningful involvement of all people regardless of race, color,
17 culture, national origin, or income, with respect to the
18 development, implementation, and enforcement of environmental
19 laws, regulations, and policies to ensure that each person
20 enjoys:



1 (1) The same degree of protection from environmental and
2 health hazards; and

3 (2) Equal access to any state or county agency action
4 relating to the development, implementation, and
5 enforcement of environmental laws, regulations, and
6 policies for the purpose of having a healthy
7 environment in which to live, learn, work, and
8 recreate.

9 "Environmental justice community" means a community having
10 significant representation of communities of color, low-income
11 communities, or native Hawaiian communities, that experiences,
12 or is at risk of experiencing, higher or more adverse human
13 health or environmental effects, as compared to other
14 communities.

15 "Relevant stakeholder" means:

16 (1) A representative of a state or county government
17 agency;

18 (2) A representative of a nongovernmental organization
19 having experience in areas that may include native
20 Hawaiian relations, environmental conservation, county
21 planning, and public health;



1 PART III

2 SECTION 5. In codifying the new sections added by section
3 1 of this Act, the revisor of statutes shall substitute
4 appropriate section numbers for the letters used in designating
5 the new sections in this Act.

6 SECTION 6. New statutory material is underscored.

7 SECTION 7. This Act shall take effect upon its approval;
8 provided that part II shall take effect on July 1, 2021.

9

INTRODUCED BY: *Lisa Merten*

JAN 27 2021



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Report Title:

Environmental Council; Environmental Justice Mapping; Data Collection; Appropriation

Description:

Requires the environmental council to develop a tool to identify economic justice communities. Defines "economic justice community". Appropriates moneys.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

