
SENATE BILL 6401

State of Washington

53rd Legislature

1994 Regular Session

By Senators Franklin, Winsley, Prentice, Rinehart, Pelz, Talmadge, Moore, Drew, Fraser, Moyer, Wojahn and Williams

Read first time 01/21/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to environmental equity; and creating new sections.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 NEW SECTION. **Sec. 1.** The legislature finds and declares that each
4 community in the state should equitably share the responsibilities,
5 burdens, and benefits of managing and solving the state environmental
6 problems, and the facilities necessary to remedy such problems. The
7 legislature also finds that an inequitable distribution of
8 environmental risks across different population groups has been
9 demonstrated in other areas of the United States. In many of these
10 areas, environmental facility siting and toxic chemical releases have
11 had a disproportionately negative or discriminatory impact on racial
12 minority and low-income communities. In order to determine whether
13 such inequities exist within Washington state, the legislature seeks to
14 (1) identify those areas of the state that are subject to the highest
15 concentrations of toxic chemicals; (2) identify those areas of the
16 state in which the greatest number of environmental facilities have
17 been sited; and (3) collect data on the environmental health effects
18 associated with toxic chemical releases and environmental facilities so

1 that impacts on different individuals and groups can be better
2 understood.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout sections 1
5 through 3 of this act.

6 (1) "Environmental facility" means a facility that stores, uses,
7 processes, treats, disposes, or releases a toxic chemical and that is
8 subject to a permit, inspection, review, reporting, or registration
9 requirement under state law or under one or more of the following
10 federal laws: The Solid Waste Disposal Act; the Clean Water Act; the
11 federal Insecticide, Fungicide, and Rodenticide Act; the Occupational
12 Safety and Health Act Hazard Communication Standard; or the Emergency
13 Planning and Community Right-to-Know Act.

14 (2) "Low-income community" means any census tract or subdivision
15 thereof in which thirty percent or more of the population lives below
16 the federal poverty level.

17 (3) "Minority community" means any census tract or subdivision
18 thereof that includes twenty-five percent or more of any ethnic group.

19 (4) "Toxic chemicals" means any substance subject to reporting
20 requirements under the federal Emergency Planning and Community Right-
21 to-Know Act (42 U.S.C. Sec. 116) on the effective date of this section.

22 (5) "Tract" means any census tract or block numbering area
23 identified and designated in the state by the United States census
24 bureau in the latest census available.

25 NEW SECTION. **Sec. 3.** By June 30, 1995, the department of ecology
26 and the department of health shall jointly prepare a report to the
27 legislature providing information on the distribution of environmental
28 risks in relationship to minority and low-income communities and
29 environmental health effects. The report shall include the following
30 elements:

31 (1) A breakdown of the population by race and ethnicity, and the
32 percentage of persons below the federal poverty level for each census
33 tract;

34 (2) A survey indicating the location and types of permitted
35 environmental facilities located within each census tract in the state;

36 (3) A list of tracts ranked in order of the amount of toxic
37 chemicals released during the most recent five years based on

1 information reported in the toxic release inventory required under the
2 federal Emergency Planning and Community Right-to-Know Act. For the
3 purposes of this study, the fifty tracts with the highest total toxic
4 releases shall be referred to as "environmental high impact areas";

5 (4) A description of the nature and extent, if any, of acute and
6 chronic impacts on human health occurring within such environmental
7 high impact areas as compared to other tracts throughout the state.
8 These impacts shall include but not be limited to cancer, birth
9 deformities, elevated infant mortality rates, and respiratory diseases;

10 (5) A ranking of the relative risks posed by toxic chemicals
11 present in such environmental high impact areas, and by the varied
12 sources of toxic chemicals, both individually and cumulatively;

13 (6) Identification of any other issues relating to environmental
14 equity that need further study; and

15 (7) Recommendations on policy options for ensuring fairness in the
16 distribution of environmental risks throughout the state.

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