
SUBSTITUTE SENATE BILL 6401

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Franklin, Winsley, Prentice, Rinehart, Pelz, Talmadge, Moore, Drew, Fraser, Moyer, Wojahn and Williams)

Read first time 02/04/94.

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 reported releases of toxic chemicals; and (2) identify those areas of
16 the state in which the greatest number of environmental facilities have
17 been sited so that reported and potential chemical release impacts on
18 different individuals and groups can be better understood.

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

4 (1) "Environmental facility" means a facility that has:

5 (a) Reported under the toxic release inventory (section 313) of the
6 federal emergency planning and community right-to-know act (P.L. 99-
7 499, Title III); or

8 (b) Been placed on the hazardous sites list, as maintained by the
9 department of ecology, pursuant to RCW 70.105D.030; or

10 (c) Interim status or a final permit from either the department of
11 ecology or the environmental protection agency as a treatment, storage,
12 or disposal facility.

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

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

19 (4) "Toxic chemicals" means any substance reported under the toxic
20 release inventory (section 313) of the federal emergency planning and
21 community right-to-know act (P.L. 99-499, Title III) on the effective
22 date of this section.

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

26 NEW SECTION. **Sec. 3.** By June 30, 1995, the department of ecology
27 and the department of health shall jointly prepare a report to the
28 legislature providing information on the distribution of reported toxic
29 chemical releases and environmental facilities in relation to minority
30 and low-income census tracts. The report shall include the following
31 elements:

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

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

37 (3) A list of tracts ranked in order of the amount of toxic
38 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"; and

5 (4) Recommendations on further studies and/or actions that could be
6 taken by the legislature or the departments of ecology and health to
7 address environmental equity concerns.

8 NEW SECTION. **Sec. 4.** The study authorized under this act shall
9 not apply to toxic substances releases or environmental facilities
10 associated with agricultural operations, including those that use,
11 store, or dispose of pesticides or herbicides.

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