

117TH CONGRESS
1ST SESSION

H. R. 2397

To advance environmental justice by addressing cumulative impacts and underenforcement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2021

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To advance environmental justice by addressing cumulative impacts and underenforcement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection from Cumu-
5 lative Emissions and Underenforcement of Environmental
6 Law Act of 2021”.

7 **SEC. 2. PUBLIC HEALTH RISKS ASSOCIATED WITH CUMU-** 8 **LATIVE ENVIRONMENTAL STRESSORS.**

9 (a) PROPOSED PROTOCOL.—

1 (1) PUBLICATION.—Not later than 180 days
2 after the date of enactment of this section, the Ad-
3 ministrators shall publish a proposal for a protocol
4 for assessing and addressing the cumulative public
5 health risks associated with multiple environmental
6 stressors.

7 (2) ENVIRONMENTAL STRESSORS.—The envi-
8 ronmental stressors addressed under the proposed
9 protocol published under paragraph (1) shall in-
10 clude—

11 (A) impacts associated with global climate
12 change, including extreme heat, extremes in
13 temperature change, drought, wildfires, sea
14 level rise, flooding, storms, water shortage, food
15 shortage, ecosystem disruption, and the spread
16 of infectious disease;

17 (B) exposure to pollutants, emissions, dis-
18 charges, waste, chemicals, or other materials
19 subject to regulation under the Clean Air Act,
20 the Federal Water Pollution Control Act, the
21 Safe Drinking Water Act, the Toxic Substances
22 Control Act, the Solid Waste Disposal Act, the
23 Comprehensive Environmental Response, Com-
24 pensation, and Liability Act of 1980, the Emer-
25 gency Planning and Community Right-to-Know

1 Act of 1986, and other laws administered by
2 the Administrator; and

3 (C) other environmental stressors deter-
4 mined by the Administrator to impact public
5 health.

6 (3) PUBLIC COMMENT AND HEARINGS.—During
7 the 90 days following publication of the proposed
8 protocol under paragraph (1), the Administrator
9 shall—

10 (A) allow for public comment on such pro-
11 posed protocol; and

12 (B) hold at least 4 public hearings on such
13 proposed protocol at times and in locations in-
14 tended to maximize public input.

15 (b) FINAL PROTOCOL.—Not later than 1 year after
16 the date of enactment of this section, the Administrator
17 shall—

18 (1) finalize the proposed protocol published
19 under subsection (a) by revising such proposed pro-
20 tocol as the Administrator determines necessary
21 based on public comments received in writing and
22 during the public hearings held pursuant to such
23 subsection; and

24 (2) publish in the Federal Register the final
25 protocol for assessing and addressing the cumulative

1 public health risks associated with multiple environ-
2 mental stressors.

3 (c) IMPLEMENTATION.—Not later than 3 years after
4 the date of enactment of this section, the Administrator
5 shall implement the final protocol described in subsection
6 (b).

7 **SEC. 3. ENVIRONMENTAL JUSTICE FOR COMMUNITIES**
8 **OVERBURDENED BY ENVIRONMENTAL VIOLA-**
9 **TIONS.**

10 (a) IDENTIFICATION OF COMMUNITIES.—Not later
11 than 180 days after the date of enactment of this section,
12 the Administrator shall, in consultation with co-regulators
13 in State and local agencies, identify at least 100 commu-
14 nities—

15 (1) that are environmental justice communities;

16 and

17 (2) in which there have been, over the previous
18 5 years, a number of violations of environmental law
19 that the Administrator determines to be greater
20 than the national average of such violations.

21 (b) ANALYSIS AND RECOMMENDATIONS.—Not later
22 than 1 year after the date of enactment of this section,
23 with respect to each community identified under sub-
24 section (a), the Administrator shall—

1 (1) undertake an analysis of the conditions that
2 have led to the number of violations described in
3 subsection (a)(2), including through engagement
4 with the residents of each such community;

5 (2) identify the root cause of the number of vio-
6 lations described in subsection (a)(2); and

7 (3) identify measures that the Administrator
8 shall take, in coordination with co-regulators in
9 State and local agencies, to reduce the number of
10 violations of environmental law to a number that the
11 Administrator determines to be significantly below
12 the national average.

13 (c) IMPLEMENTATION.—Not later than 2 years after
14 the date of enactment of this section, the Administrator
15 shall complete the implementation of the measures identi-
16 fied under subsection (b)(3).

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Environ-
21 mental Protection Agency.

22 (2) COMMUNITY OF COLOR.—The term “com-
23 munity of color” means a geographically distinct
24 area in which the population of any of the following
25 categories of individuals is higher than the average

1 population of that category for the State in which
2 the community is located:

3 (A) Black.

4 (B) African American.

5 (C) Asian.

6 (D) Pacific Islander.

7 (E) Other non-White race.

8 (F) Hispanic.

9 (G) Latino.

10 (H) Linguistically isolated.

11 (3) ENVIRONMENTAL JUSTICE COMMUNITY.—

12 The term “environmental justice community” means
13 a community with significant representation of com-
14 munities of color, low-income communities, or Tribal
15 and indigenous communities, that experiences, or is
16 at risk of experiencing higher or more adverse
17 human health or environmental effects.

18 (4) LOW-INCOME COMMUNITY.—The term “low-

19 income community” means any census block group
20 in which 30 percent or more of the population are
21 individuals with an annual household income equal
22 to, or less than, the greater of—

23 (A) an amount equal to 80 percent of the

24 median income of the area in which the house-

1 hold is located, as reported by the Department
2 of Housing and Urban Development; and

3 (B) 200 percent of the Federal poverty
4 line.

5 (5) TRIBAL AND INDIGENOUS COMMUNITY.—

6 The term “Tribal and indigenous community”
7 means a population of people who are members of—

8 (A) a federally recognized Indian Tribe;

9 (B) a State-recognized Indian Tribe;

10 (C) an Alaska Native or Native Hawaiian
11 community or organization; or

12 (D) any other community of indigenous
13 people located in a State.

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