

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY JANUARY 3, 2022

AMENDED IN ASSEMBLY APRIL 20, 2021

AMENDED IN ASSEMBLY MARCH 15, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1001

Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Reyes)

February 18, 2021

An act to add Sections 21081.8 and 21098.5 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1001, as amended, Cristina Garcia. Environment: mitigation measures for air and water quality impacts: environmental justice.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would ~~require~~ *authorize* mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air or water quality of a disadvantaged community, *to include measures for avoiding, minimizing, or compensating for the adverse effects on that community. The bill would require compensating measures, included as mitigation measures,* to mitigate those effects directly in the affected disadvantaged community. The bill would require all public agencies, in implementing CEQA, ~~to act consistently with~~ *give consideration to* the principles of environmental justice, as provided, by ensuring the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins. Because the bill would impose additional duties on the lead agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21081.8 is added to the Public Resources
- 2 Code, to read:
- 3 21081.8. (a) For projects that have adverse effects on the air
- 4 or water quality of a disadvantaged community as identified
- 5 pursuant to Section 39711 of the Health and Safety Code,
- 6 mitigation measures identified in an environmental impact report
- 7 or mitigated negative declaration to mitigate those adverse effects
- 8 ~~shall~~ *may include measures for avoiding, minimizing, or*
- 9 *compensating for the adverse effects on that community.*
- 10 (b) *If the mitigation measures include compensating for adverse*
- 11 *effects on the air or water quality of a disadvantaged community,*
- 12 *the compensating measures shall* mitigate those effects directly in
- 13 the affected disadvantaged communities.
- 14 SEC. 2. Section 21098.5 is added to the Public Resources Code,
- 15 to read:
- 16 21098.5. In implementing this division, all public agencies
- 17 ~~shall act consistently with~~ *give consideration to* the principles of

1 environmental justice, as set forth in subdivision (e) of Section
2 65040.12 of the Government Code, by ensuring the fair treatment
3 and meaningful involvement of people of all races, cultures,
4 incomes, and national origins.

5 SEC. 3. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act, within the meaning of Section
10 17556 of the Government Code.

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