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New Bill to Require Environmental Justice Review in NEPA

New legislation regarding Environmental Justice was introduced in January. H.R. 427, (the Environmental Justice Act of 2005) will “require federal agencies to develop and implement policies and practices that promote environmental justice, and for other purposes.” In essence, this bill would codify the provisions of the Environmental Justice Executive Order and would, therefore, require Environmental Justice analysis as a part of NEPA.

H.R. 427, sec. 3. Environmental Justice Responsibilities of Federal Agencies

(a) Environmental Justice Mission—

To the greatest extent practicable, the head of each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority, low-income, and Native American populations in the United States and its territories and possessions, including the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

(b) Nondiscrimination—

Each Federal agency shall conduct its programs, policies, and activities in a manner that ensures that such programs, policies, and activities do not have the effect of excluding any person or group from participation in, denying any person or group the benefits of, or subjecting any person or group to discrimination under, such programs, policies, and activities, because of race, color, national origin, or income.

(c) Environmental Analysis—

- (1) Each analysis of environmental effects of Federal actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) shall include analysis of the effects of such action on human health and any economic and social effects on minority, low-income, and Native American communities.
- (2) So far as feasible, any environmental assessment, environmental impact statement, or record of decision prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) shall include measures to mitigate any significant and adverse environmental effects of proposed Federal actions on minority, low-income, and Native American communities.
- (3) Each Federal agency shall provide opportunities for community input in processes under the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.), including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

Full text of the proposed bill is at: <http://thomas.loc.gov/cgi-bin/query/C?c109:./temp/~c109TXpUxx>

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