

**California Environmental Justice Legislation and Policy**  
Updated January 15, 2019

<b>STATE LEGISLATION</b>
<p><b>California Code section 65040.12</b> – Defines "Environmental Justice" as the fair treatment of people of all ethnicities, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. <a href="http://codes.lp.findlaw.com/cacode/GOV/1/7/d1/1.5/4/s65040.12">http://codes.lp.findlaw.com/cacode/GOV/1/7/d1/1.5/4/s65040.12</a></p>
<p><b>Public Resources Code sections 71110-71113</b> – Directs CalEPA to conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all ethnicities, cultures, and income levels, including minority populations and low-income populations of the state. <a href="http://codes.lp.findlaw.com/cacode/GOV/1/7/d1/1.5/4/s65040.12">http://codes.lp.findlaw.com/cacode/GOV/1/7/d1/1.5/4/s65040.12</a></p>
<p><b>Public Resources Code § 21080.3.1</b> - Requires a lead agency to notify California Native American Tribes traditionally and culturally affiliated with a project area of the details of the proposed project, provided the tribes have requested such notification (AB 52 consultation). To address potential effects on tribal cultural resources, the Water Board must also fulfill the requirements of AB 52. <a href="https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&amp;sectionNum=21080.3.1">https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&amp;sectionNum=21080.3.1</a>.</p>
<p><b>Water Code section 106.3, Human Right to Water Law</b> - Requires state agencies, including the Water Board, to consider the human right to water when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and grant criteria affect the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. <a href="http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0651-0700/ab_685_bill_20120925_chaptered.pdf">http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0651-0700/ab_685_bill_20120925_chaptered.pdf</a></p>
<b>POLICY - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CalEPA)</b>
<p><b>CalEPA Environmental Justice Strategy (2004)</b> - Overarching EJ vision document for CalEPA boards, departments, and offices (BDOs); sets forth the Agency's EJ vision, mission, core values, goals, and objectives that integrate EJ into programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of ethnicity, age, culture, income, or geographic location. <a href="https://calepa.ca.gov/wp-content/uploads/sites/6/2017/01/EnvJustice-Documents-2004yr-EnglishStrategy.pdf">https://calepa.ca.gov/wp-content/uploads/sites/6/2017/01/EnvJustice-Documents-2004yr-EnglishStrategy.pdf</a></p>
<p><b>CalEPA Environmental Justice Action Plan (2004)</b> - Identifies opportunities for CalEPA and its BDOs to assess different environmental scenarios, identify challenges and opportunities, explore practical application of strategies, and develop recommendations to address EJ issues. <a href="https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/EnvJustice-ActionPlan-Documents-October2004-ActionPlan.pdf">https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/EnvJustice-ActionPlan-Documents-October2004-ActionPlan.pdf</a></p>

**CalEPA Policy on Consultation with California Native American Tribes (2015)** - Provides a framework for CalEPA and its BDOs to improve and maintain effective government-to-government relationships and engage in meaningful consultation with California Native American Tribes.  
<https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/Tribal-Policy-2015Policy.pdf>

#### **POLICY – STATE WATER RESOURCES CONTROL BOARD**

**State Water Board Resolution No. 2016-0010** - Adopts the Human Right to Water as a core value and directs its implementation in Water Board programs and activities.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2016/rs2016\\_0010.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2016/rs2016_0010.pdf)

**State Water Board Resolution No. 2017-0027** - Establishes three new beneficial use definitions for use by the State and Regional Water Boards in designating Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses to inland surface waters, enclosed bays, or estuaries in the state. Based on these beneficial use definitions, Regional Water Boards may now include activities to designate specific waters as part of the Triennial Review Process.  
[https://www.waterboards.ca.gov/about\\_us/public\\_participation/tribal\\_affairs/beneficial\\_uses.html](https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/beneficial_uses.html)

**Central Coast Water Board Resolution No. R3-2017-0004** - Adopts the human right to water as a core value and affirms the realization of the human right to water and protecting human health as the Central Coast Water Board's top priorities, and also directs staff to conduct specific activities and prioritize regulatory programs to prevent and address discharges that could threaten human health by causing or contributing to pollution or contamination of drinking water sources.  
[https://www.waterboards.ca.gov/centralcoast/board\\_decisions/adopted\\_orders/2017/2017-0004\\_hrtw\\_fnl.pdf](https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2017/2017-0004_hrtw_fnl.pdf)