

March 27, 2023

**Public Comment on AB312 – Assemblywoman Peters**  
Referred to Committee on Government Affairs

SUMMARY— Establishes provisions relating to environmental justice. (BDR 40-157)

**FISCAL NOTE:**

Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to environmental justice; creating the Commission on Environmental Justice; setting forth certain duties of the Commission; establishing various requirements for agencies to determine the environmental impact of a proposed regulation on historically underserved communities; and providing other matters properly relating thereto.

**Reviewer’s Conclusions**

AB312 should be rejected.

The Bill establishes an unelected nine-member Commission on Environmental Justice which has unaccountable and unlimited authority to require all agencies within the State to review all proposed regulations and legislature for Environmental Justice, up to and including agency preparation of an acceptable Environmental Justice Impact Statement.

Members of the Commission are preselected by an unelected bureaucracy – the Office of Minority Health and Equity – with the Governor choosing the final nine from that list preselected by that Office. There is no other vetting of Commission members, whether by individual citizens, private entities, or other agencies.

If the Commission on Environmental Justice does not approve an Environmental Justice Impact Statement, the regulations and bill are returned to the agency(ies). AB312 has no language preventing an endless cycle of rejection.

Another observation is that the Fiscal Note indicates a misunderstanding of what many private citizens will see as the effect of AB312, effectively the Environmentally Justified Government Expansion bill. With no legal, procedural nor fiscal constraints to the Commission on Environmental Justice, regulatory and legislative overreach can be expected to follow. Overreach will significantly impact local communities, thus impacting local government. By extension, the State will be affected by disrupting these communities, eliminating jobs and eliminating tax and fee revenue from the businesses and operations subjected to regulations themselves which can be unaccountably deemed environmentally unjust – thus permits cannot be granted to those businesses and operations.

Respectfully,

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