

A. Donald McEachin Environmental Justice for All Act

Section-by-Section Summary

Sec. 1. Short title; table of contents. – Designates the bill as the “A. Donald McEachin Environmental Justice for All Act” and lists the table of contents.

Sec. 2. Findings; statement of policy. – Presents findings. States that it is the policy of Congress that federal agencies should seek to achieve environmental justice, promote meaningful public involvement in the implementation of environmental laws, provide technical assistance on environmental justice issues to communities experiencing environmental injustice, and cooperate with state, Tribal, and local governments to address pollution and health burdens faced by communities experiencing environmental injustice. States further that federal agencies should recognize the right of all people to clean air, safe and affordable drinking water, protection from climate hazards, and the sustainable preservation of the natural environment.

Sec. 3. Definitions. – Defines key terms within the Act.

Sec. 4. Prohibited discrimination. – Amends the Civil Rights Act of 1964 to affirm that prohibited discrimination includes federal agency actions that cause a disparate impact on the basis of race, color, or national origin. Protects individuals from retaliation based on their participation in an enforcement action or investigation related to prohibited discrimination.

Sec. 5. Right of action. – Amends the Civil Rights Act of 1964 to overturn the harmful Supreme Court decision in *Alexander v. Sandoval* in order to permit individuals to seek legal remedy to enforce their rights when faced with prohibited discrimination.

Sec. 6. Rights of recovery. – Amends the Civil Rights Act of 1964 to establish an individual right to recover legal relief in cases of prohibited discrimination.

Sec. 7. Consideration of cumulative impacts and persistent violations in certain permitting decisions. – Requires consideration of cumulative environmental impacts in permitting decisions under the Clean Water Act and the Clean Air Act and ensures that permits issued pursuant to such acts demonstrate a reasonable certainty of no harm to human health after the consideration of cumulative impacts.

Sec. 8. White House Environmental Interagency Council. – Maintains a White House Environmental Justice Interagency Council to help federal agencies address disproportionate health and environmental impacts on environmental justice communities, provides direct guidance and technical assistance to environmental justice communities, and develops an interagency federal environmental justice strategy to address current and historic environmental injustice.

Sec. 9. Federal agency actions and responsibilities. – Requires federal agencies to carry out agency activities in a manner that does not have a discriminatory impact on environmental justice communities. Requires agencies to develop, implement, and annually report on environmental justice strategies to address agency activities that could disproportionately harm the human health and environment of environmental justice communities. Directs agencies to improve federal research and data collection efforts by including diverse segments of the population in health studies, identify cumulative exposure in health analyses, and collect data to determine whether federal activities have disproportionate impacts on environmental justice communities. Requires federal agencies to develop guidance on any agency actions that will impact fish and wildlife

consumed for subsistence and evaluate the human health risks associated with the consumption of pollutant-bearing fish. Directs the Environmental Protection Agency (EPA) Administrator to continue to make available to the public environmental justice mapping and screening tools such as EJScreen.

Sec. 10. Ombuds. – Establishes the position of Environmental Justice Ombuds to receive, review, process, and address complaints and allegations with respect to environmental justice programs and activities of the EPA. The Ombuds is also authorized and directed to make recommendations to the EPA Administrator to address recurring and chronic complaints regarding specific environmental justice programs and activities of the EPA identified by the Ombuds. Finally, the Ombuds is directed to produce an annual public report that details findings of regional staff, feedback received from environmental justice communities, and recommendations to increase cooperation between the EPA and environmental justice communities.

Sec. 11. Access to parks, outdoor spaces, and public recreation opportunities. – Establishes an Outdoor Legacy Partnership grant program to expand access to parks and recreational opportunities in urban areas, with priority for projects benefitting underserved populations.

Sec. 12. Transit to Trails grant program. – Establishes a Transit to Trails grant program to improve transportation availability to public lands and recreational opportunities for critically underserved communities.

Sec. 13. Repeal of sunset for the Every Kid Outdoors program. – Amends the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) to permanently authorize the Every Kid Outdoors Act to provide fourth graders free access to federal lands and waters, including national parks.

Sec. 14. Protections for environmental justice communities against harmful federal actions. – Requires federal agencies proposing an action that has the potential to harm a defined environmental justice community to prepare a “community impact report” assessing the potential impacts of a proposed action on human health, environmental hazards, and access to outdoor spaces and recreational opportunities. Requires federal agencies to provide early and meaningful community involvement opportunities under the National Environmental Policy Act (NEPA) when proposing an action affecting an environmental justice community. Ensures robust Tribal representation throughout the NEPA process for an activity that could impact an Indian Tribe, including activities impacting off-reservation lands and sacred sites.

Sec. 15. Strengthening Community Protections under the National Environmental Policy Act. – Strengthens community protections under the National Environmental Policy Act (NEPA) to codify the requirement under NEPA that federal agencies consider cumulative impacts so that future administrations cannot eliminate this longstanding protection as the Trump administration did in 2020. Further, when federal agencies are selecting proposed projects or actions to choose under NEPA, agencies would be directed to select decisions that protect overburdened communities from harmful cumulative impacts based on the protective standard from [New Jersey’s landmark Environmental Justice Law](#).

Sec. 16. Training of employees of federal agencies. – Requires Department of Energy, EPA, Department of the Interior, and National Oceanic and Atmospheric Administration employees, in coordination with non-governmental environmental justice organizations, to receive environmental justice training to better incorporate environmental justice concepts into their activities and facilitate meaningful participation of environmental justice communities in agency activities.

Sec. 17. Environmental justice grant programs. – Authorizes \$75 million annually for grants to support research, education, outreach, development, and implementation of projects to address environmental and public health issues in environmental justice communities.

Sec. 18. Environmental justice basic training program. – Authorizes \$10 million annually for a culturally and linguistically appropriate training program for environmental justice communities. The program includes hazardous substances training, including risk detection and reduction, technical grant application assistance for federal grants related to environmental justice, and training on basic rights and safeguards currently afforded to individuals through policies and laws intended to help environmental justice communities.

Sec. 19. National Environmental Justice Advisory Council. – Directs the President to create a representative Environmental Justice Advisory Council to provide independent advice and recommendations to the EPA on environmental justice issues.

Sec. 20. Environmental Justice Clearinghouse. – Directs the EPA Administrator to create an online clearinghouse for environmental justice information, including training materials and a directory of experts and organizations with the capability to provide advice or technical assistance to environmental justice communities.

Sec. 21. Public meetings. – Directs the EPA Administrator to hold biennial public meetings with senior officials in each regional office to solicit community input on the agency’s environmental justice activities. The public meetings must provide certain accommodations to help ensure that environmental justice communities can meaningfully participate.

Sec. 22. Environmental projects for environmental justice communities. – Directs the EPA Administrator to ensure that all environmental justice projects developed as part of a legal settlement quantifiably improve the health or well-being of individuals in the environmental justice community.

Sec. 23. Grants to further achievement of Tribal coastal zone objectives. – Authorizes \$5 million annually for a new competitive grant program through the Coastal Zone Management Act to help Tribes build coastal resilience to climate change. The Secretary of Commerce may waive the non-federal cost share requirements under certain conditions.

Sec. 24. Cosmetic labeling. – Amends the Federal Food, Drug, and Cosmetic Act to require appropriate labeling of ingredients and safety warnings for cosmetic products intended for professional use.

Sec. 25. Safer cosmetic alternatives for disproportionately impacted communities. – Directs the Commissioner of Food and Drugs, in consultation with the EPA Administrator, to award grants to support research identifying safer alternatives to toxic chemicals used in cosmetics or to educate about and promote the use of safer alternatives. Priority is given to research focused on replacing harmful chemicals used by nail, hair, and beauty salon workers and the identification of safer chemical replacements for cosmetic products marketed specifically towards women and girls of color.

Sec. 26. Safer childcare centers, schools, and homes for disproportionately impacted communities. – Directs the Commissioner of Food and Drugs to award grants to support research on safer alternatives to hazardous chemicals used in consumer, cleaning, toy, and baby products.

Sec. 27. Certain menstrual products misbranded if labeling does not include ingredients. – Amends the Federal Food, Drug, and Cosmetic Act to consider menstrual products as misbranded if they do not list, in order of prevalence, the name of each ingredient or component.

Sec. 28. Support by National Institute of Environmental Health Sciences for research on health disparities impacting communities of color. – Authorizes research grants to investigate cosmetic products containing chemicals linked to adverse health impacts that are specifically marketed to women and girls of color. Research would identify how women and girls of color are using cosmetic products, how those cosmetics are marketed, and how the risks of using certain products are communicated. The Director of the National Institute of Environmental Health and Sciences is required to issue an annual report to Congress and the public summarizing the research findings with recommendations for reducing unsafe exposure to harmful cosmetics.

Sec. 29. Revenues for just transition assistance. – Raises coal, oil, and gas royalty rates to create a dedicated funding source to support communities and workers as they transition away from greenhouse gas-intensive industries.

Sec. 30. Economic revitalization for fossil fuel dependent communities. – Establishes a Federal Energy Transition Economic Development Assistance Fund to support environmental remediation of impacted lands and waters; guarantee pension, healthcare, retirement, and wage security for impacted workers; and expand broadband access. The Fund will also support a range of workforce services for impacted workers and communities. Creates the Just Transition Advisory Committee composed of labor unions, nonprofit organizations, environmental justice groups, and community members to oversee the use of the Fund.

Sec. 31. Evaluation by Comptroller General of the United States. – Directs the Comptroller General of the United States to submit a biennial report to Congress evaluating the effectiveness of each activity carried out under this bill.