117TH CONGRESS  
2D SESSION  

H. R.  

To require the Administrator of the Environmental Protection Agency to establish a pilot program for hyperlocal air quality monitoring projects in environmental justice communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Castor of Florida introduced the following bill; which was referred to the Committee on

A BILL

To require the Administrator of the Environmental Protection Agency to establish a pilot program for hyperlocal air quality monitoring projects in environmental justice communities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Environmental Justice Air Quality Monitoring Act of 2022”.

SEC. 2. FINDINGS.

Congress finds that—
(1) air pollution inflicts disproportionate harm on Black people, Indigenous people, and people of color;

(2) air quality can vary up to 800 percent from block to block within a single neighborhood;

(3) it is possible to identify and attribute sources of pollution based on fingerprint analysis of multiple pollutants;

(4) existing methods that are prescribed for basin-wide air quality monitoring—

   (A) are cost-prohibitive for monitoring community-scale air quality; and

   (B) do not, as of the date of enactment of this Act, measure the intrinsic variability of persistently poor air quality in environmental justice communities at the neighborhood block level; and

(5) the Environmental Protection Agency has existing authority under the Clean Air Act to address air pollutants, including greenhouse gases.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
(2) AIR POLLUTANT.—The term “air pollutant” has the meaning given such term in section 302(g) of the Clean Air Act (42 U.S.C. 7602(g)).

(3) ELIGIBLE HYPERLOCAL AIR QUALITY DATA PROVIDER.—The term “eligible hyperlocal air quality data provider” means an organization with the demonstrated ability to deploy hyperlocal air quality monitoring systems in support of State, local, or Tribal air agencies.

(4) ENVIRONMENTAL JUSTICE.—The term “environmental justice” means the fair treatment and meaningful involvement of all people, regardless of race, color, culture, natural origin, or income, in the development, implementation, and enforcement of environmental laws (including regulations) and policies to ensure that each person enjoys—

(A) the same degree of protection from environmental and health hazards; and

(B) equal access to any Federal agency action relating to the development, implementation, and enforcement of environmental laws (including regulations) and policies for the purpose of having a healthy environment in which to live, learn, work, and recreate.
(5) **ENVIRONMENTAL JUSTICE COMMUNITY.**—

The term “environmental justice community” means a community with significant representation of communities of color, low-income communities, or Tribal and Indigenous communities that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects, as compared to other communities.

(6) **HYPERLOCAL AIR QUALITY MONITORING SYSTEM.**—The term “hyperlocal air quality monitoring system” means a method of monitoring ambient air quality and detecting the presence of air pollutants that—

(A) yields frequently repeated, ongoing measurements of air pollutants at a block-level resolution; and

(B) identifies hotspots of persistent elevated levels of air pollutants localized to, and caused by the characteristics of, a specific geographic location.

(7) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.
(8) PILOT PROGRAM.—The term “pilot program” means the pilot program established under section 4(a).

SEC. 4. PILOT PROGRAM FOR HYPERLOCAL AIR QUALITY MONITORING PROJECTS IN ENVIRONMENTAL JUSTICE COMMUNITIES.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall carry out a pilot program to award, on a competitive basis, grants or contracts to State, local, and Tribal air agencies, in partnership with local nonprofit organizations or eligible hyperlocal air quality data providers, to carry out projects described in subsection (b) for hyperlocal air quality monitoring systems in environmental justice communities.

(b) PROJECTS.—A State, local, or Tribal air agency that receives a grant or contract under the pilot program shall use amounts received under the grant or contract to carry out an air quality monitoring project within a geographical region specified by the State, local, or Tribal air agency—

(1) to monitor air quality at a level of discreteness capable of monitoring an area that is the smaller of—

(A) a block; and

(B) a 100-meter radius;
(2) to identify areas of persistent elevated air pollution levels above a relevant background level;

(3) to regularly monitor air quality using monitoring technology that meets the data quality objectives of the Environmental Protection Agency, which may, in the determination of the Administrator, include a requirement that the technology qualify as a Federal Reference Method or a Federal Equivalent Method;

(4) to determine changes in ambient levels of relevant air pollutants;

(5) to generate equity maps by geographical area, including generating maps using such variables as demographic data relating to race, ethnicity, and income level; and

(6) to report hyperlocal air quality data and mapping tools to—

(A) community residents through an online platform to increase public awareness and engagement; and

(B) relevant local, State, Tribal, and Federal air pollution managers to inform management decisions, such as the placement or relocation of stationary air pollution monitors, transportation or land use planning, investments in
mitigating air pollution sources, and other planning decisions.

(c) PROJECT SELECTION.—

(1) APPLICATIONS.—A State, local, or Tribal air agency seeking a grant or contract under the pilot program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(2) PRIORITIZATION.—In selecting projects to receive grants or contracts under the pilot program, the Administrator shall give priority to projects that—

(A) would be carried out in areas with high rates of illness associated with exposure to air pollution, as determined by the Administrator, including childhood asthma, adult asthma, chronic obstructive pulmonary disease, heart disease, chronic bronchitis, and cancer;

(B) seek to identify pollution sources through multipollutant analysis when relevant;

(C) would be able to assess pollution burdens on sensitive individuals who may be at greater risk of adverse health effects from expo-
sure to the air pollutants to be monitored as compared to the general population; and

(D) would promote—

(i) public access and transparency of data; and

(ii) proactive outreach for community engagement and awareness.

(3) **Equitable Funding Distribution.**—A State, local, or Tribal air agency that receives a grant or contract under the pilot program shall ensure that air quality monitoring projects deployed using amounts from the grant or contract—

(A) provide full-time, salaried employment opportunities, with benefits, to local residents of environmental justice communities, which may include employment or training for positions such as—

(i) air quality monitoring device installation, maintenance, and calibration technicians;

(ii) data scientists, atmospheric scientists, chemists, epidemiologists, and social scientists;

(iii) software developers, engineers, and interface designers;
(iv) community engagement and communications and outreach specialists;
(v) air quality monitor operators;
(vi) environmental justice organizer;
and
(vii) environmental health advocate;
and
(B) direct not less than 40 percent of the amount received from the grant or contract toward the employment opportunities described in subparagraph (A).

(d) Wage Rate Requirement.—Not withstanding any other provision of law, all laborers employed under projects funded directly by a grant or contract provided to a State, local, or Tribal air agency under the pilot program shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”).

(e) Duration.—A project carried out using a grant or contract awarded under the pilot program may not exceed 5 years in duration.

(f) Evaluation Metrics.—To evaluate the effectiveness of the pilot program, the Administrator shall es-
tablish, based on the project requirements described in paragraphs (1) through (6) of subsection (b), metrics and reporting requirements for grant recipients.

(g) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 180 days after the end of each fiscal year in which the Administrator carries out the pilot program, the Administrator shall submit to Congress a report on the results of the pilot program for the previous fiscal year, which shall include, with respect to the fiscal year covered by the report—

(A) a description of each project awarded a grant or contract under the pilot program;

(B) a description of the evaluation metrics established under subsection (f);

(C) the results of and the insights developed from the monitoring carried out under projects for which grants or contracts were awarded under the pilot program; and

(D) whether the Administrator proposes to continue air quality monitoring at the locations monitored by projects for which those grants or contracts were awarded.

(2) FINAL REPORT.—Not later than 180 days after the date on which the final project carried out
using a grant or contract awarded under the pilot program is completed, the Administrator shall sub-
mit to Congress a report that describes the results of the pilot program, which shall include—

(A) a description of the pilot program;

(B) a description of the air quality moni-
toring data collected under projects that re-
ceived grants or contracts under the pilot pro-
gram;

(C) an assessment of the effectiveness of the pilot program using the evaluation metrics established under subsection (f) and informa-
tion received from the reporting requirements established under that subsection;

(D) a description of the benefits and costs of the pilot program, including an estimate of the benefits and costs of making the pilot pro-
gram permanent;

(E) an estimate of the cost of expanding the pilot program to monitor air quality in air basins that are adjacent to air basins for which air quality was monitored under projects that received grants or contracts under the pilot pro-
gram; and
such recommendations for legislation, regulation, or administrative action as the Administrator considers appropriate, including recommendations for—

(i) reducing air pollution burdens in identified hotspots; and

(ii) extending the pilot program or making the pilot program permanent.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Administrator $100,000,000 for each of fiscal years 2022 through 2027 to carry out the pilot program.

(2) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under paragraph (1) shall supplement, and not supplant, other amounts made available to address harms resulting from air pollution.

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act shall be construed as altering, limiting, revising, or weakening existing Federal law to protect public health or welfare from air pollution.