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(Original Signature of Member)

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) air pollution inflicts disproportionate harm
2 on Black people, Indigenous people, and people of
3 color;

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

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

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

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

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

18 (5) the Environmental Protection Agency has
19 existing authority under the Clean Air Act to ad-
20 dress air pollutants, including greenhouse gases.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADMINISTRATOR.**—The term “Adminis-
24 trator” means the Administrator of the Environ-
25 mental Protection Agency.

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

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

10 (4) ENVIRONMENTAL JUSTICE.—The term “en-
11 vironmental justice” means the fair treatment and
12 meaningful involvement of all people, regardless of
13 race, color, culture, natural origin, or income, in the
14 development, implementation, and enforcement of
15 environmental laws (including regulations) and poli-
16 cies to ensure that each person enjoys—

17 (A) the same degree of protection from en-
18 vironmental and health hazards; and

19 (B) equal access to any Federal agency ac-
20 tion relating to the development, implementa-
21 tion, and enforcement of environmental laws
22 (including regulations) and policies for the pur-
23 pose of having a healthy environment in which
24 to live, learn, work, and recreate.

1 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—

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

9 (6) HYPERLOCAL AIR QUALITY MONITORING
10 SYSTEM.—The term “hyperlocal air quality moni-
11 toring system” means a method of monitoring ambi-
12 ent air quality and detecting the presence of air pol-
13 lutants that—

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

17 (B) identifies hotspots of persistent ele-
18 vated levels of air pollutants localized to, and
19 caused by the characteristics of, a specific geo-
20 graphic location.

21 (7) NONPROFIT ORGANIZATION.—The term
22 “nonprofit organization” means an organization de-
23 scribed in section 501(c)(3) of the Internal Revenue
24 Code of 1986 and exempt from taxation under sec-
25 tion 501(a) of that Code.

1 (8) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the pilot program established under
3 section 4(a).

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

7 (a) ESTABLISHMENT.—Subject to the availability of
8 appropriations, the Administrator shall carry out a pilot
9 program to award, on a competitive basis, grants or con-
10 tracts to State, local, and Tribal air agencies, in partner-
11 ship with local nonprofit organizations or eligible
12 hyperlocal air quality data providers, to carry out projects
13 described in subsection (b) for hyperlocal air quality moni-
14 toring systems in environmental justice communities.

15 (b) PROJECTS.—A State, local, or Tribal air agency
16 that receives a grant or contract under the pilot program
17 shall use amounts received under the grant or contract
18 to carry out an air quality monitoring project within a geo-
19 graphical region specified by the State, local, or Tribal air
20 agency—

21 (1) to monitor air quality at a level of discrete-
22 ness capable of monitoring an area that is the small-
23 er of—

24 (A) a block; and

25 (B) a 100-meter radius;

1 (2) to identify areas of persistent elevated air
2 pollution levels above a relevant background level;

3 (3) to regularly monitor air quality using moni-
4 toring technology that meets the data quality objec-
5 tives of the Environmental Protection Agency, which
6 may, in the determination of the Administrator, in-
7 clude a requirement that the technology qualify as a
8 Federal Reference Method or a Federal Equivalent
9 Method;

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

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

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

18 (A) community residents through an online
19 platform to increase public awareness and en-
20 gagement; and

21 (B) relevant local, State, Tribal, and Fed-
22 eral air pollution managers to inform manage-
23 ment decisions, such as the placement or reloca-
24 tion of stationary air pollution monitors, trans-
25 portation or land use planning, investments in

1 mitigating air pollution sources, and other plan-
2 ning decisions.

3 (c) PROJECT SELECTION.—

4 (1) APPLICATIONS.—A State, local, or Tribal
5 air agency seeking a grant or contract under the
6 pilot program shall submit to the Administrator an
7 application at such time, in such manner, and con-
8 taining such information as the Administrator may
9 require.

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

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

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

22 (C) would be able to assess pollution bur-
23 dens on sensitive individuals who may be at
24 greater risk of adverse health effects from expo-

1 sure to the air pollutants to be monitored as
2 compared to the general population; and

3 (D) would promote—

4 (i) public access and transparency of
5 data; and

6 (ii) proactive outreach for community
7 engagement and awareness.

8 (3) **EQUITABLE FUNDING DISTRIBUTION.**—A
9 State, local, or Tribal air agency that receives a
10 grant or contract under the pilot program shall en-
11 sure that air quality monitoring projects deployed
12 using amounts from the grant or contract—

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

18 (i) air quality monitoring device in-
19 stallation, maintenance, and calibration
20 technicians;

21 (ii) data scientists, atmospheric sci-
22 entists, chemists, epidemiologists, and so-
23 cial scientists;

24 (iii) software developers, engineers,
25 and interface designers;

1 (iv) community engagement and com-
2 munications and outreach specialists;

3 (v) air quality monitor operators;

4 (vi) environmental justice organizer;

5 and

6 (vii) environmental health advocate;

7 and

8 (B) direct not less than 40 percent of the
9 amount received from the grant or contract to-
10 ward the employment opportunities described in
11 subparagraph (A).

12 (d) WAGE RATE REQUIREMENT.—Not withstanding
13 any other provision of law, all laborers employed under
14 projects funded directly by a grant or contract provided
15 to a State, local, or Tribal air agency under the pilot pro-
16 gram shall be paid wages at rates not less than those pre-
17 vailing on projects of a similar character in the locality,
18 as determined by the Secretary of Labor in accordance
19 with subchapter IV of chapter 31 of title 40, United States
20 Code (commonly referred to as the “Davis-Bacon Act”).

21 (e) DURATION.—A project carried out using a grant
22 or contract awarded under the pilot program may not ex-
23 ceed 5 years in duration.

24 (f) EVALUATION METRICS.—To evaluate the effec-
25 tiveness of the pilot program, the Administrator shall es-

1 tablish, based on the project requirements described in
2 paragraphs (1) through (6) of subsection (b), metrics and
3 reporting requirements for grant recipients.

4 (g) REPORTS.—

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

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

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

16 (C) the results of and the insights devel-
17 oped from the monitoring carried out under
18 projects for which grants or contracts were
19 awarded under the pilot program; and

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

24 (2) FINAL REPORT.—Not later than 180 days
25 after the date on which the final project carried out

1 using a grant or contract awarded under the pilot
2 program is completed, the Administrator shall sub-
3 mit to Congress a report that describes the results
4 of the pilot program, which shall include—

5 (A) a description of the pilot program;

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

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

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

19 (E) an estimate of the cost of expanding
20 the pilot program to monitor air quality in air
21 basins that are adjacent to air basins for which
22 air quality was monitored under projects that
23 received grants or contracts under the pilot pro-
24 gram; and

1 (F) such recommendations for legislation,
2 regulation, or administrative action as the Ad-
3 ministrator considers appropriate, including rec-
4 ommendations for—

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

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

9 (h) AUTHORIZATION OF APPROPRIATIONS.—

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

14 (2) SUPPLEMENT, NOT SUPPLANT.—Amounts
15 made available under paragraph (1) shall supple-
16 ment, and not supplant, other amounts made avail-
17 able to address harms resulting from air pollution.

18 **SEC. 5. SAVINGS CLAUSE.**

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