

Date of Hearing: April 20, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 2170 (Boerner) – As Amended March 19, 2026

**SUBJECT:** California Environmental Quality Act: overburdened communities: documents and information: translations

**SUMMARY:** Prohibits the approval of certain industrial use projects via exemption under the California Environmental Quality Act (CEQA) if the project is located in an “overburdened community,” as defined. Requires translation of specified CEQA documents into all threshold languages in the community where a proposed project is located, and imposes related public meeting requirements.

**EXISTING LAW:**

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Requires a lead agency to determine whether a project is exempt from CEQA and whether an EIR, MND, or ND is required. (PRC 21080.1)
- 3) Defines “project” as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, including an activity that involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. (PRC 21065)
- 4) Requires the CEQA Guidelines to include a list of classes of projects that have been determined by the Secretary of the Natural Resources Agency to not have a significant effect on the environment and that shall be exempt from CEQA. (PRC 21084)
- 5) Requires a lead agency to prepare and file, with either the Office of Land Use and Climate Innovation (LCI) or the county clerk having jurisdiction over the project, the following notices:
  - a) A notice of intent (NOI) when the lead agency decides to adopt a negative declaration or a mitigated negative declaration;
  - b) A notice of determination (NOD) when the lead agency decides to carry out or approve a project for which it has adopted a negative declaration or mitigated negative declaration, or certified an EIR;
  - c) A notice of preparation (NOP) when the lead agency decides to prepare a negative declaration, a mitigated negative declaration, or an EIR for the project; and
  - d) A notice of completion (NOC) when the draft EIR is complete.

- 6) Requires a lead agency to call at least one scoping meeting for a proposed project of statewide, regional, or area-wide significance. Notice of at least one scoping meeting must be provided to specified agencies, as well as any organization or individual who has filed a written request for notice.
- 7) Requires a lead agency to mail specified notices to any person who has filed a written request for notices with either the governing body clerk or the agency director. The agency may require requests for notices to be annually renewed and may charge a fee for providing the service.
- 8) Requires the California Environmental Protection Agency (CalEPA) to identify disadvantaged communities (DACs) based on geographic, socioeconomic, public health, and environmental hazard criteria, which may include either of the following:
  - a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public effects, exposure, or environmental degradation; and,
  - b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

(Health and Safety Code 39711)

**THIS BILL:**

- 1) Requires an EIR, MND, or ND be prepared for the development, operation, substantial modification to, or substantial expansion of, a project on land that is zoned to allow industrial uses and is in or within one-half mile of an overburdened community, and overrides any existing CEQA exemption or ministerial review processes that such projects may otherwise be eligible for.
- 2) Defines “overburdened community” as a DAC, a disadvantaged unincorporated community as defined in Section 65302.10 of the Government Code, or a census tract that has a pollution burden score that is within the highest 15% of CalEnviroScreen pollution burden scores.
- 3) Requires, on and after July 1, 2027, the following categories of CEQA documents and information to be translated into all threshold languages in the city or county where the project is located:
  - a) Executive summaries of environmental review documents.
  - b) Initial studies.
  - c) Mitigation and monitoring requirements.
  - d) Cumulative impacts analysis.
  - e) Notices of public hearings or informational meetings regarding a proposed project, including, but not limited to, scoping meetings.

- f) Notices of exemption.
  - g) Notices of preparation.
  - h) Notices of availability.
  - i) Notices of completion.
  - j) Notices of determination.
  - k) Statements of overriding considerations.
- 4) Defines “threshold languages” as all languages spoken jointly by 5% or more of the population within the jurisdiction of the lead agency who do not speak English, or who are unable to effectively communicate in English because it is not their native language, consistent with the Dymally-Alatorre Bilingual Services Act.
  - 5) Requires LCI, on or before July 1, 2027, to develop guidelines to implement these translation requirements, including guidelines for the availability of timely requested translation equipment or services at any public hearing or meeting for which a notice is required to be translated. Requires these guidelines to allow lead agencies to develop a procedure for an interested party to request that interpretation services be made available at hearings or meetings and, if the lead agency develops that procedure, the lead agency may require mandatory interpretation services only when a request has been made in advance of the hearing or meeting.
  - 6) Requires the lead agency shall provide a specified notice of public hearings regarding CEQA projects to owners and occupants of property located within one-half mile of any parcel or parcels, and to any school located within one mile of any parcel or parcels, of a project site, not less than 60 days before the public hearing. Requires the notice to include translations for all threshold languages spoken in the city or county.
  - 7) Provides that a minor inaccuracy in the translation of a document shall not be a basis for invalidation of a public agency decision, unless the inaccuracy is found to preclude informed decisionmaking or informed public participation.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Background.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that there would not be a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR.

CEQA generally applies to discretionary actions by public agencies. Therefore, ministerial actions, whether by nature, local rule, or statute, are not subject to CEQA. In addition, CEQA includes layers of exemptions, including statutory exemptions for specific projects and categories of projects, “regulatory” categorical exemptions in the CEQA Guidelines, and temporary exemptions commonly included in executive orders.

CEQA review involves a variety of public documents, ranging from simple notices to EIRs running thousands of pages, chock full of technical and legal jargon. Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Once a lead agency has approved a project, the agency must file a notice of determination. State agencies are required to file notice with LCI, which is then posted on LCI’s CEQAnet website. Local agencies are required to file notice within five working days with the county clerk of each county in which the project will be located. CEQA also requires notices to be sent upon request to any interested person.

Generally, CEQA actions taken by local public agencies can be challenged in Superior Court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations, which are tied to the date the notice was filed. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. Failure to file a required notice in time may increase the statute of limitations to 180 days.

2) **Author’s statement:**

California is facing a public health and environmental crisis, and some communities are unfairly bearing the brunt of pollution. Disadvantaged communities continue to be at risk of health problems like asthma, cancer, and heart disease due to high pollution levels. Californians deserve greater transparency to advocate for safer, cleaner development in our state. No matter your income or first language, everyone has the right to know about project proposals in their neighborhoods and the opportunity to comment on that project, especially when their health and safety are at risk. AB 2170 would increase transparency for all Californians and protect our most vulnerable communities, our health, and the environment.

3) **Section 1 appears to invalidate a wide range of existing CEQA exemptions, including for routine and environmentally beneficial projects.** As noted above, CEQA is replete with a broad and increasing range of exemptions, including maintenance of public infrastructure, housing, clean transportation, and ill-defined “advanced manufacturing” projects. This bill invalidates both statutory CEQA exemptions and ministerial review processes that may apply to these projects if they are located on land zoned to allow industrial uses, which may include land zoned commercial or agricultural, and located within one-half mile of an overburdened community, which includes most of the San Joaquin Valley, large swaths of Imperial County, industrial areas around the San Francisco Bay, and more than half of the Los Angeles metropolitan area.

For example, investor-owned electric utilities are required to obtain a discretionary permit to construct (PTC) from the Public Utilities Commission (PUC) for electrical power line projects between 50-200 kV. A PTC may be exempt from CEQA pursuant to PUC General Order (GO) 131-E and existing provisions of CEQA. Only larger, high-voltage projects over 200 kV are consistently subject to complete CEQA review, including an EIR. According to 2025 PUC data, from 2012 to 2023, 608 electric transmission projects have been exempted from CEQA, 29 projects have been approved via negative declaration, and 27 have required an EIR.

- 4) **The environmental regulation example.** Not all “projects” under CEQA involve construction on a specific site. For example, state agency actions that apply statewide are subject to CEQA, and air districts and regional water boards routinely adopt rules that apply regionwide. Some of these actions may be eligible for exemption under existing statute, regulation, and/or executive order. However, this bill may invalidate exemptions for these actions to the extent their scope involves industrial uses in overburdened communities, even if the purpose of the agency action is to reduce pollution.
- 5) **Who is required to translate?** The translation requirements of this bill are ambitious, technically challenging, and likely expensive. The bill doesn’t say who the translation requirements fall on, but presumably it will be the lead agency. Lead agencies include public agencies of all types – state, regional, and local – from large to small. Some of the largest agencies may have existing capacity to meet translation requirements, indeed some larger cities with significant planning staff translate CEQA documents now. However, most agencies likely do not have existing capacity for translation. Some projects may have an applicant who can potentially pay for translation of documents, while others may not.
- 6) **Prior legislation.** In 2014, the Legislature passed AB 543 (Campos), which initially required lead agencies to translate CEQA notices when a group of non-English-speaking people comprises at least 25% of the population within a lead agency's jurisdiction. The bill was later amended to require the CEQA Guidelines to include criteria for a lead agency to assess the need for translating notices into non-English languages. AB 543 was vetoed.

In 2018, the Legislature passed AB 2447 (Reyes), which established additional CEQA notice and consultation requirements for classes of industrial or similar projects located within one-half mile of a DAC. AB 2447 was vetoed.

- 7) **Suggested amendments.** To limit the technical and financial challenges with document translation, *the author and the committee may wish to consider* amending the bill to require translation of required CEQA notices only.

To limit the scope of existing CEQA exemptions invalidated by this bill, *the author and the committee may wish to consider* amending the bill to state that the mandatory EIR/MND/ND provision does not apply to projects eligible for a categorical exemption or to utility projects eligible for approval under GO 131-E.

## REGISTERED SUPPORT / OPPOSITION:

### Support

350 Bay Area Action  
Asian Pacific Environmental Network Action  
Building Healthy Communities - Kern  
California Coastkeeper Alliance  
California Environmental Justice Alliance (CEJA) Action  
Californians Against Waste  
Catholic Charities of Stockton  
Center for Biological Diversity  
Center for Environmental Health  
Center for Food Safety  
Center for Public Environmental Oversight  
Center on Race, Poverty, & the Environment  
Central California Environmental Justice Network  
Central Coast Alliance United for a Sustainable Economy  
Clean Water Action  
Cleaneearth4kids.org  
Committees for Land, Air, Water and Species  
Communities for a Better Environment  
Community Interventions  
Earthjustice  
Environmental Defense Center  
Environmental Health Coalition  
Esperanza Community Housing  
Facts: Families Advocating for Chemical & Toxics Safety  
Food & Water Watch  
Fossil Free California  
Friends of the River  
Green Foothills  
Greenpeace USA  
Jakara Movement  
Leadership Counsel for Justice and Accountability  
Little Manila Rising  
Natural Resources Defense Council  
Physicians for Social Responsibility - Los Angeles  
Planning and Conservation League  
Poder  
Public Interest Law Project  
Regional Asthma Management and Prevention (RAMP)  
Restore the Delta  
San Francisco Baykeeper  
Sierra Club California  
T.r.u.s.t. South LA  
Todec Legal Center  
Unidos Network INC  
Vision Y Compromiso  
Western Center on Law and Poverty  
Young Community Developers  
Youth Leadership Institute

**Opposition**

California Building Industry Association  
California Business Properties Association  
California Chamber of Commerce  
California Manufacturers & Technology Association  
California State Association of Counties (CSAC)  
Chemical Industry Council of California  
League of California Cities  
NAIOP SoCal  
Orange County Business Council  
Rural County Representatives of California (RCRC)  
Streets for All (unless amended)  
Supply Chain Federation  
Urban Counties of California (UCC)

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