



May 15, 2015

To:  
Oregon House Committee on Rules

From:  
Margaret Tallmadge  
Environmental Justice Manager  
Coalition of Communities of Color  
221 NW 2nd Ave #303  
Portland, OR 97209

RE: Revisions and Questions on HB 3470-A

Dear Chair, Vice-Chair and members of the House Committee on Rules,

Thank you for your time and thorough evaluation of such an important piece of legislation. Members of the Coalition of Communities of Color (CCC) continue to support equitable carbon pricing and climate solution legislation that 1) offer protection from disproportionate financial impacts while, 2) creating economic opportunities for communities of color and 3) supporting more resilient communities. As you review the HB 3470-A, CCC respectfully offers additional direction on revisions to ensure equitable design and implementation.

The Coalition of Communities of Color is an alliance of 19 culturally specific community based organizations with representation from six communities of color: African, African American, Asian and Pacific Islander, Latino, Native American and Slavic. Our mission is to address the socioeconomic disparities, institutional racism, and inequity of services experienced by our families, children and communities.

While climate change is a major threat to the quality of life for all Oregonians, it has a disproportionate impact on the physical, mental, financial and cultural wellbeing of communities of color and low-income communities. Communities of color and environmental justice advocates must be integral to the decision-making body and design of the action plan and implementation; the Environmental Quality Commission does not reflect these interests.

HB 3470-A must include an explicit focus in the beginning of the bill to ensure historically under-served or under-represented communities are: 1) not disproportionately impacted by climate change or emerging regulations to curb carbon pollution, and, 2) benefit from increased opportunity and investment. HB 3470-A must emphasize co-benefits: GHG emission reduction as well as reduction of existing racial disparities, in particular those exacerbated by climate change and institutional and systemic inequities. Any resulting climate policy or program should



aim to not just mitigate, but also reverse historical and ongoing inequities. These values should be reflected throughout the bill and in program design and implementation. Thus, CCC urges the House to remove language such as “to the extent feasible,” which weakens these priorities.

CCC is concerned the Environmental Justice Advisory Committee (EJAC), which is currently proposed as a three member consulting body, is both unrepresentative of the State of Oregon and redundant. First, a three-person advisory committee is wholly inadequate to represent the cultural, racial, socioeconomic, or geographic diversity of our state. Second, to avoid redundancy and provide greater representation, CCC members propose the Environmental Justice Task Force (EJTF), established under ORS 182.538, to serve a central role in decision making related to the bill’s greenhouse gas reduction action plan. The EJTF already delineates representatives from a diversity of communities, including but not limited to, tribal governments and communities. The EJTF rather than the proposed EJAC should be integral to any decision-making, design or implementation related to HR 3470-A. Additional support and resources should be provided for increased capacity of the existing EJTF so as to provide continued, meaningful, and inclusive participation of members of under-served, under-represented, and environmental justice communities.

The bill’s language is inconsistent when referring to communities most vulnerable to negative impacts of climate change: using terms disadvantaged, low-income, or minority, almost interchangeably. The CCC employs the terms “historically under-served,” “historically under-represented” or “under-served” or “under-represented” communities, which includes communities of color and immigrants and refugees. This language focuses on the systemic issues that create widespread inequities in our communities, focusing on assets rather than deficits in a community.

HB 3470-A should provide an explicit definition at the beginning of the bill, which creates an inclusive and adaptable definition of “under-served” and “under-represented” including, but not limited to, communities of color, immigrants, refugees, farm workers, tribal communities, elderly populations, individuals with disabilities, low-income, communities with high exposure to negative social determinants of health (i.e. racism, stress, poverty, air pollution/toxins, etc.).

The CCC respectfully offers the additional recommendations and direction:

Section 3 (1) and (2) on line 1, page 1

- Potential Revisions: For example, adding “detrimental impacts to culturally relevant food access and fishing rights,” “an increase in heat related illnesses,” or “decreased access to affordable housing, food, and transportation due to water scarcity and climate migration.”

Section 3 (5) on Page 2, line 11:

- Revision: “By exercising a leadership role...will position its economy, technology centers, **[communities]/ [well-being/health of residents/communities]**...”

Section 3 (5) on Page 2, line 15:

- Revision: “to address global warming, ocean acidification, **[and its wide impacts on communities and environment]**”

Section 5 on Page 3, line 16

- The Department of Environmental Quality should also report its findings to an additional community engagement body and/or the Environmental Justice Task Force

Section 7 (1) on Page 3, line 36

- “The commission shall consult with all responsible state agencies **[with direct, ongoing, and funded participation from historically under-represented communities]** in developing the action plan.”

Section 7 (2)(a) on page 3, line 41

- “... maximize feasible, **[cost-effective, and equitable]** reductions of greenhouse gas emissions....”

Section 7 (2)(c) on page 4, line 1

- Include a provision requiring direct community engagement, especially of historically under-represented and under-served communities, or increased engagement through existing governmental bodies.

**Section 7 (2)(f) on page 4, line 10**

- Language is too weak. **Remove “to the extent feasible and necessary.”**
- Revision: “benefitting **[historically under-served]**...for beneficial **[and inclusive]** participation... community based institutions **[and organizations]**.”
- Include direct and community-guided investment in historically under-served communities. For example, SB 535 included 10% for direct investment in “disadvantaged communities.”
- Revision to ensure adaptable, inclusive participation:
  - “Ensure that greenhouse gas emissions reduction regulations and programs are administered in a manner that, to the extent feasible and necessary, directs public and private investment toward benefiting disadvantaged communities and providing opportunities for beneficial participation by **[communities and institutions, including, but not limited to]** small businesses, schools, affordable housing associations and other community-based institutions.”

Section 7 (3)(b) on page 4, Line 21

- Revision: “Consider... potential... adverse effects... the action plan may have on small businesses **[and historically under-represented and under-served communities]**”

Section 7 (4) on page 4, Line 27: **Environmental Justice Advisory Committee**

- Preferably, the proposed EJAC should be removed from the proposed bill and replaced with the existing EJTF. Resources and support to the EJTF and community engagement processes must increase to ensure meaningful participation and decision-making role of under-served communities.
- Revision: “shall include representatives from communities in this state that are at the highest risk of being negatively affected by **air pollution [and impacts of climate**

**change]**, including but not limited to representatives from **historically under-represented and under-served communities.**”

- “The commission shall receive nominations for membership on the committee from environmental justice organizations **[and other culturally specific community based organizations]**”
  - Term lengths are not delineated. Will this be established after passage of HB 3470?
  - At first glance, the Environmental Quality Commission does not appear to have members from communities of color or other under-served communities. The EQC may not be adequate on its own to appoint individuals representative of Oregon’s diverse communities. The bill has not delineated the nomination structure. For example, in addition to robust community engagement and environmental justice organization nominations, which individuals or bodies would nominate, vet and approve appointments? The Governor? Oregon Office of Equity and Inclusion, Oregon’s Environmental Justice Task Force?

Section 7 (5)(a) on page 4, Line 34-

- Focus on technological research and development. Include expanding these opportunities for historically under-served communities and first generation students in educational institutions.

Section 8 (2) (a) on page 5, line 11

- Revision: include “Ensure **[equitable implementation]**”

Section 8 (2) (c) on page 5, line 16

- Are there any potential negative impacts, which could result from reciprocity of other markets?

Section 8 (2) (c) on page 5, line 18

- Include climate change impacts in addition to air pollution.

Section 8 (2) (c) on page 5, line 23

- This language is too weak-- remove “endeavor” and “disproportionately.”
- Revision: “**Ensure that actions...do not adversely impact under-served communities, communities of color, and low-income communities.**”
  - Any adverse impact on under-served communities will disproportionately impact them. Writing “disproportionately adversely” minimizes the severity of existing disparities in under-served communities.

Section 8 (2) (c) on page 5, line 28

- This language is too weak-- remove “endeavor”

Section 13, Page 7, line 24

- If EJAC remains in proposed bill, establish a liaison to Oregon’s Environmental Justice Task Force and Environmental Justice Advisory Commission. These bodies should be consulted in climate resilience planning as well.



Thank you again for your leadership and careful consideration of HB 3470-A.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret Tallmadge', written in a cursive style.

Margaret Tallmadge  
Environmental Justice Manager  
Coalition of Communities of Color