

# AGENDA

## Environmental Justice and Just Transition Work Group

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November 1, 2017

1:00 PM – 3:00 PM

Hearing Room 50 State Capitol (ground level)

### AGENDA

- Welcome and Introductions
- Work Group Discussion of Policy Questions
- Public Comment
- Next Steps
- Adjourn

This meeting will be livestreamed. You may access the livestream at:

[https://www.oregonlegislature.gov/citizen\\_engagement/Pages/Legislative-Video.aspx](https://www.oregonlegislature.gov/citizen_engagement/Pages/Legislative-Video.aspx). You may also participate in this meeting by teleconference by calling 1--877-848-7030, meeting # 7714152.

Meeting materials are posted at: <https://www.oregonlegislature.gov/helm/Pages/ejit.aspx>.

Policy Questions to  
Prepare and Discuss at  
November Work Group  
Meetings  
(11/1/17)

**Senate Bill 1070  
Policy Questions**

At the upcoming work group meetings, each work group will discuss the policy questions below. Each section has been assigned to a work group, however some questions are likely to be discussed in multiple work groups. Thank you for reviewing the document and coming prepared with your feedback.

**OFFSETS – AGRICULTURE, FORESTS, FISHERIES, RURAL COMMUNITIES, AND TRIBES**

Percentage of compliance obligation that can be met with offsets?	<b>SB 1070:</b> 8% cap, allows lower percentage in certain areas. <b>Proposal:</b>
Restrictions on offset project location?	<b>SB 1070:</b> Be located in the United States or a country with which EQC has entered an agreement for administering a carbon pollution market <b>Proposal:</b>
Should aggregation be allowed?	<b>SB 1070:</b> Not addressed <b>Proposal:</b>
Principles that govern protocol development?	<b>SB 1070:</b> Not addressed <b>Proposal:</b>
Role of ODA and ODF in protocol development?	<b>SB 1070:</b> Not addressed <b>Proposal:</b>

**POINT OF REGULATION – UTILITIES AND TRANSPORTATION**

Utilities POR?	<b>SB 1070:</b> Not specified <b>Proposal:</b> first jurisdictional deliverer (FJD)
Natural Gas POR?	<b>SB 1070:</b> Not specified <b>Proposal:</b> Load serving entity (LSE)
Industrial Sources POR?	<b>SB 1070:</b> Not specified <b>Proposal:</b>

## ALLOWANCE DISTRIBUTION AND CONSIGNMENT – UTILITIES AND TRANSPORTATION

<p>Are allowances distributed to utilities free of charge for consignment?</p>	<p><b>SB 1070:</b> Yes</p> <p><b>Proposal:</b> Establish set of principles in legislation to guide distribution</p>
<p>Should allowances distributed free of charge to utilities be consigned to auction?</p>	<p><b>SB 1070:</b> Yes</p> <p><b>Proposal:</b></p>
<p>Should allowances be distributed free of charge to covered COUs? If so, how should revenue investments be overseen?</p>	<p><b>SB 1070:</b> Allowed but not required.</p> <p><b>Proposal:</b></p>

## EMISSIONS-INTENSIVE, TRADE-EXPOSED INDUSTRIES (EITEs) – REGULATED ENTITIES

<p>Criteria to identify EITE's?</p>	<p><b>SB 1070:</b> No criteria. Directs EQC to hire or contract with 3<sup>rd</sup> party to provide data and analysis to identify leakage risk</p> <p><b>Proposal:</b></p>
<p>How are allowances allocated to EITEs?</p>	<p><b>SB 1070:</b> Requires free distribution to address leakage and as determined necessary by EQC.</p> <p><b>Proposal:</b> Establish principles governing distribution formula?</p>
<p>Should there be principles/ criteria for whether allowances are full or partial; on a declining schedule over time; and subject to review?</p>	<p><b>SB 1070:</b> No criteria</p> <p><b>Proposal:</b></p>

**COST CONTAINMENT MEASURES – REGLATED ENTITIES AND UTILITIES AND TRANSPORTATION**

Linkage	<p><b>SB 1070:</b> Directs program to be developed in a manner necessary to pursue linkage.</p> <p><b>Proposal:</b></p>
Price containment reserve	<p><b>SB 1070:</b> Requires DEQ to place a percentage of allowances in reserve as directed by EQC to assist covered entities in event of unanticipated high costs of compliance instruments.</p> <p><b>Proposal:</b></p>
Banking	<p><b>SB 1070:</b> Requires EQC to adopt rules to specify allowance holding limits</p> <p><b>Proposal:</b></p>
Price floor	<p><b>SB 1070:</b> Requires EQC to adopt rules to set an auction price floor and schedule for floor price to increase</p> <p><b>Proposal:</b></p>

**REVENUE INVESTMENTS – ENVIRONMENTAL JUSTICE/JUST TRANSITION**

Definition of “impacted communities” and “economically distressed areas”	<p><b>SB 1070:</b> SB 1070 language</p> <p><b>Proposal:</b> (12) Communities experiencing disparate impacts of climate change or “Most Impacted communities” is defined by an analysis of racial and socioeconomic demographics, overlaid with environmental and public health data by census tract. In identifying ‘Most Impacted Communities” the methodology must consider indicators including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) Above the state average percentage nonwhite population;</li> <li>(b) Above the state average percentage of the population has an income below 200% of the federal poverty limit;</li> <li>(c) Above the state average percentage of the population over 25 years of age without a high school degree/diploma;</li> <li>(d) Above the state average percentage of the labor force over 16 years of age are not employed;</li> </ul>
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	<p>(e) Above the state average percentage of the population are over 65 years of age or under 10 years of age</p> <p>(g) Above the state average cancer risk, with cancer risk being defined as an estimate of an individual's cancer risk as the result of a lifetime of exposure to a range of point and mobile source air toxins within a geographic entity</p> <p>(h) Above the state average respiratory hazard risk, with respiratory health risk being defined as an estimate of adverse health effects identified by length of time and concentration of exposure to a range of point and mobile source air toxins within a geographic entity</p> <p>(i) A Native American population on a reservation or tribal trust lands of a federally recognized tribe in Oregon, particularly those reliant on subsistence lifestyles.</p>
<p>Criteria for revenue investments? Including use of consigned allowance revenue?</p>	<p><b>SB 1070:</b> Umbrella requirement: reduce greenhouse gas emissions consistent with statewide greenhouse gas emissions levels and to promote adaptation and resilience in the face of climate change. See attached diagram for additional criteria.</p> <p><b>Proposal:</b></p>
<p>Method of revenue distribution?</p>	<p><b>SB 1070:</b> Grants. See attached diagram.</p> <p><b>Proposal:</b> Proceeds can be distributed through both grant based programs and automatic allocation.</p>
<p>Investment governance and oversight roles and responsibilities</p>	<p><b>SB 1070:</b> See attached diagram.</p> <p><b>Proposal:</b></p>
<p>Should revenues be utilized in part to incentivize sequestration and adaptation?</p>	<p><b>SB 1070:</b> Revenues can be used for purposes of the Act, which is to reduce greenhouse gas emissions and to promote adaptation and resilience by the state's communities and economy in the face of climate change.</p> <p><b>Proposal:</b></p>
<p>Should regulated entities be allowed to be the recipients of program grants or other funding to help them comply?</p>	<p><b>SB 1070:</b> Not addressed</p> <p><b>Proposal:</b></p>

**CAP-AND-INVEST PROGRAM GOVERNANCE – ALL**

<p>Which agency administers this program?</p>	<p><b>SB 1070:</b> Primarily DEQ, with role for ODOT and Business OR in grant distribution</p> <p><b>Proposal:</b></p>
<p>Are there appropriate accountability measures?</p>	<p><b>SB 1070:</b> The Greenhouse Gas Cap and Investment Program Oversight Committee is required to study the implementation of the program, make recommendations and conduct other necessary studies to provide implementation oversight.</p> <p><b>Proposal:</b></p>

# STATE TREASURY

All SB 1070 funds must be used to reduce greenhouse gas emissions and to promote climate change adaptation and resilience by Oregon's communities and economy.

**State Highway Fund** §14, §11  
Climate Investments Account



## ODOT

### Distribution Requirements

- At least 20% to projects geographically located in impacted communities
- At least 20% to projects that otherwise benefit impacted communities
- Meaningful share to projects that involve businesses owned by women and minorities
- Funding preference to projects that result in greatest GHG reductions

**Rulemaking:** ODOT (§38)

**Oregon Climate Investments Fund** §15, §11  
(85% of general auction proceeds)



## DEQ

### CLIMATE INVESTMENTS GRANT PROGRAM §16

#### Distribution Requirements

- At least 50% to projects geographically located in impacted communities
- At least 40% to projects geographically located in economically distressed areas; emphasis placed on job creation, job education, and training opportunities
- Funding preferences specified (§16(5)(a-g))

**Rulemaking:** EQC in consultation with EJ Task Force, Indian tribes, PUC, ODOE, ODOT, OHA, other interested agencies, and Advisory Committee

### Climate Investments Grant Committee

Reviews grant applications and makes funding determinations; governor-appointed, subject to senate confirmation

**Just Transition Fund** §19, §11  
(15% of general auction proceeds)



## Business Oregon

### JUST TRANSITION GRANT PROGRAM §20

#### Distribution Requirements

- Support economic diversification, job creation, job training, and other employment and mental health services for Oregon workers and communities that are adversely affected by climate change or climate change policies

**Rulemaking:** Business Oregon in consultation with Advisory Committee

### Just Transition Grant Committee

Reviews grant applications and makes funding determinations; governor-appointed, subject to senate confirmation

### Advisory Committee

Provide advice from diversity of interests

§7

# Senate Bill 1070 (2017)

Governance of Auction Revenues

**Consignment Proceeds** §11, §13

Allowances distributed free-of-charge must be consigned to the state for auction



Electric Companies & Natural Gas Utilities

### Distribution Requirements

- Must serve to stabilize and reduce energy bills
- Prioritize low-income residential customers

**Rulemaking:** PUC in consultation with Advisory Committee

Consumer-Owned Utilities

### Distribution Requirements

- None specified

**Rulemaking:** DEQ

## Types of Auction Revenues

- State Highway Fund Revenue (Or. Const. Article IX, § 3a)
- Other Funds Revenue
- Consignment Revenue



CEJ Climate Investments  
Sub-Committee,  
Recommended Language/  
Changes to Just  
Transition Provisions  
(Barbara Byrd)

11/1/17

**Sub-Committee: Just Transition**  
**Recommended Language/Changes to Just Transition provisions**  
**November 1, 2017**

**Recommended language/changes to Just Transition provisions**

Changes in red to be reviewed by working group

**SECTION 11 (3)**

(c) For auction proceeds remaining after completion of the transfers under paragraphs (a) and (b) of this subsection, to the State Treasurer to be deposited as follows:

- (A) Eighty-five percent in the Oregon Climate Investments Fund; and
- (B) Fifteen percent in the Just Transition Fund.

**SECTION 19 (1)** The Just Transition Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Just Transition Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the ~~Oregon Business Development Department~~ **Oregon Employment Department** to be distributed pursuant to the Just Transition Grant Program developed under section 20 of this 2017 Act.

(2) The Just Transition Fund shall consist of moneys deposited in the fund under section 11

(3)(c)(B) of this 2017 Act.

(3) Moneys in the fund may be used only for activities that further the purposes of sections 6 to 20 of this 2017 Act as stated in section 6 of this 2017 Act.

**SECTION 20. (1)** The ~~Oregon Business Development Department~~ **Oregon Employment Department** shall adopt by rule a Just Transition Grant Program for the disbursement of moneys in the Just Transition Fund. In developing the grant program, the department shall consult with the advisory committee created under section 7 of this 2017 Act. The purpose of the grant program shall be to ~~support but is not limited to economic diversification, job creation, job training and other employment, benefit, and mental health services~~ **support and assist** workers and communities in this state that are adversely affected by climate change or climate change policies, **giving priority to workers who lose jobs as a direct result of this policy. Grants will provide support for activities including but not limited to wage & benefit maintenance, education & training benefits, bridges to retirement where relevant, relocation expenses, mental health services and other assistance as needed.**

CEJ Climate Investments  
Sub-Committee,  
Recommended Language/  
Changes to Climate  
Investments  
(Maggie Tallmadge)

11/1/17

**Recommended Language/Changes to Climate Investments**

Changes in red to be reviewed by working group

Highlighted sections will be revised with new committee and governance structure.

**Utility Proceeds:**

SECTION 13. (1) An electric company or natural gas utility that receives the proceeds from the sale of allowances consigned to the state for auction under section 11 of this 2017 Act may use the auction proceeds only for activities, consistent with the purposes of sections 6 to 20 of this 2017 Act as stated in section 6 of this 2017 Act, and administered through outside agencies, that serve to stabilize and reduce energy bills while also lowering greenhouse gas emissions, including but not limited to:

- (a) Bill assistance, which will be provided at least quarterly (per year), and weatherization for low-income residential customers directed to Oregon Housing and Community Services
- (b) Other weatherization, energy efficiency, and decarbonization programs, in the following order, for
  - 1) Low-income residential customers;
  - 2) Schools, public entities, nonprofit entities, and small business customers with 50 employees or less; and
  - 3) Energy intensive industrial customers that, at the time the bill assistance is received, are not covered entities receiving allowances distributed directly and free of charge to address leakage as allowed under section 10 of this 2017 Act;
- (2) The Rules Committee established under this program shall adopt rules necessary to implement this section. In adopting rules under this section, the Committee shall:
  - (a) Prioritize uses of the proceeds in the order above (Section 13.a-b(3)), contain workforce and contracting standards as outlined in Section X, and meet the needs of low-income residential customers in a service territory before using proceeds for subsequent categories listed in 13(b)(2)-(3).
  - (b) Consult with the Public Utility Commission, Oregon Housing and Community Services, and low-income program providers established under section 7 of this 2017 Act.

**Transportation Proceeds:**

SECTION 14. (1) The Climate Investments Account is established within the State Highway Fund.

Interest earned by the Climate Investments Account shall be credited to the account. Moneys in the account are continuously appropriated to the Department of Transportation to be used only for activities that further the purposes of sections 6 to 20 of this 2017 Act as stated in section 6 of this 2017 Act.

(2) The Climate Investments Account shall consist of moneys deposited in the account under section 11

(3)(b) of this 2017 Act.

(3)(a) Of the moneys deposited in the account each biennium:

- (A) At least 40 percent must be used to support projects that are geographically located in impacted communities; and
- (B) At least 20 percent must be used to support projects that otherwise benefit impacted communities.

**Sub-Committee: Climate Investments**  
**Recommended Language/Changes to Climate Investments**  
**November 1, 2017**

- (b) For purposes of this section, the **Department of Transportation** shall designate impacted communities using the methodology adopted by the **Rules Committee** by rule under section 16 of this 2017 Act.
- (4) In distributing moneys in the account, the Department of Transportation shall:
- (a) Consult with the **Climate Investments in Impacted Communities Advisory Committee created under section 17 of this 2017 Act;**
  - (b) Follow a methodology, **as developed in rules, for ensuring that a meaningful share** of the moneys distributed under this section is used to fund projects that involve the participation of businesses owned by women and members of minority groups;
  - (c) **Contain workforce and contracting standards as outlined in Section X;** and
  - (c) To the maximum extent feasible and practicable, give funding preference to projects that will result in the greatest greenhouse gas emissions reductions.
- (5) If a construction project is funded in whole or in part by moneys from the account, the primary contractor participating in the construction project:
- (a) Must participate, **as applicable,** in an apprenticeship program registered with the State Apprenticeship and Training Council;
  - (b) May not be a contractor listed by the Commissioner of the Bureau of Labor and Industries under ORS 279C.860 as ineligible to receive a contract or subcontract for public works;
  - (c) Must demonstrate a history of compliance with the rules and other requirements of the Construction Contractors Board and of the Workers' Compensation Division and the Occupational Safety and Health Division of the Department of Consumer and Business Services; and
  - (d) Must demonstrate a history of compliance with federal and state wage and hour laws.
- (6) If a construction project is funded in whole or in part by moneys from the account, the Department of Transportation **may, on a project-by-project basis, require the use of a community benefits agreement and/or a project labor agreement** if the use of either type of agreement would advance the public interest and be consistent with law.

**Industrial Proceeds:**

SECTION 16.

- (1) The **Environmental Quality Commission** shall adopt by rule a Climate Investments Grant Program for distributing moneys in the Oregon Climate Investments Fund. The grant program must carry out the purposes of sections 6 to 20 of this 2017 Act as stated in section 6 of this 2017 Act.
- (2)
- (a) Moneys must be distributed through the **grant and proceed allocation program** developed under this section such that, of the moneys deposited in or credited to the Oregon Climate Investments Fund each biennium:
    - (A) At least 60 percent of the moneys are distributed to projects or programs that are geographically located in most impacted community census tracts; and
    - (B) **At least 10 percent of the moneys are distributed to projects or programs that benefit low-income households and/or communities who live outside of prioritized most impacted census tracts.**

**Sub-Committee: Climate Investments**  
**Recommended Language/Changes to Climate Investments**  
**November 1, 2017**

- (C) 15% Just Transition
- (D) 15% other that maximizes GHG emission reductions

.....

(4) **The commission** shall determine the form and method of **allocating proceeds** and applying for grants from the grant program, the eligibility requirements for grant applicants and general terms and conditions of the grants.

(5) The rules adopted by the **commission under this section shall provide that the grant committee consult with the Climate Investments in Impacted Communities Advisory Committee** created under section 17 of this 2017 Act in reviewing grant applications and making determinations of funding based on a scoring system developed by **the commission**. **The scoring system shall require climate resilience and reduction of greenhouse gas emissions and give funding preference to projects and programs that prioritize multiple benefits including, but not limited to, the following:**

- a. Demonstrate a measureable impact on reduction of greenhouse gas emissions and climate adaptation, mitigation and resilience;
- b. Target most impacted communities, **prioritizing community participation in development and identification of projects**, to mitigate disproportionate impacts of climate change and/or climate policy, including, but not limited to, anti-displacement strategies, affordable housing, transportation cost savings, community resilience and investments in non-road infrastructure;
- c. Help communities that are dependent on natural resources to develop and adopt sustainable practices, including, but not limited to, habitat and fish restoration and other supports for subsistence lifestyles;
- d. Facilitate the research and development of clean energy infrastructure and technology;
- e. Support community-based clean energy projects and energy efficiency and conservation measures, including strategies focused on reducing fuel consumption;
- f. Promote low-carbon economic development opportunities;
- g. Create affordable housing closer to employment centers via low-carbon transportation options, including transit connection, trails, paths and active transportation facilities;**
- h. Complement efforts to achieve and maintain federal and state air quality standards;
- i. Make use of domestically produced products to the maximum extent feasible; **and/or**
- j. Promote high quality job creation, job training and job retention for historically underserved communities.

**(6) Projects benefitting most impacted communities that are eligible for funding under utility and transportation sector proceeds should be maximized through those funds.**

(7) Technical assistance proceeds and resources should be provided through administrative fee and/or program proceeds as well as leveraged with other revenue/financial sources.

- a. Ensure financial and technical resources are available for most impacted communities, **prioritizing minority and women owned businesses/organizations**, to engage in development and oversight of program as well as to apply and access program proceeds.

**Sub-Committee: Climate Investments**  
**Recommended Language/Changes to Climate Investments**  
**November 1, 2017**

- b. Ensure financial and technical resources to under-resourced jurisdictions to develop, **with required coordination and planning with local impacted communities**, climate action and climate resilience plans, **which provide economic, environmental and social benefit to most impacted communities.**<sup>1</sup>
  - c. Identify a lead state agency and funding sources for inclusive planning process to mitigate transition losses for workers and communities potentially impacted by industrial decline due to climate policy.
- 5) Proceeds can be distributed through both grant based programs and automatic allocation (such as to affordable housing next to low-carbon transit).
- a. Where Native American populations on a reservation or tribal trust lands of a federally recognized tribe in Oregon qualify for program proceeds, that tribal government will administer proceeds.

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<sup>1</sup> See: <http://sgc.ca.gov/Grant-Programs/Transformative-Climate-Communities-Program.html>

Committee Structure  
Proposal regarding  
Rulemaking and  
Oversight  
(Alan Hipolito, Verde)

11/1/17



### **Committee Structure Proposal: Rulemaking & Oversight**

#### 1. Intro.

Committee Structure subgroup members met on October 30<sup>th</sup> to review/revise the latest committee structure content<sup>1</sup>. Our intent was to balance transparency, inclusivity and accountability goals with a need to simplify the committee structure presented in the bill.

#### 2. Goals.

Committee members expressed a clear consensus that environmental justice and impacted communities should have a strong role in the implementation of the Clean Energy Jobs program, including rulemaking and oversight processes. Further, they recognized that impacted communities will require disproportionate representation on Clean Energy Jobs committees because these communities -- unlike industry, large nonprofit organizations, and utilities -- have little capacity to engage agency staff and decision-makers on a routine basis.

#### 3. Proposal.

The State of Oregon has an Environmental Justice Task Force (EJ Task Force)<sup>2</sup>. The EJ Task Force should play a significant role in the implementation of the Clean Energy Jobs program, including rulemaking and oversight processes. By utilizing and strengthening this existing, state-level environmental justice infrastructure, the program can support transparent, inclusive and accountable decision-making. Further, EJ Task Force's heightened involvement offers an opportunity to simplify the committee structure. If EJ Task Force members have a meaningful role in nominating individuals to serve on Climate Investments Grant Program's grant committee (Section 16), it can lessen the need for the bill to specifically identify this grant committee's membership.

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<sup>1</sup> Participants included Rep. Diego Hernandez, Rep. Pam Marsh, Jack Dempsey (Renew Oregon), Jana Gastellum (Oregon Environmental Council), Brendan Haggerty (Multnomah County), Alan Hipólito (Verde), Shilpa Joshi (Renew Oregon), Keith Keuny (CAPO), Dylan Kruse (Sustainable Northwest), Oriana Magnera (NW Energy Coalition), Raul Preciado Mendez (Latino Network), Nolan Pleše (Office of Rep. Pam Marsh), Akash Singh (Neighbors for Clean Air).

<sup>2</sup> Per Senate Bill 420, Section 3, the Environmental Justice Task Force shall: Advise the Governor on environmental justice issues; Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes; Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by environmental decisions made by the agencies; Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; and, Define environmental justice issues in the state.

## V\_OUTREACH-ADVOCACY: ACTIVITIES

### Operative – Clean Energy Jobs/Committee Structure

#### 4. Bill Edits.

Subgroup members propose combining Section 7 with Section 8 to establish a single Greenhouse Gas Cap and Investment Program Oversight Committee. Seven of the Program Oversight Committee's sixteen members are from the EJ Task Force. DEQ will consult with the Program Oversight Committee in rulemaking and in project implementation, including nominating individuals to serve on the Climate Investments Grant Program's grant committee. The revised Section 7 begins:

(1) In adopting rules as required by sections 10, 11, 12 and 16 of this 2017 Act, the Environmental Quality Commission shall consult with the Greenhouse Gas Cap and Investment Program Oversight Committee, the Environmental Justice Task Force, Indian tribes, the Public Utility Commission, the State Department of Energy, the Department of Transportation and other interested state and federal agencies.

(2) The Greenhouse Gas Cap and Investment Program Oversight Committee is created. The committee consists of sixteen members as follows:

(a) The President of the Senate shall appoint one member from among the members of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member from among the members of the House of Representatives.

(c) The Governor shall appoint:

(A) Seven members of the EJTF; and

(B) One member who represents the office of the Governor;

(C) One member who represents impacted communities;

(D) One member who represents the interests of labor organizations;

(E) One member who represents environmental organizations;

(F) One member who represents covered entities;

(G) One member with expertise in climate science; and

(H) One member who represents the interests of business sectors impacted by climate change.

Members of the Committee appointed by the Governor shall reflect the geographic and demographic diversity of this state, and who have the qualifications deemed necessary by the Governor to advise the Environmental Quality Commission on the diversity of interests relating to efforts by the state to limit greenhouse gas emissions consistent with section 4 of this 2017 Act, with a preference in making appointments given to individuals who can represent the interests of multiple constituencies.

#### 5. Next Steps/To be Determined.

- Additional capacities needed for Program Oversight Committee (e.g., natural resource intensive communities)?
- Program Oversight Committee role for other/all funds disbursed through the program?
  - Utility/PUC grant program?
  - Transportation/ODOT grant program?
- *Program Oversight Committee vis-à-vis the Climate Investments in Impacted Communities Advisory Committee (Section 17)*
  - Does the Oversight Committee nominate the Impacted Communities Advisory Committee?
  - Is the Impacted Communities Advisory Committee still needed/what is its role?
- Fee authority to help resource the EJ Task Force so it is able to play a stronger role in rulemaking and implementation?

Information regarding  
State of Oregon  
Environmental Justice  
Task Force  
(Alan Hipolito, Verde)

11/1/17

**Information: State of Oregon Environmental Justice Task Force**

1. Introduction.

The State of Oregon has an Environmental Justice Task Force (EJTF). By utilizing and strengthening this existing, state-level environmental justice infrastructure, the cap & invest program can support transparent, equitable and accountable program decision-making.

2. Environmental Justice Task Force Details.

- a. *Enabling Legislation.* 2007 Senate Bill 420, introduced by Senator Avel Gordly, established the EJTF. Additional framework was set by ORS 182.535-182.550.
- b. *Charge.* Per Senate Bill 420, Section 3, the Environmental Justice Task Force shall:
  - (1) Advise the Governor on environmental justice issues;
  - (2) Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes;
  - (3) Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by environmental decisions made by the agencies;
  - (4) Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; and
  - (5) Define environmental justice issues in the state
- c. *Covered Agencies.* All “Natural Resource Agencies” (per ORS 182.535): Department of Environmental Quality; Department of Agriculture, Water Resources Department, Department of Fish and Wildlife, Forestry Department, Department of State Lands, Department of Education, Department of Geology and Mineral Industries, Department of Land Conservation and Development, State Marine Board, Public Utility Commission, Department of Transportation, State Fire Marshal, Oregon Health Authority
- d. *Resources/Staffing.* The Task Force is supported by the Governor's Natural Resource Office, including administrative support for minutes, website maintenance and updates, and for coordinating locations and the creation of agenda for the meetings. In the past two years, the Governor's Office has also provided funding for two meetings across the state (with two meetings in Portland/Salem corridor). While this support has allowed the EJTF to meet its minimum requirements under public meetings laws and its minimum requirement of four meetings annually, the EJTF has struggled to meet the spirit of the statute that created it and has limited ability to engage Oregonians across the geographic diversity of the state.
- e. *Membership.* Senate Bill 420 set EJTF membership at 12, including one member from each of the following commissions:
  - (1) The Commission on Asian Affairs;
  - (2) The Commission on Black Affairs;
  - (3) The Commission on Hispanic Affairs; and
  - (4) The Commission on Indian Services.

Updated Chart regarding  
CEJ Committee Structure  
(Alan Hipolito, Verde)

11/1/17

**Section 7 (1)**

In adopting rules as required by sections 10, 11, 12 and 16 of this 2017 Act, the Environmental Quality Commission shall consult with the Greenhouse Gas Cap and Investment Program Oversight Committee, the Environmental Justice Task Force, Indian tribes, the Public Utility Commission, the State Department of Energy, the Department of Transportation and other interested state and federal agencies

**Section 7 (2).**

The Greenhouse Gas Cap and Investment Program Oversight Committee is created. The committee consists of sixteen members as follows:

- (a) The President of the Senate shall appoint one member from among the members of the Senate.
- (b) The Speaker of the House of Representatives shall appoint one member from among the members of the House of Representatives.
- (c) The Governor shall appoint:
  - (A) Seven members of the Environmental Justice Task Force;
  - (B) One member who represents the office of the Governor;
  - (C) One member who represents impacted communities;
  - (D) One member who represents the interests of labor organizations;
  - (E) One member who represents environmental organizations;
  - (F) One member who represents covered entities;
  - (G) One member with expertise in climate science; and
  - (H) One member who represents the interests of business sectors impacted by climate change.

Members of the Committee appointed by the Governor shall reflect the geographic and demographic diversity of this state, and who have the qualifications deemed necessary by the Governor to advise the Environmental Quality Commission on the diversity of interests relating to efforts by the state to limit greenhouse gas emissions consistent with section 4 of this 2017 Act, with a preference in making appointments given to individuals who can represent the interests of multiple constituencies.

**Section 7 (6) The (Greenhouse Gas Cap and Investment Program Oversight) committee shall:**

...

- (b) *Nominate individuals to serve on the Climate Investments Grant Program's grant committee*

**Section 16 (3)**

**Climate Investments Grant Program Grant Committee (CIGPGC):**

The grant program shall include the appointment of a grant committee. Members of the grant committee shall be appointed by the Program Oversight Committee.