



## Oregon Water Justice -- Early Actions for the State

To: Offices of Governor Brown; Senator Taylor, Representatives Helm, Owens and Reardon

CC: Tom Byler, OWRD; Sophorn Cheang, Biz Oregon; Meta Loftsgaarden, OWEB; Richard Whitman, ODEQ; Andre Ourso, OHA; Michael Wood, OSHA; Andrew Phelps, OEM

Date: April 26, 2021

Dear Governor Brown and Senator Taylor, Representatives Helm, Owens, and Reardon:

The Oregon Water Futures team is requesting a meeting to discuss some of the water justice themes communities facing water insecurity across the State are concerned about— especially non-federally recognized tribes, farmworkers, immigrants, and renters.

A significant number of Oregonians are water insecure—meaning inadequate or inequitable access to clean, safe and affordable water for drinking, cooking, sanitation and hygiene.<sup>1</sup> Twenty percent of Oregonians get their drinking water from community and private wells that too often go untested for public health. Nearly 10% of Oregon census tracts are at risk of not affording water—meaning a household earning less than \$32,000 is spending more than 5% of their income on water and sewer bills.<sup>2</sup> And of the 56 communities impacted by the Labor Day 2020 fires, 37 had fewer than 15 water connections<sup>3</sup> and were thus ineligible for state and federal disaster relief to repair and replace water systems. Low-income families, non-English speakers, and families who live in mobile homes face additional barriers to emergency assistance, had higher relief application rejections, and did not receive disaster notifications in ways they can act on quickly.<sup>4</sup>

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<sup>1</sup> Schimpf, C., and Cude, C. (2020). A Systematic Literature Review on Water Insecurity from an Oregon Public Health Perspective. *International Journal of Environmental Research and Public Health*, vol 17 (3), pp1122. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7037707/>.

<sup>2</sup> Mack, E.A., and Wrase, S. (2017). A Burgeoning Crisis? A Nationwide Assessment of the Geography of Water Affordability in the United States. *PLOS ONE*, vol 12(1). <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0176645>

<sup>3</sup> Systems that have less than 15 service connections are not considered “public water systems.” Transient non-community water systems were also ineligible for funding, including small businesses and parks. [Transient water systems](#). EPA. Information about Public Water Systems.

<sup>4</sup> Ehrlich, A. (2021). [FEMA denied most Oregonians’ requests for wildfire disaster assistance](#). OPB.

Water justice cannot and will not be accomplished in a single legislative session. It requires an intentional investment in relationships, trust, recognition of history, and a way of doing work on water that centers the leadership of communities experiencing inequity. These early steps are actions the State and partners can take to advance water justice via A) state bills already moving, B) allocation of American Rescue Act funds, and C) the state’s priorities in any federal infrastructure package. The investment opportunities below are the product of extensive community conversations undertaken by the Oregon Water Futures project-coordinated by the Coalition of Communities of Color, University of Oregon, Oregon Environmental Council, and Willamette Partnership- and co-led with Chinook Indian Nation, Verde, PCUN, Euvalcree, Unite Oregon, and NAACP Eugene-Springfield in 2020.

	<b>Investment Opportunity</b>	<b>\$ Amount</b>	<b>Current bills</b>
1	Funding for culturally-specific organizations and BIPOC leaders for engagement and planning (e.g., appropriate funds to OWRD budget- \$1.5M in Governor’s budget)	\$1,500,000	SB 5545; HB 3293; HB 2251
2	Private and community well testing and remediation grants prioritized for BIPOC, low income, and rural residents and businesses (e.g., appropriate funds to OWRD Water Well Abandonment, Repair and Replacement Fund - no funds currently allocated) and fund the OHA Domestic Well Safety Program staff position.	\$5,000,000  \$233,000 for OHA staff	HB 2145
3	Onsite Septic Repair/Replacement Loans and grants prioritized for BIPOC, low income, and rural residents and businesses (e.g., appropriate funds to DEQ loans, but also allow for grants and associated administrative costs-\$2M currently requested in HB 3090; \$5M in Governor’s Rescue Act requests; and \$9.75M in fire recovery committee asks).	\$9,750,000	HB 3090

4	Update emergency notification systems to reach non-English speaking, low income, tribal, and rural residents and businesses (e.g., appropriate funds to Business Oregon to provide match to FEMA funds to update notification systems- \$1.75M in fire recovery committee ask)	\$1,000,000	
5	Set aside grant funds in fire recovery for Very Small Water Systems excluded from federal and state disaster relief (e.g., communities with less than 15 water connections, residential mainlines for low income households); prioritized for BIPOC, low income, and rural residents and businesses regardless of immigration status; and funding for BIPOC-led CBO capacity to engage community members who have not applied or had initial applications for relief rejected. (E.g., appropriate \$6.75M in fire recovery asks for drinking water systems and dedicate a portion to very small water systems and BIPOC residents).	\$6,750,000	

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[1] Schimpf, C., and Cude, C. (2020). A Systematic Literature Review on Water Insecurity from an Oregon Public Health Perspective. *International Journal of Environmental Research and Public Health*, vol 17 (3), pp1122. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7037707/>.

[2] Mack, E.A., and Wrase, S. (2017). A Burgeoning Crisis? A Nationwide Assessment of the Geography of Water Affordability in the United States. *PLOS ONE*, vol 12(1). <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0176645>

[3] [Transient water systems](https://www.epa.gov/dwreginfo/information-about-public-water-systems). EPA. Information about Public Water Systems. <https://www.epa.gov/dwreginfo/information-about-public-water-systems>

[4] Ehrlich, A. (2021). [FEMA denied most Oregonians' requests for wildfire disaster assistance](https://www.opb.org/article/2021/02/11/oregon-2020-wildfires-fema-disaster-aid-denied/?fbclid=IwAR0BlhoNR3Lp-knnguCGVn6vvfVuhVohzhQlXUCIx1U8nWFK-rZy3fHE3Sw). OPB.  
<https://www.opb.org/article/2021/02/11/oregon-2020-wildfires-fema-disaster-aid-denied/?fbclid=IwAR0BlhoNR3Lp-knnguCGVn6vvfVuhVohzhQlXUCIx1U8nWFK-rZy3fHE3Sw>

## Oregon Water Justice -- Early Actions for the State

### I. Actions supported by current state bills

#### 1. Invest in culturally-specific organizations to do community engagement

BIPOC communities we talked to trust and are used to working with their community-based organizations. Invest in those organizations to do engagement (e.g., drinking water testing, setting water infrastructure priorities, engaging in policy, etc.). County and State governments are not always equipped or trusted to do engagement with communities who have not been included in water conversations but want to participate (e.g., immigrants, tribal youth, farmworkers, renters, or non-federally recognized tribes). *HB 3293 provides authority in state water planning programs to invest in this community engagement, but does not allocate additional funds. OWRD's POP #090 in SB 5545 provides \$1.5M for BIPOC-led water planning in OWRD's budget. And generally, for any infrastructure investments, it is important to commit funds to engage BIPOC residents and businesses so they are able to participate in the benefits of those investments.*

### II. Actions that could benefit from one-time investment of American Rescue Act funds

#### 2. Clean and trusted drinking water for renters, homes, and workers on domestic wells prioritized for BIPOC, low income, and rural residents and businesses

- Money for testing (by trusted sources), remediation, and replacement of domestic wells A) in groundwater limited areas that run dry in the summer, and B) on farm work sites. HB 2145 creates the Water Well Abandonment, Repair and Replacement Fund at OWRD for groundwater well remediation, but does not fund it. We are requesting \$5 million for the Fund.
- Money to OHA's Domestic Well Safety Program for grants to CBOs/County public health departments to provide water quality testing for A) multifamily housing/mobile home parks on wells, B) farm work sites and canneries, C) employer/farmworker housing, and D) other low income communities in need of testing support. This would rely on OHA having the Domestic Well Safety Program staff position filled.
- Money for remediation of identified drinking water issues by investing in A) filters at the tap, B) remediated wells, or C) source water replacement.

- Money for the Healthy and Safe Schools Program at ODE for remediation of school water fixtures with high lead levels. There are 100,000 fixtures that require testing. It is estimated that 7.7% of those fixtures will exceed lead limits based on the 2016 pattern of results. It costs roughly \$340/fixture to repair or \$2.6-\$3M.
- Money for testing, home filter grants, and outreach where 1: there are suspected contaminants in small drinking water systems or in pipes in low-income households, including farmworker housing, multifamily housing, mobile home parks, and schools/childcare centers; and 2: A) a drinking water utility recognizes its water has an odor or coloring issue, but is otherwise safe, so B) people are purchasing bottled water instead of using the public drinking source.<sup>5</sup>

### **3. Replacement of failing septic systems prioritized for BIPOC, low income, and rural residents and businesses**

- Money for testing to DEQ's Onsite Septic Program for grants to CBOs/County public health departments to provide testing to low income and multi-family/mobile home housing on septic systems.<sup>6</sup>
- Money for remediation of failed septic systems via DEQ's Onsite Septic Repair/Replacement Loan Program (ORS 454.779) by recapitalizing funds at Craft 3, and allocating funds as grants. The Clean Water State Revolving Fund or Business Oregon could also use their authorities to accomplish this goal. HB 3090 allocates \$2 million for DEQs Septic Loan Program. The fire recovery committee has identified \$9.75 million in needs just in fire-affected areas. We are requesting \$9.75 million for the Onsite Septic Program, including creation of a new grant program and authorization for Craft 3 or whomever implements the grant program to charge administrative fees.

### **4. Update state and county emergency notification systems for culturally-specific needs to reach non-English speaking, low income, tribal, and rural residents and businesses**

- Fire, flood, smoke, boil water, and other emergency notifications miss groups that don't speak English (e.g, Spanish, Mixtec, Zapotec, Somali, Nepali, Arab, Burmese, etc.), don't

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<sup>5</sup> Regional Tip: Odor and coloring issues were common in interviews in Independence, OR. Their utilities are aware but the issue continues in farmworker housing. In various areas in and around Ontario and Umatilla, there's confirmed lead in rentals occupied by Latinx community members and there hasn't been lead education in mobile home parks where water seems questionable and homes predate the 1970s. And, the question of migrants buying water because they do not know its origin or quality, or how it is treated, was a generalized reality from Polk, Clackamas, and Washington Counties to Umatilla and Malheur Counties.

<sup>6</sup> Regional Tip: In Clatsop County a 2018 water quality report noted that faulty septic systems may be the reason behind e-coli bacteria and nitrates in groundwater and wells. <https://www.oregon.gov/deq/FilterDocs/grw-northcoast2015-16.pdf>. Chinook Indian Nation members mentioned sewer systems not working appropriately during high tide, as well as concerns regarding pharmaceutical products negatively impacting water quality, including groundwater.

have access to cell service, or otherwise fall through the cracks. Provide money via OEM and the Special Public Works Fund to update emergency notification systems to fill these gaps. There is currently \$1.25 million proposed as FEMA match for actions such as upgrading notification systems. We request \$1 million specifically be set aside to either A) Consult with tribes and CBOs about how to best reach the communities they serve and/or B) Fund tribes-both those federally recognized and those not yet fully recognized by the federal government-and CBOs to pursue emergency-related education and outreach efforts.

**5. Ensure communities don't fall through the cracks in disaster relief**

- Thirty-seven of 56 fire affected communities from the Labor Day 2020 fires have fewer than 15 water connections, so are ineligible for much of federal and state disaster relief. Similarly, low income and non-English speakers are more likely to have their disaster relief applications rejected or don't apply at all. Tribes like Chinook Indian Nation received less relief aid through the Cares Act than federally recognized tribes; that is the case with other disaster or emergency funding as well.
- Similar to the Governor's request for \$5 million for septic system repairs, we request \$5 million in grants for drinking water treatment to A) Support those communities with fewer than 15 water connections; B) Support tribes-both those federally recognized and those not yet fully recognized by the federal government-and CBOs to help low income and non-English speakers apply for disaster relief or other funds; and C) Do not require documentation of immigration status for disaster relief fund applications.

### III. Actions that could be rolled into the State's priorities for federal water infrastructure

**6. Increase access to traditional and cultural foods for native and indigenous people**

- Include specific funds in habitat programs to increase capacity in the restoration of access to traditional foods (e.g., wetlands habitat and other traditional foodways) led or co-led by tribes and BIPOC CBOs, such as Chinook Indian Nation and the Traditional Ecological Knowledge Inquiry Group.
- Be intentional about increasing access to hunting and gathering for tribal and indigenous communities (e.g., salmon fishing, and other first food gathering).

**7. Broaden access to funding for all tribes, including those not federally recognized**

- Providing funding to tribes across the board is essential to engage the specific realities and needs of Native communities and their knowledge base about best water management practices in specific watersheds. The recent fires taught us that traditional tribal fire and water management practices can prevent large scale emergencies produced by an

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increasingly changing climate. Review state water funding to ensure tribes who are not federally recognized have access to all the sources federally recognized tribes do.

**8. Utility bill assistance prioritized for BIPOC, low income, and rural residents**

- Similar to LiHEAP (Low Income Heating and Energy Assistance Program), provide water and sewer bill assistance for low income households. This concept is in HB 3089 and Merkley’s Water Justice Act.<sup>7</sup>
- Fund tribes and CBOs to share information about utility bill assistance with BIPOC communities, mindful of the linguistic and cultural needs of migrants.

**9. Provide utility water/sewer bill and water quality reports to renters**

- Renters and those in employer housing don’t get copies of the water bill or the water quality reports (landlords do). They don’t see the same information on their costs of water and sewer, or that their public water source is safe or unsafe to drink (such as during algae blooms that impacted water supplies in the Salem area).

Thank you for your consideration of these important water justice themes and working with us and Oregon communities to take early action to ensure all people thrive--no exceptions!

Sincerely,

**The Oregon Water Futures Team**

University of Oregon

Verde

Coalition of Communities of Color

Oregon Environmental Council

Willamette Partnership

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<sup>7</sup> Regional Tip: In our findings, various Eugene-based respondents spoke about relying on EWEB's low income assistance programs, feeling good about the experience, and how it allowed them to make it through harsh economic times. It is in the only place where respondents mentioned such a program (having access to it, information about it, and having used it). In Clackamas and Polk Counties we had two people talking about being unable to pay their water bill while on unemployment and disability. In Umatilla, Malheur, Washington, Polk, and Clackamas, respondents shared stories of reducing the amount of water they drink, or not having or watering food gardens, because they could not afford it. Renters, in particular, were often limited by landlords who do not allow growing food in gardens to save on the water bill.