

HB 4077 -2 STAFF MEASURE SUMMARY

House Committee On Environment and Natural Resources

Prepared By: Erin Pischke, LPRO Analyst

Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/7, 2/9, 2/14

WHAT THE MEASURE DOES:

RENAMING AND REORGANIZING THE ENVIRONMENTAL JUSTICE TASK FORCE

Renames Environmental Justice Task Force as Environmental Justice Council (Council) and establishes the Council within the office of the Governor. Increases Council membership to 13 rather than 12 and makes other modifications to membership and duties of Council. Establishes that Council members must have expertise in at least one area of the following areas: climate change or climate justice; environmental laws, regulations, and standards; natural resources management; land use planning and development; sustainability; community organizing; or environmental health. Requires the Council to submit an annual report to the Governor and the Environmental Quality Commission on progress of natural resource agencies toward achieving established goals and identifying any other environmental issues that the Council determines need attention.

ENVIRONMENTAL JUSTICE MAPPING

Modifies definition of "natural resource agency" by adding State Parks and Recreation Department, the Department of Energy, and the Oregon Watershed Enhancement Board, and removing the Department of Education. Defines "environmental justice" as the equal protection from environmental and health risks, fair treatment, and meaningful involvement in decision making of all people regardless of race, color, national origin, immigration status, income, or other identities with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies that affect the environment in which people live, work, learn, and practice spirituality and culture. Defines "environmental justice community" as communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, coastal communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth, and persons with disabilities. Directs Department of Environmental Quality (DEQ) and Oregon Health Authority (OHA) to develop environmental justice mapping tool in consultation with the Environmental Justice Council, the office of Enterprise Information Services, the Institute for Natural Resources, and other interested organizations. Requires the mapping tool to consist of a map that: 1) is based on environmental factors; 2) is sufficiently detailed to allow the assessment of environmental justice concerns; and 3) includes a layer that geospatially displays the locations of environmental justice communities.

Requires DEQ and OHA to: establish the data criteria and methodology by which the map must be developed and maintained; enter into an agreement with the Institute for Natural Resources to maintain the mapping tool and make the mapping tool publicly available in electronic form through the Oregon Explorer; and review and update the environmental justice mapping tool at least once every two years.

Requires the Council, in consultation with natural resource agencies, to identify in a report to the Governor and the Legislative Assembly:

1. Guidance for state agencies regarding how to use the environmental justice mapping tool;
2. Best practices for increasing public participation and engagement in policy decisions by providing meaningful involvement;
3. Recommendations on how to best meaningfully consult environmental justice communities;

HB 4077 -2 STAFF MEASURE SUMMARY

4. Recommendations for establishing measurable goals for reducing environmental disparities across Oregon and ways in which state agencies may focus their work toward meeting those goals; and
5. Guidelines for identifying environmental justice communities, highly impacted communities, and overburdened communities for the purpose of reducing environmental health disparities and advancing a healthy environment.

Requires the Council, in consultation with the natural resource agencies, to review and update the report required under this section at least once every five years. Directs natural resource agencies to consider results of environmental justice mapping tool when developing administrative rules or agency policies or programs. Authorizes a natural resource agency to develop or revise agency policies, programs, and practices as necessary to: 1) identify specific communities affected by agency programs; 2) conduct outreach and engagement activities with environmental justice communities, highly impacted communities, or overburdened communities to inform the development, adoption, implementation or enforcement of environmental laws, administrative rules, or agency policies; 3) establish measurable goals for reducing environmental health disparities within agency programs; and 4) prioritize agency funding to help address identified impacts on environmental justice communities, highly impacted communities or overburdened communities.

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Requirement of natural resource agencies to consider results of environmental justice mapping tool
- Expansion of Council's meeting requirements and locations
- Definition of "remote community"

EFFECT OF AMENDMENT:

RENAMING AND REORGANIZING THE ENVIRONMENTAL JUSTICE TASK FORCE

-2 Establishes that Council members must have expertise in at least one area of the following areas: climate resilience; civil rights and disability rights; energy; agricultural operations and food systems; water planning and management; or forest management. Requires that of the members appointed to the Council, **at least one will represent remote communities**, at least one will represent rural communities, and at least one will represent coastal communities. Requires the Council to submit an annual report to the Governor and **the interim committees of the Legislative Assembly related to the environment** on progress of natural resource agencies toward achieving established goals and identifying any other environmental issues that the Council determines need attention. Defines "youth representative." Defines "Community-supported natural resources collaborative" as a group that works with a natural resource agency in a collaborative manner on natural resource issues affecting the community and has certain roles and responsibilities.

ENVIRONMENTAL JUSTICE MAPPING

Defines "environmental justice community" as communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, coastal communities, **remote communities**, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including seniors, youth, and persons with disabilities. Removes definition of and references to "overburdened community" and "highly impacted community." Defines "remote community" as a community with low population density and high geographic remoteness. Defines "environmental justice community" as communities of color, communities experiencing lower incomes, communities experiencing health inequities, tribal communities, rural communities, remote communities, coastal communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards,

HB 4077 -2 STAFF MEASURE SUMMARY

including seniors, youth, and persons with disabilities. Requires the Council, with staff support from the Department of Environmental Quality (DEQ), in collaboration with the office of Enterprise Information Services, the Institute for Natural Resources, the Portland State University Population Research Center, and natural resource agencies with staff support from DEQ and the Oregon Health Authority to develop an environmental justice mapping tool. Requires the Council to develop and conduct an inclusive community engagement process to receive input from communities across this state and consult with natural resource agencies when developing the environmental justice mapping tool. Requires the Council to hold at least six meetings in different regions of this state, including at least one meeting in a remote community, to conduct certain activities. Requires the mapping tool to consist of a map that: 1) is based on environmental factors **derived from direct input through the inclusive community engagement process**; 2) is sufficiently detailed to allow the assessment of **environmental justice benefits and burdens**; 3) includes a geospatial data layers that may be used to help better understand the nature of environmental justice communities; includes data from natural resource agencies or be compatible with other mapping tools developed by other state agencies; and is accessible to the public. Requires the office of Enterprise Information Services to recommend data quality standards and methodologies for the development and maintenance of the mapping tool. Requires the Council to review and update the mapping tool at least once every **four years using an inclusive community engagement process**. Requires the Council, in consultation with natural resource agencies, to identify in a report to the Governor and the Legislative Assembly guidelines for evaluating socioeconomic benefits and burdens to environmental justice communities. **Authorizes** natural resource agencies to consider results of environmental justice mapping tool when developing administrative rules or agency policies or programs. Requires natural resource agencies to consider the Council's reported recommendations when utilizing the environmental justice mapping tool. Authorizes a natural resource agency to develop or revise agency policies, programs, and practices as necessary to prioritize agency funding to help address identified impacts on environmental justice communities.

- *FISCAL: Costs related to the measure may require budgetary action.*
- *REVENUE: No revenue impact.*

BACKGROUND:

In 2007, the Legislature enacted Senate Bill 420 (ORS 182.535 – 182.550) creating a 12-member Environmental Justice Task Force (EJ Task Force). The Act authorized compensation and expenses for non-legislative members to be paid out of funds appropriated to the Governor for that purpose. The Governor is tasked with providing necessary clerical and administrative staff support. The EJ Task Force was charged with:

- advising the Governor on environmental justice issues;
- advising natural resource agencies on environmental justice issues, including community concerns and public participation processes;
- identifying minority and low-income communities, in cooperation with natural resource agencies, that may be affected by the agencies' environmental decisions; and
- meeting with environmental justice communities and making recommendations to the Governor about concerns raised by these communities.

The Act defined natural resources agencies to include the following departments and other entities: Environmental Quality, Agriculture, Water Resources, Fish and Wildlife, Forestry, State Lands, Education, Geology and Mineral Industries, Land Conservation and Development, the State Marine Board, the Public Utility Commission, Transportation, the State Fire Marshal's office, and the Health Authority. The Act further directed these natural resources agencies to take the following actions to improve public participation:

- Consider the effects of agency actions on environmental justice issues when determining whether and how to act.

HB 4077 -2 STAFF MEASURE SUMMARY

- Hold hearings at times and in locations that are convenient for people in communities that may be affected by decisions that stem from the hearings.
- Engage in public outreach activities in the communities that may be affected by agency decisions.
- Create a citizen advocate position responsible for encouraging public participation, ensuring that the agency considers environmental justice issues, and informing the agency of the effect of its decisions on communities traditionally under-represented in public processes.

House Bill 4077 would rename the Environmental Justice Task Force as the Environmental Justice Council (Council) and establish the Council within the office of the Governor. The Act would direct the Department of Environmental Quality and Oregon Health Authority to develop an environmental justice mapping tool and require natural resource agencies to consider results of the environmental justice mapping tool when developing administrative rules or agency policies or programs.