

HOUSE AMENDMENTS TO HOUSE BILL 4077

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

February 15

1 On page 1 of the printed bill, delete lines 17 through 28 and delete page 2.

2 On page 3, delete lines 1 through 9 and insert:

3 “**SECTION 2.** ORS 182.538 is amended to read:

4 “182.538. *[(1) There is established the Environmental Justice Task Force consisting of 12 members*
5 *appointed by the Governor. The members shall be persons who are well-informed on the principles of*
6 *environmental justice and who, to the greatest extent practicable, represent minority communities, low-*
7 *income communities, environmental interests, industry groups and geographically diverse areas of the*
8 *state. Of the 12 members, the Governor shall appoint one member of the task force from each of the*
9 *following commissions:]*

10 “[*(a) The Commission on Asian and Pacific Islander Affairs;*]

11 “[*(b) The Commission on Black Affairs;*]

12 “[*(c) The Commission on Hispanic Affairs; and*]

13 “[*(d) The Commission on Indian Services.*]

14 “**(1) The Environmental Justice Council is established within the office of the Governor.**
15 **The council consists of 13 members appointed by the Governor. The members must be per-**
16 **sons who, to the greatest extent practicable, represent minority communities, low-income**
17 **communities, environmental interests, industry groups and geographically diverse areas of**
18 **this state. The members shall be appointed as follows:**

19 “**(a) Eight members shall be persons who have expertise and knowledge in environmental**
20 **justice, as well as expertise in at least one of the following areas:**

21 “**(A) Climate change, climate resilience or climate justice;**

22 “**(B) Environmental laws, regulations and standards;**

23 “**(C) Natural resources management;**

24 “**(D) Land use planning and development;**

25 “**(E) Sustainability;**

26 “**(F) Community organizing;**

27 “**(G) Civil rights and disability rights;**

28 “**(H) Environmental health;**

29 “**(I) Energy;**

30 “**(J) Agricultural operations and food systems;**

31 “**(K) Water planning and management; or**

32 “**(L) Forest management.**

33 “**(b) Of the members appointed under paragraph (a) of this subsection, at least one shall**
34 **represent remote communities, at least one shall represent rural communities and at least**
35 **one shall represent coastal communities. The Governor may solicit nominations for members**

1 described in this paragraph from community-supported natural resource collaboratives.

2 “(c) One member shall be appointed from among persons nominated by the Commission
3 on Asian and Pacific Islander Affairs.

4 “(d) One member shall be appointed from among persons nominated by the Commission
5 on Black Affairs.

6 “(e) One member shall be appointed from among persons nominated by the Commission
7 on Hispanic Affairs.

8 “(f) One member shall be appointed from among persons nominated by the Commission
9 on Indian Services.

10 “(g) One member shall be appointed as a youth representative, who must be at least 16
11 but no more than 24 years of age when appointed.

12 “(2) The *[task force]* council shall submit an annual report to the Governor and the interim
13 committees of the Legislative Assembly related to the environment, in the manner provided
14 under ORS 192.245, setting forth its view of the progress of natural resource agencies toward
15 achieving the goals established pursuant to ORS 182.542 and identifying any other environmental
16 issues that the *[task force]* council determines need attention.

17 “(3) The term of office of each member is four years, *[but a]* except that the term of office
18 of the member appointed as youth representative is two years. A member serves at the pleas-
19 ure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a
20 successor whose term begins on January 1 of the following year. A member may be reappointed. If
21 there is a vacancy for any cause, the Governor shall make an appointment to become immediately
22 effective for the unexpired term.

23 “(4) A member of the *[task force who is not a member of the Legislative Assembly]* council is
24 entitled to compensation and expenses in the manner and amounts provided for in ORS 292.495.
25 Claims for compensation and expenses incurred in performing functions of the *[task force]* council
26 shall be paid out of funds appropriated to the Governor for that purpose.

27 “(5) The *[task force]* council shall elect one of its members as a chairperson and another as vice
28 chairperson, for the terms and with the duties and powers necessary for the performance of the
29 functions of such offices as the *[task force]* council determines.

30 “(6) A majority of the members of the *[task force]* council constitutes a quorum for the trans-
31 action of business.

32 “(7) The *[task force]* council shall meet at least once every three months at times and places
33 specified by the chairperson. The *[task force]* council also shall meet at other times and places
34 specified by the call of the chairperson or of a majority of the members of the *[task force]* council.

35 “(8) *[The Governor shall provide the task force with the necessary clerical and administrative staff*
36 *support.]* The office of the Governor may enter into an interagency agreement under ORS
37 190.110 with the Department of Environmental Quality for purposes of providing clerical and
38 administrative staff support to the council and for sharing in the administrative or other
39 expenses of the council.

40 “(9) Natural resource agencies and other state agencies as requested by the council are di-
41 rected to assist the *[task force]* council in the performance of its duties and, to the extent permitted
42 by laws relating to confidentiality, to furnish such information and advice as the members of the
43 *[task force]* council consider necessary to perform their duties.

44 “[10] A member of the task force who is a member of the Legislative Assembly may serve in an
45 advisory capacity only.]”.

1 On page 8, delete lines 5 through 45 and delete pages 9 through 13 and insert:

2 **“SECTION 10.** ORS 182.535, as operative until July 1, 2022, is amended to read:

3 **“182.535. [For purposes of] As used in ORS 182.535 to 182.550[.]:**

4 **“(1) ‘Community-supported natural resource collaborative’ means a group that works**
5 **with a natural resource agency in a collaborative manner on natural resource issues affect-**
6 **ing the community and that:**

7 **“(a) Promotes public participation in natural resource decisions;**

8 **“(b) Provides an open forum that allows for public deliberation of natural resource deci-**
9 **sions affecting the community;**

10 **“(c) Can demonstrate diverse representation and balance between interests, including but**
11 **not limited to environmental organizations, industry organizations and community members;**

12 **“(d) Has members who are individuals or organizations directly affected by the natural**
13 **resource decisions discussed;**

14 **“(e) Has a governance agreement that guides its operations; and**

15 **“(f) Works in cooperation with local and tribal governments.**

16 **“(2) ‘Environmental burden’ means the environmental and health risks to communities**
17 **caused by the combined historic, current and projected future effects of:**

18 **“(a) Exposure to conventional pollution and toxic hazards in the air or in or on water or**
19 **land;**

20 **“(b) Adverse environmental conditions caused or made worse by other contamination or**
21 **pollution; and**

22 **“(c) Changes in the environment resulting from climate change, such as water insecurity,**
23 **drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional**
24 **cultural resources or foods, ocean acidification, sea-level rise and increases in infectious**
25 **disease.**

26 **“(3) ‘Environmental justice’ means the equal protection from environmental and health**
27 **risks, fair treatment and meaningful involvement in decision making of all people regardless**
28 **of race, color, national origin, immigration status, income or other identities with respect**
29 **to the development, implementation and enforcement of environmental laws, regulations and**
30 **policies that affect the environment in which people live, work, learn and practice spirituality**
31 **and culture.**

32 **“(4) ‘Environmental justice community’ includes communities of color, communities ex-**
33 **periencing lower incomes, communities experiencing health inequities, tribal communities,**
34 **rural communities, remote communities, coastal communities, communities with limited**
35 **infrastructure and other communities traditionally underrepresented in public processes and**
36 **adversely harmed by environmental and health hazards, including seniors, youth and persons**
37 **with disabilities.**

38 **“(5) ‘Equity analysis’ means an analysis used to determine or evaluate environmental**
39 **justice considerations.**

40 **“(6) ‘Fair treatment’ means that no one group of people, including racial, ethnic or**
41 **socioeconomic groups, should bear a disproportionate share of the negative environmental**
42 **consequences resulting from industrial, municipal and commercial operations or the exe-**
43 **cution of federal, state, local and tribal environmental programs and policies.**

44 **“(7) ‘Meaningful involvement’ means:**

45 **“(a) Members of vulnerable populations have appropriate opportunities to participate in**

1 **decisions about a proposed activity that will affect their environment or health;**

2 **“(b) Public involvement can influence a decision maker’s decision;**

3 **“(c) The concerns of all participants involved are considered in the decision-making pro-**
4 **cess; and**

5 **“(d) Decision makers seek out and facilitate the involvement of members of vulnerable**
6 **populations.**

7 **“(8) ‘Natural resource agency’ means the Department of Environmental Quality, the State De-**
8 **partment of Agriculture, the Water Resources Department, the State Department of Fish and**
9 **Wildlife, the State Parks and Recreation Department, the State Department of Energy, the**
10 **Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State**
11 **Lands, [the Department of Education,] the State Department of Geology and Mineral Industries, the**
12 **Department of Land Conservation and Development, the State Marine Board, the Public Utility**
13 **Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Au-**
14 **thority.**

15 **“(9) ‘Remote community’ means a community with low population density and high ge-**
16 **ographic remoteness.**

17 **“SECTION 11. ORS 182.535 is amended to read:**

18 **“182.535. [For purposes of] As used in ORS 182.535 to 182.550[.];**

19 **“(1) ‘Community-supported natural resource collaborative’ means a group that works**
20 **with a natural resource agency in a collaborative manner on natural resource issues affect-**
21 **ing the community and that:**

22 **“(a) Promotes public participation in natural resource decisions;**

23 **“(b) Provides an open forum that allows for public deliberation of natural resource deci-**
24 **sions affecting the community;**

25 **“(c) Can demonstrate diverse representation and balance between interests, including but**
26 **not limited to environmental organizations, industry organizations and community members;**

27 **“(d) Has members who are individuals or organizations directly affected by the natural**
28 **resource decisions discussed;**

29 **“(e) Has a governance agreement that guides its operations; and**

30 **“(f) Works in cooperation with local and tribal governments.**

31 **“(2) ‘Environmental burden’ means the environmental and health risks to communities**
32 **caused by the combined historic, current and projected future effects of:**

33 **“(a) Exposure to conventional pollution and toxic hazards in the air or in or on water or**
34 **land;**

35 **“(b) Adverse environmental conditions caused or made worse by other contamination or**
36 **pollution; and**

37 **“(c) Changes in the environment resulting from climate change, such as water insecurity,**
38 **drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional**
39 **cultural resources or foods, ocean acidification, sea-level rise and increases in infectious**
40 **disease.**

41 **“(3) ‘Environmental justice’ means the equal protection from environmental and health**
42 **risks, fair treatment and meaningful involvement in decision making of all people regardless**
43 **of race, color, national origin, immigration status, income or other identities with respect**
44 **to the development, implementation and enforcement of environmental laws, regulations and**
45 **policies that affect the environment in which people live, work, learn and practice spirituality**

1 and culture.

2 “(4) ‘Environmental justice community’ includes communities of color, communities ex-
3 periencing lower incomes, communities experiencing health inequities, tribal communities,
4 rural communities, remote communities, coastal communities, communities with limited
5 infrastructure and other communities traditionally underrepresented in public processes and
6 adversely harmed by environmental and health hazards, including seniors, youth and persons
7 with disabilities.

8 “(5) ‘Equity analysis’ means an analysis used to determine or evaluate environmental
9 justice considerations.

10 “(6) ‘Fair treatment’ means that no one group of people, including racial, ethnic or
11 socioeconomic groups, should bear a disproportionate share of the negative environmental
12 consequences resulting from industrial, municipal and commercial operations or the exe-
13 cution of federal, state, local and tribal environmental programs and policies.

14 “(7) ‘Meaningful involvement’ means:

15 “(a) Members of vulnerable populations have appropriate opportunities to participate in
16 decisions about a proposed activity that will affect their environment or health;

17 “(b) Public involvement can influence a decision maker’s decision;

18 “(c) The concerns of all participants involved are considered in the decision-making pro-
19 cess; and

20 “(d) Decision makers seek out and facilitate the involvement of members of vulnerable
21 populations.

22 “(8) ‘Natural resource agency’ means the Department of Environmental Quality, the State De-
23 partment of Agriculture, the Water Resources Department, the State Department of Fish and
24 Wildlife, the State Parks and Recreation Department, the State Department of Energy, the
25 Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State
26 Lands, [*the Department of Education,*] the State Department of Geology and Mineral Industries, the
27 Department of Land Conservation and Development, the State Marine Board, the Public Utility
28 Commission, the Department of Transportation, the Department of the State Fire Marshal and the
29 Oregon Health Authority.

30 “(9) ‘Remote community’ means a community with low population density and high ge-
31 ographic remoteness.

32 “**SECTION 12.** (1) The Environmental Justice Council with staff support from the De-
33 partment of Environmental Quality, in collaboration with the office of Enterprise Informa-
34 tion Services, the Institute for Natural Resources, the Portland State University Population
35 Research Center, and natural resource agencies with staff support from the department and
36 the Oregon Health Authority, shall develop an environmental justice mapping tool.

37 “(2) When developing the environmental justice mapping tool, the council shall develop
38 and conduct an inclusive community engagement process to receive input from communities
39 across this state and consult with natural resource agencies. The council shall hold at least
40 six meetings in different regions of this state, including at least one meeting in a remote
41 community, to:

42 “(a) Present a work plan and proposals for the environmental justice mapping tool; and

43 “(b) Receive input and feedback from communities throughout this state about:

44 “(A) Environmental, health, socioeconomic and other factors that should be considered
45 in the development of the mapping tool;

1 “(B) How the mapping tool should be used to help distribute resources to communities
2 that have experienced underinvestment;

3 “(C) How socioeconomic benefits and burdens could be mapped and considered in addition
4 to environmental, health and other data;

5 “(D) Other uses for the mapping tool that can provide community benefits and diminish
6 community burdens;

7 “(E) Geospatial layers to further define environmental justice communities based on the
8 prevalence of specific factors; and

9 “(F) Community-generated data that may be included in the mapping tool.

10 “(3) The mapping tool must:

11 “(a) Be based on factors that are derived from direct input through the inclusive com-
12 munity engagement process described in subsection (2) of this section;

13 “(b) Be sufficiently detailed to allow the assessment of environmental justice benefits and
14 burdens;

15 “(c) Include geospatial data layers that may be used to help better understand the nature
16 of environmental justice communities;

17 “(d) Include data from natural resource agencies or be compatible with other mapping
18 tools developed by other state agencies; and

19 “(e) Be accessible to the public.

20 “(4) The office of Enterprise Information Services shall recommend data quality stan-
21 dards and methodologies for the development and maintenance of the mapping tool.

22 “(5) The council shall enter into an agreement with the Institute for Natural Resources
23 that provides that the institute will maintain the mapping tool and make the mapping tool
24 publicly available in electronic form through the Oregon Explorer.

25 “(6) The council shall review the mapping tool at least once every four years using the
26 inclusive community engagement process described in subsection (2) of this section and up-
27 date the mapping tool as necessary.

28 “SECTION 13. (1) The Environmental Justice Council, in consultation with natural re-
29 source agencies, shall identify in a report to the Governor and, in the manner required in
30 ORS 192.245, the Legislative Assembly:

31 “(a) Guidance for state agencies regarding how to use the environmental justice mapping
32 tool developed under section 12 of this 2022 Act when adopting rules, policies or guidelines.
33 The guidance must be flexible to accommodate differences in agency directives.

34 “(b) Best practices for increasing public participation and engagement in policy decisions
35 by providing meaningful involvement.

36 “(c) Recommendations on how to best meaningfully consult environmental justice com-
37 munities.

38 “(d) Recommendations for establishing measurable goals for reducing environmental
39 disparities across Oregon and ways in which state agencies may focus their work toward
40 meeting those goals.

41 “(e) Guidelines for identifying environmental justice communities, including guidelines
42 for further defining environmental justice communities developed from the inclusive com-
43 munity engagement process described in section 12 of this 2022 Act.

44 “(f) Guidelines for evaluating socioeconomic benefits and burdens to environmental jus-
45 tice communities.

1 “(2) The report prepared under this section may include:

2 “(a) Recommendations for approaches to integrate an analysis of the distribution of en-
3 vironmental burdens and benefits across population groups into evaluations performed under
4 state environmental laws;

5 “(b) Equity analysis methods that may include a process for describing potential risks to,
6 benefits to and opportunities for investments and mitigation;

7 “(c) Best practices for cataloging and collecting data on programs within natural re-
8 source agencies related to health and environmental factors; and

9 “(d) Recommendations for criteria for identifying and addressing gaps in current re-
10 search and data collection to inform state agency actions, to refine the environmental justice
11 mapping tool and to identify factors that may impede the achievement of environmental
12 justice.

13 “(3) The council, in consultation with the natural resource agencies, shall review and
14 update the report required under this section at least once every five years.

15 “SECTION 14. (1) Subject to subsection (2) of this section, natural resource agencies may
16 consider the results of the environmental justice mapping tool developed under section 12
17 of this 2022 Act when developing administrative rules or agency policies or programs. Natural
18 resource agencies shall consider the recommendations in the report required by section 13
19 of this 2022 Act when utilizing the environmental justice mapping tool.

20 “(2) A natural resource agency may use the environmental justice mapping tool to:

21 “(a) Identify environmental justice communities affected by agency programs;

22 “(b) Conduct outreach and engagement activities with environmental justice communities
23 to inform the development, adoption, implementation or enforcement of environmental laws,
24 administrative rules or agency policies;

25 “(c) Establish measurable goals for reducing environmental health disparities within
26 agency programs; and

27 “(d) Prioritize agency funding to help address identified impacts on environmental justice
28 communities.

29 “(3)(a) The environmental justice mapping tool may inform agency policies and programs
30 as they relate to community engagement and outreach, investments and funding and impacts
31 to environmental justice communities, and may be a source of information to the public.

32 “(b) The mapping tool is informational only and may not be used in agency decision-
33 making on individual permits or applications unless otherwise required by federal or state
34 law.

35 “(c) Nothing in ORS 182.535 to 182.550 shall be construed to limit, affect or alter the au-
36 thority of any state agency to act within the authority granted to the agency by any other
37 provision of state or federal law.

38 “SECTION 15. ORS 182.545 is amended to read:

39 “182.545. In order to provide greater public participation and to ensure that all persons affected
40 by decisions of the natural resource agencies have a voice in those decisions, each natural resource
41 agency shall:

42 “(1) In making a determination whether and how to act, consider the effects of the action on
43 environmental justice issues.

44 “(2) Hold hearings at times and in locations that are convenient for people in the communities
45 that will be affected by the decisions stemming from the hearings.

1 “(3) Engage in public outreach activities in the communities that will be affected by decisions
2 of the agency.

3 “(4) Create a [citizen] **public** advocate position that is responsible for:

4 “(a) Encouraging public participation;

5 “(b) Ensuring that the agency considers environmental justice issues; and

6 “(c) Informing the agency of the effect of its decisions on **environmental justice communities**
7 [communities traditionally underrepresented in public processes].

8 “**SECTION 16.** ORS 182.550 is amended to read:

9 “182.550. All directors of natural resource agencies, and other agency directors as the Governor
10 may designate, shall report annually to the Environmental Justice [Task Force] **Council** and to the
11 Governor on the results of the agencies’ efforts to:

12 “(1) Address environmental justice issues;

13 “(2) Increase public participation of individuals and communities affected by agencies’ decisions;

14 “(3) Determine the effect of the agencies’ decisions on [traditionally underrepresented communi-
15 ties] **environmental justice communities**; [and]

16 “(4) Improve plans to further the progress of environmental justice in Oregon[.]; and

17 “(5) **Utilize the environmental justice mapping tool developed under section 12 of this 2022**
18 **Act.**

19 “**SECTION 17.** Sections 12 to 14 of this 2022 Act are added to and made a part of ORS
20 182.535 to 182.550.

21 “TEMPORARY PROVISIONS

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23
24 “**SECTION 18.** (1) The Environmental Justice Council, the office of Enterprise Informa-
25 tion Services, the Institute for Natural Resources, the Portland State University Population
26 Research Center and natural resource agencies shall develop the environmental justice
27 mapping tool under section 12 of this 2022 Act no later than September 15, 2025.

28 “(2) The Environmental Justice Council shall provide the initial report required under
29 section 13 of this 2022 Act to the Governor and the Legislative Assembly no later than Sep-
30 tember 15, 2025.

31 “(3) The Environmental Justice Council shall provide a progress report to the Governor
32 regarding the development of the environmental justice mapping tool and community input
33 received under section 12 of this 2022 Act no later than September 15, 2024.

34 “**SECTION 19.** Notwithstanding the amendments to ORS 182.538 by section 2 of this 2022
35 Act, members appointed to the Environmental Justice Task Force before the operative date
36 specified in section 21 of this 2022 Act shall continue to serve the remainder of their terms
37 as members of the Environmental Justice Council unless replaced by the Governor in ac-
38 cordance with ORS 182.538 (3).

39 40 “CAPTIONS

41
42 “**SECTION 20.** The unit captions used in this 2022 Act are provided only for the conven-
43 ience of the reader and do not become part of the statutory law of this state or express any
44 legislative intent in the enactment of this 2022 Act.

1
2
3 **“OPERATIVE DATE**

4 **“SECTION 21. (1) Sections 1, 4 to 7 and 12 to 14 of this 2022 Act and the amendments to**
5 **ORS 182.535, 182.538, 182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon**
6 **Laws 2021, by sections 2, 3, 8 to 11, 15 and 16 of this 2022 Act become operative on August**
7 **1, 2022.**

8 **“(2) The office of the Governor, the Environmental Justice Task Force and the agencies**
9 **described in section 12 of this 2022 Act may take any action before the operative date speci-**
10 **fied in subsection (1) of this section that is necessary for the office, the task force or the**
11 **agencies described in section 12 of this 2022 Act to exercise, on and after the operative date**
12 **specified in subsection (1) of this section, all of the duties, functions and powers conferred**
13 **on the office, the task force or the agencies described in section 12 of this 2022 Act by**
14 **sections 1, 4 to 7 and 12 to 14 of this 2022 Act and the amendments to ORS 182.535, 182.538,**
15 **182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon Laws 2021, by sections**
16 **2, 3, 8 to 11, 15 and 16 of this 2022 Act.**

17 **“EFFECTIVE DATE**

18
19 **“SECTION 22. This 2022 Act takes effect on the 91st day after the date on which the 2022**
20 **regular session of the Eighty-first Legislative Assembly adjourns sine die.”**
21