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

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

“SECTION 2. ORS 182.538 is amended to read:

“182.538. [(1) There is established the Environmental Justice Task Force consisting of 12 members appointed by the Governor. The members shall be persons who are well-informed on the principles of environmental justice and who, to the greatest extent practicable, represent minority communities, low-income communities, environmental interests, industry groups and geographically diverse areas of the state. Of the 12 members, the Governor shall appoint one member of the task force from each of the following commissions:] [(a) The Commission on Asian and Pacific Islander Affairs;] [(b) The Commission on Black Affairs;] [(c) The Commission on Hispanic Affairs; and] [(d) The Commission on Indian Services.]

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

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

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

“(B) Environmental laws, regulations and standards;

“(C) Natural resources management;

“(D) Land use planning and development;

“(E) Sustainability;

“(F) Community organizing;

“(G) Civil rights and disability rights;

“(H) Environmental health;

“(I) Energy;

“(J) Agricultural operations and food systems;

“(K) Water planning and management; or

“(L) Forest management.

“(b) Of the members appointed under paragraph (a) of this subsection, at least one shall represent remote communities, at least one shall represent rural communities and at least one shall represent coastal communities. The Governor may solicit nominations for members
described in this paragraph from community-supported natural resource collaboratives.

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

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

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

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

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

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

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

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

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

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

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

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

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

“[(10) A member of the task force who is a member of the Legislative Assembly may serve in an advisory capacity only.]"
On page 8, delete lines 5 through 45 and delete pages 9 through 13 and insert:

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

"182.535. [For purposes of] As used in ORS 182.535 to 182.550[,]

“(1) ‘Community-supported natural resource collaborative’ means a group that works with a natural resource agency in a collaborative manner on natural resource issues affecting the community and that:

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

“(b) Provides an open forum that allows for public deliberation of natural resource decisions affecting the community;

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

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

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

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

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

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

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

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

“(3) ‘Environmental justice’ means 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.

“(4) ‘Environmental justice community’ includes 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, including seniors, youth and persons with disabilities.

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

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

“(7) ‘Meaningful involvement’ means:

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

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

“(c) The concerns of all participants involved are considered in the decision-making pro-

“(d) Decision makers seek out and facilitate the involvement of members of vulnerable

populations.

“(8) ‘Natural resource agency’ means the Department of Environmental Quality, the State De-

partment of Agriculture, the Water Resources Department, the State Department of Fish and

Wildlife, the State Parks and Recreation Department, the State Department of Energy, the

Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State

Lands, [the Department of Education,] the State Department of Geology and Mineral Industries, the

Department of Land Conservation and Development, the State Marine Board, the Public Utility

Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Au-

thority.

“(9) ‘Remote community’ means a community with low population density and high ge-

ographic remoteness.

“SECTION 11. ORS 182.535 is amended to read:

“182.535. [For purposes of] As used in ORS 182.535 to 182.550[,]

“(1) ‘Community-supported natural resource collaborative’ means a group that works

with a natural resource agency in a collaborative manner on natural resource issues affect-

ing the community and that:

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

“(b) Provides an open forum that allows for public deliberation of natural resource deci-

sions affecting the community;

“(c) Can demonstrate diverse representation and balance between interests, including but

not limited to environmental organizations, industry organizations and community members;

“(d) Has members who are individuals or organizations directly affected by the natural

resource decisions discussed;

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

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

“(2) ‘Environmental burden’ means the environmental and health risks to communities

caused by the combined historic, current and projected future effects of:

“(a) Exposure to conventional pollution and toxic hazards in the air or in or on water or

land;

“(b) Adverse environmental conditions caused or made worse by other contamination or

pollution; and

“(c) Changes in the environment resulting from climate change, such as water insecurity,

drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional

cultural resources or foods, ocean acidification, sea-level rise and increases in infectious

disease.

“(3) ‘Environmental justice’ means 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.

“(4) ‘Environmental justice community’ includes communities of color, communities experi-
encing 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, including seniors, youth and persons 
with disabilities.

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

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

“(7) ‘Meaningful involvement’ means:

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

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

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

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

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

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

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

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

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

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

“(A) Environmental, health, socioeconomic and other factors that should be considered 
in the development of the mapping tool;
“(B) How the mapping tool should be used to help distribute resources to communities that have experienced underinvestment;

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

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

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

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

“(3) The mapping tool must:

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

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

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

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

“(e) Be accessible to the public.

“(4) The office of Enterprise Information Services shall recommend data quality standards and methodologies for the development and maintenance of the mapping tool.

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

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

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

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

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

“(c) Recommendations on how to best meaningfully consult environmental justice communities.

“(d) 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.

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

“(f) Guidelines for evaluating socioeconomic benefits and burdens to environmental justice communities.
“(2) The report prepared under this section may include:

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

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

“(c) Best practices for cataloging and collecting data on programs within natural resource agencies related to health and environmental factors; and

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

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

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

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

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

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

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

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

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

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

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

“SECTION 15. ORS 182.545 is amended to read:

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

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

“(2) Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
“(3) Engage in public outreach activities in the communities that will be affected by decisions of the agency.

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

“(a) Encouraging public participation;
“(b) Ensuring that the agency considers environmental justice issues; and
“(c) Informing the agency of the effect of its decisions on environmental justice communities [communities traditionally underrepresented in public processes].

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

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

“(1) Address environmental justice issues;
“(2) Increase public participation of individuals and communities affected by agencies’ decisions;
“(3) Determine the effect of the agencies’ decisions on [traditionally underrepresented communities] environmental justice communities; [and]
“(4) Improve plans to further the progress of environmental justice in Oregon[.]; and
“(5) Utilize the environmental justice mapping tool developed under section 12 of this 2022 Act.

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

*TEMPORARY PROVISIONS*

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

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

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

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

*CAPTIONS*

*SECTION 20.* The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.
“OPERATIVE DATE

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

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

“EFFECTIVE DATE

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