

Requested by Representative OWENS

**PROPOSED AMENDMENTS TO
HOUSE BILL 4077**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **“(E) Sustainability;**

9 **“(F) Community organizing;**

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

11 **“(H) Environmental health;**

12 **“(I) Energy;**

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

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

15 **“(L) Forest management.**

16 **“(b) Of the members appointed under paragraph (a) of this sub-**
17 **section, at least one shall represent remote communities, at least one**
18 **shall represent rural communities and at least one shall represent**
19 **coastal communities. The Governor may solicit nominations for**
20 **members described in this paragraph from community-supported na-**
21 **tural resource collaboratives.**

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

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

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

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

30 **“(g) One member shall be appointed as a youth representative, who**

1 **must be at least 16 but no more than 24 years of age when appointed.**

2 “(2) The *[task force]* **council** shall submit an annual report to the Gover-
3 nor **and the interim committees of the Legislative Assembly related to**
4 **the environment, in the manner provided under ORS 192.245**, setting
5 forth its view of the progress of natural resource agencies toward achieving
6 the goals established pursuant to ORS 182.542 and identifying any other en-
7 vironmental issues that the *[task force]* **council** determines need attention.

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

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

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

24 “(6) A majority of the members of the *[task force]* **council** constitutes a
25 quorum for the transaction of business.

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

30 “(8) *[The Governor shall provide the task force with the necessary clerical*

1 *and administrative staff support.*] **The office of the Governor may enter**
2 **into an interagency agreement under ORS 190.110 with the Department**
3 **of Environmental Quality for purposes of providing clerical and ad-**
4 **ministrative staff support to the council and for sharing in the ad-**
5 **ministrative or other expenses of the council.**

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

11 “[*(10) A member of the task force who is a member of the Legislative As-*
12 *sembly may serve in an advisory capacity only.*]”.

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

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

17 “182.535. [*For purposes of*] **As used in** ORS 182.535 to 182.550[,]:

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

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

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

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

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

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

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

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

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

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

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

13 **“(3) ‘Environmental justice’ means the equal protection from envi-**
14 **ronmental and health risks, fair treatment and meaningful involve-**
15 **ment in decision making of all people regardless of race, color,**
16 **national origin, immigration status, income or other identities with**
17 **respect to the development, implementation and enforcement of envi-**
18 **ronmental laws, regulations and policies that affect the environment**
19 **in which people live, work, learn and practice spirituality and culture.**

20 **“(4) ‘Environmental justice community’ includes communities of**
21 **color, communities experiencing lower incomes, communities experi-**
22 **encing health inequities, tribal communities, rural communities, re-**
23 **mote communities, coastal communities, communities with limited**
24 **infrastructure and other communities traditionally underrepresented**
25 **in public processes and adversely harmed by environmental and health**
26 **hazards, including seniors, youth and persons with disabilities.**

27 **“(5) ‘Equity analysis’ means an analysis used to determine or eval-**
28 **uate environmental justice considerations.**

29 **“(6) ‘Fair treatment’ means that no one group of people, including**
30 **racial, ethnic or socioeconomic groups, should bear a disproportionate**

1 **share of the negative environmental consequences resulting from in-**
2 **dustrial, municipal and commercial operations or the execution of**
3 **federal, state, local and tribal environmental programs and policies.**

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

5 **“(a) Members of vulnerable populations have appropriate opportu-**
6 **nities to participate in decisions about a proposed activity that will**
7 **affect their environment or health;**

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

9 **“(c) The concerns of all participants involved are considered in the**
10 **decision-making process; and**

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

13 **“(8) ‘Natural resource agency’ means the Department of Environmental**
14 **Quality, the State Department of Agriculture, the Water Resources Depart-**
15 **ment, the State Department of Fish and Wildlife, the State Parks and Re-**
16 **creation Department, the State Department of Energy, the Oregon**
17 **Watershed Enhancement Board, the State Forestry Department, the De-**
18 **partment of State Lands, [the Department of Education,] the State Depart-**
19 **ment of Geology and Mineral Industries, the Department of Land**
20 **Conservation and Development, the State Marine Board, the Public Utility**
21 **Commission, the Department of Transportation, the State Fire Marshal and**
22 **the Oregon Health Authority.**

23 **“(9) ‘Remote community’ means a community with low population**
24 **density and high geographic remoteness.**

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

26 **“182.535. [For purposes of] As used in ORS 182.535 to 182.550[,]:**

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

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

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

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

6 **“(d) Has members who are individuals or organizations directly af-**
7 **ected by the natural resource decisions discussed;**

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

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

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

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

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

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

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

29 **“(4) ‘Environmental justice community’ includes communities of**
30 **color, communities experiencing lower incomes, communities experi-**

1 **encing health inequities, tribal communities, rural communities, re-**
2 **mote communities, coastal communities, communities with limited**
3 **infrastructure and other communities traditionally underrepresented**
4 **in public processes and adversely harmed by environmental and health**
5 **hazards, including seniors, youth and persons with disabilities.**

6 **“(5) ‘Equity analysis’ means an analysis used to determine or eval-**
7 **uate environmental justice considerations.**

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

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

14 **“(a) Members of vulnerable populations have appropriate opportu-**
15 **nities to participate in decisions about a proposed activity that will**
16 **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**
19 **decision-making process; and**

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

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

1 Fire Marshal and the Oregon Health Authority.

2 “(9) ‘Remote community’ means a community with low population
3 density and high geographic remoteness.

4 **“SECTION 12. (1) The Environmental Justice Council with staff
5 support from the Department of Environmental Quality, in collab-
6 oration with the office of Enterprise Information Services, the Insti-
7 tute for Natural Resources, the Portland State University Population
8 Research Center, and natural resource agencies with staff support
9 from the department and the Oregon Health Authority, shall develop
10 an environmental justice mapping tool.**

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

17 **“(a) Present a work plan and proposals for the environmental jus-
18 tice mapping tool; and**

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

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

23 **“(B) How the mapping tool should be used to help distribute re-
24 sources to communities that have experienced underinvestment;**

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

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

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

1 **“(F) Community-generated data that may be included in the map-**
2 **ping tool.**

3 **“(3) The mapping tool must:**

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

7 **“(b) Be sufficiently detailed to allow the assessment of environ-**
8 **mental justice benefits and burdens;**

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

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

13 **“(e) Be accessible to the public.**

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

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

21 **“(6) The council shall review the mapping tool at least once every**
22 **four years using the inclusive community engagement process de-**
23 **scribed in subsection (2) of this section and update the mapping tool**
24 **as necessary.**

25 **“SECTION 13. (1) The Environmental Justice Council, in consulta-**
26 **tion with natural resource agencies, shall identify in a report to the**
27 **Governor and, in the manner required in ORS 192.245, the Legislative**
28 **Assembly:**

29 **“(a) Guidance for state agencies regarding how to use the environ-**
30 **mental justice mapping tool developed under section 12 of this 2022**

1 **Act when adopting rules, policies or guidelines. The guidance must be**
2 **flexible to accommodate differences in agency directives.**

3 **“(b) Best practices for increasing public participation and engage-**
4 **ment in policy decisions by providing meaningful involvement.**

5 **“(c) Recommendations on how to best meaningfully consult envi-**
6 **ronmental justice communities.**

7 **“(d) Recommendations for establishing measurable goals for reduc-**
8 **ing environmental disparities across Oregon and ways in which state**
9 **agencies may focus their work toward meeting those goals.**

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

14 **“(f) Guidelines for evaluating socioeconomic benefits and burdens**
15 **to environmental justice communities.**

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

17 **“(a) Recommendations for approaches to integrate an analysis of**
18 **the distribution of environmental burdens and benefits across popu-**
19 **lation groups into evaluations performed under state environmental**
20 **laws;**

21 **“(b) Equity analysis methods that may include a process for de-**
22 **scribing potential risks to, benefits to and opportunities for invest-**
23 **ments and mitigation;**

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

27 **“(d) Recommendations for criteria for identifying and addressing**
28 **gaps in current research and data collection to inform state agency**
29 **actions, to refine the environmental justice mapping tool and to iden-**
30 **tify factors that may impede the achievement of environmental jus-**

1 tice.

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

5 “SECTION 14. (1) Subject to subsection (2) of this section, natural
6 resource agencies may consider the results of the environmental jus-
7 tice mapping tool developed under section 12 of this 2022 Act when
8 developing administrative rules or agency policies or programs. Na-
9 tural resource agencies shall consider the recommendations in the
10 report required by section 13 of this 2022 Act when utilizing the envi-
11 ronmental justice mapping tool.

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

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

16 “(b) Conduct outreach and engagement activities with environ-
17 mental justice communities to inform the development, adoption, im-
18 plementation or enforcement of environmental laws, administrative
19 rules or agency policies;

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

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

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

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

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

5 “**SECTION 15.** ORS 182.545 is amended to read:

6 “182.545. In order to provide greater public participation and to ensure
7 that all persons affected by decisions of the natural resource agencies have
8 a voice in those decisions, each natural resource agency shall:

9 “(1) In making a determination whether and how to act, consider the ef-
10 fects of the action on environmental justice issues.

11 “(2) Hold hearings at times and in locations that are convenient for peo-
12 ple in the communities that will be affected by the decisions stemming from
13 the hearings.

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

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

17 “(a) Encouraging public participation;

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

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

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

23 “182.550. All directors of natural resource agencies, and other agency di-
24 rectors as the Governor may designate, shall report annually to the Envi-
25 ronmental Justice [*Task Force*] **Council** and to the Governor on the results
26 of the agencies’ efforts to:

27 “(1) Address environmental justice issues;

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

30 “(3) Determine the effect of the agencies’ decisions on [*traditionally*

1 *underrepresented communities*] **environmental justice communities**; [*and*]

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

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

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

8

9 **“TEMPORARY PROVISIONS**

10

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

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

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

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

29

30 **“CAPTIONS**

