
Date: Sept. 24, 2021

To: Environmental Quality Commission

From: Richard Whitman, Director

Subject: Item J: Environmental Justice at DEQ (Informational)
Sept. 30-Oct. 1, 2021, EQC meeting

Purpose of this item At the EQC meeting on July 23rd of this year, Ximena Cruz Cuevas reported on the work of an ad hoc group made up of about sixty staff at DEQ. The Environmental Justice Work Group (EJWG) was initiated by staff passionately committed to advancing how DEQ incorporates environmental justice into its work. As first steps, the group is focusing on:

- (i) Building skills, tools and capacity necessary to evaluate environmental health burdens on communities, particularly communities that have been disproportionately affected in the past, as well as communities that are most vulnerable to future impacts.
- (ii) Helping agency staff and managers across all agency programs to understand the core concepts of EJ and how DEQ's programs can apply these concepts to avoid future impacts and reduce existing ones; and,
- (iii) Engaging with communities, other agencies and stakeholders to share information about disproportionate environmental burdens, and to partner in efforts to understand and respond to these issues.

In order to achieve this initial goal, the EJWG organized into three subgroups: Technical, Education, and Communications. There is also an Environmental Justice Planning team, chaired by Cruz Cuevas, which also includes Colin Donald, Chamille Hartman, Franziska Landes, Meenakshi Rao, Morgan Schafer, and Dan Sobota. The Planning Team works to facilitate and coordinate the activities of the EJWG.

There are many steps needed to incorporate environmental justice efforts in DEQ's work. One of the first steps of assessing disproportionate environmental burden on historically disadvantaged communities. Another step is analyzing the policy decisions that led up to that burden.

Analyzing how DEQ's current policies contribute to and perpetuate disproportionate impacts is a first step in this effort. This includes an understanding of the historical context that has contributed to environmental burdens on communities. This knowledge is key to helping communities and

the agency to understand and work collaboratively toward the changes that are needed to achieve more equitable outcomes.

By coupling the data analysis with the voice of communities and people affected by environmental burdens, DEQ can work alongside community members to better understand the needs of the community for more equitable solutions. The EJ workgroup is aware and keeps in mind that being intentional about implementing EJ requires not only data and analytical tools, but also necessitates forging new relationships with communities, and providing access to data and information so that communities can fully engage in how to address environmental impacts and ensure environmental justice for future generations.

As a cross-media group, that includes staff from all regions of Oregon, the DEQ EJ workgroup is committed to moving environmental justice into the mainstream of DEQ's programs. The workgroup's fundamental mission remains focused on building skills and capacity necessary for disproportionate environmental burden analysis; for making agency staff and programs aware of the core concepts of EJ and on how to operationalize these concepts; and for building communication channels with communities and other agencies in order to work collaboratively to develop processes and policies that help us achieve environmental justice.

As noted above, the workgroup has currently organized into three specific subgroups in order to cover these concerns:

- A technical group that is working on building skills and capacity necessary for a disproportionate environmental burden analysis for all agency programs within DEQ as well as for external agencies. An important goal for this group is to contribute the environmental burden layers to any environmental justice screening tool adapted for Oregon. To achieve this, the team needs to gather data across all media, identify data gaps, assess how to consider cumulative impacts, and build methodology and capacity to use a tool, and potentially develop an environmental burden index. This group is already working collaboratively with teams at the Oregon Health Authority and the Department of Administrative Services that are involved in related efforts to consider disparate health and other outcomes.
- An education group that will take the lead in helping DEQ apply the concepts of Environmental Justice to the reality of applying it to our work. This group will identify best practices and potential systems or policy changes that should be considered by the agency.
- A communications group that will build ways to convey environmental justice principles and applications to all staff.

Next Steps

Finalize Initial Charter for the Environmental Justice Work Group

The workgroup's draft charter is attached to this report as Attachment A. Following feedback from the EQC and from DEQ's Leadership Team, we will approve a final charter for the work group.

Provide Initial Resources to Assist the Work Group

Senate Bill 286, introduced in the 2021 legislative session by Governor Brown, would have transformed the existing Environmental Justice Task Force into the Oregon Environmental Justice Council. The legislation also would have provided resources to create an Oregon EJ Screening tool. The legislation passed out of committee in the Oregon Senate, and was sent to the Joint Committee on Ways and Means. Despite getting an additional hearing, SB 286 ultimately did not pass. As a result, DEQ is continuing to work with the Environmental Justice Task Force, and with existing resources.

At the request of the work group, I have approved an interim approach to supporting this work, which (in my view) is required by existing federal and state legislation. This limited duration, rotational position will support the work of the workgroup, with a focus on aligning our efforts with other agencies (particularly OHA and DAS). DEQ also intends to seek resources for this work in upcoming legislative sessions.

Solidify Collaboration with Other Agencies and Community Interests

In Washington, and in California, development of environmental justice analytical tools and programs has happened through collaborative work with community, public health, and environmental interests. The state of Oregon needs to create less siloed approaches to advancing environmental justice-across data, policy, and community involvement. The EJ workgroup and DEQ's Office of Policy will work together to forge these efforts, strengthen relationships and develop the basis for future collaborative work.

Continue with Developmental Work for an Oregon EJ Screening Tool

As outlined in Attachment A, the workgroup has developed a draft project plan for the development of this tool.

Document How EJ is Being Applied in DEQ Programs Currently

The EJ workgroup has created a list of projects that have begun applying an EJ lens into their projects; however, this is not a comprehensive list of the programs and activities across the agency that have integrated EJ approaches, as many activities occur at the project level.

Air: Diesel Emissions Grants

Diesel emissions grants is currently prioritizing reductions of diesel emissions in areas of the state with the highest diesel emissions, highest vulnerable populations, and highest population density. Vulnerable

populations means people under the age of 14 and over the age of 64; Black, indigenous, and people of color; people with a household income that is less than or equal to twice the federal poverty level; people who are linguistically isolated; and people age 25 or older who have not earned a high school diploma or passed a General Educational Equivalent (GED) test.

Land: LUST Backlog Project

The Leaking Underground Storage Tanks (LUST) backlog project is aimed at reducing the backlog of opened LUST sites. EPA set a goal for Oregon to close approximately 16.5 percent of sites annually. In deciding how to prioritize sites two factors were chosen, sites with high levels of contamination according to their UST score that are deemed as high priority and sites that were located in areas with vulnerable populations using EPA's EJ screening tool data. To note, the scores for Vulnerable populations were created using the demographic indicators: people under the age of 5 and over the age of 64; Black, indigenous, and people of color; people with a household income that is less than or equal to twice the federal poverty level; people who are linguistically isolated; and people age 25 or older who have not earned a high school diploma or passed a General Educational Equivalent (GED) test.

Water: Groundwater Quality Monitoring Program

The water quality monitoring program offers free water quality testing opportunities. The program has incorporated an Environmental Justice lens for their outreach, communications, sample site selections, and distribution of finished data. In order to make the free groundwater testing more equitable they used EPA's EJ screen to ensure target vulnerable communities defined as low-income, over 65, and under 5 available. They translated outreach materials and focused their outreach efforts on diverse communities by reaching out in farmers markets, non-English radio stations, and local public events. They also made sure to translate permission paperwork to allow renters and migrant farm workers to volunteer the wells they drink from.

**EJ Advances
in 2021
Legislative
Session**

Despite the fact that SB 286 was not passed by the Oregon legislature in 2021, four other important legislative actions were approved that are significant positive advances for environmental justice in our state. Those actions are:

1. Senate Resolution (SCR) 17

This legislative resolution establishes principles, lays a framework of shared values, and lays the path forward for future policies and practices based on the right to ethical, balanced, healthy and responsible uses of land and renewable resources for future generations.

2. Energy Affordability - [HB 2475](#)

HB 2475 establishes energy bill protections for low income utility ratepayers and supports frontline organizations' engagement at the Oregon Public Utility Commission.

3. Healthy Homes - [HB 2842](#)

HB 2842 establishes a \$10 million grant program administered by the Oregon Health Authority to increase energy efficiency and weatherization for low income households to make homes healthier.

4. 100% Clean Energy for All - [HB 2021](#)

HB 2021 requires retail electricity providers to reduce greenhouse gas emissions associated with electricity sold to Oregon consumers to 80 percent below baseline emissions levels by 2030, 90 percent below baseline emissions levels by 2035 and 100 percent below baseline emissions levels by 2040. Also established the Community Resilient Renewables Investment Fund, a \$50 million fund at ODOE to provide competitive grants for planning or developing community renewable energy projects less than 20 megawatts in capacity that promote energy resilience, increase renewable energy generation or storage capacity, and provide economic or other benefits to communities

**EJ in DEQ's
Strategic Plan**

DEQ paused its work on a new strategic plan in late 2020 in order to reset the effort to incorporate environmental justice and DEI values and expertise into the effort. We are now just about ready to resume that effort, and look forward to working with the commission to build a strategic plan that fully incorporates environmental justice (along with diversity, equity and inclusion).

**EQC
Involvement**

DEQ is seeking feedback from the commission regarding the work being done to advance environmental justice at the agency. In addition, DEQ is seeking one or two volunteers from the EQC to participate in the agency's strategic plan development, including the aspects of the plan centered on environmental justice.

DEQ will continue to provide periodic updates to the commission regarding progress in advancing environmental justice.

Attachment

A. Draft charter for Environmental Justice Work Group



Environmental Justice Work Group Phase 1

General	
Purpose: To coordinate the development and implementation of DEQ’s environmental justice framework for the benefit of informing and engaging with underrepresented and marginalized communities in Oregon, and improving their access to clean air, land, and water.	
EJ Workgroup Coordinator: TBD	Executive Sponsor: Richard Whitman
Phase Sponsor 1: TBD	Business Sponsor: TBD
Work Group Name: Environmental Justice Work Group	Organization: Department of Environmental Quality
Version: 1.4	Date: 9/27/2021

Description and goals	
Initial problem statement:	<p>Environmental justice is integral to DEQ’s mission to protect the public health of <i>all</i> people and communities. Federal and state mandates also support DEQ in incorporating environmental justice into our work.¹ DEQ needs to develop an environmental justice framework and best practices that set clear direction across all program areas, including both regulatory and non-regulatory actions, and both program implementation and policy development.</p> <p>Integrating environmental justice into DEQ’s work can’t happen effectively without better data and analytical tools that provide an understanding of historic, current, and potential future environmental burdens on underrepresented and marginalized communities. These data and methodologies need to be developed and used collaboratively with other state and local agencies, community and non-governmental organizations (NGOs), as well as the public. This work includes shared understandings of key socio-demographic and health variables and scales used to define vulnerability.</p>

¹ Federal Executive Orders 12898 (1994), and 14008 (2021); Oregon Senate Bill 420 (2007) and Oregon Senate Joint Resolution 12 (2021). Add Title VI of the federal Civil Rights Act.

Work Group scope	<ul style="list-style-type: none">• Create a formal EJ work group within DEQ• Identify funding sources, deadlines, and requirements.• Build the foundation for an Oregon specific geospatial mapping tool that can be used to identify environmentally burdened areas<ul style="list-style-type: none">○ Conduct a tool and literature review of current EJ tools○ Do an inventory of data available and identify data gaps that need to be filled to create a statewide tool.○ Communicate and collaborate with other state agencies, governments, NGOs, research institutions, and the public on the EJ tool.• Build the foundation for education outreach and community engagement<ul style="list-style-type: none">○ Create outreach and educational materials and tool kits for engagement with external and internal groups.○ Define accountability metrics to measure if the engagement is high quality engagement○ Identify agencies, local governments, non-governmental organizations (NGOs), and universities that can collaborate with us to by contributing data for the Oregon EJ tool, helping us create outreach, and educational materials for engagement• Document where environmental justice is being used in program implementation and policy development at DEQ, currently, and identify priority areas where environmental justice analysis should be applied next in the agency.<ul style="list-style-type: none">○ Identify current EJ efforts at DEQ to define current EJ areas of expertise, experiential knowledge, skills, and networks○ Document DEQ engagement with community members to cultivate continued growth of current partnerships and reduce redundancy of DEQ's EJ efforts in communities defined as marginalized and underrepresented• Develop best practices that set clear direction and define accountability measures for incorporating EJ into our work and communications at DEQ across all media
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<p>Desired outcomes or goals</p>	<ul style="list-style-type: none"> • Establish DEQ's role as a leader in EJ work in Oregon by engaging with state agencies, governments, NGOs, research institutions, and the public to develop, standardize, and fund Oregon specific environmental burden analysis tools • Establish processes for sharing standards and best practices implemented • Create documentation of research of other EJ tools and literature review to give insight for the next stage of planning • Develop preliminary set of data layers to assess environmental burden identified and gap analysis begun • Identify key community groups and clearly define what makes someone a DEQ stakeholder • Develop communication channels to increase reach and awareness of DEQ messages within the agency, to other agencies, and the public • Develop best practices and define accountability measures for how DEQ employees incorporate EJ into their work and communications • Encourage employees to attend trainings about EJ
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<p>Near-term deliverables</p>	
<p>EJWG</p> <ol style="list-style-type: none"> 1. Formalize EJ work group as the central hub for efforts agency wide. As part of that effort, develop a means to assure that all key areas and types of expertise in the agency are represented 2. Identify and obtain funding opportunities, requirements, and deadlines for development of an EJ mapping tool specific to Oregon 3. Document where environmental justice is being used in program implementation and policy development at DEQ, currently, and identify priority areas where environmental justice analysis should be applied next in the agency 4. Phase 1 report (developed from deliverables of each group and recommendations of next steps) 5. Develop Phase 2 Charter 	
<p>Technical</p> <ol style="list-style-type: none"> 6. Inventory/Database of EJ data, including documenting EJ data gaps. 7. Document summarizing the literature review and EJ tool review. 	

Near-term deliverables
<p>Communications</p> <p>8. List/document identifying potential partner agencies, local governments, NGOs and research institutions for EJ tool collaboration.</p> <p>9. Engage with identified potential partners to include environmental burden in policy formation</p> <p>10. Identify key strategies for engaging and communicating environmental burdens with key communities or partner groups and document of best practices/SOP's other programs may be using</p>
<p>Education</p> <p>11. Compile list of EJ work already taking place within the agency</p> <p>12. Create list of areas where EJ lens is needed</p> <p>13. Establish common understanding of key terms and principles</p>

Roles and responsibilities			
Team	Role in project	Responsibilities	Expected time commitment & dates of involvement
EJWG Coordinator	To coordinate internal and external communications and efforts around the development of an EJ analytical tool, and assist in securing longer-term resourcing	<ul style="list-style-type: none"> - Coordinating EJ group meetings and setting agenda - Keeping flowing communication with facilitators, management, and external stakeholders/community groups - Keeping the group on track by setting goals - Coordinate across all teams to define best practices and accountability measures for incorporating EJ into DEQ work in all media and regions 	TBD
Technical Team	To create the data infrastructure for the EJ screening tool.	<ul style="list-style-type: none"> - Identify best available data to be used for the EJ screening tool. - Identify data gaps and necessary data. - Build capacity and infrastructure to develop tool. - Help develop agency-wide definitions to frame our work 	TBD

Team	Role in project	Responsibilities	Expected time commitment & dates of involvement
Communication Team	To improve external communications and develop synergistic relationships for EJ implementation with other agencies. Utilize Education’s Team efforts to external audiences.	<ul style="list-style-type: none"> - Communicate with all regions and media across DEQ to seek input. - Communicate and collaborate with local government’s EJ efforts throughout the state, as to not duplicate work. - Improve external communication practices and seek input from community members. - Provide a point of contact for the public. - Track grant opportunities - Help develop agency-wide definitions to frame our work 	TBD
Education Team	Assemble information internally for the purpose of understanding community stakeholders. Develop documents and resource library for use by different DEQ programs. Contribute to the larger EJ Work Group effort with community-based information.	<ul style="list-style-type: none"> - Gather data about communities that interact with DEQ’s programs and services - Identify communities that do not interact or are hesitant to interact with DEQ’s programs and services, and coordinate with the communications team to seek opportunities for input from these communities. - Provide insight into community concerns, and barriers to collaborative engagement, including support for community capacity. - Work across programs, agencies, and governments to gain insight into community engagement. - Propose potential best engagement process based on the information gathered. - Define accountability metrics to measure if the engagement is high quality engagement - Continue to refine information as programs continue to engage with communities in their daily work. - Help develop agency-wide definitions to frame our work. 	TBD

Project schedule for EJ Analytical Tool Development						
Task or milestone	Delivery date	Notes/Status	Lead staff	Accountable	Inform	Date complete
Formalize Group						
Literature Review						
EJ Tool Review						
Data inventory/Identify Data gaps						
Standard Operating Procedures (SOP)						

Constraints and assumptions for EJ Analytical Tool Development	
Project constraints:	Funding, time, support; data, skills, communications and outreach infrastructure
Project assumptions:	<ul style="list-style-type: none"> • SOP (Standard Operating Procedures) for documenting process for sharing standards and best practices implemented • Initial set of environmental burden layers identified Potential partners to help with the gap analysis identified • Communications established with state and local agencies so that DEQ is seen as the point of contact for environmental burden data and methodology • Preliminary work on EJ begun: <ul style="list-style-type: none"> ○ Language accessibility for DEQ website & documentation ○ Preliminary tool (with limited layers and socio-demographic variables) available for internal use ○ Guidelines for using the tool and limitations of the preliminary tool are well documented • Key community stakeholders identified, communications channels setup • Community members are highly interested in engaging with DEQ to mitigate environmental burdens that affect them but have no knowledge of the resources DEQ can provide. • Communities feel that they are not able to engage in the regulatory work of DEQ because they cannot provide data. <p>This group will begin work to deliver an environmental justice screening tool that can be used internally and externally to help allocate funds and resources to vulnerable communities.</p>

Communication schedule			
Target audience	Task	Communication tool (news release, Facebook, Twitter, email, web, GovDelivery, message map, newspaper ad, in person community outreach)	Frequency or date
EJ Work Group	Meetings	Teams	Quarterly
Subgroups	Meetings	Teams	Monthly
Facilitators	Meetings	Teams	Regularly
The Director	Meetings	Zoom	

Resources/Budget:
<p>Need</p> <ol style="list-style-type: none"> 1. Funding to identify existing agency data and data gaps to position DEQ for future funding opportunities to develop an EJ tool 2. Funding for one/two full-time coordinators 3. Funding for university collaborations for gap and other analysis 4. Funding to develop education and outreach materials 5. Funding to hold “listening” sessions with diverse stakeholders, both within and outside DEQ 6. Time for staff to learn, develop, incorporate and share best practices – within and across agencies <p>Opportunities</p> <ol style="list-style-type: none"> 1. Hold an internal brainstorming session to identify resources that can be used for this project (the EJ work cuts across a lot of programs, so there is a lot of leverage) 2. Track Environmental Justice and Climate Justice grant opportunities from federal agencies. Partner with other agencies, local governments, and NGOs working in this space

Change in project scope, resources or schedule:

[Who approves changes to project scope, resources, or schedule? How will changes be authorized? Who owns the decision, needs to be consulted or informed?]

Approval	
<u>Sponsor Approval:</u>	<u>Approval date:</u>
<u>Other approval? (If needed)</u>	