

Oregon Department of Environmental Quality
Environmental Justice – Principles and Implementation

Environmental Justice – or Environmental Equity-- entails the fair treatment and meaningful involvement of all people regardless of race, age, gender, national origin, education or income level, in the development, implementation and enforcement of environmental laws, regulations and policies. Since the early 1980's, there has been increasing awareness of disproportionate effect of environmental hazards on minority and low-income communities. Across the nation, projects are underway to investigate and address this problem. In Oregon, a governor-appointed advisory committee developed recommendations on how to eliminate disproportionate environmental impacts on low income and minority populations. One recommendation was that agencies adopt policies that incorporate environmental equity into their institutional framework. The following principles describe how the Department will make environmental equity inherent in the way it does business.

Maintain Diversity in the Department

The Department's staff should be comprised of a broad mix of individuals. A workplace that respects different perspectives will ensure identification of potential problems and will encourage problem solving beyond traditional approaches. By encouraging respect for diversity, the Department will be able to *ensure determination of the affected public*.

Ensure the Determination of the Affected Public

Significant environmental effects may be diluted by examination of a large population or area. Staff should be encouraged to vary their analysis of affected population by a variety of factors including population concentration, cumulative exposure to hazards, and different patterns of use of resources. Staff should also be encouraged to address human health, economic, and social effects whenever possible. By determining who the potentially affected parties are, the Department will be able to *disseminate information to the affected public*.

Disseminate Information to the Affected Public

This goal can be accomplished through careful identification of target audiences and aggressive community outreach beyond traditional forms. This includes improving accessibility of public meetings and documents. By providing affected parties with adequate information, the Department will *provide opportunities for participation*.

Provide Opportunities for Participation

For each agency action, adequate opportunity for community input should be facilitated to ensure that potentially affected parties are not overlooked and excluded from the process. Local community members or interest groups should be contacted to help develop agency policy. By facilitating community participation, the Department will *foster community partnerships*.

Foster Community Partnerships

Local community members or interest groups can provide a unique perspective on problems for which the Department may be unaware. Partnerships can serve to educate all affected parties. By fostering collaboration between community members, other agencies, local jurisdictions, and the federal government, the Department will be able to *pursue innovative responses to problems*.

Pursue Innovative Responses to Problems

Creativity and innovation are the Department's goals. Providing technical assistance to the public to enhance understanding of requirements and encourage discussion of a full range of potential creative solutions to the problem will encourage environmental protection in the most equitable manner.

Environmental Justice Implementation Measures

1. Ensure development and targeting of all agency outreach and education efforts to reach low income and minority interests.
2. Ensure representation of minority and low-income interests on advisory committees.
3. Ensure that permit writers identify and address low income and minority issues in the permitting process.
4. Schedule agency meetings in facilities that meet American Disability Act requirements.
5. Ensure that water quality policy is consistent statewide.
6. Coordinate water quality data collection with other agencies.
7. Ensure that risk assessment includes adequate data on levels of fish consumption by various ethnic groups. Ensure that communication and outreach efforts are directed to these groups as well.
8. Identify ways to lessen potential water pollution from residential wells in rural areas, especially for low income and minority communities.
9. Ensure that educational and outreach efforts regarding household hazardous waste and pollutants are directed to minorities and low incomes interests.

Excerpt from DEQ February 28, 1997 Staff Report to the Environmental Quality Commission on Implementation of Environmental Equity Citizen Advisory Committee Recommendations

Background

In October 1994, the Governor-appointed Environmental Equity Citizen Advisory Committee submitted its report to the Governor's Office. This Committee was directed, in response to Executive Order 94-25, to identify existing and perceived inequities in the State's administration of its environmental laws. The Committee's Report included a number of recommendations for implementation by certain state agencies. The following are excerpts from DEQ's report and plan for implementation submitted to the Environmental Quality Commission on February 28, 1997.

Issues and Implementation Process

The Committee Report recognized six topic areas, five of which have application to DEQ. Outlined below within each topic area are recommendations for addressing issues and DEQ's implementation of the recommendations, including examples of success.

1. **Agency Communication and Participation Procedures** - Minority and low income populations often feel excluded from the process, both by lack of communication on the part of the agency and lack of inclusion in the actual decision making process.

Implementation Measure: Ensure development and targeting of all agency outreach and education efforts to reach low income and minority interests.

- As the "DEQ Guidelines for Public Notice and Public Involvement" states: It is vital that DEQ constantly communicate with the public about pollution problems, causes and solutions. The public must have an understanding of the problem before any regulatory programs can be implemented. To ensure that affected persons are informed of proposed agency decisions, the Department currently includes minority media in press releases.
- The 1995 Legislature enacted the dry cleaner program. Dry cleaners pay fees that fund cleanups of contaminated dry cleaner sites. The industry comprises approximately 350 dry cleaners, about half of which are Korean owned or operated. English is often the second language. Educational outreach has been the focus of the program, with the development of fact sheets on waste management and minimization. These fact sheets have been translated into Korean and distributed using a mailing list provided by the Oregon Korean Dry Cleaning Association. Required annual reports, applications for cleanup funds and fact sheets explaining the application process have also been translated. Staff business cards are available in both English and Korean. Staff members have also attended the business association meetings and, through translators, answered questions.
- The Vehicle Inspection Program is currently working on translating their public service announcements into Spanish for airing on local Spanish stations and programs.

Implementation Measure: Ensure representation of minority and low-income interests on advisory committees.

- The Department is committed to ensuring citizen involvement in all decision making. Generally this involves the appointment of an advisory committee. The Department's guidance on the formation of advisory committees stresses the importance of identifying all potentially impacted parties and including them in the process.
- To ensure that minority and low-income interests are represented on the Department's advisory committees, a list of those involved in the Environmental Equity Advisory Committee along with those persons who expressed interest in that process, has been forwarded to the Division Administrators for use in forming any advisory committees in the future. Individuals from the Environmental Equity Advisory Committee have served on several other Department advisory committees.
- The Department is currently working on the formation of an advisory committee to address low-income issues related to the increased vehicle inspection fees.

Implementation Measure: Ensure that permit writers identify and address low income and minority issues in the permitting process.

- In 1988, the Environmental Quality Commission adopted a policy on public participation in the permitting process to insure adequate public involvement. Notice of the proposed permit action is mailed to those who have requested notice of permits. Efforts are also made to identify potentially affected or interested parties. When permitting staff is attempting to determine potentially affected parties, they should consider whether population density, and cumulative exposure or varying use of resources causes a potential for a disproportionate risk to certain communities, and whether that community is sufficiently involved in the decision-making process. Once

the affected parties are identified, efforts should be made to involve and inform that community beyond traditional forms of outreach. The Department's policy will be revised to ensure that staff look for possible effects on minority and low income communities as necessary.

- Air Quality permitting staff have made special arrangements to inform local neighborhood groups in the Portland area. Staff has attended meetings to inform the groups of what permit actions will be occurring in the near future that affect their neighborhood. Notice is also sent to these groups whenever an action will affect the neighborhood.
- The Department, during the Umatilla Army Depot decision-making, worked to include both Native American and Hispanic interests in the process. The citizen's advisory committee appointed by Governor Roberts included a member of the Confederated Tribes of the Umatilla Indian Reservation and a Hispanic representative. The Department translated fact sheets into Spanish and did outreach through the local Catholic churches. The Department also attempted to address tribal concerns in the risk assessment. Staff held a risk assessment open house at the reservation and met with tribal staff to see if there was an analysis process that could be used that would address their unique lifestyle.

Implementation Measure: Schedule agency meetings in facilities that meet American Disability Act (ADA) requirements.

- The Department currently requires that all public meetings follow the ADA public meeting requirements. Staff must conduct all public meetings in an accessible location unless they have been unable to locate a suitable location. All public notices include a footnote stating that accommodations for physical disabilities are available including alternative formats such as Braille.

2. **Exposure to Water Pollution** - Water pollution exposure may be greater for low-income and minority groups due to dietary, cultural and recreational practices.

Implementation Measure: Ensure that water quality policy is consistent statewide.

- The perception that water is "cleaner" in the western part of the state is probably based on several historical influences including the prior 303d listings and the sources of pollution. The eastern part of the state is predominated by non-point sources while the western part of the state has a higher number of point sources. Under the Clean Water Act, point sources have been heavily regulated in the past, while non-point sources have not. Both of these influences have changed dramatically in recent times. The 303d listing which includes 870 listings (as opposed to 50 in prior listings) includes streams across the state. With the development of non-point source TMDL's and the Healthy Streams Partnership, the appearance of unequal treatment across the state will decline.

Implementation Measure: Coordinate water quality data collection with other agencies.

- Currently the Department coordinates data collection with numerous federal, state and local agencies. These include Bureau of Reclamation, Oregon Department of Fish & Wildlife, Oregon Department of Human Services (DHS), U.S. Forest Service, and Oregon Department of Agriculture. Under the Healthy Streams Partnership, the cross-agency effort with other state agencies will greatly increase. The Department will soon be placing the lab sampling procedures and analytical protocols on the Department's Internet pages to provide more accessibility.

Implementation Measure: Ensure that risk assessment includes adequate data on levels of fish consumption by various ethnic groups. Ensure that communication and outreach efforts are directed to these groups as well.

- The advisory committee expressed concerns that groups who eat more fish than the general population have a higher risk of exposure to water pollution. This issue was of particular concern for ethnic groups who use the Columbia Slough and Native Americans who fish in the Columbia River basin. Development of risk assessment related to fish consumption and issuance of advisories is the responsibility of the Oregon Health Services. In developing advisories, Health Services does address various populations based on quantity of fish consumed. Most of the data available is based on edible portions of the fish and usually does not include other body parts that might be consumed, due to high analytical costs.
- DEQ's Northwest Region Office has started the TMDL process for the Columbia Slough. The Slough is a long neglected waterbody that has serious water quality problems. Of particular concern, is the consumption of fish contaminated with PCBs, DDE, and other organic pollutants by ethnic groups. The Department is working cooperatively with various governmental agencies to undertake fish consumption surveys to determine the amount of fishing, consumption and cooking methods employed by various groups. Outreach efforts have been aimed at neighborhood groups within the Slough's boundaries. As a result of these efforts, local citizens have developed a watershed council that includes local neighborhood groups, citizens, industries and local governments. This

watershed council has been instrumental in providing a forum for presenting information and guiding clean-up efforts.

Implementation Measure: Identify ways to lessen potential water pollution from residential wells in rural areas, especially for low-income and minority communities.

- Department staff, along with Oregon Department of Human Services (DHS) staff, are working on obtaining an EPA grant under the Safe Drinking Water Act. The grant will be used to fund several technical positions including a Community Outreach Coordinator. Only public water systems (those connected to four or more households) are required to be tested for contamination. The outreach position will focus on outreach to individuals and other small systems that are not considered a public water system.

3. **Exposure to Household Pollutants** - Minority and low income groups may be more vulnerable than other populations to lead, radon and asbestos in the home, because of where they live and the level of awareness of such hazards.

Implementation Measure: Ensure that educational and outreach efforts regarding household hazardous waste and pollutants are directed to minorities and low incomes interests.

- The Department is responsible for the education and outreach regarding asbestos only DHS is responsible for education regarding household lead and radon.
- The Department developed "A Homeowners Guide: Asbestos in the Home," a 16 page booklet with information and program contacts. This booklet has been published in both English and Spanish. Distribution was accomplished through real estate offices throughout the state; 242 hardware stores throughout the state including True Value, Coast to Coast, Home Base and Builders Square; 274 libraries throughout the state; 440 lending institutions throughout the state; 1200 guides were distributed at the Portland Home Show, and the African American Chamber of Commerce distributed 200 booklets.
- A two-page fact sheet was also published in English, Spanish, Vietnamese and Russian. Distribution of the English and Spanish fact sheets was accomplished through DHS Office of Multicultural Health, county health departments and minority health centers. Russian and Vietnamese fact sheets were distributed through the International Refugee Center, Lutheran Family Services, Asian Family Center, Sponsors Organized to Assist Refugees (SOAR), Mittleman Jewish Community Center Russian Family Program, Vietnamese churches, restaurants and businesses. In the Klamath Falls area, Spanish, Russian and Vietnamese guides were distributed by SOCO Development Corporation.
- News releases announcing the availability of the guide and fact sheet were sent to all Oregon newspapers and radio and television stations, including a public service announcement in Spanish sent to 18 Spanish radio stations and programs throughout the state. Program staff spoke on a call-in program during the Spanish language program on a Portland area radio station.

4. **Land Use Siting of Facilities** - Concern has been expressed regarding the siting of industrial waste and large permitted facilities in or near areas that are predominately minority or low income population groups. Of particular interest is how local zoning practices may contribute to undue impacts on these groups. The Department currently has rules on permitting hazardous waste and PCB storage, treatment and disposal facilities. These rules contain procedures for working with local governments on planning issues, coordination and communication. The Department has addressed the communication issues under Public Participation and Communication as outlined above. The Department of Land Conservation and Development is more appropriate to deal with the planning and zoning issues, and will assume lead responsibility for this issue.

5. **Cleanup of Contaminated Sites** - Concern was focused on the adequacy and availability of information on suspected and confirmed contaminated sites.
 - Under the statewide identification program, notice of cleanup action must be published in a local paper along with the Secretary of State's Bulletin. Notice must also include an effort to notify interested community organizations and persons. This could include adjacent property owners and neighborhood associations. Any updates to the inventory of facilities that require cleanup action must be published quarterly in the Secretary of State's Bulletin and local newspapers.
 - The Department was a partner on the MLK Jr. Boulevard Community Action Committee, which was a part of the Governor's Community Solutions Team effort. The Department held several workshops designed to provide the community with information on asbestos, underground tanks, waste reduction, and contaminated sites, including what is needed to start an environmental contracting business. The Department directed outreach to property owners on the Boulevard to help accelerate the cleanup process so redevelopment of the properties could occur. This outreach included performing an environmental contamination survey of the Boulevard along with a brochure that included what agency resources are available.

Intended Future Actions

This report is the beginning of an on-going effort to address environmental equity issues. Insensitivity to diverse cultural backgrounds plays a major role in environmental equity issues and the Department needs to work on mitigating the potential for disproportionate effects on all ethnic groups in the future. To this end, the Environmental Equity Advisory Committee recommended that agencies adopt policies that incorporate environmental justice concerns into the way that the agency does business on a day to day basis. The Department is committed to ensuring environmental equity in its decisions. Staff are to refer to the DEQ principles and implementation measures. Implementation of these principles will encourage a working environment that is aware of and encourages diverse cultures and viewpoints. The EQC endorsed these principles February 28, 1997, as the Department's way of ensuring that any injustice in the future be prevented.

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