



Environmental Justice Task Force
900 Court Street NE, Salem, OR 97301

October 12, 2010

The Honorable Governor Theodore Kulongoski
160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor Kulongoski:

The Environmental Justice Task Force is happy to file the second of its annual reports as required by law. The Environmental Justice Task Force (EJTF) was created by Senate Bill 420 and is the vision of former Senator Avel Gordly. Our statutory mission is to work with state agencies and with you on issues of Environmental Justice in Oregon. We are proud to report that most of Oregon's natural resource agencies grew significantly in their understanding of Environmental Justice in our second year. As a task force, our understanding of the difficulties faced by state agencies also increased. Our joint efforts have been recognized by individuals nominating the EJTF for an award from the US Environmental Protection Agency. The assistance of the Governor's Office in the award application was invaluable, timely, and efficient, and we are grateful to you.

We have worked to establish inclusive and collaborative working relationships between our natural resource agencies and Oregon communities. One such relationship that resulted in a concrete solution to an Oregonian community was our involvement in Hayden Island. After several appearances and comments at our meetings by Hayden Island residents, the EJTF agreed to facilitate greater awareness and understanding of Environmental Justice in the Columbia River Crossing project. Many of the specific issues Hayden Island residents raised with us regarding Environmental Justice have been addressed with the support of your Offices.

As we face the mounting challenges of Environmental Justice in the next year, we do so with new EJTF leadership and the challenges for funding. Our goal is to keep Oregon ahead of the curve and embrace the challenges in a collaborative way that listens closely to the voices of communities. In April 2011 the US census data becomes publicly available. We hope that this information can refine and define the Environmental Justice mapping projects we have supported this year. In this way we can help policy makers, communities, and industries make better informed decisions about their environment.

The Honorable Governor Theodore Kulongoski
Page Two

Please find enclosed the 2009 annual report of the Environmental Justice Task Force. We are grateful for the challenge, and opportunity to serve all the residents of our state and nation.

Thank you for your time, attention, and support.

Very Sincerely,

A handwritten signature in black ink that reads "Will Collin". The signature is written in a cursive, slightly slanted style.

Will Collin
2009 Chair, Environmental Justice Task Force

OREGON ENVIRONMENTAL JUSTICE TASK FORCE

2009 ANNUAL REPORT

INTRODUCTION

Environmental Justice (EJ) is equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality, and play. "Environmental Justice communities" include minority and low-income communities, tribal communities, and other communities traditionally underrepresented in public processes.

Senate Bill 420 requires the Governor's Task Force on Environmental Justice (EJTF) to submit an Annual Report (Report) describing the progress of natural resource agencies and other designated agencies toward achieving Environmental Justice within their respective programs. The EJTF shall also identify for the Governor any other Environmental Justice issues of importance. The agencies identified by SB 420 include: Department of Environmental Quality, Department of State Lands, Water Resources Department, Department of Geology and Mineral Industries, Department of Human Services, Department of Agriculture, Public Utility Commission, Department of Forestry, State Fire Marshal, Oregon Department of Transportation, Department of Land Conservation and Development, and Department of Fish and Wildlife. With the support of the Governor's Office, the EJTF has also requested the participation of the Department of Energy, the Oregon Housing and Community Services, the Oregon Bureau of Labor and Industries, and Oregon Occupational Safety and Health Division.

This Report briefs Governor Kulongoski on the following areas:

- (1) History of EJTF efforts in Oregon; (Appendix 1)
- (2) SB 420 requirements;
- (3) Agency efforts to achieve Environmental Justice;
- (4) EJTF vision and future goals; and
- (5) Identification of Environmental Justice issues across the state.

I. Governor's Task Force on Environmental Justice

In 2007, the Oregon legislature passed Senate Bill 420, which had been proposed by now-retired State Senator Avel Gordly (D-Portland). The Act created the EJTF, which reports directly to the Governor on matters of importance and the progress of state agencies toward achieving Environmental Justice goals, and can investigate Environmental Justice issues on its own volition. The EJTF has five basic duties:

- (1) Advise the Governor on Environmental Justice issues;
- (2) Advise the natural resource agencies on Environmental Justice issues;
- (3) Identify, in collaboration with the agencies, minority and low-income communities that may be impacted by agency decision-making;

- (4) Meet with Environmental Justice communities and make recommendations to the Governor regarding the communities; concerns; and
- (5) Define Environmental Justice issues in the State.

The natural resource agencies named in the Act are required to consider the Environmental Justice (EJ) implications of agency action, engage in public outreach activities in impacted communities, hold public hearings at times and places convenient for impacted community members, and create a citizen advocate position. Other participating agencies may choose to take these actions as well, unless otherwise so ordered by the Governor. Additionally, the Directors of subject agencies must report to the Governor and the EJTF on how their respective agencies address Environmental Justice issues, increase public participation for impacted communities, determine disparate impacts on minority, low-income communities, and plan to progress Environmental Justice in Oregon.

In 2008 the agencies were asked to report on their respective designation of a citizen advocate position, and provide the EJTF with specific follow-up information. Although the agency responses varied in comprehension of Environmental Justice and thoroughness of reporting, the EJTF was able to utilize the information provided to identify the agencies' respective current state of implementation of Environmental Justice principles, as described in the first annual report.

II. Summary of Activities and Issues for 2009 Environmental Justice Task Force

Our meetings always had quorum and were full of new ideas in the context of developing new collaborative relationships with the Oregon natural resource agencies. Meeting minutes are available via the Oregon Governor's web site.

A. Meetings

We met four times in 2009 with a quorum present at each meeting.

January 16 meeting

We resolved to:

1. Engage the Oregon Department of Environmental Quality about efforts to increase the profile of EJ in the agency and to engage public participation.
2. Authorize the Education and Outreach group to draft an EJ Bill of Rights.

Legal issues, land use planning, interaction with Tribes, climate change, EPA EJ roles, enforcement of SB 420, and task force administrative issues were discussed.

April 24 meeting

We resolved to:

1. Investigate why there was a breakdown of relationships with EJ advocates during the Columbia River Crossing Project in Portland, and whether and what actions the EJTF could or should take.
2. Inform the Governor and state agencies of our position on field burning and that all areas of Oregon should be treated the same in regard to the management of field burning.
3. Support the state and local government recommendations referenced as pp 2 -5 in the document "Stimulating EJ: How States Can Use Federal Recovery Funds to Build a just and Sustainable Society" (March 16, 2009). (Appendix 2)

4. To use the document “Your Voice” for EJ in Oregon for initial public outreach.
5. The Interagency Work Group will draft language incorporating EJ into core agency competency documents.
6. Trainings should be organized for agency staff regarding EJ.
7. That a new work group be formed to help develop “customized agency plans.”

We also asked Governor Kulongoski to respond to our first annual report. We asked specifically:

1. How to best meet EJTF public participation goals without funds?
2. How does the EJTF fit into the larger environmental and social goals of the State?
3. Any expectations or guidance for the next annual report?

The Governor’s response is included in Appendix 3.

The investigation into the EJ dialogue around the Columbia River Crossing was reported: there is concern that the Environmental Impact Statement does not fully reflect EJ concerns.

Task Force member Jack Johnson discussed whether field burning rules should be limited to the Willamette Valley.

Task Force members Will Collin and Robin Morris Collin met with the Department of Land Conservation and Development regarding incorporating EJ into their land use goals (See Appendix 4, which contains Agency Annual Reports from 2008).

Task Force member Sybil Ackerman presented the draft document, “Your Voice for EJ in Oregon” as a first step to building community capacity in Oregon’s communities.

Task Force member Khalid Wahab presented an update of the Interagency Workgroup and conversations with the Department of Administrative Services regarding possible inclusion of measures of Environmental Justice as part of state agency core competency requirements. Implementation guidance for EJ was also discussed.

The EJTF formed a new subcommittee that will work with agencies directly to improve their performance and performance measures around EJ issues. This group will review the 2008 report and meet with the citizen advocates of each agency and then report back to the full task force.

July 17 meeting

We resolved to:

1. Formulate an ideal budget and identify funding opportunities.
2. Continue to research the EJ issues around the Columbia River Crossing Project.
3. That Tricia Tillman, Administrator of the Office of Multicultural Health & Services be invited to participate as an additional agency representative from the Department of Human Services.
4. To add an agency comment period to future agendas.
5. Combine the Interagency Work Group and the Report Work Group into one group that will divide into teams to assist state agencies with customized EJ work plans.
6. To hold a public event to highlight the EJTF and the “Your Voice” document

(Appendix 5).

We discussed the Columbia River Crossing. Task Force member Sybil Ackerman proposed a public participation event in Portland to unveil “Your Voice.”

Task Force member Khalid Wahab led a discussion of how to institutionalize EJ into agencies. He discussed adding EJ into job descriptions, having supervisors ask an EJ related question during employee reviews, and inserting an EJ work objective into work agreements.

The Oregon Department of Transportation presented information regarding the agency’s evaluation of tools that can be used to change people’s driving behavior. Traffic diversion from a tolled or priced facility, and effects on neighborhoods, livelihoods and businesses, are being explored.

October 23 meeting

We resolved to:

1. Participate in a panel at the Black Bag Speakers Series at Portland State University (PSU) for outreach and education.
2. Continue working with agencies to discuss ways EJ can be incorporated into agency efforts, and the development of custom work plans.

We added a new member: Dr. Marcela Mendoza, Executive Director of Centro Latino Americano, joined us as the appointment from the Commission on Hispanic Affairs.

We discussed the letter from the Governor to the EJTF. The Governor offered his assistance in our efforts to engage agencies, expressed interest in hearing how EJ ties to the following areas: health care, climate change, environmental health, and transportation.

Task Force member Will Collin discussed a recent meeting with the US Environmental Protection Agency, emphasizing Oregon’s need for EJ funding.

Task Force member Jon Ostar announced that \$15,000 has been awarded to support the identification of EJ communities in Oregon. This supports a small beginning step to a community mapping project that works with environmental threat and community vulnerability. The arrival of the 2010 Census data may provide real time data for a window period until the 2020 Census.

Task Force member Jon Ostar informed us that the Columbia River Crossing had disbanded their EJ working group even though some members may still meet. A draft environmental impact statement is complete and the final environmental impact statement sometime in the spring of 2010.

Task Force member Ben Duncan discussed new legislation (House Bill 2009) which authorized the creation of a new health care agency, the Oregon Health Authority (OHA). The bill authorized the transfer of duties, functions and powers with respect to health and health care under the Department of Human Services (DHS) to this new agency. Ben discussed the possibilities for collaboration with the Oregon Health Authority in the future.

Task Force member Sybil Ackerman discussed planning the outreach event at PSU.

We discussed the first step in developing Customized Agency Work Plans. The Governor's Office requested responses from the agencies on the following topics: steps accomplished by agencies, areas to work on in the coming year, and what agencies would do with additional EJ funds.

Task Force member Will Collin provided an overview of the *Rosemere* Case, which held US Environmental Protection Agency in violation of Civil Rights complaints procedures (See Appendix 6).

B. Public Participation

Public participation remains one of the primary concerns of the EJTF. It is a legislative mission for which we lack necessary funding. One of our meetings was held in Corvallis, Oregon to make it more accessible for some stakeholders. Public inclusion in environmental decisions often comes through meaningful public participation. Rural communities face challenges of long distances and over night stays away from family to participate in unfamiliar forums, as do most Environmental Justice communities.

The public participation we did receive was timely and important. There was concern expressed over the Columbia River Crossing and the biomass incinerator in Lane County.

In 2009, the EJTF began planning for an event to help us increase community capacity to engage in environmental decision making. The event was ultimately held March 10, 2010 at Portland State University, as part of their Black Bag Speaker Series. Approximately 70 people attended, including numerous students. Refreshments and child care were provided. Speakers included:

Avel Gordly, Portland State University
Robin Collin, Willamette University
Mikell O' Mealy, Department of Environmental Quality
Benjamin Duncan, Multnomah County Health Department, and
Jeri Sundvall Williams, Community Activist.

The results of the event will be included in the 2010 Annual Report.

III. Agency Custom Work Plans and Agency Environmental Justice Reports

A. Agency Custom Work Plans

In 2008, the EJTF reviewed every agency's mission, description, and preliminary Environmental Justice concerns. These are now listed in the 2009 report in Appendix 4. The EJTF has initiated the process of working with the subject agencies to begin identifying agency actions that implicate Environmental Justice. The EJTF will continue to work with all agencies on broad issues, as well as individual agencies to evaluate specific programmatic operations and ensure compliance with this Act. This effort is a work in progress. The EJTF has met with about 2/3 of the agencies.

Environmental Justice issues are unique to each agency. The respective state agency, the potential issues, the assigned EJTF members with the lead designated, and the meeting status, are in Appendix 7. The purpose of these meetings is also to integrate agency annual reports into the development of agency work plans.

B. 2009 Agency Environmental Justice Annual Reports

One factor driving the interaction with the subject agencies is the legal requirement of an annual report that addresses Environmental Justice issues. Small groups of the EJTF met with agency personnel to discuss Environmental Justice issues as described above. Eleven of the 14 agencies identified the statute for the Environmental Justice Task Force submitted an annual report for the year 2009.

In a spirit of collaboration under budgetary constraint, state agencies fulfilled their legislative obligation. They transmitted their annual Environmental Justice reports for 2009. As a whole, these reports reflect a thoughtful consideration of Environmental Justice in agency policy development and implementation. Some reflect a proactive stance to avoiding environmental injustice. Others state a need for training, and training funds, for Environmental Justice. All Oregon natural resource agencies are aware that Environmental Justice, while sometimes controversial and misunderstood, is an important issue in day to day operations and in strategic planning. Cross cutting issues of fees, climate change, and sustainability are discussed in the summary, page 14. Most agency reports show significant progress supported by shared agency awareness of the collaborative goals of the EJTF, and seem poised to do more proactive work to prevent environmental injustices.

Agency descriptions from the 2008 Annual Report are listed in Appendix 4. They are more extensive than the following responses. What follows is a brief summary of the Agency EJ reports for 2009. These summaries make no judgment regarding the performance of any given agency. These summaries report their activities from their reports to EJTF.

The Department of State Lands

The Department of State Lands has actively assisted the EJTF in its duties. It continues to support a Citizen Advocate position it created last year. DSL participated in a discussion of the Agency's Removal-fill and Land management programs with EJTF. They are examining possible outreach approaches, training, and language translations.

Department of Transportation

The Oregon Department of Transportation (ODOT) must comply with several federal laws and rules regarding Environmental Justice. They comply with Executive Order 12898, Title VI of the Civil Rights Act, and the National Environmental Policy Act. ODOT has developed procedures and processes to ensure compliance with these regulations. ODOT staff receives regular trainings on Environmental Justice, and are currently considering a variety of methods to improve record keeping and accountability for Environmental Justice issues, concerns, and complaints.

ODOT staff uses Census and other data, along with public input on specific projects, to assess the likelihood of the presence of low income and minority populations within project areas. Additional analysis may be required should these populations be present and possibly affected by projects. Census blocks where the minority population is greater than the surrounding county, and Census block groups where the low income population is greater than the surrounding county, are identified. ODOT also captures Environmental Justice information in the Part 3 of NEPA documentation and in the Project Close-out form.

ODOT has developed guidance documents for use in evaluating Environmental Justice issues related to transportation. A description of ODOT's Title VI and Environmental Justice program is accessible via ODOT's web site – www.oregon.gov/ODOT/CS/CIVILRIGHTS/title_vi.shtml.

In terms of public involvement, ODOT engages and involves the community in important transportation issues by providing early, open, continuous and effective public participation in key planning and decision making processes. Balancing increasing community capacity building with soliciting input is also a policy, with a result of greater mutual trust.

ODOT recently developed a comprehensive Public Involvement Plan (PIP) and process. The PIP calls for the preparation of an individual assessment for each project to establish the appropriate level and sequence of public involvement activities. Documentation is compiled and maintained in the Project Manger file.

There is an Environmental Justice complaint process. If Environmental Justice complaints are received by ODOT or sub recipients they are forwarded to either the Regional Office or directly to the Office of Civil Rights. They determine if the complaint is legitimate or appropriate, and if so, the Office of Civil Rights investigates.

In terms of reporting on Environmental Justice issues, ODOT polls each regional office for Title VI or other Environmental Justice complaints. Currently ODOT is being audited for Environmental Justice processes, procedures, and protocols. The results of this audit will be included in 2010's EJTF Annual Report.

Region 1 of ODOT is monitoring issues around the Columbia River Crossing very closely. Issues of Environmental Justice around transportation issues at Columbia River Crossing and Haydn Island were raised in public testimony in 2009.

Board and Department of Forestry

This agency focuses on policies that maintain forests. Forests provide many benefits to many stakeholders. Family forest landowners face issues of rising real estate values, increases in forest and fire management costs, restricted timber markets, limited mechanisms for deriving income from forests' environmental values, such as wildlife habitat, clean water, and storage of greenhouse gases. As the population of Oregon continues to grow, the interface with developed areas and forest lands increases.

The Board and Department of Forestry plans to promote biomass use to improve forest health, help address renewable energy needs, and provide economic activity in resource

dependent communities. They are promoting market mechanisms that allow forest owners to derive economic returns from greenhouse gas storage and ecosystem services that forest lands provide. This would help make forestland more economically viable and prevent land fragmentation that erodes ecosystem value.

With funding challenges, it is difficult for this agency to move more aggressively in public outreach. However, they are exploring targeted use of social media, especially those serving under represented populations.

Department of Land Conservation and Development

The Department of Land Conservation and Development (DLCD) along with the Land Conservation and Development Commission (LCDC) oversee Oregon's statewide land use policy. Part of these policies is statewide planning goals which are tied to each jurisdiction comprehensive local land use plans. Environmental Justice issues are addressed in these goals. They are addressed in Goal 1 – citizen participation, Goal 10 – housing, Goal 11 – Public Facilities, and Goal 12 – Transportation.

The DLCD is working the Oregon Department of Transportation to staff the Metropolitan Area Planning Organization Greenhouse Gas Task Force. They are also doing scenario planning around land use patterns, beginning to assist communities in preparing for climate change (including mitigation Planning), conducting some policy forums around public facility finance and planning issues facing local governments, and revising agency procedures, as necessary, to implement Environmental Justice requirements in 2007 Senate Bill 420.

In terms of public participation LCDC hold meetings across the state, working to improve the access to them by the community where the decision is occurring. They have a committee focused on citizen involvement called the Citizen Involvement Advisory Committee. This committee began an award program that recognizes communities, organizations or individuals that are meaningfully involving citizens in local land use decisions. They also maintain a website and have publications on it available to citizens with access to a computer.

DLCD is just beginning to determine the effect of the Agency's decisions on traditionally underrepresented communities, and will work with the EJTF to refine its own EJ workplan.

Department of Fish and Wildlife and Oregon Fish and Wildlife Commission

ODFW works closely with Tribes, and meet regularly with tribal representatives when policy and regulations that impact tribal members and interests are developed. The Commission meets with the public 12 times per year. They enhance their public processes with regular receptions, field tours and workshops that are open to Environmental Justice communities and interests. They provide extensive public outreach to constituent groups when developing big game and fishing rules and regulations. They are planning an Environmental Justice training sponsored by the US Fish and Wildlife Service, in collaboration with the US Environmental Protection Agency, and extended an invitation to other state natural resource agencies to attend.

Department of Agriculture

ODA identified field burning and farmworker pesticide exposure potential as their primary 2009 issues. They identified rural communities and non – English speaking customers as having the most potential to be disproportionately impacted by its programs and regulatory decisions. ODA works with Oregon Occupational Safety and Health Agency and Oregon State University Extension Service to provide education and training on the use of pesticides and alternatives. ODA works with watershed councils, soil and water conservation districts, and community organizations to reach local communities to address issues related to pesticide use, worker protection, and water quality. They translate their materials into Spanish, Russian, and Southeast Asian languages. They are examining rural sub populations for disproportionate environmental impacts.

Department of Environmental Quality

DEQ is often at the front lines of Environmental Justice, and this annual report reflects a strong and growing Environmental Justice policy within DEQ. DEQ reports that while important initial steps have been taken, much more is needed to strengthen the agency’s ability to identify and address Environmental Justice issues in Oregon.

In 2009, DEQ took important initial steps to establish a framework for identifying and addressing Environmental Justice issues. They developed a new internal and external web link about Environmental Justice concerns. They pursued funding for community mapping with community groups. Some of the staff has received training, and new trainings were developed. DEQ has also worked with the EJTF to develop position descriptions and performance evaluations to encourage Environmental Justice as part of cultural competency at DEQ. DEQ has also responded to questions about field burning from EJTF.

DEQ also deals with Environmental Justice issues of fish consumption, diesel emissions, nail salon workers, and toxics reduction. DEQ has taken many steps to increase the participation of individuals and communities affected by the agency’s decision. Their new external web page invites community members to contact DEQ’s citizen advocate. Their internal web page allows DEQ staff to learn about Environmental Justice in a non threatening environment. DEQ continues to build stronger relationships with Tribes on a government to government basis.

DEQ has taken a strong and growing stance on Environmental Justice and has been a strong partner in collaboration with the EJTF.

The Office of the State Fire Marshal

The Office of State Fire Marshal (OSFM) actively participated in the activities of the EJTF during 2009. OSFM staff has had initial meetings with EJTF membership to discuss the first steps in developing a customized agency work plan. OSFM continues work to identify program areas that may impact Environmental Justice communities to insure inclusion in the work plan.

Water Resources Department

Despite severe budget challenges, did take important steps in four areas. They 1) began work with the EJTF on a one to one basis to begin development of a customized Environmental

Justice work plan, 2) provided a forum at its regularly scheduled Task Force meetings to share information and resources with other natural resource agencies, 3) developed definitions and understanding of “Environmental Justice,” enhancing their cultural competency, and 4) supported efforts to develop an Environmental Justice community mapping system. They maintain a relationship with Oregon’s federally recognized Tribes. They held a tribal/state water forum on November 19, 2009. They have also begun the development of an Integrated Water Resources Strategy, working with the Legislative Commission on Indian Services. They strongly encourage participation of potentially impacted stakeholders, small business owners, and members of the general public. They have also provided a direct link for general information about Environmental Justice that is scheduled for activation February 2010. They have examined position descriptions and performance review standards for competency in Environmental Justice. They are actively seeking specialized Environmental Justice trainings.

Department of Geology and Mineral Industries

The Oregon Department of Geology is the lead state agency for earth science, natural hazards effecting Oregon, associated education and outreach, regulation of geologic resources including aggregate, industrial minerals, precious and base metals, oil, gas and geothermal resources. The agency continues to identify opportunities to increase public participation of individuals and communities affected by agency decisions.

The department has made the assumption that it can best implement the goals and purposes of Environmental Justice by insuring the agency leadership that is the Governing Board, director and assistant directors fully understand the principles of Environmental Justice. To that end, members of the Environmental Justice Task Force discussed the goals and purposes with the above mentioned agency leadership on January 15, 2010. The Board then directed Gary Lynch to work with all agency personnel to develop an Environmental Justice program. Ultimately, the goal is to educate staff on the subject so that they can best relate their specific work and how it can support Environmental Justice.

The agency has made Environmental Justice a standing agenda item. The agency is currently identifying effective ways for agency decisions to properly consider underrepresented communities.

Department of Human Services/Oregon Health Authority

The Oregon Department of Human Services/Oregon Health Authority is comprised of five divisions. The Office of Multicultural health is in the Directors Office. The Oregon Health Authority was created in 2009.

Office of Multicultural Health (OMH) uses its own programs and works with local partners to address health disparities. This includes training and conferences, community and media events, and data collection and analysis. They reach out to underrepresented groups such as rural Pacific islander communities, urban refugee populations, and senior citizens of color to learn about their health concerns and devise innovative strategies to devise ethnic specific health disparities. Video conferences, state policy development, and sensitivity to the existence of ethnic populations led to further outreach to Micronesian communities living in Eastern Oregon as well as Marion County.

The OMH continues to focus on the six health disparity areas prioritized by the Oregon Governors Task Force on Racial and Ethnic Health: 1) Access to health and mental health, 2) HIV/AIDS, 3) substance abuse, 4) diabetes, 5) asthma, and 6) lead poisoning.

The OMH has made significant progress in the implementation of its Health Care interpreter (HCI) Certification program. They have:

1. Created a HCI registry with state certified licensing software.
2. Awarded a vendor to develop exams in Vietnamese and Russian to test oral proficiency.
3. Researched the business and legal case for the need for qualified and certified medical interpreters.
4. Updated the HCI Council membership.
5. Developed HCI registry application form informational pamphlet and posters.

The OMH provided some small grants to nontraditional community based organizations in the Portland metropolitan areas that serve racial and ethnic communities. The original intent was to focus on statewide outreach. Due to limited staff resources, strategies shifted to support urban area organizations. A summary of their activities is listed with their full report, which is on the Governor's web site at http://www.oregon.gov/Gov/GNRO/environmental_justice.shtml.

The Office of Environmental Public health is located within the Public Health Division. It houses a Research and Education Services Section (R & E). The RE is Oregon's primary point of scientific and technical expertise on diverse health concerns in the built and natural environments. They help Oregonians understand the risks they may encounter from environmental hazards and steps they can take to eliminate or reduce those risks. Environmental Justice is considered the cornerstone of the work performed a RE. They recognize the ways in which members of underrepresented communities are both disproportionately burdened by exposures to environmental threats and have limited political influence or ability to mitigate such threats.

The RE works with many levels of community including: concerned citizens, environmental and community advocacy groups, local, state, and federal elected officials, academic scientists and programs, private industry, medical providers, local health departments, environmental regulatory agencies, and other Oregon state agencies.

They run a Toxicology Consulting Services team that routinely responds to more than 200 calls each month on dozens of topics. They run an Environmental Public Health Tracking (EPHT) program, Hazardous Substance Incident Surveillance (HSIS) program, and Health Impact Assessment Program (HIA) program. In terms of lead, they administer the Adult Blood Lead Epidemiology and Surveillance (ABLES) and the Childhood Lead Poisoning and Prevention (CLPP) programs. This particular team also administers and enforces EPA rules through the Lead Based Paint (LBP) program.

RE runs many programs related to Environmental Justice. They are listed in their report. Several emphasize the importance of community education and outreach. These programs include the Environmental Health Assessment Program (EHAP), Occupational Public Health Program (OPHP), Pesticide Exposure Safety and Tracking (PEST), Lead Poisoning Prevention (LLP) program, and Clandestine Drug Lab (CDL) program.

Other programs includes OPHP which identifies the occupations, industries, special populations that have the highest risk of injury, illness, or death in order to develop targeted intervention strategies. Schools, daycare centers, businesses, Tribes, local governments, natural resource organizations, state agencies, the medical community, and the general public are served. To highlight the intersections between environmental health, chronic diseases triggered by lifestyle issues and lifelong stress, and social justice, and R & E staff member organized viewing and discussion sessions.

This agency runs many programs related to some of the missions of the EJTF, and the reader is invited to examine the full report accessible via the Governor's web page (http://www.oregon.gov/Gov/GNRO/environmental_justice.shtml).

Additional Agency Report Summaries

Occupational Safety & Health Division

The Department of Consumer Business and Services was not a named agency under Senate Bill 420, but were invited to attend by the EJTF and the Governor's Office. They have participated in our deliberations, activities, and outreach efforts. One of the changes in this agency was shifting enforcement targeting priorities from places with the higher number of workers' compensation claims to enforcement in places with higher risk of injury or illness to workers.

Department of Energy

In its 2009 report ODOE lists its many programs that provide assistance to Environmental Justice communities: Low interest energy loans, Business and Residential Energy Tax Credits and pass through program, rental and home oil weatherization programs, and working with rural communities to develop renewable energy resources. In 2010 they, with Oregon Housing and Community Services, will provide 3.6 million dollars in rebates to replace 1800 non-functioning and low efficiency heating systems. The rebate voucher can be used for 70% of the cost of equipment up to \$2000, plus installation. They work with Oregon's Native American Tribes, both state wide and nationally. They have worked to reduce carbon dioxide emissions along I- 5 transit corridor through retrofits and use of biofuels.

IV. TASK FORCE OBJECTIVES

The EJTF also seeks to ensure that subject agencies receive sufficient training on Environmental Justice principles so as to address the requirements of this Act. The EJTF has established an Inter-Agency Subcommittee in an effort to encourage inter-agency collaboration and develop an agency "tool kit" for addressing Environmental Justice issues. This subcommittee

has identified potential models for web-based tools, and is exploring core competency standards to ensure that agency managers are qualified to address concerns around Environmental Justice.

Pursuant to the Act, the EJTF will seek to provide general outreach to Environmental Justice communities throughout the state. The EJTF has created an Education and Outreach Subcommittee to direct such educational and outreach efforts. The EJTF has already heard testimony from individuals and non-profit organizations on various issues, and the EJTF will develop means to afford citizens and community groups a meaningful opportunity to participate in the decision-making process.

The EJTF will work to develop an Environmental Justice program that is most appropriate for statewide issues with the intention of building capacity within state agencies and local communities to collaboratively address and ameliorate Environmental Justice concerns.

The EJTF has identified budget restraints and legal restrictions as being current potential obstacles to effectuating the goals of this Act. As the task force continues to work with subject agencies and engage impacted communities, it will better be able to advise the Governor on the specific barriers to Environmental Justice and on ways to overcome such obstacles. The EJTF has already identified Oregon's statewide land use planning goals as an area of focus, and will look to amend and/or develop new planning goals that are inclusive of Environmental Justice principles. The founding chair, Professor Robin Morris Collin, and current chair, Will Collin, met with the head of the Department of Land Conservation and Development to discuss this.

V. IDENTIFICATION OF ENVIRONMENTAL JUSTICE ISSUES

The EJTF is charged with identifying significant Environmental Justice issues and areas of concern throughout the state. Through the work of various agencies, community-based organizations and stakeholders, many Environmental Justice issues have already been identified and prioritized.

The EJTF has received public comment identifying disproportionate protection from field burning, as provided by current state law, as an issue of importance for rural communities. As discussed above, climate change is also a broad-reaching issue of importance that touches upon many aspects of Environmental Justice. The EJTF will continue to work on identifying such issues across the state in our attempt to create better understanding and resolution of such injustices.

SUMMARY

The second year of the EJTF saw the development of important state agency relationships. Constructive ways to efficiently engage Environmental Justice at the state agency level were developed and shared. The participation of state agencies in times of budgetary constraints and furloughs was much appreciated. We are also grateful for the staff assistance of Jessica Hamilton Keys, a Natural Resources Policy Advisory to Governor Kulongoski.

Our second year also saw the beginnings of community capacity building, although that

remains a challenge. The outreach event at Portland State, hosted by the Black Bag Lunch Series, represents our first steps to learn from our constituent communities about how best to increase our collective capacity to engage in Environmental Justice issues.

Last, it saw the growth and development of proactive Environmental Justice policy in terms of mapping ideas, managerial competencies, and outreach approaches.

Funding remains a significant challenge for the activities of EJTF and the legislative requirements of Senate Bill 420. Ideally, the EJTF would benefit from an authorization to apply for and receive and disperse federal EJ funds.

Crosscutting Environmental Justice Issues

Identification of environmental issues that cut across state agencies is important because we can help state agencies develop less expensive and more efficient policies. When agencies can share resources and learn about new issues central to their mission then government resources can facilitate responsive policy changes.

A. Climate Change

One critical issue that has been identified by the EJTF as implicating Environmental Justice is climate change. The EJTF recognizes that several groups are presently working on climate change issues at the state level, including a Climate Change Commission and various working groups. Environmental Justice communities may be impacted by climate change through myriad, and potentially conflicting, ways. Such communities may be directly impacted by the effects of global warming, resulting in disproportionate health risks. Low-income and minority communities may also be indirectly impacted by rising energy costs associated with alternative energy programs and energy efficiency programs. Such indirect economic impacts can be equally disruptive to vulnerable communities and result in greater human health risks. Given these concerns, it is very important that Environmental Justice issues are prioritized and considered by any and all commissions, working groups or other bodies addressing climate change issues.

B. Sustainability

Another cross cutting policy issue is Sustainability. Disproportionateⁱ environmental impacts in any ecosystem make it hard to be sustainable. Many Environmental Justice communities that are on the receiving end of disproportionate environmental impacts do not feel represented or meaningfully included in the decisions around sustainability.

Conclusion

The year 2009 was busy for the Environmental Justice Task Force. There was the beginning of success in some missions, such as establishing collaborative relationships with state natural resource agencies. Meaningful public participation and engagement remain the most challenging activities to accomplish. These will require more resources.

Appendix 1

BACKGROUND

A. *Oregon Environmental Equity Citizen Advisory Committee*

In 1993, Governor Barbara Roberts established the state's first Environmental Justice task force, called the Oregon Environmental Equity Citizen Advisory Committee. Governor Roberts appointed members of this Committee to assist the Department of Environmental Quality (DEQ) and the Oregon Health Division in examining how state environmental programs resulted in disparate health problems. Through public interviews and surveys, DEQ identified six primary equity concerns:

- (1) Public participation and communication procedures;
- (2) Water pollution;
- (3) Farmworker exposure to pesticides;
- (4) Common household pollutants (i.e. lead);
- (5) Land-use siting of facilities; and
- (6) Contaminated site cleanup.

The Committee made recommendations focused on improved outreach and education strategies in response to each of these primary issues.

The Committee also made specific recommendations focused on institutionalizing environmental equity within State natural resource agency operations:

- (1) Establish an Environmental Equity Advisory Board;
- (2) Mandate diversity for State agency hiring practices;
- (3) Require diversity and cultural competency training for State agency staff;
- (4) Provide for meaningful involvement from diverse community stakeholders.

The Committee had difficulty implementing the recommendations to institutionalize environmental equity principles, lacking legal and/or political leverage to execute the specific goals. The Committee also recognized that industry representatives should have been included in the dialogue.

B. *Governor's Environmental Justice Advisory Board*

In 1997, Governor Kitzhaber enacted Executive Order 97-16, creating the Governor's Environmental Justice Advisory Board (GEJAB). The primary responsibilities of the GEJAB were to evaluate how the State natural resource and environmental protection agencies were implementing the recommendations from the 1994 Oregon Environmental Equity Citizen Advisory Committee report, and to propose solutions to environmental injustices in Oregon. The GEJAB had difficulty evaluating the agencies' respective compliance due to the agencies' insufficient reporting and GEJAB's lack of resources to obtain independent data. Of the agencies that did respond, a majority claimed to have systems in place to promote access to their services, including outreach efforts and bi-lingual staff.

Overall, the GEJAB concluded that most state agencies had made limited progress towards

implementing the Committee's 1994 recommendations. GEJAB recommended that the Governor direct the agencies to take the following action:

- (1) Provide agencies with a deadline to implement the 1994 recommendations;
- (2) Encourage collaboration between communities, businesses and state agencies;
- (3) Correlate existing data on environmental health risks with information on race, ethnicity and economic status to determine patterns of disparate impacts;
- (4) Prioritize cumulative health impacts in regulatory decision-making and provide such information to the public through a participatory process;
- (5) Encourage state agencies to conduct public meetings in the evening and provide childcare options whenever possible;
- (6) Increase agency involvement and outreach around the state, especially rural and non-metropolitan areas; and
- (7) Create a Citizen Advocate position for each natural resource agency to ensure citizen access to information and participation in the agency decision-making process.

Appendix 2

Stimulating Environmental Justice:

How the States Can Use Federal Recovery Funds to Build a Just and Sustainable Economy

Stimulating Environmental Justice:

How the States Can Use Federal Recovery Funds to Build a Just and Sustainable Economy

Note: This statement has been authored by a small working group¹ of community-based environmental justice leaders. We intend for this document to be used by the environmental justice movement and our supporters to influence the disbursement of unprecedented federal recovery funds in our respective states. This working group will also release a more detailed report on environmental justice and the green economy in May 2009. Please direct any comments or questions to Penn Loh at penn@ace-ej.org.

PLEASE SIGN ON TO THIS STATEMENT. To endorse this statement, please send an email to penn@ace-ej.org with your name, title, and affiliation, and whether you are endorsing as an individual or organization. This statement and a list of endorsers are also available at <http://ejstimulus.wordpress.com>.

Our Vision and Talking Points for a Just and Sustainable New Economy

Since the 1980s, the environmental justice movement has been at the forefront of crafting sustainable solutions to local and global environmental and economic challenges. Although we were often perceived as an oppositional movement, community-based environmental justice groups have been pursuing a vision of community self-determination, green economic alternatives, sustainable use and replenishment of natural resources, and harmony with Mother Earth.

We are now on the cusp of a great transition, as profound as that of the Industrial Revolution. Whether we emerge as a sustainable and healthy new world or fall into ecological collapse depends on the choices we make in this moment. President Obama has set a new tone for our democracy, based on making the right choices for our children and generations to come.

- **The unprecedented American Recovery and Reinvestment Act (“Stimulus” or ARRA) is a unique opportunity to promote change on a scale that has not been seen since the New Deal.** How we spend \$787 billion of our Federal funds may be the start of the greatest legacy our generation leaves to the future.
- **Stimulus spending decisions at the state and local level should be guided by and accountable to all communities,** particularly those that historically have been most impacted by environmental degradation, and especially those that have been marginalized in policy discussions.
- **If we are to avert calamitous climate change, we know we cannot continue “business as usual.”** We must end our addiction to nonrenewable fossil fuels and learn how to live in harmony with the natural systems that we depend on. This transformation will require deep restructuring, not just the adoption of green lifestyles by those who can afford it. It will require systems that do not depend on the exploitation of nature and people. It will require a shift from a throw-away consumer culture, in which certain peoples and lands are seen as expendable. It will require new ways of defining wealth and the American Dream that de-link our well-being from over-consumption of Earth’s resources.

¹ Working Group Members: Bill Gallegos (Communities for a Better Environment, Los Angeles), Denise Perry (Power U, Miami), Kalila Barnett and Penn Loh (Alternatives for Community & Environment, Roxbury Massachusetts), Diane Takvorian (Environmental Health Coalition, San Diego), Burt Lauderdale (Kentuckians for the Commonwealth), Peggy Shepard and Cecil Corbin-Mark (West Harlem Environmental Action), Donele Wilkins (Detroitters Working for Environmental Justice), Roger Kim (Asian Pacific Environmental Network, Oakland).

- **Stimulus funds must represent long term investments in the flourishing of our communities**, and in the productive future and life opportunities of many generations to come. Stimulus funds must incentivize the nation in minimizing consumption and reliance on fossil fuels, which are key sources of pollution and illness in communities of color and low income communities.
- **This great transition towards sustainability will be the ultimate test of our democracy.** These decisions will affect us all profoundly and reshape our relationship to Mother Earth and to one another. It will require all of us to raise our voices and participate fully to decide how we will move together into a new era.
- **Sustainability is fundamentally a matter of justice.** These decisions will determine who will have opportunities now and in future generations to access, share, and control new green wealth. Poor and marginalized communities need to benefit equally from Stimulus legislation.
- **Equitable sharing of this new “green wealth” must be part of any definition of sustainability.** A transition in which the majority of the world’s people remain in poverty and lack basic human needs is not stable, secure, or, in the long run, sustainable. As long as the costs of environmental degradation (so-called “externalities”) remain hidden and fall disproportionately on historically marginalized communities, existing profit models will allow for the continuance of “business as usual.”
- **As the “canaries in the coal mine” coming from “fence-line” communities, environmental justice communities have tremendous experience fighting unfair burdens and shaping sustainable and just alternatives.** Our grassroots struggles have been blazing the way towards a more sustainable, democratic, and just society. *We encourage our state and local governments to call on our expertise and use our local and regional work as valuable models on how to build a 21st century sustainable infrastructure and an economy that benefits us all.*

Recommendations for State and Local Stimulus Spending

Each state will be making choices about how to spend the federal stimulus. We believe that there are three key principles that should guide the Stimulus towards building sustainability and democracy. Under each principle, we set forth recommendations for implementation.

a. Enable full, meaningful participation of all communities in spending decisions.

Environmental justice groups have modeled processes that enable our communities to “speak for ourselves” and engage in democratic self-determination. The participation of those that have historically been adversely affected by the current unsustainable economy is critical to ensuring effective long-term solutions.

- **Actively solicit input** of lower income communities and communities of color on how funds might stimulate the overall wealth, well-being, and life opportunities of their neighborhoods. Fund the monitoring and evaluation of the Stimulus impact on environmentally and economically distressed communities.
- **Tap community expertise.** While state processes for administering ARRA funds will differ, each state has access to established coalitions and service organizations that can help solicit community input. In states such as California, Massachusetts, and New York, statewide

coalitions already exist that can help state leaders host community input sessions expediently and effectively.

- **Invest in the timely enforcement of ARRA's accountability and transparency provisions.** While several accountability guidelines exist within the ARRA, the states will be responsible for establishing and maintaining the systems to collect and publicly report data. The following data, only some of which is mandated by ARRA, is vital to ensuring equity:
 - Race, ethnicity, socio-economic status, and gender of those benefiting from the Stimulus, including those receiving jobs, training, and other funds.
 - Number of jobs created and/or supported and the wages/benefits of those jobs.
 - Environmental benefits and impacts, and the geographic areas most directly affected.
 - List of private, public, and nonprofit entities receiving funding, as well as their Boards, and their executive staff.
- **Pilot new evaluation tools and indicators** to measure the impact of Stimulus spending in terms of human well-being, community cohesion, and sustained ecological integrity. Such tools would measure the impact of Stimulus spending on meeting basic human needs and sustaining local ecologies. Examples of alternative indices include the Genuine Progress Indicator and Index of Sustainable Human Welfare.

b. Invest only in truly sustainable infrastructure and economic development.

Environmental justice groups have promoted many policies that have raised environmental and health standards for all and have ensured that new development is truly green. We must be vigilant to ensure that new public investment builds the infrastructure for a new era of sustainability and does not perpetuate "business as usual" whereby benefits are reserved for the privileged few.

- **Fund processes that ensure enforcement of environmental, labor, health, safety, and non-discrimination regulations** in all Stimulus projects across all governmental, industrial, and agricultural sectors. While the ARRA contains guidelines to this effect, the states have the responsibility for overseeing their enforcement.
- **Invest in energy efficient, green, and affordable housing** for low and moderate income residents and families.
- **Phase out old polluting power sources (fossil fuels and nuclear) and rebuild our energy infrastructure clean and green:**
 - Meet energy demands in the following priority: 1) energy efficiency; 2) demand reduction; 3) renewable energy and distributed generation. This means that energy efficiency projects, especially in low income communities, take priority over new power plants.
 - Retrofit our buildings and homes to save energy, with a focus on reducing costs to lower income residents and locally owned businesses.
 - Prioritize development of local renewable energy infrastructure over building new transmission lines.

- Phase out old polluting power plants. Replace them with clean, locally distributed generation resources.
- Refuse to approve new conventional power plants in already impacted communities.
- Require that 33% of energy come from renewable resources by 2020.
- **Provide assistance and incentives to local and state governments to reduce carbon use and other environmental impacts** (through weatherization and energy retrofits of publicly owned buildings and schools, water conservation, community education, green building policies, etc.).
- **Direct transportation funds to public transit and alternative transportation infrastructures** (sidewalks, bike lanes) and away from highways and roads.
- **Prioritize transit investment to economically distressed communities** to increase access to economic opportunities and maintain affordability of fares.
- **Ensure the maintenance and sustainability of existing transit infrastructures** before expanding new transit lines.
- **Fund infrastructure projects that are consistent** with equitable development, regional equity, and smart growth principles.

c. Create shared green wealth.

Environmental justice groups are pioneering community-driven models for green development that also build wealth, opportunities, and assets within our communities. A portion of Stimulus appropriations for any approved project should include sufficient funds to monitor and publicly report project spending, ensuring that marginalized communities are benefiting equitably.

- **Prioritize investment in chronically economically distressed communities.**
- **Invest in programs that build community involvement** in neighborhood stabilization and revitalization projects, including developing anti-displacement and community engagement policies and ensuring that these projects result in local benefits for current residents.
- **Invest in and promote wealth creation and entrepreneurship** programs in communities of color and low income communities.
- **Ensure job standards, worker health and safety, living wages, and local hiring** for all work generated by recovery funds.
- **Protect the rights of workers in the new green economy to organize through labor unions and workers coalitions.**
- **Target hiring for jobs generated by the Stimulus** towards the chronically unemployed and underemployed (especially our youth ages 18-24). Ensure that such jobs have growth potential.
- **Provide a just transition** for workers in the fossil fuel industry and others who will be displaced as the economy becomes sustainable. This transition includes job training and targeted hiring.
- **Establish education and job training programs** to increase access to green jobs and careers by those who have been chronically under and unemployed. Prioritize institutions that already

have effective programs for engaging and supporting our disadvantaged communities. Enable these programs to serve as placement sources for jobs created by Stimulus funding.

- **Fund primary and secondary education** to prepare children to access the full range of future job opportunities in the green economy, from research and development, to construction, sustainable community development, and manufacturing.
- **Ensure contracting opportunities** for local women and minority owned businesses and community non-profit and Tribal organizations. At the same time, increase access for these entities to capital and technical assistance.
- **Establish incentives and assistance** for non-profits, municipalities, cooperatives, and small businesses, including financial planning services and capacity grants, to develop green energy and infrastructure projects that are on par with those of private sector corporations.

Conclusion: The Stimulus is just the *first mile marker* along a new path of sustainability and justice. Whether we can stay on track and move forward depends on many of us coming together in new ways, and uniting around a vision that is as green as it is equitable.

Here are some resources and links that may be helpful.

Green For All and PolicyLink report:

“Bringing Home the Green Recovery: A User’s Guide” (PDF)

An excellent primer explaining key leverage points and strategies available to advocates. Includes outlines for the many budget categories, agencies, and goals provided for in the Stimulus plan.

State sites for administering the Stimulus package, from Recovery.gov:

<http://www.recovery.gov/?q=content/state-recovery-page>

This subpage to Recovery.gov, the key destination site for the White House on the Stimulus package, links to a growing list of states’ Stimulus administration sites.

Progressive States Network resource page:

“Implementing the Recovery Plan”

<http://www.progressivestates.org/stimulus>

A comprehensive list, by issue area, of resources for state legislators and advocates.

Apollo Alliance report:

“American Recovery and Reinvestment Act of 2009 – Opportunities for Cities and States” (PDF)

Memorandum identifying several steps for local advocates seeking to become involved in state-based Stimulus processes.

New York Times Interactive Map and article:

“Stimulus Spurs Road Projects, Big and Small”

<http://www.nytimes.com/2009/03/04/us/04states.html?pagewanted=2&hp>

Describes general approaches to state-based appropriations processes, with a sidebar describing various states’ transportation spending plans.

Interactive Map from Center for American Progress:

http://www.americanprogress.org/issues/2009/02/compromise_map.html

Presents estimated block grant distributions by state, calculated by the Center for American Progress.

White House Report on Jobs Created:

American Recovery and Reinvestment Plan: Job Impact by Congressional District (PDF)

Provides district by district numbers on jobs to be created as a result of the Stimulus Plan.

Article from Stateline.org:

“Governors to Track Stimulus Money”

<http://www.stateline.org/live/details/story?contentId=375439>

Describes governors’ panels to administer Stimulus funds. Includes a sampling of how some governors are preparing for their Stimulus package, ie:

- Kansas Democratic Gov. Kathleen Sebelius’ task force made up of state Cabinet officials and legislative leaders has already met to discuss potential projects.
- Maine Gov. John Baldacci (D) has launched a Web site to track how funds are being used.
- Missouri Gov. Jay Nixon (D) appointed 26 people to a new “economic stimulus coordination council.”
- Wisconsin Gov. Jim Doyle (D) is looking for ideas for projects on www.recovery.wisconsin.gov.

Progressive States Network Podcast:

<http://progressivestates.org/stimulus>

Informative podcast of national advocates’ summaries of the Stimulus package. Identifies key opportunities for advocates concerned with lower income and vulnerable communities.

Center for Social Inclusion Talking Points:

“Economic and Housing Recovery for Everyone: Racial Equity and Prosperity”

<http://www.centerforsocialinclusion.org/>

Talking points, statistics, and source citations focused on economic justice, housing, and foreclosure issues related to the Stimulus package.

Applied Research Center Resource List:

Resources Page on the National Economic Recovery and Reinvestment Act (PDF)

Lists helpful documents from organizations such as Green For All, PolicyLink, and others, relevant to advocates interested in framing their work through racial justice approaches.

Appendix 3

Governor Kulongoski's Response to the Task Force



THEODORE R. KULONGOSKI
Governor

July 28, 2009

Will Collin, Chair
Environmental Justice Task Force
5227 Chapman Street SE
Salem, Oregon 97306

Dear Mr. Collin:

I would like to extend my appreciation to you and the Environmental Justice Task Force for your excellent public service. Environmental justice is about correcting the imbalance of environmental benefits and environmental burdens. In the short time since the Task Force was created, it has worked to highlight how the State of Oregon is achieving that balance.

The Task Force's 2008 Annual Report was created through a positive collaboration between the citizen members of the Task Force and state agencies. I understand that some agencies are more aware of environmental justice matters than others, and I applaud the Task Force's support as the State of Oregon transitions into a period of greater awareness and action.

I recognize that the Task Force would like to engage in public outreach on a grander scale than it has been able to thus far. As I am sure you are aware, my office's budget, along with those of the agencies with which you work, was cut during the recent legislative session. Given our limited funds, I encourage you to examine ways to participate in existing agency programs that reach out to diverse communities. For instance, the Oregon Department of Human Services conducts regional trainings for county health employees regarding food and drinking water safety. A Task Force representative could request to be included on the agenda to raise environmental justice issues and seek feedback from attendees.

Looking to the future, I would ask that the Task Force provide its input on meeting our environmental justice goals in the context of the broader environmental and social goals of the State of Oregon. I believe there is an environmental justice element to my existing policy priorities. For example, we must guarantee every child has access to health care, provide a 21st Century transportation system statewide, prepare our communities for the impacts of climate change, and ensure an environment where people can be healthy. My staff and the agency Citizen Advocates actively working with the Task Force are important messengers for creating environmental justice awareness and change. I would also be happy to circulate a Task Force memorandum and recommendations to state Directors and reiterate my interest in seeing

Will Collin, Chair
July 28, 2009
Page Two

environmental justice incorporated into all of the state's activities. Again, given the different levels of awareness within the agencies, I see the need for a strong framework to help us all identify and address environmental justice issues in a consistent way, and I would welcome your suggestions on this. I am also willing to discuss this need with agency Directors and to seek their ideas as we move forward. In addition, I appreciate your desire to provide environmental justice training opportunities for agency staff and I would be happy to encourage agencies to participate if needed.

The 2008 Annual Report provides an excellent foundation for the Task Force's future activities. Now that you have a better understanding of existing agency environmental justice efforts, I would like your 2009 evaluation to focus on how state agencies can expand their capacity to address environmental justice issues, both with and without new resources. I would also be interested in any specific recommendations you may have for ensuring that the state's transportation, health, climate change, and environmental policies effectively reflect environmental justice considerations. Please indicate where the suggested changes can be made administratively and where future legislation would be required.

Thank you again for your outstanding efforts thus far. I look forward to receiving future reports and updates from the Environmental Justice Task Force.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theodore R. Kulongoski', written in a cursive style.

THEODORE R. KULONGOSKI
Governor

TRK:jh:ab

Appendix 4

AGENCY IMPLEMENTATION OF ENVIRONMENTAL JUSTICE

from 2008 Annual Report

Department of Environmental Quality (DEQ)

DEQ reviewed the 1994 Commission recommendations to determine the extent of progress that has been made towards achieving those goals. While DEQ supports the recommendations, it lacks the resources to fully implement them. DEQ adopted an Environmental Justice policy in 1997, and has shown an increased understanding of Environmental Justice principles, such as the need to prioritize collaborative partnerships with community-based organizations and industry stakeholders, effective outreach and increased access to its programs.

DEQ monitors data on air and water quality in Oregon to ensure that pollution levels meet federal and state health-based levels. When pollution levels exceed the statutory standards, DEQ assumes a deleterious impact on human health and works to bring the pollution levels into compliance. DEQ's monitoring equipment varies in complexity and comprehensiveness, with some monitors operating 24/7 and others recording single samples. While DEQ recognizes the need to assess cumulative health impacts, the agency lacks the resources to conduct such health monitoring itself, relying instead on collaboration the Department of Human Services and that agency's Environmental Public Health Tracking System. DEQ provides DHS with information on air and water quality from across the state and assists with data analysis and interpretation to determine health trends. The Tracking System will go online in 2009, allowing individuals to access information about environmental hazards, exposures and health effects across the state. The agencies are also working to develop other information projects to provide data and reports on certain health indicators, such as asthma.

For air quality, DEQ monitors certain pollutants, including carbon monoxide, nitrogen dioxide, ozone, particulate matter and lead, along with other hazardous air pollutants. DEQ also provides monitoring support for various air quality projects, including the Field Burning Network, the Visibility Network and the Forest Health Network. Citizens can request real-time data from any air quality monitoring station through the DEQ website. DEQ also provides an accessible real-time Air Quality Index showing air pollution levels across the state, and issues Air Pollution Advisories when it forecasts air pollution above moderate levels.

DEQ monitors water quality in Oregon's rivers and streams through a long-term program, obtaining data six times each year from nearly 150 sites across the state. This data is used to develop and revise water quality plans known as Total Maximum Daily Loads (TMDLs), which limit pollution to meet water quality standards and protect drinking water supplies, fisheries and recreational uses. Routine monitoring is also conducted to protect groundwater supplies and ensure that voluntary "best management practices" are being utilized. DEQ staff also monitors landfills throughout the state to ensure that pollution control measures are protective of groundwater. DEQ educates and trains local watershed councils to ensure that voluntary monitoring and data collection meet state and federal requirements. DEQ recently initiated a

long-term toxics monitoring program to assess toxic pollutants in fish and waterways, beginning with the Willamette River Basin, to be followed by other basins around the state. Results from this effort will be accessible on the DEQ website in 2009. OMH also provides "mini-grants" to untraditional community-based groups representing minority and ethnic communities in the Portland Metro area.

Department of Human Services (DHS)

DHS Office of Environmental Public Health, Toxicology, Assessment and Tracking Services (TATS) section is the state's primary resource for scientific and technical expertise on diverse health concerns. TATS conducts environmental and occupational public health studies to identify and prevent environmental and occupational illnesses and injuries. TATS staff are in tune with Environmental Justice principles, realizing that individuals and communities with limited resources and access may suffer disproportionate adverse impacts from environmental exposures and other health risks. TATS emphasizes community outreach and education, working directly with potentially impacted communities and individuals through a number of programs, including the Environmental Health Assessment Program (EHAP), Pesticide Exposure Safety and Tracking (PEST) and Lead Poisoning Prevention (LPP).

DHS Office of Disease Prevention and Epidemiology, Health Promotion and Chronic Disease Prevention (HPCDP), works with a variety of local partners across the state to reduce health disparities and promote policy changes. HPCDP programs include Tobacco Prevention and Education, Asthma, Diabetes and Heart Disease. The Tobacco Program directly funds community-based organizations to work with county health departments in seeking to address health disparities, provide leadership for a community-based tobacco prevention network, and utilize community-based projects to reduce tobacco use among target populations. The Tobacco Prevention Program has been successful in reducing tobacco use among minority populations, thus alleviating certain health disparities, and continues to fund community-based initiatives to ensure compliance with the Indoor Clean Air Act that took effect January 1, 2009.

DHS Office of Family Health has several programs that target diverse and underserved populations, including sections on Maternal and Child Health, Adolescent Health and Genetics, Women's Reproductive Health, Nutrition and Health Screening, and Immunization. These programs collaborate and support a broad range of community-based organizations working to remove barriers to accessing health care and reduce health disparities.

DHS identified three programmatic areas to address Environmental Justice concerns, without considering availability of resources. First, its Office of Environmental Public Health would provide comprehensive risk assessment and human impact data to other state agencies, such as DEQ and DOT, to better inform the decision-making and better protect disproportionately impacted communities. Second, DHS would build capacity for its local partners to be able to better protect themselves. Third, DHS would evaluate and modify its own programs to ensure that it was more responsive to data on health disparities. DHS has designated its Manager of Toxicology, Assessment and Tracking Services, Office of Environmental Public Health, as its Citizen Advocate.

Department of Transportation (ODOT)

It is the policy of ODOT to require that its programs and activities do not discriminate

against any person on the basis of race, color, national origin, disability, age or sex. The U.S. Department of Justice, Office of Civil Rights (OCR), monitors ODOT programs and federal funding sub-recipients to ensure compliance with applicable laws and regulations. OCR is staffed with a Title VI/EJ Officer who provides direction and technical assistance to ODOT program managers and partners. ODOT understands the applicable policies and orders regulating its programs and activities, including EO 12898, DOT Order 5610.2, and FHWA 6640.23. ODOT is also guided by the Environmental Justice policy contained within the Oregon Transportation Plan, issued by the Oregon Transportation Commission, which requires equal access to transportation decision-making to protect against disproportionate adverse impacts.

ODOT requires its sub-recipient contracts, and OCR's Title VI staff provides direction and training to these sub-recipients on such agreements. ODOT requires its programmatic managers to create participation strategies so as to engage impacted communities and increase their access to the decision-making process. ODOT is directed to specifically consider the needs of low-income, minority populations traditionally underserved by existing transportation systems. ODOT does not appear to have the ability to monitor and evaluate the success of its outreach and engagement activities.

The National Environmental Policy Act (NEPA) process is ODOT's primary point of intersection with Environmental Justice issues. ODOT reports that approximately 92% of its actions are categorically excluded from the scoping process. The remaining 8% of ODOT actions represent environmental assessments and, if potential significant impacts are found, environmental impact statements. ODOT engages in environmental scoping on all of these actions, and its staff utilizes online Census data to identify potential impacted communities. If ODOT determines that potential significant Environmental Justice impacts exist, the agency brings in internal and external experts to assist with further assessments.

ODOT recognizes that it needs to update its tools, methods and guidance to stay current with Environmental Justice issues. The agency has designated its Citizen Representative as the Citizen Advocate for Environmental Justice. This is a full time position dedicated to responding to citizen inquiries on a host of subjects, including Environmental Justice.

Department of Fish and Wildlife (ODFW)

ODFW focuses its Environmental Justice efforts on its public outreach programs. The Oregon Fish and Wildlife Commission (FWC) relies on input from local groups to help develop policies, practices and administrative rules. Agency staff conducts outreach activities in public community meetings throughout the state, ensuring that meetings are held in each wildlife district. The agency's budgetary process is open to the public, but is controlled by an External Budget Advisory Committee (EBAC), whose forty (40) members are appointed by the ODFW Director and the FWC Chair. The EBAC is comprised of various recreational, industrial and property-based stakeholders, but does not specifically reserve participation for disproportionately impacted populations or advocacy groups. It is not clear whether ODFW is able to identify disproportionately impacted populations, if any. ODFW also maintains relationships with the State's federally recognized Indian Tribes, and meet regularly with tribal representatives in developing policies and regulations that impact the Tribes.

ODFW has expanded its outreach effort to include "human dimension-based surveys" in an attempt to reach populations who do not regularly provide the agency with feedback on its services. Human dimension-based surveys attempt to incorporate the public's attitudes and values towards

wildlife and other ecological processes along with traditional wildlife biology in agency decision-making. Examples of such surveys include the Oregon Licensed Angler Survey and the ODFW Economic Survey, targeting diverse populations across the state that do not normally participate in or comment on wildlife management issues. ODFW has designated its Deputy Director as the staff advocate for Environmental Justice on an as-needed basis.

Department of Agriculture (ODA)

ODA's primary intersection with Environmental Justice issues concerns farmworker pesticide exposure. This issue was raised in both the 1994 and 1998 reports and recommendations by past state Environmental Justice task force efforts. ODA continues to work with Oregon OSHA and the Oregon State University Extension Service (OSU) to provide education and training on the use of pesticide alternatives, such as integrated pest management and non-chemical pest control methods. Pesticide pollution of surface and groundwater is also an important concern.

ODA has identified rural communities as being disproportionately impacted by its programs and regulatory decisions. Other Environmental Justice issues implicated by ODA's programs are land use decisions, concentrated animal feeding operations, and food safety concerns. ODA provides outreach and education through a variety of media to the general public, as well as individuals subject to pesticide regulation laws. Through the pesticide management program, ODA and other agencies work with local citizen groups such as watershed councils, soil and water conservation districts and community organizations to address issues related to pesticide control and water quality.

ODA recognizes that its programs and regulatory scheme impact a diverse population, and it supports outreach efforts targeting non-English speaking workers. ODA has been successful in reducing improper pesticide disposal, licensing diverse pesticide applicators and ensuring worker safety by translating its educational materials into Spanish, Russian and Southeast Asian languages, among others, and by holding public meetings in rural and/or remote areas around the state. ODA has designated its Program Manager of the Pesticides Division as its Citizen Advocate.

Department of State Lands (DSL)

DSL is responsible for management of state-owned lands, Common School Fund assets and other various properties. Revenue from all agency activity goes to the Common School Fund, currently estimated at \$1 billion. DSL's stewardship of state resources and management of the school fund are designed to obtain the greatest public benefit, and the agency considers the interests of future generations in its decision-making. DSL engages in outreach through consultation with other state agencies, the public comment and review processes on all significant agency actions, and partnerships with local groups and participation in public discussions on major resource issues.

Many DSL actions are required by statute or rule to undergo a mandatory public review process, such as applications for removal-fill permits, leases, public facility licenses and special use permits. The State Agency Coordination Program assists with the notice and public comment process for these types of actions. DSL seeks assistance in determining at what point Environmental Justice issues should be considered, and to engage in more effective outreach to increase community access to its programs, including outreach to non-English speaking populations. DSL has designated a wetlands specialist from its Wetlands and Waterways Conservation Division as the agency staff advocate for Environmental Justice issues, with

assistance provided by the Division's Assistant Director. DSL estimates that the staff advocate spends less than 5% of her time working on Environmental Justice issues.

Department of Land Conservation and Development (DLCD)

DLCD, along with the Land Conservation and Development Commission (LCDC), implement Statewide Planning Goals, some of which implicate Environmental Justice principles. Local and regional governments are responsible for adopting and implementing specific policies in their comprehensive plans that adhere to the 19 statewide planning goals. LCDC is responsible for approving those plans.

Statewide Planning Goal 1 (Citizen Involvement) requires local governments to ensure that citizens have the opportunity to become involved in all phases of local planning processes, including public notification prior to local land use decisions. Local governments must also provide technical information to the public in an easily understandable format, and local policy-makers should be accountable to citizen concerns. LCDC is specifically advised by the Citizen Involvement Advisory Committee (CIAC) in matters relating to statewide citizen involvement efforts and local government citizen involvement programs. The Citizen Involvement Guidelines for Policy Development (CIG) require DLCD work groups and LCDC advisory committees to have at least one citizen charged with representing the broad public interest. It is not clear whether DLCD and LCDC, in their review of local government comprehensive plans, is able to identify disproportionately impacted populations and ensure that local governments have considered Environmental Justice implications.

Goal 2 (Land Use Planning) requires that local, regional and state planning and development are coordinated, and that the interests of all impacted stakeholders, including traditionally underrepresented communities, are considered in local comprehensive plans and development regulations. Goal 3 (Agricultural Lands) provides protection for agricultural lands and industry, requiring provisions for farmworker housing. Goal 4 (Forest Lands) provides protection for Oregon forests. Goal 5 (Natural Resource, Scenic and Historic Areas, and Open Spaces) protects wetlands, wildlife habitats, riparian areas and open spaces. Goal 5 also requires that local governments inventory and protect cultural resources from degradation and disturbance.

Goal 6 (Air, Water and Land Resources Quality) seeks to ensure that planning and development activities are consistent with air, water and land quality protection. Goal 7 (Natural Hazard Areas) requires local governments to identify natural hazard areas and prevent developmental activities in areas of high risk. Goal 8 (Recreational Needs) provides for recreational needs for all Oregonians. Goal 9 (Economic Development) seeks to ensure local governments provide development opportunities supportive of job creation opportunities for existing and new residents.

Goal 10 (Housing) requires local governments to provide adequate land and encouragement to develop housing to meet the needs of all Oregonians living at all income levels. LCDC and DLCD also work closely with local governments, the Oregon legislature and special interest groups to support the development of affordable housing in Oregon communities. The 2007 Legislature directed LCDC to report on agency efforts to streamline land use requirements to provide affordable housing. In response, LCDC established an Affordable Housing Work Group to consider new solutions to providing necessary affordable housing, including legislation, new administrative rules and amendments to Statewide Planning Goal 10, if necessary. This work

group consists of diverse stakeholders and is chaired by a respected affordable housing advocate. Formal recommendations are expected in mid-2009. The agency also plans to re-introduce legislation (HB 2225) aimed at increasing the number of sites zoned for affordable housing. The concept includes a pilot project focused on the affordable housing needs of five Oregon cities. The agency will report those results to the 2011 Legislature. Formal recommendations are expected in mid-2009. The agency plans to re-introduce legislation (HB 2225) aimed at increasing the number of sites zoned for affordable housing, beginning with a pilot project focused on affordable housing needs in five Oregon cities.

Goal 11 (Public Facilities and Services) requires local governments to develop public facilities (including sewer and water systems) to efficiently meet the needs of all Oregon communities. Goal 12 (Transportation) requires local governments to prepare and maintain adequate transportation system plans, emphasizing the provision of alternative transportation modes to support pedestrians, bicyclists and transit vehicles. DLCD collaborates with DOT to implement the Transportation and Growth Management Program, focused on developing walkable and accessible communities. Goal 13 (Energy Conservation) requires local governments to consider the energy efficiency implications and cost burdens of its local planning decisions. Goal 14 (Urbanization) requires local governments to provide an adequate supply of land for future development and to use existing land more efficiently, implicating the ability of low-income communities to access urban services. Goal 15 (Willamette River Greenway) and Goals 16-19 (Coastal Goals) protect riparian and beach and estuary resources, respectively.

Oregon has a unique statewide planning scheme, offering the possibility for unprecedented citizen involvement in the planning process. In order to fulfill a promise of Environmental Justice, the agency must ensure that all Oregonians, including traditionally underrepresented communities, have an opportunity to access and influence this system in an equitable and meaningful manner. LCDC recently issued a staff report directing the agency to revise its procedures, as necessary, to implement the Act's requirements concerning Environmental Justice, and meet jointly with bill sponsors, the EJTF and the CIAC as needed. DLCD has appointed its Communications Director as its Citizen Advocate, spending approximately 0.02 FTE on Environmental Justice issues. The agency's Communications Director previously had responsibility for staffing the CIAC, and therefore has direct knowledge of the agency's citizen involvement activities

Department of Forestry (ODF)

ODF recognizes that its programs have an impact on rural communities and that rural citizens have a significant interest in public and private forest management decisions. ODF and its Board also understand that their forest management policies and decisions impact broader health issues, such as drinking water protection, global warming, provision of renewable energy sources, pesticide use and regional air quality.

ODF is engaged in outreach efforts to involve diverse stakeholders in forest management decisions. The Forest Trust Land Advisory Committee consists of county commissioners from mostly rural areas with Board of Forestry owned land. The Federal Forestland Advisory Committee, comprised of stakeholders representing rural, tribal, environmental and industrial interests, advises ODF on federal land management issues. Agency field foresters are in direct contact with Oregon residents to assist with a variety of health issues, such as fire protection and suppression and pesticide use.

ODF also manages the Tillamook Forest Center, which offers educational opportunities to the public, including Portland-area students. ODF engages in broad outreach through a variety of media to notify the public of involvement opportunities. ODF also specifically targets urban policymakers and stakeholders to join in efforts to ensure adequate forest management practices and educate urban/suburban populations on the importance of maintaining healthy forests. ODF seeks assistance in providing effective outreach to such urban/suburban populations.

ODF identified several issues that may presently impact Environmental Justice communities, including pesticide use, the need for active forest management and proposed changes to state forest management to balance local government revenue generation concerns with wildlife habitat and conservation values. ODF seeks guidance in its prioritization of natural resource management issues during a time of major funding challenges. ODF has designated its Agency Affairs Program Director as its Citizen Advocate for Environmental Justice. This allows the agency to incorporate Environmental Justice into its oversight of public affairs and stakeholder outreach.

Office of State Fire Marshal (OSFM)

OSFM does not currently have a program in place to address Environmental Justice concerns. OSFM is able to identify programs that potentially impact Environmental Justice communities. The Oregon Community Right to Know program (CR2K) administers the Hazardous Substance Information Survey to Oregon businesses and agencies that are likely to store, possess, use, generate, manufacture or dispose of hazardous substances. The information collected by the survey is stored in a database that is provided to emergency responders and planners to assist with pre-emergency planning, and is available to the general public to educate the public on the nature of hazardous materials within their communities.

The CR2K staff is currently developing community-based Local Emergency Planning Committees (LEPCs) in an effort to decentralize emergency response planning in the event of a hazardous chemical release. The Emergency Planning and Community Right to Know Act (EPCRA) defines the composition of LEPCs, including State and local elected officials and representatives from public health, environmental protection, law enforcement, transportation, and emergency management agencies, as well as media, community and subject facility representatives. LEPCs are currently responsible for public outreach, notice, education and additional membership recruitment, with support from agency staff.

OSFM's programs are generally available to all communities across the state, and the agency has not identified specific communities that might be disproportionately impacted by its actions. OSFM has designated its Assistant Chief Deputy, who is responsible for the agency's Emergency Planning and Response Section, as the agency's Citizen Advocate for Environmental Justice issues.

Oregon State Marine Board (OSMB)

OSMB has not identified any programs or activities that potentially impact Environmental Justice communities. Through a series of staff and public stakeholder workshops, OSMB has prioritized three goals: (1) safe recreational boating; (2) quality customer service; and (3) environmental protection. This final goal involves the improved use of sanitary and access facilities for recreational boaters to enhance and protect the environment throughout the state, especially in rural and non-metropolitan areas. OSMB offers facility improvement grants to cities,

counties, park districts, ports, state agencies and federal agencies (through county sponsors); the public at-large is not eligible to apply for such grants. The majority of facility project grants approved by OSMB over the past three years are located in rural and non-metropolitan areas. The agency conducts quarterly public hearings throughout the state to solicit community input on grant proposals.

OSMB's Clean Marina Program is a statewide voluntary environmental certification program that promotes environmentally responsible practices at marinas to ensure protection beyond that provided by state or federal law. The Oregon Adopt-a-River program is a stewardship effort created by the Oregon legislature in 1993 and implemented by SOLV, an Oregon non-profit, in partnership with OSMB. OSMB has designated its Executive Assistant to the Director as the Citizen Advocate for Environmental Justice.

Department of Water Resources (ODWR)

ODWR primarily engages in Environmental Justice issues through its relationship with Oregon's federally recognized Tribes. ODWR attempts to engage the Tribes in meaningful discussions to seek mutually beneficial solutions to problems with water rights management and administration. ODWR recognizes that it must seek to understand and respect different perspectives on the most beneficial use of the state's water resources. ODWR is currently working with DEQ and the Legislative Commission on Indian Services to develop the agenda for a Tribal/State Water Summit, scheduled for the fall of 2009. ODWR is also coordinating with DEQ on developing an integrated water resources strategy to guide state water policy and water supply development to address the state's future water needs. The agency consults with the Commission on Indian Services to ensure that it is effectively receiving input from the Tribes.

ODWR encourages participation in task forces, workshops and rulemaking processes by conducting Water Resources Commission meetings in locations outside the Portland/Salem metropolitan area and by providing time for tribal representatives to address the Commission with their concerns. ODWR also has a bilingual staff to assist with diverse outreach. The agency has not identified any non-English speaking populations that it has targeted for such outreach. ODWR has designated a Policy Analyst in the Director's Office as its Citizen Advocate for Environmental Justice.

Public Utility Commission (PUC)

PUC does not believe its programs and activities have a direct disproportionate environmental impact on minority or low-income populations. PUC's primary responsibility is to set utility rates, and while these decisions may impact the types of facilities acquired by public utilities, regulation of the environmental impacts of these facilities are more appropriately addressed by environmental protection and public health regulators. PUC does acknowledge that any decision to change utility rates has, by definition, a disproportionate adverse economic impact on low-income customers.

PUC has limited involvement in the Oregon Department of Energy's siting of energy resources throughout the state. In certain circumstances, PUC may determine whether a particular resource is necessary to serve a utility's customers. PUC believes it requires further legislative authority to consider the environmental impacts of a particular resource, beyond the costs incurred by the utility to comply with environmental regulations. PUC has designated its Public Information Officer as the Citizen Advocate for Environmental Justice.

Department of Geology and Mineral Industries (DOGAMI)

DOGAMI's mission is to provide earth science information, regulation and guidance so as to make Oregon's mineral industries safe and prosperous. DOGAMI's focus on safety from natural hazards includes collecting and disseminating information relating to earthquake-related tsunamis, landslides and other geological hazards. The agency must also regulate mining, oil and gas development and geothermal energy production so as to ensure adequate energy and raw materials sufficient for development and maintenance of the state's infrastructure, while limiting environmental impacts consistent with acceptable standards.

With additional funding, DOGAMI would increase the use of LIDAR (Light Detection and Ranging) beyond the current 30% statewide coverage for increased geologic data collection and analysis. DOGAMI would also commit additional resources to other geologically related issues such as climate change and subduction zone earthquakes. Significantly, DOGAMI could target traditionally underrepresented and/or disadvantaged population for outreach and education.

DOGAMI has identified rural populations as being most impacted by its regulatory activities, as that is where the majority of mining, gas and geothermal development occur. Impacts from unregulated development include well damage, water contamination, weed infestation and loss of soil productivity. DOGAMI has identified outreach and partnership with impacted rural communities to limit these offsite impacts and reclaim and restore current sites to pre-development conditions as an area of need. The agency has designated an existing (unidentified) staff member as its Citizen Advocate, estimating time allocation for Environmental Justice at 0.1 FTE.

Department of Energy (DOE)

DOE was not named as one of the natural resource agencies initially subject to the Act. The EJTF identified DOE as an agency that engages in programmatic work with critical Environmental Justice issues, and asked DOE to participate. Despite not being named in the Act and despite not previously having an Environmental Justice program, DOE agreed to participate in *EJTF* matters along with other natural resource agencies.

DOE engages rural communities in a variety of ways, including its low-interest energy loan program, Business and Residential Energy Tax Credits and pass-through program, rental and home oil weatherization programs, and energy efficiency incentive programs. DOE is currently working with the City of Portland and other stakeholders to improve energy efficiency for a broad range of residents and small businesses, including those owned by low-income and/or minority individuals. These energy improvements can result in decreased mold and indoor air quality concerns, leading to safer multi- and affordable housing. It is not clear, however, whether DOE has a means for identifying and/or targeting assistance to low-income communities of color.

DOE programs work to address air quality issues within impacted communities, such as the I-5 corridor. Tax credits for projects targeting truck idling, improving truck fuel efficiency and increasing state agency use of biofuels all reduce carbon dioxide emissions, and state tax credits and loans reduce the amount of diesel used per year by 1.5 million gallons, reducing the amount of diesel exhaust particulates.

DOE also works closely with the state's tribal communities, including the Confederated Tribes of the Grande Ronde, the Coquille Indian Tribe, the Confederated Tribes of the Warm

Springs Reservation, the Klamath Tribes, Burns Paiute Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). DOE provides the Tribes with technical assistance, loan opportunities and educational information relating to renewable energy development, biomass facility development, and climate change and greenhouse gas emissions. DOE also works with the CTUIR regarding Hanford policy and protection of the Columbia River and groundwater.

DOE also supports the Oregon Energy Facility Siting Council (EFSC), which regulates the siting, construction, operation and decommission of large energy facilities in the state. EFSC meetings are open to the public and are held at locations throughout the state. However, it is unclear how, if at all, DOE influences the EFSC to incorporate Environmental Justice principles into the decision-making process, or whether the outreach and public participation opportunities to impacted communities are effective and meaningful, respectively. DOE works with numerous citizen-based advisory boards, task forces and committees to help it develop policies, budget priorities and regulations on a wide variety of issues, including global warming, climate change, renewable energy and Hanford cleanup. DOE has designated its Assistant Director of Communications to unofficially serve the function of Citizen Advocate.

Appendix 5

Make your voice heard!

What is Environmental Justice? How can you participate in decisions that affect you?

Environmental Justice Defined: Environmental Justice is equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play. "Environmental Justice communities" include minority and low-income communities, tribal communities, and other communities traditionally underrepresented in public processes.

Purpose of the Environmental Justice Task Force: When state agencies make decisions that affect our environment it is critical that low-income and minority populations are not disproportionately affected. The Environmental Justice Task Force (EJTF) was created by the Legislature to help protect Oregonians from disproportionate environmental impacts on minority and low-income populations. The EJTF encourages state agencies to give all people knowledge and access to improve decisions that affect environment and the health of all Oregonians.

Make Your Voice Heard: Offer your voice in decisions made by state agencies. The EJTF encourages you to take action when you feel impacted by one or more issues listed below.

Your voice for Environmental Justice

- ***You have a voice*** in decisions that affect potable drinking water and clean air.
- ***You have a voice*** in decisions that may put toxic pollutants in your living and working areas.
- ***You have a voice*** in decisions about toxics in schools that affect your kids.
- ***You have a voice*** in decisions that affect your community's health, such as land use decisions that could increase pollution in your neighborhood.
- ***You have a voice*** in asking for caution in environmental decisions that affect your community, even if absolute proof of the problem is not yet confirmed.
- ***You have a voice*** in clean and healthy access to your native cultural places and usual and accustomed fishing sites.
- ***You have a voice*** in decisions that will increase climate change and impact your community, such as increased flooding, drought and fires, and impacts to species, habitats or local foods.
- ***You have a voice*** in all decisions about toxics in food, water, air, soil and homes.
- ***You have a voice*** in any issue of concern regarding environmental issues that affect your home, work, or place of worship.

How to be heard:

Send an email to jessica.h.keys@state.or.us or call **503-986-6543** if you want access to decision-makers to discuss the issue you care about further.

Appendix 6

PRESS RELEASE****PRESS RELEASE****PRESS RELEASE

ROSEMERE NEIGHBORHOOD ASSOCIATION SETTLES LANDMARK ENVIRONMENTAL JUSTICE CASE AGAINST EPA'S OFFICE OF CIVIL RIGHTS

Contact: Ralph Bloemers, Crag Law Center Tel. (503) 525-2727
Contact: Dvija Michael Bertish, Rosemere Neighborhood Association, Tel. (360) 281-4747
www.crag.org , www.rosemerena.org

(March 22, 2010) Judge Benjamin H. Settle, US District Court of Washington, entered a Stipulated Judgment in favor of the Rosemere Neighborhood Association on March 19, 2010. Rosemere is a non-profit community organization based in Clark County, Washington dedicated to environmental protection and improving the status of Environmental Justice communities. In entering the judgment, Judge Settle approved the final Settlement Agreement between Rosemere and EPA that concludes a seven year stretch of administrative Title VI complaints and litigation.

In February 2003, Rosemere first filed a Title VI administrative complaint with EPA's Office of Civil Rights ("OCR") alleging that the City of Vancouver, WA had discriminated in the provision of municipal services in violation of the Civil Rights Act of 1964. Rosemere alleged that Vancouver failed to use EPA funds to address fairly long-standing problems in low-income and minority neighborhoods in West Vancouver.

Soon after, the city of Vancouver began an investigation into the internal operations of Rosemere and then revoked Rosemere's status as a "recognized" neighborhood association. The city also stripped the neighborhood of its historical name, actions later deemed "suspicious" by EPA in an investigative report. Rosemere filed a second Title VI complaint with the EPA in December 2003 alleging retaliation by the city of Vancouver. Rosemere filed suit against EPA on two separate occasions citing EPA's failure to accept, investigate, and issue findings on Rosemere's complaints. Each time, EPA responded to Rosemere only after the litigation was filed and EPA sought to dismiss the cases as "moot."

In September 2009, the Ninth Circuit reversed the District Court's ruling to dismiss Rosemere, citing EPA's "consistent pattern of delay." The appellate court substantiated the claim that Rosemere is in "realistic danger of sustaining a direct injury as a result of the agency's [EPA's] disregard of its own regulations." Chris Winter, an attorney with the Crag Law Center, a Portland-based public interest law firm, represented Rosemere in all three cases against the EPA. "For years, EPA's Office of Civil Rights ignored civil rights complaints from all across the country. This case sheds light on a long-standing national struggle for justice."

Dvija Michael Bertish, Rosemere's Director of Environment and Conservation, said "We will continue to push the Office of Civil Rights to do the job it was supposed to do years ago, and insist that EPA clean up its act." In the Settlement Agreement, EPA's Office of Civil Rights admits that its actions were unlawful when it failed to process Rosemere's complaint of retaliation against the City of Vancouver. The Stipulated Judgment and Settlement Agreement require the EPA to take action on any additional Title VI complaints submitted by Rosemere over the next five years in accordance with regulatory timelines. The Stipulated Judgment and Settlement Agreement also require EPA to report quarterly to the Rosemere Neighborhood Association for the next five years and specifically track the status of all Title VI administrative complaints submitted to and investigated by EPA.

To view documents, click on these links:
[Stipulated Judgment Rosemere v EPA](#)
[Signed Settlement Agmt Rosemere v EPA](#)
[Ninth Circuit Court Decision Rosemere v EPA](#)

Appendix 7

EJ TASK FORCE: CUSTOMIZED AGENCY WORKPLANS

Underlined Name = Lead Task Force Member

A. Department of Environmental Quality (DEQ)

Potential Issues:

- Identification and Mapping of EJ Communities
- Air/Water Quality Monitoring and Permitting
- Environmental Public Health Tracking System
- Rural population protection
- Outreach and Public Involvement

Assigned TF Members:

- Robin Collin
- Jon Ostar
- Marcela Mendoza

Discussions Held: Two

B. Department of Human Services (DHS)

Potential Issues:

- Office of Multicultural Health = Outreach and Health Disparities
- Public Health/TATS = Risk Assessment and Interagency Collaboration
- Build Capacity = Community Based Participatory Research and Programs

Assigned TF Members:

- Ben Duncan
- Khalid Wahab
- Marcela Mendoza

C. Department of Transportation (ODOT)

Potential Issues:

- Columbia River Crossing
- Federal Mandates = Title VI, EO 12898, DOT 5610.1, FHWA 6640.23
- NEPA = Categorical Exemptions
- Identification of Potential EJ Communities
- Outreach and Cultural Competency

Assigned TF Members:

- Will Collin
- Jon Ostar
- Robin Collin

**Law Student support available*

D. Department of Fish and Wildlife (ODFW)

Potential Issues:

- Outreach and Tribal Relations
- Identification of EJ Communities
- Human Dimension-Based Surveys

Assigned TF Members:

- Leroy Jackson
- Julie Samples

- Sybil Ackerman

E. Department of Agriculture (ODA)

Potential Issues:

- Pesticide Education and Protection = Direct Exposure and Groundwater
- Soil and Water Conservation Districts
- Identification of EJ Communities
- Outreach and Language Translation

Assigned TF Members:

- Julie Samples
- Marcela Mendoza
- Jack Johnson

Discussions Held: One

* *Law Student support available*

F. Department of State Lands (DSL)

Potential Issues:

- Public Review Process = Permits and Licenses
- Notice and Comment Process = State Agency Coordination Program
- Wetlands and Waterways Conservation
- Identification of EJ Communities
- Outreach and Education

Assigned TF Members:

- Will Collin
- Sybil Ackerman
- Terry Witt
- (Jon Ostar - was on first call with DSL)

Discussions Held: One

G. Department of Land Conservation and Development (DLCD)

Potential Issues:

- EJ Analysis of Statewide Planning Goals
- Citizen Involvement and Participation = CIAC
- Interagency Coordination

Assigned TF Members:

- Will Collin
- Robin Collin
- Jack Johnson

H. Department of Forestry (ODF)

Potential Issues:

- Forestland Advisory Committee Composition
- Prioritization of Natural Resource Management Issues
- Field Forester Citizen Engagement
- Pesticide Reduction and Protection
- Rural Community Protection
- Identification of EJ Communities
- Outreach and Education Strategies

Assigned TF Members:

- Julie Samples
- Leroy Jackson

- Khalid Wahab

I. Office of State Fire Marshall (OSFM)

Potential Issues:

- Community Right to Know (CR2K) = Survey and Data collection
- Local Emergency Planning Committees = Composition, Outreach, Education
- Identification of EJ Communities
- Outreach and Education

Assigned TF Members:

- Will Collin
- Jon Ostar
- Ben Duncan

Discussions Held: One

J. Oregon State Marine Board (OSMB)

Potential Issues:

- Public Stakeholder Workshop Outreach and Goal Prioritization
- Clean Marina Program
- Identification of EJ Communities
- Outreach and Education

Assigned TF Members:

- Khalid Wahab
- Ben Duncan

K. Department of Water Resources (ODWR)

Potential Issues:

- Outreach and Tribal Relations
- Water Resources Commission = Composition, Notice and Engagement
- Identification of EJ Communities
- Outreach and Education

Assigned TF Members:

- Leroy Jackson
- Terry Witt
- Jack Johnson

Discussions Held: One

L. Public Utility Commission (PUC)

Potential Issues:

- Analysis of Indirect Impacts of Utility Rate Increases
- Involvement in DOE siting decision
- Greenhouse Gas Emission Impacts
- Outreach and Education

Assigned TF Members:

- Terry Witt
- Robin Collin
- Sybil Ackerman

M. Department of Geology and Mineral Industries (DOGAMI)

Potential Issues:

- Permitting Process
- Rural Community Protection = Offsite Impacts

- Outreach and Education

Assigned TF Members:

- Jack Johnson
- Khalid Wahab
- Jon Ostar

Discussions Held: Two

N. Department of Energy (DOE)

Potential Issues:

- Energy Efficiency Programs = Outreach and Education
- Rural and Tribal Community Protection
- Facility Siting Process
- Identification of EJ Communities

Assigned TF Members:

- Will Collin
- Leroy Jackson
- Terry Witt

O. Occupational Safety and Health Administration (OSHA)

Potential Issues:

- Farmworker Protection – Pesticides
- Identification of EJ Communities
- Outreach and Education

Assigned TF Members:

- Julie Samples
- Marcela Mendoza
- Ben Duncan

Discussions Held: Two

COMMON TRAINING ISSUES:

- **OUTREACH AND EDUCATION**
- **IDENTIFICATION OF EJ COMMUNITIES**
- **CULTURAL COMPETENCY**

ⁱ. Robin and Will Collin, **The Encyclopedia of Sustainability**, 3 volumes (Greenwood Press 2010), volume three is on Equity and Fairness.