

## MEETING MINUTES

### Environmental Justice Task Force

Thursday, March 7th, 2019 | 9:00 a.m. – 3:00 p.m.

Department of State Lands

Land Board Room

775 Summer St NE #100

Salem, OR 97301

#### **Attendees:**

Joel Iboa (Chair); Bob Collin (Vice-Chair); Valentin Sanchez; Jim Krieder; Huy Ong; Amira Streeter (Governor's Office); Bryn Hudson (Governor's Office); Austin Palacios (Governor's Office)

#### **Welcome & Introductions (Task Force Members)**

#### **Meeting Minutes (Task Force Members)**

*Approval of minutes:*

Amendments:

- Last page, second section: replace "opportunities" with "communities"

Motion to approve as amended by Jim

Seconded by Bob

All in favor – Aye

Approved with Amendments

*Approval of agenda:*

Edits:

- add "review comments on minutes" to EJTF business

Motion to approve by Jim

Seconded by Valentin

All in favor – Aye

Approved

#### **Public Comment Part 1**

- Anna: Beyond Toxics
  - o A coalition is working to pass legislation for stronger protections against pesticides, including the banning of harmful pesticides in Oregon.
  - o These pesticides are highly toxic and can affect: children, physical health of adults, and predominately among farm worker class families

- Please provide oral and written testimony regarding what you've heard and use your power to assist Oregon's workers and children support.
  - Jim: Joel, how do we go about doing written and oral support on this topic?
  - Joel: Amira could speak on this, but there is precedent to have this conversation.

### **Governor's Office Updates:**

Amira Streeter

- Introducing New Member: Huy Ong
- Budget/Legislative Priorities:
  - One-pager on Budget Priorities from Governor (follow up from last meeting)
    - It is in the last stages of edits and will go out asap (by Friday March 15<sup>th</sup>)
    - The Legislative body will be putting out a revenue forecast soon too
  - Will let the agencies talk a little bit about what is coming out
  - Legislative Approaches: The Governor's office will be taking a little bit of a different approach under the direction of Elana Pirtle-Guiney/ Linda Roman
  - One legislative priority is on HB 2020: Oregon Climate Action Program. Important to the EJTF because it has wording that affects the role of EJTF. The EJTF would provide EJ recommendations to the Governor based on the status reports of the cap-and-trade program.
  - HB2250 Oregon Environmental Protection ACT
    - Bryn Hudson: impacts agencies that implement Clean Water/Air Act (OHA/ ODEQ). Gives them the power to reset our federal standards to Jan. 2017 to give added Protections that stricter before the recent administrations rollbacks on the Federal level.
    - Joel: I think it is important for the EJTF to weigh in on legislation.
- Executive Appointments:
  - One new member
  - Reappointment: Bob, Scott
  - Last time: Quinn Read
  - Vice Ben Duncan has been move to Commission of Black Affairs
  - Still looking for Native American representative
- Farm Worker Issues
  - Tax incentive for Farm worker housing
  - There is a bill this session address the pesticides brought up in Public Comment: HB 3058/ SB 853 will ban that specific pesticide(prohibit sale and use)
  - HB 2619 – prohibits the sale of pesticides the contain neonicotinoids
  - SB 441: Farm housing

## Questions:

- Joel: IT would be great to get one-pagers and stay in the know so that we can be asserted into the process as we won't be meeting again until the end of the session.
  - o Letter, public comment, etc.
  - o Jim: one-pager -> conference call to make letter -> get it out
  - o Update us faster please
  - o Valentin: we need to be proactive about supporting minority groups and people
  - o Bob and Joel was in a meeting with governor staff to talk about OCA and cap-and-trade:
  - o Bob: the Oregon Climate Authority
    - Statute change to make sure the OCA reports to EJTF during meetings with reports
    - Amira: we should look to the 2020 session and then strategize legislation for that session to make these statute changes.
  - o Jim: there are real citizen participation and we need to make sure agencies don't lock people out.
    - Expanding what agencies report and communicate to the EJTF
    - Amira: I agree. Strategically, we should put it into statute to make sure we can keep participation high.

## Citizens Advocate – Agency Updates/ Reports

- *OSFM (Fire Marshal) – Michael Heffner*
  - o Hazardous Materials Grant – about 4million is made available to LAPCs
    - 2019 meeting is in Pendleton May 13<sup>th</sup>-16<sup>th</sup>
    - Please attend if possible
      - *Austin will send info back out to EJTF*
    - Bob: cost?
      - Michael: no cost, will do hotels and reimburse travel
    - Amira: would you want someone to speak?
      - Michael: yes, on Thursday morning if possible.
      - HB 2209: coordinate a biannual full scale exercise for rail worse case scenarios. Be able to hire someone to participate in organizing a drill. A unit train up to 100tons of crude oil
  - o Staffing: Just hired a Geographic Information Systems (GIS) staffer. They will support team that responds to Wild Fires
    - Bob: let her know about EJ Screen!
    - Mike: Will do!
- *DEQ – Nina DeConcini & Stephanie Caldera*
  - o NW Metals
    - Site in NE Portland, the March 2018 fire

- In DEQ's current statutory authority they are compelling the Company and their attorneys
  - Valentin: NW Metal is being represent (owner and operators are separate and both represented by legal counsel)
- Clean Air (Stephanie)
  - Feb 28<sup>th</sup>/ March 1<sup>st</sup> – all the facilities in DEQ data identified Tier groups that rose above the threshold
  - Now working through the list of 20 to further receive info, validate, and improve it so we could identify the proper actions to take based on risk.
  - Will send info to Amira
  - Bob: interaction with Cap-and-Trade? Is there any way that people can avoid being held to these standard by this program.
    - We will work with our partner agencies to figure that out
- Budget Request
  - EJ coordinator – included in Governor's budget, but we are thinking it will go through. Full time position that will have a lot more support and agency.
  - BOB: we will send you names
  - Huy: how does this new position engage with other positions with Clean Air?
    - Stephanie: Coordinating relationship between these two

## **EJTF BUSINESS**

- Joel: Happy to have Huy Ong from OPAL
- Huy: Happy to be here and working with the power of this Task Force and move forward on this engaged Agenda

## **Citizens Advocates – Agency Reports**

- *OPUC – KANDI YOUNG*
  - Our Agency report gives a good update on our current projects
  - SB 1547 : The community Solar program
    - Increases renewable portfolio standard in OR
    - Requires 10% of projects to be focused on low-income community projects
  - There will be an implementation of a low-income facilitator
  - HB 2242: Public Utility Equity Bill
    - Considering income in the development of rates
    - A bill the OPUC is keeping their eyes on
    - Jim: 2012 did a review on renewable energies and impact on communities of color. I believe this bill will answer those questions.

- Amira: is there a provision for an EJ staff member?
  - Low-income EJ advocate will be established in new bill
- Amira: definition of EJ?
  - Not sure how the definition came around except it was adopted. But I would like the EJ to be involved in the conversation of that definition
- BOB: let us know when you're recruiting and we can push you names for recruitment.
- Amira: Legislative tracking of bills weekly moving forward
  - Referred to house W&Ms
- Jim: SB 978 from 18' session – 25% of people in state, mostly in Rural Oregon are not regulated by PUC because they are co-ops. We need to think about how this will be addressed
- HB 2242, Equity Bill, PUC to consider income when setting rates
- Bill Tracking: pesticides, 2242, 792
- (4) “Environmental justice” means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, and practice spirituality and play.
- (5) “Environmental justice communities” includes communities of color, communities experiencing lower incomes, tribal communities and other communities traditionally underrepresented in public processes, including but not limited to seniors, youth and persons with disabilities.
- *ODOT – Carroll Cottingham*
  - Happy to serve as a connection to EJTF from ODOT
  - Updates: continuing to watch GHG cap-and-trade bills, diesel bills (VW settlement),
  - Looking forward to EJ related topics, such as HB2017 -> transit fund from transit tax is about to begin disbursement
  - Looking forward to 2019, Federal HWY and HWY construction. We have some resources coming to do EJ related training to our staff later this spring.
- *ODF – Andy White*
  - The Governor's Executive order to form the council on Wild Fire Response: two members from senate, house, an ODF representative, state farm office, board of forestry, OHA and other community leaders to take a holistic look at how to get these fires under control and have good responses.
  - Recruitment and training for new staff/leaders in our organization is something we are focusing on with the new different generational pool.
  - Also, would like to connect this task force to our department by bringing your questions and thoughts to them.
  - You will have ODF agency report by the end of the month.

- Jim: How are you involved with local community preparedness for wildfire?
  - ODF: Working with land use planning and zoning to help local communities with resiliency. Also working with Jurisdictional powers.
- *ODA – Kristina Hickey*
  - ODA: Lost Valley Farm no longer generating waste
  - New owners will have to submit a permit application or the facility will be completely shut down.
  - Jim: bill for moratorium for permitting mega-dairies until proper permitting process is set up. What is ODAs position?
    - Amira: agencies do not take positions on bills. Several other bills CAFO fee structure and Dembrow’s CAFO group that are creating buzz
    - Kristina: ACP pesticide, rulemaking regarding about application on right of ways, rules effecting 3/26/19
  - Kristina: eradication efforts: Japanese beetle and gypsy moth
  - Valentin: how are beetles eliminated, insecticides?
    - Kristina: agency uses organic pesticide. Follow-up
- *OSHA – Michael Wood*
  - OSHA: enforcement of chemical exposure levels, rulemaking proposals later in 2019. Fire suppression certification.
  - Ag labor housing-advisory group in early meetings, gathering information and assembled an advisory group that has loose membership with open participation
- *DOGAMI -*
  - DOGAMI: opening for public information officer, focusing on the dissemination of culturally accessible technical reports
  - Jim: Who do we funnel our concerns to?
    - DOGAMI: I will get you in touch with Randy Jones.
- *WRD – Jordan Beemer*
  - Jordan: Wheeler Co. drought declaration for 2019, funding for groundwater studies around state and place-base water planning (budgets)

### **General Oregon Issues Part 1**

- *Sustainability Board – Mr. Miller*
  - SB: continued collaboration, streamlined process for agencies to incorporate EJ into reports
  - Joel: we need to ensure continuous collaboration, designate a liaison to the board
    - Huy and Bob both volunteered
- *Jordan Cove Update – Ali Hansen*
  - DSL: public comment period, permit decision deadline extended to 9/20/19

- *Jen Coleman- auto-dismantlers concentration along Columbia River and Lentz neighborhood*
  - o Looking to remove exceptions for auto-dismantlers
  - o SB 792: does giving authority to DEQ strengthen compliance processes?
  - o DEQ: research and coordination to get those answers is ongoing. We will circle around with Amira to get you more information.
  - o DEQ: we can talk about the way things will play out but cannot provide an opinion.

### **Advocacy Commission: Lucy Baker**

- Connecting between EJTF and Advocacy Commission
- We want to have partners with our other task forces and commissions to track important bills and ensure that the right questions and comments are introduced to the conversations around these bills
- The advocacy commissions do policy research to see how legislation can positively affect communities
- BOB: the goal is to develop an onboarding packet to coordinate a way to express to agencies and their leadership who and what the EJTF is to them.
  - o Lucy: is there anything that I can do to help with that? We would like to continue to reach out to the Tribes and we're hoping to bring someone from the Indian commission on to the Advocacy Commission.
- Because we 4 commissions and 44 commissioners: we do a lot of onboarding. We do a 90-minute orientation. We would love to connect and help you build your onboarding but also build you into our own commission onboarding processes.
- Joel: Amira and Governor's office could provide a short summary to the advocacy commission.
- Bob: We meet all over the state and would love to coordinate well enough that we could do those diverse meetings.
- EJTF logo and website links
- Lucy will connect to Bob to build the onboarding

### **General Oregon Issues Part 2**

- *PFAs/PFOAs Contamination in Oregon Water*
  - o Todd Hudson (OHA) and Kevin Masterson (DEQ) are here to brief on this subject (There were slides)
  - o Per- and Polyfluoralkyl Substances (PFAS)
  - o There are a lot of different products that have these chemicals
  - o How exposure happens:
    - Ingestion from contact with contaminated water, soil, dust
    - Eating food packaged in material containing PFAS
    - Contaminated drinking water
    - Eating fish caught from water contaminated by PFAS
  - o Enviro Contamination and Assessments

- No regulatory tools for addressing PFAS Pollution
    - 3 confirmed contamination sites in NE Portland
    - Drinking water data and protection efforts
  - Working with other States on pollution prevention efforts
  - Responding to EPA's new PFAS Action Plan
    - Federal data and standards will help Oregon
  - Valentin: the health effects of PFAS exposure. What are short term effects or symptoms of exposure?
    - Todd: will follow up
  - Valentin: human diagnostic to look at blood serum to if people are contaminated.
    - Kevin: science is present but unsure of where that is taking place.
  - Valentin: Urine samples?
    - Kevin: follow up?
  - Bob: no detection = zero threshold?
    - Above the method reporting limits
  - Will get follow-up and slides sent to Amira/Austin
- *OSFM: Hazardous Waste on Railways*
  - Michael Heffner is talking about these HB 3225 plans
  - Wills send informational video to Amira to pass along to the Task Force
  - This is about how local First Responders would recognize and address this issue for any oil spills requiring a response.
    - Two-hour response time.

### **EJTF Business**

- Bills coming up
  - HB2250: Environmental roll back bill
    - Passed out of committee
  - HB 2020: Oregon Climate Authority Bill
  - SB 853:
  - HB 2619:
  - Homeworker Housing Tax
  - Auto Dismantler
  - HB 2619: neonicotinoids (pesticide bill)
  - HB 2013: Driver's License Bill
  - HB 2007: Diesel Bill
  - SB 978
- Draft a letter to the governor to address the Governor and encourage her to take into their account of their bills
  - One letter: Bob will start stabbing at letter and then it will get sent around

### **Dr. Kristen Sheeran – Carbon Policy Office**

- HB 2020:

- Joel: where does the bill stand currently?
  - Kristen: introduced at the very end of January, a series of meetings have been held on this bill since then including invited and public testimony and has been on the road for the last couple of weeks.
  - The public has had the ability to chime in from a couple of other cities through
  - More amendments will be out in the next ten days and then a new round of work session moving toward in session.
  - In HB 2020 EJTF is called out to play a role in
    - 1) Direct implementing agency CPO (OCA) on to report to Governor and legislature on the opportunities to reduce GHG emissions, also goes to EJTF who will review and make recommendations on the cap-and-invest proceeds, and how they should be spent.
    - An appropriation of additional resources could be in the future
  - SB 928 – Oregon Climate Authority
    - Create a board and composition of that board that the chair will appoint a seat on that board.
  - Bob: Where does the role of Authority line up with our 14 natural resource agencies
    - Kristen: We should look into the legislation to connect it
  - Huy: is it a report to just cap-and-trade or all climate strategies
    - Kristen: includes all
  - Bob: how much proceeds?
    - Kristen: depend on final bill design. We have some docs that make some analysis on current potential #'s (2021 500million? 350million go to HWY/de-carbonization in HWYs) some going to climate investments fund
    - Those funds will go to reduce emissions, help communities adjust to climate change.
  - Bob: Under the climate adaptation plans health is a big issue: what does health adaptation/ social structures. Is this being addressed?
    - Kristen: Sure.
  - Jim: I've skimmed but as far, increased expenses. How is that going to be addressed?
    - There is some stuff built in to help mitigate the risk of cost increases in these sectors.
    - Natural gas sectors: allocation of allowances to NG utilities to hold customers harmless = no rate increases
  - Jim: investor owned materials vs. co-ops? How is that smaller group going to be addressed in this bill?
    - In our PU is heavily invested on our Federal Hydro System. Buying more electricity associated with those systems. Has a set aside to account for potential water shortages in the future.

- Bob: EJ has been fighting pollution for a while, the norm is Industry to stop reporting when #'s are bad. Will there be EJ representation on third party verification?
  - Kristen:
- Joel: in the last year or two we have met in a bunch of different locations: big sufferers from point source pollution sites. My concern: industry may just by allowances and make these people continue to suffer. Thoughts?
  - It is true that part of the design is that there is a price that if you can pay it then you can emit. In that sense, that is where a lot of the cluster effect concerns make themselves present. That is why so much of the conversation is focused on how the proceeds are spent to help those communities that are on the front lines of experiencing climate change.
  - HB 2020: does have some restrictions on the use of offsets on groups in non-containment areas.
- Kristen: I encourage to stay in contact.

### **EJTF Business**

- Onboarding processes
  - Trainings
  - New Member FAQ
- Jim: I was appointed and didn't know it for a while. I don't sense that we do work-wise in between meetings. What does the support staff do? Ben did a great job at helping me out. How do I do that? What is my accountability and sociability?
  - Bob: our constituency is where we focus. Now that we have a support staff that has trouble communicating and organizing. Glad we have Amira that is offering a little more support. The problem and pro is that we are actively wanting to do more.
  - Joel: I've been here for three years. We're trying to build a retreat to build those norms, to build what the expectations are for the task force. There has been a massive change in resources, members, and support staff. A retreat could help build an expectation structure for our Task Force.
  - Bob: we could hire a facilitator
  - Huy: as a new member that we should do some work and organization off the books.
  - Joel: first joined task force and pointed finger to do more, had some ideas, joined, became chair. We joined because we want more and there to be better work in the State of Oregon.
  - Bob: ½ day of work; ½ day of engage with communities.
- Amira: Subcommittee to integrate more taskforce members
- Monthly EJTF Newsletter
  - Jim: Bios would be great

## Public Comment Part 2

- Open discussion:
  - Maria Cahill: program manager for recode
    - Comment on SB 792
    - There is a negative precedent in Oregon for this already.
    - HB 3192: Recode rights – sustainability
      - Utility affordability and displacement/houselessness of a result.
      - Onsite water reuse systems have significant benefits...
      - Protect water quality and availability
      - It is brief and direct, compel DEQ to address water resources.
      - Amira: Thank you for showing up today. Can you talk a little bit more about OWRD and their role?
        - Our intersection would be around water rights issues. In Oregon there are none. What we are suggesting is that we need to go down to address this.
  - Anna
    - Coalition letter to amend section 10.2B on HB 2020
      - This amendment would exempt municipal solid waste from being burnt to create renewable energies but it releases toxins in the air.
    - SB 451
      - Rewards credits for municipal solid waste incineration, goes against holding business accountable to the communities they impact
    - These amendments would promote Environmental Justice for the communities that would be affected by these released toxins protected in the current state of the bill
    - Please keep an eye on it and consider these suggestions to support an amendment

**3:08 Adjourned**