

SB 286 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

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Meeting Dates: 2/9

WHAT THE MEASURE DOES:

Renames Environmental Justice Task Force as Environmental Justice Council (Council). Establishes Council within Department of Environmental Quality (DEQ). Increases Council membership to 13 rather than 12 and makes other modifications to membership and duties of council. Modifies definition of "natural resource agency" by removing the Department of Education, Department of Geology and Mineral Industries, and the State Fire Marshall. Requires Council, in consultation with Portland State University Population Research Center, Oregon Health Authority and other relevant entities to develop a cumulative impact analysis to be used to identify highly impacted communities and vulnerable populations and environmental health disparities in areas and populations. Requires Council to update cumulative impact analysis once every five years. Requires Council to report to Governor and Legislative Assembly with guidelines for state agencies to utilize best practices for increasing public participation; recommendations for establishing measurable goals; and guidelines for prioritizing highly impacted communities and vulnerable populations. Requires natural resource agencies to utilize cumulative impact analysis and authorizes them to adopt rules, policies or guidelines as necessary. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2007, the Legislature enacted Senate Bill 420 (ORS 182.535 – 182.550) creating a 12-member Environmental Justice Task Force (EJ Task Force). The Act authorized compensation and expenses for non-legislative members to be paid out of funds appropriated to the Governor for that purpose. The Governor is tasked with providing necessary clerical and administrative staff support. The EJ Task Force was charged with:

- Advising the Governor on environmental justice issues;
- Advising natural resource agencies on environmental justice issues, including community concerns and public participation processes;
- Identifying minority and low-income communities, in cooperation with natural resource agencies, that may be affected by the agencies' environmental decisions;
- Meeting with environmental justice communities and making recommendations to the Governor about concerns raised by these communities;

The Act defined natural resources agencies to include the following departments and other entities:

Environmental Quality, Agriculture, Water Resources, Fish and Wildlife, Forestry, State Lands, Education, Geology and Mineral Industries, Land Conservation and Development, the State Marine Board, the Public Utility Commission, Transportation, the State Fire Marshal's office and the Health Authority. The Act further directed these natural resources agencies to take the following actions to improve public participation:

- Consider the effects of agency actions on environmental justice issues when determining whether and how to act.
- Hold hearings at times and in locations that are convenient for people in communities that may be affected by decisions that stem from the hearings.

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- Engage in public outreach activities in the communities that may be affected by agency decisions.
- Create a citizen advocate position responsible for encouraging public participation, ensuring that the agency considers environmental justice issues, and informing the agency of the effect of its decisions on communities traditionally under-represented in public processes.

Senate Bill 286 renames the EJ Task Force as the Environmental Justice Council (Council) and establishes the Council within Department of Environmental Quality. The Act directs the Council to develop a cumulative impact analysis and requires natural resource agencies to utilize the cumulative impact analysis.