

SB 286 -4 STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst

Meeting Dates: 2/9, 2/11, 3/25

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:

-4 Replaces measure. 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 adding State Parks and Recreation Department and the Department of Energy and removing the Department of Education. Requires DEQ, in consultation with Council, natural resource agencies, local agencies, officials, and community representatives to develop an environmental vulnerability assessment to determine susceptibility to environmental burdens and review and update the environmental vulnerability assessment every five years. Requires Council, in consultation with natural resource agencies, to report to Governor and Legislative Assembly identifying: guidelines for state agencies when adopting rules or policies regarding how to use the environmental vulnerability assessment; best practices for increasing public participation and engagement; specific recommendation on how to consult vulnerable populations; recommendations for establishing measurable goals; and guidelines for identifying highly impacted communities and vulnerable populations. Requires Council report to be reviewed and updated every five years. Requires natural resource agencies to consider environmental vulnerability assessment when developing administrative rules or agency policies or programs. Authorizes natural resource agency to develop or revise policies, programs and practices as necessary to identify highly impacted communities and vulnerable populations conduct outreach and engagement activities with highly impacted communities; establish measurable goals and prioritize funding to help address identified impacts. Requires DEQ, Department of Land Conservation and Development, State Department of Agriculture, State Forestry Department, Water Resources Department, State Department of Fish and Wildlife, State Department of Energy, Department of Transportation, Oregon Health Authority, Oregon Watershed Enhancement Board, Public Utility Commission, State Parks and Recreation Department, Environmental Justice Council, Oregon Global Warming Commission and Sustainability Board to annually confer

SB 286 -4 STAFF MEASURE SUMMARY

to discuss climate impacts on impacted communities and to develop strategies to guide state climate actions. Stipulates no later than September 15th of each year the Agencies must jointly report to the Governor and Legislative Committees related to environment to summarize discussions and make recommendations for legislation. Takes effect on 91st day following adjournment sine die.

No Revenue Impact

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.
- 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.