Senate Committee on Energy and Environment
Testimony in Support of SB 286

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Chair Senator Beyer, Vice Chair Senator Findley, and Member Senators Dembrow, Robinson, and Taylor

My name is Robert W. Collin. I serve as vice chair of the EJTF, was a founding member, as Robin Morris Collin and Ben Duncan, and served as the second chair when the task force was awarded the Collaboration Award by EPA 2010.

I am a retired professor and current author, and one of only 2 EJ expert witnesses certified in federal district court. I have been an external peer reviewer of the EPAs Cumulative Emissions, Impacts, and Risks methodology, designated as an EJ stakeholder. My comments then are published in the Federal Register. 1998.

I support SB 286 for many reasons already mentioned but am here to discuss two specific parts of this bill.

1. Section 9 and 10 (1) CUMULATIVE IMPACT ANALYSIS and Section 10 (7) Precautionary Approach

CUMULATIVE IMPACT ANALYSIS

This is to develop a basic "cumulative impact analysis" tool to help state natural resource agencies best use their resources to find environmental hotspots. Other states such as Washington and California have these tools.

STATE OF OREGON NATURAL RESOURCE AGENCIES: NEED FOR EJ

State agencies are trying to find populations that are most vulnerable to environmental stressors – pollution, fires, drought, sea level rise, storm intensification, and expanding public health risks.

I serve on the *Interagency workgroup on Climate Impacts on Impacted Communities;* facilitated by Amira Streeter. The natural resource agencies are developing new policies that rely on knowing where the greatest risks to the public health, safety and welfare are.

There is a forthcoming report from the Workgroup. The EJTF annual reports and the natural resource agency annual EJ reports were very useful and are publicly available on the EJTF webpage. Natural resource agencies that complied with EJ requirements were able to move quickly and those that hadn't needed time to catch up. This Workgroup was a good place to do that. Oregon is ahead of States that do not have this data. Our natural resource agencies as well as local governments will need more data for climate policy and climate justice which is why this Bill is needed.

CUMULATIVE IMPACTS METHODOLOGICAL DEVELOPMENT IN OREGON

These predicted climate changes test all vulnerabilities. A cumulative impact methodology is only as good as what it can observe and hopefully measure. This varies. It should be developed in the place and by the people there. There is no one standard method of measuring all accumulated emissions, discharges, wastes, pollution, health impacts, or all the environmental burdens. The cumulative impacts methodological development is a dynamic process that is new in applied environmental policies. The cumulative assessment process itself is observing and measuring changing ecological processes.

This bill accommodates this approach of developing an Oregonian cumulative assessment in SECTION (10) 1 by specifically mentioning PSU, OHA, other state agencies, and community groups. It focuses on developing an Oregon cumulative impact methodology for and by Oregonians.

SB 286 requires community input across the state.
It requires review and updating at least every five years.
When developing or revising this analysis the EJ council is required to hold at least four meetings in different parts of the state to both present the proposals AND receive input and feedback from communities throughout the state.

To ignore accumulating and accumulated uneven environmental impacts is to ignore a good source of information for determination of vulnerability; and to develop the next generation of climate change policies.

Again, our state natural resource agencies are trying to find populations that are most vulnerable to environmental stressors – pollution, fires, drought, sea level rise, storm intensification, and expanding public health risks.

These predicted climate changes test all vulnerabilities. It will probably impact communities with accumulated environmental risks earlier and harder; depending on the community and the set of climate change impacts they face.

2. Section 9 (7) Precautionary Approach

This approach would allow policy development in the area of climate change mitigation and adaptation in an era where fast, flexible, and facile approaches are needed.

Here this means when a particular action could result in serious or irreversible damage to the environment or public health only THEN could the lack of absolute scientific certainty about the underlying damage or causation should not be a reason to postphone, or slow, attempts to prevent, reduce, or understand, a measure designed to protect the public health, safety and welfare.

EXAMPLE
For example, in the case wildfires and Climate change there could be environmental, economic, and public health impacts. It could result in serious damage to the environment and community.

One way to intervene to reduce Wildfire spread is by controlled burns. When are they proven to a point of absolute scientific certainty to work in decreasing all the impacts?

That is a difficult question because under climate change we are entering new territory where waiting for absolute scientific proof is too slow for policy.

The lack of absolute scientific certainty about controlled burns should not postphone efforts to develop policies, like controlled burns, that work for some communities to reduce the above impacts of climate change.

CUMULATIVE ANALYSES and PRECAUTIONARY APPROACHES

The Cumulative analyses will facilitate the development of accurate information, the efficient use of resources, as well as new policy directions that help mitigate the effects of climate change and that help all Oregon communities adapt to changing ecological and economic circumstances.

These new climate change policy considerations are fast, flexible, facile, and start as works in progress. They seek solutions to some of our hardest and some unknown environmental problems. Including scientists for all stakeholder groups, especially vulnerable communities, will advance this dialogue but still will not produce scientific results fast enough under today's accepted scientific standards of "proof".

Cumulative analyses are surging ahead in policy and policy practice. It's their results that will be the basis of US Environmental policy. The first wave of these results probably won't be enough be enough to scientifically prove or disprove any policy. But these results will create new approaches and policies in a time frame bordered by climate change. Many EJ communities and vulnerable people feel a strong and increasing sense of urgency about climate impacts.

This urgency will push for fast and facile policy. What the precautionary approach does here is to allow the development of policy options not scientifically proven or disproven.

I am happy to answer any questions today, or at a later time. Thank you for your time, consideration and public service.

Respectfully submitted

Robert W. Collin