

February 9, 2022

To: The House Committee on Environment and Natural Resources

From: Jeff Hammarlund, Portland, Oregon

Subject: Environmental Justice Council Legislation (HB 4077)

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Note: This testimony was written prior to the release of the dash 1 amendments noted by Rep. Owens. Since these amendments are not yet in their final form, the testimony has not been updated. We may want to make additions to this testimony when these amendments are completed.

Dear Chair Pam Marsh, Vice Chair David Brock Smith, Vice Chair Zach Hudson, and the other Committee Members:

My name is Jeff Hammarlund. I recently retired as a professor of public administration and policy at the Mark Hatfield School of Government at Portland State University, where I taught graduate and professional development courses on energy, environmental, and natural resource policy for almost 30 years. I am proud to note that quite a few of my former students now hold important positions in Oregon's energy, environmental, and natural resource agencies. I am writing to urge your support for HB 4077, which many of us like to refer to as the "Environmental Justice for All Act".

One of the courses I had honor of teaching at PSU was called Energy Resources Policy and Administration; it focused on Northwest Energy Policy. For five or six years after he retired from the US Senate, my mentor and friend, Senator Mark Hatfield, essentially co-taught this course with me. When I served on the professional staff of the US Senate Energy and Natural Resources Committee many years ago, Senator Hatfield was first the Ranking Member and later the Chair of the committee. Through the years, we have had many fascinating conversations about energy, environmental, and natural resource policy, including issues related to what would now be called "environmental justice", a subject that was of great interest to him. I will try my best to incorporate his wisdom in my comments.

While I am certainly presenting this testimony on my own behalf, I am also presenting it on behalf of the Climate, Energy and Environment (CEE) Team of the **Consolidated Oregon Indivisible Network (COIN)** (<https://www.coinoregon.org>). This is one of the eight bills that CEE endorsed late last week. Since then, these bills have also been endorsed by the COIN Legislative Team and by the COIN Leadership. As you probably know, COIN is comprised of over 50 grassroots Indivisible groups located throughout the state, and CEE is comprised of 12 energy, environmental, and natural resource experts who were invited by COIN to offer our recommendations on pending legislation that addresses these issues. As a result, I anticipate that during this short session you will be hearing about this and other bills that COIN has endorsed from constituents in your district who have ties with one or more of the local Indivisible groups in your area. This is how democracy is supposed to work. I am also a member

of the Ecumenical Ministries of Oregon's Creation Justice Committee. I have not yet had an opportunity to bring this bill up to them, but when I do, I anticipate EMO will support this bill as well.

Why This Bill Is Important

Why do I believe it is very important to enact this bill? I agree with Multnomah County Chair Deborah Kafoury's testimony stating that this bill is arguably "the most important effort in a generation to address environmental injustice" in our state. I also agree with her that the state of Oregon has "a moral duty and a practical interest" in strengthening its commitment to environmental justice. Oregon's environmental and natural resource agencies have been expected to consider and address environmental justice issues as part of their normal decision-making processes since 2008. Some have tried hard, others have not, yet all have fallen short of their obligations. All too often, state agencies would conclude that since they did not have access to the necessary state and region-specific data sets at the census tract level, and they had neither the time nor money to collect, manage, and interpret the data properly, they must rely on "informed hunches".

Oregon can do better than this. We can rise to the levels of our neighboring states of Washington and California that have already adopted their own science-based and state-specific environmental justice mapping tools. These and other proactive states have demonstrated how their environmental justice mapping tools can offer the detailed knowledge required to know which communities have been the most impacted by cumulative waves of environmental harm and what targeted strategies would be most helpful and effective in addressing and mitigating these harms.

I have been impressed with the important work that the 12 members of the existing Environment Justice Task Force have accomplished since it was created after the passage of SB 420 in 2007, despite having neither dedicated staff nor a real budget. The Task Force's mission has been important from the onset, but it has become even more critical with the recent and continuing enactment of significant energy, environmental, natural resource, and climate related legislation; our state's major forest fires, droughts, heat waves, and other natural disasters; and a debilitating pandemic that continues to impact all our lives. It is necessary and appropriate to elevate the existing Task Force to an Environmental Justice Council, place it within the Governor's office, expand its scope, and provide the necessary funding and staff resources it needs to fulfill its mission.

The Oregon Environmental Justice Mapping Tool

I am particularly pleased that this bill directs the Department of Environmental Quality and the Oregon Health Authority to collaborate with the Environmental Justice Council and other parties to develop an Environmental Justice Mapping Tool that will be used by the state's natural resource agencies. Among other things, the mapping tool will be science-based, focus on environmental factors, draw on Oregon-specific data, be sufficiently detailed to allow for the assessment of environmental justice concerns, include a layer that geospatially displays the

locations of environmental justice communities, and be made available to the public. It will be updated at least every two years. A mapping tool that incorporates health related data, socioeconomic information, and environmental disparities to identify detailed patterns in vulnerable neighborhoods and communities can be very valuable, but only if it is taken seriously and incorporated into the analysis and decision-making processes of state agencies. Therefore, I am delighted to see that the bill directs the natural resource agencies to consider the results of the Environmental Mapping Tool when developing administrative rules, agency policies, and programs. It also directs natural resource agencies to take a well-designed set of actions to improve public participation and enhance the public's understanding of this and other tools and resources. The Environmental Justice Council will play an important role in guiding the state agencies on how to best use the Environmental Justice Mapping Tool and serve as an important bridge between the agencies and the most vulnerable communities in our state. The tool will also serve as a valuable resource for program evaluators and academics who can contribute by analyzing how well our state is doing in addressing its environmental justice objectives.

Finally, I am pleased to see that the bill modifies the definition of "natural resource agencies" to add the State Parks and Recreation Department, the Department of Energy, and the Oregon Watershed Enhancement Board to the other agencies that were previously included with the enactment of SB 420 (Environmental Quality, Agriculture, Water Resources, Fish and Wildlife, Forestry, Geology and Mineral Industries, Land Conservation and Development, Marine Board, Public Utilities Commission, Transportation, Fire Marshall, and Health Authority.) I am not sure why this bill deletes the Department of Education from the list, but I anticipate there were sufficiently good reasons.

It has taken us a long time to appreciate how important it is to understand the full scope of the environmental burdens our most vulnerable communities must face. These harms can be the result of many factors, and sometimes they have been exacerbated by policies and actions made by the state agencies themselves. I am optimistic that we have reached the point where we can collectively say that we finally "get it." Now is the time to invest in the resources and tools to help Oregon meet its environmental justice obligations. The creation of the Environmental Justice Council and the development of the Environmental Justice Mapping Tool will be important steps towards meeting this obligation.

Respectfully submitted,

Jeff Hammarlund, retired professor (but still alive and kicking), on behalf of myself and the Consolidated Oregon Indivisible Network (COIN)