

OREGON GOVERNOR'S ENVIRONMENTAL JUSTICE TASK FORCE 2010 ANNUAL REPORT

I. INTRODUCTION

Environmental justice is equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play. "Environmental justice communities" include minority and low-income communities, tribal communities, and other communities traditionally underrepresented in public processes.

SB 420 requires the Environmental Justice Task Force (Taskforce) to submit an Annual Report describing the progress of natural resource agencies and other designated agencies toward achieving environmental justice within their respective programs. The Taskforce shall also identify for the Governor any other environmental justice issues of importance. The natural resource agencies identified by SB 420 include: Department of Environmental Quality, Department of State Lands, Water Resources Department, Department of Geology and Mineral Industries, Department of Human Services, Department of Agriculture, Public Utility Commission, Department of Forestry, State Fire Marshal, Oregon Department of Transportation, Department of Land Conservation and Development and Department of Fish and Wildlife. The Taskforce has also requested the participation of the Department of Energy, the Oregon Housing and Community Services, the Oregon Bureau of Labor and Industries, and Oregon Occupational Safety and Health Division, of which only OSHA has participated thus far.

This Report briefs Governor Kitzhaber and his staff on the Taskforce and state natural resource agencies' efforts to advance environmental justice in the State of Oregon in 2010.

II. TASKFORCE MEETING SUMMARIES

The Taskforce met four times in 2010, with quorum at all but the July telephonic conference call meeting.

January 15, 2010: Meeting held at Willamette University in Salem, 10am-3pm. Ten Taskforce members were present (two members were absent). Eleven state natural agencies were represented. One member of the public was in attendance.

Topics discussed by the Taskforce members and agency representatives included:

1. DEQ conducted an environmental justice training for all managers, and based on the success of that training, DEQ decided to train all staff through an online training program and small group discussions.

2. Columbia River Crossing (CRC) update, including concerns raised by residents of Hayden Island regarding the displacement and relocation of local businesses, including the island's only source of fresh food and pharmacy (Safeway); a CRC staff member was present, and offered to provide an update at the April meeting.

3. DEQ provided an update on field burning and potential protection and enforcement disparities between the Willamette Valley and Eastern Oregon; the Taskforce asked follow-up

questions concerning economic impacts to farmers, smoke content and potential impacts, and the extent of statewide air quality monitoring.

4. The Outreach and Education Workgroup discussed a community outreach event to be held at Portland State University, with the goal of introducing the Taskforce and our work to the community and inviting the community to begin a discussion about environmental justice.

Topics covered by invited guest presenters included:

1. Marilyn Johnson from the City of Salem asked for assistance incorporating Title VI of the Civil Rights Act of 1964 and environmental justice generally into City processes. The City of Salem has already been training staff on Title VI compliance.

2. The Department of Administrative Services (DAS) gave a presentation on incorporating environmental justice into state managerial job descriptions and staff performance evaluations. DAS is in the process of assessing the mechanics of incorporating these expectations into job standards, and will report back to the Taskforce.

There was no public comment at this meeting.

Action Items:

1. Each task force member will work with 2-3 agencies in order to develop a customized EJ work plan for that agency. A subcommittee will develop a template first.

2. The task force developed a budget subcommittee to investigate what agencies can put in their budgets in order to advance EJ issues.

April 9, 2010: Meeting held at East Portland Neighborhood Office, 10am-4:30pm. Nine Taskforce members were present; two members were not present. Thirteen state agency representatives attended. Six members of the public were in attendance.

Topics covered by members or agency representatives:

1. DHS presented on the Environmental Public Health Tracking System, an on-line system that maps environmental hazards and the associated health effects.

2. The Taskforce discussed community-mapping efforts. OPAL Environmental Justice Oregon is working in collaboration with the Institute of Metropolitan Studies at PSU and the EPA Region 10 to provide demographic maps identifying low-income and minority communities throughout the state.

Topics covered by guest presenters:

1. CRC staff members Carly Francis and Heather Mills gave a presentation on the Columbia River Crossing project to replace the existing I-5 bridge.

Public Comment: Several residents from Hayden Island testified about their concerns regarding the CRC, the potential loss of the sole grocery store and pharmacy on the island, and the loss of trust some residents feel, as some residents feel excluded from the process.

Rep. Ben Cannon attended the EJ meeting in order to learn more about the Taskforce, and had a brief discussion on upcoming legislative priorities, such as lifting the ban on inclusionary zoning.

Action Items:

1. Approved providing a letter of support for an application by the Multnomah County Health Department for a Center for Disease Control (CDC) grant.
2. Approved sending a letter to the Governor about the Hayden Island Manufactured Home Community concerning the CRC, requesting that the Governor appoint someone with EJ training to the Independent Review Panel.
3. Asked for information on field burning fees; a DEQ agency representative will respond to the Taskforce at a later meeting.

July 9, 2010: A telephone conference meeting was conducted from 10-11am. Four Taskforce members participated (no quorum). One agency representative participated. Three members of the public participated. No documents or actions were approved.

Action Items:

1. The annual report will be edited further. A subcommittee will discuss applying for the EPA's National Environmental Justice Achievement Award, and a Taskforce member will draft a letter to Metro and/or the Governor requesting consideration of the CRC as a potential "Oregon Solutions" project.

Public Comment:

Rep. Tina Kotek encouraged the Taskforce to listen to all perspectives regarding the CRC. One public participant stated she was interested in learning more about the Taskforce. An EPA representative encouraged the Taskforce to continue to support a process that allows the public to engage in meaningful dialogue and to be part of decision-making.

September 10, 2010: Meeting held at Willamette University, 10am-3pm. 9 task force members attended the meeting either by phone or in-person. Representatives from 10 agencies also attended either by phone or in-person. One public participant listened to the meeting.

Topics covered by members or agency representatives:

1. Community mapping and efforts by member(s) of the task force and by PSU.
2. Community Outreach and Education subcommittee discussed ways to increase our presence in the community, perhaps by working with established EJ organizations in forums.
3. Discussion and update of agency customized workplans.

Topics covered by guest presenters:

1. Sheryl Stohs (EPA R10) gave presentation about EPA EJ planning activities.

Action Items:

1. 2010 Annual Report Assignments
2. Invite DLCD to do a Land Use 101 presentation at the next task force meeting
3. Incorporate a racial impact assessment into all policies passed through the legislature, with input from the EJTF
4. Organize a group discussion about the "equity analysis challenge" and invite an equity atlas project representative to a future meeting

Public Comment:

A representative of the Hayden Island Manufactured Home Community discussed their struggle to be viewed as an EJ community by the CRC.

December 3, 2010: Meeting held at the DEQ in Portland, 10am-3pm. Ten Taskforce members participated. Seven state agency representatives attended. Four members of the public were in attendance for portions of the meeting, along with Dylan Rivera, Metro's Outreach and Communications Coordinator.

Topics covered by members or agency representatives:

1. The "Environmental Justice Package" for agencies consist of sample job descriptions, annual review forms, training examples and other tools designed to assist agencies in developing a basic understanding of environmental justice and incorporating EJ into their programs and activities. This package of tools will be combined with outreach "best practices". There was a robust discussion about differences between agencies regarding performance evaluations, and a request to provide tools that work for all agencies (both large and small).

2. Updates from the outreach and education committee (including the best practices guide mentioned above), and perhaps entering into formal or informal partnership agreements with environmental justice leadership groups.

3. Taskforce member provided an update on recent litigation concerning DEQ's permit approval of the Port of Portland's disposal of contaminated dredge spoils at their facility on West Hayden Island, nearby the Manufactured Home Community.

4. Taskforce will review a draft of the 2010 annual report at its first meeting in 2011.

Topics covered by guest presenters:

1. The Department of Land Conservation and Development provided an overview of Oregon's statewide land use planning program. There is little to no consideration of environmental justice in DLCD's programs.

2. ODA representatives provided a follow-up on collection of fees for field burning, identifying vagueness in the statute requiring collection of such fees.

Public Comment:

The Taskforce received a letter from someone in Union County regarding a proposed wind farm, and agreed to request more information about the siting process and potential impacts.

Two members from the Hayden Island Manufactured Home Community testified about the disposal of contaminated dredge spoils at a facility on West Hayden Island near their homes.

Action Items:

1. Work on finalizing the annual report.
2. Consider forming partnerships with environmental justice leadership groups: can the Taskforce do this, and is this something the Taskforce wants to do? More discussion needed.
3. Taskforce member(s) will take DEQ's on-line EJ training via iLearn.
4. Attend the cultural commissions meeting in December.

III. COMMUNITY OUTREACH AND ENGAGEMENT

In March 2010, the Taskforce held its first community outreach event at the Multicultural Center at Portland State University in collaboration with the Black Studies Department's Black Bag Speaker Series. The goal of the event was to help raise awareness about environmental justice issues and racial and health inequities. Approximately 75 community members attended the event, including students, community leaders, members of environmental and community-based organizations, as well as representatives of elected leaders.

The panel consisted of four speakers: Robin Morris Collin, Professor of Law at Willamette University College of Law; Mikell O'Mealy, Environmental Justice and Tribal Liaison at the Department of Environmental Quality; Benjamin Duncan, Environmental Health Specialist at Multnomah County Health Department; and Jeri Sundvall-Williams, Grants Manager at the City of Portland's Office of Neighborhood Involvement, and former Director of the Environmental Justice Action Group. The panel was facilitated by the esteemed former Senator Avel Gordly, currently a professor at Portland State, who provided critical leadership in the passage of SB 420 and the creation of this Taskforce. Each speaker provided a unique perspective on environmental justice issues in Oregon and the importance of community engagement to assist in collective efforts to better integrate equal protection and meaningful involvement of low income and communities of color into the state's programs.

Community participants asked a broad range of questions, discussing topics ranging from water conservation, community "right-to-know", the Columbia River Crossing project, and avenues to participate in public processes. The panel stressed the importance of an engaged community, and all participants received a copy of *Your Voice*, a document the Taskforce created that delineates community's right to have a meaningful voice in decisions and issues that affect them, their environment and health. The Taskforce hopes to expand our outreach capacity to engage with even broader diverse communities throughout the state, both through supporting better outreach and education "best practices" within the state natural resource agencies, and also through direct engagement and relationships with local environmental justice communities.

IV. ENVIRONMENTAL JUSTICE PACKAGE FOR STATE AGENCIES

Upon the Taskforce's request, in January a DAS representative discussed possible ways to incorporate environmental justice into agency management forms, including job descriptions and staff performance evaluations. Each agency will have the flexibility to determine whether and to what extent it can add environmental justice questions and concepts to their internal management forms. Incorporating environmental justice concepts should start at the managerial level because the topic ties into agency goals. Environmental justice additions would not be a bargaining issue or a condition of employment; it would be a performance measure and an agency could include it as a specialty. The Taskforce agreed to learn more about the "key performance measures" for state agencies. All state agencies report on a set of key performance measures each year. For example, agencies evaluate how effective their customer service is.

In April, Taskforce members were encouraged to meet with their previously assigned state agencies to discuss how environmental justice could be more effectively incorporated into

agency work. The Taskforce agreed that a template should be developed that could be tailored by each agency for their own environmental justice work plan. The DEQ has several documents (training agenda, performance evaluations, etc.) that could be used to develop the template.

In September, discussion continued regarding the types of environmental justice base materials to provide agencies. The Taskforce circulated DEQ's sample documents, which included environmental justice training agendas, sample performance reviews, a work agreement, and a managerial job description. After learning more about key performance measures, the Taskforce agreed to develop a question tied to "customer service." It was also suggested that law students be asked to create a short handbook on best practices for agencies. Agencies would use this information to shape their own environmental justice efforts.

In December, the concept of a template for agencies was refined. It was decided that instead of expecting each agency to develop a custom work plan, the task force would focus on providing agencies with a package of base level documents that all agencies should strive to use internally. The package would serve as a common foundation for agencies, but each agency could still alter the documents to fit their own needs. Elements of the environmental justice package for agencies include: (1) Statutory duties pursuant to ORS 182.545; (2) Position description; (3) Work Agreement; (4) Periodic Check-ins; (5) Annual Review; (6) Trainings; and (7) Outreach tools. Package materials will be further refined and provided to agencies in 2011.

V. COLUMBIA RIVER CROSSING UPDATE

In response to significant public testimony and comment from members of the Hayden Island Manufactured Home Community, comprised predominantly of low-income and/or fixed-income, elderly and/or disabled residents with limited mobility, the Taskforce agreed to investigate environmental justice concerns associated with the CRC project. The Taskforce reviewed CRC materials, requested a presentation by CRC staff, and attended Hayden Island community meetings.

The Taskforce determined that there were significant shortcomings with respect to the CRC's appreciation of and adherence to environmental justice principles, namely the failure to adequately address EJ concerns within the CRC's Community and Environmental Justice Workgroup (CEJG). This Workgroup was ultimately disbanded, leaving potentially impacted low-income communities and communities of color without an effective voice in the process. Through increased advocacy efforts, the Hayden Island Livability Project (HILP) was successful in forcing CRC to revise its design standards for the Hayden Island bridge interchange, resulting in several improvements that will ameliorate some of the potential impacts to be borne by that community. Former Metro Council President David Bragdon and senior planners were instrumental in obtaining that result. Current interchange design standards call for a slightly smaller footprint and a local access bridge connecting the community to North Portland via Marine Drive. However, current plans still call for the displacement of the island's only source of fresh food and pharmacy, a significant impact. Taskforce members continue to monitor this process, and will continue to update the Governor's office at his request.

VI. EPA NATIONAL ENVIRONMENTAL JUSTICE ACHIEVEMENT AWARD

In 2010, the Taskforce applied for and received EPA's National Environmental Justice Achievement Award in recognition of the hard work the Taskforce and state natural resource agencies have done to advance EJ throughout the state. With only five awards granted, this was a significant honor and accomplishment. The EPA and selection committee specifically recognized the Taskforce's efforts to incorporate EJ principles into state agency managerial job descriptions and performance evaluations. Oregon is a leader in this effort nationwide.

VII. CONCLUSION

The Taskforce would like to thank Governor Kulongoski for his support on environmental justice issues. The Taskforce is excited about the prospect of continuing our hard work for Governor Kitzhaber, who is familiar with environmental justice through his formation of the Governor's Environmental Justice Advisory Board (GEJAB). The Taskforce looks forward to working with state natural resource agencies and the Governor's office to bring about greater environmental justice across the state, and to reaching out to impacted communities to ensure that their voices are heard in the development of statewide policies and programs.

