

House Bill 4077

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Renames Environmental Justice Task Force as Environmental Justice Council. Modifies membership and duties of council.

Directs Department of Environmental Quality and Oregon Health Authority to develop environmental justice mapping tool.

Directs natural resource agencies to consider results of environmental justice mapping tool when developing administrative rules or agency policies or programs.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to environmental justice; creating new provisions; amending ORS 182.535, 182.538, 182.542,
3 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon Laws 2021; and prescribing an
4 effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6
7 **RENAMING AND REORGANIZING THE**
8 **ENVIRONMENTAL JUSTICE TASK FORCE**
9 **(Organization and Duties of Environmental Justice Council)**
10

11 **SECTION 1.** (1) **The amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this**
12 **2022 Act are intended to change the name of the “Environmental Justice Task Force” to the**
13 **“Environmental Justice Council” and establish the council within the office of the Governor.**

14 **(2) For the purpose of harmonizing and clarifying statutory law, the Legislative Counsel**
15 **may substitute for words designating the “Environmental Justice Task Force,” wherever**
16 **they occur in statutory law, other words designating the “Environmental Justice Council.”**

17 **SECTION 2.** ORS 182.538 is amended to read:

18 182.538. *[(1) There is established the Environmental Justice Task Force consisting of 12 members*
19 *appointed by the Governor. The members shall be persons who are well-informed on the principles of*
20 *environmental justice and who, to the greatest extent practicable, represent minority communities, low-*
21 *income communities, environmental interests, industry groups and geographically diverse areas of the*
22 *state. Of the 12 members, the Governor shall appoint one member of the task force from each of the*
23 *following commissions:]*

24 *[(a) The Commission on Asian and Pacific Islander Affairs;]*

25 *[(b) The Commission on Black Affairs;]*

26 *[(c) The Commission on Hispanic Affairs; and]*

27 *[(d) The Commission on Indian Services.]*

28 **(1)(a) The Environmental Justice Council is established within the office of the Governor.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **The council consists of 13 members. The members must be persons who, to the greatest**
 2 **extent practicable, represent minority communities, low-income communities, environmental**
 3 **interests, industry groups and geographically diverse areas of the state. Eight members shall**
 4 **be appointed by the Governor and must be persons who have expertise and knowledge in**
 5 **environmental justice, as well as expertise in at least one of the following areas:**

- 6 (A) **Climate change or climate justice;**
- 7 (B) **Environmental laws, regulations and standards;**
- 8 (C) **Natural resources management;**
- 9 (D) **Land use planning and development;**
- 10 (E) **Sustainability;**
- 11 (F) **Community organizing; or**
- 12 (G) **Environmental health.**

13 (b) **Five members shall be appointed by the Governor as follows:**

14 (A) **One member shall be appointed from among persons nominated by the Commission**
 15 **on Asian and Pacific Islander Affairs;**

16 (B) **One member shall be appointed from among persons nominated by the Commission**
 17 **on Black Affairs;**

18 (C) **One member shall be appointed from among persons nominated by the Commission**
 19 **on Hispanic Affairs;**

20 (D) **One member shall be appointed from among persons nominated by the Commission**
 21 **on Indian Services; and**

22 (E) **One member shall be appointed as a youth representative.**

23 (2) The *[task force]* **council** shall submit an annual report to the Governor **and the Environ-**
 24 **mental Quality Commission** setting forth its view of the progress of natural resource agencies
 25 toward achieving the goals established pursuant to ORS 182.542 and identifying any other environ-
 26 mental issues that the *[task force]* **council** determines need attention.

27 (3) The term of office of each member is four years, *[but a]* **and a member may be reappointed.**
 28 **A** member serves at the pleasure of the Governor. Before the expiration of the term of a member,
 29 the Governor shall appoint a successor whose term begins on January 1 of the following year. *[A*
 30 *member may be reappointed.]* If there is a vacancy for any cause, the Governor shall make an ap-
 31 pointment to become immediately effective for the unexpired term.

32 (4) A member of the *[task force who is not a member of the Legislative Assembly]* **council** is en-
 33 titled to compensation and expenses in the manner and amounts provided for in ORS 292.495.
 34 Claims for compensation and expenses incurred in performing functions of the *[task force]* **council**
 35 shall be paid out of funds appropriated to the Governor for that purpose.

36 (5) The *[task force]* **council** shall elect one of its members as a chairperson and another as vice
 37 chairperson, for the terms and with the duties and powers necessary for the performance of the
 38 functions of such offices as the *[task force]* **council** determines.

39 (6) A majority of the members of the *[task force]* **council** constitutes a quorum for the trans-
 40 action of business.

41 (7) The *[task force]* **council** shall meet at least once every three months at times and places
 42 specified by the chairperson. The *[task force]* **council** also shall meet at other times and places
 43 specified by the call of the chairperson or of a majority of the members of the *[task force]* **council.**

44 (8) *[The Governor shall provide the task force with the necessary clerical and administrative staff*
 45 *support.]* **The office of the Governor may enter into an interagency agreement under ORS**

1 **190.110 with the Department of Environmental Quality for purposes of providing clerical and**
2 **administrative staff support to the council and for sharing in the administrative or other**
3 **expenses of the council.**

4 (9) Natural resource agencies **and other state agencies as requested by the council** are di-
5 rected to assist the *[task force]* **council** in the performance of its duties and, to the extent permitted
6 by laws relating to confidentiality, to furnish such information and advice as the members of the
7 *[task force]* **council** consider necessary to perform their duties.

8 *[(10) A member of the task force who is a member of the Legislative Assembly may serve in an*
9 *advisory capacity only.]*

10 **SECTION 3.** ORS 182.542 is amended to read:

11 182.542. (1) The Environmental Justice *[Task Force]* **Council** shall:

12 *[(1)]* (a) Advise **and provide a biannual report to** the Governor on environmental justice issues;

13 *[(2)]* (b) Advise natural resource agencies on environmental justice issues, including community
14 concerns and public participation processes;

15 *[(3)]* (c) Identify, in cooperation with natural resource agencies, *[minority and low-income com-*
16 *munities that may be affected by environmental decisions made by the agencies]* **environmental jus-**
17 **justice communities;**

18 *[(4)]* (d) Meet with environmental justice communities and make recommendations to the Gov-
19 ernor regarding concerns raised by these communities; *[and]*

20 *[(5)]* (e) Define environmental justice issues in the state*[,]*; **and**

21 (f) **Upon the request of a natural resource agency, provide consultation and review of a**
22 **natural resource agency's proposed administrative rules under ORS 183.333 (1).**

23 (2) **The council may form work groups or consult with stakeholders as necessary to carry**
24 **out the duties of the council.**

25
26 (Finance)

27
28 **SECTION 4.** (1) **The unexpended balances of amounts authorized to be expended by the**
29 **office of the Governor for purposes of the Environmental Justice Task Force for the**
30 **biennium ending June 30, 2023, from revenues dedicated, continuously appropriated, appro-**
31 **propriated or otherwise made available to the office, are available for expenditure by the office**
32 **for purposes of the Environmental Justice Council for the biennium ending June 30, 2023.**

33 (2) **The expenditure classifications, if any, established by Acts authorizing or limiting**
34 **expenditures by the Environmental Justice Task Force remain applicable to expenditures by**
35 **the Environmental Justice Council under this section.**

36
37 (Action, Proceeding, Prosecution)

38
39 **SECTION 5.** **The amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this 2022**
40 **Act do not affect any action, proceeding or prosecution involving or with respect to any du-**
41 **ties, functions and powers of the Environmental Justice Task Force begun before and pend-**
42 **ing as of the operative date specified in section 21 of this 2022 Act, except that the**
43 **Environmental Justice Council is substituted for the Environmental Justice Task Force in**
44 **any such action, proceeding or prosecution.**

(Liability, Duty, Obligation)

SECTION 6. (1) Nothing in the amendments to ORS 182.538 and 182.542 by sections 2 and 3 of this 2022 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers conferred by those statutes prior to the operative date specified in section 21 of this 2022 Act. The Environmental Justice Council may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Environmental Justice Task Force legally incurred under contracts, leases and business transactions executed, entered into or begun before the operative date specified in section 21 of this 2022 Act are transferred to the Environmental Justice Council. For the purpose of succession to these rights and obligations, the Environmental Justice Council is a continuation of the Environmental Justice Task Force and not a new authority.

(References)

SECTION 7. Whenever, in any statutory law or resolution of the Legislative Assembly or in any rule, document, record or proceeding authorized by the Legislative Assembly, reference is made to the Environmental Justice Task Force or an officer or employee of the Environmental Justice Task Force, the reference is considered to be a reference to the Environmental Justice Council or an officer or employee of the Environmental Justice Council.

SECTION 8. Section 30, chapter 508, Oregon Laws 2021, is amended to read:

Sec. 30. (1) The Community Renewable Investment Program is established for the purpose of:

- (a) Offsetting the cost of planning and developing community renewable energy projects;
- (b) Making community renewable energy projects economically feasible for qualifying communities;
- (c) Promoting small-scale renewable energy projects; and
- (d) Providing direct benefits to communities across this state in the form of increased community energy resilience, local jobs, economic development or direct energy cost savings to families and small businesses.

(2)(a) A federally recognized Oregon Indian tribe, public body or consumer-owned utility may submit to the State Department of Energy an application for grant moneys from the Community Renewable Investment Fund established under section 33, **chapter 508, Oregon Laws 2021**, [of this 2021 Act] for the purpose of planning or developing a community renewable energy project.

(b) An applicant may partner with a federally recognized Oregon Indian tribe, public body, nonprofit entity, private business with a business site in this state or owner of rental property in this state, but a grant for an approved application will only be awarded and released to an applicant that is a federally recognized Oregon Indian tribe, public body or consumer-owned utility. Any federally recognized Oregon Indian tribe, public body, nonprofit entity, private business or owner of rental property that partners with the applicant must be listed in the application.

(c) An application must be drafted in consultation with electric utilities that have customers in the communities covered by a community renewable energy project that is in the application and regional stakeholders for the purpose of ensuring feasibility.

(3) An application for a grant for planning a community renewable energy project must demonstrate that the planning:

- 1 (a) Is for a project located in this state but outside a city with a population of 500,000 or more;
- 2 (b) Will be completed within six months of execution of the performance agreement or a rea-
- 3 sonable time frame if good cause to extend the deadline is demonstrated as determined by rule;
- 4 (c) Will result in a proposal for developing a community renewable energy project; and
- 5 (d) Incorporates feedback from:
- 6 (A) Members of qualifying communities served by the community renewable energy project;
- 7 (B) Businesses located in the communities served by the community renewable energy project;
- 8 (C) Electric utilities that have customers in the communities served by the community
- 9 renewable energy project; and
- 10 (D) Other regional stakeholders.
- 11 (4)(a) An application for a grant for developing a community renewable energy project must be
- 12 on a form prescribed by the department and contain:
- 13 (A) A detailed description of the project's systems and the systems' operation;
- 14 (B) Information showing that the project's systems will operate as represented in the application
- 15 and, if the project is for producing electricity, remain in operation for at least five years or for at
- 16 least a period of time established by the Director of the State Department of Energy by rule;
- 17 (C) The anticipated total project cost;
- 18 (D) Information on the number and types of jobs directly connected to the awarding of the grant
- 19 that will be:
- 20 (i) Created by the project; and
- 21 (ii) Sustained throughout construction, installation and operation of the project;
- 22 (E) Information demonstrating that the project will comply with applicable state and local laws
- 23 and regulations and obtain required licenses and permits;
- 24 (F) Information demonstrating that the project will be located in and benefit a community in this
- 25 state but outside a city with a population of 500,000 or more; and
- 26 (G) Any other information the director considers necessary to determine whether the project is
- 27 in compliance with sections 29 to 32, **chapter 508, Oregon Laws 2021**, [of this 2021 Act] and any
- 28 applicable rules or standards adopted thereunder.
- 29 (b) An application for developing a community renewable energy project must demonstrate that
- 30 the project:
- 31 (A) Is located in this state but outside a city with a population of 500,000 or more;
- 32 (B) Will begin construction within 12 months of execution of the performance agreement and be
- 33 completed within 36 months of execution of the performance agreement or a reasonable time frame
- 34 if good cause to extend the deadline is demonstrated as determined by rule;
- 35 (C) Results in increased community energy resilience, local jobs, economic development or direct
- 36 energy cost savings to families and small businesses;
- 37 (D) Complies with applicable state and local laws and regulations and has the required licenses
- 38 and permits;
- 39 (E) Does not exceed 20 megawatts of nameplate capacity, if the project is for generating
- 40 renewable energy; and
- 41 (F) Will operate for at least five years, if the project is for producing electricity, or for at least
- 42 a period of time established by the director by rule.
- 43 (5) Upon receipt of an application submitted under this section, the department shall review and
- 44 determine whether the applicant is eligible to receive a grant from the Community Renewable In-
- 45 vestment Program established under this section. The department may approve an application if the

1 department finds that:

2 (a) The planning or development proposal meets the requirements listed in subsection (3) or (4)
3 of this section;

4 (b) The proposal meets the standards described in subsection (10) of this section;

5 (c) The proposal meets any standards adopted by rule under subsection (11) of this section;

6 (d) The proposal is technically feasible; and

7 (e) Any federally recognized Oregon Indian tribe, public body, private business or owner of
8 rental property partnered with the applicant is listed in the application.

9 (6)(a) The department shall issue separate opportunity announcements for each calendar interval
10 that funding is available for the following categories:

11 (A) Planning a community renewable energy project that qualifies as a community energy
12 resilience project;

13 (B) Developing a community renewable energy project that qualifies as a community energy
14 resilience project;

15 (C) Planning a community renewable energy project that does not qualify as a community energy
16 resilience project; and

17 (D) Developing a community renewable energy project that does not qualify as a community
18 energy resilience project.

19 (b) Upon receiving an application, the director shall determine whether the application is for a
20 community renewable energy project that qualifies as a community energy resilience project based
21 on the definition of “community energy resilience project” in section 29, **chapter 508, Oregon Laws**
22 **2021**, [of this 2021 Act] and any applicable rules adopted under this section.

23 (7)(a) The department shall allocate, out of the initial moneys appropriated for the Community
24 Renewable Investment Program under section 34, **chapter 508, Oregon Laws 2021** [of this 2021
25 Act]:

26 (A) 50 percent or more for grants to be awarded for planning or developing community
27 renewable energy projects that qualify as community energy resilience projects.

28 (B) 50 percent or more for grants to be awarded for planning or developing community
29 renewable energy projects that primarily serve one or more qualifying communities.

30 (b) The department shall allocate, out of any subsequent and additional moneys appropriated to
31 the Community Renewable Investment Program, percentage amounts for grants in a manner con-
32 sistent with paragraph (a) of this subsection.

33 (c) After two years of issuing announcements of available funding opportunities from the initial
34 moneys appropriated to the Community Renewable Investment Program and after consultation with
35 the Advisory Committee on Community Renewable Investment described in section 32, **chapter 508,**
36 **Oregon Laws 2021**, [of this 2021 Act,] the department may, by rule, reallocate the percentage of
37 available funds across project categories.

38 (8) The department shall review and competitively score applications separately for each funding
39 opportunity announcement.

40 (9) If the department approves an application under this section, the department and the appli-
41 cant may enter into a performance agreement that meets the requirements set forth in section 31,
42 **chapter 508, Oregon Laws 2021** [of this 2021 Act].

43 (10) In approving applications and awarding grant moneys, the department shall prioritize plan-
44 ning and development proposals that:

45 (a) Include community energy resilience projects.

1 (b) Demonstrate significant prior investments in energy efficiency measures at the project lo-
 2 cation or will result in aggregate improvements to demand response capabilities.

3 (c) Are for projects located in qualifying communities across the state.

4 (d) When applicable, are for projects constructed in part or in whole by disadvantaged business
 5 enterprises, emerging small businesses or businesses that are owned by minorities, women or disa-
 6 bled veterans.

7 (e) Include inclusive hiring and promotion policies for workers working on the projects.

8 (f) Incorporate equity metrics developed in coordination with the Environmental Justice [*Task*
 9 *Force*] **Council** established by ORS 182.538 for evaluating the involvement of and leadership by
 10 people of low income, Black, Indigenous or People of Color, members of tribal communities, people
 11 with disabilities, youth, people from rural communities and people from otherwise disadvantaged
 12 communities in the siting, planning, designing or evaluating of the proposed community renewable
 13 energy projects.

14 (g) Help the applicants achieve goals included in the applicants' natural hazard mitigation plans
 15 as approved by the Federal Emergency Management Agency.

16 (11) The department shall adopt rules, in consultation with Business Oregon, to carry out
 17 sections 29 to 32, **chapter 508, Oregon Laws 2021** [*of this 2021 Act*]. The rules must:

18 (a) Define the planning and project costs eligible to be covered by a grant provided under sec-
 19 tion 31 (1) and (2), **chapter 508, Oregon Laws 2021** [*of this 2021 Act*].

20 (b) Adopt a methodology to identify qualifying communities and assess the geographic diversity
 21 of the approved planning and development projects compared with the other planning and develop-
 22 ment project applications for which grants have been requested in each opportunity announcement.

23 (c) Establish guidelines for significant, unforeseeable or uncontrollable delays that will consti-
 24 tute good cause for extending the timelines agreed upon in performance agreements.

25 (12) The department may adopt rules capping the amount of grant funds that may be paid to
 26 individual consultants and contractors in each round of funding opportunity announcements if the
 27 department finds such limitations necessary to ensure broad distribution of funds and opportunity
 28 for emerging small businesses as defined in ORS 200.005.

29 **SECTION 9.** Section 32, chapter 508, Oregon Laws 2021, is amended to read:

30 **Sec. 32.** The Director of the State Department of Energy may appoint an Advisory Committee
 31 on Community Renewable Investment to provide consultation on the implementation of sections 29
 32 to 32, **chapter 508, Oregon Laws 2021** [*of this 2021 Act*]. A committee appointed under this section
 33 shall consist of:

34 (1) A member of the Environmental Justice [*Task Force*] **Council**;

35 (2) A representative of Business Oregon;

36 (3) A representative of electric companies;

37 (4) A representative of consumer-owned utilities;

38 (5) A representative from an organization that represents community renewable energy devel-
 39 opment;

40 (6) A representative from a federally recognized Oregon Indian tribe;

41 (7) Three representatives of local government to represent the interests of counties, cities and
 42 special districts;

43 (8) Representatives from nongovernmental organizations that represent communities of low in-
 44 come or disadvantaged households; and

45 (9) Representatives from relevant state and federal emergency management or response agen-

1 cies.

2
3 ENVIRONMENTAL JUSTICE MAPPING
4

5 **SECTION 10.** ORS 182.535, as operative until July 1, 2022, is amended to read:

6 182.535. *[For purposes of]* **As used in** ORS 182.535 to 182.550[,]:

7 (1) **“Environmental burden” means the environmental and health risks to communities**
8 **caused by the combined historic, current and projected future effects of:**

9 (a) **Exposure to conventional pollution and toxic hazards in the air or in or on water or**
10 **land;**

11 (b) **Adverse environmental conditions caused or made worse by other contamination or**
12 **pollution; and**

13 (c) **Changes in the environment resulting from climate change, such as water insecurity,**
14 **drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional**
15 **cultural resources or foods, ocean acidification and increases in infectious disease.**

16 (2) **“Environmental justice” means the equal protection from environmental and health**
17 **risks, fair treatment and meaningful involvement in decision making of all people regardless**
18 **of race, color, national origin, immigration status, income or other identities with respect**
19 **to the development, implementation and enforcement of environmental laws, regulations and**
20 **policies that affect the environment in which people live, work, learn and practice spirituality**
21 **and culture.**

22 (3) **“Environmental justice community” includes communities of color, communities ex-**
23 **periencing lower incomes, communities experiencing health inequities, tribal communities,**
24 **rural communities, coastal communities, communities with limited infrastructure and other**
25 **communities traditionally underrepresented in public processes and adversely harmed by**
26 **environmental and health hazards, including seniors, youth and persons with disabilities.**

27 (4) **“Equity analysis” means an analysis used to determine or evaluate environmental**
28 **justice considerations.**

29 (5) **“Fair treatment” means that no one group of people, including racial, ethnic or**
30 **socioeconomic groups, should bear a disproportionate share of the negative environmental**
31 **consequences resulting from industrial, municipal and commercial operations or the exe-**
32 **cution of federal, state, local and tribal environmental programs and policies.**

33 (6) **“Highly impacted community” means a community that experiences a disproport-**
34 **ionate amount of environmental burdens, including communities identified using the envi-**
35 **ronmental justice mapping tool developed under section 12 of this 2022 Act.**

36 (7) **“Meaningful involvement” means:**

37 (a) **Members of vulnerable populations have appropriate opportunities to participate in**
38 **decisions about a proposed activity that will affect their environment or health;**

39 (b) **Public contributions can influence a decision maker’s decision;**

40 (c) **The concerns of all participants involved are considered in the decision-making pro-**
41 **cess; and**

42 (d) **Decision makers seek out and facilitate the involvement of members of vulnerable**
43 **populations.**

44 (8) **“Natural resource agency” means the Department of Environmental Quality, the State De-**
45 **partment of Agriculture, the Water Resources Department, the State Department of Fish and**

1 Wildlife, the State Parks and Recreation Department, the State Department of Energy, the
 2 Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State
 3 Lands, *[the Department of Education,]* the State Department of Geology and Mineral Industries, the
 4 Department of Land Conservation and Development, the State Marine Board, the Public Utility
 5 Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Au-
 6 thority.

7 (9) “Overburdened community” means minority, low-income, tribal, or indigenous popu-
 8 lations, or geographic locations in Oregon, that potentially experience disproportionate en-
 9 vironmental burdens as a result of greater vulnerability to environmental hazards, lack of
 10 opportunity for public participation or other factors, which may be a result of accumulation
 11 of negative or lack of positive environmental, health, economic or social conditions.

12 **SECTION 11.** ORS 182.535 is amended to read:

13 182.535. *[For purposes of]* As used in ORS 182.535 to 182.550[,]:

14 (1) “Environmental burden” means the environmental and health risks to communities
 15 caused by the combined historic, current and projected future effects of:

16 (a) Exposure to conventional pollution and toxic hazards in the air or in or on water or
 17 land;

18 (b) Adverse environmental conditions caused or made worse by other contamination or
 19 pollution; and

20 (c) Changes in the environment resulting from climate change, such as water insecurity,
 21 drought, flooding, wildfire, smoke and other air pollution, extreme heat, loss of traditional
 22 cultural resources or foods, ocean acidification and increases in infectious disease.

23 (2) “Environmental justice” means the equal protection from environmental and health
 24 risks, fair treatment and meaningful involvement in decision making of all people regardless
 25 of race, color, national origin, immigration status, income or other identities with respect
 26 to the development, implementation and enforcement of environmental laws, regulations and
 27 policies that affect the environment in which people live, work, learn and practice spirituality
 28 and culture.

29 (3) “Environmental justice community” includes communities of color, communities ex-
 30 perienceing lower incomes, communities experiencing health inequities, tribal communities,
 31 rural communities, coastal communities, communities with limited infrastructure and other
 32 communities traditionally underrepresented in public processes and adversely harmed by
 33 environmental and health hazards, including seniors, youth and persons with disabilities.

34 (4) “Equity analysis” means an analysis used to determine or evaluate environmental
 35 justice considerations.

36 (5) “Fair treatment” means that no one group of people, including racial, ethnic or
 37 socioeconomic groups, should bear a disproportionate share of the negative environmental
 38 consequences resulting from industrial, municipal and commercial operations or the exe-
 39 cution of federal, state, local and tribal environmental programs and policies.

40 (6) “Highly impacted community” means a community that experiences a dispropor-
 41 tionate amount of environmental burdens, including communities identified using the envi-
 42 ronmental justice mapping tool developed under section 12 of this 2022 Act.

43 (7) “Meaningful involvement” means:

44 (a) Members of vulnerable populations have appropriate opportunities to participate in
 45 decisions about a proposed activity that will affect their environment or health;

1 **(b) Public contributions can influence a decision maker’s decision;**

2 **(c) The concerns of all participants involved are considered in the decision-making pro-**
 3 **cess; and**

4 **(d) Decision makers seek out and facilitate the involvement of members of vulnerable**
 5 **populations.**

6 **(8) “Natural resource agency” means the Department of Environmental Quality, the State De-**
 7 **partment of Agriculture, the Water Resources Department, the State Department of Fish and**
 8 **Wildlife, the State Parks and Recreation Department, the State Department of Energy, the**
 9 **Oregon Watershed Enhancement Board, the State Forestry Department, the Department of State**
 10 **Lands, [the Department of Education,] the State Department of Geology and Mineral Industries, the**
 11 **Department of Land Conservation and Development, the State Marine Board, the Public Utility**
 12 **Commission, the Department of Transportation, the Department of the State Fire Marshal and the**
 13 **Oregon Health Authority.**

14 **(9) “Overburdened community” means minority, low-income, tribal, or indigenous popu-**
 15 **lations, or geographic locations in Oregon, that potentially experience disproportionate en-**
 16 **vironmental burdens as a result of greater vulnerability to environmental hazards, lack of**
 17 **opportunity for public participation or other factors, which may be a result of accumulation**
 18 **of negative or lack of positive environmental, health, economic or social conditions.**

19 **SECTION 12. (1) The Department of Environmental Quality and the Oregon Health Au-**
 20 **thority, in consultation with the Environmental Justice Council, the office of Enterprise In-**
 21 **formation Services, the Institute for Natural Resources and other interested organizations,**
 22 **shall develop an environmental justice mapping tool. The mapping tool must:**

23 **(a) Consist of a map that:**

24 **(A) Is based on environmental factors;**

25 **(B) Is sufficiently detailed to allow the assessment of environmental justice concerns;**
 26 **and**

27 **(C) Includes a layer that geospatially displays the locations of environmental justice**
 28 **communities.**

29 **(b) Be capable of supporting the following uses:**

30 **(A) Assessing existing and projected future environmental burdens on environmental**
 31 **justice communities;**

32 **(B) Assessing environmental health disparities within environmental justice communi-**
 33 **ties; and**

34 **(C) Identifying highly impacted communities.**

35 **(2) The department and the authority shall establish the data criteria and methodology**
 36 **by which the map must be developed and maintained. The department and the authority shall**
 37 **enter into an agreement with the institute that provides that the institute will maintain the**
 38 **mapping tool and make the mapping tool publicly available in electronic form through the**
 39 **Oregon Explorer.**

40 **(3) The department and the authority shall review and update the environmental justice**
 41 **mapping tool at least once every two years.**

42 **(4) When developing or revising the environmental justice mapping tool, the department**
 43 **and the authority shall hold at least six meetings in different regions of the state to:**

44 **(a) Present a work plan and proposals; and**

45 **(b) Receive input and feedback from communities throughout the state.**

1 **SECTION 13.** (1) The Environmental Justice Council, in consultation with natural re-
 2 source agencies, shall identify in a report to the Governor and, in the manner required in
 3 ORS 192.245, the Legislative Assembly:

4 (a) Guidance for state agencies regarding how to use the environmental justice mapping
 5 tool developed under section 12 of this 2022 Act when adopting rules, policies or guidelines.
 6 The guidance must be flexible to accommodate differences in agency directives.

7 (b) Best practices for increasing public participation and engagement in policy decisions
 8 by providing meaningful involvement.

9 (c) Recommendations on how to best meaningfully consult environmental justice com-
 10 munities.

11 (d) Recommendations for establishing measurable goals for reducing environmental dis-
 12 parities across Oregon and ways in which state agencies may focus their work toward
 13 meeting those goals.

14 (e) Guidelines for identifying environmental justice communities, highly impacted com-
 15 munities and overburdened communities for the purpose of reducing environmental health
 16 disparities and advancing a healthy environment.

17 (2) The report prepared under this section may include:

18 (a) Recommendations for approaches to integrate an analysis of the distribution of envi-
 19 ronmental burdens across population groups into evaluations performed under state envi-
 20 ronmental laws;

21 (b) Equity analysis methods that may include a process for describing potential risks to,
 22 benefits to and opportunities for investments and mitigation;

23 (c) Best practices for cataloging and collecting data on programs within natural resource
 24 agencies related to health and environmental factors; and

25 (d) Recommendations for criteria for identifying and addressing gaps in current research
 26 and data collection to inform state agency actions, to refine the environmental justice map-
 27 ping tool and to identify factors that may impede the achievement of environmental justice.

28 (3) The council, in consultation with the natural resource agencies, shall review and up-
 29 date the report required under this section at least once every five years.

30 **SECTION 14.** (1) Natural resource agencies shall consider the results of the environ-
 31 mental justice mapping tool developed under section 12 of this 2022 Act when developing ad-
 32 ministrative rules or agency policies or programs. Natural resource agencies shall consider
 33 the recommendations in the report required by section 13 of this 2022 Act when utilizing the
 34 environmental justice mapping tool.

35 (2) A natural resource agency may develop or revise agency policies, programs and
 36 practices as necessary to:

37 (a) Identify environmental justice communities, highly impacted communities and over-
 38 burdened communities affected by agency programs;

39 (b) Conduct outreach and engagement activities with environmental justice communities,
 40 highly impacted communities or overburdened communities to inform the development,
 41 adoption, implementation or enforcement of environmental laws, administrative rules or
 42 agency policies;

43 (c) Establish measurable goals for reducing environmental health disparities within
 44 agency programs; and

45 (d) Prioritize agency funding to help address identified impacts on environmental justice

1 **communities, highly impacted communities or overburdened communities.**

2 **SECTION 15.** ORS 182.545 is amended to read:

3 182.545. In order to provide greater public participation and to ensure that all persons affected
4 by decisions of the natural resource agencies have a voice in those decisions, each natural resource
5 agency shall:

6 (1) In making a determination whether and how to act, consider the effects of the action on
7 environmental justice issues.

8 (2) Hold hearings at times and in locations that are convenient for people in the communities
9 that will be affected by the decisions stemming from the hearings.

10 (3) Engage in public outreach activities in the communities that will be affected by decisions
11 of the agency.

12 (4) Create a [*citizen*] **public** advocate position that is responsible for:

13 (a) Encouraging public participation;

14 (b) Ensuring that the agency considers environmental justice issues; and

15 (c) Informing the agency of the effect of its decisions on **environmental justice communities,**
16 **highly impacted communities or overburdened communities** [*communities traditionally under-*
17 *represented in public processes*].

18 **SECTION 16.** ORS 182.550 is amended to read:

19 182.550. All directors of natural resource agencies, and other agency directors as the Governor
20 may designate, shall report annually to the Environmental Justice [*Task Force*] **Council** and to the
21 Governor on the results of the agencies' efforts to:

22 (1) Address environmental justice issues;

23 (2) Increase public participation of individuals and communities affected by agencies' decisions;

24 (3) Determine the effect of the agencies' decisions [*on traditionally underrepresented*
25 *communities*] **environmental justice communities, highly impacted communities and overbur-**
26 **dened communities;** [*and*]

27 (4) Improve plans to further the progress of environmental justice in Oregon[.]; **and**

28 (5) **Utilize the environmental justice mapping tool developed under section 12 of this 2022**
29 **Act to inform the development of administrative rules or agency policies or programs, in**
30 **conjunction with the meaningful involvement of environmental justice communities.**

31 **SECTION 17.** Sections 12 to 14 of this 2022 Act are added to and made a part of ORS
32 **182.535 to 182.550.**

33
34 **TEMPORARY PROVISIONS**
35

36 **SECTION 18.** (1) **The Department of Environmental Quality and the Oregon Health Au-**
37 **thority shall develop the environmental justice mapping tool under section 12 of this 2022**
38 **Act no later than September 15, 2025.**

39 (2) **The Environmental Justice Council shall provide the initial report required under**
40 **section 13 of this 2022 Act to the Governor and the Legislative Assembly no later than Sep-**
41 **tember 15, 2025.**

42 **SECTION 19.** **Notwithstanding the amendments to ORS 182.538 by section 2 of this 2022**
43 **Act, members appointed to the Environmental Justice Task Force before the operative date**
44 **specified in section 21 of this 2022 Act shall continue to serve the remainder of their terms**
45 **as members of the Environmental Justice Council unless replaced by the Governor in ac-**

1 cordance with ORS 182.538 (3).

2
3 CAPTIONS

4
5 **SECTION 20.** The unit captions used in this 2022 Act are provided only for the conven-
6 ience of the reader and do not become part of the statutory law of this state or express any
7 legislative intent in the enactment of this 2022 Act.

8
9 OPERATIVE DATE

10
11 **SECTION 21.** (1) Sections 1, 4 to 7 and 12 to 14 of this 2022 Act and the amendments to
12 ORS 182.535, 182.538, 182.542, 182.545 and 182.550 and sections 30 and 32, chapter 508, Oregon
13 Laws 2021, by sections 2, 3, 8 to 11, 15 and 16 of this 2022 Act become operative on January
14 1, 2023.

15 (2) The office of the Governor, the Department of Environmental Quality, the Oregon
16 Health Authority and the Environmental Justice Task Force may take any action before the
17 operative date specified in subsection (1) of this section that is necessary for the office, the
18 department, the authority or the task force to exercise, on and after the operative date
19 specified in subsection (1) of this section, all of the duties, functions and powers conferred
20 on the office, the department, the authority or the task force by sections 1, 4 to 7 and 12 to
21 14 of this 2022 Act and the amendments to ORS 182.535, 182.538, 182.542, 182.545 and 182.550
22 and sections 30 and 32, chapter 508, Oregon Laws 2021, by sections 2, 3, 8 to 11, 15 and 16 of
23 this 2022 Act.

24
25 EFFECTIVE DATE

26
27 **SECTION 22.** This 2022 Act takes effect on the 91st day after the date on which the 2022
28 regular session of the Eighty-first Legislative Assembly adjourns sine die.
29
