

The Honorable Governor Theodore Kulongoski

160 State Capitol
900 Court Street
Salem, Oregon 97301-4047

Dear Governor Kulongoski,

The Environmental Justice Task Force created by SB 420 is happy to file the first of its annual reports as required by law. Please find enclosed the first annual report of the Environmental Justice Task Force. The Environmental Justice Task Force was created by Senate Bill 420 and is the vision of former Senator Avel Gordley. Our statutory mission is to work with state agencies and with you on issues of Environmental Justice in Oregon.

We have worked to establish inclusive and collaborative working relationships between our natural resource agencies and Oregon communities. State agencies and Task Force members are working hard to faithfully discharge our statutory duties. These duties are especially challenging for all of us as we face difficult resource issues.

As we face the mounting challenges of Environmental Justice in the next year, we do so with greater federal involvement in this issue. Population increases, the cumulative effects of past environmental decisions, and an increased knowledge base at the community level will also sharpen our focus. Our goal is to keep Oregon ahead of the curve and embrace the challenges in a collaborative way that listens closely to the voices of communities.

We are grateful for the challenge, and opportunity to serve all the citizens of our state and nations.

With Warm Regards,

Will Collin

Chair, Environmental Task Force

EJ TASK FORCE 2008 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 Governor’s Task Force on Environmental Justice (EJTF) to submit an Annual Report (Report) describing the progress of natural resource agencies and other designated agencies toward achieving environmental justice within their respective programs. The EJTF 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 EJTF 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.

This Report briefs Governor Kulongoski on the following areas: (1) history of EJTF efforts in Oregon; (2) SB 420 requirements; (3) agency efforts to achieve environmental justice; (4) EJTF vision and future goals; and (5) identification of environmental justice issues across the state.

II. BACKGROUND

A. *Oregon Environmental Equity Citizen Advisory Committee*

In 1993, Governor Barbara Roberts established the state’s first environmental justice task force, called the Oregon Environmental Equity Citizen Advisory Committee. Governor Roberts appointed members of this Committee to assist the Department of Environmental Quality (DEQ) and the Oregon Health Division in examining how state environmental programs resulted in disparate health problems.¹ Through public interviews and surveys, DEQ identified six primary equity concerns: (1) public participation and communication procedures; (2) water pollution; (3) farmworker exposure to pesticides; (4) common household pollutants (i.e. lead); (5) land-use siting of facilities; and (6) contaminated site cleanup. The Committee made recommendations focused on improved outreach and education strategies in response to each of these primary issues.²

¹ *Environmental Law*. Collin, Robert, “Environmental Justice in Oregon: It’s the Law,” Vol. 38:413, 441 (2008).

² *Id.* at 442-43.

The Committee also made specific recommendations focused on institutionalizing environmental equity within State natural resource agency operations:

- (1) Establish an Environmental Equity Advisory Board;
- (2) Mandate diversity for State agency hiring practices;
- (3) Require diversity and cultural competency training for State agency staff;
- (4) Provide for meaningful involvement from diverse community stakeholders.

The Committee had difficulty implementing the recommendations to institutionalize environmental equity principles, lacking legal and/or political leverage to execute the specific goals. The Committee also recognized that industry representatives should have been included in the dialogue.³

B. Governor's Environmental Justice Advisory Board

In 1997, Governor Kitzhaber enacted Executive Order 97-16, creating the Governor's Environmental Justice Advisory Board (GEJAB).⁴ The primary responsibilities of the GEJAB were to evaluate how the State natural resource and environmental protection agencies were implementing the recommendations from the 1994 Oregon Environmental Equity Citizen Advisory Committee report, and to propose solutions to environmental injustices in Oregon.⁵ The GEJAB had difficulty evaluating the agencies' respective compliance due to the agencies' insufficient reporting and GEJAB's lack of resources to obtain independent data. Of the agencies that did respond, a majority claimed to have systems in place to promote access to their services, including outreach efforts and bi-lingual staff.⁶

Overall, the GEJAB concluded that most state agencies had made limited progress towards implementing the Committee's 1994 recommendations, due in large part to "the agencies' inability to analyze their own policies and procedures for patterns of bias."⁷

GEJAB recommended that the Governor direct the agencies to take the following action:

- (1) Provide agencies with a deadline to implement the 1994 recommendations;
- (2) Encourage collaboration between communities, businesses and state agencies;
- (3) Correlate existing data on environmental health risks with information on race, ethnicity and economic status to determine patterns of disparate impacts;
- (4) Prioritize cumulative health impacts in regulatory decision-making and provide such information to public through participatory process;
- (5) Encourage state agencies to conduct public meetings in the evening and provide childcare options whenever possible;
- (6) Increase agency involvement and outreach around the state, especially rural and non-metropolitan areas; and
- (7) Create a Citizen Advocate position for each natural resource agency to ensure citizen access to information and participation in the agency decision-making process.⁸

³ *Id.* at 443-45.

⁴ *Id.* at 445.

⁵ *Id.*

⁶ *Id.* at 446-47.

⁷ *Id.* at 447 (citation omitted).

⁸ *Id.* at 447-48.

C. Governor's Task Force on Environmental Justice

In 2007, the Oregon legislature passed Senate Bill 420, which had been proposed by now-retired State Senator Avel Gordly (D-Portland). The Act created the EJTF, which reports directly to the Governor on matters of importance and the progress of state agencies toward achieving environmental justice goals, and can investigate environmental justice issues on its own volition.⁹ The EJTF has five basic duties:

- (1) Advise the Governor on environmental justice issues;
- (2) Advise natural resource agencies on environmental justice issues;
- (3) Identify, in collaboration with the agencies, minority and low-income communities that may be impacted by agency decision-making;
- (4) Meet with environmental justice communities and make recommendations to the Governor regarding the communities' concerns; and
- (5) Define environmental justice issues in the State.¹⁰

The natural resource agencies named in the Act are required to consider the environmental justice implications of agency action, engage in public outreach activities in impacted communities, hold public hearings at times and places convenient for impacted community members, and create a citizen advocate position.¹¹ Other participating agencies may choose to take these actions as well, unless otherwise so ordered by the Governor. Additionally, the Directors of subject agencies must report to the Governor and the EJTF on how their respective agencies address environmental justice issues, increase public participation for impacted communities, determine disparate impacts on minority, low-income communities, and plan to progress environmental justice in Oregon.¹²

The EJTF first met in August 2008 and again in October 2008. At the first meeting, the EJTF asked the subject agency representatives to provide a 1-2 page response to the following questions: (1) if you could implement environmental justice in your agency today, what would you do? and (2) if you cannot implement environmental justice in your agency, why not? The agencies were also required to report on their respective designation of a citizen advocate position, and provide the EJTF with specific follow-up information. Although the agency responses varied in comprehension of environmental justice and thoroughness of reporting, the EJTF was able to utilize the information provided to identify the agencies' respective current state of implementation of environmental justice principles, as described below.

⁹ *Id.* at 448-49.

¹⁰ Relating to Environmental Justice, 2007 Or. Laws 2817, ch. 909, § 3.

¹¹ *Id.* § 4.

¹² *Id.* § 5.

III. AGENCY IMPLEMENTATION OF ENVIRONMENTAL JUSTICE

A. *Department of Environmental Quality (DEQ)*

DEQ reviewed the 1994 Commission recommendations to determine the extent of progress that has been made towards achieving those goals. While DEQ supports the recommendations, it lacks the resources to fully implement them. DEQ adopted an environmental justice policy in 1997, and has shown an increased understanding of environmental justice principles, such as the need to prioritize collaborative partnerships with community-based organizations and industry stakeholders, effective outreach and increased access to its programs.

DEQ monitors data on air and water quality in Oregon to ensure that pollution levels meet federal and state health-based levels. When pollution levels exceed the statutory standards, DEQ assumes a deleterious impact on human health and works to bring the pollution levels into compliance. DEQ's monitoring equipment varies in complexity and comprehensiveness, with some monitors operating 24/7 and others recording single samples. While DEQ recognizes the need to assess cumulative health impacts, the agency lacks the resources to conduct such health monitoring itself, relying instead on collaboration the Department of Human Services and that agency's Environmental Public Health Tracking System. DEQ provides DHS with information on air and water quality from across the state and assists with data analysis and interpretation to determine health trends. The Tracking System will go online in 2009, allowing individuals to access information about environmental hazards, exposures and health effects across the state. The agencies are also working to develop other information projects to provide data and reports on certain health indicators, such as asthma.

For air quality, DEQ monitors certain pollutants, including carbon monoxide, nitrogen dioxide, ozone, particulate matter and lead, along with other hazardous air pollutants. DEQ also provides monitoring support for various air quality projects, including the Field Burning Network, the Visibility Network and the Forest Health Network. Citizens can request real-time data from any air quality monitoring station through the DEQ website. DEQ also provides an accessible real-time Air Quality Index showing air pollution levels across the state, and issues Air Pollution Advisories when it forecasts air pollution above moderate levels.

DEQ monitors water quality in Oregon's rivers and streams through a long-term program, obtaining data six times each year from nearly 150 sites across the state. This data is used to develop and revise water quality plans known as Total Maximum Daily Loads (TMDLs), which limit pollution to meet water quality standards and protect drinking water supplies, fisheries and recreational uses. Routine monitoring is also conducted to protect groundwater supplies and ensure that voluntary "best management practices" are being utilized. DEQ staff also monitor landfills throughout the state to ensure that pollution control measures are protective of groundwater. DEQ educates and trains local watershed councils to ensure that voluntary monitoring and data collection meet state and federal requirements. DEQ recently initiated a long-term toxics monitoring program to assess toxic pollutants in fish and waterways, beginning with the Willamette River Basin, to be followed by other basins around the state. Results from this effort will be accessible on the DEQ website in 2009.

The facility permitting process is a primary point of intersection for DEQ with environmental justice issues. DEQ operates under the presumption that it lacks legal and/or regulatory authority to deny a facility permit that complies with the applicable emission standards on environmental justice grounds, such as cumulative impacts. DEQ has informed the EJTF that it would need additional regulatory authority to address such disproportionate and cumulative impacts in the permitting process. DEQ has identified the need for consideration of environmental justice issues in the land use planning and facility siting process, which largely occurs at local governmental levels.

If provided with additional resources, DEQ would expand any or all of the following programs: establishing additional health-based standards, cumulative impact monitoring, internal and external environmental justice training and increased community participation in agency public involvement processes. DEQ acknowledges that it presently plays a role in many actions with potential environmental justice implications, but that it currently has limited ability to centrally identify and monitor such actions.

DEQ identified several areas where it can address environmental justice issues within the bounds of current regulatory and budgetary limitations. In 2009, DEQ will launch new online web services with tools and information to help both citizens and DEQ employees identify potential environmental justice issues and begin addressing those issues collaboratively. DEQ is also seeking to partner with EPA to provide additional training to agency employees on environmental justice issues. DEQ has designated a Citizen Advocate position to advise DEQ internally on environmental justice issues, but due to limited agency resources, this staff advocate may only spend 10% of her time on environmental justice coordination work.

B. Department of Human Services (DHS)

Environmental justice is a central concern for DHS, and it understands the nexus between environmental and public health, recognizing that environmental health issues are rooted in poverty, poor sanitation, occupational health risks and various other urban and rural concerns. DHS works with local partners to address disparities in health protection and promote access to health care. An example of this collaborative work is the agency's Office of Multicultural Health (OMH), which has partnered with various public health offices and community-based organizations on trainings, conferences, community and media events, and data collection and analysis.

OMH recently supported the operations of Josiah Hill Clinic (JHC), which seeks to protect children from environmental hazards and promote community action for healthy homes. JHC targets underserved communities in an effort to reduce health disparities and treatment obstacles. OMH also conducts extensive outreach to underrepresented minority groups such as rural Pacific Islander communities, urban refugee populations and senior citizens of color to obtain information on the particular health risks these communities face and to devise innovative strategies to address health disparities. OMH continues to focus on the six health disparity areas prioritized by the Governor's Task Force on Racial and Ethnic Health, which include access to health and mental care, HIV/AIDS, substance abuse, diabetes, asthma and lead poisoning. OMH has developed its Health Care Interpreter (HCI) Certification program to address access,

outreach and education. OMH also provides “mini-grants” to untraditional community-based groups representing minority and ethnic communities in the Portland Metro area.

DHS Office of Environmental Public Health, Toxicology, Assessment and Tracking Services (TATS) section is the state’s primary resource for scientific and technical expertise on diverse health concerns. TATS conducts environmental and occupational public health studies to identify and prevent environmental and occupational illnesses and injuries. TATS staff are in tune with environmental justice principles, realizing that individuals and communities with limited resources and access may suffer disproportionate adverse impacts from environmental exposures and other health risks. TATS emphasizes community outreach and education, working directly with potentially impacted communities and individuals through a number of programs, including the Environmental Health Assessment Program (EHAP), Pesticide Exposure Safety and Tracking (PEST) and Lead Poisoning Prevention (LPP).

DHS Office of Disease Prevention and Epidemiology, Health Promotion and Chronic Disease Prevention (HPCDP), works with a variety of local partners across the state to reduce health disparities and promote policy changes. HPCDP programs include Tobacco Prevention and Education, Asthma, Diabetes and Heart Disease. The Tobacco Program directly funds community-based organizations to work with county health departments in seeking to address health disparities, provide leadership for a community-based tobacco prevention network, and utilize community-based projects to reduce tobacco use among target populations. The Tobacco Prevention Program has been successful and reducing tobacco use among minority populations, thus alleviating certain health disparities, and continues to fund community-based initiatives to ensure compliance with the Indoor Clean Air Act that took effect January 1, 2009.

DHS Office of Family Health has several programs that target diverse and underserved populations, including sections on Maternal and Child Health, Adolescent Health and Genetics, Women’s Reproductive Health, Nutrition and Health Screening, and Immunization. These programs collaborate and support a broad range of community-based organizations working to remove barriers to accessing health care and reduce health disparities.

DHS identified three programmatic areas to address environmental justice concerns, without considering availability of resources. First, its Office of Environmental Public Health would provide comprehensive risk assessment and human impact data to other state agencies, such as DEQ and DOT, to better inform the decision-making and better protect disproportionately impacted communities. Second, DHS would build capacity for its local partners to be able to better protect themselves. Third, DHS would evaluate and modify its own programs to ensure that it was more responsive to data on health disparities. DHS has designated its Manager of Toxicology, Assessment and Tracking Services, Office of Environmental Public Health, as its Citizen Advocate.

C. Department of Transportation (ODOT)

It is the policy of ODOT to require that its programs and activities do not discriminate against any person on the basis of race, color, national origin, disability, age or sex. The U.S. Department of Justice, Office of Civil Rights (OCR), monitors ODOT programs and federal funding sub-recipients to ensure compliance with applicable laws

and regulations. OCR is staffed with a Title VI/EJ Officer who provides direction and technical assistance to ODOT program managers and partners. ODOT understands the applicable policies and orders regulating its programs and activities, including EO 12898, DOT Order 5610.2, and FHWA 6640.23. ODOT is also guided by the environmental justice policy contained within the Oregon Transportation Plan, issued by the Oregon Transportation Commission, which requires equal access to transportation decision-making to protect against disproportionate adverse impacts.

ODOT requires its sub-recipient contractors to submit non-discrimination agreements, and OCR's Title VI staff provides direction and training to these sub-recipients on such agreements. ODOT requires its programmatic managers to create participation strategies so as to engage impacted communities and increase their access to the decision-making process. ODOT is directed to specifically consider the needs of low-income, minority populations traditionally underserved by existing transportation systems. ODOT does not appear to have the ability to monitor and evaluate the success of its outreach and engagement activities.

The National Environmental Policy Act (NEPA) process is ODOT's primary point of intersection with environmental justice issues. ODOT reports that approximately 92% of its actions are categorically excluded from the scoping process. The remaining 8% of ODOT actions represent environmental assessments and, if potential significant impacts are found, environmental impact statements. ODOT engages in environmental scoping on all of these actions, and its staff utilizes online Census data to identify potential impacted communities. If ODOT determines that potential significant environmental justice impacts exist, the agency brings in internal and external experts to assist with further assessments.

ODOT recognizes that it needs to update its tools, methods and guidance to stay current with environmental justice issues. The agency has designated its Citizen Representative as the Citizen Advocate for environmental justice. This is a full time position dedicated to responding to citizen inquiries on a host of subjects, including environmental justice.

D. Department of Fish and Wildlife (ODFW)

ODFW focuses its environmental justice efforts on its public outreach programs. The Oregon Fish and Wildlife Commission (FWC) relies on input from local groups to help develop policies, practices and administrative rules. Agency staff conducts outreach activities in public community meetings throughout the state, ensuring that meetings are held in each wildlife district. The agency's budgetary process is open to the public, but is controlled by an External Budget Advisory Committee (EBAC), whose forty (40) members are appointed by the ODFW Director and the FWC Chair. The EBAC is comprised of various recreational, industrial and property-based stakeholders, but does not specifically reserve participation for disproportionately impacted populations or advocacy groups. It is not clear whether ODFW is able to identify disproportionately impacted populations, if any. ODFW also maintains relationships with the State's federally recognized Indian tribes, and meet regularly with tribal representatives in developing policies and regulations that impact the tribes.

ODFW has expanded its outreach effort to include “human dimension-based surveys” in an attempt to reach populations who do not regularly provide the agency with feedback on its services. Human dimension-based surveys attempt to incorporate the public’s attitudes and values towards wildlife and other ecological processes along with traditional wildlife biology in agency decision-making. Examples of such surveys include the Oregon Licensed Angler Survey and the ODFW Economic Survey, targeting diverse populations across the state that do not normally participate in or comment on wildlife management issues. ODFW has designated its Deputy Director as the staff advocate for environmental justice on an as-needed basis.

E. Department of Agriculture (ODA)

ODA’s primary intersection with environmental justice issues concerns farmworker pesticide exposure. This issue was raised in both the 1994 and 1998 reports and recommendations by past state environmental justice task force efforts. ODA continues to work with Oregon OSHA and the Oregon State University Extension Service (OSU) to provide education and training on the use of pesticide alternatives, such as integrated pest management and non-chemical pest control methods. Pesticide pollution of surface and groundwater is also an important concern.

ODA has identified rural communities as being disproportionately impacted by its programs and regulatory decisions. Other environmental justice issues implicated by ODA’s programs are land use decisions, concentrated animal feeding operations, and food safety concerns. ODA provides outreach and education through a variety of media to the general public, as well as individuals subject to pesticide regulation laws. Through the pesticide management program, ODA and other agencies work with local citizen groups such as watershed councils, soil and water conservation districts and community organizations to address issues related to pesticide control and water quality.

ODA recognizes that its programs and regulatory scheme impact a diverse population, and it supports outreach efforts targeting non-English speaking workers. ODA has been successful in reducing improper pesticide disposal, licensing diverse pesticide applicators and ensuring worker safety by translating its educational materials into Spanish, Russian and Southeast Asian languages, among others, and by holding public meetings in rural and/or remote areas around the state. ODA has designated its Program Manager of the Pesticides Division as its Citizen Advocate.

F. Department of State Lands (DSL)

DSL is responsible for management of state-owned lands, Common School Fund assets and other various properties. Revenue from all agency activity goes to the Common School Fund, currently estimated at \$1 billion. DSL’s stewardship of state resources and management of the school fund are designed to obtain the greatest public benefit, and the agency considers the interests of future generations in its decision-making. DSL engages in outreach through consultation with other state agencies, the public comment and review processes on all significant agency actions, and partnerships with local groups and participation in public discussions on major resource issues.

Many DSL actions are required by statute or rule to undergo a mandatory public review process, such as applications for removal-fill permits, leases, public facility licenses and special use permits. The State Agency Coordination Program assists with the notice and public comment process for these types of actions. DSL seeks assistance in determining at what point environmental justice issues should be considered, and to engage in more effective outreach to increase community access to its programs, including outreach to non-English speaking populations. DSL has designated a wetlands specialist from its Wetlands and Waterways Conservation Division as the agency staff advocate for environmental justice issues, with assistance provided by the Division's Assistant Director. DSL estimates that the staff advocate spends less than 5% of her time working on environmental justice issues.

G. Department of Land Conservation and Development (DLCD)

DLCD, along with the Land Conservation and Development Commission (LCDC), implement Statewide Planning Goals, some of which implicate environmental justice principles. Local and regional governments are responsible for adopting and implementing specific policies in their comprehensive plans that adhere to the 19 statewide planning goals. LCDC is responsible for approving those plans.

Statewide Planning Goal 1 (Citizen Involvement) requires local governments to ensure that citizens have the opportunity to become involved in all phases of local planning processes, including public notification prior to local land use decisions. Local governments must also provide technical information to the public in an easily understandable format, and local policy-makers should be accountable to citizen concerns. LCDC is specifically advised by the Citizen Involvement Advisory Committee (CIAC) in matters relating to statewide citizen involvement efforts and local government citizen involvement programs. The Citizen Involvement Guidelines for Policy Development (CIG) require DLCD work groups and LCDC advisory committees to have at least one citizen charged with representing the broad public interest. It is not clear whether DLCD and LCDC, in their review of local government comprehensive plans, is able to identify disproportionately impacted populations and ensure that local governments have considered environmental justice implications.

Goal 2 (Land Use Planning) requires that local, regional and state planning and development are coordinated, and that the interests of all impacted stakeholders, including traditionally underrepresented communities, are considered in local comprehensive plans and development regulations. Goal 3 (Agricultural Lands) provides protection for agricultural lands and industry, requiring provisions for farmworker housing. Goal 4 (Forest Lands) provides protection for Oregon forests. Goal 5 (Natural Resource, Scenic and Historic Areas, and Open Spaces) protects wetlands, wildlife habitats, riparian areas and open spaces. Goal 5 also requires that local governments inventory and protect cultural resources from degradation and disturbance.

Goal 6 (Air, Water and Land Resources Quality) seeks to ensure that planning and development activities are consistent with air, water and land quality protection. Goal 7 (Natural Hazard Areas) requires local governments to identify natural hazard areas and prevent developmental activities in areas of high risk. Goal 8 (Recreational Needs) provides for recreational needs for all Oregonians. Goal 9 (Economic Development)

seeks to ensure that local governments provide land and development opportunities supportive of job creation opportunities for existing and new residents.

Goal 10 (Housing) requires local governments to provide adequate land and encouragement to develop housing to meet the needs of all Oregonians living at all income levels. LCDC and DLCDC also work closely with local governments, the Oregon legislature and special interest groups to support the development of affordable housing in Oregon communities. The 2007 Legislature directed LCDC to report on agency efforts to streamline land use requirements to provide affordable housing. In response, LCDC established an Affordable Housing Work Group to consider new solutions to providing necessary affordable housing, including legislation, new administrative rules and amendments to Statewide Planning Goal 10, if necessary. This work group consists of diverse stakeholders and is chaired by a respected affordable housing advocate. Formal recommendations are expected in mid-2009. The agency also plans to re-introduce legislation (HB 2225) aimed at increasing the number of sites zoned for affordable housing. The concept includes a pilot project focused on the affordable housing needs of five Oregon cities. The agency will report those results to the 2011 Legislature. Formal recommendations are expected in mid-2009. The agency plans to re-introduce legislation (HB 2225) aimed at increasing the number of sites zoned for affordable housing, beginning with a pilot project focused on affordable housing needs in five Oregon cities.

Goal 11 (Public Facilities and Services) requires local governments to develop public facilities (including sewer and water systems) to efficiently meet the needs of all Oregon communities. Goal 12 (Transportation) requires local governments to prepare and maintain adequate transportation system plans, emphasizing the provision of alternative transportation modes to support pedestrians, bicyclists and transit vehicles. DLCDC collaborates with DOT to implement the Transportation and Growth Management Program, focused on developing walkable and accessible communities. Goal 13 (Energy Conservation) requires local governments to consider the energy efficiency implications and cost burdens of its local planning decisions. Goal 14 (Urbanization) requires local governments to provide an adequate supply of land for future development and to use existing land more efficiently, implicating the ability of low-income communities to access urban services. Goal 15 (Willamette River Greenway) and Goals 16-19 (Coastal Goals) protect riparian and beach and estuary resources, respectively.

Oregon has a unique statewide planning scheme, offering the possibility for unprecedented citizen involvement in the planning process. In order to fulfill a promise of environmental justice, the agency must ensure that all Oregonians, including traditionally underrepresented communities, have an opportunity to access and influence this system in an equitable and meaningful manner. LCDC recently issued a staff report directing the agency to revise its procedures, as necessary, to implement the Act's requirements concerning environmental justice, and meet jointly with bill sponsors, the EJTF and the CIAC as needed. DLCDC has appointed its Communications Director as its Citizen Advocate, spending approximately 0.02 FTE on environmental justice issues. The agency's Communications Director previously had responsibility for staffing the CIAC, and therefore has direct knowledge of the agency's citizen involvement activities.

H. Department of Forestry (ODF)

ODF recognizes that its programs have an impact on rural communities and that rural citizens have a significant interest in public and private forest management decisions. ODF and its Board also understand that their forest management policies and decisions impact broader health issues, such as drinking water protection, global warming, provision of renewable energy sources, pesticide use and regional air quality.

ODF is engaged in outreach efforts to involve diverse stakeholders in forest management decisions. The Forest Trust Land Advisory Committee consists of county commissioners from mostly rural areas with Board of Forestry owned land. The Federal Forestland Advisory Committee, comprised of stakeholders representing rural, tribal, environmental and industrial interests, advises ODF on federal land management issues. Agency field foresters are in direct contact with Oregon residents to assist with a variety of health issues, such as fire protection and suppression and pesticide use.

ODF also manages the Tillamook Forest Center, which offers educational opportunities to the public, including Portland-area students. ODF engages in broad outreach through a variety of media to notify the public of involvement opportunities. ODF also specifically targets urban policymakers and stakeholders to join in efforts to ensure adequate forest management practices and educate urban/suburban populations on the importance of maintaining healthy forests. ODF seeks assistance in providing effective outreach to such urban/suburban populations.

ODF identified several issues that may presently impact environmental justice communities, including pesticide use, the need for active forest management and proposed changes to state forest management to balance local government revenue generation concerns with wildlife habitat and conservation values. ODF seeks guidance in its prioritization of natural resource management issues during a time of major funding challenges. ODF has designated its Agency Affairs Program Director as its Citizen Advocate for environmental justice. This allows the agency to incorporate environmental justice into its oversight of public affairs and stakeholder outreach.

I. Office of State Fire Marshall (OSFM)

OSFM does not currently have a program in place to address environmental justice concerns. OSFM is able to identify programs that potentially impact environmental justice communities. The Oregon Community Right to Know program (CR2K) administers the Hazardous Substance Information Survey to Oregon businesses and agencies that are likely to store, possess, use, generate, manufacture or dispose of hazardous substances. The information collected by the survey is stored in a database that is provided to emergency responders and planners to assist with pre-emergency planning, and is available to the general public to educate the public on the nature of hazardous materials within their communities.

The CR2K staff is currently developing community-based Local Emergency Planning Committees (LEPCs) in an effort to decentralize emergency response planning in the event of a hazardous chemical release. The Emergency Planning and Community Right to Know Act (EPCRA) defines the composition of LEPCs, including State and local elected officials and representatives from public health, environmental protection, law enforcement, transportation, and emergency management agencies, as well as media, community and subject facility representatives. LEPCs are currently responsible for

conducting public outreach, notice, education and additional membership recruitment, with support from agency staff.

OSFM's programs are generally available to all communities across the state, and the agency has not identified specific communities that might be disproportionately impacted by its actions. OSFM has designated its Assistant Chief Deputy, who is responsible for the agency's Emergency Planning and Response Section, as the agency's Citizen Advocate for environmental justice issues.

J. Oregon State Marine Board (OSMB)

OSMB has not identified any programs or activities that potentially impact environmental justice communities. Through a series of staff and public stakeholder workshops, OSMB has prioritized three goals: (1) safe recreational boating; (2) quality customer service; and (3) environmental protection. This final goal involves the improved use of sanitary and access facilities for recreational boaters to enhance and protect the environment throughout the state, especially in rural and non-metropolitan areas. OSMB offers facility improvement grants to cities, counties, park districts, ports, state agencies and federal agencies (through county sponsors); the public at-large is not eligible to apply for such grants. The majority of facility project grants approved by OSMB over the past three years are located in rural and non-metropolitan areas. The agency conducts quarterly public hearings throughout the state to solicit community input on grant proposals.

OSMB's Clean Marina Program is a statewide voluntary environmental certification program that promotes environmentally responsible practices at marinas to ensure protection beyond that provided by state or federal law. The Oregon Adopt-a-River program is a stewardship effort created by the Oregon legislature in 1993 and implemented by SOLV, an Oregon non-profit, in partnership with OSMB. OSMB has designated its Executive Assistant to the Director as the Citizen Advocate for environmental justice.

K. Department of Water Resources (ODWR)

ODWR primarily engages in environmental justice issues through its relationship with Oregon's federally recognized tribes. ODWR attempts to engage the tribes in meaningful discussions to seek mutually beneficial solutions to problems with water rights management and administration. ODWR recognizes that it must seek to understand and respect different perspectives on the most beneficial use of the state's water resources. ODWR is currently working with DEQ and the Legislative Commission on Indian Services to develop the agenda for a Tribal/State Water Summit, scheduled for the fall of 2009. ODWR is also coordinating with DEQ on developing an integrated water resources strategy to guide state water policy and water supply development to address the state's future water needs. The agency consults with the Commission on Indian Services to ensure that it is effectively receiving input from the Tribes.

ODWR encourages participation in task forces, workshops and rulemaking processes by conducting Water Resources Commission meetings in locations outside the Portland/Salem metropolitan area and by providing time for tribal representatives to

address the Commission with their concerns. ODWR also has a bilingual staff to assist with diverse outreach. The agency has not identified any non-English speaking populations that it has targeted for such outreach. ODWR has designated a Policy Analyst in the Director's Office as its Citizen Advocate for environmental justice.

L. Public Utility Commission (PUC)

PUC does not believe its programs and activities have a direct disproportionate environmental impact on minority or low-income populations. PUC's primary responsibility is to set utility rates, and while these decisions may impact the types of facilities acquired by public utilities, regulation of the environmental impacts of these facilities are more appropriately addressed by environmental protection and public health regulators. PUC does acknowledge that any decision to change utility rates has, by definition, a disproportionate adverse economic impact on low-income customers.

PUC has limited involvement in the Oregon Department of Energy's siting of energy resources throughout the state. In certain circumstances, PUC may determine whether a particular resource is necessary to serve a utility's customers. PUC believes it requires further legislative authority to consider the environmental impacts of a particular resource, beyond the costs incurred by the utility to comply with environmental regulations. PUC has designated its Public Information Officer as the Citizen Advocate for environmental justice.

M. Department of Geology and Mineral Industries (DOGAMI)

DOGAMI's mission is to provide earth science information, regulation and guidance so as to make Oregon's mineral industries safe and prosperous. DOGAMI's focus on safety from natural hazards includes collecting and disseminating information relating to earthquake-related tsunamis, landslides and other geological hazards. The agency must also regulate mining, oil and gas development and geothermal energy production so as to ensure adequate energy and raw materials sufficient for development and maintenance of the state's infrastructure, while limiting environmental impacts consistent with acceptable standards.

With additional funding, DOGAMI would increase the use of LIDAR (Light Detection And Ranging) beyond the current 30% statewide coverage for increased geologic data collection and analysis. DOGAMI would also commit additional resources to other geologically related issues such as climate change and subduction zone earthquakes. Significantly, DOGAMI could target traditionally underrepresented and/or disadvantaged population for outreach and education.

DOGAMI has identified rural populations as being most impacted by its regulatory activities, as that is where the majority of mining, gas and geothermal development occur. Impacts from unregulated development include well damage, water contamination, weed infestation and loss of soil productivity. DOGAMI has identified outreach and partnership with impacted rural communities to limit these offsite impacts and reclaim and restore current sites to pre-development conditions as an area of need. The agency has designated an existing (unidentified) staff member as its Citizen Advocate, estimating time allocation for environmental justice at 0.1 FTE.

N. Department of Energy (DOE)

DOE was not named as one of the natural resource agencies initially subject to the Act. The EJTF identified DOE as an agency that engages in programmatic work with critical environmental justice issues, and asked DOE to participate. Despite not being named in the Act and despite not previously having an environmental justice program, DOE agreed to participate in EJTF matters along with other natural resource agencies.

DOE engages rural communities in a variety of ways, including its low-interest energy loan program, Business and Residential Energy Tax Credits and pass-through program, rental and home oil weatherization programs, and energy efficiency incentive programs. DOE is currently working with the City of Portland and other stakeholders to improve energy efficiency for a broad range of residents and small businesses, including those owned by low-income and/or minority individuals. These energy improvements can result in decreased mold and indoor air quality concerns, leading to safer multi- and affordable housing. It is not clear, however, whether DOE has a means for identifying and/or targeting assistance to low-income communities of color.

DOE programs work to address air quality issues within impacted communities, such as the I-5 corridor. Tax credits for projects targeting truck idling, improving truck fuel efficiency and increasing state agency use of biofuels all reduce carbon dioxide emissions, and state tax credits and loans reduce the amount of diesel used per year by 1.5 million gallons, reducing the amount of diesel exhaust particulates.

DOE also works closely with the state's Tribal communities, including the Confederated Tribes of the Grande Ronde, the Coquille Indian Tribe, the Confederated Tribes of the Warm Springs Reservation, the Klamath Tribes, Burns Paiute Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). DOE provides the tribes with technical assistance, loan opportunities and educational information relating to renewable energy development, biomass facility development, and climate change and greenhouse gas emissions. DOE also works with the CTUIR regarding Hanford policy and protection of the Columbia River and groundwater.

DOE also supports the Oregon Energy Facility Siting Council (EFSC), which regulates the siting, construction, operation and decommission of large energy facilities in the state. EFSC meetings are open to the public and are held at locations throughout the state. However, it is unclear how, if at all, DOE influences the EFSC to incorporate environmental justice principles into the decision-making process, or whether the outreach and public participation opportunities to impacted communities are effective and meaningful, respectively. DOE works with numerous citizen-based advisory boards, task forces and committees to help it develop policies, budget priorities and regulations on a wide variety of issues, including global warming, climate change, renewable energy and Hanford cleanup. DOE has designated its Assistant Director of Communications to unofficially serve the function of Citizen Advocate.

IV. TASK FORCE OBJECTIVES

As discussed above, the EJTF has initiated the process of working with the subject agencies to begin identifying agency actions that implicate environmental justice. The EJTF will continue to work with all agencies on broad issues, as well as individual agencies to evaluate specific programmatic operations and ensure compliance with this Act. The EJTF will also seek to ensure that subject agencies receive sufficient training on environmental justice principles so as to address the requirements of this Act. The EJTF has established an Inter-Agency Subcommittee in an effort to encourage inter-agency collaboration and develop an agency “tool kit” for addressing environmental justice issues. This subcommittee has identified potential models for web-based tools, and is exploring core competency standards to ensure that agency managers are qualified to address concerns around environmental justice.

Pursuant to the Act, the EJTF will seek to provide general outreach to environmental justice communities throughout the state. The EJTF has created an Education and Outreach Subcommittee to direct such educational and outreach efforts. The subcommittee will seek to identify proven outreach and data collection models, and has initiated work around developing an Environmental Justice Bill of Rights so as to set a standard for equal protection with respect to the environment and public health. The EJTF has already heard testimony from individuals and non-profit organizations on various issues, and the EJTF will develop means to afford citizens and community groups a meaningful opportunity to participate in the decision-making process.

The EJTF plans to examine other state models that address environmental justice, specifically New Jersey, Maryland and California. The EJTF will develop reports and recommendations on the applicability of these state models for use within the state. The EJTF will work to develop an environmental justice program that is most appropriate for statewide issues with the intention of building capacity within state agencies and local communities to collaboratively address and ameliorate environmental justice concerns.

The EJTF has identified budget restraints and legal restrictions as being current potential obstacles to effectuating the goals of this Act. As the task force continues to work with subject agencies and engage impacted communities, it will better be able to advise the Governor on the specific barriers to environmental justice and on ways to overcome such obstacles. The EJTF has initiated communication with DOJ to work with the EJTF and subject agencies on understanding specific legal and regulatory authority to address environmental justice concerns. The EJTF will also explore partnership agreements and funding opportunities with private and public partners to increase its capacity to effectuate the goals of this Act, subject to appropriation regulations. The EJTF has already identified Oregon’s statewide land use planning goals as an area of focus, and will look to amend and/or develop new planning goals that are inclusive of environmental justice principles.

One critical issue that has been identified by the EJTF as implicating environmental justice is climate change. The EJTF recognizes that several groups are presently working on climate change issues at the state level, including a Climate Change Commission and various working groups. Environmental justice communities may be impacted by climate change through myriad, and potentially conflicting, ways. Such communities may be directly impacted by the effects of global warming, resulting in

disproportionate health risks. Low-income and minority communities may also be indirectly impacted by rising energy costs associated with alternative energy programs and energy efficiency programs. Such indirect economic impacts can be equally disruptive to vulnerable communities and result in greater human health risks. Given these concerns, it is imperative that environmental justice issues are prioritized and considered by any and all commissions, working groups or other bodies addressing climate change issues, to the extent these groups are not already doing so. The EJTF will work on providing recommendations to the Governor's office on how to ensure such consideration.

V. IDENTIFICATION OF ENVIRONMENTAL JUSTICE ISSUES

The EJTF is charged with identifying significant environmental justice issues and areas of concern throughout the state. Through the work of various agencies, community-based organizations and stakeholders, many environmental justice issues have already been identified and prioritized. The EJTF specifically refers to issues identified in the 1998 GEJAB report, which included public notice of issues concerning the environment, water quality, pesticide use and exposure, household pollutants, land use siting and review, and hazardous waste siting. The EJTF recognizes that, while these issues are of significant import, many other environmental justice issues exist.

Attached as Appendix A is material produced by an environmental justice non-profit working within the Portland-Metro region in collaboration with other community-based organizations around the identification of environmental justice issues. The EJTF recognizes that these issues identify only those of importance to urban and metropolitan communities, and does not incorporate issues faced by Tribal and rural communities. The EJTF has received public comment identifying disproportionate protection from field burning, as provided by current state law, as an issue of importance for rural communities. As discussed above, climate change is also a broad-reaching issue of importance that touches upon many aspects of environmental justice. The EJTF will continue to work on identifying such issues across the state in our attempt to create better understanding and resolution of such injustices.

VI. CONCLUSION

The EJTF thanks the Governor for his dedication and support on environmental justice concerns. The EJTF looks forward to working with subject agencies 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. Given Oregon's unique history and land use planning process, the EJTF aspires to serve as a model for environmental justice consideration and ideals for states across the nation.

Chapter 2

Environmental Justice

Environmental Justice

Kevin Raymond Odell and Jonathan Ostar, OPAL (Organizing People, Activating Leaders)



What is Environmental Justice?

Environmental Justice is the fair treatment of all people regardless of race, culture, ethnicity or income with respect to the development and enforcement of environmental laws, regulations and policies. Environmental justice embraces the principle that all people in all communities have an equal right to safe and healthy living and working conditions and access to the decision-making process that affects their environmental health. The environmental justice movement is an outgrowth of the Civil Rights Act of 1964, which

states, "No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Background

In 1982, civil rights activists protested the siting of a PCB landfill in a predominantly low-income, minority community in Warren County, North Carolina. This protest brought national attention to the disparate impacts being felt by low-income, people of color communities throughout the nation. It prompted a U.S. General Accounting Office study, *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*, which revealed 75% of the commercial hazardous waste landfills in eight Southern states were located in predominantly low-income African-American communities, despite African-Americans representing only 20% of the region's population.

In 1988, the West Harlem Environmental Action (WE ACT) was formed to address community concerns around the North River Sewage Treatment Plant and the siting of a sixth air polluting bus depot in their community. WE ACT was prominent in leading the community demands to participate in the future siting and planning decisions of West Harlem, and the group has been an inspiration for countless community-based organizations across the country.

In 1990, Robert D. Bullard published the first academic text on environmental justice, "Dumping in Dixie: Race, Class and Environmental Quality." The book highlighted the disproportionate siting of hazardous waste facilities in communities of color across the South. That same year, Greenpeace reported that existing incinerators across the nation were disproportionately located in communities of color at 89% above the national average, and these communities were targeting for continued siting at 60% above the national average.

The 1991 People of Color Environmental Leadership Summit adopted Principles of Environmental Justice covering an extensive range of topics, broadly defining environmental justice as "the pursuit of equal justice and equal protection under the law for all environmental statutes and regulations without discrimination based on race, ethnicity, and /or socio-economic status."

The US government took notice of this work, and in 1992 the US Environmental Protection Agency (EPA) created the Office of Environmental Equality, which later evolved into the Office of Environmental Justice (OEJ). In 1993, EPA established the National Environmental Justice Advisory Council (NEJAC), which provides independent advice and recommendations to the EPA on environmental justice issues. EPA defines environmental injustice as a "disproportionate share of the negative environmental consequences" that result either directly from industrial, municipal and commercial operations or indirectly from the manner in which federal, state, local or tribal programs and policies are executed.

On February 11, 1994, President Clinton codified the principle of environmental justice in Executive Order 12898. Entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," the Order reinforced the Civil Rights Act of 1964, Title VI, specifically prohibiting discriminatory practices in federally funded program. EO 12898 directs each Federal agency to review its programs, policies and activities to ensure that they do not result in disproportionate impacts upon low-income, minority populations. While EO 12898 is still in effect today, the Order is not a law or a statute, and as such, does not establish any regulatory enforcement authority.

Civil Litigation and other Redress for Environmental Justice Violations

Unfortunately, recent court decisions have eroded the legal basis for litigating environmental injustice. In 2001, the US Supreme Court held in *Alexander v. Sandoval* that §601 of Title VI of the Civil Rights Act did not allow for private lawsuits based on evidence that a regulation disproportionately harms minorities. While Federal agencies had a right to ban disparate-impact regulations under §602 of Title VI, individual citizens have no private right to sue absent proof of intentional discrimination.

Environmental justice communities and civil rights activists have continued to search for innovative legal means to address environmental inequities. More recently, in 2003, residents of Cadillac Heights, a predominantly African-American and Hispanic community in Dallas, Texas, sued the city as a result of inferior zoning, flood protection and environmental quality in their neighborhoods. In *Miller v. City of Dallas*, the plaintiffs alleged that the city had established these land use patterns based on racist decision-making. The court held that there was sufficient evidence of Dallas' racial bias in its city planning to create an inference of intentional discrimination with respect to the environmental protection and quality of the Cadillac Heights neighborhood. This case is significant because it suggests that a city's land use and planning history is relevant to present and future development and environmental equality.

Outside of civil litigation, communities have attempted to utilize EPA's Title VI Civil Rights complaint process to redress local environmental injustices. In 1998, EPA'S Office of Civil Rights (OCR), released guidelines for investigating Title VI civil rights complaints, focusing on the challenging of permits. The guidelines were intended to provide a framework for the processing of EPA civil rights complaints alleging discriminatory effects as a result of permits issued by state and local agencies that receive federal funding.

However, the guidelines are vague and are not consistently enforced. Since EPA began its complaint process, 82% of its claims have gone uninvestigated, with most being rejected or dismissed out of hand. Even more disturbing is EPA's recent attempts to cut its own civil rights programs and resources. In 2006, Region 10 (comprising the Pacific NW) "reorganized" its environmental justice program by removing its regional Office of Civil Rights, reducing staff, and minimizing program budget and authority. As a result, local communities are left without

substantive governmental assistance in the fight for environmental justice.

Health and the Community

Pollution and poverty generally go hand in hand. Government and private sector policies have often put low-income, people of color populations most directly in harm's way, in part because these ignored communities do not have political clout or access to the decision-making process. Research shows that low-income, people of color communities often bear a disproportionate share of the pollution and environmental hazards. For example, according to the Centers for Disease Control (CDC), African American children are five times more likely to suffer from lead poisoning than white children, and 22 percent of African American children living in older housing are lead poisoned. According to a 2005 analysis by the Associated Press, minorities are 79 percent more likely than whites to live in neighborhoods where industrial pollution is suspected of posing the greatest health danger.



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Poor minority communities continue to be medically underserved, due, in part, to the lack of service provided by health professionals. The leadership of state and federal environmental health agencies, as well as non-profit environmental health groups, remains overwhelmingly white, while environmental illness threatens poor minority communities more than other communities. Recent reports from the National Academy of Sciences Institute of Medicine recommend greater racial diversity among health professionals as vital to achieving environmental justice.

As scientific analysis continues to show the correlation between land use and development policies and public environmental health, the concept of environmental justice will broaden. Presently, advocates for issues such as transportation equity, affordable housing, brownfields, food awareness and nutrition, and access to greenspaces are building coalitions to advance a broad, all-inclusive principle of environmental justice encompassing all aspects of local community health. This work is best illustrated by local actions at the community level.

Environmental Justice in Oregon

Oregon is predominantly white (85% according to 2000 census data), and most people of color live in metropolitan areas. In 1994, an advisory board appointed by Governor Barbara Roberts found that low-income neighborhoods and communities of color in Oregon disproportionately suffered from pollution and resource depletion and were least protected by environmental laws and regulations. In 1997, Governor John Kitzhaber appointed a follow-up Environmental Justice Advisory Board (EJAB) to oversee the work of state agencies. In August 1999, the Governor's office received an EJAB progress report, although since that time the Board was not recommissioned. In the 2005 Legislative Session, Senator Avel Gordly introduced a landmark Environmental Justice bill, prompting Governor Ted Kulongoski to create a Governor's Task Force on Environmental Justice. This bill has been reintroduced into the 2007 Legislative Session.

The City of Portland, within Multnomah County, Oregon, has the highest population density within the state. Compact development issues are a priority in the region, as the Urban Growth Boundary and incentives for increased density limit sprawl and create more livable communities, thus making the Portland Metro region a national model for innovation and urban planning. Yet the benefits of this "smart growth," such as clean air, connectivity to greenspaces and access to resources, have been directed primarily towards the more privileged and prosperous communities, while low-income, people of color communities are largely ignored, burdened

with substandard housing, poor air quality, increased exposure to toxins and lack of access to resources.

The Metro region experienced an influx in ethnic groups from 1990-2000, exemplified by 2003 US Census data showing a 21% increase in Multicultural Tracts in the area. Traditionally, the North/Northeast Portland communities have been home to minority, low-income populations, and as such have received the majority of past attention. Yet with this attentions and increased public financing came rapid gentrification, which resulted in displacement of many of the low-income, people of color populations that had suffered the brunt of the environmental exposures. As a result, Outer Southeast Portland communities, such as Lents and Brentwood-Darlington, have become increasingly impacted by both public health concerns and development. These communities have yet to receive the necessary resources that these problems warrant.

In 2002, the Multnomah County Health Department performed a broad-based community assessment of issues around impacted communities and health-hazards, allowing and assisting the impacted communities to identify, prioritize and assess the most significant environmental health hazards. The data generated by the county-wide assessment identified five target environmental justice communities that are most impacted by pollution and health hazards: (1) North Portland/St. Johns; (2) Inner NE Portland/Albina; (3) Outer NE Portland/Cully; (4) East County-Gresham and (5) Outer SE Portland-Lents. The health hazards prioritized by the affordable housing communities of the Albina neighborhood were mold, lead and trash. Other issues of major significant in the metropolitan areas are asthma/air quality, transportation equity, affordable housing, water quality, lead poisoning and brownfields.

Air Quality and Transportation Equity

According to the 2005 Associated Press analysis, low-income, communities of color in Oregon are twice as likely as whites to live in areas with high levels of air toxics. The disparity is even greater in the metropolitan areas. Low-income, minority populations in NE Portland had approximately a 14 percent asthma rate, which was twice the national average and three times the average found in more prosperous Southwest Portland neighborhoods. This is consistent with national data, as the CDC has shown that minorities are hospitalized for asthma three times as much as white people and incur asthma-related deaths more than seven times that of white people. Through groups such as the Environmental Justice Action Group (EJAG), representing communities of color in North and Inner NE Portland, citizens have been working to reduce air pollution risks faced by minority, low-income populations. Specific battles have included fights over air pollution from Oregon Steel Mills and better transportation planning in the proposed expansion of Interstate 5 along portions that cut through N/NE communities.



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Lead and Lead Blood Poisoning

Lead poisoning continues to be an environmental health hazard in the state of Oregon. Groups around the state, including the Josiah Hill III Clinic in Portland, are actively working in poor communities offering services and important information on testing.

Lead poisoning occurs when lead paint or dust is inhaled or ingested. Once in the body, lead causes many detrimental effects. Lead poisoning causes learning and behavioral disabilities in addition to brain and kidney damage. Young children ages six and under, in addition to pregnant women, are most susceptible to lead poisoning. Children absorb more toxins pound for pound compared to adults, and in pregnant women lead crosses over the placenta. An

examination of nearly 200 environmental investigations in lead poisoning cases found that lead paint was identified as the probable source in 63% of the cases (40% were related to remodeling or renovation and 23% were attributed to general paint deterioration). This corresponds with the dramatic increase in gentrification that has been seen in recent years in older neighborhoods that were traditionally home to the poor and racial/ethnic minorities. With these changes, middle and upper income families, buying and remodeling older housing are placing their children at increased risk for lead poisoning.

Brownfields and Land-Use

"Brownfields" are properties that are contaminated or are perceived to be contaminated, thus restricting the reuse of that land. The sites may pose potential health risks to the community, but often there is little information about particular contaminants. Development of these sites has the potential to disturb and release further contaminants into the community. Nevertheless, redevelopment of these properties can create jobs and improve businesses and neighborhoods.

Many brownfields are in low-income neighborhoods and communities of color, and contribute to the local government's assessment of blight, resulting in sanctioned urban renewal. As such, it is often not until an area has been designated for urban renewal, leading to gentrification and displacement, when brownfields are addressed. It is therefore essential that low-income communities of color are able to address brownfields in their neighborhoods.

Starting in 1998 with the Portland Brownfields Showcase Program, brownfields have become a more visible concern to both local government and communities. Since that time, the city has worked to address individual brownfield redevelopment with limited federal assistance. More recently, a coalition of concerned community stakeholders and grassroots nonprofit advocacy groups, led by OPAL (Organizing People, Activating Leaders), have partnered with the city to form Groundwork Portland, a land trust utilizing a community-first model around brownfield redevelopment and green space connectivity, with a focus on public health and environmental justice communities.

Another coalition based effort in the Metro area, The Coalition for a Livable Future (CLF), has recently completed a Regional Equity Atlas, addressing the challenge of building a more just and equitable society. Using GIS maps and Census data, the project aims to answer questions such as whether workers in every community can afford to live near their jobs, and whether communities have sufficient access to parks and natural areas. The information in the Atlas will be shared with policy makers, planners, businesses and the general public, and will be used by community-based organizations to advocate for changing public policies and redirecting public and private investments to make regional development more equitable.

Pesticides and Migrant Labor

The fruit and vegetable growers of the Willamette Valley have depended heavily on Mexican labor since the 1940's. Reforestation and plant nurseries emerged in the 1970's as major winter occupations, enabling thousands of farmworkers to remain in Oregon year-round. Employees in these areas generally work long hours for low wages, with no overtime pay, paid breaks, seniority, job security or other benefits. Seasonal workers are often housed in squalid labor camps owned and operated by growers or labor contractors. They are exposed to a myriad of chemicals and pesticides sprayed on crops and often lack the proper protective gear and training to handle the pesticides.

Legislative and Agency Priorities

- ◆ The Legislature should pass proposed legislation to more comprehensively address environmental justice concerns. This should institutionalize the Environmental Justice Advisory Board, among other things.
- ◆ The state currently bans the Metro government from adopting “inclusionary zoning,” which would require new development to include a wide array of housing choices, including for low-income residents. That ban should be lifted. Over time, this would help low-income populations be more evenly distributed geographically, thus lessening the environmental burdens they face.
- ◆ The state should take action to reduce the threats posed by diesel pollution and particulate matter (see Chapter 5, Air Quality).
- ◆ The state should require universal lead testing of all children in Oregon on the Oregon Health Plan. All children tested with elevated blood lead levels should be provided with free follow-up services including inspection for lead in all relevant buildings (homes, schools, etc.).

Key Messages

- ◆ Environmental justice means equal access to decision-making about environment-related issues, equity in the enforcement of environmental laws and regulations at all levels of government, and remedy of past and current manifestations of bias in the environmental arena. Low-income neighborhoods and communities of color must not be used as dumping grounds.
- ◆ Legislators, elected candidates, and Oregon-based conservation and environmental groups must include and work actively with environmental justice organizations to create a diverse and representational legislative framework for a healthier, more equitable Oregon.

Experts and Resources

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The EPA has created a tool that allows citizens to do an environmental justice geographic assessment of their own neighborhood, city or state at www.epa.gov/enviro/ej/