

Amendment 19: Commissioners Tallmadge, Oxman

GP 2-8, Introduction to Policy 2.3 As amended:

Environmental Justice is the equitable treatment and meaningful involvement of communities of color and low-income communities in decisions that affect the health and quality of life where they live, work, learn, play and pray. Environmental Justice supports the equitable distribution of the benefits and burdens of decisions, considering historical injustice and context of local decision-making, It ensures that those most impacted by decisions have an opportunity to meaningfully participate. Environmental Justice is born from recognition of two historical trends.

- First, communities of color, low-income communities, Limited English Proficient (LEP) communities, and tribal communities and governments have disproportionately experienced the negative impacts of public and private decision-making.
- Second, these communities often have been excluded from decision-making processes including assessment, planning, development, implementation, monitoring and enforcement. Environmental Justice serves to build capacity within overburdened communities to support greater political, socioeconomic and cultural self-determination, while remedying past injustices.

Rationale: Based off EPA definition of environmental justice and meaningful involvement, and the 2008, "official" definition of EJ for the State of Oregon via the EJ Task Force:

http://www.oregon.gov/gov/policy/environment/environmental_justice/Pages/default.aspx

Summary of feedback on as amended EJ policy

- Comments from Desirée Williams-Rajee, Jon Ostar, Jeri Jimenez (formerly Williams), Danielle Brooks.
- Generally supportive, but suggestions given. See Desiree Williams recommendation below for specific staff recommendations.
- Questions about the placement of the policy within the Community Involvement Chapter. Community Involvement is a component of EJ and not the other way around.
- Connect this to “meaningful participation.”

John Ostar, Opal

This looks almost verbatim to the policy statement I drafted for Maggie Tallmadge last month, so I'm assuming this is what she provided to you as a recommendation. But there are a few deviations, which, while not critical, nonetheless shift things a bit.

Here's what I provided to her on June 18th, along with my editorializing of the different parts:

Environmental Justice is the equitable treatment and meaningful involvement of communities of color and low-income communities in decisions that affect the health and quality of life where they live, work, learn, play and pray.

That's your basic frame, with the "magic" (read: historical movement) language as foundation, and then you can build off that.

Environmental Justice supports the equitable distribution of the benefits and burdens of decisions, considering historical injustice and context of local decision-making, and ensures that those most impacted from decisions have an opportunity to meaningfully participate.

This streamlines the substance and incorporates the "restorative" element in a more accurate manner (read: history and context).

Environmental Justice is borne from the recognition that communities of color, low-income communities, Limited English Proficient (LEP) communities, and Sovereign Tribes have been disproportionately impacted from public and private decision-making, including planning, development, monitoring and enforcement, while often being excluded from those decisions themselves.

This provides clarity on the specific communities that are afforded heightened consideration (if not protection), and the types of actions that result in disproportionate impacts.

Environmental Justice serves to build capacity within overburdened communities to support greater political, socioeconomic and cultural self-determination.

This closes with a clear message about the importance of capacity-building and self-determination.

I saw two deviations:

1. In my third part, it's all one statement, as opposed to a "first" and "second." I think my suggestion reads better, by describing the types of decisions that result in impacts up front.
2. Your revision closes with the statement: "...while remedying past injustices." I'm not sure how this got in there, and as much as I'd love it if EJ (or civil rights laws) actual did remedy past

injustices, they simply don't. You'll see how, in the second part of my recommendation, I referenced "...considering historical injustice and the context..." in an effort to speak to that, but I think that's as far as we can go, i.e. consideration of the past, not obligation to remedy the past.

I would note that my recommendation is only loosely based on EPA or OEJTF definitions. I told Maggie that if she didn't like my suggestions, she should just recommend using either one of those and citing it. But if you actually look at those definitions, they're not nearly as expansive as my suggestion. If you're going with this recommendation (which I hope you will), then you might consider referencing these governmental definitions differently (though "based on..." is pretty vague).

Finally, EPA has a specific four-part definition for Meaningful Participation that is quite specific, and I don't think it's included in this recommendation of an EJ policy statement, so shouldn't be cited as such. But I do think the City should update/develop a policy statement based on this definition. I'll paraphrase:

Meaningful Participation requires:

1. Access to all relevant information;
sets up standards around proactive information disclosure and judicious responses to FOIA/PRR
2. Ability/Capacity to understand the information;
sets up standards around technical assistance and capacity-building, along with language translation
3. Opportunity to influence the outcomes of decisions;
sets up procedural standards regarding sequencing of public engagement, testimony, consideration and decision-making
4. Decision-makers seek out input from impacted communities
sets up values-standard about proactive identification of communities that will be impacted and eliciting input early in process

**Jeri Jimenez (formerly Williams), Neighborhood Program Coordinator
Office of Neighborhood Involvement**

I can live with either. I like the attachment because it is more linear. The other speaks to the voice and spirit of EJ.

**Danielle Brooks, Civil Rights Title VI & ADA Title II Program Manager
Office of Equity and Human Rights**

After reviewing the EJ related polices, recommended amendments, comments from Jon and Jeri, and Desiree's response, I am most comfortable with the language used by Jon (Jon via Maggie) and the redeveloped language pulled together by Desiree.

Jon's language does read well and he goes above and beyond to address the spirit of EJ and Civil Rights, while still maintaining the scope of the law (I'm thinking particularly about the remedy language – and rephrasing to consider historical and current contexts and the role those play in the current state of disparities and process of government services, planning, and the development of Portland.

I agree that it would be beneficial – particularly in Chapter 2, to provide greater detail (EPA outlined) of “Meaningful Involvement” or at least call out how each element of Chapter 2 addresses what EPA defined meaningful involvement requirements. I still think it is important to reference and cite the federal and state guidelines and definition – even if the term “based on” is vague, the expansive version is still built off of this language and I think it is critical to acknowledge the federal and state aspects of environmental justice policy.

I stand by my original recommendation that was identified by Desiree. EJ is more than meaningful involvement, it is about how we make decisions and considerations in how we make decisions. Involvement those most impacted at every level of decision making is critical and reflects this, but there are other implementation efforts, tools, strategies, and practices that lend to equitable decision making an environmentally just institution. Meaningful engagement is a critical, even highest priority, subsection; however, having EJ and EJ implementation embedded only in the engagement section underscores the rest of this work. I think EJ needs to be included in the chapter and elevated elsewhere.

Desirée Williams-Rajee, Equity Specialist
Bureau of Planning and Sustainability

Based on the review, I made an attempt at combining the language. I agree that his read better, but each sentence begins with Environmental Justice, so I believe Maggie may have reformatted so that it didn't seem repetitive in a paragraph rather than 4-clause format. I chose to keep the air, water, land reference because while I agree and honor the sentiment of "where people live, work, learn, play, and pray", I believe on its own it can be easy to be biased and judgmental in one's perception of what that means for others, whereas the uses of air water and land is a universal concept. Because the whole chapter is really about meaningful involvement, I didn't see the need to address his final comment in the current edits.

Environmental justice is the equitable treatment and meaningful involvement of all people in public decision making, as it applies to the development, implementation, and enforcement of laws, regulations, and policies that govern the uses of air, water, and land; and therefore the effects of those laws, regulations, and policies on the health and quality of life where people live, work, learn, play and practice spirituality.

Environmental Justice supports the equitable distribution of the benefits and burdens of decisions, considering historical injustice and context of local decision-making, and ensures that those most impacted from decisions have an opportunity to meaningfully participate.

Environmental Justice is borne from the recognition that communities of color, low-income communities, Limited English Proficient (LEP) communities, Sovereign Tribes and tribal communities have been disproportionately impacted from public and private decision-making, including planning, development, monitoring and enforcement, while often being excluded from those decisions themselves.

Environmental Justice serves to build capacity within overburdened communities to support greater political, socioeconomic and cultural self-determination.

Policies throughout this chapter support environmental justice by providing a framework for meaningful involvement in public decisions.

The OR state EJ definition does not use the word "pray" but "practice spirituality". I think this is more inclusive and prefer this wording, but left Jon's as he had written it.