# Environmental Justice (a component of Equity)

Date for discussion: July 31, 2012

Note: the underlined text reflects updates made to the July 25, 2012 version of this Discussion Paper.

### A. Definition

Environmental Justice is a component of equity. For purposes of the PEG discussion, Environmental Justice means equal protection from environmental and health hazards, and meaningful public participation in decisions that affect the environment in which people live, learn, work, play, and practice spirituality. Policies developed with a lack of attention to environmental justice have historically resulted in inequitable distributions of burdens such as poor air or water quality, and inequitable distributions of benefits such as access to nature. Environmental Justice Communities are communities particularly vulnerable to such inequities and include minority, low-income and tribal communities, and other communities historically underrepresented in public processes.

Environmental Justice is defined by the EPA as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. This definition is from President Clinton's 1994 Executive Order addressing inequities that historically affected communities of color in the siting of locally unwanted land uses and the resultant impacts to health and the environment in those communities.

ORS 182.545 includes a provision requiring all State natural resource agencies to provide greater public participation and ensure that all persons affected by decisions of those agencies have a voice in those decisions.

### B. Why should the Comprehensive Plan address Environmental Justice?

Equity emerged as a core value through the development of the Portland Plan because it is critically important that everyone have access to the opportunities necessary to satisfy their essential (including cultural and spiritual) needs, advance their well-being and achieve their full potential.

The concept of environmental justice is a component of equity and encompasses two primary issues related to the Comprehensive Plan:

- 1. Ensuring meaningful public participation in the siting of facilities or the construction of projects that will have potentially negative environmental and/or health impacts on the neighborhood or community;
- 2. Ensuring equitable distribution of projects with potentially negative environmental and/or health impacts throughout the community, and equitable distribution of environment-related benefits that contribute to high livability for all citizens.

# C. Environmental Justice Elements and the update of the Comprehensive Plan

Environmental Justice contains the following elements that are being addressed in the Comprehensive Plan process as noted.

Table 1: How Environmental Justice will be addressed in the Comprehensive Plan Process

Environmental Justice Element	Comprehensive Plan PEG Responsibility
Ensure that the Comprehensive Plan proposals are genuinely reviewed with an environmental justice lens. (See Section D)	-Equity working group (under development by the Office of Equity and Human Rights) -All PEGs.
Ensure that there is meaningful public participation in the development of the Comprehensive Plan.	-Equity working group (under development by the Office of Equity and Human Rights) -Community Involvement Committee (CIC)
Ensure that proposed Comprehensive Plan policies support equitable access to adequate transportation, stormwater, water,	-Infrastructure Equity PEG -Networks PEG

sewer, and parks services and infrastructure, and that the updated Comp Plan lays the policy foundation to reduce infrastructure disparities	
As policies and maps are developed, ensure equal access to the central services and amenities that comprise a livable neighborhood.	-Neighborhood Centers PEG -Networks PEG
Ensure that the Comp Plan and/or implementing projects consider the disproportionate environmental and health impacts (air quality, water quality, noise, smell) on environmental justice communities.	-Watershed Health and Environment PEG -Economic Development PEG
Ensure that proposed Comprehensive Plan policies support equitable access to nature for subsistence and recreational fishing and gathering and overall health.	-Watershed Health and Environment PEG

## D. Questions to help all PEGS view draft policies through the Environmental Justice lens

Using the definition of Environmental Justice from Section A, all PEGs should consider the following questions as they apply to each proposed Comprehensive Plan policy. The two fundamental Environmental Justice components of public involvement and public health should frame these questions.

- What communities are impacted? Pay particular attention to racial and ethnic minority communities.
- For each policy recommendation, identify all potential positive and all potential negative impacts for each
  of the identified communities. Can we strengthen the positive impacts and/or mitigate negative impacts?
   Who will be most affected and in what way? How might this policy intersect with other parts of the
  Comprehensive Plan to have unintended consequences?
- How have impacted communities been involved with or engaged in the policy recommendation? Is there support for the policy proposal and/or language identified by communities through other processes?

### E. Questions for Watershed Health and Environment PEG Discussion

- What does environmental justice mean in a comprehensive planning context?
- See the Comprehensive Plan Proposal for Watershed Health and Environment PEG consideration below. Are there other elements of environmental justice that should be covered as part of the development of the Comprehensive Plan?
- What is the best way to address the term "Environmental Justice" in the Comprehensive Plan policies? Is it by explicit use of the term, or by policies related to the elements of environmental justice?

### F. Comprehensive Plan Proposal for Watershed Health and Environment PEG consideration

1. **Goals and Policies** (note that the entire draft goal and the relevant draft policies distributed in June are listed below for your reference)

#### A. Draft Goal:

Ensure that:

- Portland's watersheds have hydrologic, habitat, and water quality conditions suitable to protect and maintain human health, reduce risks of landslides and flooding, prevent property damage, maintain ecological functions and community resiliency, and support native aquatic and terrestrial species and biological communities;
- The built and natural environments are integrated so that they function as a complete system;
- Portlanders have clean air and water, are protected from landslides, flooding and other natural or man-made disasters, and have convenient and equitable access to nature;
- Portland's environment is resilient in the face of climate change and other uncertainties.

### B. Draft Policies:

## 1. Land, Water and Wildlife:

- b) Maintain and reestablish functioning habitat corridors by protecting, and enhancing existing habitat, restoring degraded habitat, reconnecting anchor habitats and improving accessibility to habitat.
- d) Improve surface water and groundwater quality, including temperature.
- e) Prevent:
- invasive plants, animals and insects from becoming widespread.
- pollutants from contaminating air, soil and water.
- human induced soil loss, erosion, and impairment of soil quality and function.

### 2. Design with Nature:

- e) Ensure that stormwater management systems are adequate to serve planned densities without creating negative off-site impacts including runoff, erosion, landslides, flooding or stream degradation.
- f) Make efficient use of already developed land, and return disturbed and contaminated areas to productive use where possible.

#### 3. Access to Nature:

- a) Ensure that all Portlanders have convenient and equitable access to parks, natural areas, and recreational opportunities in their daily lives.
- b) Create an accessible system of habitat corridors, neighborhood greenways and civic corridors.

#### 4. Urban Forest:

c) Support an equitable distribution of the urban forest.

# C. Additional policy concepts

- **5) Decision making** In making a determination whether and how to act, consider environmental justice benefits and burdens.(forward to the group developing decision-making policies)
- **6) Public Involvement** Direct the City to engage traditionally overlooked or underrepresented groups around issues of environmental impacts and public health in processes that best suit those communities (i.e., allow them to speak on behalf of themselves and allow for circular conversations that include story telling and relationship building rather than only the more traditional linear engagement approaches). (forward to the Community Involvement PEG)
- **7) Public Health** Strive to reduce the disproportionate distribution of impacts to environmental justice communities. Question: How would we implement a policy like this?
- 8) Air Quality Ensure that all areas of Portland meet state and federal air quality standards. (forward to the Networks PEG).
- <u>9) Contaminated sites</u> Support the clean—up and reuse of contaminated sites to protect human health and the environment.
- 10) Other

### 2. Maps

- a. Develop concept maps that illustrate the locations of environmental justice communities
- b. Develop a concept map showing the locations of environmental hazards (e.g., DEQ air quality maps, fishing advisory locations) in Portland.

### 3. Follow up /refinement project

- Analyze the zoning code to identify potential amendments that could lead to a reduction in disproportionate impacts to environmental justice communities (e.g. Conditional Use and Wasterelated chapters).
- b. <u>Implement the Bureau of Planning and Sustainability's Equity Framework Decision Support Tool to</u> guide long range planning and sustainability projects and programs.

### G. Previous City of Portland policies and planning processes

Many City of Portland policies and planning processes developed prior to the Portland Plan touch on Environmental Justice without specifically using the term, though not to the extent that the Portland Plan addresses the topic of equity. Environmental Justice is one lens through which Equity can be examined, weighed and achieved. Some of the City's major plans and policies that have a Public Participation/involvement component and/or discuss and set policy for equitable access to the key components of EJ discussed above include:

- 1. *Comprehensive Plan* goals related to citizen participation and environment: Chapter 6, Transportation, 6.2: Public involvement; Chapter 8, Environment; Chapter 9, Citizen Involvement.
- 2. Economic, Social, Environment and Energy Analysis (ESEE) The City conducts an ESEE analysis (in compliance with State Planning Goal 5) to determine if and to what degree it should recommend environmental protections for natural resource areas.
- 3. Transportation System Plan (TSP) 2007: Chapter 8: Public Involvement; Chapter 10: Needs Assessment; Quadrant maps.
- 4. Parks Vision 2020 (2001). Guiding principles include Inclusive and Accessible, and Civic Involvement.
- 5. Climate Action Plan (2010). Establishes 18 measurable goals to achieve by 2030 in 8 areas, including Community Engagement.
- 6. Portland Parks Natural Area Acquisition Strategy (2006). Equity is one of four identified issues (p. 22).
- 7. Portland Plan (2011). Includes an overarching equity framework (pages 9-14) and a section on the Healthy Connected City (pages 58-84; Goal (p. 59): Improve human and environmental health by creating a system of neighborhood hubs, linked by a network of city greenways that integrate nature into neighborhoods and connect Portlanders to services, destinations and opportunities locally and across the city.

#### H. Other Resources

- 1. The Coalition for a Livable Future. *The Regional Equity Atlas*. (2007) currently under revision
- 2. Metro. Environmental Justice in Metro's Transportation Planning Process (2006)
- 3. US EPA, Toolkit for Assessing Potential Allegations of Environmental Injustice, 2004. http://www.epa.gov/environmentaljustice/basics/ejbackground.html
- 4. City of Seattle Comprehensive Plan update includes the following statement:
  - The City will endeavor to ensure that its citizens have the education, skills and opportunity to participate in and benefit from economic growth. Special attention will be directed to residents of distressed communities, where incomes, educational levels, skill levels and labor force participation rates are lower than average. Special attention will also be provided to economically distressed communities to ensure that the quality of infrastructure and services are provided to support economic viability and a sense of high quality of living in all parts of the city.
- 5. American Bar Association, *Environmental Justice for all: A Fifty State Survey of Legislation, Policies and Cases*, Fourth Edition, 2010. Written in association with the American Bar Association's Section of Individual Rights and Responsibilities and the Section of Environment, Energy and Resources
- 6. NYC Environmental Justice Alliance <a href="http://nyc-eja.org/">http://nyc-eja.org/</a>: works on issues around siting, brownfields, equitable access to parks and recreation.