Understanding the Implementation of Oregon’s Environmental Justice Statute

by

Polina Osipova

MPP Essay

Submitted to
Oregon State University
in partial fulfillment of
the requirements for the
degree of
Master of Public Policy

Presented November 27, 2018

Commencement June 2019
Master of Public Policy essay of Polina Osipova presented on November 27, 2018

APPROVED:

________________________________________
Lori A. Cramer, representing Sociology

________________________________________
Kelsy N. Kretschmer, representing Sociology

________________________________________
Amy Below, representing Political Science

________________________________________
Polina Osipova, Author
Acknowledgements

I am sincerely grateful to my major advisor Dr. Lori Cramer, for her guidance and mentorship during this project. Her patience and kindness in working with me helped see me through to the end. I am also grateful to my committee members Dr. Kelsy Kretschmer and Dr. Amy Below for their insightful feedback and encouragement. In addition, I want to thank Dr. Brent Steel for believing in me and creating a wonderful learning environment. Many other faculty members have graciously offered their help and advice along the way and deserve my thanks as well.

I owe a debt of gratitude to the agency employees who participated in my interviews and Environmental Justice Task Force members who responded to my questions and helped steer me in the right direction. This work would not have been possible without the time and thoughtfulness generously given by these dedicated public servants.

Finally, I would like to thank my family and friends. My fellow graduate students have been a major source of strength and inspiration. I am also grateful to the Murnane, O’Connor, and Osipov families for listening and sharing their wisdom and for always supporting me in everything I do. Most of all, thank you to my partner Daniel Murnane for being with me every step of the way.
Abstract

The environmental justice (EJ) movement has succeeded in achieving policy change across different levels of government, however, there has been relatively little research to date on the implementation of environmental justice policies at the state level. The state of Oregon provides an opportunity to understand how state-level EJ policies are being implemented. In 2007, SB 420 established Oregon’s Environmental Justice Task Force and environmental justice guidelines for the state’s natural resource agencies. This research seeks to answer questions of how the state agency employees tasked with implementing the environmental justice statute perceive their roles and the progress made under the statute. Semi-structured interviews with state agency employees and publicly-available documents were analyzed using the environmental justice frame and organizational theory. Findings indicate that there is a range of interpretations on the part of agencies to the statute. This work can help inform environmental justice advocacy, policymaking, and policy implementation in Oregon and other states.
# Table of Contents

1. Introduction ................................................................................................................................. 7
   1.1 Overview of the Research Project ............................................................................................ 7
   1.2. Oregon’s EJ Statute .................................................................................................................. 8

2. Literature Review .......................................................................................................................... 11
   2.1. What is Environmental Justice? ............................................................................................. 11
   2.2. Social Movements and Organizations ..................................................................................... 12
   2.3. The Environmental Justice Movement ..................................................................................... 14
   2.4. Directions in EJ Research ....................................................................................................... 18
   2.5. The Environmental Justice Frame .......................................................................................... 19
   2.6. Environmental Justice Policy Implementation ......................................................................... 22
   2.7. Environmental Justice in Oregon .......................................................................................... 27

3. Research Questions ....................................................................................................................... 33

4. Methods ......................................................................................................................................... 34
   4.1. Interviews ............................................................................................................................... 34
   4.2. Document Analysis ............................................................................................................... 37
   4.3. Direct Observation ................................................................................................................ 39

5. Results ........................................................................................................................................... 39
   5.1. Document Analysis ............................................................................................................... 39
   5.1.1. Best Practices Handbook .................................................................................................. 40
   5.1.2. Annual reports and meeting minutes ................................................................................. 42
   5.2. Interviews ............................................................................................................................. 48
   5.2.1. The citizen advocate role ................................................................................................... 48
   5.2.2. Environmental justice ...................................................................................................... 50
   5.2.3. Institutional conditions ..................................................................................................... 52
   5.2.4. Institutional changes from the statute .............................................................................. 63

6. Discussion ...................................................................................................................................... 65
   Research Q1: How do Citizen Advocates Describe Their Positions? ............................................ 65
   Research Q3: What are the Institutional Conditions within which Citizen Advocates Work? ....... 68

7. Policy Recommendations ............................................................................................................. 74

8. Limitations .................................................................................................................................... 77

9. Future Research ............................................................................................................................ 79

10. Conclusion .................................................................................................................................... 81

References .......................................................................................................................................... 82
1. Introduction

1.1 Overview of the Research Project

The environmental justice movement (EJM) emerged in the late 1970s-early 1980s in response to disproportionate harmful environmental impacts on communities of color and low-income communities, and a lack of focus on these issues from the mainstream environmental movement. In spite of wide-reaching policy change, scholars have found little evidence of progress on reducing disparities and improving living conditions for disadvantaged communities. After over twenty years of existing federal as well as some state Environmental Justice policies, environmental harms such as exposure to hazardous waste and pollution, and benefits such as access to green spaces are still unequally distributed along racial and class lines (Bullard, Mohai, Saha, & Wright, 2008; Pulido, Kohl, & Cotton, 2016). In 2007, SB 420 established Oregon’s Environmental Justice Task Force (EJTF) and environmental justice (EJ) guidelines for the state’s natural resource agencies (all acronyms used in this essay are listed in Appendix A). As the federal government either stalls on or cuts back environmental regulations and enforcement mechanisms, the work of protecting communities from environmental harms falls on state governments. Oregon provides an opportunity to understand how state-level EJ policies are being implemented. A unique aspect of the Oregon statutes is the requirement for each agency to employ a citizen advocate (CA) who will coordinate the agency’s EJ activities and represent the concerns of the communities impacted by agency decisions. How do CAs, who are employed by the state, navigate their roles, what are the challenges they face, and how does their role position them to be effective advocates for EJ communities? This research will answer these questions through semi-structured interviews with CAs and qualitative analysis of publicly-available documents. This research will help to fill the knowledge gaps on how state government staff
interpret environmental justice and how environmental justice policies are implemented by agencies at the state level (Liévanos, 2012; London, Sze, & Liévanos, 2008). Findings showed a wide range of approaches among the different agencies. The research findings help to identify both strengths and weaknesses of the current policy implementation, which could serve to improve overall implementation.

1.2. Oregon’s EJ Statute

Oregon’s EJ statute was passed in 2007, under SB 420 (Collin, 2008). The statute is summarized in Figure 1 and full text can be found in Appendix B. The statute designates 14 of Oregon’s state agencies as “natural resource agencies” and mandates that these agencies consider the impacts of their decisions on “environmental justice issues,” conduct outreach to the communities that are likely to be impacted by agency decisions, and appoint a “citizen advocate” to coordinate these tasks. In practice, these CAs are agency employees who also have other roles, such as policy analyst and program coordinator. The agencies are mandated to provide annual reports on their EJ-relevant activities to the Environmental Justice Task Force (EJTF), also established under the bill (Oregon Revised Statutes, 2017). The CA’s duties are “(a) Encouraging public participation; (b) Ensuring that the agency considers environmental justice issues; and (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.” The EJTF has further helped to clarify the role of the CA in their Best Practices Handbook as follows:

Each agency Citizen Advocate EJ Coordinator should be charged with:

- Educating and training appropriate agency staff
- Ensuring consistent and proper demographic overlay analysis for all decisions
- Leading efforts to adopt best practices around outreach and engagement
• Developing relationships with key stakeholders within impacted communities
• Serving as a point of contact for communications with community
• Coordinating inter-agency collaborative efforts
182.535 Defines “natural resource agency:” For the purposes of these statutes, the following fourteen agencies are defined as natural resource agencies: the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Forestry Department, the Department of State Lands, the Department of Education, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Authority.

182.538 Establishes the Environmental Justice Task Force (EJTF): The EJTF consists of 12 Governor-appointed members who serve terms of four years and who “are well-informed on the principles of environmental justice and who, to the greatest extent practicable, represent minority communities, low-income communities, environmental interests, industry groups and geographically diverse areas of the state.” The task force meets every three months or more frequently and submits an annual report to the Governor documenting the progress of natural resource agencies in meeting the goals of the statutes. Clerical and administrative staff support is provided by the Governor.

182.542 Outlines the duties of the task force: “The Environmental Justice Task Force shall: (1) Advise the Governor on environmental justice issues; (2) Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes; (3) Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by environmental decisions made by the agencies; (4) Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; and (5) Define environmental justice issues in the state.”

182.545 Outlines the duties of the natural resource agencies: The natural resource agencies shall: (1) Consider the effects of their actions on EJ issues in determining “whether and how to act;” (2) Hold hearings that are convenient for members of affected communities to attend; (3) Conduct public outreach in potentially affected communities; and (4) Create a citizen advocate position.

The citizen advocate position: “is responsible for (a) Encouraging public participation; (b) Ensuring the agency considers EJ issues; and (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes.”

182.550 Requirements for natural resource agency reports: Reports must be submitted annually to the EJTF and to the Governor by the director of each natural resource agency as well as by the directors of any other agency that the Governor requests, which must detail the results of the agencies’ progress on (1) Addressing EJ issues; (2) Increasing public participation; (3) “Determin(ing) the effect of the agencies’ decisions on traditionally underrepresented communities;” and (4) Improving plans to advance EJ in Oregon.

(Oregon Revised Statutes, 2017)
2. Literature Review

This section begins with brief definitions relevant to EJ which are expanded upon in later sections. This is followed by an overview of social movement and organizational theory. A brief history of the EJM to date comes next. This is followed by a short outline of the varied paths that environmental justice research has taken, and then a review of the EJ frame. Finally, there is a review of the literature relevant to environmental justice policy implementation. This section concludes with background information on the state of Oregon and the EJ statute.

2.1. What is Environmental Justice?

Environmental racism, environmental inequality, and environmental justice are terms that began to be used by American activists and academics to describe the unequal living conditions people faced and conceptualize solutions to address the inequities. The term environmental racism was coined in 1982 by Benjamin Chavis, one of the first leaders of the EJM. Chavis defined environmental racism as:

rational discrimination in environmental policy making, the enforcement of regulations and laws, the deliberate targeting of communities of color for toxic waste facilities, the official sanctioning of the life-threatening presence of poisons and pollutants in our communities, and the history of excluding people of color from leadership of the ecology movements. (as cited in Bullard, 2000)

Another term often used to describe the unequal distribution of harms and benefits is environmental inequality, which encompasses contributing factors in addition to race such as gender and class, as well as their interrelationships (Sze & London, 2008). Environmental justice (EJ) is defined by the sociologist Robert Bullard as the idea that “all people and communities are entitled to equal protection of environmental and public health laws and regulations” (Bullard, 1996; Mohai, Pellow, & Roberts, 2009). In Oregon, the State EJTF defines environmental
justice as: “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” (2016). The meaning of environmental justice will be developed further in the following sections on the EJM, EJ research, and EJ policy implementation.

2.2. Social Movements and Organizations

The EJM is an example of a social movement. Social movement analysis arose in the mid-1960s to explain the origins of social unrest. Organizational studies also arose around roughly the same time as social movement analysis, but was interested in more rational and structured behavior, in contrast to the “nonrational” and “unorganized” behavior (as it was then described) exhibited by social movements (McAdam & Scott, 2005, pp. 4-7). Prominent theoretical perspectives which developed are the theory of administrative behavior, contingency theory, organizational ecology, resource dependence, conflict theory, and neoinstitutional theory. The earlier theories were more concerned with rational decision-making and organizational structure, while resource dependence and conflict theory brought in the concept of power and power imbalances. Neoinstitutional theory focused on “the role of wider cultural and normative frameworks in giving rise to and in sustaining organizations” (McAdam & Scott, 2005, p.8). Although social movement analysis and organizational studies were quite separate from each other for some time, scholars from both fields worked to bridge the gap beginning in the late 1980s (Davis, McAdam, Scott, & Zald, 2005). Now, many scholars find it useful to apply both of these theoretical lenses. This study will borrow from both organizational studies and social movement theory.

Organizations have both a formal structure (the formal hierarchy of positions, as well as rules and procedures) and an informal structure (the actual ways that people interact, norms and
practices). In practice, the actual activities of the organization are often “loosely coupled” with or even “decoupled” from the organization’s formal structure (Meyer & Rowan, 1977).

Organizations also must have “legitimacy,” meaning they must be generally perceived to be appropriate and acceptable within the dominant social system (Scott, 2014). Organizations that lose legitimacy may be called “negligent, irrational, or unnecessary,” which motivates them to take actions to maintain legitimacy (Meyer & Rowan, p. 350). Meyer and Rowan argue that organizations adjust their formal structures to comply with the “societally legitimated” elements of their institutional environments in order to maintain legitimacy and access to resources—basically, in order to survive (p.352). However, adopting new institutional rules can conflict with the organization’s pursuit of efficiency as well as with other institutional rules. Therefore, organizations practice decoupling to varying degrees in order to be able to maintain their previous activities (Meyer & Rowan). Visible signs, or symbols, of compliance are produced if there are not specific requirements. Although these symbols may not have much substantive meaning, they have a great deal of social power because they provide legitimacy (Scott, 2014).

Organizations that are more sensitive to outside pressure from their environment are first to symbolically comply (Edelman, 1992). Although compliance with new institutional rules is done to appear legitimate, rather than improve efficiency, Edelman (1992) argues that eventually, as more organizations comply, the new rules come to be perceived as more efficient as well. Through this process, new institutional rules or structures are established (Edelman, 1992). Zald, Morrill, and Rao’s model (2005) of the extent to which social movements influence organizations highlights three key factors: the “ideological commitment” of leaders in the organization to the goals of the movement; the “organizational capacity” of the organization, or
the resources available to implement movement goals; and “sanctions and surveillance” from outside of the organization that monitor compliance with the goals.

The individuals who make up an organization also play an important role. When a new policy is handed down for an organization (or government agency) to implement, the way it does so “mediates” the effect of the policy. Policies that are vaguely worded, are more focused on procedures than outcomes, and/or that lack enforcement mechanisms are more open for interpretation and therefore mediation by organizations. The staff tasked with implementing new policies “construct definitions of compliance” for their agencies, influenced by their agency culture and personal backgrounds (Edelman, 1992, p. 1544). Lipsky’s influential work on street-level bureaucrats (“public service workers who interact directly with citizens”) illuminated the importance of understanding the behaviors of front-line organization staff (1980). Street-level bureaucrats or other “front-line” workers face pressure to comply with competing values and demands and must develop coping strategies to deal with this. In a government setting, their individual coping strategies effectively become policy implementation (Hill & Hupe, 2002; Lipsky, 1980). The CAs interviewed in this study have been tasked with implementing the EJ statute for their respective agencies, and could also be considered front-line bureaucrats because a part of their role is to interact with the public.

2.3. The Environmental Justice Movement

This section briefly discusses key events in the history of the environmental justice movement, leading up to the movement of the present day. The EJM emerged as a response to issues of environmental racism and environmental inequality. In 1982, protests against a landfill for polychlorinated biphenyl (PCB)—contaminated soil being sited in a majority-black county sparked the environmental justice movement. Although ultimately unsuccessful in stopping the
landfill, the protests in Warren County, North Carolina were seen in the news across the nation (Agyeman, Schlosberg, Craven, & Matthews, 2016; Bullard, 2000; Chavis & Lee, 1987; Mohai et al., 2009; Pellow & Brulle, 2005; Roberts & Toffolon-Weiss, 2001). As a result of the issues raised by the protests, the following year, the U.S. General Accounting Office conducted a study of communities surrounding landfills in the southeastern United States. African-Americans were disproportionately represented in the communities of all four of the cases studied, and in three of the four cases, they made up the majority of the population (Chavis & Lee, 1987; Mohai et al., 2009; US Gen. Account. Off., 1983). In 1986, the United Church of Christ (UCC) Commission on Racial Justice, which played a leadership role in the protests, conducted the first national-level study on the relationship between hazardous waste facility sites and the racial and socioeconomic characteristics of communities (Chavis & Lee, 1987; Mohai et al., 2009). Many of the EJM’s demands for government action and eventual accomplishments were shaped by the resulting report, entitled *Toxic Wastes and Race* (Agyeman et al., 2016). These early influential studies also opened a new field of interdisciplinary academic research into unequal exposure to environmental harms (Mohai et al., 2009).

The EJM was a response to, rather than a product or extension of, the mainstream environmental movement and has close ties with the civil rights movement (Sze & London, 2008). The relationship between the EJ and mainstream environmental movements was captured in a 1990 letter from the Southwest Organizing Project, an environmental justice organization, to the major mainstream environmental groups in the nation: “Your organizations continue to support and promote policies which emphasize the clean-up and preservation of the environment on the backs of working people in general and people of color in particular…We suffer from the results of these actions, but are never full participants in the decision-making which leads to
them (Moore, 1992; Sze & London, 2008).” Another high-profile event in the history of the EJM was the 1991 First National People of Color Environmental Leadership Summit. Activists from every U.S. state, Puerto Rico, and beyond converged in Washington, D.C. and adopted the Principles of Environmental Justice, which became “the founding vision document” of the movement (Agyeman et al., 2016; Sze & London, 2008, p. 1334).

The following year brought institutional gains for the movement. In 1992, the National Law Journal published an article that asserted that enforcement at the U.S. Environmental Protection Agency (EPA) was discriminatory (Eady, 2003; Lavelle and Coyle, 1992). The EPA also published its own report of recommended actions to address environmental inequality, which came from an Environmental Equity Workgroup tasked with “review(ing) the evidence that racial minority and low-income communities bear a disproportionate environmental risk burden (U.S. EPA, 1992).” As a result, the U.S. Congress began holding hearings on environmental justice and the EPA created an Office of Environmental Equity (now the Office of Environmental Justice) (Eady, 2003; Mohai et al., 2009). The National Environmental Justice Advisory Council (NEJAC), made up of stakeholders from the EJM, government, industry, and academia, was also established to advise the EPA (Cole & Foster, 2001; Faber, 2008). Then, on February 11th, 1994, President Bill Clinton fulfilled the first recommendation of the United Church of Christ report by signing Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” which mandated all federal agencies to consider and act to correct the effects of their actions on minority and low-income populations (Chavis & Lee, 1987; Executive Order 12898; Mohai et al., 2009). At the same time, the president also produced a memorandum which highlighted existing laws which could be used to facilitate environmental justice outcomes, among them Title VI of the Civil
Rights Act of 1964 (Gordon & Harley, 2005). To implement the executive order, the Interagency Working Group on Environmental Justice was also formed (Faber, 2008). E.O. 12898 was used by the Nuclear Regulatory Commission as grounds to deny a permit for a uranium enrichment facility (Cole & Foster, 2001).

The EJM’s impact on policy has continued to grow and change. Environmental justice policies have expanded to the state and regional levels, with over forty states adopting some measure “that further(s) environmental justice” (Bonorris & Targ, 2010). The EPA’s programs have often provided a model for state policies (Eady, 2003). California is considered to have the most-developed environmental justice policy structure, with over twenty separate state-level laws (London, Sze, & Lievanos, 2008). The scope of what environmental justice encompasses continues to expand, including such diverse topics as consumption, deforestation, immigrant rights, nuclear testing, police brutality, and sustainable agriculture (Benford, 2005). Benford has counted 52 different issues that have been addressed by the EJM (2005). Finally, since the early 2000s, the EJM has also moved beyond its focus on issues in the U.S. to having a presence across the world and taking on global challenges (Mohai et al., 2009; Sze & London, 2008; Walker, 2009). Furthermore, there has been an increasing trend in EJ organizations partnering with indigenous rights organizations. On the subject of climate change and others, the language of the EJM and indigenous activists has been increasingly used by major environmental organizations, which speaks to the “resonance of the ideas and the increasing recognition of the importance and validity of these discourses” (Agyeman et al., 2016, p.330).
2.4. Directions in EJ Research

The EJ movement has inspired a great deal of scholarly attention from a variety of disciplines, mainly “sociology, natural resource policy, and environmental law,” as well as others like “geography, history, literature, philosophy and environmental ethics, political theory, and radical political economy” (Sze & London, 2008, p. 1335). Although research on environmental inequality did not begin with the EJ movement, the prominence of the movement intensified this line of research (Pulido, 1996). The early days of EJ scholarship focused on finding quantitative evidence of unequally distributed environmental harms (mostly from hazardous waste and other toxins) and determining whether there was a relationship between demographic factors and the location of these sites. This type of research helped to provide important support for activists’ claims (Walker, 2009a). One major point of interest was whether race or class was the main predictive factor for discrimination. Another early line of questioning was whether marginalized groups located themselves in polluted areas or whether the polluting industries were placed in communities where marginalized groups already lived (Pulido, 1996; Sze & London, 2008). Some environmental justice scholars have critiqued this mostly early line of EJ research which sought to quantitatively demonstrate whether environmental racism exists for its narrow definition of racism (Pulido, 1996; Sze & London, 2008). Laura Pulido outlines three specific issues with this type of empirical research: “viewing racism as a clearly demarcated set of actions, not recognizing racism as an ideology, and a denial of the existence of multiple forms of racism” (1996, p.148).

The reach of EJ research expanded from that point to include other areas of environmental inequality, such as housing and transportation, and discriminatory impacts to other groups, including groups outside of the U.S., following the widening concerns of EJ
activists (Agyeman et al., 2016; Sze & London, 2008). The health outcomes of people exposed to disproportionate levels of pollution also emerged as an area of study. New spatial methods of analyzing hazards are also being developed (Sze & London, 2008). Importantly, researchers are also looking at unequal distribution of environmental benefits, or “goods,” not just “bads” (Walker, 2009a, p. 616-617). Thus, the scope of environmental justice has widened and become more nuanced.

2.5. The Environmental Justice Frame

Social movement scholars examine the internal “values, beliefs, ideas, and grievances” of a movement, often utilizing a social constructionist lens (Sandweiss, 1998, p.33). The social constructionist view suggests members of a social movement use framing to outline the issues, identify who to blame, and articulate the solutions for which they are fighting. “Framing refers to the process by which individuals and groups identify, interpret, and express social and political grievances (Taylor, 2000, p. 511).” Taylor (2000) used social movement theory to analyze the EJM and define what constitutes the environmental justice paradigm. This was accomplished by viewing the environment through a social constructionist lens, making it a social issue, in that environmental problems are understood not by some sort of objective measures, but through shared meanings among people. Taylor (2000) refers to this EJ paradigm as a “master frame,” which the EJ movement uses to mobilize in order to achieve its goals. The EJM is the first environmental movement to frame environmental issues “through the lens of race, class, and gender (p. 523).” The three main aspects of the environmental activism of people of color, the originators of the EJM, are “autonomy or self-determination, land rights, and civil or human rights (p.533).” In Taylor’s view, the EJM focuses on distributive justice, concerning how rights are distributed among people, and corrective justice, concerning how individuals interact. Taylor
argues that the 1991 Principles of Environmental Justice encompass the EJ paradigm and identifies six major themes: ecological principles; justice and environmental rights; autonomy/self-determination; corporate-community relations; policy, politics, and economic processes; and social movement building (2000).

Sandweiss (1998) outlines the EJ frame along Robert Entman’s four elements of a frame: “problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (p.33). He argues that the problem is largely agreed to be one of “distributional inequity” and the cause behind this to be “environmental racism.” Environmental racism, as Pulido (1996) also elaborates, does not need to be intentional, rather it can be a result of institutionalized racism. The moral evaluation is that this type of discrimination is unjust, and the blame is focused on environmental policy. The treatment recommendations, or solutions to environmental inequality are “procedural and substantive rights.” In other words, it is the right to have a say in the process, and the right to be safe from environmental harms (Sandweiss, 1998).

Other important concepts that the EJM emphasizes are the precautionary principle, cumulative impacts and the co-production of knowledge (Shilling et al., 2009; Sze & London, 2008). The precautionary principle was first articulated in the 1992 Rio Declaration on Environment and Development as “where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation” (United Nations Environment Programme, 1992 as quoted in Whiteside, 2006). While it is often acknowledged that this idea is at odds with the dominant regulatory culture in the United States, which emphasizes “scientific” risk evaluation and cost-benefit analysis, it is less often mentioned that the precautionary principle has long been a part of European environmental law (Whiteside, 2006). Cumulative impacts refers to the idea
that individuals are exposed to multiple sources of pollution in the course of their lives and that determining safe levels of exposure to hazards should take this into account (Shilling et al., 2009; Sze & London, 2008). Advocates in favor of a *co-production of knowledge* assert the importance of multiple forms of knowledge in addition to academic or government sources, such as local and indigenous knowledge and lived experience (Shilling et al., 2009).

While most early analyses of the EJ movement (e.g., Sandweiss, 1998; Taylor, 2000) focused primarily on distributive justice, the conceptions of justice that are articulated by the EJM have since been expanded on by several scholars. Schlosberg’s (2004, 2007) articulation of the four notions of justice—distributive justice, recognition, procedural/participatory justice, and capabilities—have been “the most comprehensive” to date and have been used by many scholars to analyze the EJ movement (Harrison, 2014, p.651). Liberal justice theory, which is grounded in the works of Rawls (1971), is primarily focused on how to fairly distribute goods and services in society. Both Rawls and Barry (1995) argue that decisions about fair distribution should be made without knowledge of one’s own or others’ position in society and that individuals’ varying beliefs about what constitutes “good” should not be taken into account. However, other scholars like Young (1990) and Fraser (1997, 1998, 2000, 2001) have disagreed, pointing out that this approach ignores inequality and can actually help to create it because it does not recognize privilege and oppression (Schlosberg, 2004). So, in addition to just *distribution*, EJ is also concerned with *recognition* of social group differences (Schlosberg, 2007). A lack of recognition may be demonstrated by color- or class-blind ideology, a lack of language translation services, and the lack of investigation into disproportionate impacts of a policy on different groups (Shilling, London & Liévano, 2009). Both recognition and distribution are related to ability to participate in policy decision-making. EJ is concerned with the political process because it is one
way to correct both inequitable distribution and misrecognition. Recognition is essential to access to public *participation* because, as Schlosberg says, “if you are not recognized, you do not participate; if you do not participate, you are not recognized (2007, p.26).” Finally, the work of Sen and Nussbaum (1992) highlights the importance of *capabilities*, which “are about a person’s opportunities to do and be what they choose in the context of a given society (Schlosberg, 2007, p. 30).”

### 2.6. Environmental Justice Policy Implementation

Research into the impacts of environmental justice policies has shown limited effectiveness at meeting stated goals and EJ movement demands (Agyeman et al., 2016). Scholars such as Pulido, Kohl, and Cotton (2016) argue that an analysis of EJ policies “indicates failure,” at both the state and federal levels. The conclusion suggests that while EJ policies can be seen as symbolic victories for the movement, they have done little to substantively improve the lives of people of color, low-income communities, and other EJ communities. Legal actions under Title VI have not proven to be a useful avenue for remedying environmental inequality. The 2001 *Sandoval* Supreme Court case placed a nearly insurmountable obstacle in the path of individuals fighting environmental discrimination under Title VI; ruling they must prove intentional discrimination, not just disparate impact (Gordon & Harley, 2005).

Scholarly research into state-level environmental justice policy implementation and enforcement is sparse, though agency and non-profit reports are emerging. Although Agyeman, et al. call EJ progress “at the state level, and that of the regional EPA offices” “very limited (2016, p.324; Cole, 2011),” others assert that the states continue to expand on and develop new policy mechanisms for addressing EJ issues (Bonorris, 2010). State and federal-state coordination programs are largely focused on permitting and facility siting, as well as land-use
planning. Collaborative approaches and economic incentives are techniques which are increasing in popularity (Bonorris, 2010). A 2002 report by the National Academy of Public Administration found that in the four states that were studied (California, Florida, Indiana, New Jersey), the EJ policies “so far have produced few tangible improvements for disadvantaged communities (Rutledge et al., 2002).” Studies have found that state agencies implement only a partial version of environmental justice, meeting only some but not all movement demands (London et al., 2008). For example, London et al. found that in California, EJ policy mainly increased public participation, but did not address recognition and distributive justice (London et al., 2008).

There have been few studies focusing specifically on the implementation or outcomes of Oregon’s environmental justice statutes. Collin (2008) documents Oregon’s EJ history and events leading to the passage of Senate Bill 420 in 2007, but is only able to speculate on the statute’s effectiveness because of the proximity in time between the publishing date of the article and passage of the bill. In a review of EJ-relevant programs in all fifty states, Bonorris provides context for the passage of SB 420 and highlights early priorities of the EJTF and agencies (2010). Losordo (2018) examined the impacts of the EJ statute on climate change adaptation planning in the state and found that incorporating environmental justice considerations into planning for climate change increased over time after the passage of the statutes in 2007. The state agencies involved in adaptation planning were found to be making gradual progress in applying the statute (Losordo, 2018). Losordo found that the barriers experienced by state agencies in applying Oregon’s EJ statutes were lack of understanding of the law within agencies, lack of community capacity to participate in the decision-making process, and lack of environmental and socioeconomic data (2018).
Numerous possible explanations for why EJ policies have failed to meet expectations have emerged. Institutional and organizational factors play an important role in implementation and framing helps to understand these factors. Several scholars have theorized that the environmental justice frame is at odds with the frames used in government agencies (Gauna, 1998; Harrison, 2016; Liévanos, 2012; Rutledge et al., 2002; Sandweiss, 1998). Gauna (1998) argues that the EPA and other agencies “have failed to achieve equity” because their models of decision-making are not designed to accommodate the type of community participation that the EJ movement demands. Similarly, Sandweiss (1998) explains that one of the key issues separating EJ activists and government and industry representatives is the latter parties’ emphasis on science and need for more research: “the scientific emphasis on demonstrating certainty, or at least statistically significant causal relationships, present the image of science as an objective, value-free process, which it clearly is not (p.47).” These differences in culture and values lead to conflict when it comes to policy implementation both internally within agencies and when they are in collaboration with others. In their study of state EJ policy implementation in California, London, et al. found “a tension” in the “incorporation of social movements into state agency processes” (2013, p.288). Liévanos found that while state employees individually felt a connection with the environmental justice frame, the agency rhetoric and culture more closely matched opposition and industry frames, which were in conflict with the EJ frame (2012). Harrison (2017) also found that agency staff who are resistant to EJ may undermine the efforts of their colleagues tasked with implementing EJ policies. Many social movement scholars, including Faber (2008), have documented industry capture impacting policy implementation.

Therefore, how movement activists and state actors understand environmental justice and what frames they use to conceptualize EJ are important. Many EJ scholars have utilized some or
all elements of Schlosberg’s four notions of justice—distributive justice, recognition, procedural/participatory justice, and capabilities (Harrison, 2014). Some have found that programs which do not emphasize all four notions of justice are less successful and leave EJ activists frustrated and feeling that their demands are not being met (Allen, 2013; London et al., 2008; Shilling et al., 2009). For example, Harrison (2015) found that EJ implementation was linked to how local EJM actors framed environmental justice, and that their framing was influenced by structural factors. They adapted their framing in order to be more effective advocates. In this study, I will examine the Oregon EJ policy documents and language of policy practitioners to understand their conceptualizations of environmental justice since, as Harrison points out, “environmental justice problems stem not only from scientific uncertainty, ineptitude, and corruption, but also from dominant but often implicit ideas of justice” (2014, p. 651).

Agency leadership has been found to have a mitigating effect on an agency’s ability to incorporate EJ priorities. For example, in a study by Harrison (2016), it was found that a supportive agency environment allowed EJ staff to implement their grant program in a way that more fully matched EJM goals, while coworkers’ resistance to change led EJ staff at other agencies to implement their programs in a way that matched their institutional culture. Harrison found that in settings where the institutional environment is not fully supportive of EJ, EJ program staff “neuter EJ programs to protect them (p.543),” and “interpret EJ as non-confrontational and industry friendly (p.544).”

The characteristics of the programs and policies themselves are also important to successful implementation. Including performance and accountability measures has been recommended in order to ensure that EJ programs are actually creating change (Rutledge et al.,
A National Academy of Public Administration report recommends that state agencies also

integrate environmental justice into their core environmental and public health programs,
elevate the importance of environmental justice issues when setting their priorities,
expand their public involvement in the permitting process and other environmental
decisions, and maximize the use of other opportunities and legal authorities to address
environmental justice. (Rutledge et al., 2002, p.2)

“Comprehensive” state policies, which are those that are intended to integrate environmental
justice throughout state government broadly, rather than applying it narrowly, may be difficult to
implement because they usually lack goals, a system of accountability, and metrics, and their
implementation depends heavily on strong leadership (Targ, 2005). A lack of adequate data on
health impacts, environmental effects, and socioeconomic characteristics is also considered a
barrier to effective implementation (Eady, 2003; Rutledge, 2002).

Other factors that may make implementation more difficult include the characteristics of
environmental justice itself and of the movement. Some scholars point to the historical context of
the origins of the EJM or to its underlying politics. One criticism has been the EJM’s focus on
the state for solutions (Benford, 2005; Pulido et al., 2016; Sandweiss, 1998). Pulido et al. (2016)
argue that the EJM’s liberal orientation leads it to working within the dominant institutional
system, rather than confronting it, which has allowed it to be co-opted and thus weakened by the
state. These scholars emphasize the inherently political nature of EJ and advocate a return to the
EJM’s radical roots. Sandweiss also cautions the movement against becoming too tangled in
regulatory details and favors grassroots political action (1998). Other scholars argue instead
against confrontational tactics and in favor of collaboration (Collin, 2008; Lee, 2005). Benford
(2005) suggests that a major barrier to the movement achieving its goals has been the focus on justice itself. “Justice” implies a faith in the justice system and in policy, which is an implicit faith in the very system that created environmental injustice in the first place. Eady (2003) found that creating effective EJ policy involves answering complicated questions, such as how to define EJ communities, how to determine disproportionate impacts, how to regulate environmental impacts that do not fit within human-created boundaries, and the conflict between zoning and environmental laws.

The available literature indicates the importance of understanding the perspectives of actors actually implementing policy. However, according to Liévanos (2012), “data on how state actors understand ‘EJ’… is largely lacking in current scholarship on the EJM (p. 498-499).” By incorporating the perspective of Oregon’s CAs, the present research fills this important research gap.

2.7. Environmental Justice in Oregon

Oregon’s history surrounding race, environmental issues, the local EJ movement, and the EJ statute itself provides important context to understanding the EJ statute in Oregon today and to understanding this research. Although Oregon is often thought of as a progressive and environmentally-concerned state, its racial history contradicts this modern image. Beginning in 1844, the state passed a series of Exclusion Laws, which made it illegal for any black or mixed-race person to live in the state, and Oregon was the only state with such a law in its Constitution when it joined the Union. The last Exclusion Law was not repealed until 1926. Although the 15th Amendment, which gave black men the right to vote, was passed in 1870, Oregon did not ratify it until 1959. These and other laws targeting minorities discouraged people of color from settling

Oregon’s rapidly-changing demographics and grave racial inequality demonstrate a need for change (for current demographic data, see Table 1). According to a 2011 Oregon Office of Economic Analysis report, Oregon’s minority population growth rate is 12 percent, compared to the national average of 9.7 percent (State of Oregon EJTF, 2016). However, a 2010 report on communities of color in Multnomah County, Oregon’s most populous county and the location of the state’s largest city, found great disparities in poverty rates, health, occupation and earnings, and education between communities of color and white communities. (The study also considered Slavic communities in their research, because this group experiences unique barriers which often go undetected and unaddressed.) In Multnomah County, the incomes for people of color are about half of white incomes, while poverty rates are roughly twice as high. The study also found that communities of color fair worse in Multnomah County than other parts of the nation (Curry-Stevens, Cross-Hemmer, & Coalition of Communities of Color, 2010).
Table 1: Oregon demographic data

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>3,831,074</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>450,062</td>
<td>11.70%</td>
</tr>
<tr>
<td>Not Hispanic or Latino</td>
<td>3,381,012</td>
<td>88.30%</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>3,204,614</td>
<td>83.65%</td>
</tr>
<tr>
<td>African American</td>
<td>69,206</td>
<td>1.81%</td>
</tr>
<tr>
<td>Asian</td>
<td>141,263</td>
<td>3.69%</td>
</tr>
<tr>
<td>American Indian and Alaska Native</td>
<td>53,203</td>
<td>1.39%</td>
</tr>
<tr>
<td>Native Hawaiian and Pacific Islander</td>
<td>13,404</td>
<td>0.35%</td>
</tr>
<tr>
<td>Other</td>
<td>204,625</td>
<td>5.34%</td>
</tr>
<tr>
<td>Identified by two or more</td>
<td>144,759</td>
<td>3.78%</td>
</tr>
</tbody>
</table>

(US Census Bureau, 2010)

The history of the environmental justice statute in Oregon spans approximately fourteen years (summarized in Figure 2). The driving force behind Oregon’s environmental justice initiatives was Avel Gordly, who in 1992 became the first African-American woman elected to the State Senate (Schechter, n.d; State of Oregon EJTF, 2016). Prior to becoming a senator, Gordly was an organizer and activist who was involved in civil rights and anti-apartheid efforts through the Black United Front, American Friends Service Committee, and the Urban League of Portland. Gordly describes her interest in EJ as beginning in 1988, when EJ was an agenda item at a national black organizers conference she attended in Atlanta, Georgia. She and Richard Brown, active members of the local chapter of the Black United Front, attended a 1991 UN conference on the environment and a parallel conference on EJ. Brown was then leading an
effort to raise awareness about toxic chemicals in the Columbia Slough, which was a source of subsistence fishing for African American and Asian communities in Portland (Williams et al., 2010). Although Brown attempted to involve mainstream environmental groups such as Riverkeeper, he eventually gave up because “they were busy, they had their agenda” echoing the broader experience of communities of color with the mainstream environmental movement (Herndon, Gordly, Brown, & Priestley, 2009).

Figure 2: Timeline of Oregon’s State Environmental Justice Policy Development

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec., 1993</td>
<td>Environmental Equity Citizen Advisory Committee The state’s first environmental justice task force, established by Governor Roberts. Identified environmental justice issues and made recommendations for ensuring environmental equity in agency decision-making.</td>
</tr>
<tr>
<td>Aug., 1997</td>
<td>Governor’s Environmental Justice Advisory Board Created by Governor Kitzhaber in Executive Order 97-16. Charged with assessing the progress of agencies implementing the recommendations of the Environmental Equity Citizen Advisory Committee. Recommended the creation of the Citizen Advocate position.</td>
</tr>
<tr>
<td>2001:</td>
<td>Senate Bill 792 The first attempt to permanently institutionalize the Environmental Justice Advisory Board through statute.</td>
</tr>
<tr>
<td>2003:</td>
<td>Senate Bill 336 Would have created the Environmental Justice Task Force.</td>
</tr>
<tr>
<td>2005:</td>
<td>Senate Bill 542 Would have created the Environmental Justice Task Force. The bill passed the Senate and was sent to the House, but did not make it out of committee there.</td>
</tr>
<tr>
<td>2007:</td>
<td>Senate Bill 420 Signed into law by Governor Kulongoski. Establishes the Environmental Justice Task Force, designates the “natural resource agencies” who must participate, and outlines the duties of each.</td>
</tr>
</tbody>
</table>


In the Oregon Senate, Avel Gordly worked with Governor Barbara Roberts to establish Oregon’s first advisory body on EJ (Schechter, n.d.; Williams, 2010). The Oregon
Environmental Equity Citizen Advisory Committee was convened in December 1993. The Committee, with the help of the Department of Environmental Quality (DEQ) and the Oregon Health Division, was charged with collecting data on environmental equity, raising awareness about the topic, identifying regulatory practices that could lead to unequitable outcomes, and developing recommendations to ensure equity in agency environmental decisions. One set of recommendations addressed how agencies should “institutionalize environmental equity”:

- Establish an “Environmental Equity Advisory Board” within the state’s natural resource agency structure. One purpose of this board would be to oversee the implementation of the Committee’s recommendations,
- Mandate diversity in state agency employment practices,
- Require diversity training for agency staff,
- Require cultural competency training for all staff, and
- Involve concerned citizens and neighborhoods in a manner which would ensure that diverse viewpoints are included in the environmental decision-making process. (as cited in Collin, 2008, p.443)

Four years later, Governor Kitzhaber established the Governor’s Environmental Justice Advisory Board (GEJAB) with Executive Order 97-16. This task force included representatives of industry and agriculture in its membership, in contrast with the previous task force. Another key difference with this task force was that it was not as well-staffed or well-funded. The GEJAB’s main task was to assess how state agencies were implementing the recommendations made in the Advisory Committee’s report. The GEJAB found that although most agencies had policies that covered the recommendations for communication with the public, overall they had not made much headway on implementing the Advisory Committee’s recommendation on advancing environmental equity. Agencies were slow to respond to GEJAB’s requests for
information, provided vague or “cursory” answers, or even argued that the recommendations did not apply to them. They often did not have any demographic data on the communities affected by agency decisions, nor systems in place for determining discriminatory practices. GEJAB also made a series of recommendations for agencies, including one to establish the CA position:

Create a position for a citizen advocate in each natural resource or environment-related agency. This staff person would be responsible for providing citizen access to and an understanding of information and agency processes. The advocate will champion citizens’ interest in the environmental decision-making process. (as cited in Collin, 2008, p.448)

After first being introduced in 2001, a statute permanently establishing the EJTF was passed on the fourth attempt in 2007, and went into effect in January 2008. SB420, the 2007 bill, was similar in content to the 2001 bill (SB792) and was based on the recommendations of the two task forces described above (Collin, 2008; Oregon Legislative Assembly). The bill was sponsored by Senator Gordly and was codified as ORS 182.538 et seq (State of Oregon EJTF, 2016). Just a few years later, the U.S. EPA recognized the EJTF with its 2010 National Achievements in Environmental Justice Award for “effective implementation of the State’s environmental justice legislation and its ability to incorporate environmental justice considerations into State agencies’ programs (U.S. EPA, 2010).”

It would be impractical to provide a thorough summary of all EJ issues in Oregon in this essay; rather I present key examples brought to light by EJM organizations, by state investigations, and in other recent studies. Oregon ranks 49th out of 56 U.S. states and territories in terms of total releases per square mile (number 1 being the most releases) in the U.S. EPA’s Toxics Release Inventory, which tracks the management or release of chemicals toxic to human health by industrial facilities (U.S. EPA, 2018). The 1993 Environmental Equity Citizen
Advisory Committee, together with the DEQ, identified six issues that were important to stakeholders: agency public participation and communication practices; water pollution; farmworker pesticide exposure; household pollutants like lead; facility siting; and contaminated site clean-up (Collin, 2008). In their first report, the EJTF identified climate change as a “critical issue” affecting environmental justice in Oregon (2008). Oregon is part of EPA Region 10, which has the fifth-highest percentage of schools (10.1%) at high risk for ambient neurotoxicant exposure, meaning they are in top ten percent of all schools nationwide. The majority of these schools in Oregon are around the Portland metro area (Grineski, 2018; Milman, 2018). A 2012 report by Beyond Toxics found great disparity between neighborhoods of West and East Eugene. West Eugene has a heavy concentration of industry, as well as higher asthma rates in schools and a higher Hispanic population. Some other high-profile EJ issues recently in Oregon have been lead in public schools and the planned location of a liquefied natural gas pipeline across Southern Oregon to a terminal in Coos Bay (Gentry & Marris, 2018; Wheeling, 2018).

3. Research Questions

This research is informed by environmental justice research and the organizational and social movement literature. It is not designed to test any theory, rather to apply the theories to better understand the EJ context as perceived by the CAs. To that end, the following research questions will be addressed:

1. How do citizen advocates describe their positions?
2. How do citizen advocates understand environmental justice?
3. What are the institutional conditions within which citizen advocates work?
   a. What challenges do they encounter in their role?
b. What support do they receive for their role?

c. How do they navigate their citizen advocate roles?

4. As evidenced from public records and utilizing an EJ framework, what institutional changes have occurred as a result of the statute?

4. Methods

To answer the research questions, a mixed methods approach was used, consisting of qualitative interviews with state agency staff; secondary analysis of the annual reports, meeting minutes, and other documents of the EJTF; and observation of a public meeting of the EJTF. Multiple methods are commonly used in social research to allow for triangulation. Using more than one source of data helps to ensure that the researcher’s descriptions and interpretation of the data are valid (Robson & McCartan, 2016). While the research questions are informed by theoretical literature and previous research findings, this research does not use specific hypotheses, which allows for themes to emerge, consistent with an inductive approach. The analysis of primary data (interviews) and secondary data (documents) was conducted concurrently and independently. For this reason, and to ensure confidentiality for the interviewees, findings from the two types of data should be viewed independently of each other.

4.1. Interviews

To understand the CA role and the implementation of the Oregon statute, confidential semi-structured interviews were conducted with the CAs from the state natural resource agencies charged with carrying out the statute. Names of the CAs for each agency were obtained from the EJTF website. However, the EJTF website was not current and upon emailing the EJTF for
more information, I found the list of contact information provided was also out of date. Individuals listed as CAs for each agency were contacted. One agency did not respond to requests for information about the identity of their advocate and the person listed on the EJTF website had retired the previous year. Three of the agencies designate two advocates: the Department of Environmental Quality, the Department of Forestry, and the Department of Transportation. In two cases, I interviewed a former CA because the current person had recently started the position. One person declined an interview and I was unable to establish a meeting time with another person. In total, twelve people from eleven of the fourteen agencies were interviewed. Although there are some agencies that participate in the EJTF meetings voluntarily (Occupational Safety and Health Administration, Department of Energy, and Housing and Community Services), I did not interview the staff from those agencies because the research focus is on those agencies which are statutorily required to participate.

Participants were recruited by first receiving an introductory email, followed by a phone call. A structured interview guide (see Appendix C) with nine questions was used to guide conversations. The questions asked for the participants to describe their CA role and their other agency roles, times that they have felt successful in their CA role, challenging aspects of their CA role, resources that they utilize, their perspective on impacts from the statute on their agency, whether there is good alignment between their CA role and their other agency roles, and what their agency’s EJ goals are for the future. The majority of the interviews were in-person, with three conducted over the phone. One was a joint interview with two participants. The interviews ranged from 22 minutes to 57 minutes in length. They were conducted in May and June of 2018, in locations that interviewees selected, which included their own offices, agency conference rooms, coffee shops, and off-site meeting rooms. Permission to record the interviews was
requested; one person declined to be recorded but allowed me to take notes and provided written answers to the questions as well. Interviews allow the researcher to see from another person’s perspective and understand their attitudes (Babbie, 2001; Patton, 2002). Semi-structured interviews utilize an interview guide to ensure that the same topics are covered with each interviewee, while allowing the person to speak freely and provide detail where they prefer. I was also able to adjust the order of questions to fit the conversation and ask follow-up questions. All Institutional Review Board protocols were followed.

To analyze the interview data, recordings were transcribed and coded both by hand and with the software program, Dedoose. Thematic coding analysis, a common qualitative analysis technique whose benefits include flexibility and accessibility, was used to interpret the data (Robson & McCartan, 2016). Sections of texts that dealt with the key topics of interest were “coded,” or highlighted. Areas that were coded similarly were grouped into themes. The themes were then used to interpret and summarize the data. Codes were drawn from environmental justice and organizational literature, while additional codes emerged from the data. In the first round of coding, the text was divided into the primary codes “environmental justice,” “organizational/institutional,” and “other.” In the next round of coding, within the sections coded “EJ,” smaller blocks of text were selected using the four notions of justice inherent in environmental justice, as outlined by Schlosberg, which are distributive justice, recognition, participation, and capabilities (2007), as well as the following elements of the environmental justice frame: regulatory and policy actions, other actions, hazard reduction, and other substantive measures. In the institutional/organizational sections, I coded for agency culture, organizational capacity, and surveillance and sanctions (Zald et al., 2005). Additional codes that emerged from the interview questions and responses themselves included citizen advocate role,
relationship with EJTF, conflict, navigating conflict, federal influence, local government influence, impacts of statute, barriers/constraints on work, and facilitating factors and are discussed below. A Codebook containing all codes used with explanations and examples of each can be found in Appendix E.

4.2. Document Analysis

In addition to conducting interviews, I also analyzed EJTF documents to substantiate the interviewees’ statements and to obtain additional information about agency response to the Oregon statute. The document analysis began prior to interviews being conducted and continued concurrently with interview analysis. Only publicly available documents from the EJTF website were examined as they represent what the public sees. The documents included in the analysis were: 1) Annual Reports to the Governor submitted by the natural resource agencies and compiled by the EJTF, as mandated in the Oregon statute (18 total); 2) EJTF meeting minutes (17 total); and 3) other EJTF and agency documents related to environmental justice (1 EJTF Best Practices Handbook), for a total of 36 documents. A full list of documents is provided in Appendix D.

Annual reports are submitted by the agencies to the EJTF. The EJTF compiles the reports, sometimes along with its own updates, and submits the complete product to the Governor. There were seven years of reports available for the years 2008 to 2016, although the reports for some years were missing and in some cases, there was only one agency’s report available for a given year. Meeting minutes were not available for every EJTF meeting, for example, there are no minutes available for the years 2010, 2011, 2015, and 2016. Some minutes did not include a list of agencies in attendance, so only those agencies that presented were included in those minutes. The annual reports and meeting minutes were analyzed together
because they substantiate each other and because there is some degree of overlap in information covered.

The EJTF Best Practices Handbook is the most current version (published in 2016) of the EJTF’s recommendations for natural resource agencies. It helps to translate the statute into implementation guidelines, defines environmental justice, outlines the duties of the EJTF and the CAs, and clarifies the content of annual reports that agencies should submit to the EJTF. The Handbook provides extensive guidance for agencies on how to identify “EJ issues and impacted communities,” conduct outreach in order to “ensure meaningful participation,” and improve “the quality of decision-making.” Before beginning any decision-making process, agencies are instructed to “conduct a demographic analysis and environmental risk overlay.” Agencies should use both informal and formal outreach methods for engaging with communities and, “[w]here EJ communities have been identified, agencies must go beyond standard notice and comment procedures otherwise prescribed under the Administrative Procedures Act or environmental laws and regulations.”

This content analysis provided context for the research question related to CAs’ perspectives of institutional changes resulting from the EJ statute. The annual reports, meeting minutes, and Best Practices Handbook were examined to determine the impacts of the statute. The documents were used to create a rubric by which to score agencies’ participation with the EJTF. This is explained further in the Results section. Documents were also coded to determine what notions of justice (participatory, distributive, capabilities, and/or recognition) and elements of the EJ frame were being emphasized in the implementation of the EJ statute. The findings focus on the notions of justice found in the Best Practices Handbook.
4.3. Direct Observation

Data were also collected through direct observation of an EJTF quarterly meeting to provide context for information received from the interviews and documents. Direct observation helps to substantiate information from other data sources (Robson & McCartan, 2016). It also enhanced understanding of what occurs at EJTF meetings, which turned out to play a prominent role in CAs’ experiences.

5. Results

In this section, results from the content analysis and interviews are presented to address the research questions. The first question that this research sought to answer was – how do CAs describe their positions? Second, what is their understanding of environmental justice? It also sought to understand what institutional conditions they work under – the challenges they experience, the support they receive, and how they navigate their roles under these conditions. Finally, what institutional changes have occurred as a result of the environmental justice statute?

5.1. Document Analysis

Secondary data analysis provided a background and broader context for information obtained from CAs, as well as a context for the research question related to CAs’ perspectives of institutional changes resulting from the EJ statute. The EJ statute (ORS 182.535-182.550) is primarily written to promote participatory justice (“In order to provide greater public participation and to ensure that all persons affected by decisions of the natural resource agencies have a voice in those decisions”), although it also includes recognition (“Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by
environmental decisions made by the agencies”). Therefore, it was expected that participatory justice and recognition would be the most prominent elements of justice found in the documents. This prediction did prove to be correct, although all four elements of the EJ framework were present as described in the analysis below.


The focus of the content analysis of the documents was to examine what aspects of EJ are present. Traditional qualitative coding was used as a guiding approach to assess the extent that all four notions of justice are present in the document. Results indicate that the four elements (participatory justice, distributive justice, recognition, and capabilities) are not equally emphasized. These four elements can and do overlap; however, participatory justice and recognition were both emphasized heavily. Participatory justice was coded “as present” when there was discussion relevant to participation in decision-making processes, including ensuring that the community was adequately informed about actions that affect them and that participation was made more accessible for EJ communities. An example of a passage coded as participatory justice:

People of color, low-income people, and other vulnerable or underrepresented populations must feel empowered to meaningfully participate in agency decisions. While CBOs often work to provide resources and tools to foster community capacity and empowerment, those organizations often lack the resources to meet this need. Agencies have an opportunity to provide CBOs with resources and access to technical information that can greatly increase their capacity to both partner in agency decision-making as well as be more self-determinative. (State of Oregon EJTF, 2016, p.19)

Recognition, another element of environmental justice, was exemplified by the acknowledgement that social groups (racial, ethic, class, gender, etc.) may be differentially impacted and may have unique needs, and by a respect for these diverse identities. For example, the Handbook includes a section on race and its relevance to environmental justice and suggests
cultural competency as a way to acknowledge the history of racial discrimination in Oregon: “By ensuring that agency management and key staff meet established cultural competency standards and receive regular training, we can best protect against insensitivity to cultural values, norms, and behaviors different from dominant white culture” (State of Oregon EJTF, 2016, p.8). The document also lists “[s]ocial/cultural traditions and conditions” as a factor to consider in cumulative impact assessments and encourages agencies to engage in “groundtruthing,” or checking their demographic assessments by contacting community representatives from the potential EJ communities.

Distributive justice, a third element, was less evident. Distributive justice refers to the equitable distribution of harms and benefits. The Handbook provides steps for conducting a demographic analysis and environmental risk overlay for geographic areas that will be affected by agency decisions. From this, agencies can then see whether vulnerable populations will be impacted disproportionately and can engage them in the decision-making process. However, there is no assurance that the outcome of the decision-making will be equitable. This is connected to how the statute itself is written, because it directs agencies to “consider the effects of the action on environmental justice issues” but does not direct them to minimize these effects.

Once an agency has identified an action’s geographic scope of impact, the agency must then overlay current demographic information, preferably using Geographic Information Systems (GIS) mapping, to determine if there are communities of color and low-income communities within the impact area that are experiencing disparate impacts relative to whiter and/or more affluent communities. The purpose of this assessment is to determine whether “host” populations (those at risk within the area of impact) are disproportionately people of color or low-income relative to “non-host” populations (those not at risk of impacts). (State of Oregon EJTF, 2016, p.12)

The fourth element, capabilities, or the fulfillment of basic needs that communities have in order to be full members of society, was not extensively addressed in the Handbook. The concept is vaguely addressed in sections about building community capacity in order to be better
People of color, low-income people, and other vulnerable or underrepresented populations must feel empowered to meaningfully participate in agency decisions. While CBOs [community-based organizations] often work to provide resources and tools to foster community capacity and empowerment, those organizations often lack the resources to meet this need. Agencies have an opportunity to provide CBOs with resources and access to technical information that can greatly increase their capacity to both partner in agency decision-making as well as be more self-determinative. (State of Oregon EJTF, 2016, p.19)

5.1.2. Annual reports and meeting minutes.

Each agency is required to submit an annual report to the EJTF, which then compiles all the agencies’ reports, sometimes along with its own updates, and submits the complete product to the Governor. A review of the annual reports reveals that the content and format varies widely between agencies. Some reports, for instance, are only two sentences long, whereas other reports are up to fifteen pages long. Some agencies write their reports to address the four points contained in the statute, while others have developed their own format. Additionally, although the statute states that “all directors of natural resource agencies…shall report annually,” in reality the report is indicated to have come from the director of the agency in only a few cases.

The annual reports and meeting minutes indicate varying levels of participation on the part of agencies and some conflicting information about which agencies are required to participate. For instance, the State Marine Board and the Department of Education are included in the statute as natural resource agencies which are required to participate, but they are not mentioned in the list of participating natural resource agencies in the 2008, 2009, and 2010 annual reports. However, the State Marine Board is included in the EJTF’s summaries of agency activities in 2008. The Department of Education is included as an agency which is invited to
participate on a voluntary basis in the 2012-2013 report and 2014 report. These inconsistencies could contribute to the relatively low levels of participation seen from the State Marine Board and the Department of Education. Annual reports are mandated by the statute, although CA attendance at EJTF meetings is not specifically required. Yet, agency reporting at meetings has become a norm at least since 2009, when the EJTF decided to add an agency comment period to meeting agendas.

Each agency’s annual report and EJTF meeting minutes were reviewed to see how agencies are implementing the EJTF’s recommendations. Table 2 summarizes indicators of the participation and accomplishments of the agencies with regard to the EJ statute. Indicators include: meeting attendance, completion of annual reports, types of EJTF recommendations, presence of information available on the website, and dedicated personnel. While the indicators are somewhat arbitrary, they were selected to provide a baseline to assess compliance with the statute and identify gaps. For each indicator a yes, no, or partial value was assigned. Yes and partial values are designated with a Y, while no values are blank. The last column of the table sums the number of yes/partial values (partial values are counted the same as yes values), which ranged from 0 to a possible 7 total points. The higher number reflects greater participation with the EJTF and with carrying out the requirements of the statute, while lower numbers reflect less engagement. The data is for descriptive purposes and was not included as part of the interview process described below.
First, basic participation with the EJTF was assessed. Did the agency participate in a majority of meetings (out of 17 meetings for which minutes were available) and did it submit a majority of reports (out of 6 years for which there were reports available)? Results revealed that 9 out of 14 agencies had attended a majority of meetings and 8 had submitted a majority of annual reports.

To assess which of the EJTF’s recommendations had been implemented, the following were specifically examined: incorporating EJ core competency standards into position descriptions and/or performance reviews, providing EJ training for agency employees, and conducting disparate impact analysis (utilizing demographic overlay techniques to identify EJ communities that may be impacted in a geographic area). These recommendations were selected

Table 2: Agency Participation in EJ Policy

<table>
<thead>
<tr>
<th>Agency</th>
<th>Participation</th>
<th>TF recommendations</th>
<th>Additional measures</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Attended majority of meetings (at least 9 of 17)</td>
<td>Submitted majority of reports (at least 4 of 7)</td>
<td>Cultural competency requirements</td>
<td>Staff training</td>
</tr>
<tr>
<td>ODE</td>
<td>0</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>OSFM</td>
<td>0</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>OSMB</td>
<td>0</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>PUC</td>
<td>0</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>ODF</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>DOGA-MI</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>DLCD</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>OWRD</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>ODFW</td>
<td>Y</td>
<td>Y</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>OHA (DHS)</td>
<td>Y</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>ODA</td>
<td>Y</td>
<td>Y</td>
<td>Y: Partial</td>
<td>5</td>
</tr>
<tr>
<td>ODOT</td>
<td>Y</td>
<td>Y</td>
<td>Y: Partial</td>
<td>6</td>
</tr>
<tr>
<td>DEQ</td>
<td>Y</td>
<td>Y</td>
<td>Y: Partial</td>
<td>7</td>
</tr>
<tr>
<td>DSL</td>
<td>Y</td>
<td>Y</td>
<td>Y: Partial</td>
<td>7</td>
</tr>
</tbody>
</table>
for the analysis because they have been consistently mentioned by the EJTF in annual reports and meeting minutes as goals that the natural resource agencies should work toward, including in the last report to include an EJTF “workplan,” from 2014: “Top short-term priorities are to follow through with adoption of cultural competency language in managerial job descriptions and evaluations along with facilitating a summit for agencies to advance demographic overlay techniques and best practices” (State of Oregon EJTF, 2015, p.5). Furthermore, the same report also makes clear that disparate impact analysis, or something similar, is required under the statute:

insofar as the statute requires agencies to ‘consider’ EJ issues in ‘deciding whether and how to act,’ agencies are required to conduct a disparate impact analysis (or a substantitally similar analysis) in order to fulfill this requirement.

Environmental justice training has been made available to employees by DOGAMI (2016 report), DEQ (provided training to all managers in 2009 and have an online training), DSL (began reporting on efforts in 2012 and continue in 2014 and 2016), and ODFW (2009 report stated management team will attend a training in 2010). In fact, DEQ reported at the EJTF meeting I attended that they had completed conducting in-person trainings of EJSCREEN (EPA’s online mapping tool) with all employees that had a field component to their job. Also, in the 2009 annual report, it was stated that ODOT staff “receives regular trainings on Environmental Justice,” likely as a result of their need to comply with federal regulations.

Regarding core competency standards, the agencies which have stated in their reports that they have introduced or will introduce on an as-needed basis cultural competency language to position descriptions are DSL (in 2014), DEQ (in 2011) and ODA, which states that their management-level position descriptions “identify cultural competency, diversity, and inclusion as position responsibilities” (in 2016). OWRD acknowledged in a 2014 report that they have not
yet updated their management position descriptions, but that their existing descriptions contain similar points already. One possible reason for OWRD to say this is that all agencies were directed to review and discuss affirmative action plans, begin training on affirmative action, include affirmative action duties in “key” job descriptions, and conduct cultural competency training since 2005 by Executive Order (Executive Order No. 05-01, 2005; Executive Order No. 08-18, 2008; Executive Order No. 16-09, 2016; Executive Order No. 17-11, 2017). A barrier to incorporating EJ elements in job descriptions and performance reviews expressed in the OWRD report is that there is not currently an “appropriate and meaningful EJ training” that people can take “at a reasonable cost.”

Some mention of the use of disparate impact analysis or demographic mapping techniques was found in the reports of four agencies: DEQ (2014 report), DSL (2016 report), OHA, and ODOT (2008 report). OHA has an Environmental Public Health Tracking Program which publishes data including EJ indicators online. In the 2008 EJTF annual report, DHS (which was replaced by OHA in its work with the EJTF) states that it “would provide comprehensive risk assessment and human impact data to other state agencies” if resources allowed, which seems to indicate that DHS already had the capacity to conduct such risk assessments. ODOT has an existing practice (described in 2008 report) of using Census data to identify “potential impacted communities” due to its requirement to comply with federal regulations. Reports indicate that the EJTF planned a symposium on “data tools, metrics, and measures” in Spring of 2014 and a “GIS Forum” in 2015 for agencies to learn about identifying EJ communities, but it is not clear what the outcomes of these events were and to what extent agencies utilize these tools.
Finally, as shown in Table 2, I included “additional measures” which would indicate an additional degree of commitment from an agency toward the EJ statute and the CA position. First, whether the agency has either a website providing information about EJ generally or providing contact information for the CA specifically and making it clear that they are the person to contact regarding environmental justice concerns. In this case, “partial” values were assigned if either an EJ website or CA information was present. There were 2 Partial and 3 Yes results. Second, scores were given if the agency indicated that the CA has an allotment of time dedicated toward carrying out the role. A lack of a dedicated position with a percentage of time allotted toward the CA role was an issue raised as a concern by EJTF members at the December 2014 meeting. I could find recent evidence of only 4 agencies providing the employee with dedicated time toward carrying out the CA role.

The total number of indicators that agencies met ranged between 0 and 7, with 7 the maximum possible. Four agencies had 0 scores, two agencies had a score of 7, with the remaining agencies somewhere in between. The median score was 2, and the average was 2.71. Ten agencies did not meet at least half of the measures in the table. It is important to note that the scores do not necessarily indicate how well agencies address EJ issues in practice – agencies with lower scores may actually be making more significant strides to address EJ than the score may reveal, while higher scores should not necessarily be taken to mean that the agency is fully addressing EJ issues. Rather, scores reflect the extent to which agencies are meeting the requirements of the statute and the goals set by the EJTF. Thus, the content analysis of annual reports and meeting minutes suggests that there is a wide range of agency participation with the EJTF and the EJ statute. This research does not directly seek to determine the reasons for these differences, but can provide some starting points for consideration. This outcome supports the
idea that the barriers to implementation which will be discussed in the next section are significantly impacting CAs’ and agencies’ capacity to carry out the requirements of the statute. It also suggests that enforcement of the statute has been inconsistent over its ten-year span. Even if agencies are simply underreporting their achievements, this analysis indicates that even some of the basic goals of the statute are not being met by a majority of the natural resource agencies.

5.2. Interviews

Semistructured interviews with agency CAs were conducted in order to understand how agency employees view environmental justice and the institutional opportunities and constraints within which they operate when implementing the EJ policy. Twelve people from eleven of the fourteen natural resource agencies named in the statute were interviewed. The interview protocol used to structure the interviews is in Appendix C. All IRB protocols were followed to remove identifying information and maintain confidentiality.

5.2.1. The citizen advocate role.

Under the Oregon statute, the CA position “is responsible for: (a) Encouraging public participation; (b) Ensuring that the agency considers environmental justice issues; and (c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes” (ORS 183.545). In this section, results represent respondents’ view of what the role of CA is in practice. Respondents were specifically asked, “Please describe your job as a citizen advocate. What are your responsibilities?” Half (6 of 12) of CAs interviewed view their role primarily as a liaison or as an agency representative to the EJTF. The liaison role, as described by CAs, mainly involves attending EJTF meetings, where they give updates about the agency’s activities and answer any questions the EJTF might pose, and putting together the
annual report. However, the other half of CAs viewed their role as more holistic, or as primarily something other than just an agency representative. These more holistic roles were described as being a resource to staff and the public. As a public resource, they address concerns and get involved in public outreach. As a staff resource, they provide training and resources and answer questions, make efforts to incorporate EJ into agency culture and practices (through incorporating it into position descriptions, performance reviews, and increasing awareness) and coordinate with other agencies, EJ communities, and community groups.

One third (4/12) of the CAs viewed their role as a position that should ideally be somewhat “high-level”, which allows them to have an understanding of what goes on throughout the agency, as well as demonstrating agency commitment to EJ. Interviews revealed that CAs are not primarily public outreach specialists; although nearly half (5 of 12) reported that they are available for direct contact from the public, it is not their primary role. As one CA put it, their work is “less of the sort of on-the-ground” outreach and more coordinating it. Additionally, CAs interact with the public through advisory committees, public hearings, and direct interaction with representatives of Tribal governments or community organizations.

Four of the interviewees explained that expectations were not completely clear when they began in the CA role and two CAs shared that they did not know what EJ was at the time that they were assigned the role. The learning process for these respondents involved attending EJTF meetings, reading the statute, consulting the EJTF website, and seeking advice from other CAs. Because the role was not well-defined, these CAs shaped the role themselves into what they believed it should be. In this way, they are interpreting the policy and directly impacting its implementation. The following quotes highlight two of these experiences:

_I'm struggling to tell you what my role is as a citizen advocate._ (Interview #7)
For our particular agency, there wasn’t any guidance or training or procedures or expectations for my role as the EJ liaison to the Task Force. I knew by reading the statute what the key requirements were, in terms of, I had to develop an annual report, I had to figure out how to incorporate EJ into programs and activities. After attending one or two EJ Task Force meetings, it was clear to me that it was expected that agencies attend. (Interview #12)

5.2.2. Environmental justice.

CAs’ perceptions of environmental justice are important to understand because this can affect how they carry out their role and, as conduits of information between the EJTF and their agencies, CAs influence how EJ is understood within their respective agency. Through the interviews, I learned that CAs can influence the interpretation of EJ in their agency through interacting with other agency staff and management in the course of writing the annual report or answering EJTF requests; advising other staff on EJ issues and outreach; training other staff on EJ; incorporating EJ into policies, programs, or documents; and interacting with boards, commissions, and/or advisory groups. Also, they can bring their understanding of EJ into their other roles that they fill in addition to the CA position, as this quote illustrates:

...as I learned about the Environmental Justice Task Force and its role and its goals in terms of making sure that those most impacted by decisions are at the table and represented in those decisions, I tried to weave that into my advisory board and making sure that...all communities were as represented as possible. (Interview 1)

The analysis of respondents’ perceptions of EJ was not limited to one interview question, rather it was derived from the full interview; especially their descriptions of their role, the challenges they face, and when they have felt successful in their role. The analysis did not find any connections between the ways that CAs spoke about EJ and their implementation of the statute. All twelve of the interviewees used the notion of participatory justice when discussing their role and their activities relevant to EJ. This is not surprising, as the statute is written primarily to promote participatory justice, mainly emphasizing public participation. Recognition
and distributive justice framing was also used by a majority of the participants. However, three CAs used only participatory justice and only three CAs used all four notions of justice when discussing EJ and their roles. This indicates that though important elements of the EJ frame are a part of the understanding of CAs, there is a great deal of diversity in interpretation across CAs.

Some (3 of 12) participants see EJ as something that their agency has been “doing” all along (meaning, even before the EJ statute was passed), describing it as either synonymous with their mission or with their organizational values or practices.

...for me I think the most memorable thing was when, as I looked at it, I realized...we do these things already, we just don’t know them as environmental justice. (Interview 8)

However, other participants (3 of 12) acknowledge that EJ means a fundamental change to standard procedures and believe it will take time to make these changes.

You know, it’s a convenient title to say “historically underserved” and sometimes you forget that that means that those communities have not been served by the current system. So changing the system means engaging those communities and engaging the [jurisdictions] to address those situations. (Interview 1)

Three participants connected EJ with advocacy or activism, and expressed that they cannot engage or cannot be perceived to be engaged in these activities as public servants. However, an additional participant actually stated that they do see their main agency role as being that of an “advocate,” so the word does not always have a negative connotation.

But the term environmental justice, I think we've had different leaders, I think they struggle with that term a bit and so... it's more like, what is that going to be perceived as, are we going to look like activists? We're very science-based and it's important for us to maintain that and not appear as if we're activists, I'm putting air quotes around that, and also advocates of a certain agenda. (Interview 6)

...we are a regulatory agency, you know. That can be, I would characterize it as extremely dissatisfying to everyone. Because as a regulatory agency... you’re not an advocate of any particular position. (Interview 4)
...we have to look at the way people are doing it today and sort of the laws and practices that we have to answer to and what’s permitted, and that’s kind of, as a state agency, that’s the line that we walk. So the EJ Task Force is able to be much more aspirational in their thinking than I feel that we as a state agency really have the capacity to be, because we’re there to, for the most part, dispassionately represent what exists in statute and rule... (Interview 9)

Half of interviewees expressed a tension between EJ principles and the agency culture, history, or agency goals. This is explained more in the next section on institutional conditions.

### 5.2.3. Institutional conditions.

How do the CAs perceive the conditions they work under? Interviewees were asked to describe the main challenges they face when carrying out their role, what support they receive in the role, and how they navigate their role under these conditions.

#### 5.2.3.1. Challenges.

The analysis of the interviews revealed several common themes related to challenges. These centered on the availability of resources; the agency culture, history, and goals; the relationship to the EJTF; and legal barriers.

*Availability of Resources.*

The majority of interviewees (8 of 12) mentioned some sort of resource constraint as a challenge to fully engaging in the CA role and implementing the environmental justice policy and several described additional actions they would take to promote EJ within their agency if they had more funding. The chief issue was perceived to be a lack of financial resources dedicated to implementing the policy. The statute did not provide for funding to the EJTF, nor for additional funds to agencies. A lack of time was also mentioned, which is linked to the financial constraint. Some of the CAs have a percentage of their time formally allocated to
carrying out the CA role, although they are in the minority. Others have to find time to fulfill the role between their other duties.

Yeah, there are a lot of things like this in the agency world…where there’s no specific allocation of time or resources that I’m aware of. Like a lot of the things that I do, I try to put in the best effort that I can to, you know, to get the job done and to do it well. That’s important to me. But we do get pulled in a lot of different directions, and so, you know, it’s not a primary focus of mine. (Interview 7)

Conversely, two CAs directly stated that they did not need additional resources to complete their roles, and for two others a lack of resources did not emerge as a challenge. Of these four respondents for whom resources were apparently not a concern, some share interesting similarities that may help to explain why their perspectives differ from the majority. Three of the four viewed their role as primarily a liaison role and did not think that their agency was a major focus for the EJTF. Also, two of these four expressed the view that their agency had already been “doing” environmental justice prior to the statute.

No, I didn’t have other resources because in my work I didn’t see the need for them either. I feel confident in the fact that [if I were to say] ‘hey…this is a lot of work, I need this additional assistance,’ then yes, I probably would have received some additional assistance, but I didn’t see a need for it, so…I didn’t ask for it. (Interview 1)

CAs cited time and financial constraints as the reasons they were not able to accomplish the following tasks: coordinate a more comprehensive EJ strategy for their agency; provide EJ training for agency staff; attend all EJTF meetings in person (meetings are held around the state); conduct more and better public outreach; provide childcare, food, and/or compensation for participation; and hire additional staff. Several participants voiced the sentiment that the EJ policy falls short because of this lack of funding.

I think a lot of people just don't get why community engagement is so important when it comes to environmental justice…I mean it's just so huge and I guess I feel like, if we're talking about implementation, you can't even get the policies right or the actions right if
you don't have the capacity, ability, skills, resources to engage with the communities who are impacted... You're gonna get it wrong. (Interview 6)

...again, it sort of comes back to the focus and the funding. The willingness to do that work has to come with more than just lip service. (Interview 9)

Agency culture, history and goals.

Half of participants (6 of 12) expressed that there is some difficulty in advancing EJ within the existing agency culture or that EJ principles come into conflict with other agency goals. For example, respondents expressed that their agency has a science-based culture. In these agencies, EJ can be perceived by others as advocacy, as described above. Also, CAs stated that the science orientation can make communicating with the public about health risks difficult, and it is also seen as a barrier to hiring a more diverse workforce because many of the agency jobs require scientific training and “lived experience isn’t something that can be taken into account” (Interview 5). This tension that CAs describe is consistent with the conflict between the EJ frame and dominant regulatory culture documented by other scholars (Sandweiss, 1998; Whiteside, 2006). The following quote demonstrates this scientific orientation:

And so, I think among the challenging things are that we don’t operate as a matter of course under the precautionary principle. That’s actually not...where we are. That said, we are obligated to, you know, protect public health. And that is based on...the evaluation, the scientific evaluation of what’s being proposed and what the current environmental laws are now. (Interview 5)

Similarly, the historical legacy of agencies is perceived to conflict with EJ principles. State agencies were established to manage resource development, and are perceived to be influenced by these historical goals and by their traditional relationships with industry. This quote exemplifies the view that these agencies can be somewhat resistant to change: 
Somewhat stuck in the old way of doing business, stuck in a singular perspective about natural resource issues, and that relates to—for very good reason—relates to history, relates to the nature of the way our funding comes to us. (Interview 7)

The following quote expresses the difficulty between achieving the agency purpose of allowing for certain development to occur while also protecting the public:

Again, trying to bridge that gap between natural resource development that is very disruptive and then, serving the needs of society, but also ensuring that the impacts are not overwhelming to the immediate surrounding area. (Interview 2)

This statement is consistent with the neoinstitutional literature, which describes how organizations consist of competing and sometimes incompatible rules and goals (Meyer & Rowan, 1977).

Another challenge of agency culture is that the emphasis on environmental justice can vary depending on who holds the leadership positions. No respondent expressed that their current leadership was unsupportive of EJ, more that the relative importance of EJ against other priorities depended on whether their leaders were aware of it and considered it a priority. Also, the possibility of the emphasis on EJ changing when leaders change is another difficulty. The importance of leadership is supported by the above-mentioned perspective of the four CAs who expressed that the CA should be a high-level position in order to send a signal of the agency’s commitment. This quote demonstrates the challenge that leadership can pose for promoting EJ within the agency:

... in a lot of ways our ability to address environmental justice is more contingent on our leadership. At every level. The degree to which they see it as being important, the degree to which they feel and agree that it is a priority and that we're given what we need to do some of that work and so, in combination, that's the ideal along with the actual genuine support internally. (Interview 6)

Relationship to the Environmental Justice Task Force.
Another set of challenges for half of the CAs was associated with working with the EJTF. While the individual members of the EJTF were praised for their dedication and hard work, the relationship with the EJTF as a whole is viewed as being less productive than it could be, or even counterproductive. The reasons are the EJTF’s lack of resources, the structure and organization of EJTF meetings, and the broad nature of their work. Five of 12 participants mentioned a lack of resources in relation to the EJTF. Although the statute states that “the Governor shall provide the task force with the necessary clerical and administrative staff support,” interviewees stated that this support has not always been sufficient (ORS 182.538). Also, as with other advisory boards and commissions, the EJTF members are all volunteers and there are also a number of unfilled positions on the EJTF, so they are not currently operating at full capacity. CAs feel that the EJTF does not provide “a lot of guidance in what it means to be a citizen advocate (Interview 7)” and how to be effective in the role. Also, a CA stated that when the EJTF instructs agencies to reach out to EJ communities, it is not always able to facilitate this. On this topic, one of the interviewees also noted that the EPA’s mapping tool, EJ SCREEN, is not applicable to all of the diverse agencies’ needs, as well as being somewhat technical and difficult to use. Some of the resource challenges described by CAs were identified by the EJTF in annual reports. In the EJTF’s first report (2008), one of the barriers to implementation that the EJTF named was “budget restraints,” whereas the loss of staff support provided by the Governor’s Office in 2011 was identified as a challenge in the 2012-2013 report. The lack of funding contributes to the following additional issues that CAs experience in working with the EJTF.

The structure and organization of EJTF meetings is perceived as not very effective. Five of the 12 respondents expressed some concern with meeting organization, structure, and/or facilitation. These concerns included not receiving the agenda for the EJTF meeting in advance,
not knowing ahead of time that they are expected to present on something at that day’s meeting, being asked to prepare a presentation ahead of time and then not actually being called to present on the day of the meeting, and running out of time for the agency updates (which CAs give, and are typically scheduled at the end of meetings). A common sentiment (for 4/12 respondents) was that CAs are giving a lot but not getting a lot in return because attending EJTF meetings is resource-intensive, but CAs do not feel that the meetings benefit them.

The above-mentioned organizational issues, such as a lack of adequate advance notice, contribute to a tense atmosphere at meetings, with interactions described as “adversarial” and “not constructive” by four of the CAs. One interviewee stated that they view the meeting format as one-directional, with EJTF members posing questions to the CAs, and this was supported by the descriptions of the other CAs. The meetings are public, and one CA described feeling like there could be serious consequences for their agency if they do not speak completely accurately, which is difficult to do if the topic is outside of their subject area. The four CAs who expressed this tension with the EJTF believe that this type of relationship does not facilitate learning for CAs or build their capacity to solve issues. Their view is that their involvement with the EJTF would be more productive if the EJTF had a more “collaborative” relationship with agencies. As described above, the EJTF Handbook does emphasize collaboration. The following example summarizes these perspectives:

So, I would say that quite a few state agency reps, including myself, don't necessarily look forward to these meetings... what I have found in recent years over like, contentious issues, that this becomes a forum to... I don't want to say attack agencies because that's not the right word but, um, it's not a constructive dialog, how about that? So I think, and I think some of my colleagues at other agencies would agree with this, that I would like to see the Task Force work more collaboratively with agency partners. Cause, it's tough as it is when we can't find time to work on it, and we've got all these other responsibilities that we have to meet in our day to day jobs, but we've got this requirement to build it into our agency programs. Sometimes you just need the Task Force to be kind of a venue or a
vehicle for agencies so that we can spend time on it. I think they have in the past. (Interview 12)

This tension between CAs and EJTF members was evident in some of the interactions at the EJTF meeting that was observed for this research. Some CAs appeared nervous, although others seemed at ease. Some EJTF members did not really acknowledge some of the CAs that presented their agency updates. One CA mentioned that it was likely their last meeting because they were switching to a new role within the agency and only one of the EJTF members acknowledged this departure and thanked them for their work.

A third perceived challenge related to working with the EJTF identified by respondents is the broad mandate that the EJTF has been given. A third of interviewees (4/12) expressed a lack of clarity of the EJTF’s goals and that the EJTF could accomplish more if it narrowed its focus.

*I mean all the natural resource agencies, that’s like an incredible number of projects and issues and policies, it’s hard for them [referring to the EJTF] to really provide meaningful input. They can only provide meaningful input on a few things.* (Interview 6)

This broadness of focus is supported by the perception of half of the interviewees that their own agency is not a priority for the EJTF. For example, several CAs named other agencies as more relevant or higher-priority than their own. Reasons cited included that CAs do not feel like their agency’s subject area is within the more traditional EJ sphere, that their agency does not have much of an impact on EJ issues, that their agency does not deal with the EJTF’s main interests, or that their agency is already doing well on their own in terms of addressing EJ (and does not need the help of the EJTF). This quote demonstrates this perception: “I felt outside of the main thrust and focus of what they were trying to do” (Interview 1).

The EJTF is aware of some of the issues the CAs have experienced and is taking steps to address them. At the EJTF meeting that was observed for this research, several of the above-
mentioned concerns were discussed during the “working lunch.” Jason Miner, the Governor’s Natural Resources Policy Manager, discussed new funding for carbon policy positions in the Governor’s office and the possibility that one of those positions could provide staffing support to the EJTF. Exploring ways to coordinate with the sustainability board in order to save time for CAs, an idea that some CAs mentioned in interviews, was also discussed during the lunch period. There was also some joking between the EJTF members and some CAs about the agenda getting out earlier “this time” which indicates that CAs have made their concerns known to the EJTF and that efforts are being made to address them. Also, the agenda from the September 14, 2018 meeting (the most recent meeting at the time of writing) included an agenda topic on “Governor’s Office” related to “EJTF Support.”

*Legal barriers.*

A final challenge that emerged from the CA interviews is legal and structural barriers (for 4 of 12 respondents). “Legal restrictions” were identified as a hurdle in the first EJTF annual report in 2008. At the time, the EJTF had contacted the Department of Justice for assistance and had decided to focus on addressing Oregon’s land use planning goals. In interviews, CAs stated that they believe they do not always have the authority to enforce the EJ policy. The main legal barrier is that state natural resource agencies have limited control over local jurisdictions. Local governments in Oregon have a great deal of authority over zoning and the siting of development. There is also the challenge of working within the statutory framework and figuring out how to promote EJ within the structure of existing laws.

*So, my role, I could have provided some you know, ‘hey, you should think about this’ statements to [local jurisdictions], but as far as being able to tell them, ‘you need to site your facilities following these criteria,’ there was no authority for that...and debate is not something that the department...can require.* (Interview 1)
If it’s zoned, and agreed to, you know...very rarely would we deny a permit. Extremely rarely would we shut someone down. I mean, almost never. (Interview 5)

5.2.3.2. Support.

A second institutional factor to emerge from the interview data is the variation in sources of support that CAs receive for carrying out their roles. The most common themes that emerged in the interviews around support were agency colleagues, the structure established by the statute, other levels of government, and leadership.

Agency colleagues.

The most common source of support was other staff in the same agency (for 9 of 12 participants). CAs speak with or request assistance from other staff in order to complete their annual reports or in responding to public concerns. Some CAs work with their agency’s public outreach staff to conduct outreach to EJ communities. They also are able to learn about local communities from staff who live or work in the area. CAs shared examples illustrating that they were not the only staff person in the agency thinking through an EJ frame and EJ “success stories” achieved by other staff.

EJTF and other CAs.

Another source of support (for 6 of 12) is the formal structure that has arisen out of the EJ statute: the EJTF and other CAs. The EJTF has provided contact information for EJ organizations and communities to agencies, individual EJTF members have served on advisory committees and/or have provided input for agency processes, and the EJ website is a resource for new CAs who do not receive guidance on their role from their agency. Fellow CAs in other agencies have acted as mentors for new CAs who seek guidance on the format for annual reports and what is required in the position. CAs seek advice or ideas from each other, share resources,
and have also attended EJ trainings at other agencies. The following quote illustrates the support structure that emerged from the statute:

*I think...another very specific impact is I have this coalition of partners. You know, at these other agencies who, if they're not dealing with the same site necessarily, I'm dealing in the same area. I can call up our folks over in [another agency] and say, “hey I've got something going on in Roseburg, can you connect me with some of the local folks?” So that network being sort of baked into the law so to speak, by naming the agencies, I think has been helpful.* (Interview 4)

*Other levels of government.*

Both the federal government and local governments are important partners for half of the CA staff interviewed. Federal resources include networks, experts, and EPA tools and resources such as EJ Screen and EJ trainers. CAs coordinate with local government on new development projects, and because local governments can have authority over land use, working with them more closely through the process can lead to better outcomes for communities. For example, local governments may have more funding available to conduct public outreach than the state agencies do, and they may have better information about where EJ communities are located. Finally, the state legislature can be another source of support in terms of providing funds or leverage.

*Leadership.*

Support and commitment from those in leadership positions can be a source of support (although, as described previously, it can also be a challenge when it is absent). Two CAs mentioned feeling supported by their management. Another source of commitment comes from Oregon Governor Kate Brown. Several (3 of 12) CAs mentioned that Governor Brown’s personal emphasis on EJ has had an effect on both the agencies and the EJTF. Under the statute,
the EJTF and the natural resource agencies are directly accountable to the Governor through their annual reports. This is one way that the statute establishes the “surveillance and sanctions” described by Zald et al. (2005). Governor Brown has requested greater participation in the EJTF from agencies, provided staff support to the EJTF, and prioritized EJ in certain rulemaking processes:

“That provided support around not just doing that work which I feel like we do no matter what, but talking about it, saying the words environmental justice. I think it brought some comfort or some uh, certainty or feeling of support in our leaders like, oh okay, we can say that and this is what the Governor has asked us to do. (Interview 6)

And then, the current Governor… this is something that’s important to her, and I think she really reinvigorated her Office’s support of [the EJTF] and tried to get a little bit more staff support there, and that in turn I think reflected back on the agencies. (Interview 7)

5.2.3.3. Navigating their role.

Based on previous research on bureaucrats and EJ policy, I expected to find that the CAs experience some role conflict. However, only one person directly stated that there is any conflict between fulfilling their role as an agency employee and their role as an advocate for the public. When asked this question directly, others said that their roles were complimentary. While role conflict did not emerge, conflict was present between EJ principles and agency culture/history and between the CAs and the EJTF. Mentioned as well were conflicting goals, which could be considered to be a part of agency culture.

CAs navigated this conflict or tension in differing ways, with major themes centering on communication and compliance. Six CAs described one way that they and other staff deal with the contradictory goals of their agency and of EJ was communicating more, being more authentic when engaging with communities, and being more thoughtful. They also described that they have learned to communicate more with other appropriate staff members in their agency, as well
as with other CAs in other agencies in order to resolve specific issues or coordinate earlier on projects.

*Well, the most important part that I’ve found is going out and meeting people face to face. On their turf. And just listening.* (Interview 2)

*I think it’s good for our staff to be a little bit more rigorous in their thinking about inclusion and who these conversations are important to and who the outcomes are affecting.* (Interview 9)

*…our staff have definitely learned to, again, be more reflective, be more responsive, show up as, in addition to their [agency] self, their whole human self.* (Interview 4)

The second navigation strategy that emerged (for 5 of 12) was complying with what they are statutorily required to do. When discussing their work, CAs often explained that they were or were not “required” to do certain things, or that they could or could not “require” certain things of local governments. They also used technical, dispassionate language to describe the way that they would address EJ issues, such as “responding appropriately” (Interview 2) and “mitigate what their concerns are” (Interview 11). Although these tactics seem contradictory, they were mentioned by the same respondents.

### 5.2.4. Institutional changes from the statute.

When asked directly about how the EJ statute has impacted their agency, a majority of interviewees (7 of 12) stated that there has not been a big impact for their agency. The reasons for this were varied and usually had to do with the factors listed as challenges above; lack of adequate resources (for the agency and for the EJTF), statutory restrictions, and agency culture and history. Also, as mentioned before, some CAs did not feel that their agency was a priority or good fit for the EJTF. And some interviewees stated that they believed they were already doing the things that the statute and EJTF advocate for, bringing up existing Oregon laws or other existing relationships (such as working with the Legislative Council on Indian Services).
Although most interviewees did not perceive major impacts to their agencies specifically, there was consensus on the important concrete benefits from the statute. Their perspective is that just having the statute in place is important because it elevates the issue of EJ and raises awareness. The statute also created a resource, a way to learn about the issue and the communities that are impacted, and to learn what others are doing. CAs stated that other agency staff are becoming more aware about EJ through interacting with the CA or through EJ trainings. Finally, CAs mentioned that the listening sessions that the EJTF holds before their quarterly meetings provide an opportunity to hear directly from communities they might not have heard from before.

The statute has also created an avenue of communication for EJ communities. The EJTF gives a place to go with concerns. The previously-mentioned listening sessions are held in locations around the state, including rural areas. Another benefit of the statute is the statute allows agency staff to talk about environmental justice (a “foothold”) and makes it less political. Or, as another interviewee put it, it gives them “permission to talk about it and prioritize it” (Interview 6). It gives them something to “go back and point to” and makes EJ less subject to political whims, especially for those agencies which have less of a connection to the federal government. The statute also creates some degree of accountability for agencies, so that they continue to make progress and the public can be aware. Several (5 of 12) CAs stated that the statute has resulted in increased coordination with other agencies, which has been beneficial and has helped to break down silos. CAs also expressed that the role had an impact on the way they personally do work, by trying to make more effort to reach more diverse groups for advisory committees and communicating more and earlier. The statute also provides more focus on public
engagement/outreach, so that is one area in which CAs can bring back new ideas for their agency.

Finally, interviewees spoke about other significant changes that have occurred, but said that they could not be attributed entirely to the statute. Instead, the EJTF involvement has come in concurrence with other ongoing processes in their agencies, which may include wider national trends or employee turnover. In a few cases, EJ principles were incorporated into major plans or policies. Another outcome was changes to outreach practices. Some interviewees reported improved relationships with communities. Agencies are increasingly partnering with community-based organizations and vice-versa and the nature of the relationship is more collaborative and less negative.

6. Discussion

The objective of this research was to contribute to the body of work on state EJ policy implementation by asking how the state agency staff charged with implementing Oregon’s EJ statutes view their roles, environmental justice, their institutional parameters, and the institutional impacts of the EJ statute. The findings described above illustrate the achievements and shortcomings of Oregon’s EJ statute and the challenges of institutionalizing environmental justice in state natural resource agencies. The interviews and secondary research clearly showed a wide range of responses on the part of Oregon state agencies to the EJ statute.

Research Q1: How do Citizen Advocates Describe Their Positions?

The nature of the CA role is complex and varied. As representatives to the EJTF for their respective agencies, CAs have a significant amount of influence over how their agency responds
to the EJ statute and participates with the EJTF. For about half of the interviewees, the role encompasses attending EJTF meetings, writing up reports, and answering the EJTF’s questions. Other CAs view the role as being responsible for incorporating EJ principles into the agency’s practices and being a resource for both staff and the public. In practice, the role seems to deviate slightly from what is stated in the statute and from the way the CA role was envisioned by the GEJAB in 1994: “Create a Citizen Advocate position for each natural resource agency to ensure citizen access to information and participation in the agency decision-making process.” Although there is the expectation laid out by the statute that this person should be involved in public outreach, in reality, the majority of CAs interviewed are not directly involved in this activity. The statute places conflicting demands on the CAs: to both be in touch with and represent the public’s concerns, and to also be able to speak to the EJTF and the Governor’s Office on everything the agency is doing that impacts environmental justice. This person should ideally have the authority and influence to be able to ensure that their agency considers environmental justice in all of its decisions, while also being accessible to the public. Few of the CAs interviewed described being contacted by members of the general public and few of them have easily-accessible contact information online. Instead, they act more behind the scenes to coordinate and advise on public engagement processes for specific projects.

Implementation of the CA role is divided into two general categories, with half of agency CAs defining the role by its more visible requirements, such as meeting attendance and report submission; whereas the remaining CAs viewed their role as more integrative, helping to institutionalize EJ principles into the agency. Meyer and Rowan (1977) write that organizations symbolically comply with institutional demands to maintain legitimacy while maintaining their previous informal (less visible) structures. This may help to explain the difference in approaches
to CAs. Those agencies which are symbolically complying with the statute treat the CA position as a liaison role, whereas those that view the role holistically are complying on a more substantive level. The reasons why some agencies choose to “decouple” their actual activities from their formal structure have been investigated in the neoinstitutional literature but in order to tease this out more thoroughly with the Oregon agencies, further investigation is needed.

**Research Q2: How do Citizen Advocates Understand Environmental Justice?**

The analysis of the interviews through the EJ frame did not illuminate any discernible differences between the CAs and there was not sufficient evidence to conclude that the ways in which CAs perceived EJ were linked to the ways that they implemented the statute within their own agency. The EJ statute itself is written to primarily promote participatory justice and procedural rights. Results from the CA interviews echoed these conceptualizations of EJ, with every interviewee employing the notion of participatory justice when discussing EJ. However, findings also indicate that understanding of EJ may be limited in some cases, because three CAs utilized only participatory justice and only two used all four notions. This finding is reminiscent of other research which has found that state EJ policies largely emphasize participation but not other components of EJ (London et al., 2008). Policies and programs that do not address all of the elements of EJ have been found to frustrate EJ advocates (Allen, 2013; London et al., 2008; Shilling et al., 2009). CAs also expressed that EJ principles were sometimes at odds with the way things were done in their agencies and agency culture, and in some cases, EJ’s connection to activism or advocacy was seen as problematic for public servants. This association with activism can make it difficult to advance and gain support for EJ issues. This tension between EJ and agency culture described by CAs is consistent with other EJ research (Gauna, 1998; Liévanos, 2012; Sandweiss, 1998).
Additionally, three of the people interviewed believed that EJ was something they were already doing and had always done. In one of these cases, the person was making the conscious decision to equate EJ with the agency’s values in order to make EJ less political and thus more acceptable to others in their agency. In the other two cases, there was no clear intention behind their statements other than helping to make sense of their work. The outcome of this could be positive, because it embraces EJ and makes it synonymous with the mission, elevating it to the highest priority. It also makes it easier to win support and resources because it is not seen as political. However, the outcome could be negative for achieving EJ. By equating EJ to what the agency has been doing all along, it makes it synonymous with the status quo. If the agency is already “doing EJ,” then it does not have to do anything differently. Research by Harrison can help to interpret this finding. In a 2016 study, Harrison found that EJ program staff “neuter EJ programs to protect them (p.543),” and “interpret EJ as non-confrontational and industry friendly (p.544)” in agencies where the organizational culture is not wholly supportive of EJ.

Research Q3: What are the Institutional Conditions within which Citizen Advocates Work?

CAs face challenges of insufficient resources, specifically funding and time; agency history and culture which conflict with environmental justice; working with the EJTF; and legal barriers. The support structures in place to aid CAs in their work involve their colleagues, the network established by the statute, federal and local governments, and agency and higher-level leadership. The strategies that CAs employ to navigate the challenges of their role are communicating more, with fellow agency staff, with community groups, and with other staff in other state agencies and levels of government; and complying with what is written in statute.

The challenges that CAs describe in carrying out their role can help to understand what
the barriers are to successful implementation of the EJ statute. Challenges, such as budget constraints and legal barriers, match the concerns expressed by the EJTF in their annual reports and appear to have been discussed in EJTF meetings. Interestingly, the December 2014 meeting minutes revealed that the EJTF intentionally avoided requesting funding in order to “keep [their] profile low.” The tension that was described by CAs between EJ principles and agency culture is consistent with findings by other scholars. In other research, this mismatch led to significant challenges with EJ policy implementation such as only some parts of the EJ frame being institutionalized and dissatisfaction on the part of EJ advocates (Gauna, 1998; Harrison, 2016; Liévanos, 2012; London et al, 2013; Sandweiss, 1998). It is not clear if this is the case in Oregon. Conflict between the EJTF and the CAs was an unanticipated finding.

The support that CAs find in their role illuminated a network of relationships through which the EJ statute influences state policy as well as areas that can be emphasized to strengthen implementation. The EJ statute have been effective in creating a structure of support for CAs to utilize. The findings also illustrate the importance of leadership to maintaining momentum on implementing the statute. Several agencies were able to avoid their duties until the current governor called on them to increase their participation. The importance of the “ideological commitment” of leaders is consistent with organization literature (Zald et al., 2005).

Research Q4: What Institutional Changes Have Occurred as a Result of the Statute?

How much any of the EJ-relevant changes that have occurred at the natural resource agencies named in the statute can be attributed directly to the statute itself is difficult to determine. For some agencies, EJ considerations have been incorporated into plans and programs and public outreach strategies have been improved; while for others, there is little notable progress apparent in the document analysis and interviews. Some of the changes that have
occurred are at least partially attributed to broader societal and organizational change, not solely the statute. One reason that the implementation of the statute is difficult to track is because the agency annual reports, which are the main source of information available to the public on the agencies’ activities related to the statute, are not consistent in format and content and often recycle information from previous years. Although a majority of the interview participants did not believe that the EJ statute has led to any major changes in their respective agencies, all agreed that there were concrete benefits, with respondents describing important EJ influences on outreach and planning. The incremental changes that are occurring, such as greater exposure to EJ principles, greater awareness of statewide EJ issues, and greater cooperation between the agencies, can gradually lead to culture change within the agencies.

An analysis based on the information available in annual reports and meeting minutes revealed that the agencies vary widely in the degree to which they engage with the EJTF and implement the EJTF’s recommendations, and that the majority of agencies are not implementing all of the EJTF’s recommendations (see Table 2). Organizational scholars argue that those agencies that are more susceptible to outside institutional pressures or “surveillance and sanctions” will elaborate their formal structures to match new institutional rules first (Edelman, 1992; Zald et al., 2005). Ideological commitment of leadership and organizational capacity are two additional factors believed to be important in determining the extent organizations will implement social movement demands, and they could be playing a role in Oregon’s case as well (Zald et al., 2005). For example, the Department of Environmental Quality, one of the two agencies to receive a “7” score in the content analysis, has been involved with EJ efforts at the state level since the first advisory group was established, and its director was an early champion of the statute, testifying in front of the legislature in its favor (Collin, 2008; Williams et al.,
The DEQ is also more closely linked to the federal EPA than the other Oregon agencies, which also influences its institutional culture as well as its capacity to address EJ issues. The Department of Transportation (ODOT) (another agency which scored high in the analysis with a score of 6), also has strong ties to the federal government. It provides 23 percent of ODOT’s budget, a portion of which goes to local governments (Oregon Department of Transportation, n.d.). Agencies that receive federal funds are subject to Title VI of the Civil Rights Acts, which also includes EJ requirements (Oregon Department of Transportation, 2004). Also, both of these agencies are relatively large and high-profile and therefore attract more surveillance from the public as well as sanctions from the state (Scott, 1995). Organizational theory can help in formulating future research hypotheses about why the Oregon natural resource agencies display such different EJ implementation efforts.

The themes that emerged from the interviews can shed some light on understanding the patterns in Table 2. There was a slight difference in agency scores between CAs whose description of their role was holistic as compared to those who described their role as one of a liaison. Although some of the scores overlapped, agencies whose CAs took a holistic approach had a slightly higher average score (3.4 compared to 2.3). It appears that those who have a more holistic view of the role work for an agency that is more compliant with the statute. This could mean that the higher-scoring agencies whose CAs have a holistic view work more closely with the EJTF and have a better understanding of what the CA role entails, or that the agencies are more ideologically committed to the statute. It could also mean that these agencies are further along in incorporating the EJ policy into their formal structures whereas those whose CAs have a liaison view and which have lower scores are complying symbolically with the statute but are not elaborating their formal structures (Edelman, 1992).
There was also a difference in average scores between those CAs who expressed that they did not believe their agency to be a priority for the EJTF and those who did not voice this perspective, with the former having the lower average score (2.3 compared to 3.4). Specific information to elucidate this difference was not obtained in this research; however, it could be that the CAs’ perceptions are correct, and the EJTF is allocating more resources toward the agencies considered to be higher-priority, and that those agencies, in turn, achieve greater compliance with the statute. It could also be the case that the EJ statute is less applicable to some agencies than others and that some agencies have less intersections with EJ and impact on EJ communities. The following quote from a summary of an EJTF strategic planning retreat, contained in the 2014 annual report, provides some support for the possibility that some agencies are prioritized over others:

Members discussed concern about being spread too thin across many agencies, some with limited/inconsistent EJ intersections, and whether a strategy of focusing on the “big” agencies was preferable and the OEJTF reached consensus that ODOT and ODEQ needed increased attention and that it is critical to have them model for other agencies. (Oregon EJTF, 2015, p.5)

This strategic allocation of limited resources by the EJTF corresponds with CAs’ perspectives and could explain some of the difference in agency outcomes, with certain agencies being prioritized over others. While this is a rational approach, it may also decrease the non-priority agencies’ motivation to participate. Those CAs who do not see their agencies as being in line with the EJTF’s main focus may end up putting less effort into implementing the statute. This rationale may also explain why there are additional low agency scores in Table 2 (fours 0s, one 1, and three 2s). The low-scoring agencies may be complying on a symbolic level, which,
according to organizational scholars, indicates that they are not concerned with losing legitimacy. That is, low-scoring agencies may not be concerned with losing legitimacy because the EJTF itself has indicated that they do not need to comply with the institutional rules (as previously mentioned, the Marine Board and Department of Education were not even included in early annual reports).

The results of the document analysis presented in Table 2 are only one indicator of agencies’ progress on institutionalizing EJ and should be interpreted with caution. In some cases, the scores do not match well with the individual and/or agency commitment to EJ expressed by the CAs in the interviews. This potential inconsistency could also indicate that some agencies’ actions are loosely coupled to their formal structures (Meyer & Rowan, 1977). For example, OHA has a surprisingly low score of 3 despite having many intersections with EJ similar to DEQ (which received a score of 7). The Oregon Health Division (which has since been renamed) along with the DEQ, was involved with Oregon’s EJ policy from the time of the first advisory group, being charged with studying how state environmental policies may lead to disparate environmental impacts (Collin, 2008; Office of the Secretary of State, 2014). Additionally, DHS/OHA has worked closely with DEQ to analyze and interpret environmental health data and works to “address disparities in health protection” (Oregon EJTF, 2009, p.5).

Furthermore, it is important to note that the scores reflected in Table 2 do not necessarily indicate how well agencies address EJ issues in practice – agencies with lower scores may actually have more of a positive impact than the score may indicate, while higher scores should not necessarily be taken to mean that the agency is fully addressing EJ issues. This illustrates the need for further review of the effects of the EJ statute and development of additional standardized measurements capable of assessing less objective qualities such as culture change.
7. Policy Recommendations

This research offered a preliminary overview of the implementation of the state EJ policy. Despite the narrow scope, it is still possible to make recommendations.

**Recommendation 1: Strengthen EJ leadership and accountability measures**

As Nicholas Targ (2005) explains, comprehensive policies like Oregon’s are a good “first step toward institutionalizing environmental justice” but are typically difficult to implement because of how broad they are and because they lack measurable objectives. Targ recommends that states “should provide clear direction, establish strong leadership and coordination within the agencies and other bodies affected, form an external body of stakeholders that provides recommendations and performs an oversight function, and provide for well-defined goals and evaluation” (2005, p.182-83). Oregon is on its way to meeting Targ’s recommendations. It has an external body of stakeholders with the EJTF and the EJTF is working to provide the “clear direction” and “well-defined goals.” However, “strong leadership” and “evaluation” are areas where Oregon can improve.

Leadership and accountability are factors that are emphasized in the organizational and social movement literature, as well as EJ implementation research (Harrison, 2016; Rutledge et al., 2002; Zald et al., 2005). Leadership emerged as an important factor in CAs’ work in this research, most notably the ability of Governor Brown to reinvigorate agencies’ participation in the EJTF. Leadership has the potential to influence and overcome some of the entrenched agency culture described above and to redirect limited resources. Although there exist supportive agency leaders and significant accountability measures, there are some missed opportunities. One area of improvement is to involve agency commissioners, who did not often come up in interviews. CAs
should present to their respective boards or commissions as well as agency directors on the statute and EJTF. The EJTF could also invite directors and commissioners to attend an EJTF meeting. Another option is to invite agency leaders to visit EJ communities. The EJTF has participated in toxics tours with EJ organizations in the past, but it should encourage agency leaders to attend as well (State of Oregon EJTF, 2013). In New Jersey, this led to a state effort to improve an overburdened community (Rutledge et al., 2002).

The existing accountability measures need to be more fully enforced and additional outcome measures developed. Although less enforcement of the policy allows for greater agency flexibility and creates the opportunity for learning to occur, results from this study suggest that some CAs feel confused about what they should be working on. The document analysis revealed that agencies are not meeting some of the basic recommendations of the EJTF. Greater leadership involvement can serve to improve accountability. Annual reports and quarterly meetings provide opportunities for evaluation by the EJTF, yet are inconsistently utilized. The content of annual reports should be standardized and expectations on what to include made clear. The CA role should also be better defined by the EJTF and training provided to new CAs. Ideally, there should be some minimum requirements established for agency staff assigned to the CA role, such as some background in EJ or experience working with EJ communities.

**Recommendation 2: Investigate legal authority**

One of the challenges to implementation of the statute identified in this research was a lack of legal authority felt by the CAs. Both the document analysis and interviews identified local governments’ authority over land use as the most clear example of this issue. Oregon’s Statewide Land Use Planning Goals provide guidance for cities and counties in making their comprehensive plans, however, they do not contain a requirement specific to EJ. Early EJTF
reports stated that the EJTF was working with the Department of Justice to investigate what legal authority agencies have to enforce the statute, but the results of this investigation are not clear. The DOJ should be directed, perhaps by the Governor, to investigate more fully the authority structure. Oregon’s Statewide Land Use Planning Goal 1 on Citizen Involvement could be explored as an avenue to promote EJ considerations at the local level.

**Recommendation 3: Improve coordination with local government**

 Increased awareness of EJ issues should be encouraged at the local level. CAs noted that working closely with local governments on public outreach and siting of projects has led to better outcomes. Closer collaboration with local jurisdictions on new developments should be emphasized as a strategy, resources and guidelines should be developed, and success stories should be publicized to state agencies as well as to local jurisdictions. EJ training could be offered to local officials, and any EJ best practices at the local level should also be shared widely (Rutledge et al., 2002).

**Recommendation 4: Strengthen collaboration and resource-sharing**

 The 2008 EJTF Annual Report states that the intent of the EJTF is “building capacity within state agencies and local communities to collaboratively address and ameliorate environmental justice concerns” (State of Oregon EJTF, 2009, p. 15). However, this research uncovered significant tension between some of the CAs and the EJTF that may be affecting collaboration. Cultural change regarding EJ priorities within the agencies is important and will be difficult to accomplish if CAs experience an antagonistic relationship with the EJTF. The challenges facing the EJTF are similar to the challenges facing other volunteer boards and commissions in Oregon. The volunteer roles are difficult to fill, the responsibilities are very
broad, and there is no budget. Thus, the lack of clarity of the CA role (described above) potentially prohibits long-term collaboration and diminishes the opportunities for resource-sharing.

Despite the lack of clarity of the CA role and potential conflict with the EJTF, the CAs are the EJTF’s best means of achieving change from within agencies. Therefore, the recommendation is for the EJTF to follow its own advice (as laid out in the Best Practices Handbook) and work more collaboratively with agency CAs. Communicating earlier and more often would help CAs prepare for meetings. Inviting the CAs to contribute to the meeting agenda can enhance participation, rather than merely attendance. Additionally, highlighting successful CA strategies at meetings would validate CA activities and enhance meeting participation. One of the main benefits of the EJ statute and participation in the EJTF that CAs have expressed is the enhanced communication with other agencies. However, respondents stated that this could be improved upon. Designating a dedicated meeting time for CAs to gather on the same day as the EJTF meetings could aid in their ability to communicate. Improved resource-sharing across agencies, such as collaborating on trainings and sharing data, could also overcome some of the resource challenges CAs face.

8. Limitations

This research has several limitations. First, this study had a broad focus on all fourteen natural resource agencies, therefore does not go into great depth and detail on individual agency programs. The sample size was small, but it was a significant portion of the target population. While this research can be generalized to the population of CAs, it is not broadly generalizable to all other agency staff who work on EJ topics. Ideally, several people from each agency would
have been interviewed. Also, the research was conducted using a limited set of documents. It appears that not all of the annual reports and meeting minutes were posted online, because some dates were missing. Governor’s Office staff were not able to locate them. It is worth noting that the agency-submitted annual reports used in the secondary analysis only illustrate what agencies are doing, and they only provide agency actions that CAs believe to be relevant to EJ. Finally, a recommended method to use in conducting research on environmental justice is participatory research, conducted in partnership with environmental justice communities; however, that level of research was beyond the scope of this study.

One of the main limitations of conducting interviews is that “the quality of the information obtained during an interview is largely dependent on the interviewer (Patton, p.341).” Interviewing is a skill like any other, which can be greatly improved with practice and discipline. There are also certain personal traits which can predispose someone to being a better interviewer, such as social skills and the ability to put others at ease and convey genuine interest. Another limitation to interviewing is that the way the questions are asked may elicit biased responses from participants. I attempted to structure the questions so that they were open-ended and did not lead the participant to respond a certain way. A limitation that is particularly relevant to this study is that interviewees may not always be completely forthcoming and may filter the information they provide to the interviewer. Despite IRB assurances, in this case, where the participants were government employees, they may not have felt comfortable with sharing negative perceptions with the researcher and may have tended to censor themselves from saying something that could reflect negatively on their agency. Also, it is important to acknowledge that personal biases and viewpoints may have influenced the interpretation of the data.
9. Future Research

Several EJ scholars have called for more critical EJ research which examines the effectiveness of the EJ movement in practice (Pellow & Brulle, 2005; Pulido et al. 2016). An honest critique of existing EJ initiatives can help strengthen the movement by exposing gaps that need to be addressed. Also, environmental justice research needs to be approached as “values-driven scholarship” and this should be something the researcher carefully considers (Sze & London, 2008, p.1346). Though beyond the scope of the present study, it will be important to understand the EJ statute’s impacts from the perspective of the EJ movement and EJ communities in Oregon (research on California’s EJ policies revealed that there was a great deal of tension between the EJ movement and the agencies implementing EJ policy there (London et al., 2008)). Participatory research has been suggested as a way to conduct research that truly benefits EJ communities. However, this method should be approached carefully. A 2005 study of EJ activists’ experiences with academic researchers found experiences to be largely negative (Cable, Mix, & Hastings). Activists described feeling unheard and condescended to by academics and that this was largely due to racial and class differences. They also described feeling taken advantage of by universities which would receive large grants to conduct research, but with the communities or organizations themselves seeing very little of that money and very little in the way of useful research outcomes. Of the different types of research collaborations studied, collaborations with students were reported by activists to be the most positive because students were more likely to listen to the experiences of the activists (Cable, Mix, & Hastings, 2005). This suggests that future EJ research in Oregon should ideally be co-created by students and communities.
This exploratory study was not able to draw conclusions about what factors contribute to natural resource agencies being more or less successful in implementing the state EJ statute. Future research could attempt to answer this question. Utilizing a framework from political process theory or organizational theory may yield better results than the EJ frame. The research presented here was broad in scope, so future research should go more in-depth by interviewing other employees in the natural resource agencies to understand to what extent EJ principles have permeated the agency culture, attending more EJTF meetings and community listening sessions to observe the EJ statute in practice, and interviewing the EJTF members to understand their perspectives. It would also be informative to look more closely at recent agency programs to observe how EJ is incorporated. For example, studying the process behind Cleaner Air Oregon legislation and rule-making and the outcomes of this law.

Collaborative governance has been emphasized as the ideal model of decision-making for including EJ voices and preventing environmental injustice by both the federal government and by Oregon’s EJTF. However, research on the intersection of environmental justice and collaborative problem-solving is still lacking (Lashley, 2016). The available research indicates that collaborative governance does not necessarily lead to equitable outcomes, and that environmental justice issues require a unique approach (Lashley, 2016; Shilling et al., 2009). Future research should investigate to what extent the “collaboration” going on in Oregon natural resource agencies meets the principles and best practices of collaborative governance and how well it addresses EJ issues.
10. Conclusion

EJ policies designed to address environmental racism and inequality at the state and federal levels have largely had limited success. Research on EJ policy implementation is important to understanding how to improve these policies. The intention of this research was to study the implementation of the EJ statute in Oregon from the perspective of state natural resource agency staff, in particular Citizen Advocates (CAs). The chief objectives were to discover how these citizen advocates describe their positions within their agencies, how they understand EJ, how they describe their institutional conditions, and how they and the available public records describe any institutional changes that have occurred as a result of the statute. Following organizational theory and applying the EJ frame, qualitative analysis of semistructured interviews and publically available documents was conducted to answer these questions.

The analysis found that Oregon’s fourteen natural resource agencies differ greatly in the degree to which they participate in implementing the statute. Some agencies are participating on a more superficial level while others are taking steps to follow the recommendations of the EJTF. Consistent with findings from similar research, the interviewees describe a tension between EJ principles and agency culture. This research adds to the body of literature on EJ policy implementation, providing additional information particularly on state-level policy implementation. The interviews conducted help fill the research gap on how state agents understand EJ and how they perceive the institutional conditions within which they work. The research findings also illuminated interrelated factors which constrain and enable implementation. Although this exploratory study was not able to draw conclusions about what
factors contribute to Oregon’s natural resource agencies being more or less successful in implementing the state EJ statute, it provides a useful starting place for future research.

References


Losordo, M.T. (2018). *The role of environmental justice in Oregon's climate change adaptation planning*. Retrieved from ScholarsArchive@OSU. http://ir.library.oregonstate.edu/concern/graduate_thesis_or_dissertations/8k71np231


National Academy of Public Administration for the US Environmental Protection Agency.


Senator Avel Louise Gordly Legislative History (2010). Retrieved from Scholars Archive http://ir.library.oregonstate.edu/concern/technical_reports/kd17ct50j


Appendices

Appendix A: Acronyms

CA – Citizen Advocate
EJ – Environmental Justice
EJTF – Environmental Justice Task Force
EJM – Environmental Justice Movement
EPA – United States Environmental Protection Agency
EO – Executive Order

Oregon Agencies
ODA - Agriculture, Oregon Department of
ODE - Education, Oregon Department of
DEQ - Environmental Quality, Oregon Department of
OSFM - Fire Marshal, Oregon Office of State
ODFW - Fish and Wildlife, Oregon Department of
ODF – Forestry, Oregon Department of
DOGAMI – Geology and Mineral Industries, Oregon Department of
OHA – Health Authority, Oregon
DHS – Health Services, Oregon Department of
DLCD – Land Conservation and Development, Oregon Department of
OSMB – Marine Board, Oregon State
OSHA – Occupational Safety and Health Administration, Oregon
PUC – Public Utility Commission, Oregon
DSL – State Lands, Oregon Department of
ODOT – Transportation, Oregon Department of
OWRD – Water Resources Department, Oregon
Appendix B: ORS 182.535-183.550 (The “EJ Statute”)

ENVIRONMENTAL JUSTICE TASK FORCE

182.535 “Natural resource agency” defined for ORS 182.535 to 182.550. For purposes of ORS 182.535 to 182.550, “natural resource agency” means the Department of Environmental Quality, the State Department of Agriculture, the Water Resources Department, the State Department of Fish and Wildlife, the State Forestry Department, the Department of State Lands, the Department of Education, the State Department of Geology and Mineral Industries, the Department of Land Conservation and Development, the State Marine Board, the Public Utility Commission, the Department of Transportation, the State Fire Marshal and the Oregon Health Authority. [2007 c.909 §1; 2009 c.595 §163]

Note: 182.535 to 182.550 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 182 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(a) The Commission on Asian and Pacific Islander Affairs;
(b) The Commission on Black Affairs;
(c) The Commission on Hispanic Affairs; and
(d) The Commission on Indian Services.

(2) The task force shall submit an annual report to the Governor setting forth its view of the progress of natural resource agencies toward achieving the goals established pursuant to ORS 182.542 and identifying any other environmental issues that the task force determines need attention.

(3) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 1 of the following year. A member may be reappointed. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the task force who is not a member of the Legislative Assembly is entitled to compensation and expenses in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the Governor for that purpose.

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

(6) A majority of the members of the task force constitutes a quorum for the transaction of business.
(7) The task force shall meet at least once every three months at times and places specified by the chairperson. The task force also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the task force.

(8) The Governor shall provide the task force with the necessary clerical and administrative staff support.

(9) Natural resource agencies are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

(10) A member of the task force who is a member of the Legislative Assembly may serve in an advisory capacity only. [2007 c.909 §2; 2011 c.273 §5]

Note: See note under 182.535.

182.540 [1953 c.588 §4; 1955 c.152 §1; repealed by 1957 c.624 §14]

182.542 Duties of task force. The Environmental Justice Task Force shall:

(1) Advise the Governor on environmental justice issues;

(2) Advise natural resource agencies on environmental justice issues, including community concerns and public participation processes;

(3) Identify, in cooperation with natural resource agencies, minority and low-income communities that may be affected by environmental decisions made by the agencies;

(4) Meet with environmental justice communities and make recommendations to the Governor regarding concerns raised by these communities; and

(5) Define environmental justice issues in the state. [2007 c.909 §3]

Note: See note under 182.535.

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

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

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

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

(4) Create a citizen advocate position that is responsible for:
(a) Encouraging public participation;
(b) Ensuring that the agency considers environmental justice issues; and
(c) Informing the agency of the effect of its decisions on communities traditionally underrepresented in public processes. [2007 c.909 §4]

Note: See note under 182.535.
182.550 Reports by natural resource agencies. All directors of natural resource agencies, and other agency directors as the Governor may designate, shall report annually to the Environmental Justice Task Force and to the Governor on the results of the agencies’ efforts to:
   (1) Address environmental justice issues;
   (2) Increase public participation of individuals and communities affected by agencies’ decisions;
   (3) Determine the effect of the agencies’ decisions on traditionally underrepresented communities; and
   (4) Improve plans to further the progress of environmental justice in Oregon. [2007 c.909 §5]

Note: See note under 182.535.
Appendix C: Interview Protocol

Interview Protocol

The purpose of this research is to understand how Oregon’s environmental justice statutes are implemented from the perspective of agency employees. As mentioned in the consent review, the interview may take about 45 to 60 minutes. Your participation is completely voluntary. You do not have to answer any question which you do not wish to answer and we can stop the interview at any time. There are no right or wrong answers, I am just interested in your perspective. Your identity and responses will be kept confidential and responses will be used in a summary format that does not identify individuals.

(If applicable) You agreed to be recorded for this interview. Is that still okay? Is it alright if I also take notes?

(If applicable) You declined to be recorded for this interview. Is it alright if I take notes?

So, let’s get started:

1. Can you tell me what your role is in the agency [or task force] and how long you have been in your role?
   a. How did you get into this work?

2. Please describe your job as a citizen advocate [or on the task force]. What are your responsibilities?
   a. What do you think is the most important aspect of your role?
   b. How much of your overall time is devoted to this role?
   c. How do you work with the community?

3. Please describe a time when you have felt successful in your role.
   a. What facilitated this?

4. Can you describe the most challenging aspects of your role?
   a. How do you deal with these challenges?
   b. What else would help you overcome some of these challenges?

5. What resources are available to you to carry out your role? [e.g., staff, other resources?]

6. Can you give an example of a specific impact that the environmental justice statutes have had on your agency’s [task force] activities or decisions?
   a. Are there things that you consider to be accomplishments of the environmental justice program?
   b. The statute talks about public participation. Can you give an example of public participation influencing the agency’s [task force] decisions?

7. Do you feel like there is a good alignment or ‘fit’ between your role as an employee of the agency and your role as citizen advocate […alignment between role on the task force and relationship with citizen advocates]? If no, can you explain how you navigate that for me?

8. What are your agency’s [task force’s] goals in terms of EJ in the future/next 5 years?

9. Is there anything else that you would like to tell me about your work or about the EJ policy that I haven’t asked you yet?

Thank you for taking the time to participate in this interview. If you have any questions for me, please feel free to contact me at the contact information I provided.
### Appendix D: List of Documents

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>EJTF Annual Reports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Year</td>
<td>URL</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>EJTF Meeting Minutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Document Title</td>
<td>Date</td>
<td>Link</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
# Appendix E: Codebook

<table>
<thead>
<tr>
<th>Code</th>
<th>Explanation</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>EJ Frame</td>
<td>Any discussions about EJ</td>
<td>&quot;we are required to participate with the Environmental Justice Task Force to ensure that our projects don't have an adverse impact on underrepresented communities.&quot;</td>
</tr>
<tr>
<td>Distributive Justice</td>
<td>&quot;Fair distribution of goods and benefits&quot; (Schlosberg, 2014) as well as risks.</td>
<td>&quot;we are required to participate with the Environmental Justice Task Force to ensure that our projects don't have an adverse impact on underrepresented communities.&quot;</td>
</tr>
<tr>
<td>Recognition</td>
<td>Social recognition and respect of unique culture and position in society.</td>
<td>&quot;also we've been able to look up a little bit of information to validate there's a lot of folks who speak, I believe it's Russian and Spanish.&quot;</td>
</tr>
<tr>
<td>Lack of recognition</td>
<td>&quot;Color- or class-blind ideology&quot; (Shilling, 2009)</td>
<td>&quot;We invite the public, it's open to anybody in the public that wants to come.&quot;</td>
</tr>
<tr>
<td>Participation</td>
<td>Participation in decision-making processes.</td>
<td>&quot;making sure that those most impacted by decisions are at the table and represented in those decisions.&quot;</td>
</tr>
<tr>
<td>Capabilities</td>
<td>&quot;bolstering the basic capabilities (institutions, resources, freedoms, and opportunities) that people need to be full members of society, such as public transit, affordable housing, adequate food, and scientific literacy&quot; (Harrison, 2014)</td>
<td>No examples that are not identifying.</td>
</tr>
<tr>
<td>Regulatory and policy actions</td>
<td>&quot;stronger environmental regulations and policies, greater enforcement thereof, state provision of key municipal services, and greater public participation in regulatory decision-making practices&quot; (Harrison, 2015)</td>
<td>“But then we would then follow up on that and we could devise their permit to address those concerns.”</td>
</tr>
<tr>
<td>Other actions</td>
<td>In contrast to regulatory and policy protections, such as &quot;modification of individual lifestyle behaviors, market-based measures, charitable service provision, or voluntary agreements with industry.&quot; (Harrison, 2015)</td>
<td>No examples.</td>
</tr>
<tr>
<td>Hazard reduction</td>
<td>Actually reducing or removing harm (such as cleaning up waste, implementing stronger air quality rules, denying permit etc.)</td>
<td>&quot;we have the oversight of how it operates and ensuring that primarily adjacent natural resources as well as affected communities are not adversely impacted.&quot;</td>
</tr>
<tr>
<td>Other substantive measures</td>
<td>Either provision of benefits other than hazard reduction, or no provision of benefits.</td>
<td>No examples that aren’t identifying.</td>
</tr>
<tr>
<td>Organizational/institutional factors</td>
<td>Any discussions about the institution or organization they work in and influences on that.</td>
<td>No examples that aren’t identifying.</td>
</tr>
<tr>
<td>Topic</td>
<td>Description</td>
<td>Quote</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ideological commitment to movement policy</td>
<td>&quot;the extent to which the top executives or the dominant coalition of the organization are sympathetic to the goals of the movement.&quot; (Zald, Morrill, &amp; Rao, 2005)</td>
<td>&quot;I would say that agency leadership and the management team don't traditionally think through the EJ lens. But, when you have discussions and you explain it to them, they get it and they can think through…&quot;</td>
</tr>
<tr>
<td>Organization capacity to respond to movement claims</td>
<td>&quot;the organization’s financial and human resources, as well as the administrative knowledge and capabilities to implement procedures and programs relevant to movement-related goals.&quot; (Zald, Morrill, &amp; Rao, 2005)</td>
<td>&quot;I think as agencies we haven't been able to expand in terms of program development very much or staff resources, like FTE, but there's more requirements and new laws passed each and every year and we don't usually get the staff to go along with it…&quot;</td>
</tr>
<tr>
<td>Surveillance and sanctions that compel compliance</td>
<td>external pressure to follow through</td>
<td>&quot;we were represented many years ago and kind of lapsed…and agencies were getting called for that…&quot;</td>
</tr>
<tr>
<td>Other/emergent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citizen advocate role</td>
<td>The activities that CAs perform in their role</td>
<td>&quot;here's what I can tell ya as far as our role for state agency citizen advocate…&quot;</td>
</tr>
<tr>
<td>Role of EJTF</td>
<td>The role of the EJTF as the CA views it</td>
<td>&quot;they don’t have a good, they seem to be a little bit rudderless, they're not exactly sure what their role is.&quot;</td>
</tr>
<tr>
<td>Relationship with EJTF</td>
<td>Discussions of the interactions between the CAs and the EJTF</td>
<td>&quot;But lately…it seems like the task force members use this meeting as a venue to express frustrations with state agencies.&quot;</td>
</tr>
<tr>
<td>Federal influence</td>
<td>Mentions of the federal government, federal laws, federal agencies and ways the CA's work is influenced by these state agencies.</td>
<td>&quot;we aren't as connected to the EPA as much as some of the other natural resource agencies&quot;</td>
</tr>
<tr>
<td>Local gov influence</td>
<td>Mentions of local governments and how working with them influences the CA's work</td>
<td>&quot;you know, again, for the most part, we're relying on the counties.&quot;</td>
</tr>
<tr>
<td>Impacts of statute</td>
<td>Activities or programs that occurred as a result of the statute or participation in the EJTF</td>
<td>&quot;I think with, you know, ith the state law and with the formation of the environmental justice task force…having that accountability body, I think it's good.&quot;</td>
</tr>
<tr>
<td>Existing agency initiatives</td>
<td>Programs or projects that the agency was already engaged in outside of the EJ statute/EJTF.</td>
<td>&quot;No, those were independent efforts by the [agency] to be more inclusive of everything.&quot;</td>
</tr>
<tr>
<td>Barriers/constraints on work</td>
<td>Any barriers or challenges the CAs described</td>
<td>&quot;Some challenges for us, you know, I think come back to the level of support. So challenges for us in terms of engaging and understanding what our role is, and then feeling like we have some efficacy in that role…&quot;</td>
</tr>
<tr>
<td>Facilitating factors</td>
<td>Any kind of support or help that the CAs described</td>
<td>&quot;So, there are people in terms of resources and then there are tools, like checklists and guidelines, implementation best practices, EJ Screen, a variety of different things like that.&quot;</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Agency culture</td>
<td>Discussions about agency leadership, practices, culture, history, etc.</td>
<td>&quot;Every agency has its own culture, its own sort of political perspective…and that relates to history, relates to the nature of the way our funding comes to us.&quot;</td>
</tr>
<tr>
<td>Conflict</td>
<td>Direct mentions of or other evidence of tension or conflict</td>
<td>&quot;So, I think among the most challenging and difficult things for me…is not being able to do everything I can, especially within our current parameters.&quot;</td>
</tr>
<tr>
<td>Navigating conflict</td>
<td>How CAs describe dealing with conflict or tensions in their role</td>
<td>#2: Again, trying to bridge that gap between natural resource development that is very disruptive and then, serving the needs of society, but also ensuring that the impacts are not overwhelming to the immediate surrounding area. INT: &quot;So how do you deal with this challenge?&quot; #2: &quot;Well, the most important part that I've found is going out and meeting people face to face. On their turf. And just listening.&quot;</td>
</tr>
</tbody>
</table>
