

June 15, 2020

Office of Greenhouse Gas Programs  
Department of Environmental Quality  
700 NE Multnomah St.  
Suite 600  
Portland, OR 97232

RE: Comments on Cap and Reduce Preliminary Report

DEQ's Office of Greenhouse Gas Programs,

We are writing to share our comments on the Oregon Department of Environmental Quality's (DEQ's) preliminary report on *Program Options to Cap and Reduce Greenhouse Gas Emissions* required by the Oregon Climate Action Plan (Executive Order 20-04). We greatly appreciate the opportunity to comment on the report.

The depth and extent of the preliminary report indicates that DEQ is being diligent both in its proposed process to develop the cap and reduce program as well as identifying specific program design options. Getting the design and implementation of the cap and reduce program right is not only important for Oregon, but also to help inform climate action in other states.

As DEQ noted in the cover memo to the report, cap and reduce is a key part of a "road map for how Oregon will do its part to bring GHG emissions under control and help avert a climate crisis." Climate change is already having an impact here in Oregon and the impacts will get worse if we do not act quickly and comprehensively. The cap and reduce directive provides the opportunity to meaningfully reduce a significant portion of Oregon's greenhouse gas emissions and can serve as an important component of Oregon's climate action efforts moving forward.

**As a result, it is of the utmost importance that DEQ implements a cap and reduce program with strong environmental integrity.** This program must follow the best available climate science and maximize greenhouse gas emissions reductions.

**In addition, DEQ must ensure the program prioritizes the needs and interests of impacted communities.** Tribes, communities of color, low-income communities, and other impacted urban, rural, and coastal communities around Oregon are on the frontlines of climate change and experiencing the impacts of climate change first and worst. These communities are also often disproportionately harmed by toxic air pollution from industrial operations, cars, trucks, and the burning of fossil fuels for energy – many of the same pollution sources to be regulated under the cap and reduce program. As a result, it is critical that the program centers frontline and most impacted communities by ensuring representatives of these communities are at the decision-making table as the cap and reduce program is developed, and that cap and reduce program options and outcomes maximize the benefits for, and prioritize the needs and interests of, these most impacted communities.

With the context above, here are our specific comments:

- **We agree engaging impacted communities and Oregon’s Tribes are critical in any rulemaking, but DEQ must do more.** Ensuring the process itself and representation in that process elevate Black, Indigenous, people of color and other frontline communities are critical to ensuring equitable outcomes from the cap and reduce program. In addition to planning regular engagement with Tribes and the Environmental Justice Task Force throughout the process, we are glad to see DEQ is including seats for Tribal representatives and representatives of impacted communities as part of the core make-up of the Rulemaking Advisory Committee (RAC). At the same time, DEQ can and must do more. We urge DEQ to:
  - Ensure that there is an over-representation of the Tribal and impacted communities seats compared to the other seats on the RAC. This will help ensure that the voices of these historically under-represented communities have the opportunity to be heard and their needs meaningfully reflected in the development of this program.
  - Work with the Governor’s office to support funding for the Environmental Justice Task Force (EJTF) so that the EJTF has the resources it needs to engage with DEQ.
  - Work with the Governor’s office and other agencies to develop a common understanding of the term “impacted communities” so that these communities can be properly identified and engaged by the agency. This should be informed by materials catalogued as part of the Oregon Legislature’s Clean Energy Jobs Work Group on Environmental Justice and Just Transition, including prior research by Portland State University on the subject.<sup>1,2</sup>
  - Solicit feedback on metrics to track and measure equity in outcomes from the cap and reduce program. Considering the equity impacts of policy options as noted on page 17 of the report is very important, but also ensuring there are metrics for tracking and assessing equity impacts once the program is implemented is critical.
  - Expand the impacted communities workshop topic area outlined on page 12 of the report to also consider benefits to impacted communities from cap and

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<sup>1</sup> Clean Energy Jobs Work Group on Environmental Justice and Just Transition:  
<https://www.oregonlegislature.gov/helm/Pages/ejtf.aspx>

<sup>2</sup> Findings Brief for Equity Considerations for Greenhouse Gas Emissions Cap and Trade Legislation in Oregon: [https://www.oregonlegislature.gov/helm/workgroup\\_materials/WG%204%20-%20Marisa%20A.%20Zapata%20Findings%20Brief.pdf](https://www.oregonlegislature.gov/helm/workgroup_materials/WG%204%20-%20Marisa%20A.%20Zapata%20Findings%20Brief.pdf)

reduce, not just reducing or avoiding impacts from the program. There are significant public health and other co-benefits to reducing pollution for impacted communities.

- Continue to seek out additional opportunities throughout the process to engage and listen to communities often left out of the conversations.
- **Appoint a diverse Rulemaking Advisory Committee that includes as many or more public interest representatives as industry representatives.** In addition to an over-representation of Tribes and impacted communities seats on the RAC urged above, the RAC should also:
  - Include as many or more public interest representatives as industry representatives. DEQ Rulemaking Advisory Committees have had a larger proportion of industry seats than public interest seats on a number of occasions. One example of where DEQ did things differently was the Cleaner Air Oregon Rulemaking Advisory Committee. The cap and reduce RAC should track closer to the Cleaner Air Oregon example with at least equal or more public interest representatives as compared to representatives of regulated/potentially regulated entities.

Representatives of the environment, public health, and environmental justice have important voices to bring to the table on a critical climate program like cap and reduce. We appreciate seeing these representatives contemplated for participation on the RAC in the preliminary report and urge DEQ to ensure these seats are at least equal to or more than the industry seats.
  - Appoint a demographically (age, race, gender, etc.) and geographically diverse RAC. Diverse perspectives can help make the design of the program stronger.
  - Ensure expertise in climate science and climate change mitigation are represented on the RAC. Decisions to address climate change must be informed by science.
- **Include labor voices in the design of the program.** Workers have an important stake in the clean energy economy. But the preliminary report does not specifically mention labor as a key stakeholder in the cap and reduce program design. DEQ should ensure labor is part of the conversation – in the contracted analyses, at the Rulemaking Advisory Committee table, and throughout the discussion of policy considerations. Program options to support and incentive workforce training opportunities, responsible contracting standards, and jobs that pay a prevailing wage should be considered.
- **Do not limit program options at the outset.** As the outline of policy considerations show, there are a host of nuances and versions of program options to consider. We

assume more will likely surface in the public process. As a result, DEQ should not unnecessarily limit options on the table in its final report due June 30th, but rather keep program options open heading into the public process.

Thank you again for the opportunity to comment on the preliminary report and we look forward to participating in the discussion of policy considerations ahead.

Sincerely,

350 Deschutes  
350 Eugene  
350 Salem Oregon  
350.org Washington County  
Asian Pacific American Network of Oregon (APANO)  
Beyond Toxics  
Climate Solutions  
Douglas County Global Warming Coalition  
Environmental Caucus of the Democratic Party of Oregon  
Go Bio Community Fuels  
OLCV Metro Climate Action Team (MCAT)  
Oregon Climate  
Oregon Environmental Council  
Oregon League of Conservation Voters  
Oregon Public Health Association  
Natural Resources Defense Council  
Renew Oregon  
Residential Energy and Water Intelligence (Res-Intel)  
Rural Oregon Climate Political Action Committee (ROCPAC)  
Southern Oregon Climate Action Now (SOCAN)  
Southern Oregon Pachamama Alliance/Drawdown  
Sustainable Northwest  
Umpqua Watersheds