

Senate Bill 762 – Case Study - DRAFT

Program Implementation and Development

Through an Equity Lens and Supporting Vulnerable Populations

TO: Governor Brown, President of the Senate, Speaker of the House of Representatives, and chairs of relevant committees of the Legislative Assembly

FROM: Doug Grafe, Wildfire Programs Director

DATE: September 2022 (submitted as an appendix to the bi-monthly Director's report)

PURPOSE

This case study is written to highlight SB-762's requirements to apply an equity lens and support vulnerable populations, along with exploring the agency's actions to meet this legislative intent during program implementation and development. The study will:

- Identify where an equity lens and support to vulnerable populations is specifically called out in SB 762.
- Provide insights to the agency's implementation of the law to operationalize equity values and provide support to vulnerable populations.
- Highlight interagency coordination efforts necessary to meet legislative intent.
- Consider areas for improvement to institutionalize future government efforts to advance equity and support for vulnerable populations.
- Conduct a series of interviews with authors of the law, to gain insight on the intentionality of the equity and vulnerability language utilized. The interviews should seek-to-understand if there are reasons why equity and vulnerability law language vary among agencies. (*Appendix 1*)

SUMMARY

There are four sections in SB-762 that speak to applying an equity lens or supporting vulnerable populations. This case study highlights each section of law referencing these expectations and presents the responsible agency's actions to meet legislative intent through implementation.

Interagency coordination will continue to be necessary to ensure implementation efficiencies, especially as SB762 language describing vulnerable populations varied among agency program development requirements. It appears that some of these variations in law language was intentional, specific to program nuances such as health vulnerabilities, and other variations in law language were possibly an oversight, such as naming communities of color or indigenous communities in one vulnerable population descriptor but not another?

This study recognizes a clear legislative intent, as expressed in law, to build institutional change towards greater equity and support for vulnerable populations. However, this study exposes that operationalizing this intent is complicated given variations in law language, requires strong interagency coordination and would benefit from increased education on how to apply an equity vision such as more support systems for agencies to identify and assist vulnerable populations.

SB 762 LAW LANGUAGE & AGENCY IMPLEMENTATION

Oregon Department of Forestry (ODF) - SECTION 7.

(1) The State Forestry Department shall oversee the development and maintenance of a comprehensive statewide map of wildfire risk...

(2) The Oregon Wildfire Risk Explorer must be the official wildfire planning and risk classification mapping tool for the State of Oregon.

*(7) The map must: **(d) Include a layer that geospatially displays the locations of socially and economically vulnerable communities.***

Implementation Status:

Given no such mapping layer exists in Oregon law, Oregon State University (OSU) and ODF are collaborating to create a social and economic vulnerability layer to be included in the statewide mapping of wildfire risk. OSU will use data from the most recent American Community Survey (ACS) 5-year estimates from 2016-2020 to map social and economic vulnerability, roughly following the methods of the Centers for Disease Control's well established "Social Vulnerability Index" (SVI) [GRASP Social Vulnerability Index \(cdc.gov\)](#), [American Community Survey Data \(census.gov\)](#). OSU will pull the data from the US Census when it is released in late March of 2022 and then calculate and map SVI at multiple Census level geographies. OSU will also develop communications materials that address strengths and limitations of the data at various geographies, while collaborating with the Institute for Natural Resources to integrate data layers and communication material into the wildfire risk explorer interface by the June 30, 2022, deadline.

Areas for Improvement:

Senate Bill 762 requires the creation of the map, but no further reference to utilize this map layer in the development or implementation of wildfire programs through an equity lens or in support of social and economically vulnerable populations is explicitly directed in law.

Oregon State Fire Marshal (OSFM) - SECTION 8a.

(1) The State Fire Marshal shall establish minimum defensible space requirements for wildfire risk reduction on lands in areas identified on the statewide map of wildfire risk described in section 7 of this 2021 Act as within the wildland-urban interface.

*(6) The State Fire Marshal may provide financial, administrative, technical, or other assistance to a local government to facilitate the administration and enforcement of requirements within the jurisdiction of the local government. A local government shall expend financial assistance provided by the State Fire Marshal under this subsection to **give priority to the creation of defensible space: (a) On lands owned by members of socially and economically vulnerable communities, persons with limited proficiency in English and persons of lower income as defined in ORS 456.055.***

Implementation Status:

OSFM has developed a mapping tool using the CDC's Social Vulnerability Index. This tool will be used in conjunction with other wildfire risk indicators to identify socially and economically vulnerable communities, communities with significant percentages of individuals with limited English proficiency and areas with significant low-income populations. OSFM will provide unique Community Risk Assessments, which include wildfire risk factors, social vulnerability index maps and other demographic information, to local governments seeking financial assistance to ensure funds are targeted as required by SB 762. OSFM will not limit funds to including only property owners and will provide equitable treatment to all occupants.

Areas for Improvement:

SB 762 Section 8a (6)(a) states that financial assistance should prioritize creation of defensible space "on lands owned by members of socially and economically vulnerable communities...". Many individuals that fall into this vulnerability category do not own the land upon which they live. In addition, CDC data sources track the demographics of residents, without regard to whether they are landowners or renters.

Oregon Health Authority (OHA) - SECTION 15.

(2) The Oregon Health Authority shall establish a program to increase the availability of residential smoke filtration devices among persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke.

Implementation Status:

To make residential smoke filtration devices more available to "persons vulnerable to the health effects of wildfire smoke who reside in areas susceptible to wildfire smoke", OHA focused identifying people who are eligible or covered by Medicaid (Oregon Health Plan), have certain conditions that make them susceptible to smoke and reside in counties with the most consistent wildfire smoke exposure. OHA prioritized people covered or eligible for Medicaid residing in Deschutes, Jackson, Jefferson, Josephine, Klamath, and Lake with the following three conditions that make them susceptible to smoke, people of all ages with asthma, and adults with chronic obstructive pulmonary disease or heart disease. OHA estimated about 44,000 people with those three health conditions in those five counties would benefit from a residential smoke filtration device. Other areas with consistent smoke exposure and vulnerable persons include the eastern parts of Clackamas, Douglas, Lane, Linn and Marion counties. The most effective way to distribute these devices is through the health plans that serve the Medicaid population. In 2022, OHA will distribute approximately 10,000 devices with replacement filters to vulnerable people

residing in the first five counties prioritized above with funds appropriated from SB 762 (approximately \$4 million for smoke filtration device grants).

Areas for Improvement:

OHA suggests no law language adjustments to reach vulnerable populations. However, with increased funding, OHA would be able to distribute more devices to vulnerable persons residing in the counties identified as having the most consistent wildfire smoke exposure. OHA is also interested in expanding partnerships with local public health authorities, tribes, and community partners to distribute additional devices. OHA is currently researching more cost-effective and efficient devices. Given current procurement agreements, each additional million dollars would allow OHA to purchase and distribute 2500 devices with replacement filters.

Higher Education Coordination Commission (HECC) - SECTION 22.

(2) The Oregon Conservation Corps Advisory Committee is established within the Higher Education Coordinating Commission for the purpose of managing the Oregon Conservation Corps Program.

*(7) The committee shall administer a grant process that: **(b) Defines and uses an equity lens in awarding grants by identifying and supporting populations with greater vulnerability including communities of color, indigenous communities, communities with members who have limited proficiency in English and communities with lower-income members.***

Implementation Status:

The HECC is advertising and reviewing Oregon Conservation Corps grants utilizing the [HECC Equity Lens](#), which satisfies the SB 762 equity language requirements. The equity lens is a cornerstone to the State's approach to postsecondary education and training policy and funding, with a focus on Oregonians who are currently and historically underserved in access to and success in postsecondary education and training. The Equity Lens is used to assess how current and proposed policies, programs and practices benefit and/or burden underserved learners and communities; make intentional equity-informed decisions, actions, targeted interventions, investments and enact systemic change; strengthen public involvement; clearly articulate HECC's shared goals of an equitable education system; and create clear accountability structures.

Areas of Improvement:

Expanding the equity conversations and collaboration between the four agencies who are specifically called out to apply an equity lens and/or support vulnerable populations to all areas of SB-762 would help increase awareness of Oregon's DEI action plan and racial equity vision.

SECTION 22 of the bill states: "(1) As used in this section, "eligible organization" includes Oregon-based nonprofit youth development organizations and public entities that provide programs of job training, skill development and forest-related or rangeland-related career path training." While "includes" implies that other organizations can apply, the language could be amended to specifically call out Federally Recognized Tribes as eligible organizations.

CASE STUDY CONSIDERATIONS

The state of Oregon's Diversity Equity and Inclusion Action Plan [DEI Action Plan 2021.pdf \(oregon.gov\)](#) lead by the executive branch, provides all state employees a roadmap to racial equity and belonging. The action plan offers strategic goals and objectives along very tangible implementation strategies to creating more equitable institutions. As identified in Oregon's DEI Action Plan, the Racial Equity Toolkit - An Opportunity to Operationalize Equity published by the Government Alliance on Race and Equity [GARE-Racial Equity Toolkit.pdf \(racialequityalliance.org\)](#) is a great resource to guide agency implementation. In collaboration with the executive branch's efforts on equity, the Oregon state legislature established the Racial Justice Council [Governor of Oregon : Racial Justice Council : Policies : State of Oregon](#) (HB 2167 - 2021 regular session; [HB2167 \(oregonlegislature.gov\)](#)) and advanced the Environmental Justice Council [Governor of Oregon : Environmental Justice Council : Policies : State of Oregon](#) (HB 4077 - 2022 regular session: [HB4077 \(oregonlegislature.gov\)](#)). These councils, action plans and toolkits have provided the foundations in which this report is written.

Studying the equity language in SB762 and its implementation outcomes offers insights to evaluating the State's progress on operationalizing equity in governments' institutions. Below are a few considerations to further Oregon's journey towards developing more equitable outcomes for all Oregonians as new Oregon laws and programs are established:

Consideration 1:

Specific agency recommendations are identified above under "areas for improvement". Some of these recommendations are very specific, however all speak to a general interest to elevate sophistication in the equity space, for both agencies and lawmakers, to ensure legislative intent is most effectively achieved.

Consideration 2:

Were intended: evolve and adopt consistent language across SB 762 wildfire programs that prioritizes equity and support to social and economically vulnerable communities and populations. This same concept could be expanded to all future law development in Oregon to support consistent and intended outcomes on equity language. The interview summaries in (Appendix 1) offers more insights into this consideration.

Consideration 3:

Multiple programs are being developed across agencies that require statewide equity and vulnerable population geospatial data. For example, geospatial equity data development is required in HB 4077 (2022). A comprehensive review and cataloging of these statewide data sets could be initiated to avoid redundancies and apply lessons learned from the development and utilization of these data sets.

Appendix 1

Interview Summaries - potential interviews include:

- Legislative Policy Research Office
- Legislative Council
- Executive branch agencies who engaged in drafting SB 762

Outreach Necessary to Complete Report – 2022 (*Director's Notes*)

1. Presentation to Wildfire Program Advisory Council – **April 8**
2. Group discussion with three of the Racial Justice Council's Committees who intersect with SB 762 programs - Housing, Health and Environmental Committees. **Schedule – TBD**
3. Engagement with Environmental Justice Council. **Schedule – TBD**
4. Establish interview format and conduct interviews. **Schedule – TBD**
5. Return to WPAC to seek counsel on the final report draft. **Target date – July 8**
6. Submit as an appendix to Director's bi-monthly report. **Target date - September**