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Contacts:

Lisa Arkin, Executive Director, Beyond Toxics, 541-520-2695, larkin@beyondtoxics.org

Courtney Johnson, Executive Director, Crag Law Center, 503-525-2728, courtney@crag.org

Beyond Toxics and Crag Law Center Secure Improvements in Air Quality Monitoring and Community Engagement for West Eugene

The Lane County Regional Air Protection Agency (LRAPA) has agreed to improve air quality monitoring and community engagement in West Eugene. The changes come in response to a civil rights and environmental justice complaint filed with the U.S. Environmental Protection Agency by Beyond Toxics, represented by the non-profit Crag Law Center. The complaint challenged the Lane County agency's 2013 decision to allow Seneca Sustainable Energy to increase pollution discharges from its West Eugene power plant.

The plant emits fine particulate matter and a number of hazardous air pollutants, all of which are considered highly dangerous to human health. The surrounding neighborhoods (Bethel-Danebo, Trainsong, and parts of River Road) include more people of color and low-income residents compared to other areas of Eugene, and are already overburdened with industrial pollution. Children's asthma rates in West Eugene are almost twice the state average.

Beyond Toxics' complaint alleged that LRAPA violated Title VI of the Civil Rights Act when it failed to consider disproportionate impacts on communities of color or provide avenues for meaningful community participation in its decision making. U.S. EPA's Office of Civil Rights accepted the complaint and after five years of investigation and negotiation, reached an agreement with the Lane County agency.

The agreement provides for numerous remedies that will constitute voluntary compliance by the Agency. Among them, LRAPA will establish at least four air quality monitoring stations at

locations within the West Eugene area to be determined in coordination with Beyond Toxics and the local community. LRAPA will also establish methods for reporting air quality concerns in languages other than English, and make these methods available online, in person, and by phone. The air agency will also adopt clear non-discrimination procedural safeguards and place a non-discrimination coordinator on staff.

"We filed a civil rights complaint because neighbors in areas of West Eugene downwind from Seneca's biomass energy plant have repeatedly expressed concerns about LRAPA's approval of increasing amounts of air pollution and believe they have not been informed about the Agency's decision-making process, nor how they can provide public input," said Lisa Arkin, Executive Director of Beyond Toxics. "We objected to a government agency placing barriers to information access and meaningful participation in decisions impacting the health of these families."

Courtney Johnson, an attorney with Crag Law Center, said, "All community members, regardless of ethnicity, color, or national origin, have the right to have their voice heard on issues of air quality and the health of their families. By filing this complaint, we brought EPA's civil rights enforcement power to Lane County, and we're happy to see the local agency stepping up its efforts to include impacted communities in its decision-making."

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Crag Law Center is a non-profit environmental law group providing free and low-cost legal services to community members and conservation organizations throughout the Pacific Northwest.

Beyond Toxics is a statewide non-profit based in Eugene using environmental justice engagement and community-based environmental grassroots organizing to ensure environmental protection and health for all communities.

Background on Title VI and Administrative Complaints

- The Civil Rights Act of 1964 provides that "[N]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving any Federal financial assistance."
- The Environmental Protection Agency's regulations for implementing Title VI prohibit funding recipients from making decisions that "have the effect" of discriminating on the basis of race or ethnicity.
- The Environmental Protection Agency's (EPA's) Office of Civil Rights (OCR) is responsible for ensuring compliance with Title VI of the Civil Rights Act by recipients of EPA funding. <https://epa.gov/ocr>