# Climate Protection Program EITE

## Advisory Committee Charter

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**April 24, 2026**



Rulemaking
State of Oregon
DEQ

## Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age, sex, religion, sexual orientation, gender identity, or marital status in the administration of its programs and activities.

For translation or other formats, visit DEQ's Civil Rights and Environmental Justice page.

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# Objectives and scope

## Policy objectives

The central objective of this rulemaking is to determine how EITE and DNG sources will be regulated in the Climate Protection Program's second compliance period (2028-2029) and beyond. When developing the program, DEQ wanted to incentivize emission reductions at these facilities while recognizing the special circumstances they face as trade-exposed, and the role they play in supporting Oregon's economy. Avoiding leakage of emissions and economic activity, that is, the relocation of manufacturing and associated emissions from Oregon to places without emissions-reduction programs, is a key consideration for DEQ in this rulemaking.

Currently, DEQ is scheduled to distribute compliance instruments to EITE and DNG sources based on their historic emissions (OAR 340-273-0410 and OAR 340-273-9000) beginning with the 2028 distribution. While this approach incentivizes emission reductions, it doesn't directly incorporate manufacturing production levels or growth.

With this rulemaking DEQ aims to develop greenhouse gas emission intensity benchmarks – starting values of emissions per unit of output or process – and a schedule of emissions reductions. DEQ would use these intensity benchmarks along with the reduction schedule to calculate how many compliance instruments to distribute to each EITE or DNG source.

Key program elements to be discussed in this rulemaking:

- Greenhouse gas emission intensity benchmarks for each industry, each product, or each source
- Product categories
- Emissions reduction schedules
- Developing benchmarks for any new EITE and DNG sources
- Adjusting benchmarks due to significant changes in product or sources

# Fiscal, economic and racial equity impacts

ORS 183.333 requires DEQ ask advisory committees to consider the fiscal and economic impact of proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses

ORS 183.335 (2)(a)(F) requires agencies to provide a statement identifying how adoption of the rule(s) will affect racial equity in Oregon. To aid in crafting this statement, DEQ will ask the committee to provide input on this question.

ORS 182.545 requires natural resource agencies such as DEQ consider how our actions affect environmental justice. DEQ will ask the committee to provide environmental justice considerations.

# Roles

## DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue
- Starts and ends the meetings and agenda items on time
- Encourages innovation by listening to all ideas
- Tries not to lose good ideas to the consensus process
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting

## Committee members

Advisory committee members must attend each meeting to ensure continuity throughout the process. Members may assign an alternate if needed. Please inform DEQ of any assigned alternate by sending an e-mail to cpp.eite@deq.oregon.gov as soon as possible and no later than one week prior to each meeting. It is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting
- Stays focused on the specific agenda topics for each meeting
- Comments constructively and in good faith
- Consults regularly with constituencies to inform them on the process and gather their input
- Treats everyone and his or her opinions with respect
- Allows one person to speak at a time
- Is courteous by not engaging in sidebar discussions
- Avoids representing to the public or media the views of any other committee member or the committee as a whole

## Non-committee member attendees

Those who attend the committee meetings but are not members of the committee are there only to observe and not to actively participate. If non-committee members are present at a meeting, DEQ may allow time during the meeting for their comments.

# DEQ staff

DEQ staff are committed to making the most effective use of committee members' time by:

- Establishing clear committee goals, meeting objectives and agendas
- Giving committee members reasonable access to staff
- Encouraging all members to take part in discussions
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used

# DEQ support and website

DEQ will post agenda and meeting materials on the rulemaking website at least one week in advance. DEQ will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Meeting summaries will be posted to the rulemaking website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the rulemaking web page.

# Committee meetings

1. All committee meetings will be
    - Open to the public. The public is welcome to attend committee meetings via Zoom web link or call-in number. DEQ intends to have a dedicated public comment period at each meeting.
    - Advertised on DEQ's online Events Calendar two weeks before the meeting
    - Noticed by email to the following GovDelivery lists:
        i. Climate Protection Program
        ii. Greenhouse Gas Programs
        iii. Greenhouse Gas Reporting
        iv. Third Party Verification Program
        v. Clean Fuels Program
        vi. DEQ Public Notices
        vii. Rulemaking
        viii. Air Quality Permits
        ix. Title V Permit Program
    - Accessible via a call-in number or Zoom web link
2. The committee is expected to meet one time remotely via Zoom and three times in person with a remote connection available. The meeting duration times may vary depending on topics and committee progress.

3. Meeting materials and agenda will be posted to the rulemaking web page

# Decision-making

The committee's discussions will be used by DEQ as staff forming the draft rules, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process. The Environmental Quality Commission (EQC) is the rulemaking body that considers and adopts proposed rules. DEQ is responsible for proposing rules for EQC consideration.

When DEQ staff share information with the group, DEQ will allow a reasonable timeframe for comments.

# Membership

In convening this committee, DEQ selected a committee large enough to provide diverse perspectives and represent affected and interested parties, while allowing opportunity for members to engage. Representatives should be able to consider the policy, fiscal and economic impact of the proposed rules on the party, community, business or organization they represent.

## Committee members

| Name | Affiliation |
|---|---|
| Melissa Antoine | Georgia Pacific |
| Nora Apter | Climate Solutions |
| Pam Barrow | Food Northwest |
| Ben Brint | Oregon Environmental Council |
| Sunanda Chunder | Oregon Steel Mills |
| Chad Darby | Maul Foster & Alongi, Inc. |
| Steven Edmund | Intel |
| Tyler Ernst | Oregon Forest Industries Council |
| Mike Freese | Romain Freese/Oregon Fuels Association |
| Kelly Fukai | Northwest Gas Association |
| Bill Gaines | Alliance of Western Energy Consumers |
| Perry Hanson | Simplot Company |
| Chris McCabe | Northwest Pulp & Paper Association |
| Tim Miller | Oregon Business for Climate |

| Name | Affiliation |
|---|---|
| Sharla Moffett | Oregon Business and Industry |
| Mary Moerlins | Northwest Natural |
| Oteri Oghoghomeh | Microchip Technology |
| Scott Nielson | Ash Grove |
| Jamie Pang | Oregon Just Transition Alliance |
| Ron Rodgers | United Steelworkers District 12 |
| Carra Sahler | Green Energy Institute, Lewis and Clark Law School |
| Lillian Schemadovits-Norris | Roseburg Forest Products |
| Jessica Spiegel | Western States Petroleum Association |
| Ian Toevs | Lamb Weston |
| Ranfis Villatoro | BlueGreen Alliance |

# Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

# Information exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with DEQ to the maximum extent possible. DEQ will then share that information with the rest of the committee members where appropriate. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it. Committee members should only send emails (and other communications) directly to DEQ, and not to the committee because including all members on an email could constitute a violation of Oregon's Public Meetings Law.

# Public involvement

All meetings will be open to the public. The public can attend via a Zoom weblink or call-in number. DEQ intends to have a dedicated public comment period at each meeting and the public can provide written comments following each meeting.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the EQC for consideration at its meeting.

# DEQ contact

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