

OREGON ENVIRONMENTAL RESTORATION COUNCIL



STRATEGIC PRIORITIES

STAFF REPORT | MAY 06, 2026

REPORT PURPOSE: This report provides information requested by the Oregon Environmental Restoration Council (OERC) to support identification of strategic priorities for the Oregon Environmental Restoration Fund and will inform discussion at the May 6, 2026 OERC meeting.

COUNCIL DISCUSSION AND DELIBERATION ON MAY 06, 2026:

- Definitions of undefined terms in ORS and settlement agreement
- Strategic priorities purposes and outcomes

BACKGROUND

[ORS 541.882](#) authorizes the OERC to establish strategic priorities for amounts expended from the Agency Program Fund (APF) and Community Impact Fund (CIF). Prior to adopting strategic priorities, the OERC is required to 1) consult with state agencies who are eligible to receive APF allocations and with the Oregon Environmental Justice Council (EJC), 2) compile and review relevant data or other scientific information, and 3) conduct a public engagement process. Additionally, statute authorizes the OERC to develop guidelines for 1) distributing funds on an annual or biennial basis and 2) committing funding for more than one biennium.

At the December 18, 2025 meeting, the OERC began discussion of strategic priorities. Initial principles that emerged for the strategic priorities included: 1) using the Monsanto settlement agreement as the guiding document and basis for the Oregon Environmental Restoration Fund (Fund), 2) considering how co-benefits, including human health, may be supported by Fund investments, 3) supporting strategic partnerships through Fund investments 4) leveraging other funding for maximum effectiveness of Fund investments, and 5) building long-term durability into the Fund so it remains a funding source available for future generations.

At the March 18, 2026 OERC meeting, the Oregon Department of Justice (DOJ) presented findings on eligible uses for Fund dollars and stated that the “overarching purpose of the Fund is to support ‘environmental remediation or restitutionary projects’, which are projects aimed at fixing or mitigating environmental harms caused by pollution.” DOJ further stated it is up to the State’s “sole discretion” to determine which environmental remediation or restitutionary projects have a link to environmental harms caused by pollution and therefore are eligible for funding.

After hearing this, the OERC requested an opportunity to have further discussion on strategic priorities and to develop common definitions of “environmental remediation and restitution projects” before beginning a public engagement process. In addition to developing common definitions of these terms, OERP staff recommend further OERC discussion on May 6, 2026 to include: 1) the purpose(s) of the Fund and of strategic priorities, 2) the potential need for a separate set of priorities for the APF and CIF, and 3) definition of the consultation process with the EJC. Staff provide information in this report to inform the OERC discussion and include additional relevant information in appendices.

REMEDICATION AND RESTITUTION PROJECTS AND PURPOSES

Definitions of “remediation” and “restitution” were not included in the Monsanto Settlement Agreement or accompanying statute for the Fund. [ORS 541.857-882](#) state that the Fund must be used “for environmental remediation or restitutionary projects or purposes having a nexus with environmental harms to air, water, soil or other natural resources or human health caused by

environmental contamination, particularly the presence of PCB.” The settlement agreement lists examples of projects providing context for the types of purposes the funds may be used and states several instances that it is “at the State’s sole discretion to make determinations regarding uses for the funds” (see [Appendix A](#)). Per DOJ, this provides the OERC with authority to determine which types of environmental remediation or restitutionary projects and purposes have a link to the harms alleged to be caused by pollution.

STRATEGIC PRIORITY IDENTIFICATION PROCESS

Oregon Environmental Restoration Program (OERP) staff propose a three-phase process for identifying the strategic priorities:

April – May 2026 | Phase 1 – Define: The OERC will a) develop common definitions for terminology used in the Monsanto Settlement Agreement and statute, including “consultation” with EJC, b) define the purposes of the Fund and of the strategic priorities, and c) discuss the similarities and the differences in the desired outcomes of the APF and CIF. This will be the focus of the strategic priority agenda item at the May 6, 2026 OERC meeting. OERP staff have asked OERC members to provide input on these topics prior to the May 6 meeting (see [Appendix B](#) for worksheet template). Results will be synthesized and shared at the May 6 meeting with a facilitated discussion to follow.

May – July 2026 | Phase 2 – Determine: The OERC will a) determine the “types of environmental remediation and restitution projects and purposes” that meet the intent or purpose of the Oregon Environmental Restoration Fund, b) determine the need for a separate set of strategic priorities for the APF and CIF, c) determine what kinds of outcomes the OERC wants to see from strategic priorities as well as establish other evaluation criteria for strategic priorities (e.g., urgency, readiness, impact, etc.), and d) establish the funding principles for the Fund. These determinations will inform the public process that gathers input on the priority natural resource and conservation issues in Oregon that meet the purpose of the Fund.

August – November 2026 | Phase 3 – Do: The OERC will a) authorize OERP staff to begin a public engagement process to gather public input on the environmental issues and remediation/restitution needs across the state, and staff will evaluate that input for alignment with the funding principles for the Fund established by the OERC in phases 1 and 2, b) following public engagement, the OERC will evaluate and rank the highest need priorities using the set of evaluation criteria identified in Phase 2, and c) adopt the first set of strategic priorities for the Fund (or a separate set of priorities for the APF and the CIF). Additionally, the OERC will determine whether multi-biennial commitments of funding will be made to achieve strategic priority outcomes per [ORS 541.882](#).

COUNCIL DISCUSSION

At the May 6, 2026 meeting, OERC will be led through a facilitated discussion and asked about the following topics:

- Proposed process for identifying the first set of strategic priorities;
- Shared definitions of core terms in the Monsanto settlement agreement;
- Shared definition and description of the purposes of the Fund (as a facilitated discussion following sharing the results of the OERC pre-meeting work);
- Consultation with the Environmental Justice Council;

Appendix A

The following provides information about the use of funds as directed by the Monsanto Settlement Agreement. Paragraph 18 is the only reference within the settlement agreement that provides direction on funding uses.

Monsanto Settlement Agreement, paragraph 18:

“Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon’s air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State’s sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above.”

Appendix B

The following is the template of the pre-meeting questions provided to the OERC prior to the May 6, 2026 meeting. Results from these questions will be synthesized and shared during the OERC meeting during the strategic priority agenda item.

OERC Pre-Meeting Questions

This will be used for discussion purposes only during the May 6, 2026, OERC meeting. The purpose of these questions is to gather information from OERC members that will further define:

1. Purpose(s) of - and definitions within - the Oregon Environmental Restoration Fund (OERF);
2. Connection of the Monsanto settlement agreement to the strategic priorities and potential evaluation criteria for strategic priorities;
3. Potential program outcomes for the Agency Program Fund and Community Impact Fund.

Responses to this form will be synthesized and shared at the May OERC meeting. Oregon Environmental Restoration Program (OERP) staff will facilitate a discussion with the OERC using results to guide the discussion. Following the May OERC meeting, OERP staff expect to follow-up at the July 15 OERC meeting to continue strategic priority development, before beginning statewide engagement in late summer 2026. The target date for OERC adoption of the first set of strategic priorities is November 2026.

Please note that there are no wrong answers! This exercise is intended to get OERC members to more explicitly state their assumptions about or communicate their interpretation of the settlement terms and legislative language. The answers to some of these questions may seem self-evident, but before we embark on a public engagement process, we want to ensure OERC is operating from a shared understanding of terminology and of what a strategic priority is in the context of the OERF.

Estimated Completion Time: 30 minutes

Monsanto Settlement Agreement

Monsanto Settlement Agreement, paragraph 18 is the only reference within the agreement that provides direction on funding uses and is included below for reference:

“Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon’s air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State’s sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above.”

At the March 18, 2026 OERC meeting, the Oregon Department of Justice shared findings that it is up to the OERC to determine which environmental remediation or restitutionary projects have a link to environmental harms caused by pollution and therefore are eligible for funding.

From DOJ:

- The overarching purpose of the Fund is to support “environmental remediation or restitutionary projects” – projects aimed at fixing or mitigating environmental harms caused by pollution.
- The settlement agreement repeatedly references that use of the fund is in the State’s “sole discretion” – it is up to the state to determine which environmental remediation or restitutionary projects have a link to environmental harms caused by pollution and therefore are eligible for funding.

OERC Strategic Priorities History

Ahead of the December 18, 2025 OERC meeting, staff asked the following questions of Council members:

1. What is your vision for the Fund and for how investments will be used to benefit Oregon/Oregonians?
2. What priority natural resource issues could/should be addressed through Fund investments?
3. How do you think strategic priorities should be used to guide investments by Council? Thoughts on setting broad priorities to allow for greater variability in investments by Council or narrow priorities to address more targeted needs?
4. How will we evaluate progress on the strategic priorities once they are set?
5. What other thoughts would you like to share with staff on strategic priorities for the Fund?

Answers guided a context setting discussion at the December 18, 2025 OERC meeting about strategic principles and themes ([Staff Report](#)), that fed into a discussion at the January 22, 2026 OERC meeting.

Definitions

This section will ask you about the terms found in the Monsanto settlement agreement and authorizing legislation where there is no existing definition in statute. OERC definition of these terms will help to communicate the purposes and uses of the Oregon Environmental Restoration Fund prior to beginning the public engagement process.

1. A functional definition of strategic priorities for the Oregon Environmental Restoration Fund is: *“the high-level set of environmental and human health issues and needs that are caused by pollution and can be addressed through investments from the OERF to generate measurable outcomes for Oregon and Oregonians.”*

Agree

Disagree – please explain

Please add any suggested language or edits to better define the strategic priorities:

2. *“Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon’s air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State’s sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above.”*

“Environmental remediation” is a key term in the Monsanto settlement agreement but is not defined in statute. Two potential definitions are included below for consideration. Please indicate if either definition is appropriate for the OERF.

Option 1. Department of State Lands (DSL), Chapter 141, Division 145, RULES GOVERNING THE MANAGEMENT OF STATE-OWNED SUBMERGED AND SUBMERSIBLE LAND SUBJECT TO REMEDIATION AND HABITAT RESTORATION ACTIVITIES [141-145-0005](#)
(30) “Remediation” or “Remedial Action” as defined in ORS 465.200(23), means those actions consistent with a permanent remedial action taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of a hazardous substance so that it does not migrate to cause substantial danger to present or future public health, safety, welfare or the environment.

Option 2. [National Oceanic and Atmospheric Administration \(NOAA\)](#)
Remediation is the process of stopping or reducing pollution that is threatening the health of people or wildlife

Other – please share another source or definition of ‘environmental remediation’

I’m not sure, I need more information – please explain

3. *“Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon’s air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State’s sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above.”*

“Environmental restitution” is a key term in the Monsanto settlement agreement but is not defined in statute. Two potential definitions are included below for consideration. Please indicate if either definition is appropriate for the OERF.

[RESTITUTION Definition & Meaning - Merriam-Webster](#)

- 1: an act of restoring or a condition of being restored: such as
 - a: a restoration of something to its rightful owner
 - b: a making good of or giving an equivalent for some injury
 - 2: a legal action serving to cause restoration of a previous state
- also: an amount paid for the purpose of restoration

[RESTITUTE Definition & Meaning - Merriam-Webster](#)

to restore to a former state or position

Staff proposes considering a shared meaning of Restitution with Restoration

Option 1. [Environmental Protection Agency \(EPA\) | Enterprise Vocabulary](#)

Restoration (Definition 2): Return of an ecosystem to a close approximation of its condition prior to disturbance. [Urban Watershed Glossary]

Option 2. [National Oceanic and Atmospheric Administration \(NOAA\)](#)

Restoration is the enhancement, creation, or re-creation of habitats, those places where fish and wildlife live

Other – please share another source or definition of ‘environmental restitution’

I’m not sure, I need more information – please explain

4. *“(1) It is the intent of the Legislative Assembly in enacting sections 1 to 12 of this 2024 Act to:*

- (a) Establish the Oregon Environmental Restoration Fund in the State Treasury, consisting of moneys paid to the state from the Monsanto Settlement Agreement;*
- (b) Provide for the investment of settlement funds and for the expenditure of earnings from those investments in an equitable, transparent and accountable manner; and*
- (c) Ensure that, consistent with the terms of the Monsanto Settlement Agreement, earnings are used to supplement efforts by recognized tribal governments, executive branch agencies and disproportionately impacted communities for environmental remediation or restitutionary projects or purposes having a nexus with environmental harms to air, water, soil or other natural resources or human health caused by environmental contamination, particularly the presence of PCB.”*

“Environmental harm” is a key term in the authorizing legislation for the OERF (SB 1561) but is not further defined in statute. Two potential definitions are included below for consideration. Please indicate if either definition is appropriate for the OERF.

Option 1. [468.920](#) Definitions for ORS 468.922 to 468.956. For purposes of ORS 468.922 to 468.956:

(2) “Substantial harm to human health or the environment” means:

- (a) Physical injury, as defined in ORS 161.015, to a human being or demonstrable substantial risk of serious physical injury, as defined in ORS 161.015, to a human being; or
- (b) Substantial damage to wildlife, flora, aquatic or marine life, to habitat or to livestock or agricultural crops.

Option 2. [Washington State Permanent Rules, Department of Ecology WSR 24-24-087](#)

"Environmental harm" means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected:

- (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land;
- (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change;
- (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods

Other – please share another source or definition of ‘environmental harm’

I’m not sure, I need more information – please explain

Purposes of the OERF

This section will ask about the outcomes, purposes, and uses of investments from the OERF. This will provide important direction prior to beginning the public engagement process.

5. When you think about the purpose of the settlement, what outcomes should Oregonians expect to see as a result of investment from the OERF in 10-20 years?
6. Should OERF investments address specific contaminants / pollutants OR should any/all contaminants / pollutants be addressed with OERF investments?

Specific contaminants, pollutants, or environmental harms should be prioritized with OERF investments

All contaminants, pollutants, and environmental harms should be eligible to be addressed with OERF investments; there should be no specific pollutants or contaminants prioritized

I'm not sure, I need more information

Other

Please explain:

7. ORS 541.851-882 882 states: "The Fund must 1) be used "consistent with the terms of the Monsanto Settlement Agreement" 2) be used for "environmental remediation or restitutionary projects or purposes having a nexus with environmental harms to air, water, soil, or other natural resources or human health caused by environmental contamination, **particularly the presence of PCB.**"

How do you think OERF investments should be used to address PCBs?

Addressing harms caused by PCBs should be weighted more heavily than other contaminants and be prioritized through investments

Addressing harms caused by PCBs should not be considered differently than other contaminants or pollutants and should not be prioritized differently than other contaminants through investments

I'm not sure, I need more information

Other

Please explain:

8. ORS 541.851-882 882 states: "The Fund must 1) be used "consistent with the terms of the Monsanto Settlement Agreement" 2) be used for "environmental remediation or restitutionary projects or purposes having a nexus with environmental harms to air, water, soil, or other natural resources **or human health** caused by environmental contamination, particularly the presence of PCB."

How should OERF investments weigh environmental and human health benefits?

- Human health benefits should be weighted equally to environmental benefits and therefore projects with both outcomes would be prioritized.
- Human health benefits should be considered, but as a secondary benefit to environmental outcomes. Projects should consider human health benefits, but they do not need to be weighted equally to environmental benefits.
- Human health benefits should be an optional consideration for projects. The primary outcomes should be environmental benefits and human health benefits should not be a requirement for funding consideration.
- I'm not sure, I need more information
- Other

Please explain:

Strategic Priorities

This section asks about how the Monsanto settlement agreement might inform development of strategic priorities for the Oregon Environmental Restoration Fund. It also asks about criteria that would be helpful in evaluating or ranking potential strategic priorities for the OERF.

9. *“Such environmental remediation or restitutionary projects or purposes include restoring, maintaining and enhancing the quality of Oregon’s air, land, water and other natural resources and will consist of projects having a nexus or connection with brownfields remediation or redevelopment, environmental or natural resource damage assessment or restoration, improvements to air and water quality, cleanup of contaminated sites, remediation of impaired waterbodies, sediments, or soil, or restoration or protection of wildlife or wildlife habitats, including fish, aquatic life, marine mammal, or bird habitats, but may also include at the State’s sole discretion other similar air, water, soil, or natural resource environmental remediation or restitutionary projects or purposes within the scope of the projects and purposes described above.”*

Which natural resource or conservation issues in the settlement language do you consider to be most urgent or under-addressed in Oregon today?

10. What criteria are important for evaluating strategic priorities for the OERF? Please select all that apply and / or add additional criteria that will be important to evaluate the first set of strategic priorities for the OERF.

- Impact / Return on Investment
- Significance to Oregon
- Urgency to address

- Ability to address (complexity : resources)
- Likelihood of success : timeframe
- Addresses co-benefits
- Creates leveraged resources
- Other – please explain

Program Outcomes

This section asks about your thoughts on outcomes for the Agency Program Fund and Community Impact Fund. Understanding if there are different program needs will help determine if separate strategic priorities are necessary to achieve program outcomes.

11. Do you think the Agency Program Fund and Community Impact Fund should have distinct outcomes, complementary outcomes, or overlapping outcomes? Please explain.
12. What should be the top priority issues for the Agency Program Fund?
13. What should be the top priority issues for the Community Impact Fund?

Final Thoughts

Is there anything else you want to learn about or provide input on before discussing or setting strategic priorities?

At the May 6 OERC meeting, staff will facilitate a discussion with OERC using results from this survey to guide the conversation. Please come prepared to share the following as part of the discussion:

- What is a project example you think meets the dead center of the intention of the Monsanto settlement agreement?
- What is a project example you think might be bold or aspirational for the OERF (while still meeting the intent of the settlement agreement)?
- What is a project example that does NOT meet the intent of the settlement agreement?