

STATE OF MARYLAND
Commission on Environmental Justice and Sustainable Communities

January 29, 2021

The Honorable Larry Hogan
State House
100 State Circle
Annapolis, Maryland 21401

The Honorable Bill Ferguson
President Senate of Maryland
State House, H-107
Annapolis Maryland 21401

The Honorable Adrienne A. Jones
Speaker Maryland House of Delegates
State House, H-101
Annapolis Maryland 21401

Re: Report required by Environment Article § 1-701 (MSAR # 8164)

Ladies and Gentlemen:

On behalf of the Commission on Environmental Justice and Sustainable Communities (“the Commission”), I respectfully submit the enclosed report containing the Commission’s 2020 Annual Report. The content of the report is a summary the Commission’s activity in the past year as well as key recommendations for enabling continued progress in revitalizing communities and promoting fairness and opportunity in our state. If you have any questions or are in need of clarification, I can be reached at 443-984-2460 and Camille.Burke@baltimorecity.gov.

Sincerely,

Camille E. Burke

Camille E. Burke, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities

Enclosure

cc: Ben Grumbles, Secretary of the Maryland Department of the Environment
Sarah Albert, Department of Legislative Services (5 copies)

Annual Report 2020

**Maryland
Commission on
Environmental Justice
and Sustainable
Communities**



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Maryland Commission on Environmental Justice and Sustainable Communities

Chair

Camille Burke

Members

The Honorable Obie Patterson, Senate of Maryland

The Honorable Regina Boyce, House of Delegates of Maryland

Secretary of the Maryland Department of the Environment, Ben Grumbles

Secretary of the Maryland Department of Health, Robert L. Neall

Secretary of the Maryland Department of Planning, Robert S. McCord

Secretary of the Maryland Department of Commerce, Kelly M. Schutz

Secretary of the Maryland Department of Housing and Community Development, Kenneth C. Holt

Secretary of the Maryland Department of Transportation, Gregory I. Slater

Lesliam Quiros-Alcala

Camille Burke

Crystal Faison

Paula Dannenfeldt

Paulette Hammond

Stephan Levitsky

Robert Hackman

Barbara Paca

Message from the Chair, Camille Burke

As the Chair of this Commission on Environmental Justice and Sustainable Communities, and in my role as the Director of the Childhood Lead Poisoning Prevention Program for the Baltimore City Health Department, I am no stranger to the difficult public health and environmental challenges that families and children can face. However, the year of 2020 was a challenging year like no other that brought unprecedented health and economic pains to many families and individuals throughout Maryland and the country. In the wake of these challenges, the country has accelerated conversations on diversity, equity, inclusion, and justice. These conversations can be painful, but the challenge has brought us the opportunity to refocus and re-energize our efforts to bring equitable opportunities to all Marylanders..

I believe that our Maryland Commission on Environmental Justice and Sustainable Communities can work collaboratively toward ensuring a more equitable future for Maryland. It is my honor to lead this Commission charged with addressing concerns among some of the most vulnerable among us, and I encourage everyone to become involved in our effort to confront environmental justice issues and move forward together.

Message from the Secretary of the Maryland Department of the Environment, Ben Grumbles

The mission of the Maryland Department of the Environment is to protect and restore the environment for the health and well-being of all Marylanders, and the vision of the agency is to create healthy, vibrant, and sustainable communities and ecosystems in Maryland. While the agency has made great progress in the protection of water, land, and air resources over the years through environmental laws, regulations, and policies, there is still more work to do. MDE is committed to ensure that every community, including the most vulnerable, are also protected.

MDE is proud to support and staff the Commission on Environmental Justice and Sustainable Communities and embraces diversity, equity, inclusion and justice in every aspect of agency operations. MDE's internal EJ policy is a blueprint for how the agency addresses environmental justice in its operations. We look forward to continuing to work with our citizens, partners, and diverse stakeholders to address environmental justice and will examine best practices and adaptive management internally. We will support common-sense solutions to ensure equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. Thank you for joining us in building a more prosperous and sustainable future for all Marylanders.

Background

Introduction of the Commission on Environmental Justice and Sustainable Communities in Maryland

In 1997, Maryland established a temporary advisory body called the Maryland Advisory Council on Environmental Justice for the purpose of providing policy recommendations to the General Assembly. The body recommended the creation of the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC). In 2001, CEJSC was formalized under statute, and as a part of the charge of the commission CEJSC is required to submit this annual report pertaining to environmental justice (EJ) issues in Maryland.

EJ is defined by the U.S. Environmental Protection Agency (EPA) as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies”¹. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. In Maryland law, EJ is defined as “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.”

CEJSC is charged with examining EJ issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or any other manner associated with EJ and sustainable communities. CEJSC is broadly tasked with reviewing and analyzing Maryland laws and policies pertaining to EJ issues, including state agency programs and permits. CEJSC is also tasked with developing criteria to identify vulnerable communities and prioritizing action strategies toward the identified areas of the state that need immediate attention. Risk conditions are affected by a wide range of entities and social, historical, environmental, and economic factors, and similarly EJ requires an interdisciplinary approach in order to identify problems and solutions. The authorizing statute identifies the membership requirements for CEJSC, which consists of 20 members; 12 members are appointed by the Governor and must represent a variety of stakeholder interests that include: affected communities concerned with EJ, business organizations, environmental organizations, health experts on EJ, local government, and the general public with interest or expertise in EJ. During the 2020 General Assembly session, CEJSC introduced itself to the relevant committees in the House of Delegates and Senate, and also worked with legislators to address concerns in legislation relating to CEJSC and environmental justice broadly in Maryland.

¹ U.S. Environmental Protection Agency, [epa.gov/environmentaljustice/learn-about-environmental-justice](https://www.epa.gov/environmentaljustice/learn-about-environmental-justice)

Environmental Justice and the Chesapeake Bay

The Chesapeake Bay watershed's conservation efforts are led by a wide variety of partnerships that includes federal agencies, state agencies, nonprofit organizations, business representatives, and other stakeholders. The EPA's Chesapeake Bay Program is a regional partnership created to protect the environmental restoration of the Chesapeake Bay watershed. Signatories of the 2014 Chesapeake Bay Agreement include Maryland, Delaware, District of Columbia, Virginia, Pennsylvania, New York, West Virginia, Chesapeake Bay Commission, and EPA. In August 2020, the Chesapeake Executive Council, chaired by Governor Hogan, provided a statement in support of diversity, equity, inclusion, and justice (DEIJ).² The statement announced that the Program envisions "an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands and access to the water, a vibrant cultural heritage, and a diversity of engaged citizens and stakeholders." The CBP has also had a Diversity Workgroup that currently has a variety of resources available from partner organizations.³

CEJSC is similarly committed to aiding the inclusion of access to the positive benefits of Maryland's natural ecosystems, including by building partnerships, while acknowledging that there have been disproportionate environmental burdens inflicted upon disadvantaged and vulnerable communities. CEJSC also applauds and supports the efforts of the Chesapeake Bay Commission on diversity, equity, inclusion and justice. More efforts by broad and diverse stakeholders are necessary to continue to move justice forward.

Environmental Justice and Climate Change: Climate Justice

CEJSC recognizes that climate justice is an important subset of EJ. Climate justice may consider both burdens and benefits pertaining to climate change programs. There may be underlying conditions in certain communities that may create higher risk vulnerability to the effects of anthropogenic climate change. Vulnerable communities may include low-income communities, people with disabilities, the elderly, and racial minority groups. Vulnerable communities may have already borne a disproportionate share of current environmental burdens and could be at a higher risk from climate change impacts from heat waves, droughts, air quality pollution, extreme natural disasters, and sea level rise issues. Greenhouse gas emissions associated with climate change impacts are known to have additional negative health impacts that impact vulnerable communities. However, climate change adaptation or mitigation decisions may create more equitable benefits for vulnerable communities through action or overall improvements in cost-effectiveness or programmatic efficiency for the benefit of all Marylanders.

² Chesapeake Bay Program, Executive Council, Statement in support of diversity, equity, inclusion, and justice, chesapeakebay.net/channel_files/40996/deij_statement_final_all_signatures.pdf

³ Chesapeake Bay Program, Diversity Workgroup, chesapeakebay.net/who/group/diversity_workgroup

In many cases, Maryland has already acknowledged the integral role of EJ considerations and there are multiple examples of state leadership. The Maryland Greenhouse Gas Reduction Act (GGRA) states that work priorities must not “disproportionately impact rural or low-income, low- to-moderate-income, or minority communities or any other particular class of electricity ratepayers.”⁴ In the 2019 Draft GGRA Plan, MDE devoted a chapter to social equity considerations and included various agency program examples with social equity priorities⁵. Examples included came from the Maryland Department of Transportation, Maryland Energy Administration, Maryland Department of Natural Resources, Maryland Department of Agriculture, and the Maryland Chamber of Commerce. Many state agencies are tasked in their mission statement to prioritize affordability considerations, including the Maryland Department of Housing and Community Development (DHCD). In FY19, DHCD supported \$729.5 million in financing from state and federal sources for the development of 3,927 affordable units across Maryland.⁶ Similarly, other state agencies such as the Maryland Department of Planning’s smart growth policy provide meaningful benefits to vulnerable communities⁷.

CEJSC also strongly supports the efforts of the Maryland Commission on Climate Change (MCCC) to devote attention and resources to climate justice. In 2021, CEJSC is partnering with MCCC to focus some efforts on addressing climate justice. CEJSC Chair works collaboratively with the MCCC and that relationship facilitates this partnership.

EPA EJSCREEN Mapping Tool

EJ priorities can be linked with the identification of criteria that can be later incorporated into a map with customizable layers. Layers may include useful information in which to base siting, permitting, and enforcement efforts to maximize the ability to properly serve every community.

EPA’s Office of Environmental Justice provides the EPA EJSCREEN Tool that considers environmental indicators, demographic indicators, and a calculated “EJ Index” score that considers both environmental and demographic indicators.⁸ Demographic indicators include percent of people who are: minority, low-income, have less than a high school education, experience linguistic isolation, are 64 years old or older, and are 5 years old or younger⁹. EPA is considering embedding the tool into compliance,

⁴ Maryland Environment Article §2-1206,

mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gen§ion=2-1206&enactments=False&archived=False

⁵ Maryland Department of the Environment, Draft Greenhouse Gas Reduction Act Plan, 2019, [mde.maryland.gov/programs/Air/ClimateChange/Documents/2019GGRAPlan/2019%20GGRA%20Draft%20Plan%20\(10-15-2019\)%20POSTED.pdf](https://mde.maryland.gov/programs/Air/ClimateChange/Documents/2019GGRAPlan/2019%20GGRA%20Draft%20Plan%20(10-15-2019)%20POSTED.pdf)

⁶ Maryland Department of Housing and Development, dhcd.maryland.gov/Documents/PressReleases/DHCD_Annual-Report_2019.pdf

⁷ Maryland Department of Planning, abetter.maryland.gov/about/Pages/visions.aspx

⁸ U.S. Environmental Protection Agency (EPA), Office of Environmental Justice, EJSCREEN: Environmental Justice Screening and Mapping Tool, epa.gov/ejscreen/learn-use-ejscreen

⁹ EPA, EJSCREEN Terms, epa.gov/ejscreen/glossary-ejscreen-terms

enforcement, Superfund program planning, permitting, and voluntary programs. Environmental indicators include the following:

- **Air Toxics Cancer Risk (National Air Toxics Assessment (NATA) Cancer Risk)**
Lifetime cancer risk from inhalation of air toxics, as risk per lifetime per million people. Source: EPA NATA
- **Air Toxics Respiratory Hazard Index (NATA Respiratory HI)**
Air toxics respiratory hazard index (the sum of hazard indices for those air toxics with reference concentrations based on respiratory endpoints, where each hazard index is the ratio of exposure concentration in the air to the health-based reference concentration set by EPA). Source: EPA NATA
- **Diesel Particulate Matter (PM) level in air (NATA Diesel PM)**
Diesel particulate matter level in air in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Source: EPA NATA
- **Ozone level in air**
Ozone summer seasonal average of daily maximum 8-hour concentration in air in parts per billion. Source: EPA Office of Air and Radiation
- **PM2.5 level in air**
Particulate matter (PM2.5) levels in air, micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual average. Source: EPA Office of Air and Radiation
- **Traffic Proximity and Volume**
Count of vehicles per day (average annual daily traffic) at major roads within 500 meters (or nearest one beyond 500 meters), divided by distance in meters. Source: U.S. Department of Transportation National Transportation Atlas Database, Highway Performance Monitoring System
- **Lead Paint Indicator (Percent pre-1960 housing)**
Percent of housing units built before 1960, as indicator of potential exposure to lead paint. Source: U.S. Census Bureau's American Community Survey 5-year summary estimates
- **Proximity National Priority List Sites (NPL)**
Count of proposed and listed NPL sites within 5 kilometers (or nearest one beyond 5 kilometers), each divided by distance in kilometers. Count excludes deleted sites. Source: EPA Comprehensive Environmental Response, Compensation, and Liability Information System database
- **Proximity to Risk Management Plan (RMP) Facilities**
Count of RMP (potential chemical accident management plan) facilities within 5 kilometers (or nearest one beyond 5 kilometers), each divided by distance in kilometers. Source: EPA RMP database.
- **Proximity to Treatment Storage and Disposal Facilities (TSDF)**
Count of TSDFs (hazardous waste management facilities) within 5 kilometers (or nearest one

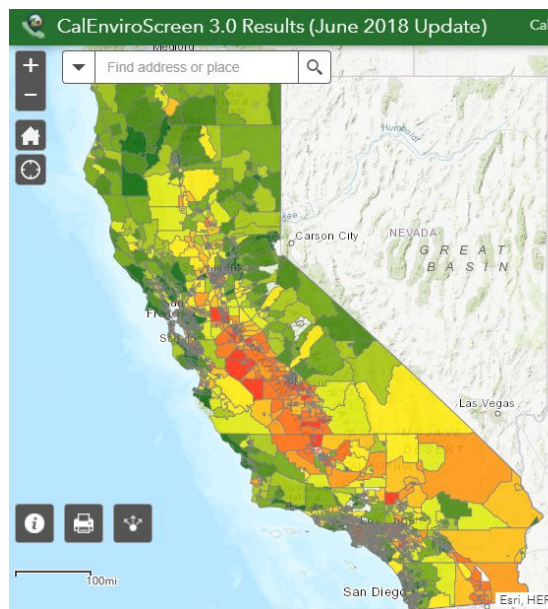
beyond 5 kilometers), each divided by distance in kilometers. Source: EPA Resource Conservation and Recovery Act Info database.

- **Wastewater Dischargers Indicator (Stream Proximity and Toxic Concentration)**

The EPA Technical Document for the EJSCREEN tool advises state agencies against fully relying on this tool for decision-making at every level. EPA states that “EJSCREEN should be used carefully to access potential EJ issues affecting a certain community...screening is a useful first step in understanding or highlighting locations that may be candidates for further review. However, it is essential to remember that screening-level results do not provide a complete assessment of risk, and have significant limitations.” Although the EJSCREEN tool data is updated periodically, the tool may not provide enough Maryland-based information on specific EJ issues of concern to be useful for wide-scale state or local programmatic functions.¹⁰

California Mapping Tool

Many state environmental protection agencies have identified their EJ priorities and have developed their own mapping tools. California, Connecticut, Illinois, Massachusetts, Minnesota, New Mexico, and Washington state agencies have EJ-related tools. One of the often-mentioned examples is California, which requires cumulative impacts assessments to be embedded within permitting processes and has a visual mapping tool available.¹¹ The latest CalEnviroScreen mapping tool version was released in June 2018, and considers input received from various stakeholders and workshops, with the original screening tool having been released in 2010.



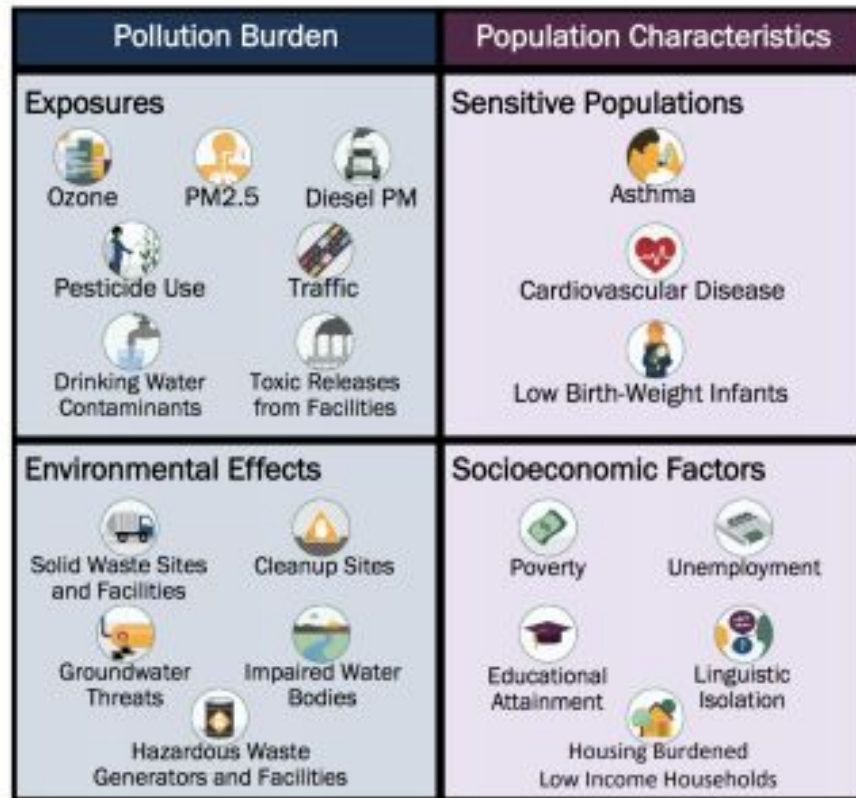
The CalEnviroScreen considers 20 different indicators for pollution burdens, such as environmental exposures, and population characteristics, including sensitive populations and socioeconomic factors.¹² Higher scores indicate higher EJ issues in a particular geographic area, in this case being census tracts, and scores may be compared between different geographic areas. Notably, the tool has a wide range of applications for state and local governmental agencies, including: identification of disadvantaged

¹⁰ U.S. Environmental Protection Agency (EPA), 2019. EJSCREEN Technical Documentation. [epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf)

¹¹ Blondell et al., Environmental Justice Tools for the 21st Century, DEEP BLUE (May. 2020), deepblue.lib.umich.edu/handle/2027.42/154874

¹² EPA and CalScreen Presentation, [epa.gov/sites/production/files/2019-08/documents/state_ej_webinar_1-identifying_and_prioritizing_communities_ppt_resources_04.16.19.pdf](https://www.epa.gov/sites/production/files/2019-08/documents/state_ej_webinar_1-identifying_and_prioritizing_communities_ppt_resources_04.16.19.pdf)

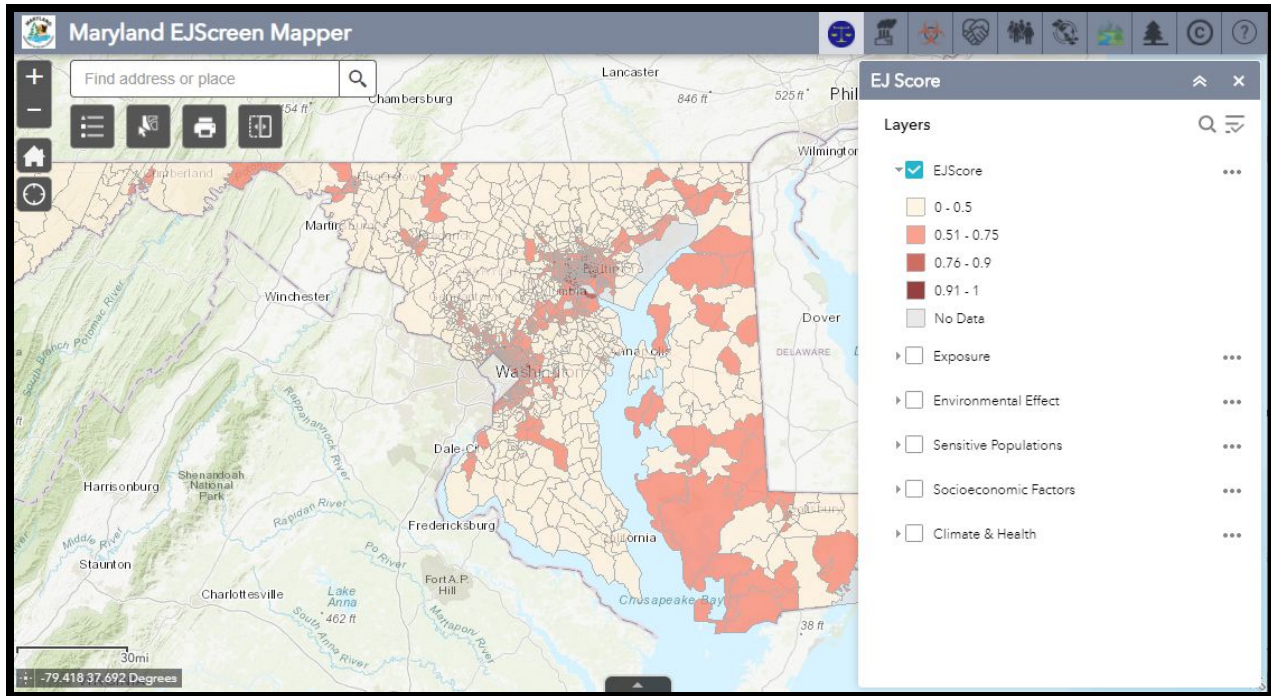
communities, identification of opportunities for sustainable development, prioritization of environmental compliance projects or site cleanup projects, and administration of EJ grants.



University of Maryland EJScreen

The University of Maryland’s School of Public Health has the Community Engagement, Environmental Justice and Health (CEEJH) laboratory. CEEJH has developed a Maryland-based EJ tool called the Maryland EJScreen Mapper.¹³ The tool’s main feature is the EJ Score, which is determined by considering the average of two pollution burden scores multiplied by the average of the population characteristics category. EJ Scores are scored between 0-1.0, with higher scores indicating areas with higher rates of EJ issues. As can be seen in the Maryland EJScreen preview below, large areas of Baltimore County, Montgomery County, and the Eastern Shore have areas with at least a 0.51 score.

¹³ The University of Maryland EJScreen Mapper, About Section, Last accessed November 1, 2020, p1.cgis.umd.edu/ejscreen/help.html



Many of the environmental and demographic indicators are identical to the indicators used in the EPA EJScreen tool.¹⁴ The Maryland EJScreen tool does provide one new environmental indicator: the “watershed failure” indicator, defined as the “percent of each census tract’s watershed that exceeds levels of phosphorus and/or nitrogen”. Under socioeconomic characteristics, the tool also considers rates of unemployment, defined as the “percentage of the population over the age of 16 that is unemployed and eligible for the labor force.” Unlike the EPA tool but like the CalEnviroScreen tool, the CEEJH tool also considers sensitive populations in its EJ Score, including areas experiencing high rates of asthma, myocardial infarction, and low birth rate infants. The tool also provides a wide variety of additional layers that may provide useful Maryland-specific information, including: county boundaries, and municipal boundaries, supermarkets, public schools, EPA Superfund sites, U.S. Department of Agriculture low income and low access populations, railroads, legislative districts, 200% federal poverty line, percent of people who are Hispanic or Black, and public transit stops. Notably, the tool also connects with a Park Equity Mapper tool, alongside other partners, which aims to promote equitable opportunity and access to public lands and parks.

¹⁴ EPA, EJSCREEN Environmental Justice Mapping and Screening Tool EJSCREEN Technical Documentation, September 2019, [epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/2017_ejscreen_technical_document.pdf)

2021 CEJSC Action Plan

While CEJSC's activities were impacted by the coronavirus pandemic in 2020, CEJSC is committed to furthering meaningful action on EJ issues and looking ahead to build more resilient communities. CEJSC is committed to safeguarding the basic rights of vulnerable communities and looking for opportunities to support the equitable sharing of the benefits of climate change, conservation, and other programmatic efforts in Maryland. EJ issues may cover a wide breadth of issues and possible approaches. Potential ways to address EJ issues may involve workforce evaluation reports that include special consideration of disadvantaged communities, supporting tax incentives for certain businesses or individuals, providing grant or loan opportunities, and providing technical assistance. While policy decisions pertaining to EJ issues will involve ongoing and long-term conversations, consideration of best practices, and careful ongoing analysis and adaptive management, CEJSC offers the following actions it will take and recommendations for consideration in 2021:

- Prioritize identification of communities with EJ issues
 - Continue to conduct case studies on EJ Issues in Maryland communities
 - Provide guidance to agencies on permitting and identification of facilities in EJ Communities
 - Review and choose a mapping tool
 - Identify and/or accept community identification of EJ issues
- Support enhanced engagement and public participation strategies
 - Conduct virtual listening sessions in EJ communities across Maryland
 - Recommend EJ training of state employees
 - Conduct partnerships with counties and local governments
 - Create a public input portal for community identification of EJ issues directly to CEJSC
- Empower state agencies to lead by example and invest in long-term EJ strategies
 - Invite state agencies to submit their own long-term EJ strategies
 - Collaborate with state and local agencies to gather best practice management strategies
- Enhance the authority and membership of the Commission
 - Add representatives from county and municipal governments (appointed by the Maryland Association of Counties and the Maryland Municipal League)
 - Specify location of affected community members (i.e., one representative from Baltimore City, Prince George's County and the Eastern Shore) and add two additional affected community members representing western and southern Maryland
 - Review CEJSC authority to review and respond to EJ issues across government agencies

Appendices

Appendix A: Statute of the Maryland Commission on Environmental Justice and Sustainable Communities

Maryland Environment Article §1–701.

- (a) In this section, “environmental justice” means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.
- (b) There is a Commission on Environmental Justice and Sustainable Communities.
- (c) (1) The Commission consists of the following 20 members:
 - (i) One member of the Senate of Maryland, appointed by the President of the Senate;
 - (ii) One member of the House of Delegates, appointed by the Speaker of the House;
 - (iii) The Secretary, or the Secretary’s designee;
 - (iv) The Secretary of Health, or the Secretary’s designee;
 - (v) The Secretary of Planning, or the Secretary’s designee;
 - (vi) The Secretary of Commerce, or the Secretary’s designee;
 - (vii) The Secretary of Housing and Community Development, or the Secretary’s designee;
 - (viii) The Secretary of Transportation, or the Secretary’s designee; and
 - (ix) Twelve members appointed by the Governor who represent the following interests:
 - 1. Affected communities concerned with environmental justice;
 - 2. Business organizations;
 - 3. Environmental organizations;
 - 4. Health experts on environmental justice;
 - 5. Local government; and
 - 6. The general public with interest or expertise in environmental justice.
- (2) Of the twelve members appointed by the Governor under paragraph (1)(ix) of this subsection, at least two members shall represent affected communities concerned with environmental justice.
- (d) (1) The term of a member appointed by the Governor is 3 years.
 - (2) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
 - (3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
 - (4) A member may not be appointed to more than two consecutive terms.
- (e) The Governor shall designate the chairman of the Commission.
- (f) The Department shall provide staff for the Commission.
- (g) (1) The Commission shall meet at the times and places that the chairman determines.
 - (2) A majority of members of the Commission shall constitute a quorum for the transaction of business.
 - (3) A member of the Commission:
 - (i) May not receive compensation as a member of the Commission; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(h) The Commission shall:

- (1) Advise State government agencies on environmental justice and related community issues;
- (2) Review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities;
- (3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities;
- (4) Coordinate with the Children’s Environmental Health and Protection Advisory Council on recommendations related to environmental justice and sustainable communities;
- (5) Develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and
- (6) Recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

(i) On or before October 1 of each year, the Commission shall report its findings and recommendations to the Governor and, subject to § 2–1257 of the State Government Article, the General Assembly.

Appendix B: 2020 Agenda and Meeting Minutes of CEJSC

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Location: Virtual
Date: 9/22/20
Time: 10am-12pm

Agenda Items

- Introduction by Camille Burke, Chair
- Remarks by Secretary Ben Grumbles
- New Staff Introductions and Staff Reports:
 - Statutory charge
 - Commissioner vacancies and expirations
 - Request from Maryland Commission on Climate Change
 - Request from MDE on identification of EJ communities
 - Webinars and other useful information
- Public Comment

Maryland Commission on Environmental Justice and Sustainable Communities

Meeting Minutes

September 22, 2020, Virtual Meeting

Members Present: Obie Patterson, Senator for Prince George's County, District 8; Joseph Griffiths; John Papagni; Robert Hackman; Camille Burke; Crystal Faison; Paula Dannenfeldt; Paulette Hammond; Richard Fairbanks; Stephan Levitsky

MDE Staff Present: Ben Grumbles, Secretary; Horacio Tabalada, Deputy Secretary; Suzanne Dorsey, Assistant Secretary; Devon Dodson; Cindy Osorto; Mark Shaffer; Chris Hoagland; Christopher Beck; Susan Casey; Kimberlee Drake; Erick Thunell

Guests: Ann Ciekot, CJ Jackson, Dorothy Morrison, Elizabeth Shwe, Janet Cornick, John Kumm, Katie Nash, Ann Pam Kasemeyer, Emily Wezik, John Kumm, Tiffany Jennings, Ann Ciekot, Jennifer McLaughlin, Terry Bellamy

Next meeting: November 24, 2020, 10am-12pm, Virtual

Recording, presentation, agenda, and meeting minutes will be available online:

<https://mde.maryland.gov/programs/CrossMedia/EnvironmentalJustice/Pages/cejsc.aspx>

1. Introductions

- **Camille Burke**, Chair, Director Childhood Lead Poisoning Prevention Program for the Baltimore City Health Department
 - Thanks to previous MDE designee, Duane Johnson, and welcome the new MDE staff: Devon Dodson and Cindy Osorto
 - Looking forward to building strong partnerships
 - Suggestions for future direction of the Commission will be important and are welcomed
- **Ben Grumbles**, MDE Secretary
 - Honored to work on environmental justice and recognize that it will be important to remain active and engaged. Recognize that we can and must do more. MDE will be with you and supporting you.
 - Aligning talent is important in Commission as well as robust participation
 - Thank you to all the members that have served in the past
 - Definitions on environmental justice (EJ) and consideration of diversity, equity, inclusion, and justice (DEIJ) will be important
 - Past and Current Efforts include:

- The Chesapeake Executive Council of the Chesapeake Bay Program has adopted a diversity statement on August 18, 2020 (https://www.chesapeakebay.net/news/pressrelease/chesapeake_executive_council_adopts_diversity_statement)
 - This commission is not the only independent commission speaking to EJ. There are EJ conversations underway within the Maryland Climate Change Commission as well as the Children's Environmental Health and Protection Advisory Council (CEHPAC)
 - There are national conversations underway pertaining to EJ, including New Jersey having recently signed an EJ bill
 - Maryland will need to learn more and have specific mechanisms in place, including potential considerations of cumulative impacts
 - MDE knows that there is a need for developing an EJ policy – permitting and citing of various facilities will be important
 - On July 14, 2020, Governor Hogan signed a Memorandum of Understanding (MOU) alongside governors of 14 other states and the mayor of Washington, D.C. to collaborate to increase the number of electric medium- and heavy-duty vehicles — pursuing a goal of all sales of these vehicles being zero-emission models by 2050 (<https://news.maryland.gov/mde/2020/07/14/hogan-administration-joins-multi-state-clean-truck-initiative/>)
 - Tackling EJ may include financial assistance, water equity and affordability considerations, waste management, and more
 - Moonshot Missions is an example of a nonprofit aiming to serve disadvantaged communities and is headed by Former DC Water CEO, George Hawkins
- **Robert Hackman:** Thank you for your commitment. I have served for the Commission for a few years. How will MDE help staff the commission? Beyond two members (including reports and studies)?
 - **Ben Grumbles:** MDE has a strong internal network across administrations and programs that will support EJ efforts and we will help to network with external organizations as well
 - **The Honorable Senator Patterson:** Committed to serving black and brown Marylanders throughout the state. Are we going to be including specific action items? Adequate waste management is a big concern, including addressing permit expirations and delays
 - **Ben Grumbles:** MDE staff is eager and ready to help Commission members with items to focus on. MDE is currently developing an Environmental Justice Policy that will help guide permitting and citing decisions. We would also be happy to connect with other senate members
 - **Camille Burke:** I support helping serve various disenfranchised communities across Maryland

1. Discussion

- **Devon Dodson,** MDE Designee and Senior Energy Policy Advisor
 - I bring over 20 years of experience working in state government and am committed to Ben's vision on EJ, including by helping develop an internal MDE EJ Policy

- Deliverables by the end of this year will be provided
 - Sister agencies will help address any concerns
- **Richard Fairbanks**
 - I had trouble accessing the emails and had to call in
 - Concerned about Brandywine
 - I have served the Commission since 2016 and want to help out as much as possible
 - Concerned about discussions on systemic racism
- **Cindy Osorto**, MDE Staff to the Commission, Legislative and Policy Analyst
 - MDE has a lot of capacity and internal support
 - Presentation for this meeting is available and provides background on the statutory charge of the Commission
 - The Commission is tasked with advising State government agencies on environmental justice, developing criteria to identify communities, analyzing the effectiveness of State and local government laws and policies to address issues of environmental justice and sustainable communities, and provide annual recommendations to the Governor
- **Devon Dodson**
 - I will be serving as the liaison between Ben and the Commission
 - Identification of EJ communities is a critical issue
 - Several tools are available, including EJ Screens, but MDE will need help from partnerships
- **Robert Hackman**: Agree that it is important to work smarter, not harder
- **Camille Burke**: The Commission will develop a new direction and criteria
- **Devon Dodson**: There will likely be legislation on EJ issues during the 2021 legislative session and MDE staff will help monitor this
- **Robert Hackman**: It is important to discuss how best to identify EJ communities
- **Devon Dodson**: MDE will provide EJ definition options for the consideration and discussion of the Commission
- **Stephan Levitsky**: Commission's identification of EJ is important
- **Joseph Griffiths**: How will the various state agencies coordinate together to address EJ legislative needs?
- **Devon Dodson**: The Commission will take an independent position separate from the positions of state agencies and we may need to meet more often during session
- **John Papagni**: State agency review and comment is different than taking a position
- **Devon Dodson**: Commission vacancies and expirations will need to be addressed. There are currently three Governor-appointed vacancies: general public, environmental nonprofit, and health expert
- **Camille Burke**
 - I want to state publicly that I offered my resignation to Secretary Grumbles and my main concern is to serve the state of Maryland and its citizens
 - It will be important to weigh in on EJ bills as a Commission
 - Report recommendations are critical
 - I currently serve as liaison to the Children's Environmental Health and Protection Advisory Council (CEHPAC)

- Information sharing is important, and it will be okay to disagree on issues if we are all respectful
- **Richard Fairbanks**
 - I supported the appointment of Paulette Hammond
 - I am a retiree and willing to stay or not stay, but committed to helping in any way I can
- **Paulette Hammond:** I can represent the Environment, as President of the Maryland Conservation Council
- **Camille Burke:** Thank you

1. Public Comment

- Elizabeth Shwe, reporter from Maryland Matters: Last month, advocacy groups wrote a letter to Governor Hogan denouncing the Commission for failing to influence any meaningful policies, and one of the reasons cited was lack of sufficient representation for low-income populations and affected communities of color. Will the Commission address this concern and how?
 - **Devon Dodson:** The Commission does not have to establish a separate workgroup due to the size of the Commission. The letter has not been provided to the Commission.
 - **Camille Burke:** One affected community is Baltimore City, which I represent. Crystal Faison represents Prince George's County. We already have some diverse representation, but we would be happy to respond to the letter if it is provided to us
 - **Ben Grumbles:** I have seen the letter and I welcome all comments and suggestions. The Commission makes the final decision, but I see value in focusing on communities of color, as well as underserved and overburdened communities. It is important to have broad representation, fully staffed, and empowered Commission.
 - **Cindy Osorto:** An optional reading suggestion is included in the presentation and please note that sustainable communities is not defined in statute

2. Concluding Remarks

- **Camille Burke:** Thank you everyone for your continued commitment. I'm excited about the work moving forward.

Introduction to the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC)

By: Devon Dodson, Senior Energy Policy Advisor, and
Cindy Osorto, Legislative and Policy Analyst at the
Maryland Department of the Environment

Goals of the Commission

- ▶ Maryland Environment Article [§1-701](#) created the Commission on Environmental Justice and Sustainable Communities (CEJSC). The goals according to the statute of the Commission are outlined below:
- ▶ (h) The Commission shall:
 - (1) Advise State government agencies on environmental justice and related community issues;
 - (2) Review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities;
 - (3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities;
 - (4) Coordinate with the Children's Environmental Health and Protection Advisory Council on recommendations related to environmental justice and sustainable communities;
 - (5) Develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and
 - (6) Recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.
- ▶ (i) On or before October 1 of each year, the Commission shall report its findings and recommendations to the Governor and, subject to § 2-1257 of the State Government Article, the General Assembly.

Definition of Environmental Justice and Sustainable Communities

- ▶ Maryland Environment Article [§1-701](#) defines Environmental Justice as the “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.”
 - ▶ **Environmental Justice** - Environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. (Source: EPA Office of Environmental Justice, <https://www.epa.gov/environmentaljustice>)
 - ▶ **Diversity, Equity, Inclusion, and Justice (DEIJ)** - Note that various organizations have begun using other terms that may encompass various definitions and goals related to E.J. For example, the Chesapeake Bay Trust (CBT), the Chesapeake Bay Funders Network (CBFN) and the Choose Clean Water Coalition (CCWC) released their “DEIJ in Action” report in 2020 and created a “Living Glossary,” meaning that the project team acknowledges that definitions may change over time (definitions found on page 6 - https://cbtrust.org/wp-content/uploads/CB-Watershed-DEIJ-Guide_May-2019.pdf)
- ▶ Sustainable Communities is not defined in statute
 - ▶ Recommended but optional reading: Envisioning a Sustainable World by Donella Meadows from Getting Down to Earth: Practical Applications of Ecological Economics

Next Meeting and Website

- ▶ Meetings will be held virtually
- ▶ Next meeting:
 - ▶ November 24 10 am - 12 pm Meeting will be held virtually on Google Meet: meet.google.com/pqn-urdq-ebt Join by phone (US) +1 315-801-9406 PIN: 940 492 333#
- ▶ All information regarding past reports, meeting minutes, and additional resources found on the website: <https://mde.maryland.gov/programs/CrossMedia/EnvironmentalJustice/Pages/cejsc.aspx>

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Location: Virtual
Date: 11/24/20
Time: 10am-12pm

Agenda Items

- Introduction by Camille Burke, Chair
- Remarks by Secretary Ben Grumbles
- Staff Reports:
 - Update on Commissioner vacancies
 - Ongoing Partnerships with the Maryland Commission on Climate Change
 - Upcoming Joint Meeting with CEHPAC
- CEJSC Annual Report – Review of Potential Report Recommendations
- Public Comment

Maryland Commission on Environmental Justice and Sustainable Communities

Meeting Minutes

November 24, 2020, Virtual Meeting

Members Present: Obie Patterson, Senator for Prince George's County, District 8; Joseph Griffiths; John Papagni; Camille Burke; Paula Dannenfeldt; Paulette Hammond; Stephan Levitsky; Janet Cornick; Lesliam Quiros; Subha Chander

MDE Staff Present: Ben Grumbles, Secretary; Horacio Tabalada, Deputy Secretary; Suzanne Dorsey, Assistant Secretary; Devon Dodson; Cindy Osorto; Mark Shaffer; Susan Casey; Kimberlee Drake

Guests: Elizabeth Price, Hannah Brubach, John Kumm, Kamita Gray, Brianne Martin, Patrick DeArmey, Vontasha Simms, Dorothy Morrison, Diana Conway, Emily Harris, Emily Soontornsaratool, Richard Tabuteau, Sherman Hardy, Elizabeth Shwe, Al Weaver

Next meeting: December 3, 2020, 12:30 – 2:00pm, Virtual and will be hosted by the Children's Environmental Health and Protection Advisory Council (CEHPAC)

Meeting minutes and agenda will be available online:

<https://mde.maryland.gov/programs/CrossMedia/EnvironmentalJustice/Pages/cejsc.aspx>

Please note that the recording was not able to be provided as stated in the previous meeting minutes for September.

1. Introduction and Remarks

- **Camille Burke**, Chair, Director Childhood Lead Poisoning Prevention Program for the Baltimore City Health Department
 - Thank you for joining us. Note that there will be a joint CEHPAC meeting on December 3, 2020.
 - Today we will be having MDE staff report on recent updates and recommendations. This will be an interactive meeting. We want feedback and welcome you to jump in the discussion.
- **Ben Grumbles**, MDE Secretary
 - I'm excited about the reenergized Commission. Thanks to everyone for your devotion to this Commission. Addressing environmental justice is a top priority for the Department. MDE spoke to Speaker Jones last week regarding the empty House Delegate representative vacancy.
 - Other states, including New Jersey and Pennsylvania, continue to have EJ policy developments
 - I'm meeting with the Biden and Harris campaign later today to talk more about environmental justice strategies.

2. Staff Reports

- **Devon Dodson**, MDE Designee and Senior Policy Advisor
 - We will be sending draft meeting minutes around for approval
 - Updates pertaining to vacancies include term extensions for members whose terms had expired as well as sending a request to Speaker Jones for the Delegate position
 - There have not been any applications for the environmental organization vacancy so if you know of anyone you can apply. Applications can be accepted year-round.
- **Cindy Osorto**, MDE Staff to the Commission, Policy Analyst
 - Meeting minutes available in the CEJSC website
 - Most of the vacancies in the Commission are appointed by the Governor so you would have to apply online with the Governor's Appointments Office.
 - The Commission will continue building off previous work, including the cumulative impact analysis temporary workgroup. Thanks to Steve and Subha for their work evaluating eastern shore communities.
- **Ben Grumbles**, MDE Secretary
 - The Maryland Climate Change Commission (MCCC) is committed to addressing climate justice. On November 15, 2020, the MCCC released its annual report with several commitments pertaining to environmental justice, including increasing the diversity within the MCCC: <https://mde.maryland.gov/programs/Air/ClimateChange/MCCC/Documents/MCCCAnnualReport2020.pdf>
 - The Commission appointed a third Co-Chair: Ms. Charmaine Brown, Equity Officer for Charles County. The Commission is looking for interconnectedness of equity considerations in its work and is committed to real progress. It will consider long-term effects, such as flooding issues and moving away from fossil fuels.

1. Draft Recommendations Discussion

- **Camille Burke** – These recommendations are open for feedback and discussion.
- **Horacio Tablada** - Recommendations could be broken down by short and long-term items.
- **Devon Dodson and Cindy Osorto** – Overview of Recommendations
 - Prioritize Identification of Communities with EJ Issues
 - Could be done through a workgroup within the Commission
 - Future work can evaluate other state approaches to long-term EJ strategies and policy approaches, including Connecticut
 - Review EJ mapping tools, including:
 - EPA EJ Screen's environmental and demographic indicators
 - University of Maryland also has an EJ mapping tool with Maryland-specific information, including a Park Equity layer
 - Support Enhanced Engagement and Public Participation Strategies
 - Pilot Virtual Listening Sessions
 - Support partnerships with Counties
 - Create Public Input Portal
 - Evaluate diverse geographic representation in Commission

- **The Honorable Obie Patterson** – There can be complexities to building local partnerships.
- **Subha Chander:** a good idea to have a workgroup. There are EJ Screening tools that can be evaluated further. The University of Maryland version has been updated recently.
 - Community engagement is a key component – could hold learning sessions
 - Commission in the past has struggled with the development of EJ criteria
- **Steve Levitsky** – The Commission will need further guidance for EJ criteria
- **Devon Dodson** – I can't stress enough just how committed to revitalization the Commission will be moving forward
- **Dorothy Morrison:** Important to figure out local concerns. What are the issues? Tools are important but real presence is important
- **Devon Dodson** – it is our recommendation to go out into communities to hear their local concerns, including Prince George's and Eastern Shore
- **Joe Griffiths** – Agree that engagement can be strengthened but there should be goals set for the outreach. Can't go out to go out. In past years, the Commission discussed the creation of an outreach plan.
- **Steve Levitsky** – Some recommendations may require review by counsel to clarify authorities.
- **The Honorable Obie Patterson** – People should know who to contact for their concerns. Talking with communities to learn their specific issues is important. Regulation changes may be necessary. Members could be designated specific roles.
- **Cindy Osorto** – More introductory background information on EJ can be found under the Resources page:

<https://mde.maryland.gov/programs/Crossmedia/EnvironmentalJustice/Pages/resources.aspx>
- **Camille Burke** – We are hearing that there is interest in more local representation. Everyone is welcome to attend our public meetings. We also don't have to reinvent the wheel and may consider known strategies, such as creating Community Advisory Groups.
- **Devon Dodson** – We look forward to public comments and will adjust our approach as we go based on feedback received. We are available to answer any questions you have. Legislative report has been delayed due to the pandemic but will be available prior to the legislative session.

1. Public Comment

- Vontosha Simms – I am interested in applying for the Commission on behalf of the Charles County Ji'Aire's Workgroup Black By Nature Environmentalist Activist Campaign.
- **Camille Burke and Devon Dodson** - Anyone is welcome to apply to the Commission with the Governor's Appointments Office.
- Kamita Gray – There are studies available that show the correlations between pollution and adverse health effects in overburdened and underserved communities. This can be

an issue of civil rights and equity. It is shameful to have so much air pollution in Brandywine.

- **Brianne Martin** – I am student with Johns Hopkins working on an environmental health project that evaluates EJ community criteria and am interested in supporting this effort.
- **Diana Conway** – EJ is beginning to look at the big picture and bills will have nuances.
- **Devon Dodson** – The Commission continues committed to providing independent comment during the 2021 legislative session, which will be held virtually.
- **Al Weaver**: EJ efforts have no teeth unless there's a law that's established. Title VI lays groundwork for massive lawsuits that could be filed. More public engagement and tools need to be given. Negotiations in Brandywine was out of tune. Permitting questions are underway.
- **Veronika Carella** – I am also interested in applying for a position in the Commission. I would be interested in looking at the low hanging fruit and evaluating any data gaps.

1. Concluding Remarks

- **Camille Burke**: Thank you everyone. Please continue to provide feedback along our processes. Happy Thanksgiving.
- **Ben Grumbles**: Great discussion and Happy Thanksgiving.
- **Devon Dodson and Cindy Osorto**: Please continue to attend meetings and provide feedback along the way. Let us know if you have any questions.

2020 Joint Meeting of the
Children's Environmental Health & Protection Advisory Council
and the
Commission on Environmental Justice and Sustainable Communities

Thursday, December 3rd, 2020
12:30pm - 2:00pm

Join by Google Meet: meet.google.com/vso-heic-nro
Join by phone: 302-314-6303 PIN: 875 203 609#

Purpose: Discuss the intersection of children's environmental health and environmental justice, and identify opportunities for collaboration and coordination to advance common goals.

AGENDA

Introductions

Administration

- Approval of minutes
- CEHPAC legislative report
- Updates

Mission and direction of CEJSC and CEHPAC: How are children's environmental health and environmental justice related, and what are the priorities for 2021 and beyond

- Road map for CEJSC
- Overview of children's environmental health

Working Session

- Discussion: Where do children's EH and EJ intersect?
- Discussion: How can both groups use an EJ and equity lens to identify items, priorities, and methods to look at children's EH issues?
- Next steps and action items

Public Comments

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Purpose: Discuss the intersection of children's environmental health and environmental justice, and identify opportunities for collaboration and coordination to advance common goals.

IN ATTENDANCE

CEHPAC:

Cliff Mitchell
Eamon Flynn (Staff)
Kelly Love
Ruth Vriend
Megan Latshaw
Dianna Abney
Kristen Rawlett
Christina Drushel-Williams
Laura Allen
Ben Gitterman

CEJSC:

Camille Burke (also CEHPAC member)
Devon Dodson (also CEHPAC member)
Cindy Osorto (Staff)
Subha Chandar
Stephan Levitsky
Paula Dannenfeldt
Malachy Rice
Joseph Griffiths
Senator Obie Peterson's Office (Chief of Staff)
Paulette Hammond
John Papagni

Public/Other:

Veronika Carella
Kirsten Jackson
Cassie Shirk
Genny Nesslage
Kimberlee Drake
Michael Sanderson
Susan Casey
Alex Butler
Nina Cardin

MEETING MINUTES

December 3, 2020

- **Introductions**
 - CEJSC - Camille Burke - Introductions by members.
 - CEHPAC - Cliff Mitchell - Introductions by members.
- **Administration**
 - CEJSC and CEHPAC are required by statute to meet annually
 - Today's meeting will discuss the mission and direction of CEJSC and CEHPAC, including how children's environmental health and environmental justice related, and what future priorities may look like
- **Devon Dodson provided an introduction of the CEJSC's role**
 - CEJSC is beginning to look at new issues
 - First prong: reinvigoration of the commission
 - Second prong: learn more about community issues across broad geographic scope, including Eastern Shore
 - Annual report is required and will include recommendations that are designed for the new efforts that the Commission wants to work on
 - The Commission wants to consider looking into cumulative impacts
 - The Commission wants to look at community-based issues
 - It will be a lot of work but MDE staff are dedicated to this effort and MDE will provide other resources as necessary
- **Cliff Mitchell provided an overview of CEHPAC and children's environmental health in general**
 - Legislatively-mandated council (Health-General 13-1506)
 - Create and promote educational resources pertaining to environmental health exposure in children
 - CEHPAC serves as an advisory council on legislation and regulations on matters related to children's environmental health
 - Children can be more vulnerable to negative health impacts and environmental hazards
 - Wide array of factors and topics can impact children's health - outdoor air pollution, drinking water contaminants, indoor air pollution, pesticide related exposure, exposure in contaminants in food (including PCBs in fish), asthma, cancer, neuro-developmental disorders, mercury, bio-monitoring, WiFi radiation
 - Where does children's health and EJ intersect? Factors influencing the discussion may include equity considerations and science-based best practices
- **Camille Burke provided an overview of CEJSC's priorities**
 - Children's health is a subset of EJ and we look forward to hearing input and health expertise
 - Bottom-up approach moving forward
 - Please be aware that we are listening to your input
 - Invite everyone to send legislative proposals to the CEJSC and we are looking forward to working with everyone. Session will be virtual.

- We are embarking on an exciting new path that will consider supporting more community engagement
- **Subha Chandar - Facilitator of Jamboard Session**
 - Everyone was invited to participate in the Jamboard session, including members of both advisory groups as well as members of the public.
- **Public Comment**
 - Veronika Carella - stated there were six items identified in an email sent by her to CEHPAC members and requested they be included in meeting minutes and in future agendas. Veronika discussed the "Environmental Human Rights Amendment" bill which will be proposed in the upcoming legislative session and asked the groups to consider this legislation.
- **Administration**
 - A quorum was not present to take action on CEHPAC items at the time they were considered.
- **Camille - Thank you all and please stay safe!**
 - Ben Gitterman - motioned to adjourn the meeting
 - Kristen Rawlett - seconded the motion
 - No discussion
 - Voted against/abstained: None
 - Motion passed and the meeting was adjourned at 1:55pm