



Maryland Commission on Environmental Justice and Sustainable Communities

Annual Report 2022-2023



Wes Moore
Governor

Aruna Miller
Lieutenant Governor

Serena McIlwain
Secretary

Suzanne Dorsey
Deputy Secretary

Maryland Commission on Environmental Justice and Sustainable Communities

Chair

Camille Burke

Members

Vacant, Senate of Maryland

The Honorable Regina Boyce, House of Delegates of Maryland

Secretary of the Maryland Department of the Environment, Serena McIlwain

Secretary of the Maryland Department of Health, Laura Herrera Scott

Secretary of the Maryland Department of Planning, Rebecca Flora

Secretary of the Maryland Department of Commerce, Kevin Anderson

Secretary of the Maryland Department of Housing and Community Development, Jacob Day

Secretary of the Maryland Department of Transportation, Paul Wiedefeld

Lesliam Quiros-Alcala

Camille Burke

Crystal Faison

Asha Smith

Paulette Hammond

Voncia Molock

Monica Brooks

Barbara Paca

Lori Cunningham

Donna Edwards

Gerald Jackson

Message from the Chair, Camille Burke



As the Chair of the Commission on Environmental Justice and Sustainable Communities (CEJSC), and in my role as the Deputy Chief of Staff for the Baltimore City Health Department, I'm keenly aware of the challenges many Maryland families and children face on the public health and environmental front.

CEJSC has consistently taken a leadership role on diversity, equity, inclusion and justice in Maryland. We will continue our efforts to make positive inroads internally in State government and externally for the communities experiencing environmental justice (EJ) challenges daily. As the Chair of the Commission and Marylander "for life," the Commission and I will continue to push elected officials and state actors to embrace diversity and fight for those frontline and fence line communities most in need and need/deserve our support and assistance.

In service,

A handwritten signature in black ink that reads "Camille Burke". The signature is fluid and cursive, with the first name "Camille" and last name "Burke" clearly legible.

Camille Burke
Chair, Maryland Commission on Environmental Justice and Sustainable Communities

Message from the Secretary of the Maryland Department of the Environment,
Serena McIlwain



It is an honor to be a part of the Commission on Environmental Justice and Sustainable Communities. As we share this year's annual report from the Commission, I would like to share my thoughts on where we stand on Environmental Justice in Maryland, one of my top priorities as Secretary of the Environment.

We all deserve to have clean air, clean water, and clean land, no matter what zip code you live in, where you are from, how much money you make, or what you look like.

When Governor Moore appointed me to this position, he tasked me with doing everything in my power to address these environmental injustices, promote equity, and work to right historical wrongs that affect our environment today. As the first Black woman to hold this role, this is a goal that is deeply personal to me.

This report will take the research and analysis of the CEJSC and turn it into tangible recommendations to make measurable progress in achieving environmental justice in Maryland.

We are listening, learning, and laying the groundwork for positive change. I believe that by advocating for environmental justice and fostering sustainable practices, we can build a strong, more equitable Maryland for all.

Thank you for joining us in this effort,

A handwritten signature in black ink that reads "Serena McIlwain". The signature is written in a cursive, flowing style.

Serena McIlwain
Secretary of the Environment

Background

Introduction of the CEJSC 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 Maryland General Assembly. The body recommended the creation of the Maryland 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 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”. 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 additionally 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 CEJSC advises state government agencies, the Governor, and the Maryland General Assembly by reviewing and analyzing the impact of state law and policies to address issues on EJ, sustainable communities, and compliance with Title VI of the Civil Rights Act. The Commission uses data sets and mapping tools to address these issues. The CEJSC also coordinates with the Maryland Department of the Environment (MDE), Maryland Commission on Climate Change (MCCC), the Maryland Department of Health (MDH) Office of Minority Health and Health Disparities, and the Children’s Environmental Health Protection Advisory Council (CEHPAC).

The authorizing statute identifies the membership requirements for CEJSC, which consists of at least 23 members, including representatives from government agencies, local governments, and the AFL-CIO. The Governor, the Senate President, and the Speaker of the House appoint a variety of members representing communities impacted by EJ issues, business organizations, environmental organizations, academic institutions with an EJ institute, and health experts.

Emerging/Ongoing Issues and Opportunities

House Bill 840 - Climate Equity

During the 2023 legislative session, House Bill 840/SB 743 was introduced. This bill would require MDE to conduct a climate and environmental equity evaluation of a permit application if, after conducting an EJ score review required under current law, MDE determines that issuing an approval for a permit may impact an underserved and overburdened community. The evaluation may include an analysis of several specified items, including the aggregate impact a proposed permit would have in a community with EJ concerns. In addition, MDE, in coordination with the Maryland Department of Health, could conduct a health impact assessment of the permit. The bill also required MDE to regularly provide opportunity for State residents in overburdened and underserved communities to opt in to text, phone, email, or regular mail notifications regarding any facility with a pending or final permit approval in or adjacent to the resident's census tract. The bill would not limit MDE's authority to hold or require additional public hearings for a permit. MDE may deny or alter a decision or amend the conditions under a pending permit based on its findings under the above provisions. This bill did not pass in 2023 and CEJSC is hopeful for its passage in 2024.

HJ1/SJ4 - Constitutional Amendment on the Environment:

This joint resolution reaffirms the principle enshrined in the Maryland Environmental Protection Act (MEPA) that every person has the fundamental and inalienable right to a healthful environment. It further resolved that the State must rededicate itself, its agencies, and all concerned stakeholders to furthering the development, implementation, and enforcement of environmental laws, practices, and policies, as called for by MEPA, for the benefit of both current and future generations. CEJSC supported this legislation and is hopeful for its passage in 2024.

Maryland's Water Supply - PFAS

Drinking water, stormwater and wastewater are all regulated by MDE, with coordination with the local health departments and MDH. MDE's Water Supply Program is the program that ensures safe and sustainable supplies of water for drinking and other purposes to meet current and future needs of communities and ecosystems. Maryland's water supply is sourced, treated, inspected, tested and distributed. Of the 6.2 million Marylanders, 10% are on private wells and 90% are on public water systems. MDE implements the federal Safe Drinking Water Act requirements which require monitoring for over 90 drinking water contaminants.

Throughout the nation, Per- and Polyfluoroalkyl Substances (PFAS) have been detected in drinking water, groundwater, surface water, soils, and other environmental media. Since the 1940s, PFAS have been present in a variety of industrial and commercial applications and products because of their ability to resist heat, oil, and water. EPA and U.S. Centers for Disease Control (CDC) and Prevention's Agency for Toxic Substances and Disease Registry (ATSDR) continue to investigate the human health impacts of chronic exposure to PFAS. According to ATSDR, studies have suggested that chronic exposure to two PFAS, PFOA and PFOS, may be linked to: increased cholesterol levels, increased risk of high blood pressure or pre-eclampsia in pregnant women, changes in liver enzymes, decreased vaccine response, and small decreases in infant birth weights. Additionally, the EPA has classified PFOA and PFOS as having potential carcinogenic effects in humans.

MDE's earliest efforts to assess PFAS in drinking water were primarily fueled by federal initiatives, specifically the testing required by EPA under the Third Unregulated Contaminant Monitoring Rule (UCMR 3). That effort in 2012-2015 identified only one Public Water System (PWS) in Maryland with quantifiable levels of PFAS above the 2012/2015 PFOA+PFOS limits of detection of 20-40 ppt. Due to increasing understanding of human health risks, public concern surrounding this group of compounds, improved analytical methods and lower limits of detection, MDE initiated its multi-phased PWS Study in 2020.

In March 2023, the EPA published proposed enforceable limits in drinking water for PFOA and PFOS at 4 parts per trillion (ppt) each. In addition, EPA published a proposed Hazard Index for four PFAS (PFNA, PFHxS, PFBS, and HFPO-DA (GenX)). Throughout this process, MDE has worked closely with other state and federal agencies, particularly MDH and its Laboratories Administration, to evaluate and assess the contamination and health implications of PFAS in drinking water.

MDE continues to sample and monitor PFAS throughout Maryland’s water supply. As more information is collected, MDE will be able to advise water system operators on the management and treatment of PFAS in 2024 and beyond. The goal is to bring all Maryland water systems into compliance with federal PFAS limits prior to the limits taking effect in 2026-2027.

2024 Recommendations

ADVISE STATE GOVERNMENT AGENCIES ON EJ

- CEJSC recommends that each state agency appoint an equity coordinator to advise the agency on diversity, equity, inclusion, and justice.

REVIEW AND ANALYZE THE IMPACT OF CURRENT STATE LAWS AND POLICIES TO ADDRESS ISSUES OF EJ AND SUSTAINABLE COMMUNITIES AND USE DATA SETS AND MAPPING TOOLS TO REVIEW AND ANALYZE IMPACT OF CURRENT LAWS AND POLICY INCLUDING PERMITS AND ACTIONS, CUMULATIVE IMPACTS, EFFECTS, AND EXPOSURES.

- CEJSC recommends passage of legislation that gives MDE the authority to condition, modify or deny a permit in overburdened and underserved communities.

ASSESS THE ADEQUACY OF STATE AND LOCAL GOVERNMENT LAWS TO ADDRESS ISSUES OF EJ AND SUSTAINABLE COMMUNITIES INCLUDING COMPLIANCE WITH TITLE VI.

- CEJSC recommends passage of legislation requiring county and municipal governments to review their planning and zoning laws to identify and protect overburdened and underserved communities.

COORDINATE WITH CEHPAC, MCCC, & THE OFFICE OF MINORITY HEALTH & HEALTH DISPARITIES ON THE ISSUES OF EJ AND SUSTAINABLE COMMUNITIES.

- CEJSC continues to coordinate with and support the missions of each commission and office.

RECOMMEND OPTIONS FOR ADDRESSING EJ ISSUES TO THE GOVERNOR AND MGA; INCLUDE PRIORITIZED AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.

- CEJSC recommends the passage of legislation that requires county and municipal governments to use screening and mapping tools to identify communities with EJ concerns in their jurisdictions.
- CEJSC recommends the passage of a Constitutional Amendment ensuring the right to a healthy and clean environment for all Marylanders.

RECOMMEND OPTIONS TO THE SECRETARY FOR ENSURING THAT THE DEPARTMENT IS MAKING PROGRESS IN ADVANCING THE HUMAN RIGHT TO SAFE, CLEAN, AFFORDABLE, AND ACCESSIBLE WATER FOR CONSUMPTION, COOKING, SANITATION, HEALTH, AND RECREATION PURPOSES.

- CEJSC recommends that MDH report to CEJSC on its role in ensuring safe and clean drinking water in Maryland.
- CEJSC recommends that MDE update the CEJSC on continued efforts to eliminate PFAS in Maryland's drinking water supply.