

Commission on Environmental Justice & Sustainable Communities (CEJSC)
Annual Retreat
The College Park Airport
July 25, 2017

Meeting Minutes

In Attendance

- Commissioners: Ben Grumbles, Robert Hackman, Joseph Griffiths, Dick Fairbanks, Crystal Faison, Camille Burke, Clarence Lam, Subha Chandar, Rebecca Rehr, Larry Brown Jr, John Quinn, Steve Levitsky, Tanvi Gadhia
- Participants: Duane Johnson, Angelo Bianca, Allison Gost, Brian Amoretti, Maia Davis, Tamara Toles, Quinn Fowler, Reggie Harris, Daniel Isles, Kamita Gray, Nicole Carlozo

Introduction

Camille Burke started the meeting by welcoming everyone and asking everyone to introduce themselves.

Secretary Grumbles talked briefly about the role the State is playing in environmental justice, including for example, the incineration trash project, managing sustainable materials and the partnership with communities. Secretary Grumbles stressed his desire to work closely with the Commission.

Camille Burke asked if anyone had any questions for the Secretary. Dick Fairbanks asked what other states are involved in the Sustainable Materials Management Project? Secretary Grumbles said Tennessee and Ohio.

Secretary Grumbles said another initiative the Maryland Department of the Environment is working on is recovering valuable material in trash and reusing it in ways that make sense. Mr. Grumbles also said leading the way in the climate change arena and Regional Greenhouse Gas Initiative (RGGI) will be a big focus for MDE.

Camille asked about water testing in schools. Secretary Grumbles said laws came out of the General Assembly that would require testing for lead contamination of water in schools.

Robert Hackman asked about Connoting Dam and sustainable materials. Secretary Grumbles said material build up behind the dam could be dredged and used for building material

Rebecca Rehr asked if there is internal training that would work on equity with MDE staff. The Secretary said yes.

David Harrington, President and CEO, Prince George's County Chamber of Commerce

Mr. Harrington said he is looking forward to working with Secretary Grumbles on environmental justice issues. He said environmental justice is intentional based on your zip code, but more importantly

he asked how we address these disparities. Mr. Harrington thinks the way to deal with environmental justice issues is through the lens of equity, and said having access to the best is equity to him, which speaks to access to housing, transportation, and wealth creation. Mr. Harrington thinks evening the playing field in terms of equity has to begin with looking at zoning and land use issues, and transportation.

Mr. Harrington tasked the CEJSC with looking at zoning and land use in a way that all communities are operating in a healthy way. Mr. Harrington believes that what is in one neighborhood should be in another. For example, he said landfills should be placed in underserved communities as well as well-off communities. As environmental justice relates to the business community, he thinks businesses and the environment should co-exist, especially as they relate to health issues in communities.

Joe Griffiths mentioned looking at engagement and policies first before looking at the zoning issue. Joe said that you just can't jump to zoning without first establishing a vision or a longer-lasting plan that will allow communities access to equity.

Rebecca mentioned including zoning and planning in the CEJSC Annual Report and continuing this conversation with Macon throughout the year instead of once a year.

Maia Davis and Tamala Toles: Environmental Toolkit

Tamara Tolles asked how the Environmental Justice Toolkit came about. The Toolkit is a guide for policymakers on incorporating social equity, cultural sensitivity, and community health considerations into air quality, climate, and energy planning. It is intended to be a resource on government measures, practices, and policies aimed at creating cooperative solutions to issues of fair and just treatment; and equitable access in the development, application, and enforcement of environmental policies. It is envisioned that the Toolkit will be used to expand the ways in which Metropolitan Washington Council of Governments (MWCOG) members can effect meaningful engagement within communities. Ms. Toles said what she is looking for from CEJSC are comments (individually and as a body) on the EJ Toolkit.

Maia Davis talked about the 9 approaches covered in the Toolkit:

1. Identifying Potentially Vulnerable Populations
2. Providing Meaningful Engagement Opportunities
3. Assessing Community Impacts
4. Developing Metrics
5. Providing Data, Information and Resources for Communities
6. Using Citizen Science
7. Developing Community Leadership
8. Supporting Economics and Workforce Development
9. Mainstreaming EJ into Public Planning and Programs

Camille Burke asked who uses the EJ Toolkit. Maia said it is used by local governments for working with community leaders.

Maia said she would send the links to the toolkit

Robert Hackman mentioned that he came across another toolkit put out by the Maryland Commission on Climate Change/ Education, Communication, Outreach Working Group (MCCC/ECO). He asked Maia if the Council of Governments talked to MCCC/ECO about what they had in their toolkit to make sure they were not duplicating things. Maia said she had not seen the MCCC/ECO toolkit, but they do talk to other agencies throughout the State. Allison Gost of MCCC said their toolkit is a place where people can go to look for resources. Rebecca said neither toolkit is a mandate but are complimentary to each other.

Rebecca talked about the supplements that go into the case studies and said they are very helpful when you talk about which communities are using the toolkit in local policy making. In terms of equity, Rebecca asked if it is an over simplification to say a recommendation from CEJSC might be to implement those equity areas to the rest of the State. Rebecca asked Maia if the indicators used in the toolkit were repeatable, was there a document to pick the indicators; and does it make sense to do it across other counties or the State? Maia said if you apply the same methodology Statewide it might not turn out the way you want because western Maryland is different from the Eastern Shore, and Baltimore is very different from D.C. She said you can use the same indicators but the level you set the bars at might need some tweaking to make sense Statewide.

Camille Burke asked Maia and Tamara what CEJSC can do as it relates to the EJ Toolkit. Tamara said they are just looking for a thumbs up or thumbs down, or if you find something missing send them a note indicating that.

Dick Fairbanks said he did not see the involvement of the business community in the Toolkit. Maia said businesses were involved on the Policy Committee and gave a lot of information on the financial view of things.

Crystal Faison asked Tamara if there is anything she can do as it relates to Prince George's County investing in EJ communities, since she's working on a project with the Redevelopment Authority. Tamara said it would be great if Crystal could send them a memo on what she is doing because this is the kind of feedback they are looking for.

Eastern Shore Case Studies Update:

Nicole Carlozo of DNR gave a discussion on how to access vulnerability data on a statewide basis, and how to scale that down to the local level and underserved communities. She said there are a number of tools available to access vulnerability data like the one used to simulate sea level rise using data that allows you to see if your area might be affected.

In 2015-2016 DNR worked on a coastal assessment to look at how natural features like wetlands, dunes, forests, oyster reefs, and bay islands could help absorb entrapped water before it reaches communities. While recognizing that natural features do not completely eliminate flooding or erosion, but may reduce community impacts.

In 2015 DNR began working with the Nature Conservancy, non-profit steering committees, and State and federal partners to complete this assessment. Several questions were asked for the assessment such as: Where are the natural features along marine coastlines that reduce risks for our coastal communities? Where are the State's vulnerable coastal communities and can we identify

priorities areas along the shoreline where we could invest in conservation or restoration? Where do we think these natural features could do the most good in terms of reducing erosion? Nicole said this project took about a year to complete.

For this project resilience was defined as the ability for a community to respond to, prepare for, or recover from a coastal hazard event. Two studies were used to complete the assessment: the U.S. Army Core of Engineers risk analysis for the North Atlantic coast and the Natural Capital Projects methodology. In the end the assessment developed data products that helped to identify restoration work, flood prone vulnerable communities, shorelines prone to flooding, and shorelines with the most protective coastal habitats that are buffering inland communities. So all of this data was used to identify priority areas along the shoreline where conservation already exists or where restoration can enhance the role natural habitats play in risk reduction.

Nicole talked about the community flood risk map and one of its components – the social vulnerability index, and how she defines social vulnerability. She said they looked at a number of resources that describes social vulnerability which goes back to the definition of resilience. There are several metrics that were used for social vulnerability such as: age, income, language proficiency, and population density. Unfortunately Nicole’s discussion was centered on maps that were not distributed during the meeting.

Several case studies that Nicole and DNR are working on:

- Crisfield Shorelines Impacts
- Looking at access to open space and proximity to parks, income levels, percentage of children under the poverty level, the high percentage of children less than 17 years of age, and population density.

Two communities DNR will be working with in the future are: Eagle Harbor in Prince George’s County which is impacted by a power plant, and Somerset County and their shoreline project.

Brian Amoretti is from the Eastern Shore Land Conservatory, the land trust of the Eastern Shore, whose primary responsibility is protecting habitat and agricultural land in the form of conservation easements. About 3 years ago the Conservancy began thinking about the effects of climate change and out of that the Coastal Resilience Program came about. The goal of the Program is to help communities plan for sea level rise and the effects of climate change. Brian said the Conservancy works out of 6 counties.

Three project areas the Conservatory are working on:

1. The way they provide community assistance in Kent County.
2. They wanted the counties to know what they are vulnerable to, and to see what they know about some of the hazards and risks in their county.
3. The capacity building goal for the region, and training a team in this type of participatory vulnerability assessment.

The Conservatory used a method developed by Sea Grant in North and South Carolina called Vulnerability, Consequences, Adaption, Planning and Scenario (VCAPS).

The main thrust of this method is designed so that the main input into the process comes from people on the ground in local communities, using their experiences and knowledge of what is changing and what is important in their communities. By working through this process the Conservatory can better understand what they need help with, what they can take action on, and where outside resources are needed to come in and help them. Throughout this process it helps to see what the challenges are and creates a 'buy-in' to the next steps.

The VCAP method started with a series of about three dozen stakeholder interviews to gather personal knowledge about the level of climate change, where stakeholders see threats hitting the ground, and where they see they might be able to take some actions. About 2/3 of the stakeholders interviewed were County staff, and the remaining 1/3 were residents, farmers, businesses, and community and other non-profits in the County.

After additional meetings with stakeholders they were able to build a "cause and effect" chain showing how more extreme precipitation events and the chain of events affect the community. From the chain of events they were able to identify places where they could intervene and where the County could take action to reduce impacts to residents, businesses and County operations. Brian said it was a pretty interdisciplinary integrative process that produced a book of knowledge, plus science and community buy-in to produce a set of about sixty-five recommendations. Importantly, forty-eight of the recommendations came from the stakeholders. At the time of this report the County was updating their Comprehensive Plan. The County Commissioners adopted the report unanimously and the Planning Commission also adopted it. It is now referenced heavily in their Comprehensive Plan Update. The County will be updating their Hazard Mitigation Plan in 2019 and a lot of these recommendations will find a pathway to implementation. Brian said he thought it was important to see how everyone came together to talk about climate change in an open and honest way.

The second area of interest Brian talked about was mainstreaming resilience into a lot of the planning processes the counties are already going through. Counties have to update their hazard mitigation plans every five years as required by FEMA for the community to be eligible for post disaster relief funding.

The final area Brian talked about was the idea of regional collaboration, which is bringing the 6 counties on the Eastern Shore together to think collectively and collaboratively about how they can respond to the hazards and threats of climate change. The Research Adaptation Partnership consists of a number of stakeholders who assist local governments in prioritizing concerning mitigation plans, but who are able to provide resources, analysis, and strategies where needed.

The regional collaboration method is looking at ways to regionally address the gaps that exist in the ability of local governments to plan for something as big as climate change, on the Eastern Shore in particular. Looking for more places where they can be efficient, where they can go out and leverage more grant funding where it can be applied to a region instead of one community; and building capacity by bringing resources from State government or the profit sector, and sharing those resources more efficiently throughout the region.

The goals of regional collaboration are: To assist members with resources to which they already have access, to be a central location for data and information for the Eastern Shore, to have the ability to get information for the region instead of each county getting information on their own, and to be a venue for educating not only other members of the Partnership, but also elected leaders and residents.

Environmental Protection Agency Discussion

Reggie Harris, Environmental Justice Coordinator at the EPA gave a brief history of Environmental Justice including the definition of EJ which is the equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class.

Reggie said back in 1989 EJ was tasked with looking at the community of Chester, PA, a small community with a population of 40,000 people. The folks of Chester came to EPA and said there are too many dirty facilities in the community. Everywhere you look there are dirty hazardous facilities. They wanted to know how many of these of facilities are too many, and are the facilities affecting them. Reggie said they went down and took a look, gathered data, and did modeling studies. He said they came up with a strategy to do a Superfund Risk Assessment to see if the community was exposed to significant risk. At the same time EPA legal staff was looking to see if any of the facilities were in violation of their permits. In most instances they were not. They also wanted to know if there were any environmental statues that could be used to help them get through the study and help to answer any questions that they had.

Reggie said when they looked at the data in Chester what struck him was the blood lead data. More than 60% of children had elevated blood lead levels that exceeded CDC levels at that time. Reggie said EPA saw this as an environmental crisis, something that needed immediate attention and immediate action. He said they collaborated with the City and State, and because of the information in the report and the date collected they were given 2.5 million dollars from CDC to address childhood lead poisoning. Reggie said what was important was that community members became pro-active with City and State health departments to address childhood lead poisoning in the community.

Reggie talked about another issue in Chester, breast cancer and what he noticed was a high mortality rate. This speaks to another condition of concern, access to health care. He said women in Chester get breast cancer at a lower incidence rate but die from this disease at a higher mortality rate.

Reggie said they were looking at a community in crisis, a community where a number of conditions were occurring that were impacting the health and wellbeing of its citizens; and they opened up to taking a look at all the information and looking at the study. He said his message to CEJSC is that when they started looking at EJ and started to understand what was going on, the numbers spoke for themselves.

As a result of EPA involvement the Chester community started a group called The Chester Environmental Partnership which addresses asthma and childhood lead poisoning, and has a good working relationship with large businesses in the area. They also work hand-in-hand with a large energy plant and sit on their advisory panel.

Daniel Isles asked about the number of air permits in the County. Reggie said there were 11, of which 9 were in Chester County and contributing 99% of the emissions in that County.

Robert Hackman asked if the lead the children acquired was air borne, water borne, or paint based. Reggie said lead paint based, where houses were pre-1950 construction.

Angelo Bianca asked if the study cost anything. Reggie said yes and that the funds came from the regional administration fund, but most of the data came from in-house.

Daniel Isles, staff attorney for the EPA said one of the reasons he asked Reggie about the permits was because during the time of the study there was a legal challenge to the Pennsylvania Department of Planning brought under Title IV of the Civil Rights Act, for issuing a permit to one of the facilities in Chester. Title IV guarantees that *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

Daniel said there are two ways to bring a case. One, you can go in with your lawyer and show the permit is discriminatory because it is the 8th permit allowed to go forward in Chester, or two, you can go the Administration route and write a letter to the EPA Office of Civil Rights and they will investigate it. The remedy in the end is that EPA could withdraw the funds.

Daniel wanted to give this backdrop on Title IV because it is important to another case which took place in the late 90's in Camden, NJ. It was a proposal to put in a cement plant where the population was 90 percent minority. The facts for this case are that the company was leasing space from the State paying \$1.00 per year for rent and paying no income tax. The good news was the plant created 15 jobs, 7 of which went to the community. The bad news was the constant truck traffic (70,000 trucks) going through the community. So the question as it relates to Title IV is what do you consider, or what wasn't considered? What was not considered was the impact of mobile sources on a community that was already suffering serious impacts from other sources of pollution. The judge said that NJDEP had a 2.5 particulate matter limit which NJ should have considered for this facility. Because of these factors the judge granted an injunction against the facility for a week, but it was eventually thrown out of court because it was not proved that intentional discrimination existed.

Daniel said if you want anything on Title IV, his office can provide it to the Commission.

Angelo Bianca asked as a result of the law suit did anything change in the community. Daniel said yes an enforcement initiative and air toxics study were done.

Delegate Clarence Lam gave a brief introduction of the legislative process as it relates to bills being introduced and passed

- Bills can be introduced in the House or Senate
- Find a sponsor to introduce a Bill
- 6 committees in House
- Maryland goes through 3 readings for a Bill
- People can testify on a Bill
- Sub Committees serve as another means to reach out to legislators
- Full Committee can except or reject the Sub Committee's recommendation
- Amendments are taken up during 3rd readings
- Bills that pass in the House crossover to the Senate for passage
- If a Bill doesn't pass in the 90 day session it "dies" and the process starts over again in January
- Committee Chairs have jurisdiction and can stop a Bill from coming out of committee

- If a Bill does not pass the House and Senate, it does not go to the Governor for signing

Rebecca Rehr gave an update on Baltimore City case study:

- What is the role of the Baltimore City case study and how will it be written up? Rebecca said the case studies are to show examples of environmental justice throughout the State.
- How do Baltimore City casework on equity and the Sustainability Plan translate to rural communities? Rebecca said she thought that a lot and thinks that is going to be an important part of how we frame the case and we write it up. She said she didn't think the goal of the case study was to also write how rural/suburban communities might do a sustainability plan; but what are the core pieces of the equity work in the Baltimore plan that are replicable that should be considered and used based on the discretion of the local jurisdiction.
- Rebecca said she does think we should provide resources that are already available.
- The idea is that we present an urban case study but realize it might not immediately translate to rural communities, but here are the core pieces.
- Baltimore City case was focused on the equity lens - doing both internal analysis for their staff processes, and training internally translated and multiplied in the work that people then did.
- The other piece is the discussion with MACo concerning creating equitable healthy and sustainable community strategies for advancing smart growth and equitable development. The issue with MACo is to ask how we can recommend that local municipalities pick toolkits and use them in their land use and zoning. Rebecca said finally they are going to answer this by relationship building with Macon at the conference.
- As it relates to questions of how is this applicable for rural and suburban communities, Rebecca said they will point out the pieces of core value.
- The point of the case is not to recommend but offer the core pieces of the equity lens.
- Part B of this could be at MACo - finding who is doing related work in rural communities, who can help us with the rural case for next year. Who wants to get involved and help think about how environmental justice looks across the State in different jurisdictions, and how to include multiple sectors and multiple perspectives in the conversation.
- Equity can be part of the Planning Department but other departments as well.

CEJSC 2018 Goals

- Identify students/interns to research possible new case studies or continue current case studies.
- Identify equity areas for State of Maryland
- Find out the status of cumulative impact info/group (MDE)
- Obtain local input for Brandywine case study
- Continue engagement with MML
- Meeting with the Governor's Office
- Set potential legislative priorities (equity in process).
- Find out what happens after Annual Report is submitted to the Governor's Office.

- Provide EJ info/issues for legislators
- Continue dialogue with MACo
- CEJSC partnering with Legislative Black Causes at luncheon

Public Comments

Kamita Gray president of Brandywine TB Southern Region Neighborhood Coalition, currently the complainants on the Title IV Complaint with the State of Maryland, asked for the support of the Commission in helping to resolve some of the issues. She expressed concern about some of the language as it related to agenda item terms, and asked that her community be part of the process at the beginning, and that people don't speak for the community.

Meeting Adjourned