2024 Annual Report
Maryland Commission on Environmental Justice and Sustainable Communities

—

Strategies to Address Environmental Justice Challenges and Foster Sustainable Communities Across Maryland.

28th October, 2024

MEMBERS

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AFL-CIO   American Federation of Labor and Congress of Industrial Organizations

CEHPAC   Children's Environmental Health and Protection Advisory Council

CEJSC   Maryland Commission on Environmental Justice and Sustainable Communities

EJ   Environmental Justice

EPA   Environmental Protection Agency

GGRA   Maryland Greenhouse Gas Reduction Act

MCCC   Maryland Commission on Climate Change

MDE   Maryland Department of the Environment

MDH   Maryland Department of Health

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 the State government and externally for the communities experiencing environmental justice (EJ) challenges daily. As the Chair of the Commission and a Marylander "for life," the Commission and I will continue to push elected officials and the citizenry of Maryland to embrace diversity and fight for those frontline and fence line communities most in need and need/deserve our support and assistance.

In service,

Camille Burke

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 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 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.

EJ SCREENING TOOLS

Screening tools can be used to prioritize attention and investments in communities with EJ concerns. The various content layers of the MDE Screening tool include useful information in which to base sitting, 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 score" that considers both environmental and demographic indicators.

ENVIRONMENTAL JUSTICE AND CLIMATE

In Maryland, "environmental justice" means equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. CEJSC recognizes that climate justice is an important aspect of Environmental Justice. Climate justice may consider both burdens and benefits pertaining to climate change programs. Climate vulnerable communities include low-income communities, people with disabilities, the elderly, and racial minority groups. Vulnerable communities already carry 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 affect 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.

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." CEJSC also strongly supports the efforts of the Maryland Commission on Climate Change (MCCC) to devote attention and resources to climate justice.

CEJSC has engaged and met with a number of stakeholders within Maryland, other States and jurisdictions in order to develop these recommendations. CEJSC wanted to take measured steps in strengthening our current laws/regulations, creating more opportunities for Environmental Justice communities. The commission believes the eleven (11) recommendations demonstrate a commitment to creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders.

RECENT CEJSC ACTIONS

Commissioners developed a guide to Environmental Justice policy guide for State legislators. The guide aims to provide legislators with a baseline understanding of the environmental justice issues affecting marginalized communities in Maryland. This knowledge is crucial for crafting informed and effective policies. CEJSC helps ensure that laws and regulations do not disproportionately impact disadvantaged communities, promoting equity and fairness in policy. This guide should aid in the prioritization of resources and efforts towards communities that are most in need, ensuring efficient and targeted action to address environmental disparities. To aid in the development of holistic policy, legislators are provided with a framework to evaluate the potential impacts of proposed legislation on various communities, allowing for more holistic policy development. The guidance serves as a tool for promoting sustainable and just environmental practices and policies.

CEJSC is broadly tasked with reviewing and analyzing Maryland laws and policies pertaining to EJ issues, including state agency programs and permits. Under § 1-702(a)2 CEJSC was directed to collaborate with MDE on the development of specific strategies related to the geographic impacts of and resiliency concerns of communities disproportionately affected by climate. The commission received a briefing on the development of the Climate Vulnerability Map, a tool that combines community resilience data with climate forecast statistics. CEJSC commissioners were able to give substantial commentary to MDE to guide in the development and updates of the tool. Climate Vulnerability is an additional framework for identifying and investing in EJ communities implemented by MDE. In accordance with MD Code, Environment, § 1-702, MDE developed the Climate Vulnerability Score which identifies communities disproportionately affected by climate impacts. The tool uses a vulnerability index that scores census blocks based on a community's sensitivity and adaptive capacity and its exposure to urban heat island, storm surge, flooding, and drought conditions. Climate impacts are aggregated and combined with MDE's EJScreen percentile score to classify a community's climate vulnerability as baseline, low, moderate, or high. This methodology utilizes EJScreen to identify underserved and overburdened communities in respect to its existing pollution burden exposure and associated environmental effects, population sensitivity, and various socioeconomic/demographic indicators.

2024 RECOMMENDATIONS FROM CEJSC

ADVISE STATE GOVERNMENT AGENCIES ON EJ

- CEJSC recommends Coordinating with the MCCC Just Transition Working Group to promote green job opportunities in overburdened or underserved communities.

Promoting green job opportunities in overburdened or underserved communities is essential to fostering economic growth and environmental sustainability. It is important for State Agencies to focus on developing accessible education and training programs tailored to green industries. This includes partnerships with local community colleges and vocational schools to offer courses in renewable energy, sustainable agriculture, energy efficiency, and waste management as well as partnerships with companies at the forefront of the green economy to create pathways for local workers to green jobs.

- CEJSC recommends the agencies represented on the Commission develop a cross-agency method and reporting form for tracking local actions that either advance or challenge EJ.

Different agencies bring diverse perspectives and expertise, which can enhance the overall understanding and management of EJ issues. A cross-agency method and reporting form for tracking local actions that either advance or challenge environmental justice will be highly beneficial for several reasons. By involving multiple agencies, the approach ensures that all aspects of environmental justice are considered, leading to more comprehensive and effective solutions. Unified reporting would standardize the data collected across different jurisdictions and agencies. This consistency could allow for easier comparison and analysis of actions that impact EJ, facilitating better identification of patterns and trends

- CEJSC recommends the agencies represented on the Commission to coordinate information and promote consistent and shared messaging for state agencies' EJ Representatives and Coordinators

Regular meetings and workshops for EJ Representatives and Coordinators to discuss progress, challenges, and strategies would allow for better coordination of messaging. These events facilitate information sharing and the development of messaging guidelines to ensure consistency in communications across various agencies. The

formation of inter-agency working groups or workshops focusing on specific EJ issues helps to overcome barriers and foster collaboration across different sectors.

ANALYZE THE EFFECTIVENESS OF STATE AND LOCAL GOVERNMENT LAWS AND POLICIES TO ADDRESS ISSUES OF EJ AND SUSTAINABLE COMMUNITIES

- CEJSC recommends highlighting local jurisdictions that have implemented effective EJ practices, initiatives, and programs in their communities.

Showcasing successful examples can inspire other communities to act, provide a roadmap for what is possible, and can motivate stakeholders to prioritize EJ in their own jurisdictions. Highlighting local initiatives allows for the sharing of best practices and lessons learned. By recognizing local efforts, communities can create networks and partnerships that facilitate collaboration. Publicizing successful EJ initiatives pushes EJ to the forefront of public discourse and policy agendas. Giving credit to communities creates a positive feedback loop by encouraging local groups to continue and expand their work while incentivizing other jurisdictions to implement similar practices. Additionally, documenting successful practices provides valuable data and case studies that can inform policy development at local, state, or national levels.

COORDINATE WITH OTHER COMMISSIONS ON THE ISSUES OF EJ AND SUSTAINABLE COMMUNITIES.

- CEJSC Recommends coordinating with CEHPAC to continue outreach to those communities most adversely affected by EJ issues.

Engaging directly with EJ communities empowers residents by involving them in the decision-making processes that affect their lives and surroundings. Ensuring EJ communities are heard and considered in policy and project planning is paramount. Each community has unique challenges and needs based on their specific environmental, social, and economic context. Better understanding of these specific issues allows for tailored solutions that address the root causes of environmental injustice. Many communities adversely affected by EJ issues have historical reasons to mistrust external institutions, but consistent and genuine outreach helps to build trust and bridges between community members and policymakers, NGOs, or other stakeholders.

- CEJSC Recommends coordinating with CEHPAC to connect EJ communities to the natural resources that CEJSC is working to preserve and protect.

Those living in impacted communities often have valuable local knowledge and insights that can lead to more effective and sustainable solutions. By including them in the conversation, proposed interventions are more likely to succeed and be well-received. Regular engagement ensures that those responsible for creating or exacerbating EJ issues remain accountable. Maintaining an ongoing dialogue helps ensure that

commitments made to address injustices are followed through. Continued outreach and community engagement by MDE helps raise awareness both within and outside the impacted communities, drawing attention to issues that may have been ignored or underestimated by broader society. Communities empowered through outreach can foster resilience, which enables communities to better adapt to environmental changes and advocate for themselves in the future.

RECOMMEND OPTIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY; INCLUDE PRIORITIZED AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.

- CEJSC recommends passage of legislation that gives MDE the authority to condition, modify or deny new permits and permit renewals in overburdened and underserved communities as defined in the Climate Solutions Now Act.

By regulating environmental permits more strictly in EJ areas, agencies can protect the health of residents who are more vulnerable to the adverse effects of pollution and environmental hazards. Potential legislation would provide a mechanism for involving communities in decision-making processes that affect their environment and health, potentially leading to more informed and community-oriented outcomes. Legislation expanding MDE authority would encourage more responsible and sustainable development practices in overburdened and underserved areas leading to better long-term outcomes in terms of economic growth, public health, and environmental conservation.

- Explore the expansion of MDE authority for the re-evaluation of existing special exceptions.

Community priorities and concerns may change over time. MDE having the authority to revisit special exceptions would provide an avenue for these evolving community values to be incorporated into environmental management. Expanded authority could allow for MDE to align existing special exceptions with new environmental policies or legislative changes, maintaining consistency and coherence in regulatory frameworks.

RECOMMEND OPTIONS TO THE SECRETARY OF MDE

- CEJSC recommends commissioners coordinate with MDE on the establishment of an at least 40% goal for the percentage of state funding for greenhouse gas emissions reduction measures that should be used for the benefit of disproportionately affected communities.

Communities that are disproportionately affected by pollution and climate change often have fewer resources to adapt and mitigate those effects. Directing funding to these communities helps address historical and current inequities, ensuring that they receive the support needed to improve their quality of life. These communities frequently suffer from higher rates of health problems related to pollution, such as asthma and cardiovascular diseases. Investing in disproportionately affected communities promotes economic development through job creation in green industries and infrastructure improvements. Targeted investments into EJ communities promote economic equity and help lift communities out of poverty. These investments include infrastructure improvements, green spaces, and other adaptation measures that bolster community resilience.

- CEJSC recommends use of "plain language" referenced in Executive Order 01.01.24.25 to make MDE easily understandable for all Marylanders who want to advocate for Environmental Justice communities.

Plain language helps break down complex environmental jargon and technical terms into simpler, more understandable terms. This ensures that people from all educational and professional backgrounds can comprehend important information. When information is presented clearly, more people are likely to engage with it. This is crucial for environmental justice advocacy, as it encourages more community members to get involved and speak out on issues affecting them. By using language that is easy to understand, individuals are empowered to make informed decisions and partake in meaningful discussions about the environment and their communities. Plain language promotes inclusivity by ensuring that language barriers do not prevent individuals from participating in environmental justice efforts. It allows people from diverse linguistic and cultural backgrounds to understand and contribute to the discourse.

- MDE should support an easy to access means for the community to communicate with MDE regarding environmental concerns.

Providing straightforward communication allows MDE to respond effectively to environmental issues as they arise, ensuring that problems are addressed before they escalate. Access to MDE fosters a sense of involvement and engagement within the community. When communities feel their voices are heard, they are more likely to participate in and support environmental initiatives. Direct input from EJ communities can provide MDE with valuable local knowledge and insights that may not be evident through other data sources. When communities see that their concerns are taken seriously, it builds trust between residents and government agencies. Plain Language Communication with communities can also serve as an opportunity to educate, raise awareness, promote policies, and clarify the importance of sustainable practices. When communities have a means to voice their concerns, MDE can maintain high standards in environmental management.

CEJSC GUIDE for State Legislators

Maryland Commission on Environmental Justice and Sustainable Communities

Prepared by CEJSC Commissioners

Commission on Environmental Justice & Sustainable Communities

Environmental Justice
A Quick Guide for Legislators

The Maryland Commission on Environmental Justice and Sustainable Communities is charged with advising state agencies on environmental justice and recommending solutions. **For more information, [click here](#).**

What is Environmental Justice?
Environmental justice (EJ) is defined in Maryland law as, "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status."

The U.S. Environmental Protection Agency definition includes the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people:

- are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and
- have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

These definitions are rooted in the [1987 Toxic Wastes & Race Report](#), [17 Principles of Environmental Justice published in 1991](#), and the [1994 Federal Executive Order 12898](#). The EPA offers a comprehensive [timeline](#) of the environmental justice movement.

What is the Maryland Department of the Environment (MDE) Environmental Justice Screening Tool?
To help operationalize the definition of environmental justice and to identify populations bearing disproportionately high and adverse effects of environmental pollution, the *MDE Environmental Justice Screening Tool* is one of several innovative mapping tools that was created in the last several years. An interactive mapping tool that shows communities that are "underserved" and/or environmentally "overburdened," based on Maryland state law, this tool uses demographics, economic, environmental hazards, and health data. Environmental justice issues vary by jurisdiction. The screening tool allows users to select any census tract in the state for a "score" that reflects aggregate risk factors and hazards in that area. [This tool](#)can be used to inform funding priorities, siting, zoning, permitting, and enforcement and compliance. You can also reference additional tools like the [MD EJ Screen](#) from the University of Maryland School of Public Health and the [White House Council on Environmental Quality's Climate and Economic Justice Screening Tool](#).

Examples of Maryland's Environmental Justice Priorities:
Investing in Climate Resilience

- Climate change affects us all, but not equally. With more than 3,000 miles of coastline in Maryland, we are uniquely vulnerable to impacts of sea level rise and flooding. The urban heat island effect, spread of vector-borne diseases, and more extreme weather events (heat, rainfall) are impacting health outcomes across the state. Low-income communities and communities of color are disproportionately affected by climate impacts due to past injustices and current inequities. In 2024, Governor Moore [issued an Executive Order](#) on climate change directing agencies to report how they are advancing environmental justice and addressing the disproportionate impacts of climate change for underserved and overburdened communities. The Order also emphasizes compliance with the federal Justice 40 initiative to ensure Maryland laws and policies provide at least 40% of the resources allocated to environmental programs to overburdened or underserved communities.

Addressing Cumulative Impacts
- Some communities across the state experience higher levels of health stressors like pollution (air and water), excessive noise, food and healthcare deserts, and/or living near major roadways. The accumulation of hazards impacts human health and quality of life. The state must both enact protections for residents living near multiple hazards and prioritize authentic and meaningful community engagement in state and local permitting processes.

Reforming Local Zoning and Permitting
- Local zoning regulations are an important tool that can prevent a concentration of polluting sources from being sited on land within or proximate to already overburdened or underserved areas. In making zoning decisions, jurisdictions need to thoroughly review the impacts of current land uses as well as new uses with specific permitting decisions with specific considerations for areas already overburdened or underserved, make decisions to prevent additional harm, and take corrective action.

Improving clean air and clean water in overburdened & underserved communities
- Everyone in Maryland should be able to drink and recreate in safe water, and breathe clean air. Overburdened and underserved communities generally live in areas with diminished air and water quality. Special attention should be provided to improving the air and water quality in these areas to diminish detrimental health outcomes.

Expanding opportunities for participation in clean energy economy through a just transition
- Maryland has committed to a 60% emissions reduction by 2031, and a transition to 100% clean energy by 2035. Along the way to a clean energy future, there will be job opportunities at every step that should be directed to overburdened and underserved communities. Investment in workforce development and training programs are critical to ensuring equitable opportunities for sustainable work, wages, and wealth.

How <u>YOU</u> Can Evaluate Proposed Policies, Projects, and Laws to Advance Environmental Justice
Adopt a five-step equity lens analysis by considering the following questions:

- **Meaningful Community Engagement**: Which stakeholders and communities were involved in each phase of proposal development? Should others be engaged?

- **Data**: What data was used to develop the proposal? Do you need more data?
- **Benefit/Burden/Mitigation**: Who will benefit from the proposal, and will anyone be burdened by it? If so, who? Are there steps that can be taken to mitigate potential harm?
- **Implementation**: What is your plan for implementing the policy or law? What resources will be needed for effective implementation? What is the timeline for implementation?
- **Evaluation and Reporting**: How will you evaluate the impact of your action once it is implemented? How will you communicate the results?