

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Date: 10/25/22

Time: 10am to 12pm

Commissioners: Camille Burke, Horacio Tablada, Pete Hill, Voncia Molock, Subha Chandar, Monica Brooks, John Papagni, Crystal Faison, Delegate Boyce, Paulette Hammond, Lori Cunningham, Melissa Brown, and Lesliam Quiros

Interested Parties: Devon Dodson, Lisa Nissley, Suzanne Dorsey, Kim Pezza, Rebecca Rehr, Kamita Gray, Pam Kasemeyer, Codi Coutler, Pamela Bingham, Dr. Sacoby Wilson, Calia Wajar, Jennifer Kunze, Dorothy Morrison, Lindsey Mendelson, Hannah Schaefer, and Noah Waters

Minutes

1. Introduction by Camille Burke, Chair

Camille Burke welcomed the commission and Introduced our new Commissioner, Lori Cunningham. She works in community outreach for the City of Bowie and is representing MML on the Commission. Lori Cunningham shared that she works on diversity education, public art, and community outreach programs. She is excited to learn and contribute to the Commission.

Camille Burke shared that it is National Childhood Lead Poison Prevention Week. As part of her day job she participated in a kickoff to celebrate the week of awareness. This was in College Park with MDE & MCHD. Horacio Tablada was also there and he shared that it was a great program with all of the partners including Green House and Healthy Homes.

Camille Burke asked commissioners to watch for an email on minutes that need to be approved and a draft of the annual report recommendations. More to come on this in the meeting.

2. CEJSC Appointments Update

Devon Dodson shared that MML, MACo, and the AFL CIO have made their appointments. The Governor has one appointment left for a university with an EJ program. The rest of the appointments are with the presiding officers and have been for the past year. He has reached out a few times over the year. This accounts for more than a quarter of the membership of the commission. Delegate Boyce mentioned that the presiding officers are focused on the election this year. The Commission agreed to write a letter to the presiding officers asking them to fill these positions.

3. Staff Update: MDE EJScreen

Devon Dodson updated the Commission on MDE EJScreen. For those unfamiliar, in 2021 the internal workgroup at MDE decided to develop a screening tool. The great news is it is up and running and the MDE staff understands the tool and understands the value.

Under HB 1200, applicants for MDE's public participation permits have to provide an EJ score to MDE, using an EJ tool. MDE confirms the score and it is shared with the community. This is the basics of the law, but MDE wants to do more. There is no provision allowing MDE to deny the permit based on the score. Practically, MDE can review the score and look at the need for any additional conditions or modifications based on the score and community concerns.

Another tool in the toolbox is the overburden/underserved definitions passed in the CSNA this year. Devon Dodson has also met with MDOT, MDP, MDH, and DNR who are all also using the tool for their own programs/purposes.

Camille Burke said that she understands MDE can't deny a permit, but can you delay based on the score? Devon Dodson answered yes, we delay permits all the time. That is not unusual, especially if a community has not been engaged or if they are in ongoing conversations with the regulated entity.

Secretary Tablada said that MDE always considers the community point of view and we work to get more information and give consideration to their concerns. This happened recently with an issue on the shore and ultimately the application was withdrawn.

MDE is continuing to grow the screening tool

John Papagni asked about what is a public participation permit. Devon Dodson answered it is a permit application that requires public notice and comment in the law. An example of something that does not is a permit for dental radiation machines.

Pete Hill asked if the mapping tool has an urban focus or if rural areas are included. Devon Dodson answered that the tool covers both. Pete Hill asked if there is access to county information. Yes, the socioeconomic information is the same and if there are facilities permitted by MDE, they will be on the map as well.

4. Discussion: Justice 40 Initiative

Devon Dodson began the discussion on Justice 40 to address how the conversation about this effort is happening on the state level. Seventy-three of EPA's programs are covered under Justice40 which includes pretty much every program MDE receives funding from. The policy says 40% of these funds should be spent in underserved or overburdened communities. EPA is definitely giving money to the states to operate things like clean water drinking, infrastructure divisions, etc. They are using MDE Screening Tools to do that. This year's State budget has language that mirrors the Justice 40 funding language.

Devon Dodson and other staff have met with Region III and with EPA headquarters about this to give feedback. Region III is working with communities. They shared with us who they have picked for outreach. The list includes Port Towns, which is next to Cheverly who we have worked with, Cherry Hill, next to Curtis Bay, Hopkins-Middle East, and Sparrows Point, next to Turner Station. Since these are all next to areas we are working in, Devon Dodson asked if it is possible to look at not just these four but use a cluster approach. Just this morning, he got an email back saying yes we will explore this concept.

The bulk of the money will be coming in 2023. This will likely get bigger and bigger. There will be opportunities for the Commission to do outreach, help identify communities, and make sure the right communities are being addressed.

Dr. Wilson added to the discussion. He is an ex officio member of NEJAC. The NEJAC developed a group to give feedback to the EPA - \$3 budget - probably more than ever had for EJ before. He thinks it is important to be tracking who is getting the money, who is applying, and what the return on Investment for that money is. He mentioned that there is a New White House Environmental Advisory Council (WHEJAC) that serves as an overarching body for all federal agencies. Many of the federal offices now have offices of EJ, but the NEJAC was there for 40 years. He thought that we could create some sort of tracking method for the state agencies and he mentioned the budget language too. He said we need to think about restorative justice and what are we going to do about that, thinking about how EJ has affected multiple generations.

Devon Dodson mentioned that DOE has created an EJ office and anytime a federal agency creates something, it is expected to go to the states. MEA is already required to give % of funds to the EJ communities and they too are using the screening tool.

Camille Burke has a comment and question. EPA mentioned four communities, but none on the shore or out west where there are well documented EJ issues. Please mention that to the EPA. Devon Dodson said he did mention this to the EPA Region III Administrator. This is just the first phase, they believe they will do more in further reaches of the state. Camille Burke continued that these dollars are very prescriptive - communities will need to understand what these dollars are for, not just for spending

Subha Chandar commented that we have heard a lot today and there is a lot involved. Devon Dodson said he is also trying to figure it out. The Commission could be required to do certain things, working in consultation with MDE and he hopes with more appointed members, we will have more capacity. The best we can do is keep gathering information, follow what's happening, make sure not so prescriptive that we can't get the money to the communities. Devon Dodson agreed and mentioned that he only meets with NGOs if they have a community involved with them. He also predicts EJ officers for additional agencies. Dr. Wilson said this is in the scorecard recommendations too and he expects MDE to get an A next year with all of the efforts the Department is making.

Mayor Noah Wilson of Eagle Harbor spoke up to describe some of the issues the town has been dealing with in terms of Pepco. There is a power plant next door and he would like a sunset, green technology, restoration to the community for the Environmental injustices. Devon Dodson said that he knows MDE's WSA program has been in touch and asked the Mayor to please outline these issues and share directly with him as the EJ officer. He will look at what we are doing/not doing and be able to understand who is responsible. Camille Burke thanked the Mayor and invited him back. Please keep us up to date with what is going on. Our role here is to hold agencies' feet to the fire on these issues. If we don't know about it, we can't help you. The Mayor mentioned an on site meeting on November 5th, Saturday at 1p with the community and university partners. He will share that information.

5. Discussion: Annual Report

Devon Dodson will email the draft recommendations for the Commission to review. They are set up with the statutory requirements in italics and a recommendation for each requirement. The draft recommendations are based on the conversations we have had about these various issues over the year. Devon Dodson reviewed the draft quickly and asked everyone to please write back if you support, don't support, or need edits. This was due October 15th so please send comments by the end of next week.

6. Public Comment

Rebecca Rehr, LCV, appreciates the recommendations for next year and that they include some CSNA implementation. She reminded the group that the law says or before 2023 so we may want to

move ahead with some things sooner. If anything we (advocates) can do to be supportive, please let us know.

Kamita Gray said that we have important community organizations that deserve a place at the table and they are very capable people. Devon fully understands, if still want to do presentation at the next meeting, that is possible

Monica Brooks commented that some people who have been at the table a long time and have access, are known, etc they know where to go, but there are other people who are not aware and we are in a good position to influence and make sure everyone can see how to make access. We need to work to chip away at some parts of the conversation that need to be removed. For example, often people group minority and low income, but they are not necessarily related. Yes, Devon said unconscious bias training can be important.

Devon Dodson mentioned that the next meeting is scheduled for Tuesday, November 22nd and we also have a meeting a week or two later with CEHPAC. He is leaving up to the commission if we should have two meetings. Delegate Boyce suggested waiting for the December meeting and Camille, Burke agreed. We have exceeded the number required by law. Due to COVID, we have not met the outreach part since we have held off on in person meetings. We do hope to begin in person or hybrid meetings in the spring. Perhaps we will start with Eagle Harbor. Camille Burke asked that we come with a schedule for 2023 where to go, what to do, etc. Delegate Boyce do field trips have to be on the day of the meeting? No, we have tried do it some because dates already on calendars

Move to adjourn - 11:52

FROM THE CHAT BOX:

Voncia Molock 10:00 AM

Good Morning All!

Pete Hill 10:01 AM

Good morning!

Sacoby Wilson 10:04 AM

that's great.

Crystal Faison 10:04 AM

Welcome Lori! I, too, live in Bowie. Perhaps we can meet in Bowie soon. -Crystal

Lori Cunningham 10:05 AM

Thank you Crystal! That would be awesome. Let me know when you're free.

Sacoby Wilson 10:06 AM

there is no safe level of lead, must make our neighborhoods lead free

Pamela R. Bingham 10:08 AM

Good morning! I work with Dr. Wilson and will check back in later. I am going to teach Girl Scouts to test for lead!

Lori Cunningham 10:08 AM

I'd love to get the location and time for the tomorrow in Prince George's County.

Sacoby Wilson 10:08 AM

City of Baltimore needs to also assess bipartisan infrastructure bill funds to get some of the legacy pollution funds and also IRA funds to get the EJ block grant funds; who is working on this in the City and how are they engaging frontline EJ groups in Baltimore

Sacoby Wilson 10:12 AM

can you use a workgroup approach to bring on non-members?

Sacoby Wilson 10:14 AM

ask ex-officio member

officio member

we do the same thing for the National Environmental Justice Advisory Council

I am no longer officially a member but am ex-officio of NEJAC's Justice40 workgroup

John Papagni -DHCD- 10:16 AM

What was the 2021 bill number that altered membership in the Commission?

You 10:18 AM

SB 674 https://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_635_sb0674E.pdf

Sacoby Wilson 10:20 AM

Will all of this info be readily available on the MDE website reflecting the principle of recognition/representative justice

Sacoby Wilson 10:21 AM

why not? EPA headquarters is pushing on responses to cumulative impacts of air quality

Sacoby Wilson 10:22 AM

also Headquarters is pushing hard on the use of Title VI, should not we be using new guidance (or old guidance on Title VI) and follow the lead of the new Office of Environmental Justice and External Civil Rights

Sacoby Wilson 10:22 AM

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Sacoby Wilson 10:23 AM

sorry about my poor grammar

I suggest that we should use Title VI and follow the guidance of the new Office of Environmental Justice and External Civil Rights

Sacoby Wilson 10:25 AM

still bad grammar, use Title VI, lol

Sacoby Wilson 10:27 AM

we are upgrading our tool to bring in more climate, energy, segregation, redlining, and near real-time air quality data, just fyi
need to also how joint demos

Sacoby Wilson 10:29 AM

also for MDE and Commission members, we are working on improving rural and agriculture-related indicators

Sacoby Wilson 10:30 AM

we should also tweak the tools to allow for apples to apples and oranges to oranges comparison (urban to urban and rural to rural)

Sacoby Wilson 10:32 AM

in the update, we are also adding to the unit of analysis not just census tract, but also block group, block, school district, and legislative district

Sacoby Wilson 10:33 AM

important for Commission members particularly for planning purposes to use school district and legislative district analyses

Sacoby Wilson 10:37 AM

capacity and technical assistance is needed
unfortunately, every state does not have an EJ Commission

Sacoby Wilson 10:38 AM

get the ROI

in region III

\$10 million

for 5 years, 2 million/yr

Dorothy Morrison 10:39 AM

EPA is working on establishing technical assistance centers to assist with the lack of capacity in communities.

Sacoby Wilson 10:39 AM

will do a hub hub approach

creating community hubs- build capacity and pass through monies to the hubs

yes, Dorothy, the TCTAC RFA

we are also applying for the DOT/HUD TCTAC

Sacoby Wilson 10:40 AM

thriving communities, technical assistance centers RFA

Cherry Hill is part of a coalition with SBCLT

Dorothy Morrison 10:41 AM

That's right Sacoby.

Sacoby Wilson 10:42 AM

port towns- Adam was a mayor of one of the Port Towns
use EJ SCREEN to cluster

subregional approach

Sacoby Wilson10:43 AM

\$3 billion dollar budget now

Sacoby Wilson11:07 AM

layering

use the map and the eye test

Sacoby Wilson11:08 AM

do above 60th percentile on the tool

to create the pool, then look within 75th percentile and the 90th percentile

Sacoby Wilson11:10 AM

it is in the scorecard

Regina Boyce11:25 AM

I did not receive yet a response from the contact regarding the Conservation bill interpretation of the commissions responsibly around safe drinking water

Sacoby Wilson11:29 AM

we wrote a short paper on climate justice for the Maryland Municipal League; can engage with them with help from the UMD Environmental Finance Center

tie it to funding

green amendment language

Sacoby Wilson11:34 AM

not sure if Commissioners have read this yet on water infrastructure, could be useful:

https://www.epa.gov/sites/default/files/2019-05/documents/nejac_white_paper_water-final-3-1-19.pdf

it is a NEJAC report on water infrastructure

Rebecca Rehr11:38 AM

Here's the language from the bill: SET APPROPRIATE GOALS FOR THE PERCENTAGE OF STATE FUNDING FOR GREENHOUSE GAS EMISSION REDUCTION MEASURES THAT SHOULD

BE USED FOR THE BENEFIT OF DISPROPORTIONATELY AFFECTED COMMUNITIES

Regina Boyce11:40 AM

Yes, sis!!!

Monica Brooks11:41 AM

YES YES and YES

Sacoby Wilson11:42 AM

that's a big issue particularly with all of this EJ Gold out there now

Rebecca Rehr11:42 AM

Could that be part of the recommendations in the report re: Justice 40 funding?

Monica Brooks11:43 AM

That makes since Rebecca

Rebecca Rehr11:43 AM

Gets at what Dr. Wilson was saying about addressing the systems in place that control the funding. So, perhaps that could be an explicit part of the CEJSC recommendations in the report this year?

Sacoby Wilson11:44 AM

yes, Rebecca, it should be, I believe it is part of the WHEJAC recommendations

Sacoby Wilson11:46 AM

this is one set of recommendations from WHEJAC:

<https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf>

B. Thomas Burton (BTB Coalition)11:48 AM

Yes, thanks very much Monica!

Monica Brooks11:48 AM

Thanks Ladies!!!

Dorothy Morrison11:48 AM

Ops, just noticed I didn't hit send on this comment earlier: A vast coordinated and integrated approach is going to be needed for the success of the J-40 initiative. Need a champion agency as the central coordinator to lead the effort for the State. Sounds like MDE in partnership with CEJSC to me.