

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Location: Virtual

Date: 04/27/21

Time: 10am-12pm

Minutes

Members in Attendance: Secretary Ben Grumbles, Camille Burke, Subha Chandar, Joseph Griffiths, Joe Papagni, Malachy Rice, Janet Cornick, Robert Hackman, Lesliam Quiros-Alcala, Paula Dannenfeldt, Paulette Hammond, and Barbara Paca

Members of the Public & Staff: Assateague Coastkeepers, Charmaine Brown, Hannah Schaffer, Dorothy Morrison, Elizabeth Shwe, Theo Miller, Monica Brooks, Morgan Johnson, Veronika Carella, Megan Latshaw, Patrick DeArmey, Pam Kasemeyer, Hannah Brubach, Horacio Tablada, Suzanne Dorsey, Devon Dodson, Lisa Nissley, Lisa Jones, Kimberlee Drake

- **Introduction by Camille Burke, Chair**

Camille Burke thanked the legislators for all the work they did during the session. She commented on the legislature's work process to create and pass legislation. She knows there is more work to do, but she is grateful for what was done this session and happy to be included in the process. She mentioned if you need help finding a vaccine, let her know. The minutes were approved.

- **Remarks by Secretary Grumbles**

Secretary Grumbles welcomed the Commission and guests. He is pleased with the interest people have in the Commission. MDE is committed to working on these issues with communities. He is looking forward to a time when we can visit communities.

- **Update: MDE Internal EJ Work Group & MCCC Climate Justice Work Group**

The Maryland Commission on Climate Change is working to incorporate EJ in every piece of their work and has named Charmaine Brown MCCC Climate Justice co-chair of the MCCC Climate Justice Team.

Charmaine Brown introduced herself and shared that her work has been focused on issues of diversity, equity, and inclusion. She would like to bring that lens to the work on the Maryland Commission on Climate Change and she sees ways for the two commissions to collaborate. She added that people in communities are close to these problems and bring

an important perspective. She would like to make sure their voice is being included in discussions on climate change policy in Maryland.

The MCCC has a focus on recruitment, and she has been working with Devon Dodson on that. They have also worked on a mission/vision statement, so everyone is very clear on what they are working toward. The workgroup will be presenting training opportunities on cultural competence so members can better interpret behavior and make this work sustainable over time.

Devon Dodson shared that part of the MDE EJ Implementation Policy includes forming an Internal workgroup and under the policy he is the EJ Officer. The workgroup has met twice in recent weeks and will receive the same EJ Screen presentation the Commission received a couple months ago. They are also forming subgroups on issues such as permitting, enforcement, and internal education.

- **Legislative Wrap Up: Status of bills considered by the Maryland General Assembly**

On the tracker we used this session, there were 8 bills (13 when you counted crossfiles). That was shared with Commissioners the week session ended. Of those, 3 (6 w/crossfiles) Passed, 5 Failed. Two of the failed bills had CEJSC requirements. Highlights include:

HB 51/SB121 Zoning – EJ - Failed

Requires an EJ analysis for certain applications to construct/operate a landfill in an area zoned for residential use; EJ analysis is to be prepared at expense of property owner. CEJSC to make recs on EJ & local zoning by 6/1/22.

HB 183/SB449 PIA Provisions – Passed:

Provides for enhanced public disclosure via agency websites, makes changes to the PIA Compliance Board, and increases staffing to the Ombudsman by OAG. It is enacted 7/1/2022.

HB 583/SB414 CSNA Failed

This bill would have included new work for the Commission. It said:

Adds to the charge of the CEJSC to make recommendations to the MCCC on:

- A methodology for identifying communities disproportionately affected by climate change.
- Addressing EJ concerns, reducing emissions of GHG & co-pollutants, and building climate equity in those communities.

- Goals for the percentage of state funding for GHG emission reduction measures to benefit those communities.

Specific instructions:

- Consult with the Departments of Health, Labor, and Planning
- The method should consider geographic, public health, and socioeconomic criteria including:
 - Areas burdened by cumulative impacts.
 - People experiencing poverty, high unemployment, high rent burdens, low levels of home ownership, or low levels of education attainment.
 - Populations that have historically experienced discrimination
 - Areas vulnerable to the impacts of climate change
- Six public hearings (3 in urban area, 3 in rural area) for input on the development of the recommendations
- Receive input from all segments of affected population mentioned above.
- The public hearings can be virtual if needed for public health reasons.


Delegate Boyce shared that the House worked on changing this from being the responsibility of the Commission to the responsibility of the Department with consultation from the Commission. They tried to be conscious of the workload of the Commission.

Devon Dodson and Camille Burke thanked the Delegate for making this point on the Commission's behalf.

HB 1207/SB 674 CEJSC Reform

Lisa Nissley reviewed a chart of the changes to the Commission (attached). The bill adds definitions, grows the membership, adds to the charge of the commission, and requires community meetings. Some of the new members will be named by the Speaker and the President. There will be a representative from MACo, MML, and two from AFL CIO. Meetings will need to be held in diverse areas of the state, four times/year. The new charges require the Commission to collaborate with the Office of Minority Health and Health Disparities and the MCCC. It also adds requirements to use data sets and mapping tools as we analyze policy for EJ impacts. The bill goes into effect on October 1, 2021.

Devon Dodson pointed out that the bill does not change much about how we are currently operating, but ensures we continue to move forward in this way. We are looking forward to getting



out into the community. Delegate Boyce pointed out that the bill acknowledges that there were decisions made years ago that have an effect now and we should be addressing those effects. It is a result of knowing and understanding more now.

On community meetings, we will do everything according to COVID safety precautions and hope to get out into the communities as soon as it is safe. Senator Patterson shared he sees the bill as a way to have checks and balances to be sure work is getting done. He is really looking forward to seeing the Commission out in the communities.

Bob Hackman asked about funding. There is no explicit funding, but Devon Dodson explained that MDE would be responsible for location and mileage. Those cost should be minimal. Secretary Grumbles shared his support and said the Department will support the meetings and appreciates how everyone worked hard on the legislation. The ability to get out there and listen to the communities will be a key part of the effort to move forward.


Devon Dodson will look into options for us moving forward with this effort and what makes sense in terms of visiting communities with regard to COVID. We would like to visit the Eastern Shore and he will come back to the Commission with some ideas of how logistics could work, as well as a proposed schedule. Camille Burke shared she likes that idea and virtual could work some, though she is concerned about access to wi-fi. Delegate Boyce suggested we consider some sort of hybrid situation where we have virtual access, but also some outside/distanced option.

Joe Griffiths of Planning said beyond logistics, we want to define why we are there and what we can offer so we can build trust with communities. Devon Dodson agreed, we want to learn about problems and get the communities connected to the correct agencies that can help address the issue. Senate Patterson suggested once we have a schedule, reaching out to local officials to notify, sharing questions with the community in advance so we can be better prepared to answer their concerns.

On membership, Paula Dannenfeldt asked about how new members will be appointed. Devon Dodson answered that some expire in October already and he will coordinate with the Senate President and Speaker to involve new members as early as possible.

- **Discussion on Community Outreach**

Monica Brooks shared her experience as an Eastern Shore resident advocating for the safe regulation of CAFOs. She grew up in LA, but has been in MD for 26 years. She was a city kid who



loved trees and spent a lot of time outside. She came to the Eastern Shore for fresh air, farmers markets, quiet, and elbow room.

As the community learned more about CAFOs, they were very concerned about the effects on health and water wells, etc. They started petitions asking for better review of health considerations, but they felt dismissed. They started learning more about the operations. They are not anti-poultry or agriculture. However, there is a concentration of these facilities on the Eastern Shore and we need to consider if there is a health impact. The response was often this industry brings a lot of money to the Eastern Shore and we do not want to mess with that.

This community needs support. There are many skin issues and so many flies. There is a high minority population and these permits are being processed rapidly.


Someone asked what is a megahouse? Monica explained it is a 400 foot by 50-foot facility for chickens (about the size of a football field).

Monica talked about hitting walls when asking questions about impacts. Devon Dodson offered to be helpful with any MDE issues. Monica asked him what his experience has been reaching out to other agencies with problems. Devon said that he does not have any trouble with sister agencies. He has various levels of response from legislators and local governments. Often when he hears about these problems, we are past the point of the decisions being made.

Barbara Paca pointed out we have experienced the wi-fi issues people have when joining us in meetings, but there are also lots of issues with noise from farm machines and even being behind them on the road. It can feel like a different world and she just wants to support Monica's comments.

Bob Hackman asked if as the EJ officer, does Devon have the first pass at these issues. Yes. If a water issue comes up, for example, he will go to them. He finds that many times it is a matter of communication. These issues have often been touched by staff already.

Monica Brooks shared that she often did not get a good response, but they kept trying. They do not really care where the help comes from, but they do really need help. She is a small business owner, not relying on others for her employment so she is willing to put herself out there. Not everyone feels that way. She is just working to make the industry better.



Senator Patterson asked Secretary Grumbles how we confront local laws that impact what we might want to do at the state. Secretary Grumbles responded that this has been a long-standing challenge for both climate and EJ. He is trying to use all the state's tools and financial assistance. In some cases where a local issue rises to a level the state can step in and they do. We try to work with local authorities.

Camille Burke thanked Monica. This is the beginning of the conversation, and she looks forward to visiting the community as soon as we are able.

- **Public Comment**


Veronika Carella - MD CEHC Legislative Director.

"The commission is tasked with addressing both EJ as well as Sustainable Communities issues. Requesting CEJSC address this issue per CEJSC statute: Section 1-701(h) Duties (2) "Review and analyze the impact of current State Laws and policies on the issue of environmental justice and sustainable communities the issue of what pesticides are allowed for use in the State of Maryland."

Please investigate why there are currently no regulations in Maryland to guide the Registration & Labeling of Pesticides approved for use in Maryland by the MDA or any other Agency. The regulations (MDA Reg - State Chemist 15.18.02) enacted in 1988 were repealed in 2004. Decisions on what pesticides are allowed do NOT conform with the "Health in All Policies" initiatives - as impact to public health and to ground water are currently not considered.

As a result, the issues related to protecting groundwater from pesticides documented to contaminate wells (the source of Maryland drinking wells) are not being addressed. Again, Devon, Camille and some CEJSC members were copied on recent emails to MDA highlighting issue from person with standing. Protecting water and human health is critical ensuring Maryland has sustainable communities."

By chat, Megan Latshaw shared: speaking of national policy, there is White House meeting on EJ tomorrow: <https://www.federalregister.gov/documents/2021/04/20/2021-08107/white-house-environmental-justice-advisory-council-notification-of-virtual-public-meeting-series>



By chat, it was shared that WEACTION has Spring & Summer 2021 EHJLT Program <https://www.weaction.org/home-3-2/getinvolved/education/ehjlt/ehjlt2021/> Virtual Trainings on various EJ related issues.

Megan Latshaw offered public comment. She would like to see if there are ombudsmen to help with these concerns or any sort of 311 type system. After a concern is shared is there a way to make sure the issue is closed out and note of the person is satisfied or not?

Suzanne Dorsey shared that MDE provides 24-hour customer service and it is a MDE core value. She is working on our public records and would like them to be more searchable. We work toward being as responsive as possible and aim to provide more and more information on the website, so you do not have to be in touch with a person first. That said, data is great, but we want to give context to help people understand what it means. This is important work that all agencies are working through.

Elizabeth Shwe asked if there is a community outreach plan in place. Devon Dodson responded that we are working through developing that plan now. She asked why the CEJSC bill was passed if it is not that different from what is happening now. Secretary Grumbles answered that it reinforces the importance of the work being done and takes down some of the barriers to implementation. Also, the provisions ensure we will be doing the work of listening to the community.

Delegate Boyce added that we are learning and growing and there is a lot to respond to. We must ask ourselves what has gone wrong and what can we learn from that. She has found there is a misunderstanding about what the Commission does, and she thinks this bill answers that questions.

Senator Patterson added a thank you to Monica for sharing her story and said that the bill reflects the importance of getting more community stories.

Camille Burke said thank you for all that the Commission does, and the meeting was **adjourned**.