

Commission on Environmental Justice & Sustainable Communities (CEJSC)
Commissioner's Retreat
Tuesday, July 28, 2014
Chesapeake Bay Foundation
Philip Merrill Environmental Center
6 Herndon Avenue, Annapolis, MD 21403
9:30 am to 3:30 pm

In Attendance

Commissioners: Lisa Nissley, Rebecca Rehr, Dick Fairbanks, Arabia Davis, John Quinn, Vernice Miller Travis, Andy Fellows, Iesliam Quiros Aleala, Subha Chandar, Merrick Moise

Participants: Angelo Bianca, Joshua Cocker, Duane Johnson, Elaine Lutz, Laura Rogers

Introductions

Everyone at the meeting introduced themselves.

Greetings from CBF

The CBF Maryland Staff Attorney, Elaine Lutz greeted the Commission. She described many of the goals of CBF including education (on the health of the bay), lobbying (for the health of the bay), curbing rollbacks of federal pollution regulations, redevelopment of bay economy after macro-economy bounces back, sustainable agriculture, and curbing trend poultry farms making more pollution not accounted for in pollution plan.

Angelo asked about the possibility of burning chicken waste. Elaine said anaerobic digestion not incineration, is the best option. CBF does not officially endorse a method yet but will oppose clean-up methods that cause other environmental damage. Dick claims he has seen self-enclosed recycling process of chicken manure cleanup on the eastern shore. Elaine believes this to be a pilot project. Some members add it is perhaps funded by DNR in their efforts to curb this problem.

Andy believes that case by case is best way to deal with issues of agricultural pollution at the moment, alongside permitting for custom pollution amounts based on cases.

Vernice asks if the foundation is attempting to extend into EJ, and EJ issues? To Vernice's pleasure CBF responds stating yes they are. They have pursued new hires and new board members with EJ skills.

Discussion: Commission relationships with state agencies

The Commission began to discuss their interactions with the state agencies that sit on the Commission. Lisa noted that Arabia is very good at bringing ideas related to her Department

(Planning). Arabia often suggests issues of interest and effective ways for the Commission to be involved.

Andy shares that as Mayor of College Park, he took the Chair of Chamber of Commerce on a tour of CP. They had a conversation on the metro purple line development, and its impact as more than just a transport. Prince George's County has six struggling communities. The new Metro line would be useful for these developing the community.

Dick enquires as to the project's cost. Andy, although unsure of the cost, is aware it would be split between stakeholders: Montgomery County, Prince George's County, the Federal government, the State government, and the District of Columbia.

Rebecca states if this is to come to fruition the Commission needs to advise the Governor based on his priorities as well as our own. We should find an equitable economic development plan.

Vernice shared that she finds the Red Line development very influential. She is disappointed the Red Line Project has been canceled because she feels it is needed for economic growth and EJ for impoverished Western Baltimore. Andy thinks all transport corridors should be considered.

Rebecca agrees West Baltimore needs redevelopment. The Maryland Environmental Health Network wants to join the West Baltimore conversation. They want to break the school to prison pipeline.

To counter Vernice's argument, Dick recounts that when the Red Line was originally conceived, one of its major benefits would have been the large assured ridership between SS Hqs, Woodlawn and the huge SS presence downtown, but once SS vacated that leased building downtown a few years ago, that part of the justification disappeared.

Lisa says that the Commissioners would want to discuss this in light of connection to MDOT, they should considering our list of priorities later in the day. As for MDE suggestions, she suggests engaging with the Maryland Climate Change Commission and the Cumulative Impact Workgroup. Vernice would like Lisa to create a dialogue between two commissions. Lisa says this may be possible in the fall.

Subha updates the commission on DHMH involvement. Providing data and climate change is main focus for DHMH at the moment. Also revamping maps and tracking program by end of summer. Rebecca asks when will sub county level data be available? Subha says they will be in the fall. Rebecca wants to know how this can be sped up as it is heavily needed and has been on the way for some time. Subha finds the problem is in deciding the best way present the information. More pressure may not expedite process. The grant team meeting is coming up with other state's agencies where DHMH will have better understanding of timetable and who else is not presenting at sub county level.

EJ Screen Webinar presented by Matthew Lee, US EPA

Matthew Lee presented a webinar about EJ Screen (attached). Commissioners asked questions after the presentation.

Andy asks could you source drinking water to a community at the local level? Matt answers yes, if you have that source you can layer it in. Andy also asks what the crossed out Environmental Indicators are in the presentation. Matt says they indicate that the Re Release in 2016 will allow you to use those.

Vernice points out that low income does not always equal adversely EJ affected, as EJ screening often suggests.

Rebecca explains that some areas in Baltimore were shown as more affected than others in the EJ index, but only difference was demographics, not air quality. Real time air monitoring is needed. The EJ index may come to wrong conclusions. Matt responds saying he can't get real time monitoring at the moment.

Angelo asks if the size of block group population affect EJ index. Matt clarifies that the Census Bureau defines block size. Size may cause EJ index differences, but he is not sure. Some blocks have no population.

Rebecca states CEJSC can empower communities with this tool. We need to invite local health departments and local organizations to compile data and understand correlations between EJ factors.

Vernice believes there will be large pushback from communities attempting to bring in jobs and economic growth. Sustainability needs to balance with growth. She also notes that UCC's 1985 race and hazardous waste map inspired EJ screen.

Angelo thinks they need to stress using tool effectively and teach people how it is useful versus drawing conclusions that do not make sense.

On the other hand vernice finds that the data from EJ Screen can help to support local, lived EJ experiences.

Subha states the local piece will be supported with addition of local information. A community input layer is needed and can be added despite not a metric experience

Angelo wonders if there is any feedback on uses of EJ screen so far. Before community meetings EJ screen used to identify demographics and EJ struggles they are facing according to Matt. It has been used for enforcement targeting, making visible difference and which communities most need support.

Andy thinks his Maryland/region 3 can spearhead the usage of EJ screen.

Vernice asks can data like asthma cases, death and hospitalization be brought up in the tool? Matt responds not within the tool.

Congratulations from the commission are given to EPA and Matt. The call is ended, though the conversation continues.

Vernice asks Angelo if this tool is useful from a regulatory stand point? Angelo believes it is useful in enforcement, but maybe not as much in permitting. He said good EJ Screen data could be useful in supporting EJ issues.

Dick reminds the group that Baltimore comes across as one of the highest percentile locations.

Update on MDE's Cumulative Impact Workgroup

Lisa updated the Commission on MDE's Cumulative Impact Workgroup. As background, the topic is related to a number of bills presented in recent years in Annapolis. After the 2014 session, created the workgroup because the issue is complex and there is not time to fully engage during session. There were four meetings last summer and fall which provided a lot of background information. The Department paused after the 2014 election to deal with transitional issues.

Meanwhile, another bill was introduced in 2015, but it did not pass. MDE agreed to move forward with the workgroup, but first began with small group pre-meetings around the three issues for consideration. Topic 1: which permits are of most concern for CI & EJ?, Topic 2: what indicators might be appropriate to identify communities' of concern?, and Topic 3: what process would address communities concerns about permitted facilities? To date we have been able to have very robust conversations about each topic. The goal is to find consensus, or at least determine where the conversation is heading, then meet as a full group.

For permits there has been talk of limiting it to a few air permits that tend to get the most public interest. Various indicators have been discussed from just income to income and non-white population. A health indicator could be added. For process, enhanced public outreach seems to dominate the conversation.

Rebecca continues, MDE is succeeding in working with labor groups. Small work groups more effective, but are still figuring out how to achieve goals. She mentioned that the EBD (Environmental Benefit Districts) were a good effort to direct resources to economically depressed areas with environmental burdens. Perhaps CEJSC should revisit that program and its marked priority areas? Perhaps there is a way to expedite permitting process in these areas so considering EJ is a plus?

Vernice thinks stakeholders should not have equal say in this issue. Quality of life and health impacts are more important in places of burden and community interests should have more of a voice. Job creation is not equivalent mortality and health.

Angelo thinks businesses can, and are willing to, step up in many situations and that the biggest EJ concerns are not regulated (like truck traffic). No one has a good answer on how to make it work, but this could help situations.

Vernice points out the zoning for asphalt/concrete plans falls alongside racial boundaries.

Arabia points out that from a planning standpoint EJ is being taken into account alongside economic development to see how EJ can be implemented. But at the moment the focus is on rural and agricultural communities

The Commission took a break for lunch.

Discussion: Choosing our priorities for 2015-2016

On the wall, Commissioners wrote ideas for 2015-2016 priorities. Someone grouped like ideas together, then the Commissioners checked off their top three choices for priorities. The ideas and votes follow:

Legislative Outreach (3)
Identify relevant data sets
ID legislative chapters
Address sea level rise (1)
Explore cumulative impacts (5)
More collaboration w/ CEHPAC (2)

Top 3 Choices Ranked (> indicates subtopics)

1. CEHPAC Collaboration
2. Local government outreach > Westport development, Agricultural Development, Community initiatives/Equitable Development
3. Cumulative Impact/Workgroup > Legislative Outreach, Identifying data sets

Overarching themes to consider during breakout groups:
Outreach (government officials, legislative, stakeholders, academia)

The Commission took a break for a tour of the Philip Merrill Environmental Center.

Group work: Action items and lead Commissioners for our priorities

The Commissioners broke into three groups to discuss the following “guiding questions:”

1. What is the long term goal?
2. Who is the lead?
3. Who else do we need to involve (i.e. Commissioners not in the room)?
4. What are our three specific action items?
5. Final review: can we meet this goal?

From the discussion, they formed the following steps to implement our 2016 priorities.

1. CEHPAC Collaboration (Subha & Lesliam)

Explore green cleaning initiative in MD - All public schools must use green products (with minimal exceptions), but there is no enforcement of the law. Private schools can opt into the law. Rebecca mentioned that Allison from MdeHN got some EPA funding to do a statewide green cleaning training in Maryland (Nov 20). The biggest impact for green cleaning in schools laws will be at the youngest ages (when the children's vital organs are still developing and more susceptible to damage from harmful exposures)

Work with state agencies on lead testing strategies.

Will need to engage Benoy Thomas on these issues.

It was noted that the Maryland Public Health Association annual conference is at UMBC on September 12th featuring Dr. Freeman Hrabowski.

2. Local Government Outreach (Arabia, Rebecca, Andy, Dick, & Duane)

Outline guidelines for local jurisdictions

Development strategies for rural and agricultural communities

Bring Kevin Plank/knowledgeable speaker

Open conversation for land use at Westport

Round table planning for directors meeting on equitable development

Compile ED research information talking points prior to round table

3. Cumulative Impacts (Vernice, Lisa, & Angelo)

Commission should facilitate transparency. Lisa & Arabia should report back about the process each month each month. The Commission can be helpful as the workgroup makes an effort to define meaningful community participation. Perhaps we could meet in a small group in the fall to respond to actions after the September workgroup meeting, respond the ideas presented.

Vernice thought that it may be premature to propose legislation in 2016, but continue the process to generate action for 2017. Lisa and Angelo agreed.

The retreat adjourned at 3:30p. The next CEJSC meeting will take place at MDE Offices, September 22, 2015.