

# **THE MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES**

## **ANNUAL REPORT**

December 2001



*Governor Parris N. Glendening*

*Lieutenant Governor Kathleen Kennedy Townsend*

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## EXECUTIVE SUMMARY

### Purpose

The Maryland Commission on Environmental Justice and Sustainable Communities has completed its first annual report. At Maryland's annual Environmental Legislative Summit on January 21, 2002, Mr. Scot T. Spencer, the Commission's Chairman, presented an official report to Maryland's Governor, Parris Glendening for his review and consideration. The report contains the Commission's findings and recommendations in accordance with an Executive Order issued by the Governor on January 1, 2001.

### Background

The Commission held its inaugural meeting on May 11, 2001. The Maryland Department of the Environment's Secretary, Jane Nishida, Assistant Secretary Denise Ferguson-Southard and the Commission's Chair, Scot T. Spencer, presented the charge and goals to the Commission. The Commission has had seven (7) meetings since its first meeting in addition to the first community forum, which was held on December 21, 2001. The Commission's meetings have identified several problematic areas of concern across the state of Maryland. There is significant concern about the full integration of stakeholder-based/community involvement and planning within the framework of the regulatory mandates, processes, and procedures. General concerns articulated by Marylanders during the 2001 meetings include inequities in research practices associated with lead paint studies, power plant siting, landfill siting, the provision of wastewater and sewer infrastructure, permitting, hearing processes, public outreach, and involvement, and protection of public health.

The Commission has made several recommendations that could result in the development of more sustainable communities. One concept that is intriguing to the Commission is the development of a comprehensive framework to respond to environmental inequities in targeted communities. This concept builds on the foundations of Maryland's Smart Growth paradigm and those created by the visions adopted as State policy in the 1992 Growth Act.

This concept embodies the development of policies with the use of State resources that support communities and influence the location of specific development. It will attempt to use the authority of state government in communities designated by counties and local government as environmentally challenged or higher risk communities. These designated communities would receive priority attention that could manifest in several forms: additional compliance and enforcement activities, additional state funding and tax benefits, and special analyses of potential developmental benefits and impacts, with the idea of steering away environmentally detrimental activities while encouraging environmentally and economically beneficial ones.

The Commission is looking at mechanisms to identify high-risk communities so that state agencies can focus their limited resources on the highest priority areas. To facilitate this identification, the Commission has started to develop criteria to better define high risk or environmentally challenged communities.

## Recommendations

This initial Commission report recognizes the unique challenges faced by many Maryland communities and is recommending the integration of an environmental justice and sustainable communities ethic within all state agencies. In this context, the Commission is recommending that state agencies develop plans using MDE's Strategic Environmental Justice Plan as a guideline for developing a comparable approach in achieving their own agency missions.

The Commission recommends the use of alternative dispute resolution (ADR) as a response mechanism to community-based environmental disputes. We are striving to develop innovative practices and approaches that can better lead to resolving environmental disputes before executive branch agencies in Maryland.

The Commission also recommends continued education of state agencies on environmental justice and sustainable communities, with special attention given to marginalized and disenfranchised communities; the creation of state-wide community forums to discuss these issues; the development of environmental justice related guidance for state agencies; focused effort to improve public participation before agencies; and, the building and strengthening government "infrastructure" at local levels to support marginalized communities.

Finally, the Commission applauds Governor Glendening for his vision and foresight to innovate in this area. The members have recognized the enormity of the Commission's tasks. They do not see these tasks as challenges, but as opportunities to build upon and strengthen all of Maryland communities, consistent with the state's legacy of inclusion and sustainable communities.

## INTRODUCTION

**On March 9, 2001**, Governor Parris N. Glendening formally announced the establishment of Maryland's Commission on Environmental Justice and Sustainable Communities in accordance with an executive order issued on January 1, 2001. State lawmakers joined the Governor and environmental justice advocates who fully supported the initiation of this worthy effort.

The Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC) Executive Order is the *first* one ever to be issued by a state. It marks a bold gesture by Maryland in fulfilling its commitment to enhance the quality of life in all of Maryland's communities and for all residents. It is consistent with the approach taken by the federal government in Executive Order 12898 issued by President Clinton on February 11, 1994.

Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture, and socio-economic class. Additionally, environmental justice means that no one group of people should bear a disproportionate share of the negative environmental consequences resulting from land-use, planning or zoning decisions, governmental or commercial operations or as a result of any inequities in the application of governmental regulatory programs and related policies.

## MISSION

The mission of the Commission is concerned about developing strategies to enhance the quality of life in all Maryland communities through a vision of superior environmental protection and intelligent economic development that eliminates sprawl and supports the optimal use of existing infrastructure while protecting our unique natural resources. At its foundation is the tenet that, regardless of race, national origin, age, or income, no segment of our population should bear disproportionately high and adverse effects of environmental pollution. Finally, the Commission endeavors to address environmental concerns within communities and provide new economic opportunities, while enhancing and preserving the ecological integrity of the environment and protecting human health. In this aspect, the Commission strives to identify sustainable economic opportunities for Maryland communities while identifying opportunities for state agencies to protect human health. The Commission will also attempt to identify opportunities for state regulatory programs to improve quality of life for all Marylanders and ensure fair treatment of all citizens in those programs.

## COMMISSION'S MANDATES

Under the directions highlighted in Executive Order **01.01.2001.01** (*Appendix A*), the Commission shall perform the following duties:

- (1) Advise State agencies on environmental justice and related community issues;
- (2) Review and analyze the impact of, including determining whether a causal relationship exists between, current State policy, laws and regulations on the issue of environmental justice and sustainable communities;

- (3) Assess the adequacy of State and local government laws and regulations to address the issue of environmental justice and sustainable communities;
- (4) Coordinate with the Children's Environmental Health and Protection Advisory Council on recommendations related to environmental justice and sustainable communities;
- (5) Develop criteria to assess whether communities of the State may be experiencing environmental justice issues; and
- (6) Recommend options to the Governor for addressing issues, concerns, or problems surfacing through the review process, prioritizing areas of the State, which are targets for immediate attention.

**MEMBERSHIP** *(see appendix A for Commission's composition)*

MEMBER	AFFILIATION
<b>Scot T. Spencer, <i>Chair</i></b>	Environmental Defense
<b>Senator Ulysses Currie</b>	State Senate Appointment
<b>Mary Rosso</b>	House of Delegates Appointment
<b>Jane Nishida</b>	Maryland Department of the Environment
<b>Georges Benjamin</b>	Maryland Department of Health and Mental Hygiene
<b>Roy Kienitz</b>	Maryland Department of Planning
<b>Sherilynn Ifill</b>	Professor, University of Maryland
<b>Tracey D. Newsome</b>	Center for Poverty Solutions
<b>Stephanie Proestel</b>	Housing Initiative Partnership
<b>Timothy Pula</b>	Struever Bros. Eccles & Rouse
<b>Bill Stack</b>	Baltimore City Department of Public Works
<b>Barrie P. Tilghman</b>	Mayor of Salisbury
<b>Bonnie Wilson</b>	Safety Kleen
<b>Jean Yarborough</b>	Community Association
<b>Andrew Sawyers</b>	Staff