

**APPENDIX D:**

**MDE's DRAFT  
ENVIRONMENTAL  
JUSTICE AND  
STRATEGIC PLAN**

**DRAFT**  
**ENVIRONMENTAL JUSTICE &**  
**PUBLIC PARTICIPATION**  
**STRATEGIC PLAN**

**Prepared by**  
**The Coordinating Offices**  
**Maryland Department of the Environment**  
**2500 Broening Highway**  
**Baltimore Maryland 21224**  
**(410) 631-4187**

## **MDE' DRAFT STRATEGIC PLAN FOR ENVIRONMENTAL EQUITY AND PUBLIC PARTICIPATION**

### **INTRODUCTION**

The primary goal of this draft is to demonstrate MDE's commitment to ensure that adverse environmental, related socio-economic and health effects experienced by any population are addressed, as appropriate, in the programs of the MDE, and that these programs encourage the involvement of affected parties. In the context of MDE's programs and available resources, the plan attempts to broaden environmental justice to mean stakeholder/community-based planning and the relationship to environmental concerns. This plan intends to foster the agency's commitment to enabling fair, equitable, early, and often-public participation. It also intends to foster a more acute understanding of inequities and processes/policies/regulations, etc., which produce and reproduce such inequities. The plan builds on several goals contained within MDE's Managing Maryland For Results (MFR) strategic workplan, and builds on the goals set forth in Maryland's Executive Order on Environmental Justice and Sustainable Communities.

The plan focuses on the sustainability of communities in the context of MDE's mission and mandate and will serve as a tool of reference and guidance concerning sustainability and inequities. Environmental Justice (E.J) as defined by the previously empanelled Maryland Advisory Council on Environmental Justice (MACEJ), comprising of citizens representing all sectors and diversity in Maryland, means equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. It also means equal access to socio-economic resources so that all people can provide for their livelihood and health. Environmental justice in Maryland is one component toward developing sustainable and economically viable communities.

As MDE moves toward streamlining, measuring and promoting quality environmental planning, the goals of this plan echo concerns raised by citizens: It intends to offer advice and guidance toward more sustainable regulatory practices, economic development (*working closely with business and community groups*), public participation and the protection of human health in Maryland. Environmental Justice in the context of this plan adopts MACEJ's definition and advocates a stronger focus on ***potential negative impact*** (to be defined by MDE's Environmental Equity Network and the Governor's Commission on Environmental Justice and Sustainable Communities) on any population.

The objectives and strategies outlined in this plan are based on current MDE activities and programs in place. The strategic plan organizes these programs so as to address key environmental justice and public participation goals within existing resources and authorities. One key to the success of this strategy will lie in the leadership provided by MDE's senior management or programs. Another critical key to the success of this strategy will lie in fostering partnerships with members of the ***public***, especially residents of affected and ***potentially affected communities***, and in promoting collaboration and coordination with MDE's programs, so that MDE can be as effective as possible in addressing negative impacts in communities and improving public participation.

The goals of the plan are embedded in a philosophy that embraces sustainability for all communities and collaborative models and frameworks as premises for environmental decision-making. They strongly recommend partnerships, understanding impacts, operations in beyond compliance mode, where appropriate, and demystifying the relationships between and among public health, public involvement, regulations and environmental pollution.

This Draft Strategy relies heavily on the sound use of discretion by MDE's senior management, although always with a bias in favor of public involvement. Opportunities for involvement should not be judged solely by their quantity; but also by whether they are designed to improve the quality of MDE's decisions. MDE should always provide opportunity for public involvement in decision-making that requires public notice and comment, but not every document or decision requires public involvement. Every involvement opportunity does not call for the inclusion of all potentially interested persons; including legitimate representatives of the various interests may be sufficient.

MDE's senior management must have the flexibility to determine appropriate public involvement, and should be accountable for those decisions. Officials must recognize that agreement among all parties, while valuable, is not always needed, and that MDE must retain the discretion to make decisions or take actions to preserve and protect the environment and public health. The Draft Strategy is not a rule, is not legally enforceable, and does not confer legal rights or impose legal obligations upon any member of the public or MDE. It is, however, MDE's statement of its strong commitment to full and meaningful public involvement and environmental equity in MDE's activities.

### **BACKGROUND TO DRAFT STRATEGIC PLAN**

On February 11, 1994, President Clinton signed executive order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. This Executive Order requires each federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions. Under the terms of the executive order, each federal agency is required to develop an agency-wide environmental justice strategy.

On March 9, 2001, Governor Parris Glendening, acting on recommendations from a previously empanelled environmental justice council, created and signed a new Executive Order requiring state agencies to make achieving environmental justice and public participation into environmental decision-making a part of their mission by identifying and addressing, as appropriate, adverse human health, environmental, social and economic effects of their programs, policies, and activities on any populations within the state of Maryland. Under the terms of the executive order, MDE is required to staff a newly created Commission on Environmental Justice and Sustainable Communities. MDE's strategic plan is one component of the State's effort to address environmental justice and lack of public participation in all

communities. The executive order establishes a commission on environmental justice and sustainable communities. The commission shall perform the following duties:

1. Advise state Agencies on E.J. and relationship to community issues;
2. Examine current state regulations and policies and evaluate the adequacies and impacts related to environmental justices and public participation;
3. Coordinate with children's Environmental Health Protection Council and related commissions on recommendations about environmental justices;
4. Develop criteria to determine environmental injustices and assess casual relationships between E.J. and industrial/municipal/agricultural/commercial projects; and,
5. Recommend options to MDE and other state agencies for addressing concerns or problems.

This plan is divided into seven sections: (I) Interagency Coordination; (II), Public Partnerships and Participation; (III) Public Education and Training; (IV) Developing Public Policy; (V) Services; (VI) Data Collection and Analysis; and, (VII) Environmental Research. Policy oversight mechanisms within MDE will be maintained to assure ongoing attention of MDE programs to advancing the agenda of environmental justice and improved public participation and to safeguarding against unintended environmental consequences of their activities.

Oversight and coordination for implementation of this strategy will be the responsibility of MDE's Environmental Equity Network (current liaisons or newly designated) and the Governor's CEJSC. The MDE's network (under the auspices of senior management) will serve as the primary focal point within the Department for promoting the exchange of environmental information and for providing review, advice, and consensus facilitation where necessary on public participation, environmental justice and community development research, exposure assessments, risk assessments, and risk management procedures. Programs will be encouraged to prepare evaluation plans to measure progress on their objectives related to reducing *negative impacts* on communities and on improving public participation in MDE's decision-making processes. The performance targets as outlined by MDE's MFR will be developed at such time.<sup>1</sup>

## **PUBLIC PARTICIPATION/ENVIRONMENTAL JUSTICE AND MANAGING MARYLAND FOR RESULTS (MFR)**

In the context of the MDE's mission and mandate under the rubric of Managing Maryland for Results (MFR), this strategic plan strives to attain specific performance measures targeted in goals 8 and 9 of MDE's MFR:

**GOAL 1:** *Protecting and Maintaining Maryland's Natural Resource Land Base and Encouraging Smart Growth and Community Revitalization:* The strategic plan illustrates complementary interests among smart growth, brownfields, public participation and environmental equity. The plan advocates more proactive planning to minimize the adverse environmental impacts of unplanned growth and development. Planned growth and development can be enhanced by:

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<sup>1</sup> Measurements will be determined once the network is formed.

1. Proactive public participation and community planning;
2. Community-based planning: Working closely with local governments, this form of planning would give residents a seat at the table with stakeholders such as state agencies and businesses to decide what types of development best serve their needs;
3. Inter-agency coordination and partnerships: Internal and external to MDE. This lets the stakeholders present a single face to the community, and helps state agencies develop unified solutions to problems; and,
4. Brownfields redevelopment: This targets contaminated sites for new projects, preserving existing open space and creating new economic opportunities in disadvantaged communities.

**Goal 9:** *Ensuring Excellent Customer Service to Achieve Environmental Protection:* This strategic plan acknowledges that while working to protect the environmental health of the State, an indisputable recognition for public involvement/participation and customer service is essential. This recognition rudimentarily embraces community involvement, business groups, environmental groups and other stakeholders.

**DISCLAIMERS**

The Draft Plan advocates that MDE uses its legal authority to the fullest extent possible to resolve community environmental concerns. And in the event that some activities cannot be circumscribed within MDE’s legal authority, the plan encourages the department to promote anticipatory processes that are engaging and conciliatory that can result in open and constructive solutions. However, while the department may wish to arrive at engaging and conciliatory decisions, in some instances, regulatory constraints and other factors may handcuff the department’s efforts.

**MAJOR STRATEGIC AREAS**

**I. Interagency Coordination**

**Goal 1:** Foster interagency coordination (both within MDE and between MDE and other agencies) in all activities related to addressing environmental impacts in affected or potentially affected communities, including public participation, education, training, and the provision of services, regulatory activities, data collection, and research.

<i>Time Frame</i>	<b>Objectives</b>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <i>Develop a coordinated system that encourages public information officers and outreach coordinators from MDE’s administrations and other state agencies to jointly approach and undertake outreach activities and environmental problem solving where appropriate.</i><sup>2</sup></li> </ul>

<sup>2</sup> *In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.*

	<ul style="list-style-type: none"> <li>• Engage and enhance the <i>Environmental Equity Network (EEN) and the Governor’s Commission on Environmental Justice and Sustainable Communities (CEJSC)</i>. The network and commission will become the foundation for decisions concerning environmental justice and public participation. Initial work for the network and commission could focus on defining “risks,” “potential negative impact,” “public, potentially affected communities,” and “potentially at risk community” (PARC) in the context of MDE’s mission and mandate;<sup>3</sup></li> <li>• Ensure that MDE equity network and the Governor’s commission review environmental justice and public participation related activities and agency plans for implementation. We anticipate that the network will expand to include liaisons from other key agencies (long term);</li> <li>• Foster more in-depth coordination across agencies and commissions (e.g. Children’s Health Commission) through the MDE’s EEN and the Governor’s CEJSC; and,</li> <li>• <i>4Evaluate and adopt where appropriate components of EPA’s draft public involvement strategy (2001).</i><sup>5</sup> The purposes of EPA’s strategy are to:       <ol style="list-style-type: none"> <li>1. Strengthen commitment to early and meaningful public involvement</li> <li>2. Ensure that environmental decisions are made with an understanding of the interest and concerns of affected people and entities</li> <li>3. Promote the use of a wide variety of techniques to create opportunities for public involvement in agency decisions</li> <li>4. Establish clear and effective procedures for conducting public involvement activities in decision-making processes</li> </ol> </li> </ul>
<p><b>Long Term (&gt;18mths)</b></p>	<ul style="list-style-type: none"> <li>• Examine ways that other key agencies are handling regulatory actions to ensure compliance toward the goals of improving the quality of life in all communities. For instance, Maryland Department of Planning (MDP) recently got interpretation and guidance from the State’s Attorney General’s office concerning intervention, discretionary and explicit authority to aid planning in local jurisdictions. MDE could work through MOP to implement specific actions that would achieve MDE’s goal of protecting populations while advancing the goals of MOP;</li> <li>• Incorporate environmental justice into Maryland/EPA Environmental Performance Partnership Agreement. Several of EPA’s identified activities are in support of the goals set forth in this strategic plan.</li> <li>• Coordinate plans and activities between federal, state and local agencies and community organizations through regional officials and offices of fair practice and equal opportunity, etc;</li> <li>• Foster collaboration by conducting a regular conference of high-level scientists – private, academia, state, federal and other experts. Such collaboration is essential in order to generate data needed for key activities</li> </ul>

<sup>3</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>4</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>5</sup> EPA’s Draft Policy contains requisite public participation information, protocol and operational procedures: definitions; additional goals; laws and executive orders requiring public participation; functions of public involvement; meeting and notification procedures; and the provision of information to the public.

	<p>(regulation, risk assessment and avoidance, public education, pollution prevention and mitigation, etc.) and to communities to improve their environmental quality of life and assurance of environmental equity and meaningful public participation; and,</p> <ul style="list-style-type: none"> <li>• Promote multi-agency representation on working groups, steering committees, and other bodies addressing issues germane to environmental justice and public participation.</li> </ul>
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**Goal 2:** In the context of MDE’s programs and available resources, develop, identify, and implement interagency projects aimed at reducing adverse impact that can both exemplify and test interagency coordination processes. And within this context, also highlight MDE’s successes in fostering improved public participation and quality of life in all communities.

<i>Time Frame</i>	<i>Objectives</i>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <i>Develop demonstration projects. The overall goal of any project is to understand community dynamics, identify key environmental hazards (and barriers to this identification), promote environmental quality and equity, reduce and where possible prevent these hazards from impacting on health and the environment with emphasis on persons in underserved communities. State and local agencies, local community groups, and institutions of higher education should pursue this goal jointly. By joining the interests, authorities, and resources of the relevant stakeholders, a more comprehensive and effective effort can be implemented to reduce and, where possible, prevent environmental impacts and improve public participation;</i></li> <li>• <i>Develop an environmental justice effort with the Chesapeake Bay Program; and,</i></li> <li>• Develop an environmental justice module with the Chesapeake Bay Foundation to be incorporated into their urban and state-wide middle school curriculums</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Develop community characterization projects to better understand community issues.<sup>6</sup> Because of the demographic and economic specificity inherent to some affected communities, special emphasis should be given to improving public participation and identifying and reducing the disparities of environmental hazards experienced within such communities, particularly among low-income and disenfranchised group. Illustrative community characterizations projects will typically aid MDE’s efforts in; <ol style="list-style-type: none"> <li>1. Identifying key environmental hazards and barriers to recognizing hazards that may affect the health and quality of life of people who live in communities believed to be at risk.<sup>7</sup> Where necessary, based on assessments of hazards and exposure, conduct testing of</li> </ol> </li> </ul>

<sup>6</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>7</sup> Identification of hazards and barriers - often times will be based on CCPs, pollution prevention and compliance assistance projects

	<p>individuals believed to be exposed [partnering agencies]. This effort may result in the development and implementation of appropriate actions, based on demonstrated need, including actions recommended to prevent or reduce current exposures to toxic substances;</p> <ol style="list-style-type: none"> <li>2. Assessing the potentially harmful impact on high-risk populations of exposure to key environmental hazards where possible; Undertaking pollution prevention and compliance assistance efforts where appropriate;</li> <li>3. Facilitating business interests and understanding of community issues and concerns;</li> <li>4. Empowering and educating the community about environmental hazards. Evaluate impact of educational efforts to ensure that health care providers familiar with the recognition and treatment of illness associated with exposure to environmental hazards;</li> <li>5. Enhancing capacity building in state agencies, environmental departments, academic institutions, and community non-profit groups to address environmental public health issues associated with minority health;</li> <li>6. Fostering collaborative efforts with state regulatory agencies and other federal agencies and increasing the awareness of the importance of environmental public health among students at Head Start Centers, other preschools, and primary through college-level institutions in project areas;</li> <li>7. Providing pollution prevention and health promotion education regarding environmental and other hazards;</li> <li>8. Ensuring that efforts occur that lead to enhanced community empowerment and involvement in addressing environmental issues;</li> <li>9. Identifying and coordinating state, local and federal actions to address environmental issues in project area; and,</li> </ol> <ul style="list-style-type: none"> <li>• Evaluating and disseminating the effectiveness of strategies to prevent environmental impacts of key environmental and other hazards</li> <li>• Continue to develop demonstration projects to achieve the above goals and demonstrative objectives</li> </ul>
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## II. Public Partnerships and Participation

**Goal 1:** In the context of MDE’s programs and available resources, ensure that members of the public are meaningful partners in all appropriate departmental activities to address the impacts of environmental hazards in communities, including education, training, and provision of services, data collection, and research.

<i>Time Frame</i>	<i>Objectives</i>
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<p><b>Short Term (0-18mths)</b></p>	<ul style="list-style-type: none"> <li>• <b>Develop memorandum of agreements and understanding with local governments, non-profits, universities, and businesses, etc.;</b><sup>8</sup></li> <li>• <b>Work with affected communities and potentially affected communities to enhance their capacity to participate in partnerships;</b><sup>9</sup></li> <li>• Work with the business community to enhance their capacity to participate and develop proactive community partnerships/agreements;</li> <li>• Engage the public's involvement in identifying a full range of alternative approaches to developing a broad-based consensus on what the objectives should be to address negative environmental hazards in low-income and minority communities, and on how to achieve those objectives;<sup>10</sup></li> <li>• Encourage each MDE administration to continue providing opportunities for meaningful participation by interested members of the public, including residents of minority and low-income communities, before making decisions that will affect the public; and,</li> <li>• Perform proactive outreach (business and community) to increase active involvement and compliance.</li> </ul>
<p><b>Long Term (&gt;18mths)</b></p>	<ul style="list-style-type: none"> <li>• Perform long-term proactive outreach to increase active involvement and compliance.</li> </ul>

**Goal 2:** In the context of MDE’s programs and available resources, provide mechanisms by which each relevant MDE’s administration can develop public participation plans emblematic of this larger plan.

<b>Time Frame</b>	<b>Objectives</b>
<p><b>Short Term (0-18mths)</b></p>	<ul style="list-style-type: none"> <li>• <b>Revise MDE “values” to embrace EJ/PP principles;</b></li> <li>• <b>Review each MFR goal and explore interrelationships;</b><sup>11</sup></li> <li>• Work with programs to integrate EJ/PP into their objectives;<sup>12</sup></li> <li>• Assist programs with identifying EJ/PP opportunities;<sup>13</sup></li> <li>• Build on the working relationships within and among MDE’s administrations and between MDE’s administrations and the public in order to facilitate and maintain open decision-making processes and to coordinate and integrate public participation activities;</li> <li>• Build on proactive business engagement strategies between MDE and contractors in identifying and resolving major issues that are relevant to the objectives of developing sustainable communities;</li> <li>• Educate communities about MDE’s public participation objectives (through open meetings, brochures, flyers, notification procedures, etc.); and,</li> </ul>

<sup>8</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>9</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>10</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>11</sup> This task has been accomplished

<sup>12</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>13</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<b>Long Term</b> (>18mths)	<ul style="list-style-type: none"> <li>• Develop multimedia tools/personnel to educate and solicit community participation.</li> </ul>
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### III. Public Education and Training

**Goal 1:** In the context of MDE’s programs and available resources provide opportunities to broaden environmental justice to mean stakeholder/community-based planning and the relationship to environmental concerns. Also, in the context of MDE’s programs and available resources, educate residents and workers in affected communities through effective outreach, education, and risk communication.

<b>Time Frame</b>	<b>Objectives</b>
<b>Short Term</b> (0-18mths)	<ul style="list-style-type: none"> <li>• <i>Engage stakeholders including communities to create opportunities that can improve project efficacy and community planning efforts and interests related to environmental concerns;</i></li> <li>• <i>Seek grants and collaborate with communities and academia to develop demonstration projects, illustrative of MDE’s mission and mandate [P2/Compliance project proposed].<sup>14</sup></i></li> <li>• Develop a plan of action in collaboration with potentially affected communities that include appropriate educational information to educate populations about environmental and occupational hazards [need to work with partners since these activities are outside MDE’s authority]: Educational materials should be appropriate, understandable, and efficacious (including preparation in languages other than English where needed).<sup>15</sup></li> </ul>
<b>Long Term</b> -*-- (>18mths)	<ul style="list-style-type: none"> <li>• Conduct direct training to business leadership (sector specific) in environmental-risk and pollution prevention communication and education;<sup>16</sup></li> <li>• Encourage good neighbor agreements between businesses, communities and governmental agencies;</li> <li>• Conduct training workshops in environmental-risk and pollution prevention communication and education for community members and workers; teach business, workers and members of communities about the relationship between pollution and negative impacts and about the importance of various prevention approaches, including pollution prevention, hazard abatement and proactive community involvement (working with partnering agencies and MDE’s administrations).</li> <li>• Engage children and youth and their families in activities to address negative impacts from environmental activities through schools and other programs.</li> </ul>

<sup>14</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>15</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

<sup>16</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.

**Goal 2:** In the context of MDE’s programs and available resources, establish strong ties with community-based organizations, workers' groups, public health agencies, and educational and religious institutions that may be able to help increase awareness of environmental impacts among those at risk or potentially at risk.

<i>Time Frame</i>	<i>Objectives</i>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <b>Identify barriers that may inhibit MDE from developing positive working relationships with these organizations.</b><sup>17</sup></li> <li>• Build on MDE’s processes for capacity building by providing additional information to staff about the negative impacts in potentially affected communities.</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Identify a mechanism for conducting ongoing relations with community-based organizations and leaders, public health agencies, and educational institutions within potentially affected communities and with those interacting with these communities: MDE’s has started such activities - MDE and Morgan State University Memorandum of Understanding is one mechanism that could be implemented elsewhere;<sup>18</sup></li> <li>• Involve partner agencies such as the Department of Mental Health and Hygiene (DHMH) and MOSH to participate in environmental and occupational health education workshops, scientific meetings, seminars, and other forums designed to enhance their knowledge of possible adverse health outcomes associated with exposure to environmental and occupational hazards; and,</li> <li>• At the request of community organizations, conduct seminars on the possible negative impacts of exposure to environmental and occupational hazards.</li> </ul>

**Goal 3:** In the context of MDE’s programs and available resources, make data more available to the public and inform the public of how to gain access to this data.

<i>Time Frame</i>	<i>Objectives</i>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• Collaborate and consult with members of potentially at-risk communities, workers, and national minority organizations to determine the most effective methods of translating and disseminating environmental information.</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Develop community-based directories of organizations and individuals that promote environmental awareness among underserved and low-income and minority populations to identify partners for collaborative educational and information-sharing activities;</li> </ul>

<sup>17</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon (will be ongoing).

<sup>18</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon (will be ongoing).

	<ul style="list-style-type: none"> <li>• Establish repositories of environmental data in public schools, public libraries, community colleges and universities, community organizations, and State Offices of Minority Health; and,</li> <li>• Continue MDE’s efforts to expand the amount and scope of environmental information that is made available to the public; for example, undertake surveys and research and make data available on CD-ROM and in computer micro data tape format and on Internet.</li> </ul>
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**Goals 4:** In the context of MDE’s programs and available resources, focus training efforts to enhance the availability of specific skills and services needed by communities affected or potentially affected by MDE activities or activities by those regulated by MDE.

<i>Time Frame</i>	<i>Objectives</i>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <b>Discern from stakeholder meetings potential</b> training and <b>service needs</b>.</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Coordinate with MOSH, OSHA and others to protect communities disproportionately represented in highly industrialized and commercialized settings. Evaluate claims of discrimination based on recommendations from the internal equity network and the Governor’s newly empanelled commission. Claims that have been mentioned include (1) infrastructural inadequacies - sewer, water, and siting of facilities, (2) highly hazardous occupations and living conditions;</li> <li>• Coordinate with MOSH, OSHA and others to expand existing environmental training opportunities, including professional training, for environmental providers and public personnel who serve a significant number of the populations potentially at risk, and work with the professional organizations and societies of these providers continue to build an adequate environmental expertise that can help address the environmental needs of affected and potentially affected communities; and,</li> <li>• Coordinate with MOSH, OSHA and others to train residents of communities for certification in cleanup and remediation of environmental hazards and in areas of lead and asbestos abatement, etc.</li> </ul>

#### **IV. Develop Public Policy and Guidance**

**Goal 1:** In the context of MDE’s programs and available resources, identify potential projects, resources, and linkages that can become foundation for more proactive public policy related to environmental equity and public participation.

<i>Time Frame</i>	<i>Objectives</i>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <b>Develop MDE related permitting review guidance;</b></li> <li>• In lieu of direct regulatory actions, explore in the context of current programs and available resources an expanded <b>alternative dispute</b></li> </ul>

	<p><i>resolution (ADR) strategy;</i><sup>19</sup></p> <ul style="list-style-type: none"> <li>• Develop working papers and ideas concerned with understanding the linkages between MFR in general and E.J. and more specifically; for examples, E.J. and Smart Growth and E.J. and Brownfields, etc. [<i>Smart growth and E.J. paper completed. Draft of E.J. and brownfields will be available</i>];<sup>20</sup> and,</li> <li>• Explore the express mission of each administration and evaluate their purview to contain environmental equity and public participation considerations.</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Examine existing policies, strategies and regulation and evaluate inadequacies, impacts, discretionary or explicit authority related to environmental justice and public participation.</li> <li>• Further development of ADR strategies.</li> </ul>

## V. Services

**Goal 1:** In the context of MDE’s programs and available resources, identify adverse environmental hazards affecting workers and people in communities, identify the problems associated with these hazards, and identify the needs and concerns of the people affected (*identification will be based on recommendations from the internal equity network and the Governor’s commission*).

<b>Time Frame</b>	<b>Objectives</b>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• Design an expanded alternative dispute resolution strategy.</li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Actively solicit information on specific environmental hazards and on people's needs;</li> <li>• Develop a method by which to assess local problems; use the assessment method as a basis for community education and involvement. Where appropriate, work through existing local groups and networks;</li> <li>• Target existing MDE’s programs to train residents of minority and low-income communities to carry out community and residential audits of environmental hazards (coordination with MOSH); and,</li> <li>• Design interventions to address the problems identified (ADR – one responsibility).</li> </ul>

**Goal 2:** In the context of MDE’s partner organizations, programs and available resources, assess the capacity of communities affected by adverse environmental hazards to diagnose, treat, and

<sup>19</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon (working closely with MDE’s Office of Enforcement and Compliance).

<sup>20</sup> In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon (has started).

prevent environmentally sensitive problems, and as appropriate, seek to remedy any deficiencies.<sup>21</sup>

<i>Time Frame</i>	<i>Objectives (working with partners)</i>
<i>Short Term (0-18mths)</i>	<ul style="list-style-type: none"> <li>Identify community resources and barriers to care in order to promote access to primary care services in disproportionately affected communities (<i>working with partners such as DHMH</i>).</li> </ul>
<i>Long Term (&gt;18mths)</i>	<ul style="list-style-type: none"> <li>Provide technical assistance to communities impacted by environmental hazards to develop primary and preventive programs aimed at specific environmental and occupational hazards (target E.J. and other grants to do this);</li> <li>Provide as necessary for the medical testing (partners) of communities and workers with disproportionately high and adverse environmental exposures to determine the extent of exposure to hazardous substances;</li> <li>Consider translation and outreach services, transportation, evening hours, and types of health services available (working with partners); and,</li> <li>Work with state primary care associations and other state and local agencies to assure access to quality environmental and occupational medical care in affected communities.</li> </ul>

**Goal 3:** In the context of MDE’s programs and available resources, take advantage of existing MDE’s programs that promote the economic potential of individuals and communities and provide opportunities for meaningful career development; use these programs as appropriate to advance the goals of the MDE’s MFR by promoting the development of necessary environmental measurements, remediation and related services within disproportionately affected communities so as to provide them with an economic return.

**VI. Data Collection and Analysis**

**Goal 1:** In the context of MDE’s programs and available resources, improve the collection of monitoring and surveillance data on existing and potential hazards in minority and low-income communities and on the environmental quality status (including health) of residents.

<i>Time Frame</i>	<i>Objectives</i>
<i>Short Term (0-18mths)</i>	<ul style="list-style-type: none"> <li><i>Develop Community Characterization projects. Such projects will build on MDE’s ability to identify Potentially At Risks Communities (PARCs) [ongoing]. Such identification could lead to increased scrutiny by MDE programs when reviewing permits or engaged in environmental decisions in PARCs;</i></li> <li>Develop specific MDE administration projects that can assist in prioritizing MDE’s actions which invariably result in more informed environmental decision-making. For example, MDE’s office of Environmental Justice and</li> </ul>

<sup>21</sup> Typical measurement will include how partners have embraced our strategy and are involved

	<p>the Water Management Administration could work collaboratively with county health departments to map all failing wells and septic systems in state of Maryland. This data set could be then overlaid with demographics and surrounding municipalities with existing water and sewer systems. The results from this data gathering process would allow MDE to update its old “wells, septic and other failing sewer systems needs survey” (1997). The data could also assist in identifying clusters or areas where pollution loadings may be at critical stages. Similarly, it could be used to identify if there are systematic processes associated with water and sewer system access and connections and correlations between failing systems and demographic indicators.</p>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Wherever possible and appropriate, ensure that the data collected is sufficient to permit analysis of any linkages between state, local, business and other activities and negative outcomes;</li> <li>• Work with state, local, environmental officials, regional officials, and federal agencies to improve environmental surveillance and monitoring activities in at risk communities [e.g. enhance current relationship with Baltimore City environmental crimes group]. One critical activity here is to develop substantive relationships between the community and local government to ensure that MDE’s role is less reactionary. Often times, critical decisions are made at the local level (zoning and permits, for examples), that result in MDE’s involvement; and,</li> <li>• Continue to improve MDE efforts to collect, maintain, and analyze data on understanding and determining communities at risk or potentially at risk communities. In this context, MDE should continue to develop indicators and criteria to determine risk and/or potential risks (based on recommendations from internal equity network and Governor’s commission).</li> </ul>

**Goal 2:** In affected or potentially affected communities,<sup>22</sup> and in the context of MDE’s programs and available resources, focus studies so as to provide residents with effective surveillance, monitoring, treatment, and prevention of adverse health effects (real time data if possible).

<b>Time Frame</b>	<b>Objectives<sup>23</sup></b>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• Use existing and new data to identify and target communities adversely impacted from environmental and other activities;</li> <li>• Foster active partnerships and collaborations within MDE administrations and across state, local, and other governments, with private and voluntary sector groups, and with affected populations;<sup>24</sup> and,</li> <li>• Involve members of the public in activities to collect data in affected communities wherever feasible and appropriate.</li> </ul>

<sup>22</sup> Measurement could include amount of CCPs undertaken

<sup>23</sup> Additional measurement indicators could include number of multimedia projects undertaken, number of additional communities, sectors and or new facilities participating in MDE’s compliance programs, etc.

<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Develop a coordinated, comprehensive program capable of addressing multiple environmental, health and social problems in communities affected or potentially affected.</li> </ul>
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**Goal 3:** In the context of MDE programs and available resources, use information from State birth and other registries, census information (socio-economic) to investigate the effects of disproportionate impacts from industrial, environmental, commercial and other activities (strong involvement by partnering agencies will be required).

<b>Time Frame</b>	<b>Objectives</b>
<b>Short Term (0-18mths)</b>	
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>• Evaluate existing registries and data sets and make recommendations regarding the methodologies they use;</li> <li>• Consult with and assist agencies as appropriate to improve the capacity of their registries and other needed data sets; and,</li> <li>• Undertake research to examine information contained within registries such as death and potential correlation to specific diseases such as asthma or lead poisoning.<sup>25</sup></li> </ul>

## VII. Environmental Research

**Goal 1:** Design environmental research programs within MDE in partnership with affected or potentially affected communities.<sup>26</sup>

<b>Time Frame</b>	<b>Objectives (active collaboration from partnership agencies required)</b>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li>• <b>Identify mechanisms such as regional meetings, register notices and advisory and review bodies that can be used to engage the participation of communities and workers in the assessment, design, and conduct of environmental research;</b><sup>27</sup></li> <li>• Incorporate information from communities and workers on their perception of negative impacts when devising any environmental research agenda; and,</li> <li>• Collaborate and coordinate with community-based organizations, business</li> </ul>

<sup>24</sup> In the context of MDE's programs and available resources, this objective can be accomplished relatively soon.

<sup>25</sup> One form of measurement here is the amount of studies undertaken. One such study has been completed – asthma mortality rates and socio-economic factors (DHMH & Urban League). In terms of actual measurement and project development, MDE does not have to undertake project. Once we are involved in the development and planning, it can be viewed as a MDE related project.

<sup>26</sup> Measurement will be similar to those previously mentioned. The involvement of communities will be crucial however, to derive this target.

<sup>27</sup> In the context of MDE's programs and available resources, this objective can be accomplished relatively soon.

<sup>28</sup> The Chesapeake Bay Program has commissioned a comprehensive public perception and attitudes survey concerning watershed and stewardship in the Chesapeake Bay Program. Several questions related to environmental equity are recommended to be added to the survey (2001-2002).

	and industry, academia, labor, and health professionals concerned about negative impacts in marginalized communities to develop new and relevant models for research. <sup>28</sup>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>Promote and institutionalize public participation in all phases of research through focus groups and peer review procedures.</li> </ul>

**Goal 2:** In the context of MDE’s programs and available resources, identify and characterize environmental factors that have the greatest adverse impact on communities.<sup>29</sup>

<b>Time Frame</b>	<b>Objectives</b>
<b>Short Term (0-18mths)</b>	<ul style="list-style-type: none"> <li><b>Keep community members informed of the results of studies (ongoing).</b></li> </ul>
<b>Long Term (&gt;18mths)</b>	<ul style="list-style-type: none"> <li>Compile and document the extent of the problem by analyzing available data; document gaps in critical information;</li> <li>Identify high-risk populations, communities, industries, and occupations and document the environmental factors that have the greatest adverse impact;</li> <li>Work with other state, local, and federal agencies to conduct epidemiological research and surveillance on illnesses and injuries that disproportionately affect communities;</li> <li>Where appropriate, have studies take into account additional factors such as race, income, community quality of life, diet, and existing health problems, etc; and,</li> <li>As appropriate in the analysis of adverse impacts in communities, use and develop new models for environmental science research that can be used in population – community-, and industry-based studies. For example coordinate with DHMH to 1) understand exposures and diseases among small numbers of people; 2) understand human exposures to low levels of a known environmental or occupational hazard (especially chronic, low-level exposures); and 3) understand human exposures to combinations and mixtures of hazards at low levels for extended periods and at acute levels for short periods; and 4) understand new markers that can be used in identifying risk factors</li> </ul>

**Goal 3:** In the context of MDE’s programs and available resources, establish a coordinated program of environmental research among MDE departments that is consistent with an overall departmental strategy for addressing negative impacts in certain communities.

<b>Time Frame</b>	<b>Objectives</b>
<b>Short Term</b>	<ul style="list-style-type: none"> <li><b>Maintain a structure within the MDE’s internal equity network that will</b></li> </ul>

<sup>29</sup> Characterization of factors will be based on CCP’s findings

<i>(0-18mths)</i>	<p><i>provide ongoing monitoring and evaluation of research activities relevant to addressing stakeholder planning efforts and interest and negative impacts in affected or potentially affected communities.</i><sup>30</sup></p> <ul style="list-style-type: none"> <li>• Establish and document specific coordination processes that address emerging issues in environmental research.</li> </ul>
<i>Long Term (&gt;18mths)</i>	<ul style="list-style-type: none"> <li>• Establish MDE’s research priorities, including issues of adverse environmental impacts in communities, through regular conferences.</li> <li>• Design and support collaborative interagency environmental research projects to address adverse impacts that fall on affected or potentially affected communities.</li> </ul>

**GENERAL STRATEGIC PRINCIPLES IN THE CONTEXT OF OUR MISSION AND MANDATES**

- Build on and support environmental justice within MDE as a policy that is concerned about stakeholder/community based planning, interests and environmental concerns;
- Build on and support integrative methodologies, collaborative partnerships/problem solving, leveraging resources and stakeholder-based capacity building as the frameworks for engaging stakeholder-based planning and environmental concerns;
- Build on and support MDE’s public outreach and public information programs by coordinating joint efforts, where appropriate;
- Build on and support MDE’s programmatic handling of environmental injustice/public participation claims from the public with informed data. Where possible and appropriate, staff should visit the community. Staff should hold public meetings or hearings at a location and time convenient for community stakeholders and in a language or languages that members of the community are able to understand, where appropriate;
- Build on and support MDE’s efforts to ensure that environmental justice and *PARCs* (Potentially at Risk Communities) are considered in the development and implementation of all policies, regulations, and programs;
- Build on, support environmental reviews, and permit decisions by MDE’s administrations and programs concerning projects, facilities, and activities located or directly affecting an identified *PARC*. Encourage beyond compliance mode activities and good neighbor agreements, where appropriate;
- Build on MDE’s tracking of progress related to reducing environmental disparities. Strong oversight, monitoring and enforcement of regulations will be critical in *PARCs* (e.g., where sources of pollution or waste sites are clustered);
- Environmental burdens know no political boundaries. Therefore, we should build on MDE’s programs’ efforts to seek broader and more proactive approaches to environmental protection and allocation of resources. Provide notices as early as possible to communities potentially impacted by a decision and not merely the municipality where the site is located. Appropriate, where applicable, components of EPA’s Draft Public Involvement Plan;

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<sup>30</sup> *In the context of MDE’s programs and available resources, this objective can be accomplished relatively soon.*

- Support MDE’s programs’ efforts to seek out opportunities to work inter-agency within MDE or with other relevant agencies beyond the MDE secretariat to maximize state resources, research, and technical assistance;
- Support and build on MDE programs’ efforts to create collaborative partnerships for problem solving, provide technical assistance and promote sustainable practices and sustainable businesses for all communities especially those designated as **PARCs**. MDE should also work with the Maryland Department of Planning, Maryland Department of Natural Resources, Department of Revenue Department of Budget and Management, the Department of Business and Economic Development, and/or other appropriate agencies to explore the possibility of incentives to attract sustainable or "clean" businesses in the most environmentally over-burdened and economically strapped communities in the state. These agencies will also form the basic foundation for joint responses to environmental problem solving in Maryland;
- Strongly support and build on MDE’s programs’ effort to be available to respond to community groups, businesses, and agricultural operations located in **PARCs** with questions about environmental regulations to assist them with compliance and sustainability;
- Build on MDE’s programs’ efforts whenever possible to seek input from community-based organizations (CBOs) to identify **PARCs**;
- Build on and support MDE’s administrations’ efforts whenever possible to seek input from CBOs to identify communities or populations that may not be proficient in English so that MDE entities can perform public outreach in the appropriate language and through the appropriate communication outlet;
- When determining whether a public notice should be in a language other than English, Support MDE’s programs to not limit their evaluation of the percentage of non-English speaking population to the percentages relevant to a municipality. Rather, consider neighborhood level analysis whenever possible;
- During implementation of programs that explicitly allow public hearings at the agency’s discretion, an MDE program should hold a public hearing if requested to do so in writing by 20 or more residents who reside in an identified **PARC**;
- When considering a "supplemental environmental project" for the settlement of an enforcement action or other legal proceeding concerning a **PARC**, MDE’s senior management/programs may seek input from CBOs and community stakeholders to develop settlement based as much as possible on community priorities, especially when the community priorities can be determined; and,
- This list of principles is not exhaustive. As a matter of policy, MDE programs and staff should attempt whenever possible to facilitate meaningful public involvement in decision-making processes and to be sensitive to a community’s environmental priorities.

#### NEAR TERM NEXT STEPS

- Undertake the development of community characterizations projects and analyses;
- Develop E.J. related permitting review guidance for MDE;
- Continue to build alliances and relationships with various stakeholders via meetings, MOUs and other forms of agreement;
- Build and strengthen government “infrastructure” at local/community level;

- Identify public policy themes and relationships to environmental justice and sustainable communities; and,
- Actively nurture existing and new demonstration projects.

#### **REQUIRED ACTIONS WITHIN MDE**

- The Secretary for MDE has designated an Environmental Justice Coordinator (EJC). The EJC is the contact point for Environmental Justice Communities and other communities who believe they are at risk of an imminent environmental injustice. Based on criteria to be developed, if the EJC determines that the community may bear a disproportionate environmental burden due to a state environmental decision, the EJC will serve as a liaison between the community and the relevant MDE personnel to seek a just resolution of the action (with additional staff and support). The EJC through staff should do proactive public outreach to publicize services and to distribute contact information to communities at risk of bearing a disproportionate environmental burden or receiving a less than equitable share of environmental benefits. The EJC and staff may review proposed permits, plans, and policies for consistency with this policy. The EJC shall also serve as the MDE staff responsible for advising the Secretary on the development of further environmental justice guidance or policy;
- MDE's Environmental Equity Network (*EEN*) shall meet to, among other things, develop environmental justice strategies tailored to the mission of MDE;
- Each MDE program is encouraged to utilize the current E.J. liaison or appoint a new point of contact to work with the *EEN*;
- Administrations will be encouraged to identify at least one project; funding decision, rulemaking, or other action intended to reduce environmental disparities in the state;
- The Environmental Justice contact in each program will be encouraged to undertake a brief review of the regulations and guidance to ensure that they are compatible with this policy (in the context of permitting review guidance developed by EJC). The Environmental Justice Coordinator must prepare and submit to the Secretary a summary of the review; and,
- The EJC will propose to the Secretary further guidance, with guidance and direction from the internal E.J. network and other stakeholders, pertaining to further identification of environmental injustices and lack of public participation using the Social/Economic/Physical, Sensitivity/Vulnerability, and Environmental Indicators set forth above.