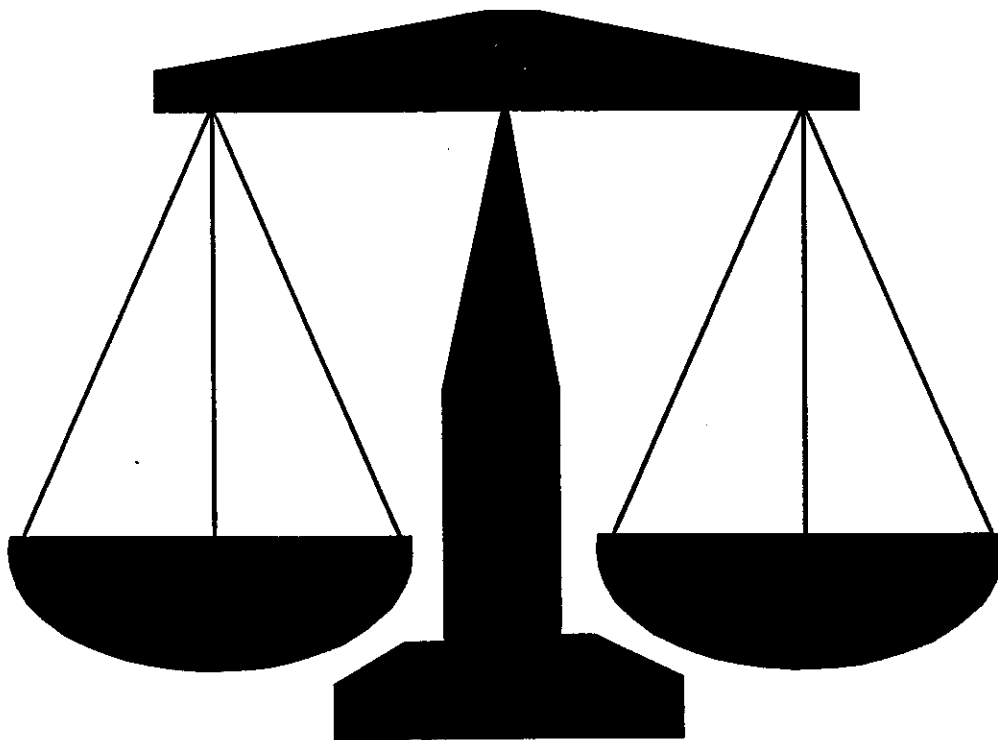


Environmental Justice in the State of Maryland



**Presented by the Maryland Advisory
Council on Environmental Justice**

Governor Parris N. Glendening

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ENVIRONMENTAL JUSTICE IN THE STATE OF MARYLAND

EXECUTIVE SUMMARY

On April 7, 1997 the Maryland General Assembly passed House Bill 1350, establishing the Maryland Advisory Council on Environmental Justice (MACEJ). House Bill 1350 passage was a direct response to growing concerns among various urban, rural and environmental constituencies over perceived environmental impacts being disproportionately felt by low-income and other disenfranchised groups in the State of Maryland.

MACEJ, over a two-year period, endeavored to meet the requirements of House Bill 1350, which required the Council to examine issues relating to environmental justice and "study and make recommendations on:

- 1) Involving affected communities in community-based planning for environmental and economic enhancement and related coordinated state and local activities, programs, and policies;
- 2) Increasing efforts to integrate public health and planning for revitalization of affected communities;
- 3) Enhancing public participation in environmental justice development and implementation regarding affected communities;
- 4) Increasing the awareness and sensitivity of state and local officials to environmental justice issues;
- 5) Assessing the impact of state policies, programs, and activities on affected communities; and
- 6) Encouraging public-private partnerships to address environmental justice issues in the affected communities."

MACEJ subsequently established Bylaws and three subcommittees to look at the various concerns. The three subcommittees are the environmental health concerns and research subcommittee, the public participation subcommittee and the state and interagency participation subcommittee. The committees were assembled to study and develop recommendations on ways to identify and address these issues within the context of environmental justice. The health and research subcommittee examined environmental health concerns and research into the public decision-making process. The public participation subcommittee worked with various constituencies to identify and incorporate better public awareness and participation. The state and interagency subcommittee worked to encourage collaboration and institutionalization of environmental justice issues within and among state agencies. The committees have contributed significantly to achieving MACEJ's purposes, goals and objectives.

The purpose of MACEJ was to provide recommendations on environmental justice matters, including policy, community concerns and participation, streamlining decision-making processes to include diverse perspectives, enforcement of laws, and highlighting discriminatory laws, to the Governor and members of Maryland's General Assembly. In fulfilling its charge, MAJEC established several forums for public discussion on environmental justice. These included undertaking more than 75 open meetings over two years and five major statewide workshops. Most of the small open meetings were held at the Maryland Department of the Environment (MDE). The five statewide meetings were

held in Hagerstown, Baltimore City, Wagner's Point, Salisbury, and Prince George's County. The meetings and workshops revealed many concerns that have helped the council to develop better ideas concerning environmental justice. To that end, MACEJ developed and has refined a definition of environmental justice based on input from various participants in meetings and workshops across the state of Maryland. The agreed upon definition for the State of Maryland reads:

"Environmental Justice (EJ) means equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Environmental justice also means equal access to socio-economic resources so that all people can provide for their livelihood and health. Additionally, environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies."

The MACEJ meetings across the state of Maryland brought forth many different perspectives of various interest groups to institutional and state laws bearing discriminatory traces to basic concerns regarding transportation impacts on air quality, lead paint, crime, asbestos, respiratory illnesses, discriminatory and unexpected land-use and planning mishaps, landfills, poor water quality, rats, toxic pollution, etc. The concerns raised suggest that the state become more responsive and increase its efforts to provide remedies and recourses that can begin to address years of pollution and institutional practices.

In addition to developing a definition of environmental justice, MACEJ is recommending based on statewide findings, that considerable attention be given to understanding, mitigating, and preparing to resolve environmental justice issues. MACEJ recommendations include:

- Issuing an Executive Order requiring agencies to evaluate and incorporate environmental justice issues into their operation;
- Establishing an office of environmental justice to be housed at MDE;
- Proposing an increase in MDE's budget and staff to accomplish the tasks within the EJ office;
- Establishing an ongoing Environmental Justice/community policy-making commission to be appointed by the governor;
- Encouraging the development of opportunities for better public participation, outreach, training, and more environmental education programs;
- Developing and encouraging more appropriate information, resources and services. Within the context of this recommendation, the Council recommended some the following tasks:

1. creating environmental profiles of communities with the aid of geographic information systems (G.I.S.)
 2. encouraging more proactive research to better understand harmful effects and disparate impacts
 3. encouraging research to define and understand environmental justice communities;
- Developing and encouraging better data collection, analysis and information gathering. Within this context, the council is encouraging among other recommendations, more research to better understand the correlation between environmental effects and pollution precursors;
 - Developing and encouraging better health coordination and research. This recommendation is linked to better data collection and analysis; and
 - Developing and encouraging the institutionalization of environmental justice in all state agencies and fostering greater collaboration among state agencies concerning environmental justice.

Many states like Maryland, Pennsylvania, New Jersey, Texas, etc. have undertaken initiatives to draft policies intended to position their constituencies to respond to the various notions and concerns related to environmental justice. Maryland's draft policy has been developed with significant public participation and our methodology of actively soliciting suggestions from communities, business, industries, state agencies, etc., has moved Maryland into an enviable position nationally. MACEJ strategy is not a panacea, however, the methodological rigor involved has enabled positive responses and feedback that will assist in the State's endeavor to provide leadership and understanding to its citizens. Among ideas that MACEJ considered that were crucial to our recommendations in furthering the research on environmental justice are (1) an established relationship with smart growth, brownfields, permitting, land-use and planning policies and the effects of related policies; (2) establishing a strong correlation between health concerns and environmental pollution in specific neighborhoods; (3) establishing links between some middle and upper class neighborhoods and environmental justice concerns; and (4) engaging in continuing discussions with public interest groups and citizens regarding the many concerns that need to be addressed.

The report is subdivided into five sections. Section I looks at the background and history of environmental justice. Section II highlights various stakeholders' perspectives of the Council. Council members wrote the perspectives along with constituent groups based on collaboration and interactive communication. Section III describes EJ in Maryland and highlights the council's goals, mandates, and methodologies. Section IV describes, through reports from the various MACEJ subcommittees, findings and approaches that have helped to shape MACEJ's recommendations. Section V highlights recommendations by MACEJ based on the council's statewide, regional, and local findings. In summary, the MACEJ report has crafted a blueprint to: monitor disparities; encourage appropriate economic and technological tools to assess disparities; and examine strategies, short and long term, to eliminate disparities.

INTRODUCTION

In an industrialized society it is virtually impossible to be pollution free. Production, energy needs and transportation among other things all contribute to increased environmental pollution. In an effort to manage and minimize these impacts federal, state and local environmental regulatory agencies have established permitting programs to place limits on the amount of pollution that can be acceptably discharged or emitted from a given facility. Any facility, which is permitted to operate, will have some impact on surrounding communities; the question is whether the impact is unreasonable and disproportionate to those communities.

Title VI of the Civil Rights Act of 1964 states,

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

This Act paved the way for social justice reform in every federally funded program including environmental programs. In the nation today, there is a movement for Environmental Justice, which is promoting the fair treatment of people of all races, income, and culture with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no person or group of people should shoulder a disproportionate share of the negative environmental impacts resulting from the execution of any policy programs. (The environmental justice movement is also occasionally referred to as Environmental Equity – which EPA defines as the equal treatment of all individuals, groups or communities regardless of race, ethnicity, or economic status, from environmental hazards).

The environmental justice movement is generally acknowledged to have emerged in the early 1980's in response to large demonstrations opposing the siting of a PCB-landfill in a predominantly black community in Warren County, North Carolina. Subsequent studies and public attention have raised concerns of the fairness and protection afforded under existing environmental programs – concerns that are now receiving increased attention at all levels of government as well as within the private and non-profit communities.

Today, environmental justice is a priority both within the White House and EPA. The Clinton Administration has documented its concern over this issue through issuing Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994). This Order requires that federal agencies make achieving environmental justice part of their mission. Similarly, the EPA identified environmental justice as a key priority and in 1992 created an Office of Environmental Justice [OEJ] (originally the Office of Environmental Equity). The OEJ was commissioned and tasked to address environmental justice issues, oversee the Federal Advisory Committee addressing environmental justice issues (the National Environmental Justice Advisory Council (NEJAC), and is mandated to develop and implement strategies as required under Executive Order (E.O) 12898.

The environmental justice movement has both direct and indirect links with pollution issues and a litany of environmental ills. At the most basic level, pollution prevention provides a means of achieving or improving environmental justice by reducing the environmental and health impacts that are borne by any element of society. In addition, environmental education efforts have focused on promoting fair treatment to emphasize the importance of pollution prevention in achieving programmatic objectives. Many environmental justice leaders also participate in various initiatives to work with segments of industry to promote waste reduction, compliance, and the streamlining of environmental regulations. Also, EPA and concerned interest groups in Maryland are trying to integrate considerations of environmental justice in Smart Growth policies, Brownfields, Urban Revitalization programs, permitting processes, and to develop *Supplemental Environmental Projects* to promote compliance, continuity, consistency in program goals and objectives.