

Approved Meeting Minutes

Approved by ARWG membership at the Sept. 20 ARWG meeting.

Adaptation & Resiliency Working Group Meeting

Joint Meeting with the [Coast Smart Council](#)

June 28, 2021 | 2:00p - 4:00p

Virtual Meeting Only

Chair: Secretary of Natural Resources, Jeannie Haddaway-Riccio

Coordinator: Allison Breitenother, allison.breitenother@maryland.gov

Agenda

- I. Welcome, Introductions & Review of Agenda** **2:00 - 2:15p**
 - A. *Matt Fleming (DNR)*, will open the meeting, read roll call and seek approval of April 26 Meeting Minutes.
 - Jason Dubow gave motion to approve meeting meetings. Sandy Hertz seconded.
 - Member updates: 1) Maryland BPW - approved 2.4 million grant to control stormwater runoff. 2) Groundbreaking of first Resiliency through Restoration effort. At West River United Methodist Church in Baltimore City. 3) Bay Report Card was released by the UMCES team - 2020 Bay health showed an improving trend. C- in 2019 to a C. Bay watershed received a B score overall. 4) Baltimore Coastal Storm Risk Management Feasibility Study, partnership with MDOT, DNR and USACE Baltimore District is back and fully funded. 5) Treasurer Kopp acknowledged Senator Katie Fry Hester on being a leader on the resiliency efforts.

- II. Presentations** **2:15 - 2:45p**
 - A. Department of Labor - Heat Response Plans Update. *Matt Helminiak* will provide attendees with an update on the Department of Labor's efforts to develop updated heat response plans in compliance with [House Bill 722](#).
 - Commission of Labor and Industry - responsible for building codes, MOSH, labor laws. House Bill 722 requires MOSH to develop heat stress standards.
 - OSHA - always had guidance. "Water. Rest. Shade."
 - Extreme heat illness impacts workers of all backgrounds and baseline health status.
 - General Duty Clause - OSHA requires employers to provide a workplace free from known safety standards. This is where previously heat standards have been developed.
 - Key is acclimatizing workers. Most heat injuries occur within the first few days of exposure to heat.
 - Ch308 of HB0722 - by Oct. 1, 2022 develop and adopt regulations that require employers to protect employees from heat stress.
 - ANSI standard - consensus standard that is published and employers can choose to implement. Help to build the general duty action. Regulation (adopted at state level) would be more general than an ANSI standard. ANSI standards fill in the details and provides significant details and specifics.
 - Heat stress illness details provided in the appended slides from the Department of Labor.
 - Heat stroke has almost 50% fatality rate and requires very immediate intervention.
 - Four A's of mitigating heat stress
 - Be Aware
 - Become Acclimated
 - Drink Agua
 - Utilize Awnings

- Factors to heat illness are more than just temperature and humidity but it's a good guide to start with.
 - Questions
 - Would a regulation ever cite an ANSI standard?
 - Not in the regulation. Could reference the standard but wouldn't require it directly in the regulation.
 - Fatalities that take place during sporting events, would the ANSI standard apply to it?
 - Occupational Safety and Health only applies to employer / employee relationships. So many times that is not applied to sporting events. Ex: Raven injuries are not OSHA complaints.
 - What is the impact of this new law?
 - For employers it would provide helpful guidance. Should improve awareness of protections. Gives MOSH tools to provide citations or fines if there is a compliance issue.
 - Suggestion to provide a 5th A - a friend. Critical for people to have buddies or people to check on them as heat is more insidious than cold.
 - Did the four outreach sessions from the bill happen before the process started?
 - Didn't make it into the final bill but in the standard regulatory process there will be meetings with the Occupational Safety and Health Board. Work with NIOSH and OSHA, draft a standard and put it through a public comment period and address every comment. Then publish the final and adopt.
 - Some agencies have a lot of staff that work outside all summer. Are there going to be considerations for those agencies' additional resource needs for the outdoor workforce?
 - Building codes in Maryland - summary on how the building code administration is doing and how they are supporting climate change goals in the state?
 - The building code administration has a very strict bill to follow. Any new code published by the International Code Council, Maryland has 18 months to adopt the new code. The 2021 ICC released a few months ago and is 6-9% more strict than the 2018 goals, slowly ratcheting up. Updates are done every 3 years. Net zero energy between 2030 and 2040 by ICC codes. New construction doesn't address existing buildings and there is a lot of inertia in the energy inefficiency of those existing buildings. Many buildings can't be made efficient, they need to be reconstructed.
 - Have you had experience with new building code regulations including components to cool the outdoor space for pedestrians, etc.?
 - Possibly shows up in the 2021 International Green Code Council (IGCC) which hasn't been released yet. Three must adopt of each cycle -- International Building Code, International Residential Code, International Energy Conservation Code. IGCC is a 'stretch' code and doesn't translate directly into building codes.
 - Looking at the intersection of the ANSI and regulation for heat stress and how that would support climate adaptation strategies for individuals and groups outside of the employee/employer relationship. Look to human health sector group of Adaptation Framework during roll out to apply to other groups.
 - One of the challenges for codes is with moisture (less so than heat). Buildings (older and newer) wouldn't meet the International Maintenance code and the addendum for moistures. Any thoughts on that?
 - Those codes are not adopted by MD. Air conditioners are dehumidifiers. Don't want homes to be above 50% humidity, but better to be closer to 40%. As codes increase, they are trying to address the humidity issue as well.
- B. Maryland Department of Health - Climate and Health tools. *Nick Adams* will provide an update and demonstration of the data and tools available from the Department of Health for climate adaptations.
- [Environmental Public Health Climate Adaptation Tracker](#) - main database for climate adaptation activities occurring in Maryland. GIS tool that shows - what the program is, what category of intervention they are looking at (capacity building, education, etc.), geographic area of impact, the climate impact being addressed and the health outcome.



Plans to move forward with expanding what is available in this tool. Highlighting adaptation actions, who is doing it and the evaluation results. Possibly including the CDC social vulnerability index.

- [Environmental Public Health Tracking](#) - expanding the climate indicators available, identifying vulnerabilities and pulling data for those vulnerabilities (personal and community level) and land use (canopy cover, impervious surface coverage).
 - Working on an update to EPHT, changing the platform. Moving from current data, highlighting disparities, what programs are available to support efforts, and then more data. Have rates and count data for the different health outcomes. Shows rates over time to see how the state is doing overall with additional information for the health outcome. Disparities data will show historical drivers of the disparities. Future goal is to show data of impact and program offerings on one site. Data tables will be easy to export.
 - Goal: bring the data and tell the story. Not just about the data but where are the disparities, where are the programs that are in place to address those problems, and how we are doing them.
- Questions:
 - Will this integrate the EJSCREEN (EPA) or EJ Tracker (MD)?
 - This is focused more on health surveillance data that is actively measured. EJScreen and EJ Tracker are about bringing data together and creating indexes. They will complement each other but not be integrating
 - Will this data be useful in developing strategies for addressing extreme heat and extreme temperature issues?
 - Recent proposal to CDC is to update the 2016 Climate and Health Profile Report and understand how those would impact health outcomes. Saw significant differences in 2016 between extreme heat and extreme precipitation in different areas of the state and what health outcomes were of most impact.
 - If funded, timeline?
 - Aggressive timeline to allow for the updated health data to be incorporated into programs and projects to address the health outcomes.
 - Is there a network of heat sensor plans? To help communities plan for and address health.
 - Vulnerability of individuals to heat is very locally specific. Regional temperature measurements will not capture the individual specific risk factors (AC use, etc.) Ideal - bring together population characteristics with the heat gradient to start identifying at risk areas.
 - Electricity use as proxy data for at risk during the summertime.
 - Resolution of data in maps? Is it localities or county level?
 - Some data can go down to census tract data. Suppression rules apply to a lot of the data for health outcomes. Resolution depends on monitoring networks and data availability and privacy rules.
 - Any tracking of toxic flood waters - into communities and into homes after flood events?
 - Data that is available is routinely collected data available over years. Capturing data from episodic events is much more difficult to set up routine surveillance collection for events like that.
 - Has the planning process started in Maryland for protecting the population in the event of a brownout or massive power failure?
 - MEMA, Office of Preparedness and Response (MDH) - spend a lot of time thinking about and planning for disasters, including climate change. Significant time and planning for protecting people in the event of those situations.



III. Coastal and Riverine Flood Risk Discussion

2:45 - 3:30p

- A. Status update from MDE on compliance with flood risk requirements. Discussion about coastal and riverine flood risk - how to communicate them both (individually and collectively). Discussion on how the FEMA requirements impact adaptation decisions for Maryland.
- Presentation includes: a) 100-year floodplain regulation history; b) FEMA's letter to the Governor details c) Gaps and opportunities between FEMA regulations and Coast Smart d) an example of where the overlap is already impacting a project.
 - A different state had an issue with regulations that triggered a review by FEMA which led to them sending the letter to Maryland. Looking for Maryland to explain how the documentation for regulations and projects (like Coast Smart) happen with communities.
 - State Regulations - how close are we?
 - Tidal floodplain over \$500,000 - Coast Smart Construction Program (CSCP) may apply; tidal floodplain less than \$500,000 - CSCP doesn't apply and would fall under local permits. Nontidal floodplains fall under waterway improvement.
 - Self certification of CSCP may not meet FEMA's requirement for coordination. Looking for local regulations to pick up the gaps and what's missing.
 - FEMA requires documentation of everything in the floodplain. State level projects may not have local permits and wouldn't be captured. Some projects in the floodplain would require a revision to the floodplain maps.
 - Real example: Placing fill in floodplain by Brony Highway. Goal to upgrade the facility for a storage and maintenance site. Recommendation for fill to FEMA recommendation of 5 not the 9 as identified by CS-CRAB (as height of base floor elevation), as this would prevent local because that doesn't violate the local floodplain requirement on the south side of Colgate creek. Question - use 9ft of CRAB or 5ft of FEMA. Baltimore City uses a higher floodplain, through coordination with Baltimore City a resolution was found. Coordinating with local governments (ex above) will help to meet the FEMA requirement for coordination and documentation.
 - How to line up the FEMA requirements, state requirements, Governor letter and local requirements to meet all needs without impacting ability to receive disaster money in the future.
 - Questions:
 - Clarify whether state projects need to get local permits?
 - Do not need to get local permits for state activity, but coordinating with the If you meet FEMA requirements and local requirements, then you would meet the Governor's letter.
 - 600 cubic yards of fill from slides. More than 100 cubic yards of fill requires coordination with additional entities. Where did the number come from and how does it relate to other regulated entities?
 - 100 cubic yards in riverine areas - known to impact flooding in nearby areas. 600 cubic yards is a historical indicator, it flags to note that there may be impacts to floodplain, not a hard and fast rule.
 - From Critical Area perspective - putting fill to raise the level may not have a huge impact on habitat, but are there unintended consequences for areas where a preference for nature based solutions exists?
 - What floodplain projects are impacting the resolution. Counties have different floodplain regulations, which determines what and how to implement resolutions - both hardened and nature based solutions.



- Need to address better coordination between all the different regulations so we do it one time and maximize benefits and not risk the loss of federal disaster relief. Need to have someone at the state reviewing projects to meet FEMA's request.
- Faced with a need to better inventory and track where resiliency measures are in place. Looking at the cumulative benefits of everything.

IV. Looking ahead to 2022 3:30 - 3:40p

- A. Members will hear a brief update on priority activities for the workgroups (ARWG and Coast Smart Council). Setting the stage to start thinking of 2022 activities.
- [Survey](#) to provide feedback to the ARWG for annual work plan and priorities next year. Open to all individuals (not just ARWG members).
 - Question: How do we bring together everything everyone is working on to the general public. Loop in the Education, Communication and Outreach workgroup.
 - Priority of the Resiliency Partnership website as well. MCLA hopes to bring together the items and training on them.

V. Public Comment, Updates, & Next Steps 3:40 - 4:00p

- Jeff Silva - MCCC needs to expand the website to approach climate change communication for an individual and not the government agencies that may already know what is happening. STWG vetted website and resources. Information for business owners, individuals, community members.
- Hannah Brubach (Chesapeake Legal Alliance) - New Climate Normals data, significant increase in rainfall. Need to increase stormwater management to meet this need. See MCCC bringing adaptation to a priority position. Ask that ARWG include the recommendation that all state agencies include climate change in stormwater permits.
- Sandy Hertz motion to adjourn. Jason Dubow seconded. Meeting adjourned 4:00pm
- **Next ARWG Meeting: September 20, 2021, 2-4pm.**
Email Allison.Breitenother@maryland.gov for a meeting invitation.

