

# Annual Report 2022

## **Maryland Commission on Environmental Justice and Sustainable Communities**





**Maryland Commission on Environmental Justice and Sustainable Communities**

**Chair**

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Camille Burke

**Members**

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Vacant, Senate of Maryland

The Honorable Regina Boyce, House of Delegates of Maryland

Secretary of the Maryland Department of the Environment, Horacio Tablada

Secretary of the Maryland Department of Health, Dennis Schrader

Secretary of the Maryland Department of Planning, Robert S. McCord

Secretary of the Maryland Department of Commerce, Mike Gill

Secretary of the Maryland Department of Housing and Community Development, Kenneth C. Holt

Secretary of the Maryland Department of Transportation, James Ports

Lesliam Quiros-Alcala

Camille Burke

Crystal Faison

Paula Dannenfeldt

Paulette Hammond

Voncia Molock

Monica Brooks

Barbara Paca

Pete Hill

Lori Cunningham

Donna Edwards

Gerald Jackson



## Message from the Chair, Camille Burke

As the Chair of the Commission on Environmental Justice and Sustainable Communities (CEJSC or Commission), and in my role as the Director of the Childhood Lead Poisoning Prevention Program for the Baltimore City Health Department, I am no stranger to the difficult public health and environmental challenges that families and children can face. As we recover from a year like no other, we in Maryland have led the call on diversity, equity, inclusion, and justice. Our Maryland CEJSC spent the year 2021 refocusing on equity actions internally in state government and externally with the very communities experiencing environmental justice (EJ) challenges daily. Moving forward, the Commission will continue to push elected officials and state actors to embrace diversity and fight for those frontline and fence line communities most in need.

## Message from the Secretary of the Maryland Department of the Environment, Horacio Tablada

The mission of the Maryland Department of the Environment (MDE) is to protect and restore the environment for the health and well-being of all Marylanders, and the vision of the agency is to create healthy, vibrant, and sustainable communities and ecosystems in Maryland. While the agency has made great progress in the protection of water, land, and air resources over the years through environmental laws, regulations, and policies, there is still much more work to do. MDE is committed to ensuring that every community is protected, including the most vulnerable.

MDE is proud to support and staff the CEJSC and embraces diversity, equity, inclusion, and justice in every aspect of agency operations. MDE's internal EJ policy is a blueprint for how the agency addresses EJ in its operations. We look forward to continuing to work with our citizens, partners, and diverse stakeholders to address EJ, and will support common-sense solutions to ensure equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. Thank you for joining us in building a more prosperous and sustainable future for all Marylanders.

## Background

### **Introduction of the CEJSC in Maryland**

In 1997, Maryland established a temporary advisory body called the Maryland Advisory Council on Environmental Justice for the purpose of providing policy recommendations to the Maryland General Assembly. The body recommended the creation of the Maryland CEJSC. In 2001, CEJSC was formalized under statute, and as a part of the charge of the Commission, CEJSC is required to submit this annual report pertaining to EJ issues in Maryland.

EJ is defined by the U.S. Environmental Protection Agency (EPA) as “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 should bear a disproportionate share

of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies. In Maryland law, EJ is defined as “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.”

CEJSC is charged with examining EJ issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or any other manner associated with EJ and sustainable communities. CEJSC is broadly tasked with reviewing and analyzing Maryland laws and policies pertaining to EJ issues, including state agency programs and permits. CEJSC is also tasked with developing criteria to identify vulnerable communities and prioritizing action strategies toward the identified areas of the state that need immediate attention. Risk conditions are affected by a wide range of entities and social, historical, environmental, and economic factors, and similarly EJ requires an interdisciplinary approach in order to identify problems and solutions. The CEJSC advises state government agencies, the Governor, and the Maryland General Assembly by reviewing and analyzing the impact of state law and policies to address issues on EJ, sustainable communities, and compliance with Title VI of the Civil Rights Act. The Commission uses data sets and mapping tools to address these issues. The CEJSC also coordinates with the Maryland Commission on Climate Change (MCCC), the Maryland Department of Health (MDH) Office of Minority Health and Health Disparities, and the Children’s Environmental Health Protection Advisory Council (CEHPAC).

The authorizing statute identifies the membership requirements for CEJSC, which consists of at least 23 members, including representatives from government agencies, local governments, and the AFL-CIO. The Governor, the Senate President, and the Speaker of the House appoint a variety of members representing communities impacted by EJ issues, business organizations, environmental organizations, academic institutions with an EJ institute, and health experts.

### **Environmental Justice Law Changes**

During the 2022 legislative session, two bills passed that added new provisions to state law that affect EJ. This first law change defined “overburdened community” and “underserved community”. An underserved community means any census tract in which, according to the most recent U.S. census bureau survey:

- (I) at least 25% of the residents qualify as low-income;
- (II) at least 50% of the residents identify as nonwhite; or
- (III) at least 15% of the residents have limited English proficiency.

An overburdened community means any census tract in which three or more of the following environmental health indicators are above the 75th percentile statewide:

- (I) particulate matter (PM) 2.5;
- (II) ozone;
- (III) National Air Toxic Assessment (NATA) diesel PM;
- (IV) NATA cancer risk;
- (V) NATA respiratory hazard index;
- (VI) traffic proximity;
- (VII) lead paint indicator;
- (VIII) national priorities list superfund site proximity;
- (IX) risk management plan facility proximity;
- (X) hazardous waste proximity;
- (XI) wastewater discharge indicator;
- (XII) proximity to a concentrated animal feeding operation (CAFO);
- (XIII) percent of the population lacking broadband coverage;
- (XIV) asthma emergency room discharges;
- (XV) myocardial infarction discharges;
- (XVI) low-birth-weight infants;
- (XVII) proximity to emitting power plants;
- (XVIII) proximity to a toxic release inventory (TRI) facility;
- (XIX) proximity to a brownfields site;
- (XX) proximity to mining operations; and
- (XXI) proximity to a hazardous waste landfill”.

The second bill, the EJ screening bill, requires a person applying for a permit from MDE under §1-601 of the Environment Article to include in the application an EJ Score for the census tract where the applicant is seeking the permit. The bill further requires that the Department, on receiving a certain permit application, to review the EJ Score and provide that EJ score to the community where the proposed permit is located.

The concept behind EJ is that regardless of race, color, national origin, or income, all people should be equally protected from environmental hazards. How to assess whether equal protection is being applied is the challenge.

A large body of research has documented that health disparities exist between demographic groups in the U.S., such as differences in mortality and morbidity associated with factors that

include race/ethnicity, income, and educational attainment. For example, individuals may be more susceptible if they are already in poor health, have reduced access to health care, have a lack of resources or language skills or education that would help them avoid exposures or obtain treatment, or are at susceptible life stages. In another example, a community with a certain demographic makeup is more susceptible to being impacted by environmental exposures than a similar community facing the same exposures but having a different demographic makeup.

Certain demographic indicators can, therefore, be used in a broad sense to assess a community's potential susceptibility to environmental exposures. The Maryland EJ Screening Tool uses three demographic indicators – minority population above 50%, poverty rate above 25% and percent of the population having limited English proficiency above 15% - to calculate a score that can be used as an indicator of susceptibility to environmental exposure.

## **CEJSC RECOMMENDATIONS**

- *ADVISE STATE GOVERNMENT AGENCIES ON EJ*
  - **CEJSC recommends that each state agency appoint an EJ coordinator to advise the agency on diversity, equity, inclusion, and justice.**
  
- *REVIEW AND ANALYZE THE IMPACT OF CURRENT STATE LAWS AND POLICIES TO ADDRESS ISSUES OF EJ AND SUSTAINABLE COMMUNITIES AND USE DATA SETS AND MAPPING TOOLS TO REVIEW AND ANALYZE IMPACT OF CURRENT LAWS AND POLICY INCLUDING PERMITS AND ACTIONS, CUMULATIVE IMPACTS, EFFECTS, AND EXPOSURES.*
  - **CEJSC recommends that the incoming Administration require the use of EJ screening tools in each agency to prioritize attention to and investments in communities with EJ concerns.**
  
- *ASSESS THE ADEQUACY OF STATE AND LOCAL GOVERNMENT LAWS TO ADDRESS ISSUES OF EJ AND SUSTAINABLE COMMUNITIES INCLUDING COMPLIANCE WITH TITLE VI.*
  - **CEJSC recommends that each county and municipal government begin a review of their planning policies and zoning laws to address EJ issues in overburdened and underserved communities.**
    - Many of the concerns brought to the CEJSC and/or MDE could be addressed by local governments reviewing their policies and altering their zoning to permit or prohibit projects that negatively impact overburdened and underserved communities.

- *COORDINATE WITH CEHPAC, MCCC, & THE OFFICE OF MINORITY HEALTH & HEALTH DISPARITIES ON THE ISSUES OF EJ AND SUSTAINABLE COMMUNITIES.*
  - **CEJSC continues to coordinate with and support the missions of each commission and office.**
    - CEJSC has attended meetings with each entity and will continue to collaborate with these entities in 2023.
  
- *RECOMMEND OPTIONS FOR ADDRESSING EJ ISSUES TO THE GOVERNOR AND MGA; INCLUDE PRIORITIZED AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.*
  - **CEJSC recommends that the Presiding Officers of the Maryland General Assembly immediately fill the vacancies on the CEJSC.**
  - **CEJSC recommends that county and municipal governments use the appropriate screening and mapping tools to identify communities with EJ concerns in their jurisdictions, using the new state definitions of overburdened and underserved as the starting point for identification of these communities.**
  
- *RECOMMEND OPTIONS TO THE SECRETARY FOR ENSURING THAT THE DEPARTMENT IS MAKING PROGRESS IN ADVANCING THE HUMAN RIGHT TO SAFE, CLEAN, AFFORDABLE, AND ACCESSIBLE WATER FOR CONSUMPTION, COOKING, SANITATION, HEALTH, AND RECREATION PURPOSES.*
  - **CEJSC recommends that MDE and MDH report to CEJSC on the status of water systems throughout Maryland.**

## Appendices

### October 5, 2021 Agenda & Minutes

#### Agenda

- Welcome & Remarks
- Staff Reports:
  - Implementation of SB 674/HB 1204 - Commission on Environmental Justice and Sustainable Communities – Reform
  - August Eastern Shore Visit
  - MDE Internal EJ Workgroup
- Discussion of Action Items and Recommendations for 2021 CEJSC Annual Report
- Public Comment

#### Minutes

**In Attendance:** Secretary Grumbles, Camille Burke, Senator Patterson, Subha Chandar, Joseph Griffiths, John Papagni, Janet Cornick, Lesliam Quiros-Alcala, Paula Dannenfeldt, Paulette Hammond, Voncia Molock, Linda Boyd, Josh Foster, B. Thomas Burton, Molly Brown, Phillip Wilson, Ramon Palencia Calvo, Hanna Donart, Diana Conway, Hope Clark, Devon Dodson, Lisa Nissley, Kimberlee Drake, Richard Allen

- Welcome & Remarks

Camille Burke welcomed the group and thanked everyone who was able to participate in the drive over the bridge to tour parts of the Eastern Shore in August. The group was able to see properties that are impacted by chicken operations in the area. It was great to be together and see a beautiful part of the state.

Secretary Grumbles greeted the Commission and thanked everyone for joining the meeting, which has an important agenda. He shared that he recently joined the Governor at a meeting of the Bay Program in Virginia Beach and there was a lot of discussion around the Bay, climate, EJ, and sustainability. He is happy to see an EJ lens to this issue.

- Staff Reports:

Staff shared that Voncia Molock is planning a second visit to the shore so members can see chicken operations. Anyone interested should reach out to her. This will happen on October 15th.

The Commission is working on a date for a joint meeting with CEHPAC in December.

- Implementation of SB 674/HB 1204 - Commission on Environmental Justice and Sustainable Communities – Reform - Devon Dodson reported that the new law went into effect on October



1st. He has previously shared the document that shows the membership change. Some members will no longer fit into this breakdown, but current members serve until new members are appointed. With the Commission's permission, Devon can draft a letter from the Chair to the Governor's Appointments Office. We may also consider a letter to the President and the Speaker as well. The Commission asked for a letter to the Governor's Appointments Office to begin.

Devon Dodson also shared that Delegate Boyce and Senator Patterson are committed to working with the Speaker and President to be sure we have continuity and maintain momentum.

Members asked how interested people can be appointed. There are two paths - contacting the Governor's Appointments Office to express interest or contacting the Senate President or House Speaker. Finally, Devon Dodson shared that Robert Hackman has resigned from the Commission because he acknowledged there was no longer an appropriate spot for him.

August Eastern Shore Visit Camille Burke shared how nice the visit to the Eastern Shore was and thanked everyone who planned the visit including our hosts Monica Brooks and Barbara Paca and staff at the Water's Edge Museum. We learned so much about CAFOs, wells, water, and odors. Secretary Grumbles shared that it was a great opportunity to see where neighbors had concerns about large poultry nearby. He really enjoyed the visit to Oxford. Barbara Paca's museum is very focused on EJ and economic opportunities and we learned so much.

Voncica Molock thought the visit was great and she loved the beautiful museum. She reiterated the invitation to see some poultry farms later this month. Please email her at [Voncica.molock@perdue.com](mailto:Voncica.molock@perdue.com) if you are interested.

MDE Internal EJ Workgroup Secretary Grumbles and Devon Dodson reported on the internal workgroup. The plan can be found here: [https://mde.maryland.gov/Documents/MDE\\_EJ\\_Env%20Justice%20Policy\\_Final\\_Dec2020.pdf](https://mde.maryland.gov/Documents/MDE_EJ_Env%20Justice%20Policy_Final_Dec2020.pdf)

As you can see we have met many of these deliverables. Devon Dodson was named the EJ officer. Denise Keehner and Stephanie Cobb Williams are serving as co-chairs of the internal workgroup. MDE staff looked at EJ Screen and the UMD EJ Screen and decided to create their own. It is similar, but the IT team is about to combine MDE specific data. Recently IT shared it with the internal team. We will be thinking about how to share this with staff and train them to understand the how and why of the database.

Angelo Bianca is leading a subgroup on compliance, monitoring, and enforcement. They are looking at issues around routine inspections, compliance, timely responses, corrective actions, and SEPs.

The final area is communications and the Communications Director is leading that effort. Looking at how to make the website more user friendly, what needs to be archived, and how we should continually update.

Camille Burke asked if there is a way to link this to data the Maryland Department of Health has on public health. Devon Dodson shared that they are working with Subha's team. She also asked if before any sort of roll out, could we do a focus group on the tool.

By chat, Veronika Carella suggested that MDA data be included.

- Discussion of Action Items and Recommendations for 2021 CEJSC Annual Report

Devon Dodson explained that this is an update of the recommendations from last year. The status is noted and there are two new recommendations based on the conversation we have had over the years. The Commission asked if there is the potential for training for state agencies. Everyone agreed, but noted that there are different needs at each agency.

With regard to definitions, the commissioners suggested a menu of definitions and context about EJ. Who could be tasked with local review? We need to make this attainable. Cumulative impacts are the next big issue for EJ. We are seeing this mentioned again and again. We are all hoping there will be some Federal leadership on the issue.

Next steps - Staff will update the recommendations and share with the Commission for final comments.

- Public Comment taken from the chat box

Richard Allen -DNR-11:24 AM Please also consider visiting our MD DNR Oxford Lab, a joint federal-state of MD premier Chesapeake Bay Research facility. I could help to arrange such a visit, if you like. richard.allen@maryland.gov or 410-562-6827

Veronika Carella, MD CEHC Leg Director shared the following: Requesting CEJSC agenda item next meeting. Please include the issue of protecting public health, air, soil and groundwater/wells as a sustainable communities issue [per CEJSC statute: Section 1-701(h) Duties (2) ] specifically please include the topic "Review and analyze the impact of current state Laws and policies on the issue of environmental justice and sustainable communities specifically the issue of what pesticides are allowed for use" in Maryland.

Hope Clark shared this article:

<https://climate-xchange.org/2021/09/03/report-an-assessment-of-environmental-justice-policy-in-u-s-climate-alliance-states/>. She also asked if the Commission is open to looking at legislation that is being prepared to be introduced in this session, and making comments on their thoughts about the legislation. Camille Burke answered yes, you can share with Devon.

## **November 23, 2021 Agenda & Minutes**

### **Agenda**

Welcome & Remarks

Staff Reports:

Joint Meeting with CEHPAC

Collaboration with Office of Minority Health & Health Disparities (per SB 674/HB 1207)

BRF Advisory Council – EJ Member Opportunity

Presentation on Hagerstown & EJ

MDE Partnership Project in Cheverly, MD

Climate XChange Maryland - Climate Crisis and Environmental Justice Act

Public Comment

## **Minutes**

### **Attendance**

Commissioners: Ben Grumbles, Camille Burke, Barbara Paca, Monica Brooks, Voncia Molock, Paulette Hammond, John Papagni, Lesliam Quiros-Alcala, Crystal Faison, Delegate Regina Boyce, Subha Chandar, Phillip Wilson, Paula Dannenfeldt

Participants: Tracy Garrett, Betsy Nichols, Wandra Ashley Williams, Hope Clark, Ann Bristow, Geri Nicholson, Staci Hartwell, Megan Latshaw, Brooke Harper, Pam Kasemeyer, Victoria Veneable, Patuxent River Keepers, Fred Tutman, Christine Krone, Devon Dodson, Horacio Tablada, Suzanne Dorsey, Lisa Nissley, Lisa Jones, Kimberlee Drake, Jay Apperson

### **Introduction by Camille Burke, Chair**

Chairman Burke welcomed everyone to the meeting. She thanked everyone for joining the meeting during the holiday week. She also shared that this week she has been working on a project to increase tree canopies and she thinks it a great project everyone would be interested in. Secretary Grumbles welcomed everyone.

There was a motion to approve the October minutes. Voncia Molock asked that we correct a typo in her email address listed in the minutes. The change will be made and the minutes were approved. Voncia Molock thanked Devon Dodson, Monica Brooks and Barbara Paca for joining me on the Shore for an additional tour of poultry farms on October 15, 2021 that was led by Mike Levensgood (Perdue's Chief Animal Care Officer).

### **Staff Reports**

Devon Dodson reported that on December 7th the Commission will have its annual joint meeting with the Children's Environmental Health Protection Advisory Council. There are many overlapping topics and we will concentrate on those. We will also make sure we are respecting the duties of each organization and make sure we are not stepping on each other's duties.

The Commission is charged with collaborating with the Office of Minority Health & Health Disparities per SB 674/HB 1207. Devon Dodson will be reaching out to the staff at MDH to begin to coordinate that communication. Also, there is an opportunity to add a member with EJ expertise to the BRF Advisory Council. The Council meets quarterly. If you are interested, please reach out to Devon.

### **Community EJ Concerns in Anne Arundel and Washington Counties**

Staci Hartwell of the NAACP, Tracey Garrett (Anne Arundel County NAACP chair and Lothian resident), Betsy Nicholas, (Waterkeepers Chesapeake ) presented on issues around Environmental Justice in their communities. Staci Hartwell spoke about the Clean Truck Rule. Issues of on road air pollution have a great impact on minority populations. Their community would like to see climate considerations in all permitting decisions and these decisions should align with climate goals of the state. Many of these issues have also been hit hard by COVID. We need to work together to make sure EJ is considered and protect communities. Tracy Garrett shared there are many communication issues in her area (Lothian, South of Annapolis). Communities are not always able to get the information they want. They reach out to various government agencies on different levels and are not able to get answers. Devon Dodson offered to help sort through this and figure out who is responsible for what. He is the EJ Officer and can work to move everything forward.

Camille Burke agreed. She said often we hear about accountability and we want to help with that. We want to help coordinate between the state and local government. Tracy Garrett continued, pointing out that a lot of people do not have the luxury of attending these meetings and they need information too. Devon Dodson will pursue this issue. Betsey Nichols would like to see more information provided to the public including impacts of projects.

#### **MDE Partnership Project in Cheverly, MD**

Megan Ulrich of the MDE Air & Radiation Administration shared a presentation about the air monitoring and enhanced compliance partnership between MDE & the Town of Cheverly. The presentation can be found [here](#).

Commissioners asked if the project was well received by non permitted facilities and if there were any violations by these facilities. Megan Ulrich answered that everyone was cooperative. The Department can not give a violation to non regulated facilities, but there were three incidents where there was uncontrolled dust. The facilities were open to the comments on that and generally we had better information about the area. Philip Wilson asked if there is a plan for diesel and idling? The Department was looking more at particulate matter.

#### **Climate XChange Maryland - Climate Crisis and Environmental Justice Act**

Hope Clark and Wandra Ashley Williams presented on the prefiled bill, HB 171/SB135 Climate Crisis and Environmental Justice Act sponsored by Delegate Fraser-Hidalgo and Senator Kramer. Bill Text can be found here: <https://mgaleg.maryland.gov/2022RS/bills/hb/hb0171F.pdf>

Talking Points from Climate XChange Maryland: : The destructive impacts of climate change to Maryland's lands, history, and economy, as well as to the health, traditions, and prospects of its people, now constitute an existential *climate crisis*. The Climate Crisis and Environmental Justice Act (CCEJ) addresses these threats to Maryland with transformative, market-based solutions.

The CCEJ Act incentivizes the reduction of fossil fuel CO2 emissions, and its passage would put Maryland on a commonsense, practical pathway toward a sustainable, vibrant economy. It will generate billions of dollars for investment in clean energy infrastructure, all while providing protective benefits to Maryland's trade-exposed small businesses and its most vulnerable populations: low- and moderate-income households.

## HOW CCEJ WORKS

- **Builds on the Statewide Inventory and Emissions Reduction Plan** setting new statewide, greenhouse gas emission reduction goals:
  - 60% by 2030; 100% by 2040; and zero emissions after 2040, using 2006 emission levels as a baseline. These goals complement existing programs like the Regional Greenhouse Gas Initiative (RGGI)
- **Creates a Climate Crisis Council** in coordination with the Maryland Department of Environment, will develop a plan to achieve targets, hold periodic public meetings, administer schedules of fees, and delegate distribution of funds.
- **Establishes two types of fossil fuel fees** that include a polluter pays, no-pass through provision:
  - Non-transportation fuel fee (Building Heat) starts at \$15/ton CO2, increases \$5/ton per year, and is capped at \$60/ton until the target is met.
  - Transportation fuel fee (Gas) starts at \$10/ton CO2, increases \$3/ton per year, and is capped at \$37/ton until the target is met.
- **Establishes revenue for two separate funds** for green infrastructure, and household and employer benefits:
  1. 50% of the total revenue will go to low- and moderate-income households and energy-intensive trade-exposed (EITE) businesses to protect them from financial harm.
    - a. The **Household** Benefits Account - 80% of the money in the Benefit Fund
    - b. The **Employer** Benefit Account - 20% of the money in the Benefit Fund
  2. 50% of the total revenue will go to the *Climate Crisis Infrastructure Fund* - to invest in initiatives that improve the health and welfare of the citizens of the State.
    - a. At least 50% of the **Infrastructure** account **shall be invested in projects that are directly located within and provide meaningful benefits to EJ communities.**
    - b. Up to 5% of the **Infrastructure** account shall provide technical assistance, capacity, and planning tools to county and municipal governments to develop qualified local climate plans and investment proposals.
    - c. Up to 50 % of the **Infrastructure** account shall be disbursed to county and municipal governments for qualified projects to mitigate GHG, and build resilience.

The Commission has several duties in this bill.

## Public Comment

Delegate Boyce shared she feels we need to find ways to build community and opportunity. Voters need more information and resources. After hearing these presentations she is reminded everyone has a stake in the environment and it is important to open the lines of communication.

**December 7, 2021**

**Joint Meeting with CEHPAC**

**Agenda & Minutes**

### Agenda

- Welcome & Remarks
- Scope of Work & Common Topics for CEHPAC and CESJC
- Asthma and the Statewide Integrated Health Improvement Strategies
- Priorities for 2022
- Public Comment

### Minutes

**Commission Members:** Camille Burke, Secretary Grumbles, Joe Griffiths, Voncia Molock, Crystal Faison, John Papagni, Subha Chandar, Lesliam Quiros, Paula Dannenfeldt, Monica Brooks

**Council Members:** Cliff Mitchell, Devon Dodson, Dianna Abney, Camille Burke, Laura Allen, Jovonne Walker, Ben Gitterman, Alicia Mezu, Kelly Love, Laura Stewart, Megan Latshaw, Christina Drushel-Williams, Paul Ferraro

**Members of the Pubic:** Eamon Flynn (CEHPAC Staff), Veronicka Carella, Laura Stewart, Pam Kasemeyer, Cassie Shirk, , Kimberlee Drake, Shweta Sharma, Hannah Donart, Kamita Gray, Horacio Tablada, Suzanne Dorsey, Lisa Nissley

#### **Welcome & Remarks**

Chairman Burke and Chairman Mitchell welcomed the meeting participants. Both spoke about the increased interest in the work of CEJSC and CEHPAC from external organizations and agencies. They discussed the importance of the many issues that intersect between the work of the Commission and the Council.

Devon Dodson took a moment to explain our expanded membership under the new commission law (in effect 10/01/21). Many appointments will be made by the Senate President and House Speaker. Members who are hoping to be reappointed need to reach out to their offices to express their interest. Devon will share a list of which seat current members serve in and what is open for appointment.

Camille shared that there are many amazing events coming up on EJ and many times she has been invited to participate. Sometimes she will be sharing these with other members to give others

opportunities to be involved. She encouraged people to invite interested parties to participate in our meetings and said she would like to see CEHPAC and CEJSC collaborate during the session. We often share similar letters on the same bills.

### **Scope of Work and Common Topics for CEHPAC and CEJSC**

- There have always been some themes that are common and salient to both groups.
- Children’s exposure and growth and development as affected by the environment – where kids live, learn, and play all have implications for development and productivity.
- Discussion has been driven in part by Health in All Policies and climate change. Rather than focusing on a particular toxin or risk, the question has moved to how we, as a state, can better develop regulatory policies that consider the health and well-being of children writ-large. This extends beyond any one agency and is more of a framework for thinking systematically about how to incorporate the values of children’s environmental health and EJ into decision-making processes.
- Some groups are already moving to evaluating cumulative impacts of environmental issues.
- How can the two groups address common issues, without creating too much overlap or mixed guidance?
- The HiAP Workgroup report had four recommendations, but they have not been implemented yet. Is there a role for CEHPAC/CEJSC to address some of these recommendations?
- How would a framework for HiAP be implemented, especially among non-health state/local agencies?
- One solution does not work for everyone, especially more rural communities such as those on the Eastern Shore.
- The CEHPAC School’s workgroup has identified several topics they feel should be common to both groups, including indoor air quality, water quality, green cleaning, and pesticide use in schools (including child care and daycare).
- Discussion of how to hold people accountable for following-through on the implementation of new policies, programs, and legislation, as well as responding to requests for information.
- There is a new commission on health equity within MDH. Need to think about the intention of the legislature as well as where each council/commission can be most effective without having to rely on others. However, CEJSC and CEHPAC already have representation from many of the state agencies, so those representatives should be held accountable for requests from CEJSC and CEHPAC.

### **Asthma and the Statewide Integrated Health Improvement Strategies**

- As part of the state’s agreement with the Centers for Medicare & Medicaid Services, which allows MD to use the all-payer insurance model, the state must demonstrate that it is able to improve the cost and quality of healthcare delivered in the state. One of the specific goals is to reduce asthma emergency department visits. The goal is to reduce asthma visits overall (42% reduction from 2018 to 2026) as well as reduce the black-white disparity. MDH is expanding the home visiting program for families with children with asthma/lead exposures, but efforts to address asthma at schools and child care are also critical to this effort. In

- addition, how do we get other agencies, programs, and policies to consider impacts on health, particularly air quality and asthma? What tools are available to help people practically consider health impacts in transportation, housing, planning, and other domains?
- The American Academy of Pediatrics is very interested in this. They have toolkits specific for clinical settings, but some groups have been pushing them for more community-focused toolkits.
  - How can we create a toolkit that is easy to use and doesn't require significant resources and time?
  - Some communities have Green Teams that CEHPAC/CEJSC could work with.
  - State agencies play a significant role on commissions/councils, but a lot of planning occurs at the local level. The Maryland Department of Planning has guidelines and state plans, as well as a plethora of toolkits. What helps local jurisdictions the most are local planners and the human component.
  - From a clinical perspective, individual asthma action plans have been pivotal in controlling asthma. Could consider developing an asthma action plan for communities.

### **Priorities for 2022**

- Responsiveness of state agencies in a timely fashion
- Education on roles of state and local governments, how CEHPAC/CEJSC fit into that dynamic, and how to incorporate community feedback
- Statewide asthma action plan
- Representation to explain the real-world consequences of statewide policy decisions on children's environmental health
- Motion that CEHPAC draft a letter to the general assembly to fill the vacant House and Senate seats (Megan Latshaw).
- Seconded: Laura Allen
- Motion passed.
- Discussion of effective actions CEHPAC has taken in the past, besides writing letters, including addressing mercury in schools as well as the 2008 Children and the Environment report.

### **Public Comment**

- Hannah Donart appreciates community inclusion, but asks for more participation by parents, the public, and community members. Specifically wants to engage with Jovonne Walker and other parents and agency representatives. There are still many environmental issues that have not been addressed, including pandemic-specific issues.
- Veronika Carella appreciates the participation of Secretary Grumbles at the meeting and emphasizes the importance of representation by the MGA/GAM. Ms. Carella expressed the opinion that as Commissioners, Sec Bartenfelder and Superintendent Choudhury have a statutory duty to act on these CEHPAC requests, and that the perpetual delays in responding to the Council's original letters are unacceptable, harmful to the children of Maryland, and impact CEHPAC's ability to perform its statutory duty. She requested prompt action on this



issue. She also requested that data sharing be on the agenda for the next meeting, as well as water quality - including discussing bills coming from OAG. She also asked how the letter to the MGA/GAM would be sent and by whom and by when.

- Laura Stewart is part of a statewide PTA and is interested in helping agencies discuss lead issues with parents and schools, including water bottle filling stations and filtration. Notes that scents (in sanitizers, laundry detergents) can be asthma triggers.
- Kamita Gray needs to marry top-down vertical organizations with community organizations. Brandywine already has a high incidence of asthma, and additional risks are persistent. Need community organizations to be at the decision-making table, not the input table.

## **January 25, 2022 Agenda & Minutes**

### **Agenda**

1. Introduction by Camille Burke, Chair
2. Administrative Items
  - Financial Disclosure
3. 2022 Legislative Update
4. MDE Internal EJ Policy Update
5. Presentation: Legislation - Climate Equity & Labor Test Act
6. Public Comment

### **Minutes**

#### **Attendance**

Commissioners: Ben Grumbles, Camille Burke, Delegate Regina Boyce, Subha Chandar, Joseph Griffiths, John Papagni, Phillip Wilson, Lesliam Quiros-Alcala, Paula Dannenfeldt, Paulette Hammond, Barbara Paca, Monica Brooks, Voncia Molock

Participants: Linda Boyd, Ashleigh Pagano, Dorothy Morrison, Thomas Burton, David Reed, Staci Hartwell, Darya Minovi Veronika Carella, Megan Latshaw, Patrick DeArmey, Richard Allen, Sherman Hardy, Katlyn Schmitt, Denise Keehner, Devon Dodson, Horacio Tablada, Suzanne Dorsey, Lisa Nissley, Lisa Jones, Kimberlee Drake, Gabrielle Leach, Jay Apperson

#### **Introduction by Camille Burke, Chair**

Chairman Burke welcomed everyone to the meeting. She said that membership is an ongoing issue. She understands that some people have gotten letters from the Governor's Appointments office about their appointment. We are still waiting on some others. She reminded members that financial disclosures are due to the Ethics Commission by April 30, 2022.

She also mentioned that the Maryland Transit Plan is open for public comment. The comment period closes on 2/18. There is a [webinar](#) on 2/2/22 for the public.

Webinar: Statewide Transit Plan Seeking Public Comment

Wednesday, February 2, 2022 | 12 pm EST

Link for more information and comment process: <https://www.mta.maryland.gov/statewide-plan>

## **MDE Internal EJ Policy Update**

Devon Dodson introduced Denise Keehner, MDE Assistant Secretary who is co-chairing the MDE Internal EJ Workgroup. She shared that EJ is an issue near and dear to her and she cares very much about the Department making meaningful progress. The work group is starting off the year by looking at progress in 2021 and identifying next steps and action. This includes enhanced monitoring and communication in communities affected by EJ. MDE is working to really integrate EJ thinking and action into our day to day activities with our air, water, and land programs. One project includes a MDE specific screening tool by census tract that may trigger enhanced monitoring. We have a directive from the Secretary to create action items for each administration to implement enhanced compliance and to create pilot programs.

Two subgroups have been created, the first about metrics and accountability -- what to track so we can make sure we are making a difference in communities? The second is around the issue of how we allocate funds – are we able to put more emphasis on EJ communities to address inequity.

Questions -

Camille Burke asked where enhanced compliance monitoring will happen and in what media. Denise Keehner answered that we are directing programs to consider if violations are in areas that meet certain demographics characteristics and this will happen as the screening tool becomes ready. In those areas, we want to pursue corrective action. This will happen across air, water, and land. One of the early pilot programs will be a multimedia look at what is going on in Curtis Bay.

Joe Griffiths asked if MDE will market the screening tool. Denise Keehner answered that the first step is to launch it internally so MDE programs can understand where to focus, but the long term vision is to share so other agencies and the public can view the tool as well. Secretary Grumbles added that we are constantly working with EPA on how EPA and other states are integrating policies to be more proactive on EJ and CJ This is an internal policy with external impact and we definitely want to share with other agencies and local governments. It is important for policy makers to know we are not standing still or ignoring opportunities to address these issues and work together. Also, Maryland will have more opportunity with federal funding coming and will need to work together on that.

The Chair requested regular check-ins from the workgroup. Everyone agreed.

## **2022 Legislative Update**

The tracker we shared has bills that related to the charges of the Commission, but also the bills that have some relation to the work of the CEJSC, per the preferences expressed last year. Devon Dodson shared that we may not want to take positions on bills we are hearing about in theory. We probably want to see the specific text. He added that we can always send letters after a hearing because bills rarely get voted on the same day they are heard in committee.

Delegate Boyce is the sponsor of HB 18/SB 143: Maryland Paint Stewardship. She explained that this is an extended producer responsibility bill. It authorizes a program at MDE that would formulate a fee on up

to 5 gallons of paint. The fees would fund a program that allows drop off programs for old paint. Maryland would be the 11th state (DC has a program too) to have a program like this. Senator West is the sponsor of the crossfile bill. Phillip Wilson asked the purpose of the fee and would it apply to MDOT and other state agencies. The fee is intended to fund the program only and the program cannot carry a surplus. The fee can be reassessed so the state only collects what is needed. It does not apply to state agencies. Someone asked what the fee will be. That is unknown as it would take a calculation of how much paint is being sold and what the program costs. The fee would be included in the wholesale price of the paint, not one taken at the register.

HB 100/SB 14 Sustainable MD Program develops a fund administered by the Environmental Finance Center to offer training and education to communities. Paulette Hammond asked how the program will be funded. The bill establishes the program, but it would require general funds to be added to the budget.

HB 171/135 Climate Crisis and EJ Act is a very big bill with many parts. It creates two funds - Climate Crisis fund and an EJ fund which gives money to EJ communities. Communities would be established by the CEJSC. These funds are collected through a carbon tax. The Commission is required to work with the climate crisis program (new) to establish criteria for use of the fund, with many other new duties. Camille Burke counted 13 new requirements for the Commission and mentioned it is like a bill from a few years ago.

HB 387/SB 268: Pesticide Regulation - Transfer to Department of the Environment moves the pesticide program/regs to MDE from MDA. The people working in the program move to MDE. Camille Burke asked what the motivation of this bill may be. Delegate Boyce is reaching out to the sponsor to ask but her personal interpretation personally would be MDE would potentially give a more scientific consideration of potential use and bans of pesticides. She is aware that agencies across the state are already short staffed and that there are a lot of unknowns in the next few years. She added that each agency has value and expertise. Paulette Hammond added that she understands MDE brings the expertise on toxics. Delegate Boyce said there is a lot of expertise and we don't want to imply others don't have it. Camille Burke shared that she is concerned about agency shopping when one doesn't do what we want is not always best because moving is a huge task. We may want to wait to hear a little bit more about this bill.

SB90: Department of the Environment - Supplemental Environmental Projects Database requires MDE to keep a database of projects we can consider for a SEP. The Department does this but the bill would codify it

Database would be public? Yes

Paulette Hammond spoke on the MD Drinking Water Risk Bill which is the 2022 Env Enforcement bill by the Office of the Attorney General (HB402/SB221 Department of the Environment - Enforcement Authority). The OAG has identified issues around safe drinking water, waste water, dam safety and water construction, and tidal and non-tidal wetlands. She shared this presentation from the OAG's legislative director:

<https://mdpestnet.org/wp-content/uploads/2021/12/Hannibal-Kemerer-conference-presentation-12-6-21.pdf>

There are two other bills of interest that have not yet been introduced that Paulette Hammond shared. PFAS-free Mosquito Control Products would require testing of widely used mosquito control products in our state for PFAS contamination. It would ban all uses of PFAS from pesticide products used for mosquito control by the Maryland Department of Agriculture and private vendors to protect the health of residents and the environment amidst an emerging PFAS crisis. These are forever chemicals never leave - pesticides are being sprayed in communities and people do not know. They are dangerous to developing brains. This is something CEHPAC would also be interested in. The "MD Environmental Human Rights

Constitutional Amendment " Bill will also be of interest. It adds a constitutional amendment to add an environmental lens on public policy.

Camille suggested we hold off on bills that have not been dropped and reminded everyone we meet with CEHPAC on February 15th to discuss legislation. We also want to give people time to really explore these bills. Devon suggested staff can continue to update the tracker and add a summary of each bill that can be shared with the Commission.

### **Presentation: Legislation - Climate Equity & Labor Test Act**

Staci Hartwell and Darya Minovi presented on the Climate Equity Act. The bill is in drafting and will be shared as soon as possible.

Presentation:

[https://docs.google.com/presentation/d/1E8YAUIAzYLGCDHc\\_w6-5PKT634fZS4IDKa58i-4zYxk/edit#slide=id.p](https://docs.google.com/presentation/d/1E8YAUIAzYLGCDHc_w6-5PKT634fZS4IDKa58i-4zYxk/edit#slide=id.p)

Chairman Burke thanked the presenters. We look forward to reviewing the bill.

### **Public Comment**

Veronika Carella shared the following: Please support the spirit and the intent of bills with CEHPAC overlapping issues, specifically SB 268 (Pesticide Reg Transfer to MDE), the MD Environmental Human Rights Amendment and SB 221 Water Bill. These bills cover issues present to CEJSC and need CEJSC support as they are in the best interest of Maryland, its children and our environment. CEJSC must decide if the regulation of toxins belongs with MDA or MDE. At the state level Marylanders will be better served when those tasked with protecting the environment and public health have a role in overseeing hazardous chemicals used in Maryland.

**February 15, 2022**

**Joint Meeting of the CEJSC and CEHPAC**

**Agenda & Minutes**

#### **Agenda**

1. Introductions
2. Update from the Chairs
3. Legislative Review
4. Public Comment

#### **Minutes**

CEJSC Members: Ben Grumbles, Camille Burke, Barbara Paca, John Papagni, Joseph Griffiths, Lesliam Quiros, Monica Brooks, Paula Dannenfeldt, Phillip Wilson, Subha Chandar, Voncia Molock, Melissa Brown, Crystal Faison

CEHPAC Members: Cliff Mitchell, Eamon Flynn, Camille Burke, Christina Drushel-Williams, Devon Dodson, Kelly Love, Laura Allen, Megan Latshaw, Nse Witherspoon, Paul Ferraro, Ben Gitterman, Jovonne Walker, Kristen Rawlett, Dianna Abney, Alicia Mezu

Guests in attendance: Cassie Shirk, Veronika Carella, Shweta Sharma, Carol Holland, Horacio Tablada, Kimberlee Drake, Linda Boyd, Rachel White, Ruth Ann Norton, Shweta Sharma, Suzanne Dorsey, Veronika Carella, Ruth Ann Norton, Gabrielle Leach, George Stewart, Holly Richard Porter, Lisa Nissley

Welcome from both chair & secretary  
November, December, January Minutes

- Roll call was taken, and a quorum was established for both CEHPAC and CEJSC.
- The Chair of each committee welcomed our guest and talked about the many overlaps between the commission and the council's interest. Today we will discuss legislation that both groups are following.
- CEJSC Chair, Camille Burke pointed out that Lisa Nissley shared the minutes from the past few meetings. Please take a look at them after the meeting and let us know if you have any edits.
- Announcement that Ruth Ann Norton has been named as the president of the Lead Poisoning Prevention Commission, and a joint meeting of LPPC, CEJSC, and CEHPAC was discussed.
- CEHPAC discussed relevant legislation for 2022, including:
  - SB 268 (Pesticide Regulations) received an unfavorable report.
  - HB 665/SN 576 and HB 686 which address school indoor air quality. Suggestion that CEHPAC may, as it has done in the past, articulate a general policy statement related to a particular topic. Delegate Brooks noted the need for air quality improvement efforts throughout Maryland, including in rural communities on the Eastern Shore.
    - Camille Burke motions that COPAC draft a letter stating that CEHPAC strongly supports the assessment of indoor air quality in schools, including the measurement of carbon dioxide in schools to measure ventilation, and further endorses that funding should be available to allow school systems to carry out those assessments throughout schools. Further, such evaluations should be made public as a matter of public interest. Seconded by Megan Latshaw.
    - Discussion about the role of CEHPAC in implementing policy changes.
    - Motion passed. (Chair, co-chair, Kristen Rawlett, and Kelly Love abstained).
- CEJSC discussed relevant legislation for 2022, including:
  - HB 171/SB 135: Climate Crisis and Environmental Justice Act, which tasks CEJSC with implementing certain provisions of the bill. The chair notes that the General Assembly has not filled any of the vacancies on the Commission, limiting the capacity of the Commission
  - HB 653/SB 348: Conservation Finance Act which requires CEJSC to make recommendations to MDE related to advancing human rights to safe, clean, affordable, and accessible water
  - HB 708: Comprehensive Climate Solutions & SB 528: Climate Solutions Now Act, The bills are not crossfiles, but the CEJSC language is nearly identical. The bills require MDE to consult with CEJSC to recommend methodologies for identifying communities disproportionately impacted by climate change
  - HB 18: Paint Stewardship Program
  - HB 100: Sustainable Maryland Program Fund - Establishment
  - HB 402/SB 221: Department of Environment - Enforcement Authority, the OAG bill on water programs at MDE

- HB 507: Environment - Electric Vehicle CHarging Infrastructure - EJ Considerations
- HB 595/SB 90: Department of the Environment - SEP Database, Lisa Nissley let the Commission know the Department is already doing most of what this bill requires.
- HB 596/SB 783: Constitutional Amendment - Environmental Rights - last year both the Council and the Commission sent letters of support on this bill (reintroduction)
- HB 1033: Environment and Energy - Investment in Overburdened Communities - this bill deletes the definition of EJ and adds a definition of EJ principles. This could be problematic since the EJ definition is widely used and referred to in other parts of the law.
- HB 1200: Environment Permit Application - EJ Screening
- Ultimately, the Commission will write letters on HB 18, the Climate bills (as a group discussing resources of the Commission), and HB 596/SB 783 (repeat letter from last year). Camille Burke will touch base with Delegate Boyce about her new bill.
- The Green and Healthy Homes Initiative requested support of HB 361/SB 320 - Mold assessment and remediation; HB 108/SB 524 - Energy Efficiency and Conservation Program; and HB 101 - Landlord and Tenant - Repossession for Failure to Pay Rent - Lead Risk Reduction Compliance.
- Cliff will follow up with CAPAC members via email regarding HB 141, which is a revival of a bill CEHPAC previously weighed in on.

Public Comments:


- Linda Boyd asks for the support of CEJSC and CEHPAC for the environmental human rights constitutional amendment.
- Megan Latshaw added in the chat box: Hope that we can again support the proposed Environmental Human Rights Amendment (SB783 & HB596) that we sent a letter on last year. We also sent a letter last year on a bill similar to the Equity in Transportation. Hoping we can update it and resend it.
- Veronika Carella, MD CEHC Leg Director shared comments: Please include the “regulations of pesticides in Maryland” on the agenda for your next meetings, as this is an overlapping issue. CEJSC and CEHPAC both have a statutory duty to advise and act to protect children, public health, and the environment. This decision is what is best for Maryland – not what is best for the Agencies who serve Marylanders. Decisions must be made that are in the best interest of Maryland, its children and our environment. CEHPAC and CEJSC must decide if the regulation of toxins belongs with MDA or MDE. At the state level Marylanders will be better served when those tasked with protecting the environment and public health have a role in overseeing hazardous chemicals used in Maryland. The system of pesticide regulations is not working – resulting in harm to our children and natural resources. MDA has proven that they are unwilling and unable to regulate pesticides in a way that protects children and their environment, including air, water and soil. Please provide a deadline for the long overdue responses to the May 11, 2021 CEHPAC Call to Action Letters to MDA and MSDE. We still await the BOE Policies and DOE Plans for both the IPM in Schools and Green Cleaning Laws. How long do the children of Maryland have to wait? MDA and MSDE Secretaries are CEHPAC Commissioners bound by statute to act in a timely manner. No more deflect, deny and delay tactics. We are all waiting.. The Children are waiting.

The meeting was adjourned (motioned by Kristen Rawlett, seconded by Laura Allen, passed unanimously).

**March 22, 2022**

**Agenda & Minutes**

**Agenda**

- 
1. Introduction by Camille Burke, Chair
  2. Administrative Items  
- Financial Disclosure
  3. Office of Minority Health & Health Disparities
  4. Definitions of EJ
  5. 2022 Legislative Update
  6. Public Comment

### Minutes

Commissioners in Attendance: Camille Burke, Ben Grumbles, Joseph Griffiths, Lesliam Quiros, Monica Brooks, Subha Chandar, Voncia Molock, Crystal Faison, Paula Dannenfeldt, Melissa Brown, Paulette Hammond, Delegate Boyce, John Papagni

Members of the public: Devon Dodson, Lisa Nissley, Diane Walker, Denise Sarchiapone, Horacio Tablada, Kimberlee Drake, Rebecca Rehr, Veronika Carella, Suzanne Dorsey, Gabrielle Leach, Dorothy Morrison

### **Introductions & Administration Items**

Camille Burke welcomed the Commission and reminded everyone to file their financial disclosure with the Ethics Commission. These are due April 30, 2022. Information can be found here:  
<https://ethics.maryland.gov/employeeofficials/financial-disclosure/>  
[https://efds.ethics.maryland.gov/login?sender\\_from=ethics.public%40maryland.gov](https://efds.ethics.maryland.gov/login?sender_from=ethics.public%40maryland.gov)

Camille Burke stated we are looking forward to summer and hopeful we may be able to get out into the community. Devon Dodson asked Commissioners to think about if we are ready to meet in person. We want to have everyone comfortable with this before we do it and we also know we will need to start going to other sites to learn more about EJ concerns. Joseph Griffiths mentioned he is fine with in person meetings, but if it changes any meeting dates, please let us know with plenty of lead time so people can make the meetings. Devon Dodson responded that yes, we will stick with Tuesdays. Last year changes like that were dictated by Covid. Times may be adjusted for travel, etc. We have consistently heard from Curtis Bay so that may be an option. We would like to work a visit out for this summer. Please be in touch with Devon Dodson or Camille Burke to share your thoughts on in person meetings.

### **Office of Minority Health and Health Disparities**

The bill that passed last year updating the CEJSC requires coordination with the Maryland Office of Minority Health & Health Disparities. We reached out and Diane Walker agreed to join us. She is the Acting Deputy Director of the office. She shared that she has spent a lot of time lately reviewing legislation. The office has a five person staff and uses an equity lens to look at health policy. The office is responsible for some grants that spread across the state. Currently there are 17 grantees. They also use social determinants. Covid has revealed a lot of areas that need better services, better assistance.

Camille Burke shared that this office has been helpful when they are trying to test a large group, such as a group of immigrants that need to be tested for lead, and with other health issues.

Monica Brooks asked via chat, how can we help? Specifically on the shore. Diane Walker will share a list of the grantees on the shore. She also mentioned as people move and change it is good to have contacts, email addresses, etc. Anything she can share is helpful with communication. Subha Chandar shared that she and Diane are colleagues in different areas of the Department of Health. She is happy to help communicate between the two groups. Voncia Molock asked what is a RFA and where to find out about them. This is a request for application - submit a proposal for the community they are representing. Listings are on their website <https://health.maryland.gov/mhhd/Pages/home.aspx>. Please email if you have any questions ([diane.walker@maryland.gov](mailto:diane.walker@maryland.gov)).

## **Definitions of EJ**

Devon Dodson pulled up the [2020-2021 Annual CEJSC Report](#) to share the section on EJ definitions. Maryland has a definition on EJ, but there is no definition of an EJ community. There is a Federal definition of overburdened, but underserved not included in that definition. Cumulative impacts aren't in law but MDOT considers CI in their decisions. Last week we shared a memo being circulated by a coalition of environmental advocates that lists all of the definitions proposed in legislation this year. It is not a CEJSC or MDE document, but it is of interest as we all try to better define underserved and overburdened communities. Many would ultimately use EJ screening tools.

MDE is already looking to embed this into our operations and use a MDE tool to do this work. We want to look at areas that need more attention with enforcement, permits, and infrastructure to see what we can provide.

The discussion among Commissioners revealed some concerns. The group is happy to see this discussion, but wants to know who will use these definitions, if it will be used across state agencies, and if there is a way for the CEJSC to be involved. Do we know what areas these definitions will include? Internally created a map using two of the three indicators and it is a lot of the city, the ring around DC, and has areas in Garrett and the Eastern Shore. At our next meeting, we can run maps with the tool.

Others mentioned that they want to make sure any score assigned to a neighborhood is explained in a way that the community/user understands what that score means.

Delegate Boyce said we should ask ourselves what we want to adopt. What makes sense and is feasible? She is also concerned about communities not wanting to be defined as EJ communities, but also we don't want communities using this to address NIMBY type concerns. By chat, Monica Brooks shared: "Yes Thank you. Madame Chair. We must have considerable outreach, training and partnering with grassroots groups to try to make the terms as clear as possible." Also, she said we want to see common sense being used too, what the community sees is valid. She likes looking at cumulative impacts and wants to see that defined too. Voncia Molock said she thinks this is a good conversation. As a newer member, she agrees about the data, but if we have tools that help us measure this we need to help a lay person to understand the impact to human health.

## **Legislation**

We quickly reviewed the bill status list that was emailed out. In the chat, Paulette Hammond shared that the EHRA will not get out of committee in the Senate, so it is essentially dead, but it will come back in 2023!



## Public Comment

Veronika Carella - Please add the topic of “Sustainable Communities Concerns” to the agenda for the next CEJSC meeting. CEJSC is tasked with ensuring that communities remain sustainable throughout the state – even if they are not yet identified as an EJ community. The goal is to prevent them from becoming an EJ community by protecting the air, water and soil – our natural resources.

As evidenced by the bills introduced during this Legislative Session, there are great concerns regarding protecting air, water and soil or “threats” to environmental sustainability. There are areas that should be addressed by this commission regarding weaknesses and areas where greater protection is needed to ensure communities do not become EJ communities – as outlined in the MD HiAP Final REPORT to the Gov and Legislature. Maryland Health in All Policies FINAL REPORT (MD HiAP)

<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024600/024610/20200396e.pdf>

Please share all input from CEJSC to the MGS during this legislative session, whether informational, testimony or other form which is a public document.

Rebecca Rehr shared that she is five weeks into her new role at LCV. She was not involved in the origins of the definitions, but she has jumped in as we advance the conversation in the legislature. She is happy to answer any questions.

Monica Brooks shared by chat: Veronika I agree with points made in your input #1. Part of my fight is that we have communities that are on the verge and we want to protect them proactively while assisting communities already in dire conditions.

Secretary Grumbles shared that MDE is Celebrating Women History’s month with Chair Brenda Mallory of the White House Council on Environmental Quality (CEQ) in Washington, D.C., as our guest speaker, and will make the link available. Lisa Nissley shared it is at 3:30p tomorrow; to participate by phone, call 1-302-715-2245 and enter PIN: 312 598 708#.

Adjournment at 11:32p

**April 26, 2022**

**Agenda & Minutes**

### Agenda

1. Introduction by Camille Burke, Chair
2. Administrative Items - Financial Disclosures
3. 2022 Legislative Update
4. MDE EJ Screening Tool
5. Public Comment

## Minutes

Commissioners: Ben Grumbles, Camille Burke, Joseph Griffiths, Paula Dannenfeldt, Paulette Hammond, Voncia Molock, Subha Chandar, John Papagni, Melissa Brown, Lesliam Quiros Alcalá, Crystal Faison, Monica Brooks, Delegate Boyce

Devon Dodson, Kate Majchrzak, Caitlin Eversmier, Rebecca Rehr, Lisa Nissley, Cliff Mitchell, Kimberlee Drake, Pamela Kasemeyer, Patrick DeArmey, Gabrielle Leach, Georgette Lavetsky, Erica Bannerman, Hannah Schaeffer, Horacio Tablada, Callie Bartlett, Suzanne Dorsey,

### 1. Introduction by Camille Burke, Chair

Chair Camille Burke welcomed everyone to the meeting. She shared that there has been an invitation to meet with the Lead Commission to discuss mutual issues of concern. Secretary Grumbles expressed appreciation for the work of the Commission and said they are doing important work. The Commission is really growing and improving. MDE and the staff are enthused about it.

### 2. Administrative Items - Financial Disclosures

Financial disclosure filings are due to the Ethics Commission by April 30th. Commissioners should have received an email with the link ([https://efds.ethics.maryland.gov/login?sender\\_from=ethics.public%40maryland.gov](https://efds.ethics.maryland.gov/login?sender_from=ethics.public%40maryland.gov)).

### 3. 2022 Legislative Update

Lisa Nissley reviewed the Legislative Tracker for the bills the Commission followed during session. The following bills passed:

Bill #	XFile #	Sponsor	Title	Passed by MGA	Change to CEJSC Duties?	Summary
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HB0 653	SB034 8	Delegate Love	Conservation Finance Act	Yes	Yes	Provides that MDA, DNR, and MET will allow participants in certain cost sharing programs to participate in and receive compensation from greenhouse gas markets, carbon credits, or soil carbon programs under certain circumstances. Requires the CEJSC to make recommendations to MDE to ensure that the Department is advancing the human right to safe, clean, affordable, and accessible water for consumption, cooking, sanitation, health, and recreation
HB1 200	SB081 8	Delegate Wells	Environment Permit Applications Environmental Justice Screening	Yes	No	Requiring applicants for certain MDE permits to use the Maryland EJScreen mapping tool for the project address and include the EJ Score in the application. MDE reviews the score and shares with the surrounding community
SB00 14	HB010 0	Senator Elfreth	Sustainable Maryland Program Fund - Establishment	Yes	No	Establishes the Sustainable Maryland Program Fund, administered by the UMD Environmental Finance Center to expand and enhance Sustainable Maryland's promotion and support of communities in the effort to realize environmental, economic, and social sustainability
SB00 90	HB059 5	Senator West	Department of the Environment - Supplemental Environmental Projects Database	Yes	No	Requires MDE to maintain a database of SEPs to be considered as part of a settlement of an enforcement action; the Department will prioritize SEPs located in the same geographic area as the alleged violation

SB03 48	HB065 3	Senator Elfreth	Conservation Finance Act	Yes	Yes	Provides that MDA, DNR, and MET will allow participants in certain cost sharing programs to participate in and receive compensation from greenhouse gas markets, carbon credits, or soil carbon programs under certain circumstances. Requires the CEJSC to make recommendations to MDE to ensure that the Department is advancing the human right to safe, clean, affordable, and accessible water for consumption, cooking, sanitation, health, and recreation
SB05 28		Senator Pinsky	Climate Solutions Now Act of 2022	Yes	Yes	Requiring the state to reduce statewide greenhouse gas emissions through the use of various measures, including the alteration of statewide greenhouse gas emissions goals, the establishment of a net-zero statewide greenhouse gas emissions goal, the development of certain energy efficiency and electrification requirements for certain buildings, and requiring electric companies to increase their annual incremental gross energy savings through certain programs and services; etc. Adopts a definition of "overburdened community" and "underserved community;" MDE is required to consult with the CEJSC to adopt a methodology for identifying communities disproportionately affected by climate impacts, develop specific strategies to address geographical impact concerns, reduce GHG emissions and build climate equity in disproportionately affected

communities; Establish goals for the percent of state funding for GHG reduction measures used for the benefit of disproportionately affected communities

The Commission mentioned it may need to devote a meeting to the implementation of the CSNA. Likely, the agency will ask for a time to talk to the commission. Devon Dodson will make sure that is happening. MDE can make a proposal that the Commission can respond to. The Commission asked if Lisa could provide a summary of the bill and what is required. She will follow up. When discussing the definitions of Overburdened communities and Underserved communities, as defined in the law, Rebecca Rehr pointed out that there is a third indicator, vulnerable communities. It is not fully defined.

Someone asked what permits are included in HB 1200; Environment Permit Applications Environmental Justice Screening. The bill applies to the public participation permits. This led into the next discussion on the MDE EJ Screening Tool.

#### 4. MDE EJ Screening Tool

Devon Dodson introduced Kate Majchrzak who works in IT for MDE. She has created the MDE EJ Screening Tool that incorporates Dr. Wilson's tool and data from the Department. Bills that passed this session require the use of this tool or something similar. It is capable of giving us percentages for communities showing the social economic factors and assigns a score. You can see how that compares to the rest of Maryland. We see similar results/patterns from this tool, EJ Screen, and MD EJScreen.

As Kate Majchrzak showed the Commission how the screening tool works in real time, people asked questions within the chat box. Someone asked if the definition of "minority" is synonymous with "nonwhite" when using this tool. The answer is yes. Someone asked if the tool will be available to the public. Devon Dodson wrote that the tool will be available to the public shortly.

Patrick DeArmey wrote: I may have missed something but is this tool available to the public? This is different than the UMD screening tool? Devon Dodson wrote back that yes, it is different - it incorporates more data that's MDE specific. Another person asked: On the solid waste facilities, is that only current operating or closed as well? Because a landfill is an issue cradle to grave, not just when it's actively taking trash. Devon wrote that you can add in CAFO proximity

It was asked if we will be able to include MDH Environmental Health Tracking or at least reference that system or link to that system. Yes, this is on our list of things we'd like to do and include. There should be a longer conversation about how we might share that information.

Regina Boyce and Monica Brooks both expressed excitement for the launch. Monica Brooks really likes the idea of the health information being added.

Voncia Molock asked who will have access to the tool and how will training be rolled out? Devon Dodson answered that everyone will have access, hopefully sometime in May. There are some bugs we are trying to work out and we are currently testing internally

Rebecca Rehr asked via chat: Can you please comment on this tool in the context of implementation of HB 1200, as well? Devon answered that HB 1200 is written so that applicants have a choice of mapping tools to include in their packet of public information, and the hope is they will choose the MDE tool once it is available.

Joseph Griffiths also wrote in the chat that he agrees that this tool is excellent. I may have missed it, but does it currently or will it identify the overburdened census tracts by percentiles? Devon Dodson answered yes, by percentile overburdened will show the layers and the tool will do that. How you interpret it is up to you, but this is a state agency providing the citizens of Maryland with data and information that people have suggested to this Commission that we were failing to do. This is the culmination of what we can provide. There is a big difference between knowing this in your head and seeing it on a map that can be shared, discussed, etc.

Paulette Hammond wrote: I think advocates in these communities would welcome this data to booster their environmental advocacy. Voncia Molock asked in chat: Can you make training required BEFORE access to the tool is granted? Devon Dodson said that there will be a training session available. He sees the point, but we'd have to think about that.

Someone asked if the tool tracks crematories. Not in there yet, but we could reach out and perhaps include it.

Paulette Hammond asked Kate Majchrzak what if the year or years of each data set displayed were easily visible? Kate answered that we are using the permitting information and you can see the year in the description.

Subha Chandar asked in the chat, so you could be seeing data sets on a map, but from different years? Yes, depending on the data available and how it is tracked. Paulette Hammond asked if pet crematories will be included? Devon Dodson answered that he is not sure if we track that, but he will reach out to ARA to ask. If so, it could be added.

Monica Brooks said that this tool is encouraging. A lot of people may not know what is in their community, this can help. When I moved here I did not know and health data can be very beneficial.

Patrick DeArmey asked if sewer overflows are included or could be added to this? MDE already has a database for them. Kate Majchrzak said yes, you are correct Patrick, I'm in the process of reaching out to various administrations to get access to those datasets

5. Public Comment - There were no public comments.

Cliff Mitchell asked about a meeting on housing issues. Devon Dodson suggested that we need to go through everything we need to do and meetings we need to have. This discussion leads to a decision to maybe not meet in May while we make plans for the summer offline. Joe, John, and Subha volunteered to coordinate how to proceed, as did Delegate Boyce. We will not meet in August.

Adjourned at 11:21 a.m.

**June 2, 2022**

**CEJSC joined the Commission on Lead Prevention and the CEHPAC for a Discussion on Housing, Health, and Health Equity**

**Agenda & Notes**

### Agenda

**Purpose:** To advance children’s health and health equity through state healthy housing strategies

**Background:** Each of these advisory bodies has a distinct and separate statutory mandate, but each has discussed or is discussing the intersection between housing, health, and health equity. This one-time meeting will specifically address that intersection, in order to better inform the separate discussions of each advisory body, and explore the extent to which there are common themes, ideas, or specific proposals that may arise.

#### **Agenda:**

1. Introductions (15 minutes)
  - a. Chairs
  - b. Members
  - c. Staff
2. Problem statement/opportunities (10 minutes)
3. Facilitated brainstorming on potential opportunities/considerations related to housing, health, and health equity priorities for the state (50 minutes)
4. Facilitated priority-setting/agenda setting (15 minutes)
5. Opportunity for Public Comment (members of the public will be able to offer statements of up to 3 minutes)

### Notes

- The chairs of the Lead Poisoning Prevention Commission (LPPC), the CEJSC (CEJSC), and the Children’s Environmental Health and Protection Advisory Council (CEHPAC) welcomed everyone and asked members to introduce themselves.
- Dr. Mitchell provided an overview of the purpose and goals of the meeting, including the Statewide Integrated Health Improvement Strategy and recent state and federal initiatives.

- Department of Housing looking at increasing funding for weatherization, which touches on EJ, health, and housing.
- Recent advances in Maryland tools, including EJ Screen and EPHT, will be helpful as we look at cross sectional topics. EJ Screen will be released for a public beta testing on Monday June 6, 2022.
- Members participated in a brainstorming session based on the following questions:
  - What opportunities do you see that are related to health, health equity, and housing?
  - What specific initiatives would you propose to address housing, health, and health equity?
  - What are the tools/data/other needs that people feel are important considerations in addressing housing, equity, and health equity?
- Next Steps / Discussion
  - Suggestions for a briefing on federal infrastructure funding and priorities to be addressed in the next administration.
  - Chairs expressed appreciation for joint discussion and highlighted the numerous cross-cutting issues/needs/opportunities, especially rich and transparent data and sustainable funding.
  - CEJSC will share the key definitions and nomenclature, especially that as defined by the General Assembly.
  - Suggestion to promote the three groups and encourage more participation and input from the public, and drive community engagement more broadly in areas related to health, housing, and health equity.
  - Need practical and innovative solutions and initiatives, with resources distributed equitably across the state
  - Staff and chairs will synthesize information and ideas collected today.
- Public Comments
  - Veronika Carella - Requests CEHPAC begin working on Joint Chairmen's Report on Integrated Pest Management (IPM) in schools. Requests CEHPAC share the materials presented at a previous meeting by the Schools Ad-Hoc Workgroup online. Requests CEHPAC vacancies be filled.
  - Patrick DeAmey - Staff attorney at Chesapeake Legal Alliance - Asked about local air quality monitoring initiatives (non-stationary sources) and requested additional information.
  - Laura Stewart - Free State PTA would love to help with parental and school engagement on any issues related to environmental health. [lstewart@FSPTA.org](mailto:lstewart@FSPTA.org)

**July 26, 2022**  
**Agenda & Minutes**

**Agenda**

1. Introduction by Camille Burke, Chair
2. Implementation of HB 1200: Environment – Permit Applications – EJ Screening
3. Curtis Bay Update



- 4. Plans for the Fall
- 5. Public Comment

### Minutes

**Members in attendance:** Horacio Tablada, Camille Burke, Lesliam Quiros-Acala, Paulette Hammond, Crystal Faison, Monica Brooks, Barbara Paca, Delegate Boyce, Joe Griffiths, Voncia Molock, John Papagni

**Interested Parties:** Devon Dodson, Suzanne Dorsey, Pam Kasemeyer, Christine Krone, Boebin Park, Chris Hoagland, Dorothy Morrison, Veronika Carella, Gabrielle Leach, Lisa Nissley

#### **1. Introduction by Camille Burke, Chair**

Camille Burke, Chair of the CEJSC thanked everyone for attending and introduced MDE's new Secretary, Horacio Tablada. Horacio Tablada thanked Camille Burke and the Commission for their hard work. He has been serving as Secretary since June 1st, but he has been with the agency for many years and worked with the Commission many times over the years. As Deputy Secretary, he has seen the Commission be reinvigorated over the past two years. MDE is currently promoting the new MDE EJ Screening Tool, working on HB 1200, and thinking about how that will be used at MDE and the everyday work of the Department.

Camille Burke also mentioned that the Commission is being asked to attend more and more events or participate in other Commissions, work groups, etc. She will be passing some of these along because it is a lot and others may be interested in working on these issues. She also wants us to keep this in mind when we see the CEJSC added to groups in legislation.

Lisa Nissley introduced the new ARA Director, Chris Hoagland who has returned to work at MDE.

#### **2. Implementation of HB 1200: Environment – Permit Applications – EJ Screening**

Devon Dodson discussed the current plans for HB 1200 which requires certain permit applicants to perform an EJ Screen as part of their permit application. This includes screening the social economic status and three or more of the parts deemed important for the application. These definitions are in law. MDE will also be drafting regulations to implement this. We have begun to have internal conversations on this, but the regulation process takes a long time. The bill is effective October 1. We hope to put out information through the administrations in advance of the regulations so they would know there is one extra step. The Department has started to populate other info into the screening tool.

The next question is what does MDE do with that information? Legally, we are required to post it in the documents for that permit and post it on our website. However, one of the major benefits is we will be embedding EJ into the process for our permit writers and reviewers so they will be thinking about EJ as

they do these reviews. We also think this will cause the applicant to have a better understanding of what is in the community, can address concerns, all have the same information

While this doesn't mean we would deny a permit, we can use this information to create a dialogue between the community, MDE, and the applicant. We can hopefully avoid the mistakes of the past. Next up is a meeting with the Land and Water Administrations. Once this is implemented for the required public participation permits, we can look at if there are other types of permits where using the tool may make sense.

Camille asked if we can get an update once this is started so we can walk through it and understand. Answer is yes.

### **3. Curtis Bay Update**

The Commission had hoped to go into Curtis Bay today, but that did not happen. ARA Director Tad Aburn joined to discuss the project he has been leading to do more outreach in specific areas, in particular Curtis Bay. After the December 30th explosion in a coal silo at a CSX facility, MDE began a community partnership to apply our authority in a way that supports the community lead efforts to address concerns in the area. This is similar to what we piloted in Cheverly; we have been visiting sources in the area. There are about 70 sources with air permits and a handful of sources with air and water in the Curtis Bay area.

This effort includes supplemental inspections. We have been at the coal export terminal of CSX, about once a week for targeted compliance. CSX will need a permit to reconstruct what was damaged. We are not formally in that process yet, but looking to get as many good things as possible for the community. We are doing anything we can to move the ball and improve outcomes in the area.

Last week, a report came out on OSHA's investigation of the industrial accident. We opted to wait to see the outcome of that report until enforcement and last week we issued a NOV. We are following the OAG process now. It is our goal to build trust with the community and support their monitoring effort by helping to calibrate the new equipment and going into the field with them.

Someone asked if we have a health partner? Yes, Johns Hopkins is working on the technical air monitoring, but also the health piece. This is very much community driven. They are setting the agenda, we are just there to help.

MDE can't expand much more. We need more bodies to implement this sort of intensive level of effort. We want to work with communities that want this work, working with communities about how to report information so we have what we need to do our jobs and be in tuned to what is happening in the community. Camille Burked clarified that this means MDE needs inspectors and this means there is a budget need. Delegate Boyce mentioned that we can use the universities to educate students, but also communities. Horacio Tablada agreed and shared the Department has reached out to Morgan University about interns for this sort of purpose.

#### **4. Plans for the Fall**

Lisa Nissley previewed what we can work on in the fall. We are hoping to have appointments for the membership vacancies and be operating with a full complement of Commissioners. If we do, we will have an orientation for everyone to make sure everyone is on the same page and able to move forward into the new year. If anyone has not been reappointed and would like to be, most of the vacancies are appointments made by the Speaker of the House and the Senate President. Interested people should contact them directly, but cc MDE staff so we can be aware. The Senate President's office was in touch to discuss the vacancies, who serves, etc.

We would also have a discussion around implementing legislation including HB 1200, but also the work laid out in the Climate Solutions Now Act.

The 2021 legislation that updated the CEJSC charge and membership also requires the Commission to be visiting Communities and moving meetings around. Due to the pandemic, most of our interactions have been virtual. We have had meetings with communities, but just one was in person. Lisa Nissley asked the Commissioners to let her know if they are comfortable with in person meetings with communities or if they prefer to stay virtual for the time being. We are trying to strike a balance between being in the community and making the best choices for public health and safety. Camille Burke expressed that given the rising COVID numbers, she would like to see us remain virtual at least until December and then maybe we reevaluate. Joseph Griffiths mentioned that when we are going into the community, he would like to notice as far in advance as possible. Devon Dodson mentioned that yes, we will try to do this and we are trying to keep meetings on the fourth Tuesday schedule.

Barbara Paca mentioned that she would like community meetings to stay outside for as long as possible. She also offered to help set something up in Oxford and Bellevue, perhaps in September or October. Someone in the chat asked if the public can attend site visits. The answer is yes.

#### **5. Public Comment**

PUBLIC INPUT from Veronika Carella - MD CEHC Legislative Director;

PUBLIC INPUT 1 of 2: Repeating request to please add the topic of "Sustainable Communities Concerns" to the agenda for the next CEJSC meeting. CEJSC is tasked with ensuring that communities remain sustainable throughout the state – even if they are not yet identified as an EJ community. CEJSC has an opportunity to act proactively to prevent harm to public health and the environment. The goal is to prevent them from becoming an EJ community by protecting the air, water and soil – our natural resources - from known hazards.

As evidenced by the bills introduced during the 2022 Legislative Session, there are great concerns regarding protecting air, water and soil or "threats" to environmental sustainability. There are areas that should be addressed by this commission regarding weaknesses and areas where greater protection is needed to ensure communities do not become EJ communities – as outlined in the MD HiAP Final REPORT to the Gov and Legislature. Maryland Health in All Policies FINAL REPORT (MD HiAP) at

url:

<https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024600/024610/20200396e.pdf>

PUBLIC INPUT 2 of 2: Please share all input from CEJSC to the MGA during this legislative session, whether informational, testimony or other form which is a public document. Some of this input addresses state-wide issues to prevent communities from becoming EJ communities and ensuring that decisions are made under the HiAP framework.

For example, again as evidenced during this 2022 Legislative Session, “regulations of pesticides in Maryland” is an area that needs improvement. CEJSC has a statutory duty to advise and act to protect public health, and the environment. CEJSC decisions and actions should be what is best for Maryland – not what is best for the Agencies who serve Marylanders.

Decisions must be made that are in the best interest of Maryland, its residents and our environment. One major 2022 issue focused on the system of pesticide regulations because it is not working – resulting in harm to our children and natural resources - air, water and soil (particularly groundwater used for drinking wells). MDA has proven that they are unwilling and unable to regulate pesticides in a way that protects children and their environment, including air, water and soil. We need CEJSC to ensure that MDE takes strong action to protect our environment including air, water and soil thereby protecting public health in light of the known weaknesses in such protections from other agencies.

The meeting adjourned at 11:22 a.m.

**September 27, 2022**

**Agenda & Minutes**

### **Agenda**

1. Introduction by Camille Burke, Chair
2. MDOT Presentation: Maryland’s State Plan for National Electric Vehicle Infrastructure (NEVI)
3. MDE Presentation: Supplemental Environmental Plan (SEP) Library
4. Discussion: Justice 40 Initiative
5. Discussion: Annual Report
6. Public Comment

### **Minutes**

**Commissioners:** Camille Burke, Horacio Tablada, Pete Hill, Voncia Molock, Subha Chandar, Monica Brooks, Phillip Wilson, Paula Dannenfeldt, Joe Griffiths, Barbara Paca, Crystal Faison, Delegate Boyce, Paulette Hammond

**Interested Parties:** Devon Dodson, Lisa Nissley, Suzanne Dorsey, Caitlin Eversmier, Bobbie James, Kim Pezza, Megan Ulrich, Gabrielle Lemus, Garrett Fitzgerald, Dan Janousek, Earl Lewis, Veronika Carella, Corey Stottlemeyer, Rebecca Rehr, Aviva Klugh, Christine Krone, Emily Ranson, Jennifer Kunze, Patrick DeArmey, Rebecca Bankard, Shashawnda Campbell, Colleen Turner, Dorothy Morrison, Bill Richardson, Thomas Burton, Lindsey Mendelson, Darragh Moriarty

### Minutes\*

\* Much of the discussion during this meeting was within the chat feature on Google Meets. The chat is inserted into the minutes under the appropriate section of the discussion. Many times the presentation or discussion answered the question outside of the chat.

#### **1. Introduction by Camille Burke, Chair**

Camille Burke welcomed the Commission and thanked them for joining the meeting. She welcomed our new member, Pete Hill who represents MACo on the Commission. He serves as Anne Arundel County's Director of Equity, Diversity, and Inclusion. He also introduced himself to the committee and stated he is excited to be part of the Commission. Secretary Tablada thanked everyone for attending the meeting.

The Chair announced that because of an unexpected work obligation she would have to leave the meeting early. Therefore, the discussion on Justice 40 and the CEJSC Annual Report will be moved to October.

#### **2. MDOT Presentation: Maryland's State Plan for National Electric Vehicle Infrastructure (NEVI)**

MDOT's presentation can be found [here](#).

Pete Hill said he knows there is a lot of value in surveys, polls, language translation, etc. Is there a communications budget? Answer, yes. He shared that there is a lot to consider on equity and he is glad to see there are steps being taken in this regard.

Camille Burke said that Dr Wilson has asked a lot of the questions in the chat that she is interested in. We want to hear what communities will have installations before that is done so we can answer questions. She is interested in seeing if the Eastern Shore members have questions. Finally, she is concerned about how the word is getting out before physically putting into the community.

Dan Janousek said we are thinking about lots of things such as adding locations to highway fueling signage - electrical charging options on the highway. There are options to find on Google. Earl Lewis added that as the used market develops there will be cheaper options and we will have to work to make sure everyone has access to the chargers, etc.

Earl Lewis, answering Voncia Molock's chat question, said that regarding new job training, there will be electrical related jobs for infrastructure. He said more information is at:

<https://evplan.mdot.maryland.gov/>

Subha Chandar said that, on the air quality piece, she would love to talk through that with the air folks. It would be interesting to see what changes we see over time.

Someone mentioned that jurisdictions are moving toward EVICs in their fleet, including Baltimore City.

Camille Burke said she would like to have MDOT back for an update, though she is glad to know things ahead of time before they happen. She said it seems like Dr. Wilson could be helpful to MDOT and asked them to please be in touch with him.

FROM CHAT

Sacoby Wilson 10:11 AM

What about EJ stakeholders?

That group's reports have very little focus on equity and EJ

Earl Lewis 10:14 AM

Glad to hear from you again Dr. Wilson. One of the reasons we are presenting to this group today.

Sacoby Wilson 10:15 AM

How is or has the group used any of the national or state level environmental justice screening and mapping (EJSM) tools?

Thanks, Earl, happy to provide feedback.

Earl Lewis 10:16 AM

Dan will get into the screening tools being used. Good question.

Sacoby Wilson 10:17 AM

How will this work address energy equity, energy burden, and/or energy poverty? What are the indicators being tracked?

What types of baseline data are being used to track social, economic, health, environmental, and ecologic benefits?

Sacoby Wilson 10:18 AM

How is this work being connected to improving health outcomes? Air quality? Are you building out pollution monitoring networks to track baseline CAP and HAP data? Asthma? Hospitalizations>

Stationary, satellite, and mobile monitoring networks are needed; how are you including traffic-related air pollution (TRAP) data?

How is this group leveraging future IRA fund including the \$7500 tax credit for new vehicles and \$4500 tax credit for used EVs>

Earl Lewis 10:21 AM

Federal requirements for sharing data related to rechargers that will be installed along the corridors funded by grants.

Sacoby Wilson 10:21 AM

Has this group engaged in the Mid-Atlantic Justice Coalition? Frontline/Fenceline groups working on environmental, energy, and climate justice issues

What definition of disadvantaged is being used? Is it only income-based or income and race-based?

Veronika Carella - MD CEHC Leg Dir 10:22 AM

Please keep CC on (Closed Caption)

Sacoby Wilson 10:23 AM

I see it

CEJSC should be an initial tool

Devon Dodson -MDE-10:23 AM

Veronika you can turn it on for your screen. 3rd button on the bottom

Sacoby Wilson 10:24 AM

state level tools should be secondary and tertiary screens (more context-specific), I think the approach makes sense

it would be helpful to bring in more spatially resolved air quality data to inform siting of new infrastructure

Earl Lewis 10:25 AM

Health related impacts of cleaner air where numbers of ZEVs are growing around the state will be important to monitor. In the last 10 years we have gone from about 600 to over 54,000 EVs registered in the state which is about 1% of all registered vehicles. We have a long way to go.

Sacoby Wilson 10:25 AM

the air pollution data is a weakness in all of the screening tools

Rebecca Rehr 10:26 AM

Can you please repeat how the EJ scores are being used in planning EV Infrastructure?

And wondering how does this mapping effort and EJ score sync up with the other mapping efforts in other state agencies?

Sacoby Wilson 10:26 AM

Yes, Earl, we need it as part of the evaluation of policy implementation. Does it work? Is there equity in benefits of the infrastructure?

Sacoby Wilson 10:28 AM

What is the definition of disadvantaged? And how do you delineate disadvantaged

also how are you ensuring compliance with civil rights act, including title VI or President Clinton's EO 12898, or Biden's EO 14008

Sacoby Wilson 10:30 AM

sorry for all of the questions and comments, hopefully they are helpful, happy to follow up

Sacoby Wilson 10:31 AM

workforce development- uplift small businesses, minority owned businesses, that should be part of the 40%

contractors doing the work should come from the community, if not, it is extractive and not in line with EJ principles

B. Thomas Burton (BTB Coalition)10:33 AM

When you say local government area are we speaking of MNCPP-C?

Sacoby Wilson 10:33 AM

we should see these investments as a type of restorative justice, focus on distributional justice, and economic justice- create opportunity  
address economic inequality

B. Thomas Burton (BTB Coalition)10:33 AM

Or the PSC?

Voncia Molock 10:34 AM

Thanks Camille!! What new jobs/careers/trainings are being generated with these efforts and is there a particular place the public can go to learn more about these topics?

Sacoby Wilson 10:34 AM

quick fyi, lots of convos with MDE about building hyperlocal air quality monitoring networks, definitely should include this as part of the tracking infrastructure, tracking impact

Regina Boyce10:35 AM

But if you have an electric car, you more than likely have a credit card, or are banked

B. Thomas Burton (BTB Coalition)10:35 AM

There is a lot of TOP down engagement? What bottom up community engagement is being put in place?

<https://evplan.mdot.maryland.gov/>

Sacoby Wilson 10:38 AM

on previous point, you will need appropriate indicators for urban areas and appropriate indicators for rural areas

Colleen Turner10:38 AM

Excerpt From the NEVI Plan:Examples of existing or required future EV training programs include:  
MDOT MTA safety and workforce development training required under the Zero Emission Bus Acquisition Requirement (Senate Bill 61, 2022)  
Training for school bus drivers under the Maryland Public Service Commission's Electric School Bus Pilot Program (SB 528, 2022)  
Local initiatives undertaken by members of the Climate Mayors EV Purchasing Collaborative which provides training, best practices, education

Regina Boyce10:38 AM

Good Morning!!!

Sacoby Wilson 10:39 AM

in both greenhouse gases (methane, CO2) and CAPs (particularly NO2)  
exactly

oh do not forget black carbon, big deal, not a CAP, but major impact on human health

Sacoby Wilson 10:41 AM



sorry black carbon is related to diesel exhaust, heavy and medium duty trucks, also school buses, public transit buses, and construction vehicles

yes sir, Earl, that is a problem

Sacoby Wilson 10:42 AM

green hydrogen uses ammonia right?, so to produce some hydrogen, you need to use fossil fuels, not good piggy back this effort with the clean school buses program

Sacoby Wilson 10:43 AM

effect multiplier for those communities overburdened by highways, goods movement, and TRAP

TRAP is traffic-related air pollution

Sacoby Wilson 10:46 AM

another part of this from an EJ angle is meaningful involvement, meaningful engagement, recognition and representative justice

Yes sir, happy to do so

Subha Chandar -MDH-10:46 AM

I also have fleet at MDH and all over the state and have on EV now - generated a lot of questions and discussion, esp geography, cost, speed of charging, safety, and more

Regina Boyce 10:46 AM

Thank you Dr. Wilson!

Sacoby Wilson 10:46 AM

Not a problem

### **3. MDE Presentation: Supplemental Environmental Plan (SEP) Library**

Prior to the discussion, the Chair moved to approve the July minutes due to having a quorum. Joseph Griffiths second the motion. All voted in favor and the minutes were approved.

Bobbie James, Assistant Secretary of MDE, discussed the outreach portion of the law that passed this year requiring MDE to create a SEP Library. SEPs are a tool used when settling a violation of environmental law. As part of the settlement, the entity performs a project that benefits the environmental health of the community. This is not a corrective action, but a supplement to that.

Our SEP policy changed so now a SEP included in a settlement needs to be alongside the community where violation occurred. The process includes input from the community and benefits that community. MDE employees and the public have access to the database, but it is still being pulled together. We continue to look for projects to add.

Talking to the Commission is the first step in the outreach. We want to hear what kind of projects you want to see in your community and put those ideas in the SEP library for future use. An example might be

EVIC charger installation, oyster repopulation, funding of a riverkeeper, or an education piece for students.

This library will be linked to the Commission's page as well. We are also creating a one page document that we will share with the communities.

Secretary Tablada clarified this is not in place of corrective action. This is beyond the penalty and the correction to remedy action of the violator; for example a typical SEP when the Department settled a lead violation with a landlord would be to have them go above and beyond with extra windows. The Department, violator, or both communicate directly with the community about SEPs to make sure we are doing what the community wants.

Pete Hill asked if there is a map that is interactive or could there be something so people could see what is being done. Devon Dodson answered this is a great idea that has been discussed, but we are not there yet. He mentioned maybe we could incorporate it with the MDE EJ screening tool.

Bobbie James shared she would like to come back when it is up and running and share an update.

FROM CHAT

B. Thomas Burton (BTB Coalition)10:55 AM

Can you clarify the benefits to the community?

Molock 10:55 AM

When will the database be available? (Answered in discussion - hopefully in the next week)

Patrick DeArmey10:56 AM

If the community is not party to a settlement how will they be involved?

Sacoby Wilson 10:59 AM

that's actually a great point

Federal EPA- OEJ is actually developing a map to track EPA funding  
we need this for every state

include all MDE-related dollars and SEPs, but it would be good for all J40 related dollars

Sacoby Wilson 11:00 AM

understood

maybe invite Tai Lung from OEJ to show the current mapping tool

also see DOE's financial tracker too

Sacoby Wilson 11:01 AM

got you

Regina Boyce 11:02 AM

Very exciting Bobbie!!

Sacoby Wilson 11:02 AM

also we should be celebrating the new national office on EJ and Civil Rights

more resources to the region and hopefully more resources to state including MDE and CEJSC, the new office has a \$3 billion dollar budget

Sacoby Wilson 11:03 AM

<https://www.epa.gov/newsreleases/epa-launches-new-national-office-dedicated-advancing-environmental-justice-and-civil>

4. Discussion: Justice 40 Initiative - Postponed to October

5. Discussion: Annual Report - Postponed to October.

Devon Dodson shared that he plans to outline the report to match the law's requirements for the Commission and list how we have met each requirement. He will share this at the next meeting. He mentioned that there are new charges related to the Climate Solutions Now Act and requirements around water quality. We do not have a lot of guidance on this; we need to decide what that means.

FROM CHAT:

Regina Boyce 11:05 AM

Which bill was this in, Devon?

Lisa Nissley 11:06 AM

Conservation Finance Act - HB 653/SB 348

Regina Boyce 11:07 AM

Lisa, what line in the bill? I'd like to look at it and check back in with the advocates on this

Voncia Molock 11:07 AM

That's a great place to start.

Sacoby Wilson 11:07 AM

check out NEJAC's report on water infrastructure

Lisa Nissley 11:07 AM

[https://mgaleg.maryland.gov/2022RS/chapters\\_noln/Ch\\_237\\_hb0653T.pdf](https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_237_hb0653T.pdf)

Sacoby Wilson 11:07 AM

see:

[https://www.epa.gov/sites/default/files/2019-05/documents/nejac\\_white\\_paper\\_water-final-3-1-19.pdf](https://www.epa.gov/sites/default/files/2019-05/documents/nejac_white_paper_water-final-3-1-19.pdf)

Lisa Nissley 11:08 AM

(6) RECOMMEND OPTIONS TO THE SECRETARY FOR ENSURING THAT THE DEPARTMENT IS MAKING PROGRESS IN ADVANCING THE HUMAN RIGHT TO SAFE, CLEAN, AFFORDABLE, AND ACCESSIBLE WATER FOR CONSUMPTION, COOKING, SANITATION, HEALTH, AND RECREATION PURPOSES.

Sacoby Wilson 11:08 AM

could be helpful

yes, you are welcome

Delegate Boyce will try to get more information from the sponsor.

## 6. Public Comment

Kamita Gray made a comment on SEP grants. She noted that there was no transparency in the case with Brandywine, only one resident was aware. She would like MDE to make sure they are involving the community.

Delegate Boyce has noticed that people don't always know who the communities are. For example, sometimes the agency is talking to an organization that is not truly community people. Often, legislators can be helpful with that because they are aware of who lives in the community and who is really affected. Devon Dodson said that was at issue with the Brandywine issue. The group that supported the power plant didn't actually live within five miles of the fence line. MDE is working to build a database of community representatives, not nonprofit organizations etc purporting to represent the community. Delegate Boyce said there is a good list on Baltimore City's website.

Dr. Wilson would like to see information tracking the dollars and who is applying for the dollars, the return on investment, how it is being used, etc when it comes to the EVIC grants. We want to capture how we are defining disadvantaged communities. We want to make sure all are using the same definitions.

Jennifer Kunze of Clean Water Action asked that they please include in the Justice 40 conversation. In the budget this year, there is a requirement for listening sessions in the communities and that is important. She is glad to hear about new members. Devon Dodson let her know all the legislative appointments are vacant.

Shashawnda Campbell of the South Baltimore Community Land Trust shared she is excited about the Justice 40 Initiative and the impact that could have on communities. Devon Dodson mentioned that the Commission still hopes to come out to visit Curtis Bay.

Kamita Gray added that they have been working since 2013 to create community engagement and she agrees that you want to make sure you have the citizens because we want them to make decisions. She would like to share how the community came up with that program to make sure we are reaching out to the community.

Maria from Eastern Shore said that Justice 40 could be applied in rural areas where they need air monitoring; maybe something like in Cheverly, but there is an absence of data here. She hopes we will be able to address this again. Devon Dodson asked that she email him to talk about how we might be able to get involved in the area.

Devon Dodson said we are getting back into the communities and really want to as long we can do it in a safe way with regards to Covid. We really want to reinvigorate that effort in 2023.

Veronika Carella shared the following in an email and summarized at the meeting.

Thank you for the opportunity to participate in today's CEJSC meeting. Please share this email with CEJSC members and guests as it constitutes MD CEHC Public Input for today's meeting which I tried to convey verbally and via "chat box" as my "public input" request during today's meeting as the urls did not successfully transfer to the "Chat Box".

#### PUBLIC INPUT – September 27, 2022 CEJSC Meeting

PUBLIC INPUT 1 of 2: Thank you for today's discussion of CEJSC's role in ensuring that Maryland is making progress in advancing the human right to safe, clean, affordable and accessible drinking water. CEJSC's does have a role in ensuring the "Human Right to Safe Drinking Water", so please add to the next CEJSC Meeting Agenda the issue of "Protecting communities who are designated to obtain their drinking water from wells (i.e. groundwater)".

The Final Report on the "Management and Protection of the State's Water Resources" recommends that "specific legislative, regulatory and programmatic changes should be implemented". The Report states that "Maryland should strengthen the regulation of individual wells to better protect public health." Specifically, on page 27 item#3 "State and local agencies should review current regulations aimed at preventing or remediating groundwater contamination to identify possible ways to improve public health protection for users of individual wells."

CEJSC is equipped to address the weaknesses in existing regulations and practices, such as those related to the use of pesticides, to ensure that pesticides documented to contaminate wells and groundwater are NOT allowed in residential areas serviced by wells. CEJSC has a statutory duty to advise and act to protect public health, and the environment. We need CEJSC to ensure that MDE takes strong action to protect our environment including air, water and soil thereby protecting public health in light of the known weaknesses in such protections from other agencies.

This is a repeating request to please add the topics related to "Sustainable Communities Concerns" to the agenda for the upcoming CEJSC meetings. CEJSC is tasked with ensuring that communities remain sustainable throughout the state – even if they are not yet identified as an EJ community. CEJSC has an opportunity to act proactively to prevent harm to public health and the environment. The goal is to prevent them from becoming an EJ community by protecting the air, water and soil – our natural resources - from known hazards.

The Final Report on the "Management and Protection of the State's Water Resources" Report at url: [https://mde.maryland.gov/programs/water/water\\_supply/Documents/WolmanReport\\_Vol1.pdf#page=5](https://mde.maryland.gov/programs/water/water_supply/Documents/WolmanReport_Vol1.pdf#page=5)

PUBLIC INPUT 2 of 2: Repeating request to please share all input from CEJSC to the MGA during this legislative session, whether informational, testimony or other form which is a public document. Some of this input addresses state-wide issues to prevent communities from becoming EJ communities and ensuring that decisions are made under the HiAP framework.

Refer to Maryland Health in All Policies FINAL REPORT at url: <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/024600/024610/20200396e.pdf>

and the MD HiAP Workgroup Webpage at url:  
<https://msa.maryland.gov/msa/mdmanual/26excom/defunct/html/20healinall.html>

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