

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

**Maryland Commission on Environmental Justice and Sustainable Communities
January 25, 2022, 11 - 1p**

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 Pagono, 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/1E8YAUlAzYLGCDHc_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.