

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Date: 07/26/22

Time: 10am to 12pm

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 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 Bellvue, 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 ground water 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.