

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

Location: Virtual

Date: 3/23/21

Time: 10am-12pm

Minutes

Commissioners in attendance: Secretary Ben Grumbles, Camille Burke, Senator Patterson, Delegate Boyce, Barbara Paca, John Papangi, Paula Dannenfelt, Paulette Hammond, Janet Cornick, Lesliam Quiros, Bob Hackman, John Griffith, Subha Chandar, Crystal Faison

Staff & members of the public in attendance: Sussex Health, Nina Cardin, Theo Miller, Fred Tutman, Monica Brooks, Morgan Johnson, Veronika Carella, Megan Latshaw, Dr. Sacoby Wilson, Patrick DeArmey, Pam Kasemeyer, Hannah Brubach, Richard Allen, Horacio Tablada, Suzanne Dorsey, Devon Dodson, Lisa Nissley, Lisa Jones, Kimberlee Drake, Chris Hoagland,

- **Introduction by Camille Burke, Chair**

The Chair welcomed everyone to the meeting. She shared that many bills are going through the legislature that relate to EJ. We will review some of those bills, but she encouraged people to look at HB 204, HB 523, and HB 183. She mentioned there are many bills on housing as well and she thanked Delegate Boyce for her work and advocacy on many of these bills. Devon Dodson mentioned that MDE can provide a list of these bills for Commissioners to review. When reviewing the minutes from the February meeting, it was noted that the Ethics Financial Filings are due on April 30th. The minutes were approved with that correction.

- **Remarks by Secretary Grumbles**

Secretary Grumbles thanked everyone for attending and said he appreciates all the work the Chair and the agencies are doing on session and EJ issues. He wants to give the Commission more and more resources.

- **Follow up Discussion – Screening Tools**

Last month the Commission had presentations on EJ Screen and MDE EJ Screen. Devon Dodson discussed this and the idea that the Commission will ultimately need to recommend

which screening tool is best for Maryland to use. Both provide important information. It is easy to use the EJ Census Block data. Nice to have such a small section of the community isolated for data. On the other hand, it is good to have very specific Maryland data on the MD EJ Screen. It may be important to embrace both tools. Hackman agreed there are pluses and minuses for each tool. He would like to see a letter of support for the Maryland based tool from the Commission, asking for the funding needed to get this tool up to the level that is needed for full use.

The Chair expressed concern that this means we are supporting those who made the tool, and she is cautious about supporting one organization over another. Ultimately, there is a goal to hand off the MD EJ Tool to an organization that can support it. Someone asked if there are EPA grants that may support the tool. Devon Dodson said, yes, that may be a possibility. Mr. Hackman responded that grants may be helpful, but he is concerned about the temporary nature of grants. The screening tools need a funding source that will allow it to continue. The Commissioners agreed it needs a dedicated funding source.

Devon Dodson spoke to the nature of the budget process. It is currently moving in the legislature and being decided for FY 2022. There are other processes outside of the budget, but state spending may or may not be feasible in the near future.

Dr. Wilson mentioned that Census Block Group can be added to the MD tool, but it takes money. He is in the process of meeting with several state agencies to explain the tool and talk about how they can collaborate. DNR has provided some funding as a result.

There was a discussion about why EPA does not define "EJ Community." Maryland and the Federal government have not defined for a myriad of reasons, least of all some communities do not want that label assigned to their community. Dr. Wilson pointed out that communities that are poor or minority are not automatically dealing with EJ issues (a better way to discuss these communities). Many of the issues are external. Devon Dodson added that you it is important to invest in these areas. Delegate Boyce thanked Dr. Wilson for mentioning this.

- **Status of EJ Related Legislation before the General Assembly**

Lisa gave an update on EJ related legislation. Crossover was yesterday. That means the Senate and House voted on the bills they intend to send to the opposite chamber. Any bills passed by the chamber of origin after this date go through the Rules committee, adding a step before they can be considered by committee. Also, both chambers announced bills with crossfiles will not be heard unless they have significant policy changes and for many bills it will be sponsor only testimony. On the Senate side, this varies a bit by committee. Written testimony is always welcome.

SB 121: Zoning - Environmental Justice Considerations requires an EJ analysis for certain applications to construct/operate a landfill in an area zoned for residential use and an EJ analysis is to be prepared at expense of property owner. The bill would have the CEJSC make recommendations on EJ & local zoning by 6/1/22. This bill passed to the House. The sponsor is our Senate member, Senator Patterson.

HB 1310: Clean Energy and Energy Efficiency - Investment in Low-Income Communities - Delegate Rosenberg: This bill was heard in Appropriations on 3/12, no vote yet. The sponsor

offered amendments that removed the CEJSC from the bill. With amendments, the bill would require agencies to develop policies and recs to place the highest priority on overall spending on clean energy and energy efficiency programs, projects, and investments in the State to benefit “low-income communities,” Federal funding appropriated for certain programs related to energy and energy efficiency must also be prioritized.

SB 674/HB 1207 Environment - CEJSC – Reform This bill passed 3rd reader in the Senate on Monday. The Senate amendments did not change the duties of the Commission, but there are changes to the membership. The Governor would make appointments and it would say no fewer than 4 community members. The House version was heard and then discussed in subcommittee, but there has not been a House vote. The House hearing was more friendly toward the Commission.

SB 414/HB 583 - Climate Solutions Now Act: This bill makes broad changes to policy on reducing statewide GHG emissions and addressing climate change including increases the GHG reduction requirement from 40% from 2006 levels by 2030 to 60% from 2006 levels by 2030 and requires the State to achieve net-zero statewide GHG emissions by 2045. The would CEJSC make recommendations on 1. methodology for identifying communities disproportionately affected by climate changes, 2. addressing EJ concerns, and 3. set goals for reduction measures that should be used for the benefit of disproportionately affected communities by 12/31/22.

Delegate Boyce has advocated on behalf of the Commission in the subcommittee meetings MDE has watched online for both the Commission bill and the CEJSC. She has stressed that the commission is a volunteer body, not a regulatory body, and asked for thoughtfulness as we add duties and responsibilities. Delegate Boyce shared that she does not want the Commission to be the only body addressing EJ issues. Devon Dodson agreed. Dr. Wilson added that he worked on the amendments and another question is how are other agencies implementing? Everyone should have an EJ Plan in addition to MDE. Devon Dodson reiterated that this is a priority now and the state is moving forward to use this opportunity. He noted that the bill calls for six meetings a year and this is our sixth meeting in eight months.

Reminder you can watch all the proceedings online this year from floor sessions to voting sessions. In that respect, the legislature is much more accessible for everyone.

- **Discussion with Brandywine Community on Outreach**

This was postponed due to a family emergency.

- **Public Comment**

Megan Latshaw mentioned two bills of interest – HB 1204 and the Environmental Human Rights Act. She also discussed Lead in Drinking Water and expressed concern at the number of schools testing above the recommended level, and she hopes there is a plan to address that (one was not apparent in the report). She has found the data hard to track down. Devon Dodson offered to help with that. Camille Burke mentioned the work being done by the lead commission.

Richard Allen shared that as an Equal Opportunity professional he sees a need for resources to go along with this reenergized effort. Secretary Grumbles underscored the need for interagency commitment.

Dr. Wilson shared insight on the issues around ammonia and chicken farmers and the impact on local health. We need site specific air quality monitoring data to understand factory farming.

Veronika Carella shared comments and shared them via chat: **SUSTAINABLE COMMUNITIES:** Issues related to protecting groundwater, the source of Maryland drinking wells is not being addressed. Devon Dodson and Camille were copied on emails to MDA highlighting issue from person with standing. Protecting water and human health is critical ensuring Maryland has sustainable communities. Requesting CEJSC address per CEJSC statute: Section 1-701(h) Duties (2) "Review and analyze the impact of current State Laws and policies on the issue of environmental justice and sustainable communities." **HiAP DATA SHARING:** Data Sharing, such as the tools discussed, are necessary to protect public health and the environment. Currently, as Devon Dodson and Camille saw in the MDA example that they were copied on last week, Marylanders currently do NOT have access to data that drifts onto their property, knowingly contaminates their groundwater. Whenever hazardous chemicals are applied in outdoor spaces, the public has the right to know what they are inhaling or absorbing through their skin. Please address HiAP Data Sharing of pesticide application records only accessible by MDA. The decisions of what hazardous discretionary pesticides are approved for use by MDA by contractors for residential, community or right-of-way maintenance DO NOT include a review of the impacts to health or the environment, they only address efficacy. This is an CEJSC issue related to sustainable communities as well as an EJ specific issue.

Theodore Miller, a law clerk for Chesapeake Legal Alliance has been encouraged by the revitalization of the Commission in the past few months. He hopes public engagement will drive the effort moving forward including listening sessions and perhaps an online portal. He would like to see a direct role in advising agencies.

Monica Brooks spoke, but the internet connection was weak and it was hard to capture her comments. Generally, she spoke about the AFO decision and the opportunity to make strides on EJ and equity related to nitrogen from those operations.

Kathy Phillips, the Assateague Coastkeeper is excited that there will be more representation serving on the Commission from around the state. Her organization is excited to help.