

SECTION 3.0 ENVIRONMENTAL JUSTICE IN MARYLAND

3.1 Background

The first legislative action in Maryland occurred in the Senate, however this effort died and EJ in Maryland was not formally legislated until April 7, 1997 with House Bill 1350 which established the Maryland Advisory Council on Environmental Justice (MACEJ). The MACEJ was charged with providing recommendations to the Governor and General Assembly on EJ matters including policy, enforcement of laws, and elimination of discriminatory laws and establishing a forum for EJ public participation, specifically including:

1. Involving affected communities in community-based planning for environmental and economic enhancement and related state and local activities, programs, and policies;
2. Increasing efforts to integrate public health and planning for revitalization of affected communities;
3. Enhancing public participation in environmental justice development and implementation regarding affected communities;
4. Increasing the awareness and sensitivity of state and local officials to environmental justice issues
5. Assessing the impact of state policies, programs, and activities on affected communities; and
6. Encouraging public-private partnerships to address environmental justice issues in the affected communities.

3.2 MACEJ's Definition of Environmental Justice

1. Equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class.
2. Equal access to socioeconomic resources so that all people can provide for their livelihood and health.
3. 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 law, regulations and policies.
4. Fair treatment means that no group of people—including racial, ethnic or socioeconomic groups—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 municipal programs and policies.

3.3 MACEJ Goals

1. Extend the decision making process, which includes policies and laws, to all people; encourage diverse groups and individuals to contribute to the environmental justice agenda.
2. Promote a sustainable Maryland economy in which the environment is preserved without impeding economic growth.
3. Create awareness among public officials at all levels of government on the issue of EJ.
4. Review current policies and programs.
5. Ensure that environmental discrimination is eliminated, especially against minorities and people of low socio-economic status.

3.4 MACEJ General Observations from Regional Workshops

MACEJ public forums were held in the following locations:

- Prince George's Community College (10/08/98)
- South Baltimore (10/14/98)
- Baltimore Urban League(01/06/99)
- Hagerstown Jr. College (04/14/99)
- Salisbury State College (04/29/99)

According to one resident in one of the regional workshops, she has lived in that community for most of her adult life. She thinks of it as her hometown and has accumulated immense fun and affection for the place. However, for the most part, the community is a mess. Not the kind of enchanting mess that makes communities desirable and interesting places to explore, but an awful mess. It seems much worse now than when she first knew it in 1955. But perhaps, to her, it is in the same old mess except that many people within her community believed they could do something about it. Now the problems seem intractable.

The problems sited across Maryland during MACEJ's tour encapsulate various perspectives. These ranged from what constituted environmental justice to who is responsible for ensuring that solutions for EJ problems are developed. The resident above talked about the mess within her community being an EJ issue. Many different groups proposed various solutions to EJ problems. Noteworthy, is a particular suggestion which was raised by many communities and echoed by council member, Delegate James Hubbard concerning one of his interpretations of the state's role:

"The modern assumption is that government role is that of mediator between the public and profit making ventures or public type activities. In point of fact, if there is to be environmental justice it will not occur because minority communities go to public meetings or read exhaustive analysis prepared by polluters. It will happen because government denies permits for activities in locations where there is an adverse impact on the minority or poor community. If, as a standard for permit review, MDE was required to respond to the following question, the affirmative result might well be very different. Would this activity be allowed to occur with the same level of environmental protection in a similar location near a majority and/or a rich community? If the answer is a definitive yes then there can be no environmental injustice. If the answer is yes then should government agencies act to assure that the majority and/or poor community receive the same level of economic assistance as might be required to convince a majority and or rich community to accept the activity. Business and public works agencies avoid majority and or rich communities because they know the costs of getting into business or undertaking the activity is too high. If polluters treated both rich and poor, majority communities equally, public or private, there would be no need to try to correct or avoid environmental injustice. It would be a self enforcing policy"

While some of the ideas discussed this report and particularly within the ideas of the above are open to debate, the important point that's made in the above statement, suggest that, for environmental justice to work, it requires permitting practices to consider environmental justice criteria. In most states, too little protection is afforded to groups that are incapable, financially and economically, in challenging Locally Unwanted Land Uses (LULU's). Additionally, some of the major concerns that were expressed during the five statewide workshops by the participants revolved around issues concerning permits, state administration, inequities/disparities, etc. More specifically, testimony at these meetings included statements such as:

- A minority community on one side of the highway not having water connection or sewer connection while the other "white" community immediately across on the other side of the highway possess water and sewer connection.
- Working conditions are deplorable – ranging from people living in houses plagued by pesticide pollution and working in chicken litter.
- Low-income communities in Maryland are much more likely to be surrounded by brownfields, landfills, Superfund sites, medical waste sites, mining and industrial facilities, etc. This results in increased vulnerability to environmental "ills."
- Low income communities are much more likely to have dilapidated housing stock with more incidences of asbestos and lead paint poisoning.
- African Americans are seeing incidences of lead paint poisoning rise to uncomfortably alarming rates with limited resources being dedicated to rectify the problem.
- Administrative practices on the part of some Maryland state agencies and officials are often prejudiced.
- Higher incidences of cancer, respiratory illnesses (particularly asthma) in low income communities – especially near industrial facilities.
- Open burning is prevalent in areas near low-income population.
- Degreasing and mechanical run-offs from auto mechanic shops, etc., are very harmful to low-income communities.
- Population laws are relaxed in low income communities.
- CATNIPs (Cheapest Available Technology Not Involving Prosecution) are more prevalent in low income communities.
- Incidences of lead, arsenic, cadmium, etc., are too high in some areas where communities depend on subsistence fishing for domestic consumption. In some of these areas, children in these communities are plagued with learning disabilities, neurological problems, lower IQs, and experience problems with information retention .
- The historical and contemporary planning and political culture has yielded some unexpected and harmful consequences in low-income communities. Zoning, comprehensive plans, etc., rarely consider environmental harm to low-income communities.
- Sanitation and garbage disposal is big problem in low-income communities.
- Inappropriate location of prisons bring harmful environmental elements to unsuspecting communities.
- Open drains are prevalent in low-income communities. Often they pose huge health threats to low-income residents.
- Transportation projects and policies have yielded significant ill effects on low-come communities.
- Income levels are invariably linked to health pollution and contamination.

- Energy waste, fossil fuels, air pollution, lack of weatherization, etc., are all impacts that low income communities are now experiencing and will continue to experience especially with electricity deregulation .
- Not enforcing environmental regulations on the books particularly in low income communities is an environmental justice act.
- Abandoned homes, drug needles, trash, etc., are EJ issues.
- Exhaust fumes, truck traffic, noise, buses idling, trash – being burned openly are common occurrences in low-income communities.
- Carbon monoxide from companies are more prevalent in low-income communities.

The above concerns capture the litany of problems expressed to MACEJ. However, they are intended to highlight the diverse and significant nature of EJ issues in Maryland. While Maryland has been blessed not to have any significant court case argued on the grounds of EJ, given the ideas and concerns expressed by various communities and individuals, it is possible that more formal EJ complaints will be lodged and that legal challenges may arise in the future.