

SECTION 4.0 MACEJ SUBCOMMITTEE REPORTS, FINDINGS & RECOMMENDATIONS

4.1 Environmental Health Concerns and Research Subcommittee

Introduction

The Environmental Health Concerns and Research Subcommittee (EHCR) was assembled for the purpose of studying and developing recommendations to the MACEJ on means to identify and incorporate, within the context of environmental justice, environmental health concerns and research into the public decision making process.

The EHCR Subcommittee is comprised of the following members:

Karen A. Pecoraro	Chairman, Senior Environmental Engineer at Dames & Moore
Andrew Sawyers	Baltimore Urban League/Johns Hopkins University
Dr. Robert Valencia	Office of Environmental Health Coordination, Maryland Department of Health & Mental Hygiene
Delegate Nathaniel Oaks	MACEJ Member
Tamia Boyer-Robinson	MACEJ Member, Community Representative

The EHCR Subcommittee's recommendations are summarized below and recommendations one, two and three are presented in further later in this section:

- 1) Develop a geographic information system (GIS) for the State of Maryland that incorporates community health indicators presented in the National Civic League's *The Healthy Community Handbook* (NCL 1993).
- 2) Initiate community based environmental justice pilot projects.
- 3) Using the GIS tool and other available information, assess enforcement practices for the state environmental and public health departments with respect to low income and minority community areas.
- 4) Adopt the *EPA Interim Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses* as guidance for use in determining whether major state actions constitute an environmental justice impact.
- 5) Establish a state-level Internal Review Board (IRB) to provide oversight and guidance in the implementation of MACEJ recommendations.
- 6) Explore the potential of improved quantitative models, including the evaluation of relative risk burden models and environmental justice indices, through collaborative efforts with state academia and by generating data from EHCR recommendations one through three.
- 7) For the purposes of future Maryland programs, consider the name *Environmental Equity* as opposed to *Environmental Justice*, to better emphasize the concept of *equal* protection from environmental and public health hazards for all people regardless of race, income, culture, and social class.

APPROACH

The EHCR proposed to study and make recommendations on:

- A policy or regulatory framework that would require state agencies to consider environmental health consequences, within the context of environmental justice, of their actions and decisions as they implement their respective missions; and,
- Methodologies for assessing where state actions (including policies, programs, and other activities) may have disproportionately high and adverse human health effects on minority and low-income communities.

Members of the EHCR attended MACEJ meetings and held meetings at other times; at least one ECHR member was present for every MACEJ meeting. EHCR members were present at each of the MACEJ-planned public forums and reviewed meeting transcripts to identify potential environmental justice issues and potential state actions that may contribute to disproportionately high and adverse human health effects on low-income and minority communities.

EHCR members also worked with members of the Subcommittee on State and Local Interagency Coordination to consider a policy framework that would incorporate environmental health issues into existing public decision making processes. Finally, EHCR worked, drawing on literature, public meeting inputs, and professional experience, to identify potential methodologies and tools for assessing disproportionately high and adverse human health effects on minority and low income communities.

Potential Environmental Justice Issues Identified In Public Meetings

The EHCR attended MDEJAC public meetings and reviewed meeting transcripts to identify potential state actions that presently may contribute to disproportionately high and adverse human health effects on low-income and/or minority communities. Members of the public who participated in MDEJAC outreach meetings provided information that suggests potential issues in relation to:

- Municipal and state planning practices, including practices that over time involve zoning, transportation, and job creation issues, as well as new planning initiatives including Smart Growth and brownfields redevelopment;
- Municipal and state environmental enforcement practices, particularly in relation to lead poisoning regulations; and
- Public outreach efforts and meaningful involvement in decision-making processes that affect residential communities.

EHCR Subcommittee Recommendations

The EHCR recommendations one through three summarized above are detailed in the following discussion.

- 1) *Develop a geographic information system (GIS) for the State of Maryland that incorporates community health indicators presented in the National Civic League's The Healthy Community Handbook.*

The EHCR proposes that Maryland select indicators of community health and examine current indicator data to identify potential areas of concern and at-risk communities. We recommend the use of GIS as an efficient screening tool in this assessment. The State of Maryland Office of Planning already maintains GIS tools that include a base map of roads and includes such features as schools, hospitals, churches and it depicts land use, natural resources and socioeconomic information collected through the U.S. Census.

Community health criteria or quality of life indicators and their use in profiling community health are the focus of a book titled *The Healthy Community Handbook*, published in 1993 by the National Civic League (NCL). The handbook is a guide for the development and application of community health indicators and emphasizes the participation of stakeholders and meaningful community involvement in planning for healthy communities. Many of the community health and quality of life indicators recommended in the NCL handbook, and presented in Table 1 (attached), include parameters for data that Maryland (and most states) routinely collects.

The concept that EHCR is proposing is simple and straightforward: develop a GIS screening tool that would allow state government, academia, communities, and business to examine geographically the characteristics of Maryland communities and use the resulting information for assessing baseline and long term community health, environmental impact, and economic development potential. Useful outputs of the GIS could include maps of areas of interest that depict various combinations of the health indicators presented in Table 1. It is important to note that while the GIS will provide a visual model of the coincidence of these indicators, it does not demonstrate causality.

Table 1 Examples of Community Health and Quality of Life Indicators Presented in the Community Health Handbook (NCL, 1993) and Additional EHCR-Recommended Indicators

Indicator Category	Examples of Community Health Indicators
Health	Infant mortality rate; low birth weight births; cancer stage at diagnosis; immunization rates; congenital malformation rates; alcohol/drug use by youths and adults; access to health care; population age and density; race; ethnicity.
Income	Percentage living at/below the poverty level; percentage of children living in one-parent homes; unemployment rate; personal income figures; percentage of single mothers receiving child support; percentage of population receiving food stamps.
Housing and Homelessness	Total number and quality of housing units; new dwellings completed; residential land use; number of single persons/families in emergency shelters per night; total number of families in temporary housing facilities.

Food Assistance/ Nutritional Quality	Requests for emergency food assistance; number of children experiencing chronic malnutrition; number of families experiencing chronic food shortages; percentage of population receiving food stamps; percentage of population eligible for food stamps but not receiving them; percentage of households receiving assistance from the Special Supplemental Food Program for Women and Infant Children (WIC); percentage of children enrolled in school lunch/breakfast/ and summer food programs.
Child Care	Number of spaces of infant care available as a portion of needed spaces; number of spaces of preschool care available as a portion of need spaces; number of spaces available for after-school care as a portion of population of six- to 13-year olds; number/percentage of children enrolled in Head Start Programs.
Education	Total public school enrollment; high school drop-out rate; number of high school graduates; percentage of graduates entering higher education; percent of students at or above grade level reading scores; student participation in credit/non-credit higher education programs; percentage of poor children in Federal Chapter 1 programs; availability of Head Start spaces.
Transportation	Availability of public transportation; ridership/number of passengers using public transportation; on-time performance of public transit.
Public Safety	Crime statistics; community perception of safety; distribution of crimes; number of violent crimes; admissions to juvenile detention; police and fire response times; motor vehicle accident rates.
Environmental Quality	Number of days exceeding Federal and state air quality standards; maximum concentration levels of air pollutants; energy use/CO2 emission; groundwater contamination/use restrictions; open space acreage per capita; ratio of open space to developed land; environmental education/advocacy programs; number of discharge permits per unit area; enforcement statistics.

Because this recommendation would mobilize large amounts of data into a central location for study and evaluation, the State of Maryland should consult with local academia early in planning this effort in order to maximize the opportunity for the collection of data useful for implementation of EHCR's sixth recommendation.

2) Initiate community based environmental justice pilot projects.

The EHCR recommends that the State of Maryland identify potential communities of concern, possibly using the GIS tools described in our first recommendation, and initiate community-based environmental justice planning projects. The purpose of these pilots would be to work with selected communities to establish stakeholder participation, assess the overall environmental health issues, and define environmental health for that particular community and the action plan for achieving it. The NCL *Healthy Community Handbook* outlines a planning and implementation approach that can be applied to this recommendation. The desired outcomes of these pilot efforts include: definition of community-specific environmental health issues; community-defined environmental health indicators; improved access to information about the community and surrounding area; better definition of environmental health issues affecting the pilots; improved understanding of how to address environmental health issues and how to develop appropriate policy at the state level through lessons learned.

3) Using GIS tools and other available information, assess enforcement practices for the state environmental and public health departments with respect to low income and minority community areas.

In conjunction with the first two recommendations, the purpose of this recommendation is to examine the coincidence of enforcement action locations with potential environmental justice communities. The results of this screening will help determine if additional study is needed to assess the potential for current enforcement practices and funding priorities to adversely and disproportionately impact these geographic areas of concern.

4.2 STATE AND LOCAL INTER-AGENCY COORDINATION SUBCOMMITTEE

Purpose of the Subcommittee

The purpose of this Subcommittee was to develop recommendations on approaches for Maryland's state and local government agencies to prevent or manage environmental justice issues. In other words, the Subcommittee will attempt to answer the question, "How and when should a Maryland government agency become involved in environmental justice matters?"

Approach

In order to develop its recommendations, the Subcommittee required knowledge of current environmental justice activities and policies, if any, in Maryland government agencies. Gathering this information was the Subcommittee's initial activity and a survey of all State departments was recommended to identify existing environmental justice units and protocols. Also, the Subcommittee drafted a letter from the MACEJ chair to Governor Glendening requesting participation in MACEJ from those agencies not presently represented on MACEJ. Regardless of the results of the survey, the Subcommittee believed that participation from a broader sample of government agencies would improve MACEJ knowledge of the State system and increase the number and diversity of eventual stakeholders.

The Subcommittee also reviewed EPA's Interim Final Guidance from Incorporating Environmental Justice Concerns in EPA, NEPA Compliance Analyses to examine the federal model for incorporating environmental justice into department structure and policy.

Recommendations

1. Obtain from each Maryland agency the corresponding federal agency's environmental justice guidelines.
2. Guidance developed for state and local government agencies must incorporate a strong educational component.

There is a general lack of awareness on the local levels and state about environmental justice, which may pose a barrier to the institutionalization of environmental justice principles and methods. Specifically, it will be difficult for local government agencies to adopt policies and procedures for dealing with environmental justice issues simply because of the lack of experience in dealing with matters of such a complex sociological nature and the lack of local expert resources and leadership geared toward that purpose. An educational approach to environmental justice will be essential. The value of adopting environmental justice principles and methods must be demonstrated in practical and locally relevant terms.

3. Ensure participation by all state agencies, citizens, and the private sector in the guidance development stage. While state agencies such as Maryland Department of the Environment and Department of Health and Mental Hygiene have a direct role in all environmental justice matters, no state agency or its private sector partners can claim immunity from environmental justice concerns.

4. Establish an environmental justice oversight body to monitor and coordinate state and related local agency activities.

The environmental justice process may require administrative presence and support in all of Maryland's state and local agencies. This recommendation is not unreasonable- there are several comparable requirements in the state system. For example, all state agencies are required by law to have an ADA coordinator on staff, ensuring the agency's compliance with the Americans with Disabilities Act and the corresponding state law. Also, there must be procedures in place in all agencies to address equal employment opportunity issues such as discrimination and harassment. Third, any agency proposing the use of human subjects in research must form an Internal Review Board (IRB) to determine the propriety of such research. An IRB typically is composed of agency research and administrative staff, elected officials, clergy, and citizens. The institutionalized consideration of disability, equal opportunity and bioethical issues points the way to establishing a permanent body whose purpose is to ensure that environmental justice concerns are also considered throughout Maryland government.

4.3 PUBLIC OUTREACH AND PARTICIPATION SUB-COMMITTEE REPORT

Purpose of the Subcommittee

One purpose of this subcommittee was to organize MACEJ's regional outreach workgroups and promote participation by the public at these sessions. This group was also charged with recommending guiding principles and critical elements for an inclusive public participation process.

Guiding Principles

1. Public participation in all aspects of environmental decision making should be embraced and encouraged.
2. Communities, including all types of stakeholders and agencies should be seen as equal partners in dialogue on environmental justice issues. In order to build successful partnerships interactions must:
 - Encourage active community participation; and
 - Recognize community knowledge.
3. Maintain honesty and integrity in communication processes and articulate goals, expectations, and limitations. Communities should have say in decisions about actions, which affect their lives. Public participation includes the promise that the community's contribution will influence the decision.
4. MACEJ found in their attempt to gauge participation, more emphasis should be given to developing and harnessing grass roots responses to the issues.

Critical Elements

Preparation

1. Entities must develop and implement an action plan to bring citizens and organizations out to public forums so that solid information and opinions on the status of environmental justice in Maryland may be obtained. This requires researching key community leaders in various sectors of the state and performing outreach via mass mailings, mass media and personal contacts to encourage participation in the public forums.
2. Developing, co-sponsoring and co-planning relationships with community organizations is essential to successful community meetings. To ensure a successful meeting, agencies should provide co-sponsorship and resources needed and should share all planning roles. These roles include:
 - Decision making;
 - Development of the agenda;
 - Establishment of clear goals;
 - Leadership; and
 - Outreach.
3. Educating the community to allow equal participation and provide a means to influence decision-making.
4. Opportunities for effective outreach, education, and communications must be provided. Findings should be shared with community members with an emphasis on sensitivity and respect to race, ethnicity, gender, language, and culture.

Participants

The Council held regional meetings to involve affected communities in open dialogue about environmental justice. Within the context of the meetings held, MACEJ learned that it is important to engage affected communities in planning methodologies to enhance the opportunities to implement environmental and economic improvements in low-income communities. The Council noted that it was particularly important to the community to ensure that they are indeed – tangible contributors to finding solutions. MACEJ also noted the importance of encouraging and welcoming participation by youth. Based on MACEJ's experience, the following communities should be encouraged to become involved in environmental justice issues:

- Community and neighborhood groups;
- Community service organizations (health, welfare, and others);

- Educational institutions and academia;
- Environmental organizations;
- Government agencies (federal, state, county, and local);
- Industry and business;
- Medical community;
- Non-government organizations;
- Religious communities;
- Homeowner and residential organizations; and
- Media/Press.

MACEJ also suggests identifying key individuals who can represent various stakeholders' interests and to learn as much as possible about stakeholders and their concerns through personal consultation, phone or written contacts. (Ensure that information gathering techniques include modifications for minority and low-income communities (for example, consider technical background, literacy, access to respondents, privacy issues and preferred types of communication)).

Logistics

Meeting Location

- The meetings should be accessible to all who wish to attend (public transportation, childcare, and access for the disabled should be considered). Consider time frames that do not conflict with work schedules, rush hours, dinner hours and other community commitments that may decrease attendance. Consider locations and facilities that are local, convenient and represent neutral turf.
- The meeting should be held in an adequate facility (size and conditions must be considered)
 - Transcript of meeting should be taken to ensure the entire dialogue is recorded for future reference, file.

Time Frame

- The time of day should accommodate the needs of the affected communities (evening and weekend meetings accommodate working people, and careful scheduling can avoid conflicts with other community events)

Procedural Issues

- Formal and/or informal greetings and introductions by meeting officials to the community participants upon their arrival is imperative. This will encourage an informal atmosphere and the solicitation and sharing of information becomes much easier. Asking questions such as how they may have heard about the forum and what prompted them to attend, etc, is also important.
- Formal introductions of all meeting participants are to be made at the beginning of the meeting.
- Make certain from the onset of the meeting that audience is aware that the Council's role is only to listen to the community's concerns in an effort to make recommendations to the Governor's office.
- Advise audience that the entire meeting is being recorded.
- Immediately following a forum, a debriefing should take place by the Council to discuss and evaluate issues/concerns arising from the participants.

Mechanics

- Maintain clear goals by referring to the agenda, however do not be bound by it.
- Provide a professional facilitator who is sensitive to and trained in, environmental justice issues.
- Provide a timeline that describes how the meeting fits into the overall agenda of the issues at hand.
- Coordinate follow-up by developing an action plan and determining who is the contact person who will expedite the work products from the meeting.
- Distribute minutes and a list of action items to facilitate follow-up.