



**Maryland State  
Commission on Environmental Justice  
and Sustainable Communities**

**Annual Report  
2011-2012**

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# 1 Background

## CEJSC Background

The Commission on Environmental Justice and Sustainable Communities (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003. The Commission is a twenty-member body that includes the following representatives: two State legislators, six cabinet secretaries, and twelve Governor appointees representing six interests groups— environmental advocacy, public health, local government, regulated business, impacted community, and the general public with expertise and/or interest in environmental Justice.

The CEJSC is tasked with examining environmental justice and sustainable communities issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Maryland’s approach to Environmental Justice (EJ) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines EJ as,

*“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 laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group 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 tribal programs and policies.*

Additionally, Maryland’s definition, which builds on EPA’s definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

## **2. Commissioners Serving 2011 to 2012**

Mr. Scot Spencer, Commission Chair, Annie E. Casey Foundation (\*Public Interest)

Senator Bill Ferguson, State Senate, (\*State Legislature) (serving May 2011 to present)

Delegate Elizabeth Bobo, House of Delegates (\*State Legislature)

Secretary Dr. Robert Summers, Maryland Department of the Environment (\*State Agency)

Secretary Joshua Sharfstein, Department of Health and Mental Hygiene (\*State Agency)

Secretary Raymond Skinner, Department of Housing and Community Development (\*State Agency)

Secretary Richard Hall, Maryland Department of Planning (\*State Agency)

Secretary Christian Johansson, Department of Business and Economic Development (\*State Agency)

Acting Secretary Darrell Mobley, Maryland Department of Transportation (\*State Agency)

Dr. Calvin Ball, Howard County Council Chairman (\*Local Government)

Mr. Andrew Fellows, Commission Vice Chair, Mayor of College Park (\*Local Government)

Ms. Rebecca Rehr, UMD School of Public Health (\*Public Interest)

Mr. John Quinn, Constellation Energy (\*Regulated Business)

Ms. Vernice Miller-Travis, Commission Vice Chair, Miller-Travis & Associates, environmental (\*Public Interest)

Ms. Jennifer Peterson, Attorney Environmental Integrity Project (\*Environmental Advocacy)

Mr. Richard Fairbanks (\*Impacted Community)

Ms. Delora Sanchez, Assistant Director, State Affairs, Johns Hopkins Institutions (\*Health Expert)

Ms. Jennifer Bevan-Dangel, Attorney, 1000 Friends of Maryland (\*Environmental Advocacy)

Mr. John Kotoski, River Run Development Association (\*Regulated Business)

*Vacancy*

### **3 Commission Activities October 1, 2011- September 30, 2012**

#### **New Operating Techniques**

After discussions at the 2011 annual retreat, the Commission set out to have a more proactive approach to outreach and a more productive way of conducting business. The group decided to use SMART Techniques (Specific, Measurable, Attainable, Relevant and Timely) to accomplish our goals. Over the year the Commission shifted its meeting focus from discussions surrounding a speaker's presentation to reports on specific action items and goal setting. One or two people were assigned as a lead contact on each issue. When issues of interest came up that the Commission needed more information on, a separate meeting or conference call was set for a presentation for those Commissioners who were particularly interested, such as a presentation from the Environmental Integrity Project on their report about Waste to Energy in Maryland. Designees for each agency represented on the Commission began to speak on monthly conference calls to communicate on relevant EJ issues and agency projects.

MDE staff also drafted a form for Commissioners to use in implementing goals in a SMART fashion. This form is meant to track progress and set goals for progress. It can be found in Appendix F.

#### **Plan MD**

PlanMaryland is a framework for development in Maryland with three goals: concentrate development in existing neighborhoods, preserve and protect environmental and natural resources, and create sustainable qualities of life. The goals as outlined above encompass twelve planning visions. The visions address: quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation; stewardship; and implementation approaches. The Commission on Environmental Justice and Sustainable Communities reviewed the draft plan and offered feedback to the Maryland Department of Planning (MDP) on possible environmental justice strategies and / or policies for consideration and inclusion into the plan. See Section 5.

It is the understanding of the Commission that there may be an opportunity in the future for this body to work with the Maryland Department of Transportation and the Maryland Department of Housing and Community Development, as these two State entities move forward with the development and implementation of a State Housing Plan and Transportation plan.

#### **Title VI**

At the December meeting, Mohamed S. Dumbuya and Sandy Jackson Talbert from the Federal Highway Administration conducted an informal questions and answers presentation on the cross roads of Title VI and Environmental Justice. Their presentation included information on the background of Title VI including legal authorities and discrimination; they defined Title VI; discussed the difference between Title VI the law and Title VI the program; they discussed the responsibilities under the Federal Highway Administration's EJ Order 6640.23(2)(h); and they discussed the similarities of Title VI and Environmental Justice. In short, they stated that Executive Order 12898:

- Reinforces and rekindles Title VI (Section 2-2)
- Calls for improved methods in research, data collection, and analysis (Section 3-3(301))
- Triggers a new look at National Environmental Protection Act (NEPA) (Section 3-3(302))
- Encourages participation of impacted citizens in all phases of decision-making (Section 5-5)
- Appeals for absence of denial, delay and reduction in benefits to Low Income and Minority persons (#3 of FHWA's Fundamental EJ Concepts)

### **Legislation**

In the 2012 Legislative Session, CEJSC did not testify on legislation. For the 2013 Legislative Session, the Commissioners discussed the extent of CEJSC involvement at the Annual Retreat. The CEJSC plans to reach out to legislators and the Black Caucus to champion EJ legislation as well as meet early with environmental leadership in order to identify opportunities for EJ legislation. In the 2013 session, the CEJSC plans to distinguish itself as a resource for legislators to identify, include, and resolve EJ issues in legislation, in the form of recommendations and information rather than testimony. A small workgroup may be formed to specifically work on legislative involvement and strategies.

### **Academic Outreach**

This year, Rebecca Rehr led efforts to start as Academic Subcommittee as part of the CEJSC. Building with relationships with academics across the state will enable the CEJSC to more fully engage with diverse issues facing Marylanders in different parts of the state; learn about data that may help communities differentially affected by environmental harms; and work with students on project ideas for internships, class credit, and thesis completion. Rebecca reached out to academics throughout the state to gauge interest and assembled a working group of 11 people. Representatives from several schools were included in the work group: UMBC, Coppin State University, Towson University, Goucher College, The Johns Hopkins University, Morgan State University, University of Maryland, and University of Maryland School of Public Health. The group corresponded via e-mail, with Rebecca sending weekly or bi-weekly updates and requesting feedback.

After initial enthusiasm for these efforts, the working group lost momentum. One partner, Dr. Sacoby Wilson at the Maryland Institute for Applied Environmental Health at the University of Maryland School of Public Health, had been working to start a new program on Community Engagement, Environmental Justice, and Health (CEEJH) and showed interest in establishing a relationship with the CEJSC. Therefore, we decided to focus efforts on building this relationship and made reaching out to other universities a long-term goal. Dr. Wilson was starting projects in Baltimore City, the Anacostia watershed in Prince George's County, and had plans for some research on the Eastern Shore. The CEJSC submitted a letter of support for one of Dr. Wilson's grants investigating health disparities in Maryland and plans to continue working with him and

with other CEEJH team members. Karen Forbes is taking the lead on advancing the efforts to reach out to the academic community on behalf of the CEJSC.

In addition to this work, Rebecca also submitted a paper for publication evaluating the work of the CEJSC over the past decade. She interviewed current and former Commissioners and other stakeholders to see if and how a Governor's-appointed Commission has helped advance the environmental agenda in Maryland. The article is currently being considered for publication in a special issue of the *Journal of Health Care for the Poor and Underserved*.

### **Business Outreach**

On June 11, 2012, CEJSC partnered with the Maryland Chamber of Commerce to host a meeting to introduce small-medium sized Maryland businesses to the concept of environmental justice. The event featured a keynote speech by Sue Briggum of Waste Management. Other speakers included Delegate Mary Washington, DBED Deputy Secretary Dominick Murray, MDE Senior Policy Advisor Brigid Kenney, plus Scott Spencer and Andy Fellows of CEJSC. CEJSC also produced and distributed a handout titled Guide to EJ Best Practices for Businesses.

Approximately 35 people attended the event. Ms. Briggum described ways that successful companies can set up sustainability programs that will conserve valuable resources and improve the quality of life for local communities. Her presentation included some specific examples of how Waste Management's implementation of these policies has helped her company become even more successful. The other speakers reinforced this message by encouraging expanding businesses to consider local environmental justice concerns along with other traditional site location criteria such as labor, transportation, real estate prices and tax rates.

Community involvement makes sense to business because it can save them substantial amounts of time and money. After the meeting, the Commissioners discussed planning one or more similar events for the coming year. In order to attract a larger audience, it was suggested that CEJSC try to tie future events into one or more large conferences sponsored by membership organizations representing key members of the business community. CEJSC's participation in such a conference would probably be in the form of a break-out session or panel discussion.

### **Annual Meeting with CEHPAC**

The Commission held a joint meeting with the Children's Environmental Health Protection Advisory Council on May 22, 2012 per its statutory charge. The organizations shared information on recent progress and issues of mutual interest. They discussed possible points for collaboration on a letter related to potential drilling in the Marcellus Shale. Full details are outlined meeting minutes in Appendix X. Later, at the annual retreat, Commissioners decided to ask Nancy Servatius of DHMH to serve as a liaison between the two groups. She attends both organizations meetings and will look for opportunities for collaboration to share with both groups.

### **Language in Comprehensive Plans on Environmental Justice**

At the November monthly meeting, Commissioners discussed ways for local governments to incorporate EJ into planning activities. It was mentioned that it would be helpful to have language other governments has used in their planning documents to incorporate EJ considerations. In response to this discussion, MDE assigned a legal fellow to research the topic. Seven examples of EJ related language in comprehensive or general plans were discovered. A document explaining these examples was shared with the Commission and has been attached to this report. Likewise, when appropriate the Department has shared it with local governments going through planning processes. Commissioners plan to do the same when opportunities arise.

### **Advising MDE on initiatives**

In April, the EJ Coordinator began a new effort to identify steps to better incorporate EJ into MDE policy. The Coordinator met with more than 30 stakeholders to identify concerns, receive feedback about current practices, and generate ideas for addressing EJ issues. Generally, concerns fell into three major categories: permitting, internal communications on EJ issues, and external communication with EJ stakeholders.

The Commission was called upon several times to contribute to this effort providing advice and resources for the development of trainings for MDE staff, the development of information sheets for stakeholders, and different policy objectives. Commissioners have met with MDE staff both at regular CEJSC meetings to provide feedback, but also have taken time to meet with individuals on issues such as the authority of the Department to incorporate EJ into permitting and the general implementation of EJ at the Department. This has allowed for an ongoing conversation and relationship that is mutually beneficial.

### **Public Comments**

CEJSC's tasks include advising State government agencies on environmental justice and analyzing the effectiveness of State and local government laws and policies to address issues of environmental justice and sustainable communities. Submitting public comments on proposed regulations and programs is an integral part of fulfilling these tasks. In July, CEJSC submitted comments to DHMH and the Department of Health and Mental Hygiene and Community Health Resources Commission on their proposed benefits, principles and eligibility criteria for establishing Health Enterprise Zones, a pilot program created under the Maryland Health Improvement and Disparities Reduction Act. The program will create 2-4 zones where communities will be granted state funding to improve health outcomes. See Section 5.

## **4 Planned Commission Objectives for 2012-2013**

At the Commission's Annual Retreat, the members decided to prioritize the work of the Commission by setting a 2012-2013 theme of Outreach and Relationship Building. To put it simply, those present believe that one way to work on multiple issues efficiently is to build a network of people, many who are already working on our issues of concern, and share knowledge to impact Environmental Justice issues in Maryland. The following areas were chosen for focus in order to build on recent successes:

Business Outreach – Bob Sklar, John Kotowski, John Quinn, and Dick Fairbanks



Planning and Counties Outreach – Arabia Davis, Calvin Ball, & Lisa Nissley  
Legislative Outreach - Jennifer Peterson, Jennifer Bevan-Dangel, Delora Sanchez, & Lisa Nissley  
Academic Community (as a means of gathering data and reaching communities through the work of CEEJH/Dr. Wilson) – Karen Forbes & Scot Spencer; Rebecca Rehr & Dr. Wilson

Also, we will be doing smaller scale outreach by coordinating efforts on Title VI and CEHPAC.

Title VI – Robin Underwood & Vernice Miller-Travis  
CEHPAC - Nancy Servatius

The members have begun working on SMART forms to guide these efforts.

## **5 Recommendations to State and Local Government**

The Commission shared comments on the following state initiatives.

### **Plan MD**

14 November 2011  
Mr. Richard Eberhart Hall, Secretary  
Maryland Department of Planning  
301 W. Preston Street  
Suite 1100  
Baltimore, MD 21202

Re: Revised Plan Maryland Draft

Dear Secretary Hall:

On behalf of the Commission on Environmental Justice and Sustainable Communities, I am pleased to offer the following comments on the most recent draft of Plan Maryland. I would first like to give thanks to Chuck Boyd and Arabia Davis for meeting with me on October 28 to discuss the plan in a broader context. I also would like to express my appreciation for the work that has been done and will be done to make Plan Maryland a leading effort to accommodate growth and expand opportunity for all Marylanders.

We offer the following comments:

#### Chapter 2

Currently there is no demographic data that relates to race, disparity and place. There is a growing body of evidence that points to ZIP codes serving as determinants of health and well being. The recent application by the Baltimore Metropolitan Council for the HUD Sustainable Communities Regional Planning Grants underscores this evidence in the Baltimore region:

*“The portrait of the Baltimore region is painted in stark disparities. These disparities run along geographic and racial lines. Statistical analysis shows that much of our region’s poverty is geographically concentrated within Baltimore City. The region’s*

*disparities in education and wealth overwhelmingly favor white citizens over non-whites, especially African Americans.*

*At the heart of this regional disparity is a lack of access for those who are near or below the poverty line. This means:  
A lack of access to healthy neighborhoods;  
A lack of access to efficient transportation;  
A lack of access to upwardly mobile employment; and,  
A lack of access to economically or racially-integrated and high performing schools.*

*Within the region, it is largely the non-Hispanic black population that is most isolated from opportunity. Recent analysis of 2005-2009 American Communities Survey (ACS) data across the nation's metropolitan areas ranks the Baltimore metropolitan area near the top in both the degree of isolation of black households (11<sup>th</sup>) and extent of racial disparities in neighborhoods of poverty (10<sup>th</sup>).<sup>1</sup> On average, blacks in the Baltimore region live in neighborhoods with twice the poverty rate of neighborhoods where whites live. This disparity cannot be dismissed as a matter of income differential --- even affluent blacks live in neighborhoods that have an exposure to poverty 1.45 times that of the neighborhood of an average white person.<sup>2</sup>*

*The most troubling aspect of this disparity is that it should not exist. Maryland is home to the nation's top-ranked public school system and it is the wealthiest state in the nation. The unemployment rates for the state and metropolitan area are below the national rate. Baltimore's suburbs have a poverty rate of only 6.1%, the seventh lowest in the nation.<sup>3</sup> One of the region's strengths is its unequalled health care institutions, including the Johns Hopkins Medical Systems, Medical School and Bloomberg School of Public Health.*

*Yet, instead of closing, the region's disparities, or opportunity gaps, are growing. While Baltimore City's poverty rate saw a slight drop from 2000-2008, it increased sharply from roughly 20% to 25% in 2010.<sup>4</sup> Meanwhile, the City's suburbs were able to absorb an increased share of the region's poverty (from 40% to 50.5%) without an increase in the overall suburban poverty rate."*

It would be the recommendation of this Commission that demographic data that is intended to inform citizens and policy-makers of needs and service gaps include information that also speaks to environmental health and spatial or opportunity gaps that exist for Maryland citizens with an underlying expectation that the State's investments to support appropriate growth and development are inclusive of the need to reduce disparities for its most vulnerable communities.

### Chapter 3

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<sup>1</sup> John Logan, *Separate and Unequal: The Neighborhood Gap for Blacks, Hispanics and Asians in Metropolitan America*, Table 3 and Appendix Table 2, US2010, Brown University (2011), <http://www.s4.brown.edu/us2010/Data/Report/report0727.pdf> (last accessed 9-25-11)

<sup>2</sup> *Id.*, Table 3.

<sup>3</sup> Brookings Institution, "The Suburbanization of Poverty: Trends in Metropolitan America, 2000 to 2008", January 2010

<sup>4</sup> *1 in 4 Baltimore Residents Living in Poverty*, Steve Kilar, Baltimore Sun, September 22, 2011

Staying with the theme of reducing racial, spatial, economic and health disparities, we recommend that each of the goals incorporate objectives to meet these aims, specifically:

*Goal 1:* Include an objective which speaks toward expanding housing choice for all citizens; it should not be acceptable that displacement does not occur, but that new opportunities seek to meet the aim of Vision 7. The HUD v. Thompson ruling and ongoing work to meet the consent decree supports the notion that housing choice not be limited to existing sites or jurisdictions, but should be available and accessible in all places;

*Goal 2:* Vision 9 speaks to the protection of “living resources”. We would support language that includes an objective that views people as living resources, communities as ecosystems to be protected and that as such, people and communities should expect to not suffer from the cumulative impacts of land use decisions;

*Goal 3:* The Commission recommends stronger benchmarks particularly as it pertains to reducing spatial gaps between people and opportunity. Some suggestions include: number of low or moderate skill jobs accessible by low-income populations (a 90 minute commute shed is an additional benchmark, but needs to be inclusive of trip-chaining, shift and last mile traveled); numbers of Marylanders paying more than 50% for housing and transportation costs (a sign of family economic sustainability).

#### Chapter 5

Under the “Guidelines for Implementation Strategies” section, we recommend guidance that again speaks to “limiting cumulative impacts, unintended consequences and reducing disparities” – we believe that while there is a strong case for an historic definition of Environmental Justice for including this language, there is also an equally strong message that rural communities or those who work with and support aging populations understand.

Also, under “Guidelines for a Sustainable Transportation-Land Use System”, more explicit language that ensures that Maryland’s leading-edge legislative efforts to advance transit-oriented development affords true choice in housing and services for all Marylanders.

#### Chapter 6

While we understand and acknowledge that the Sustainable Growth Commission is charged to “advise on the content and preparation of the State development plan, State transportation plan and State housing plan, we would respectfully submit that the Commission on Environmental Justice and Sustainable Communities has a unique and equally compelling role in ensuring the fair and just treatment of people and communities through actions, policies and practices advanced by the State of Maryland.

The State has embraced and expanded upon EPA’s definition of environmental justice:

*“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 laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group 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 tribal programs and policies.*

It also specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

As the State's Development Plan unfolds, we should expect no less than to see that environmental justice concerns be explicitly and implicitly incorporated into the final document. As partners working to make Maryland a national leader in smart growth, environmental protection, environmental justice and sustainability, we stand prepared to work with the Department on appropriate language and benchmarks that support the full inclusion of environmental justice principles, practices and success measures in the final draft of Plan Maryland.

Thank you very much for the opportunity to comment on this important document.  
Sincerely,



Scot T. Spencer, Chair

## **Comments on Health Enterprise Zones**

### **Draft Benefits for Health Enterprise Zones**

#### **Background**

The Health Enterprise Zones legislation included a list of benefits and incentives that could be adopted or utilized by applicants as part of the proposal. The Department of Health and Mental Hygiene and Community Health Resources Commission are aware that there may be other benefits that the State can provide, not specifically included in the legislation that may be useful for applicants to utilize in their proposal.

The Department and the Commission are seeking comment on what additional benefits would be helpful in implementing Health Enterprise Zones (HEZs).

#### **Benefits Included in Senate Bill 234**

HEZs are eligible to receive benefits to address health disparities as approved in the HEZ plan, including funding for innovative public health strategies and other incentives or mechanisms to address health disparities and improve access to care.

Practitioners that provide primary care, behavioral health services, or dental services in an approved HEZ are eligible for:

- Tax credits against the State income tax, in accordance with the approved HEZ plan;
- Loan repayment assistance, in accordance with the approved HEZ plan;

- Priority to enter the state’s Patient Centered Medical Home Program, if the practitioner meets the standards developed by the Maryland Health Care Commission for entry into the Program;
- Priority for the receipt of any State funding available for electronic health records, if feasible and if other standards for receipt of the funding are met;
- Additional grant funding from the Community Health Resources Commission;
- Grants to defray the costs of capital or leasehold improvements for the purposes of improving or expanding the delivery of healthcare in the HEZ; and
- Grants to defray the costs of medical or dental equipment to be used in the HEZ, not to exceed the lesser of \$25,000 or 50% of the cost of the equipment.

**Questions for Public Input**

Public comment will be accepted on the following questions from June 15 to July 20. All public comments and responses to these questions should be sent to [hez@dnhm.state.md.us](mailto:hez@dnhm.state.md.us).

1. What other types of benefits could the state provide in a Health Enterprise Zone?
2. What specific existing programs, i.e. public health grant programs, might be prioritized for applicants in a Health Enterprise Zones?

In answering these questions, please consider that the additional benefits will have to support the mission of the Health Enterprise Zones; be feasible to implement; be able to be achieved within existing resources; operate within existing programmatic rules; and not require statutory changes.

**CEJSC Comments:**

Programs that incorporate environmental health into the sustainable plan for the HEZ should be prioritized, particularly when the applicants demonstrate an understanding of the link between improving the built environment to achieve greater health outcomes. Environmental health includes ways the built and natural environment affect human health, as opposed to ecosystem health, which includes the vitality of the natural environment. Programs that incorporate environmental health include improving access to fresh and health foods in grocery stores and community gardens, addressing vacant housing, improving public parks and other green spaces, improving air quality near industrial sites (bus depots, landfills, chicken farms, etc.), and improving sidewalk quality. This is not in any way an exclusive list.

The HEZ legislation is very similar to the MUA/P and HPSA program run through HRSA. In order to improve upon these programs, it is imperative to include environmental health initiatives and the principles of environmental justice. Emphasis should be on prevention of chronic disease, which is heavily influenced by the natural and built environments. Maryland has several programs working on this throughout the state and the new HEZs should take advantage of them. The new Center on Community Engagement, Environmental Justice, and Health (CEEJH) in the Maryland Institute for Applied Environmental Health (MIAEH) at the University of Maryland School of Public Health can provide support for these aspect of community applications for the HEZs and also consult with them as they are designated.

**Draft Principles for Review of Applications**

(CEJSC recommended changes are bolded)

## Background

The following are proposed principles for the review of applications for HEZs. These principles will inform the Request for Proposals and will be used in the final selection of the Health Enterprise Zones. The Department of Health and Mental Hygiene and Community Health Resources Commission are seeking general public input on these selection principles as well as answers to specific questions.

The Department and Commission are also seeking input on additional data resources that may be made available to assist in the development of proposals.

## Draft Principles

1. Purpose. The application must describe how the proposal will address the core statutory goal of Health Enterprise Zones of reducing health disparities, including racial/ethnic and geographic health disparities, in Maryland.
2. Description of need. The application should describe the health needs of the population, covering, for example, health metrics, poverty, health status of racial and ethnic minority populations, primary care access, lack of insurance, **access to fresh and healthy foods**, and other needs specific to the community.
3. Core disease targets. The application should identify specific diseases for improvement. Applications are encouraged to target at least one of the following conditions identified by the Health Disparities Workgroup of the Maryland Health Quality and Cost Council: cardiovascular disease, diabetes, and asthma.
4. Goals. The application should propose measurable goals for health improvement in the HEZ by January 2016. Goals should cover each of the following areas:
  - a. Improved health outcomes (SHIP measures or others)
  - b. Expanded primary care workforce
  - c. Increased community health resources
  - d. Reduced preventable emergency department visits and hospitalizations
  - e. Reduced unnecessary costs in health care

The goals should reflect the disparities being addressed. For example, if the disparity being targeted is diabetes admissions for African-Americans, the goal should be stated as a specific value for diabetes admissions for African-Americans.

5. Strategy. The application should propose strategies and interventions to meet the goals. Investments in prevention, community outreach, and improved self-management of chronic disease are encouraged. The evidence and rationale for the strategies and interventions should be presented. Examples of such strategies could include:
  - o A strategy to increase provider capacity by a specified percentage

- A strategy to improve the quality of service delivery as indicated by HEDIS measures
  - A strategy to address community barriers to healthy lifestyles
  - A strategy to improve health outcomes through the use of community health workers
  - A plan to strengthen community and environmental policies to support good health in schools, day care, recreation centers, senior centers, and workplaces
  - A strategy to provide better access to healthy foods or facilities for physical activities
  - A strategy to reach underserved racial and ethnic minority persons in the Health Enterprise Zone
6. Cultural competence. The application should explain how the strategies will be implemented in a culturally competent manner and designed to be accessible to the target population. This includes addressing translation and interpretation issues for foreign language speakers, and issues of low health literacy in the population. The application should describe the efforts that will be undertaken to recruit a racially and ethnically diverse workforce for the HEZ.
  7. Balance. The proposed strategies should be balanced between community-based approaches with primary care provider based incentives; it should combine grants with other types of credits and incentives.
  8. Coalition. The applying coalition should include a diverse array of health and community partners, with specific roles and deep historical experience working in the zone. The proposal should describe the coalition team and what assets, experience, knowledge, etc., it brings to the proposed Zone. There should be a clear governance structure with a point of accountability.
  9. Work-plan. The application should include a detailed list of program activities, measurable outputs, timelines, responsible entities and other logistics that enable tracking of effort; describe roles of the listed partners, include interim milestones and deliverables; and support appropriate data collection and reporting. Funding levels to partners should be appropriate to their responsibilities in the work-plan.
  10. Program Management and Guidance. The application should include a plan for periodic reporting to the State regarding progress and challenges on implementation of the HEZ work-plan and interim values for the evaluation metrics.
  11. Sustainability. The application should describe a plan for sustainability and acquisition of resources beyond State funding, including partnership with entities in the health care system that have the financial incentive for better outcomes. Investments from insurers who stand to gain from cost savings in the HEZ are a potential component of a sustainability plan.
  12. Evaluation. The application should propose an evaluation plan which tracks progress in meeting the health goals for the Health Enterprise Zone. As discussed in 4 above, these should include goals in each of these areas:

- a. Improved health outcomes (SHIP measures or others)
- b. Expanded primary care workforce
- c. Increased community health resources
- d. Reduced preventable emergency department visits and hospitalizations
- e. Reduced unnecessary costs in health care

In addition, the evaluation plan should propose assessing the process used to achieve these goals. For example, the plan should track the use of proposed incentives, the implementation of the plan on cultural competency, the broad-based participation of the community coalition, and the status of progress on sustainability.

### **Questions for Public Input**

Public comment will be accepted on the above principles from June 15 to July 20. All public comments and responses to these questions should be sent to [hez@dhhm.state.md.us](mailto:hez@dhhm.state.md.us). In addition, we request comment on this question:

1. What other data resources would be helpful to be provided? Please suggest resources that will be possible for the Department to make available in the next 4-8 weeks.

### **CEJSC Comments:**

Environmental health should be emphasized throughout the HEZ principles

- One framework that will be helpful is the environmental justice framework, which looks at disproportionate burden of environmental hazards in low income and minority communities
- The United States Environmental Protection Agency defines environmental justice as:
  - 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 laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socioeconomic group 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 tribal programs and policies.
- The Maryland Commission on Environmental Justice and Sustainable Communities further defines Environmental justice as follows:
  - Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice 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, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies.
- Dr. Sacoby Wilson of the University of Maryland School of Public Health, Maryland Institute for Applied Environmental Health uses a three-pronged approach in analyzing environmental justice issues



- 1. Differential Burden and Exposure to Environmental Hazards and Locally Unwanted Land Uses (LULUs) (chemical plants, TRI facilities, incinerators, brownfields, heavily- trafficked roadways, industrial zoning, goods movement activities, landfills, depots, etc)
- 2. High Concentration of Psychosocial Stressors (Crime, Violence, Poverty, isms, social disorder)
- 3: Lack of access to high quality health-promoting infrastructure (supermarkets, banks, schools, basic amenities, housing, parks/green space, economic opportunity structures)

A plethora of research has demonstrated adverse health outcomes in areas disproportionately burdened by environmental hazards, which are often low-income and minority neighborhoods. The only environmental issues covered in the HEZ principles are access to healthy foods and environmental policies to improve areas where we live, work, and play (without any specification about what kinds of “environmental policies”). The HEZ framework provides Maryland the opportunity to be a leader in improving public health outcomes for disadvantaged populations. By incorporating environmental justice and health principles into the HEZ principles, Maryland would be taking a more comprehensive and holistic approach to improving health outcomes throughout the state.

One data source that will be helpful:

- The Maryland Environmental Public Health Tracking Network
  - This information includes asthma hospitalization by zip code
- Zip codes with higher PM 2.5, ozone levels, and poorer water quality should also be given priority
- The percentage of children in the zip code who receive free or reduced lunch
- The crime rate of a particular zip code should be considered (domestic abuse, violent crime, etc.)
- Concentration of bus depots and other transportation hubs (particularly important because asthma is a priority in the HEZ framework)
- The amount of pre-1950 housing stock

The concentration of applications for environmental permits (NPDES, etc.)

## **Draft HEZ Eligibility Criteria**

### **Background**

The following are proposed criteria for which geographic areas are eligible for designation as a Health Enterprise Zone. Selection and funding will then be based on the review of an application from an organization or organizations seeking to establish an HEZ in an eligible area.

The proposed criteria for HEZ eligibility below cast a wide net and allow many communities to apply to become an HEZ. It is expected that communities experiencing significant disparities, including significant racial and ethnic disparities in health will be well represented in the set of communities that meet these proposed eligibility criteria.

Casting a wide net will allow the State to receive a large number of innovative proposals from which the HEZs will be selected. The selection process will be the point at which more stringent criteria

are used and communities have the opportunity to further demonstrate the existence of health disparities and poor health outcomes in their communities.

Under the proposed criteria submitted for public comment, it is envisioned that HEZs could be one

Proposed HEZ Eligibility Criteria	Rationale	Data Source
1. An HEZ must be a community, or a contiguous cluster of communities, defined by zip code boundaries (one or multiple zip codes)	The law requires that an HEZ be a contiguous geographic area. In addition, there needs to be a cohesive sense of place held by residents and community leaders, who will actively participate in the governance of the HEZ project. Zip codes were selected because of the data available to measure need and outcomes (ex. utilization rates).	MD Department of Planning zip code maps
2. An HEZ must have a resident population of at least 5,000 people	The HEZ population should be large enough to model community change for application statewide. An upper limit was not placed on the HEZ population size to allow applicants flexibility to determine what population size is appropriate for their selected interventions.	2010 Census, population by zip code tabulation areas
3. An HEZ must demonstrate economic disadvantage by having either: a) a Medicaid enrollment rate above the median value for all Maryland zip codes, or b) a WIC participation rate above the median value for all Maryland zip codes An HEZ made up of multiple zip codes must meet this criterion in each zip code if the values are known.	Medicaid enrollment data provide information on the number of low-income individuals in a community.  WIC participation can be used to identify communities with a large number of low-income families and can capture high need populations that are ineligible for Medicaid.	Medicaid enrollment data, Number of people enrolled per population, 2006-2010  Maryland WIC Program, Number of people enrolled per population, 2006-2010
4. An HEZ must demonstrate poor health outcomes by having either: a) a life expectancy below the median value for all Maryland zip codes, or b) a percentage of low birth weight infants above the median value for all Maryland zip codes An HEZ made up of multiple zip codes must meet this criterion in each zip code if the values are known.	Life expectancy is a meaningful measure of how health and wellbeing in a community compare to other areas of the state. This metric is easy for the public to interpret and data are available by zip code.  Low birth weight is associated with infant mortality, which is an excellent indicator of the overall health of a population.	Maryland Vital Statistics, Life expectancy by zip code, 2006-2010  Maryland Vital Statistics, Low birth weight infants, age-adjusted, 2006-2010

or more zip codes that meet each of the four proposed criteria below. Based on these proposed criteria, the state is making available statewide maps that show the zip codes that would be eligible to apply.

**Proposed Criteria**

In choosing the proposed eligibility criteria, several indicators were rejected because there were too few events to produce meaningful, reliable data at a sub-jurisdictional level (ex. diabetes mortality, heart disease mortality, teen birth rates). Considering both availability of data and indicators that could best identify areas of need, the data team developed the following proposed HEZ eligibility criteria:

### **Plan to Make Data Available to Potential HEZ Applicants**

- Using the data sources outlined above, indicate which zip codes fall within the eligibility criteria for resident population, Medicaid enrollment, WIC participation, life expectancy, low birth weight, and provide accompanying maps.
- Zip codes that have fewer than 5,000 residents are ineligible to apply alone and will be encouraged to partner with neighboring areas. These small zip codes have somewhat unstable life expectancy and low birth weight numbers and will therefore not be included in the data released. Data for grouped zip codes will be provided upon request. Although some zip codes may not have adequate data, they are still allowed to apply and eligible to be considered as part of an HEZ.
- Make the zip code map and the eligibility criteria tables available to the public by posting on the HEZ website.
- Provide technical assistance to potential applicants.

### **Questions for Public Input**

Public comment will be accepted on the following questions from June 15 to July 20. All public comments and responses to these questions should be sent to [hez@dnhm.state.md.us](mailto:hez@dnhm.state.md.us).

1. Should there be additional requirements for data at the zip code level?
2. Should any of the above criteria be removed from the list?
3. Should any additional criteria be added?
4. Should the economic and health outcome measurements be lowered from the median value as currently proposed?

### **CEJSC Comments:**

Yes, asthma hospitalization rates, which are available via zip code. Asthma is one of the priority health outcomes listed in the HEZ principles document.

How many zip codes in Maryland have fewer than 5,000 people in them? Are there zip codes in Maryland with fewer than 5,000 people and a majority minority population? If so, are they concentrated in one geographic area? Or, if they join with nearby zip codes, does it mask their health disparities? It is important to make sure that the HEZ criteria are not biased towards urban communities. There are also poor and minority rural communities in Maryland that experience health disparities and should have equal opportunity to apply for funding available through the HEZ legislation.

## **6 Appendix A- July 2012 Retreat Summary**

The Commissioner's Annual Retreat took place on July 24, 2012 at Johns Hopkins University. The Commissioners were greeted by David Bookhart, Director of Sustainability, Johns Hopkins University and Ben Stutz, Policy Director, Office of the Lt. Governor. The morning was spent discussing Health Enterprise Zones (HEZ), which came out of the Maryland Health Quality and Cost Council Health Disparities Workgroup. An initiative of the Lt. Governor, the workgroup considered ways to address health disparities and disease prevention. This led to legislation creating the HEZ program to address health care disparities and chronic diseases, allowing communities to come together and tell the government how they would like to use grants to address health care issues. Marie Grant, Director of Government Relations at DHMH presented on the program itself and the designation process for zones. The conversation that followed is outlined in the minutes for the retreat in Appendix 8. HEZ has been a topic of interest for the Commissioners.

The afternoon focused on an internal look at the CEJSC and focused on the retreat goals: To update and prioritize the Commission's goals and objectives to conform with the CEJSC charge of advising the Governor and the Administration on how to move towards a more environmentally just Maryland, to generate ideas for expanding the Commission's network; and to revisit methods for implementing a work plan. After a lively discussion, the members decided to focus on network and relationship building over the next year in order to broaden the number of people thinking about EJ issues and applying it to public policy in the State of Maryland. The Commission set four priority areas including business outreach, planning and county outreach, legislative outreach, and academic community outreach. Smaller scale outreach will be done to coordinate efforts on Title VI and with CEHPAC.

## **7 Appendix B- Legislative Testimonies**

In the 2012 Legislative Session, CEJSC did not testify on legislation. See Section 4 for information on how the CEJSC plans to address the legislative session in the future.

## **8 Appendix C- 2011-2012 Meeting Agendas & Minutes**

### **Agendas:**

**Commission on Environmental Justice & Sustainable Communities (CEJSC)  
October 27<sup>th</sup>, 2011  
MDE Aeris Conference Room, Baltimore, MD**

9:30 a.m. Introductions & Review of Charge and Rules of Engagement

9:45 a.m. Update on Progress Reports

Plan MD Comments- Arabia, Vernice, Jennifer Bevan-Dangel, Calvin

- Next Step: Ask MDP employee to conference call; finalize & submit comments.

Establishment of an Internal EJ Workgroup at MDE- Lisa

- Next Step: Implement Brown Bag with Vernice & Senator Harrington

(MDE Initiative) Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: MDE will consult with Commission as appropriate

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: Receive an EJ issue from other agency representatives

Local jurisdictional model of incorporating EJ into permitting (HC)- Calvin and Lisa

- Next Steps: Develop timeline for implementation

Business outreach: case studies/surveys of best practice- John Q, Bob, John K, Dick, Lisa

- Next Steps: John will identify dates and supporters for December meeting

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: Rebecca will begin to send out emails and make contacts

Case Studies/building an academic library- Rebecca

- Next Steps: Share list as it develops

Integration of charge & problem/solution statement-Rebecca, Jennifer Bevan-Dangel

- Next Steps: continued work on integration of charge/problem solution statement

Title VI disciplinary team: Robin

- Next Steps: Commission would like to designate their special topic meeting in December to have this speaker and discuss Title VI; would like to invite agency representatives beyond CEJSC meetings.

Use SMART techniques to engage state agencies and local government- Scot and Andy

Public outreach- Jennifer Bevan-Dangel

Outreach to advocates- Jennifer Bevan-Dangel and Andy

11:15 a.m. Other Business

Schedule Conference Call on EIP WTE report for interested Commission members

Approval of July & September minutes, if quorum

11:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**November 17th, 2011**  
**MDE Aeris Conference Room, Baltimore, MD**

9:30 a.m. Introductions & Review of Charge and Rules of Engagement

9:45 a.m. Update on Progress Reports

PlanMaryland Comments- Arabia, Vernice, Jennifer Bevan-Dangel, Calvin

- Next Step: Report on meeting with PlanMaryland representative & comments submission

Establishment of an Internal EJ Workgroup at MDE- Lisa

- Next Step: reschedule brown bag with Vernice & Senator Harrington; MDE Internal Workgroup has one more meeting, Lisa will share memo when completed.

(MDE Initiative) Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: MDE will consult with Commission as appropriate, create business two-pager draft

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: receive an EJ issue from other agency representatives/share with CEJSC

Local jurisdictional model of incorporating EJ into permitting (HC)- Calvin and Lisa

- Next Steps: Develop timeline for implementation, create one-pager outline for locals

Business outreach: case studies/surveys of best practices- John Q, Bob, John K, Dick, Lisa

- Next Steps: confirm speakers, create invitation.

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: initial contact has been made, Lisa will send follow up emails and will be sharing minutes regularly.

Case Studies/building an academic library- Rebecca

- Next Steps: check copyright clearances, share list as it develops.

Integrate charge & problem/solution statement-Rebecca, Jennifer Bevan-Dangel, Lisa, Megan

- Next Steps: continued work on integration of charge/problem solution statement.

Title VI disciplinary team: Robin, Vernice

- Next Steps: Robin is confirming speaker and meeting details. Lisa, Robin, and Vernice are working on an invite list.

Use SMART techniques to engage state agencies and local government- Scot and Andy

Public outreach- Jennifer Bevan-Dangel

Outreach to advocates- Jennifer Bevan-Dangel and Andy

11:15 a.m. Other Business

Approval of September and October minutes, if quorum

11:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)  
December 15, 2011**

Annie E. Casey Foundation  
701 St. Paul Street  
Baltimore, MD 21202

**AGENDA**

9:30 a.m. - 9:45 a.m.	Introductions
9:45 a.m. - 10:45 a.m.	Title VI Guest Speaker: Mohamed Dumbuya
10:45 a.m. - 11:30 a.m.	Questions/Discussion
11:30 a.m.	Lunch

**Commission on Environmental Justice & Sustainable Communities (CEJSC)  
January 24th, 2011  
House Office Building Room 218  
Annapolis, MD**

8:30 - 8:45 a.m. Introductions & Review of Charge and Rules of Engagement

8:45 – 10:15 a.m.     Update on Progress Reports

Establishment of an Internal EJ Workgroup at MDE- Lisa

- Next Step: Lisa will share memo when completed.

(MDE Initiative) Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: Presentation of final draft of business two-pager for comment.

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: receive an EJ issue from other agency representatives/share with CEJSC.

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa

- Next Steps: Presentation of final draft of county one-pager outline for locals

Business outreach: case studies/surveys of best practices- John Q, Bob, John K, Dick, Lisa

- Next Steps: Plan event for after session.

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: continue sharing commission minutes once they are approved.

Case Studies/building an academic library- Rebecca

- Next Steps: check copyright clearances, share list as it develops.

Integrate charge & problem/solution statement-Rebecca, Jennifer Bevan-Dangel, Lisa, Megan

- Next Steps: Problem/Solution statement draft has been distributed for comment.

Title VI disciplinary team: Robin, Vernice

- Next Steps: Summary of December meeting and next steps.

Use SMART techniques to engage state agencies and local government- Scot and Andy

Public outreach- Jennifer Bevan-Dangel

Outreach to advocates- Jennifer Bevan-Dangel and Andy

10:15 a.m. Other Business

Approval of November and December minutes, if quorum.

10:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**February 28th, 2012**  
**House Office Building Room 218**  
**Annapolis, MD**

AGENDA

8:30 – 8:45 a.m.     Introductions

8:45 – 10:15 a.m.     Update on Progress Reports

Establishment of an Internal EJ Workgroup at MDE- Lisa

- Next Step: Lisa will share memo when completed.

(MDE Initiative) guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: presentation of final draft of business two-pager for comment.

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: coordinate monthly conference call with agency representatives

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa

- Next Step: presentation of final draft of county one-pager outline for locals.
- Business outreach: case studies/surveys of best practices- John Q, Bob, John K, Dick, Lisa
- Next Step: set a date for conference call.
- Outreach to the Academic Community- Rebecca and Calvin
- Next Steps: begin work with President for School of Public Health at University of Maryland, Sacoby Wilson.
- Case Studies/building an academic library- Rebecca
- Next Step: review research culminated by EPA Plan EJ 2014 resource.
- Integrate charge & problem/solution statement-Rebecca, Jennifer Bevan-Dangel and Lisa
- Next Step: revisit problem/solution statement quarterly to guide our work.
- Title VI disciplinary team- Robin, Vernice
- Next Step: set and early February call with fair practices representatives to discuss process. Have bi-monthly or monthly meeting based on that call.
- Use SMART techniques to engage state agencies and local government- Scot and Andy
- Next Step: schedule SMART techniques call with Lisa, Andy and Scott
- Public outreach- Jennifer Bevan-Dangel
- Next Step: draft letters to communities affected by the intermodal rail facilities with recommendations they can take to protect their interests
- Outreach to advocates- Jennifer Bevan-Dangel and Andy
- Legislative 2012 Session –Jennifer Bevan-Dangel
- Next Steps: continue to track bills. Draft of legislative one-pager for General Assembly members

10:15 a.m. Other Business

Approval of January minutes, if quorum

10:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**March 27th, 2012**  
**House Office Building Room 218**  
**Annapolis, MD**

AGENDA

8:30 – 8:45 a.m.      Introductions

8:45 – 10:15 a.m.    Update on Progress Reports

Establishment of an Internal EJ Workgroup at MDE- Lisa

- Next Step: Lisa will share memo after session ends.

(MDE Initiative) guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: presentation of final draft of business two-pager for comment after session ends.

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: confirm time for conference call. Conference calls will begin in May.

MDP Clearinghouse Presentation - Arabia

- Next Step: short presentation on the MDP clearinghouse process for projects.

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa



- Next Step: presentation of final draft of county one-pager outline for locals after session ends.
- Business outreach: case studies/surveys of best practices- John Q, Bob, John K, Dick, Lisa
- Next Step: Lisa will continue working with the Lt. Governors office to set a date.
- Outreach to the Academic Community- Rebecca and Calvin
- Next Steps: Dr. Sacoby Wilson meeting scheduled, details to follow.
- Case Studies/building an academic library- Rebecca
- Next Step: review research culminated by EPA Plan EJ 2014 resource.
- Title VI disciplinary team- Robin, Vernice
- Next Step: set an early March call with fair practices representatives to discuss process. Have bi-monthly or monthly meeting based on that call.
- Use SMART techniques to engage state agencies and local government- Scot and Andy
- Next Step: James will draft a form for SMART Techniques. Create a plan to coordinate SMART techniques with local government outreach.
- Legislative 2012 Session – Jennifer Bevan-Dangel
- Next Steps: continue to track bills. During interim: draft plan for how to handle in the future.

10:15 a.m. Other Business

Approval of January and February minutes, if quorum

10:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**April 24th, 2012**  
**Aeris Conference Room 1800 Washington Blvd.**  
**Baltimore, MD**

AGENDA

9:30 – 9:45 a.m. Introductions

9:45 – 11:15 a.m. Update on Progress Reports

Update on MDE’s EJ work (MDE Initiative)

- Next Step: Lisa will share memo.

Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: presentation of final draft of business two-pager for comment; incorporating into other documents

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: Conference calls will be second Tuesdays of the month, beginning in May.

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa

- Next Step: Lisa to suggest next steps, move from there

Business outreach: case studies/surveys of best practices- John Q, Bob, John K, Dick, Lisa

- Next Step: Lisa will continue working with the Lt. Governors office to set a date and update the Commission on this item as needed.

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: Dr. Sacoby Wilson meeting scheduled for Friday, April 27<sup>th</sup>, 1 p.m. at UMCP.

Case Studies/building an academic library- Rebecca

- Next Step: review research culminated by EPA Plan EJ 2014 resource.

Title VI disciplinary team- Robin, Vernice

- Next Step: brief commission on call with fair practices representatives.

Use SMART techniques to engage state agencies and local government- Scot and Andy

- Next Step: Create a plan to coordinate SMART techniques with local government outreach.

Legislative 2012 Session – Jennifer Bevan-Dangel

- Next Steps: Legislative review. Draft plan for how to handle Session-related activities in the future.

11:15 a.m. Other Business

Approval of January, February, and March minutes, if quorum

11:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Children’s Environmental Health and Protection Advisory Council (CEHPAC)**

**Annual Joint Meeting**

**May 22nd, 2012**

**Aeris Conference Room 1800 Washington Blvd.  
Baltimore, MD**

AGENDA

9:30 am Introductions

9:45 am Update from CEJSC

- New approach to handling business
- SMART Techniques
- Recent Projects
  - Plan MD Action – Arabia Davis
  - Business Outreach – John Quinn & Bob Sklar
  - Academic Outreach – Rebecca Rehr
  - Title VI Efforts – Robin Underwood
  - Collaboration w/MDE Efforts – Lisa Nissley

10:15 am Update from CEHPAC Chair

- Lead (in light of changes in the state and nationally)
- Fracking
- Biomonitoring
- Framing health impact assessment as a children's health issue - discuss in context of healthy places

10:45 am Discussion on Next Steps for CEJSC & CEHPAC Collaboration

11:15 am Other Business & Announcements

11:30 am Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**April 24th, 2012**  
**Aeris Conference Room 1800 Washington Blvd.**  
**Baltimore, MD**

**AGENDA**

9:30 – 9:45 a.m.      Introductions

9:45 – 11:15 a.m.      Update on Progress Reports

Update on MDE's EJ work (MDE Initiative)

- Next Step: Lisa will share memo.

Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: Business Document was finalized for Business event; Lisa would like suggestions for the county document, which she would like to start next.

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: Any updates? First conference call was on 6/11; next one scheduled for 7/9

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa

- Next Step: Lisa review next steps with group; meet w/Calvin to move forward

Business outreach: Review of event/moving forward- John Q, Bob, John K, Dick, Lisa

- Next Step: To be determined

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: To be determined

Case Studies/building an academic library- Rebecca

- Next Step: review research culminated by EPA Plan EJ 2014 resource; others To be determined

Title VI disciplinary team- Robin, Vernice

- Next Step: Should this remain on the agenda; perhaps postpone to another time when there are more resources to accomplish the goal?

Use SMART techniques to engage state agencies and local government- Scot and Andy

- Next Step: Create a plan to coordinate SMART techniques with local government outreach.

Legislative 2012 Session – Jennifer Bevan-Dangel

- Next Steps: Draft plan for how to handle Session-related activities in the future; when/who should we meet to discuss?

Follow Up from CEHPAC Meeting – Cliff, Lisa

- Next Steps: To be determined

Annual Report - Lisa

- Next Steps: Review Outline; Assign writing

11:15 a.m. Other Business

Approval of May minutes, if quorum

11:30 a.m. Adjourn

**Children's Environmental Health and Protection Advisory Council (CEHPAC)**

**Annual Joint Meeting**

**May 22nd, 2012  
Aeris Conference Room 1800 Washington Blvd.  
Baltimore, MD**

**AGENDA**

- 9:30 am      Introductions
- 9:45 am      Update from CEJSC
- New approach to handling business
  - SMART Techniques
  - Recent Projects
    - Plan MD Action – Arabia Davis
    - Business Outreach – John Quinn & Bob Sklar
    - Academic Outreach – Rebecca Rehr
    - Title VI Efforts – Arabia Davis
    - Collaboration w/MDE Efforts – Lisa Nissley
- 10:15 am     Update from CEHPAC Chair
- Lead (in light of changes in the state and nationally)
  - Fracking
  - Biomonitoring
  - Framing health impact assessment as a children's health issue - discuss in context of healthy places
- 10:45 am     Discussion on Next Steps for CEJSC & CEHPAC Collaboration
- 11:15 am     Other Business & Announcements
- 11:30 am     Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**

**June 26th, 2012  
Aeris Conference Room 1800 Washington Blvd.  
Baltimore, MD**

**AGENDA**

- 9:30 – 9:45 a.m.      Introductions
- 9:45 – 11:15 a.m.    Update on Progress Reports

Update on MDE's EJ work (MDE Initiative)

- Next Step: Lisa will share memo.

Guidance documents at MDE- Lisa, Vernice, Karen, and Rebecca

- Next Step: Business Document was finalized for Business event; Lisa would like suggestions for the county document, which she would like to start next.

Ask each agency representative to ID an EJ issue at his/her agency- Lisa

- Next Step: Any updates? First conference call was on 6/11; next one scheduled for 7/9

Local jurisdictional model of incorporating EJ into permitting (HC) - Calvin and Lisa

- Next Step: Lisa review next steps with group; meet w/Calvin to move forward

Business outreach: Review of event/moving forward- John Q, Bob, John K, Dick, Lisa

- Next Step: To be determined

Outreach to the Academic Community- Rebecca and Calvin

- Next Steps: To be determined

Case Studies/building an academic library- Rebecca

- Next Step: review research culminated by EPA Plan EJ 2014 resource; others To be determined

Title VI disciplinary team- Robin, Vernice

- Next Step: Should this remain on the agenda; perhaps postpone to another time when there are more resources to accomplish the goal?

Use SMART techniques to engage state agencies and local government- Scot and Andy

- Next Step: Create a plan to coordinate SMART techniques with local government outreach.

Legislative 2012 Session – Jennifer Bevan-Dangel

- Next Steps: Draft plan for how to handle Session-related activities in the future; when/who should we meet to discuss?

Follow Up from CEHPAC Meeting – Cliff, Lisa

- Next Steps: To be determined

Annual Report - Lisa

- Next Steps: Review Outline; Assign writing

11:15 a.m. Other Business

Approval of May minutes, if quorum

11:30 a.m. Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**  
**The Commissioner's Retreat, Tuesday, July 24, 2012**  
**Johns Hopkins University**  
**Alumni Boardroom, Mason Hall**  
**3103 Wyman Park Drive, Baltimore, MD 21218**

**Retreat Goal:** To update and prioritize the Commission's goals and objectives to conform with the CEJSC charge of advising the Governor and the Administration on how to move towards a more environmentally just Maryland, to generate ideas for expanding the Commission's network; and to revisit methods for implementing a work plan.

**AGENDA**

- 9:30am        Comments from the Chair & Introductions
- 9:40 am        Greetings from David Bookhart, Director of Sustainability, Johns Hopkins University
- 9:50 am        Greetings from Ben Stutz, Policy Director, Office of the Lt. Governor
- 10:00am        Presentation: Implementation of the Health Enterprise Zones, Marie Grant, Director of DHMH Office of Government Affairs
- 10:30am        Discussion: Goals & Objectives for CEJSC involvement with HEZ
- 11:00 am        Review: CEJSC Rules of Engagement & Review of the Commission's Charge
- 11:15 am        Review: CEJSC Annual Report
- 11:30 am        Presentation: Commissions as an effective way to move EJ forward on the state level, Rebecca Rehr, CEJSC Member
- 12:00 pm        Lunch
- 12:45 pm        Brainstorming: Ideas for action items
- 1:15 pm        Discussion: Priority setting & updating the Problem/Solution Statement: Moving Toward a More Environmentally Just Maryland
- 1:45 pm        Groupwork: Prepare SMART forms for each priority
- 2:15 pm        Review SMART forms & Finalize goals
- 2:45 pm        Other news, closing thoughts & comments
- 3:00 pm        Adjourn

**Commission on Environmental Justice & Sustainable Communities (CEJSC)  
September 25, 2012  
Stat Conference Room 1800 Washington Blvd.  
Baltimore, MD**

**AGENDA**

9:30 – 9:45 a.m.        Introductions

Recap of the retreat & 2012-2013 theme for CEJSC: Outreach and Relationship Building, Scot Spencer, Chair

9:45 – 11:15 a.m. Update on Progress Reports

Next Step for each item as set at the retreat:

Draft a SMART form to be presented at the September meeting.

Business Outreach - Bob, John K, John Q, and Dick

Planning and Counties Outreach - Arabia, Calvin, & Lisa

Legislative Outreach - Jennifer P. Jennifer B-D, Delora, & Lisa

Academic Community – Karen, Caroline, & Scot; Rebecca & Dr. Wilson

Title VI – Robin & Vernice

CEHPAC - Nancy & Cliff

11:15 a.m. Other Business

Approval of minutes, if quorum

11:30 a.m. Adjourn

## **MINUTES**

### **Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting**

**October 27<sup>th</sup>, 2011, 9:30 a.m. - 11:30 a.m.  
Baltimore, MDE**

#### **In Attendance**

- Commissioners: Lisa Nissley, Scot Spencer, Rebecca Rehr, Delora Sanchez, Nancy Servatius (for Cliff Mitchell), Caroline Varney-Alvarado, Leah Kelly (for Jennifer Peterson), Dick Fairbanks, Andrew Fellows, John Quinn, Robert Sklar, John Kotoski
- Participants: Angelo Bianca, Megan Ulrich

**Introductions:** Everyone introduced themselves. Lisa Nissley reviewed the charge of the CEJSC and rules of engagement.

Scot Spencer discussed HUD sustainable planning grants. The CEJSC would be seen as a go to resource for that. The proposals are due the 28<sup>th</sup> and they are awarded in three categories: large metro areas, small metro areas, and rural areas.

## Agenda Items:

Scot said he is meeting with Secretary Hall and Matt Powers of MDP on November 15<sup>th</sup>, to have an open table discussion on PlanMaryland.

Lisa said that the meeting with the PlanMaryland workgroup and MDP is scheduled for tomorrow at 10:00 a.m. Scot said they will be reviewing the 1<sup>st</sup> and 2<sup>nd</sup> drafts of PlanMaryland and backing up the CEJSC comments with data.

Lisa commented on the MDE initiatives. The internal workgroup has narrowed the list of permits to apply EJ to and has also given suggestions for training MDE employees on public speaking. Senator Harrington and Vernice Miller-Travis are scheduled to do a brown bag to present other perspectives on EJ to MDE employees. The Internal Workgroup has also created an internal tiered list of initiatives. We will share this with the CEJSC by email. We are also working on creating guidance documents to share with businesses and local governments. Additionally, we are working on creating institutional knowledge, possibly having one person to coordinate permits at MDE, and looking at how to work with businesses to encourage pre-application meetings with the community.

Bob Sklar said DBED would want to see some of the items that were discussed in relation to businesses. We are a part of “Maryland Made Easy” and we are looking at the feasibility of streamlining the process.

Scot said are there gaps in the process that can be streamlined? John Kotoski said working in development and golf course management he has have seen a lot of forms to fill out. Regulations can be very cumbersome and it can be a lot of effort to provide information. Some things make you wonder why you are giving information on them.

Scot asked if everyone had seen the Montgomery County community benefits bill (CBA). Where does that fall in the stream of things? Something like that bill has also been discussed in Baltimore County. Dick Fairbanks said he thought the bill micromanaged business too much and was heavy handed. Andy Fellows said that he thinks the bill realistically puts forward the cost of doing business in the county. It is like a code used so people will know what to expect.

Scot said CBA’s have been shown to reduce negative press for businesses, reduce litigation and has allowed citizens and businesses to be informed during initial planning phases. The red line project in Baltimore developed a compact with the community for jobs and environmental protection. Dick said that the language in the Montgomery County bill would be enforceable in statute and it does not list benefits to businesses.

John Kotoski said he does not like the Montgomery County CBA bill.

Lisa said assuming it passes, it could be used as a starting point for other counties.

Angelo said that examples of permit processes that went very smoothly by incorporating community agreements are the Energy Answers (EA) Curtis Bay incinerator, an asphalt plant on the Eastern Shore, and the Constellation Energy Brandon Shores projects. Lisa said that the Commission could always draft a CBA bill that could serve as a model for counties.



Lisa said in reference to narrowing permits, we looked at how many permits are affected, now we are focusing on those permits and looking to move forward with them.

John Quinn reported on the business outreach initiative. They have been working on an event. The theme is an ongoing discussion on EJ with the business community. They are looking at having the event from December 6<sup>th</sup> from 10:00 a.m.- 12:00 p.m. Lisa and I are working on booking a headlining speaker. I envision Secretary Summers giving main introductions and a political figure introducing our main speaker, who is potentially Sue Briggum of WM Waste Management. We also would like to give the participants a business best practices two pager at the event. I think we also need to show that we are working with businesses not against them. We need to move EJ to the front of the process to reach common agreement and create an ongoing dialogue.

Dick asked if the CEJSC could be a co-sponsor for the event. John Quinn said yes. Angelo asked if county planners can be included in the event too. John Quinn said yes, he would like to keep it broad. Lisa asked what the ideal number of people would be. John Quinn said 50-70 people would be ideal, he would like to focus on quality, not quantity.

Scot suggested that we flush out the details since December 6<sup>th</sup> is not far away. Andy said if this is targeting the business community is there going to be a distinction between EJ and sustainable communities? John Quinn said I was thinking of having the main speaker just discuss EJ, but what do you think? Scot said in terms of framing EJ and sustainable communities go together, so addressing both is not counterintuitive. John Quinn said it is a good suggestion, we will do both.

Caroline Varney-Alvarado asked if we are going to include small businesses as well. John Quinn said yes. Scot asked if it is worth inviting the economic development directors from around the state. Bob Sklar said we should not overwhelm the target audience. John Quinn said that is possibly a group we could invite if we have a second meeting. Scot asked John Quinn to define the business community. John said it would be members of the chamber of commerce. Bob Sklar said that the economic development directors meet 4 times a year. Can we get involved in those meetings? Scot said that there is the Greater Baltimore Chamber and the Baltimore County Chamber, so those are two chambers.

Caroline Varney-Alvarado said that there is a main street program/lending program. John Quinn said yes, he would love to have them. Bob Sklar said reaching the small plumbing supply store is important too. We are trying to reach smaller businesses.

John Quinn said in terms of the two-pager he is thinking definitions of EJ, a paragraph on the CEJSC, and bullet points.

Lisa asked if there were any specific legislators to target. John Quinn said no, not necessarily, just personal friends of the CEJSC. We have to be careful who we pick. Bob Sklar said I think we want to target those outside the system. He also said that the CEJSC should think about next steps. What does the continuing conversation look like? Should this be a one shot deal or an ongoing process? John Quinn said we should think about the future, but wait and see how the first meeting goes before we plan more.

Andy Fellows proposed have meetings on a different day or at a different time in 2012 because he had another standing meeting that conflicts with the CEJSC meetings. Lisa said she would send around a survey with different options.

Rebecca Rehr said that she got enthusiastic responses from the Academic Community and that she will be sending out a follow up email to them. She will also send them our minutes so they can stay informed and make comments. She is going to look into whether making pdfs available on a public website is copyright infringement. Scot said as Rebecca develops the list she should note what department the person represents.

Lisa said that Robin has reached out to a speaker for the December meeting on Title VI.

Leah Kelly discussed the conference call on the EIP WTE report. Dick asked what the focus of the report was. Leah Kelly said it focuses on the fact that WTE now has the same place in the tier system as solar and wind. Lisa said that she will circulate possible dates for the conference call.

#### Other Business:

The July minutes were approved.

Lisa said that a big case was recently handed down that severed the landlord liability protection for properties that were not in compliance. All the MDE regulations stay in place, but the landlords are now open to lawsuits. We expect there to be bills in session on a whole range of issues related to this case.

#### Adjourn

### **Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting**

**November 17<sup>th</sup>, 2011 9:30 a.m.-11:30 a.m.  
Baltimore, MD**

#### In Attendance

- Commissioners: Lisa Nissley, Caroline Varney-Alvarado, John Quinn, Dick Fairbanks, Calvin Ball, Robin Underwood, Vernice Miller-Travis, Jennifer Peterson, Jennifer Bevan-Dangel, Senator Bill Ferguson
- Participants: Megan Ulrich, C.J. Lammers, Richard Allen, Stephanie Cobb-Williams

Introductions: The meeting began with introductions from everyone in attendance.

## Other Business:

Lisa Nissley reviewed the charge of the CEJSC and went over the rules of engagement. She then discussed the PlanMaryland comments that were submitted to MDP. Calvin Ball asked what the status was on PlanMaryland. Lisa said that EHE is doing a briefing on PlanMaryland.

Lisa said that the MDE internal workgroup is finalizing their recommendations. They are in the early stages of Tier 1 action items. They will be giving their final suggestions in the form of a memo. Jennifer Peterson asked if the memo will be published for the public to see. Lisa said it will not be made public, but some of the items for external outreach will be used to make a one-pager. Lisa also said that she would share the tiered list with Jennifer for comment. The brown bag with Vernice and Senator Harrington was rescheduled for after the holidays. The business two pager rough draft is completed and ready for comment. It should be done in the next week or two. It will also incorporate case studies of companies in Maryland that are doing a good job. Lisa asked if any other agencies have anything to report.

Caroline Varney-Alvarado said housing is looking at the HUD draft plan. The comment period has been extended to November 23<sup>rd</sup>. Lisa said that Kathy Kinsey and she are serving on one of the EPA Workgroups for Plan EJ 2014. Lisa went over the draft of the local jurisdictional model pilot program. Jennifer Bevan-Dangel said since counties are already doing WIPs (Watershed Implementation Plans) and PlanMaryland initiatives, can you tie EJ and public health into those? C.J. Lammers said if there are any examples of how counties have incorporated WIPs and EJ she would like to see them. Prince George's County is doing their 10 year comprehensive plan this year. Calvin Ball said that they have a general plan in Howard County.

C.J. Lammers said Philadelphia and Portland have done a nice job integrating sustainability throughout their whole city comprehensive plan. Portland has been looking at sustainable food sources and equity in access to food sources. They estimate that once the plan is implemented 90% of the city population will be able to walk to grocery stores.

John Quinn said that unfortunately the logistics did not work out in time to have the business event before the legislative session. Not a lot happens during session so we will start planning the event in the New Year and have it in April or May. We only get one chance to make a good first impression, so I want it to go smoothly. Lisa said that she and John drafted an invitation. She will work on the business two-pager. If anyone has suggestions please send them. Dick Fairbanks asked if Sue Briggum was going to speak at the event. John said yes, she agreed to be the featured speaker and she is enthusiastic about it. Andy Fellows has agreed to speak for 5-10 minutes at the end of the event to get feedback. The business two-pager will be handed out at the end of the event as an educational piece. Jennifer Bevan-Dangel asked if the Chamber will distribute the piece. John Quinn said yes, because the value is in communication and introducing the topic.

Lisa said that Rebecca Rehr had invited the academic community to join a sub-committee on EJ. She will be sending them the minutes each month. Rebecca is also looking into building an academic library. Lisa said that she, Megan, Rebecca and Jennifer Bevan-Dangel have been working on integrating the problem/solution statement and the CEJSC charge. They have a draft and they will submit it to the whole CEJSC in January.

Robin Underwood said that there is a crossroads between Title VI and EJ. Mohamed Dumbuya from the National Highway Administration will be speaking at the December CEJSC meeting. Lisa said that she plans on talking to Tyrone Hill, the Fair Practice Officer at MDE, and she would like to have a meeting with the fair practice officers of other state agencies as well. Robin Underwood said that she is working with MTA, MVA, and SHA on maintaining compliance with Title VI. Richard Allen said that Title VI is important and we need to do more work on educating state agencies.

Jennifer Bevan-Dangel said that in regards to the environmental advocates, she still feels that we need to educate them on EJ and then ask them to do something related to it. There is something called Chesapeake Commons that has just been created that is an online place to go for information from a lot of different sources related to the Bay and the state of Maryland. Anyone can post on the site and create online mapping of data. Lisa said one thing MDE is talking about is local outreach. Jennifer Bevan-Dangel said that if anyone has any ideas for public outreach let her know. The advocates are working on the wind bill, a bag bill, and some issues related to the WIP. Lisa said that she contacted Eric from the CCE to discuss certain options. Jennifer Bevan-Dangel said that there are some big pieces moving right now and it would be worth doing a meeting with the advocates after session. Vernice said that there is a whole other universe of EJ advocates and it would be good to get them engaged as well. Lisa said the CEJSC should get guidance to advocates on what issues are EJ related. Vernice said we should try to figure out how to have an impact earlier next year. Jennifer Bevan-Dangel said that all the groups have their own mission statements that they focus on.

Caroline Varney-Alvarado asked are people in Maryland looking at what federal agencies are doing. Vernice said there is an MOU that federal agencies signed this year and all federal agencies are coming out with an EJ plan as part of Plan EJ 2014. DOT, HUD, and other agencies have come out with plans. The CEJSC should weigh in on those plans and give comments. Lisa said she agrees that what is happening at the national level is important; so the CEJSC should identify advocates who care about the issues and get them to comment on the plans.

Lisa said that the Environmental Integrity Project (EIP) call is set for November 22<sup>nd</sup>. We will circulate the call-in number later today. Jennifer Peterson said that she would send information about a webinar on a NPR/CPI report. The report looks at how energy answers (EA) will have an air pollution impact on Curtis Bay and Brooklyn.

Calvin said that CSX is currently going through the NEPA process for their intermodal facility. They have narrowed the list to four possible sites.

Lisa said that the results of the poll showed that the fourth Tuesday of the month was the best day of the week for most people to meet. The CEJSC will be meeting on the fourth Tuesday of the month starting in 2012.

Dick said that limiting the 2012 take of menhaden is a really smart move. Reedsville, VA is the second biggest fishing port in the country. Taking the menhaden is depleting a very valuable resource that is good for the Bay. The filter feeders are very important for the Bay.

Vernice said that she missed the October meeting because she was at the NEJAC conference in New Mexico. They had a long period of public comments and all of the stories were very emotional. There is an enormous impact from Uranium mining on Native American tribes in New Mexico. The EPA Office of General Council said that they are going to release guidance from EPA on how the regulatory community can make legal decisions related to EJ. In the document, EPA says that they can address EJ under existing law, which is huge. The DOJ is also putting out a companion piece this year. Vernice said that there was a call from 3:00 p.m.- 4:00 p.m. this afternoon on EJ in federal agencies. She then gave the number and website information for the call.

### Adjourn

**The next CEJSC meeting is scheduled for December 15<sup>th</sup>, 2011 at The Annie E. Casey Foundation in Baltimore, MD.**

### **Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting**

**December 15<sup>th</sup>, 2011, 9:30 a.m.- 11:30 a.m.  
Annie E. Casey Foundation, Baltimore, MD**

### In Attendance

**Commissioners:** Lisa Nissley, Nancy Servatius (for Cliff Mitchell) , Delora Sanchez, John Kotoski, Bob Sklar, Karen Forbes, Scot Spencer, Vernice Miller-Travis, Andrew Fellows, Robin Underwood, Jennifer Peterson, Calvin Ball

**Participants:** Mohamed Dumbuya (guest speaker, FHWA), Jeff Fretwell (MDE), Kaley Laleker (MDE), Gordon Outlaw (DHCD), Sandy Talbert-Jackson (FHWA)

Introductions: The meeting began with introductions from everyone in Attendance.

### Other Business:

Chairman Scot Spencer began by notifying the Commission of the recent award of a HUD sustainable planning grant for Baltimore City. The \$3.5M, 3-year grant will go toward sustainable planning in areas such as land use and workforce analysis. Government agencies and NGOs will work together to implement the plan. Scot Spencer noted several factors that led to Baltimore's selection for the award. Despite the fact that the Baltimore region is not as distressed as some other communities that have taken the award in the past, the area's racial gap in access to jobs was highlighted in the application for the grant. HUD has named 6 "livability factors" for the program, and Baltimore added an additional factor in its application,

sustainability of the Bay. Yesterday was the first post-award meeting of the group that will implement the plan, which includes a variety of members such as 1000 Friends of Maryland, Maryland Department of Planning, several counties, Johns Hopkins University and Morgan State University's Baltimore Regional Environmental Justice Transportation project. A cooperative agreement is expected to be signed in mid-January, at which point the 3-year period for the grant will begin. A Commissioner asked whether the Commission was a signatory. Scot explained that it was not, but that EJ interests were represented and there may be more room for involvement at a later point.

Scot Spencer then discussed a transportation and land use strategies group that is working to identify ways to meet the State's GHG reduction goals. It was noted that Stuart Clark serves as a member of the group, representing the EJ community. The group is currently discussing California's S.B. 345, a climate action bill that lists a series of action items. Maryland is looking to implement some of the same actions. Scot commented that the outreach section currently needs the most work. It contains four points, but the one calling for public involvement is vague, and another seeking to improve public schools in priority infill areas requires elaboration to explain how it relates to the outreach component. The group is small and meets once per month for the next six months. Spencer stated that he would distribute a link to the website.

The minutes from the September and October meetings, which were previously circulated, were approved unanimously.

#### Guest Presentation:

Mohamed Dumbuya then gave a presentation on Title VI of the Federal Civil Rights Act of 1964. Dumbuya is the Title VI Specialist and Civil Rights Program Manager for the Virginia Division of the Federal Highway Administration (FHWA). The presentation demonstrated how Title VI and Executive Order 12898 serve as vehicles for advancing environmental justice. An overview of the statute, Executive Order, and the Federal Highway Administration's implementation program were provided, and the Commissioners contributed to the discussion throughout the presentation.

Mr. Dumbuya began by noting that Executive Order 12898, which is the presidential mandate directing the executive branch to address environmental justice, was largely a response to grassroots initiatives. Studies were done showing disparate impacts on minority communities in areas of Texas and North Carolina. This increase in awareness of the problem led the Clinton Administration to issue the Executive Order in 1994.

Next, Mr. Dumbuya outlined the core requirement of Title VI, nondiscrimination by recipients of federal financial assistance. He explained that "assistance" includes not only transfers of money, but also provision of training and technical assistance at below-market value. It also reaches public-private partnerships where any federal funds are contributed. He noted that the various ways a party can receive federal financial assistance are found in the FHWA regulations at 23 CFR 200.5(h). It was explained that discrimination includes disparate treatment and disparate impact, so that neutral policies and unintentional discrimination are prohibited. The Commissioners discussed the application of this mandate to the planning and prioritization process. It was noted that if planning documents are so confusingly or technically worded as to

prevent laypeople from having meaningful access to public participation, there could be disparate impact. A Commissioner noted that an administrative complaint filed in 1999 was only recently resolved in August, though the statute requires disposition within 180 days. This example was raised as an illustration of lingering widespread noncompliance with Title VI.

Mr. Dumbuya moved on to explain some other aspects of the Civil Rights Act of 1964. He outlined the three impermissible bases of discrimination: race, color, and national origin. He emphasized that the Act covers all persons, including non-citizens, who are within the continental U.S., its territories, or its possessions. A Commissioner raised the point that the Civil Rights Act is not widely studied, though it has widespread impacts on many aspects of life, including employment. One Commissioner asked whether religion is protected by the Act, to which Mr. Dumbuya responded that it is not. Another Commissioner noted that religion was originally included in the bill, but was removed in order to secure passage.

Mr. Dumbuya then addressed the evolution of Title VI through the Civil Rights Restoration Act of 1987. It was explained that the Supreme Court had interpreted Title VI to apply only to the specific programs and activities that used federal assistance. The Civil Rights Restoration Act legislatively overruled this interpretation, restoring Congress' original intent that Title VI govern all activities of a recipient that receives federal assistance for any activity.

FHWA's Title VI nondiscrimination program was then discussed. Mr. Dumbuya noted that the program consists of activities in place to meet the non-discrimination requirements imposed by a variety of authorities, not just Title VI. Regulations relating to the program can be found at 23 CFR 200.5(p). Other prohibited grounds for discrimination are addressed in several other statutes, such as Section 504 of the Rehabilitation Act (disability), the 1975 Age Discrimination Act (age), and the 1973 Federal Aid Highway Act (sex).

The Commissioners discussed to whom Title VI would apply when a State agency receiving federal assistance has certain interactions with private parties. A Commissioner raised the example of a private owner and developer of land who requires permits from a State agency. Another provided the example of a subcontractor of a project funded by MDOT. Mr. Dumbuya noted that all parties to whom the federal financial assistance flows must comply with Title VI's requirements, including "sub recipients." A subcontractor working on a publically funded project would be a sub-recipient of Federal assistance. Conversely, a private developer working on a privately funded project would not be subject to Title VI simply because it required a permit from the State. In the latter case, the State still may not discriminate in its review of the permit, since it is a recipient of federal assistance.

Mr. Dumbuya presented a list of prohibited grounds for discrimination covered under Title VI and within the Federal Highway Administration's broader nondiscrimination program. A Commissioner asked the definitions of "race," "color," and "minorities," which are all covered within the nondiscrimination program. Race classifications are the same as census definitions. Color simply means pigment, and includes both intra-race and inter-race discrimination. A Commissioner noted that this is an artifact of the time at which the Civil Rights Act passed, when color was possibly as important an issue as race. Minorities are defined by Executive Order 12898.

The Commission moved on to a discussion of Executive Order 12898 on EJ. Mr. Dumbuya noted that the Order's requirement that agencies "identify and address" disproportionate impacts is similar to language in NEPA. The Commissioners discussed a hypothetical situation where a landfill was proposed to be located in a predominantly white, affluent community. It was noted that this situation would not trigger EO 12898's mandate because (1) the siting of landfills is unlikely to disproportionately impact white or affluent people as a group and (2) white and affluent people, as a group, are not a "minority population" or a "low income population" as those terms are defined in the Order. It was noted that minorities are defined as "black, Hispanic, Asian American, American Indian, and Alaskan Native." Low income is defined using the U.S. Department of Health and Human Services poverty guidelines.

The Commissioners discussed that the Executive Order is somewhat vague, and that this fact represents a strategy to further an EJ policy in a climate where EJ legislation would have been politically unfeasible. It was noted that the Executive Order mandates a process to implement Civil Rights Act requirements already in place since 1964. Since studies had shown that Title VI was, decades later, still not being enforced or implemented as it should have been, the Executive Order was seen as a way of reinforcing and rekindling the law.

The interaction between EO 12898 and NEPA analysis was discussed. A Commissioner commented that NEPA requires agencies to consider impacts on the "human environment" but that emphasis has always been on the natural and physical environment. A complete environmental impact statement (EIS) should address each of these factors, but in a typical EIS very little space is spent analyzing community and social impacts. Commissioners discussed some of the conflicts that can arise during NEPA analysis and other planning processes. For example, a Commissioner noted that there may be conflicts between disability rights advocates and environmental justice advocates in the analysis of a transportation project. Further, community and social impacts sometimes weigh in the opposite direction of the Endangered Species Act's requirements. Several Commissioners noted that the current process is often adversary in nature, and a better process would involve a discussion among stakeholders before plans for a project became entrenched. In this way, the solidification of two opposing "camps" could be avoided. A Commissioner noted that in the majority of cases, a "clear loser" is unnecessary.

Mr. Dumbuya explained the responsibilities of recipients under the Executive Order. He stated that the Executive Order is not enforceable in court, but that it encourages enforcement of nondiscrimination laws such as Title VI of the Civil Rights Act of 1964. U.S. Department of Transportation (DOT) and FHWA have their own orders developing processes to incorporate EJ concerns into all decision making. Mr. Dumbuya commented that Title VI and Executive Order 12898 can be seen as a way to redeem ourselves of previous and continuing impacts on disadvantaged persons. He mentioned a documentary called "Divided Highways" that explains some of the ways the planning and construction of our highway system inequitably impacted certain groups.

The Commissioners briefly discussed affirmative action programs and how they fit in with the nondiscrimination mandates of Title VI and other laws. Several Commissioners noted that affirmative action programs must operate to remedy past discrimination and must have a nondiscriminatory rationale. Commissioners discussed how some forms of assistance to minority or low-income groups can actually serve to exacerbate disproportionate impacts and



overconcentration. A Commissioner mentioned that Federal housing assistance directed to low-income areas can sustain concentrated communities of poverty. For example, a lawsuit challenged the practices of the housing authority in Baltimore under this theory. The resulting consent decree charges the Authority, in conjunction with HUD, with dispensing housing assistance so as to distribute low-income households more evenly throughout the city. The recent push toward mixed-income development is another example of an effort to address this problem.

Mr. Dumbuya concluded by noting that fulfillment of ethical, civic, fiduciary, and moral obligations goes a long way toward fulfilling the legal obligations discussed in the presentation. As an example, he read from a code of ethics for environmental professionals, which included the responsibility to discharge one's duties in an equitable manner.

Adjourn- The meeting was adjourned at 11:30 am.

**The next CEJSC meeting is scheduled for January 24, 2012 in Annapolis, MD.**

**Maryland Commission on Environmental Justice & Sustainable Communities  
(CEJSC) Meeting**

**January 24<sup>th</sup>, 2012 8:30 a.m.-10:00 a.m.  
Baltimore, MD**

In Attendance:

- Commissioners: Lisa Nissley, Nancy Servatius, Arabia Davis, Scot Spencer, Rebecca Rehr, Vernice Miller-Travis, Delora Sanchez, Ann Goldscher, Jennifer Bevan-Dangel, Kim Pruiam, Jennifer Peterson, Bob Sklar
- Participants: James Willett

Introductions: The meeting began with introductions of new participants. Ann Goldscher was in attendance for Delegate Bobo, and Kim Pruiam was in attendance for Calvin Ball.

Other Business:

Lisa requested an approval of the minutes from the December meeting, however, Vernice requested to make amendments pertaining to sections about Title VI.

Scot began a discussion on EJ and the business community. The focus of this was that the business community does not like being approached in what they felt was a negative manner.

This spurred an action-item in which the Commission is to set a mark for how to engage the business community in the future.

Scot went on to discuss a recent conference he went to for transportation. There are four freight train lines in Maryland that are proposed to have tunnels for them expanded so that they can carry twice the cargo they are now on double-stacked carts. Nancy asked Scot if the Transportation Research Board Conference (TRBC) addressed the double freight lines in Howard County, Anne Arundel County, and Baltimore County in their meeting. Scot replied that they did not and that they had a very loose definition for freight. That definition seemed to incorporate trucks that transport products, trains and other sources of transportation. As a comparison, Scot explained that port authorities used bond money to raise bridges to accommodate new transport ships.

Vernice drew upon Scot's port example and mentioned the court case *Bus Riders Union v. City of Los Angeles* which is an EJ case reliant upon Title VI. Vernice explained that Title VI requires that every dollar of federal money must be spent equally among constituents for any large projects. Vernice also said that it was likely for one of the intermodal rail facilities to be in violation of Title VI and subject to litigation.

Scot continued the discussion of the intermodal rail facilities by asking if there was an engagement process in an EJ community there was, or if there was an EJ scan. Kim Pruiim replied that there was the NEPA scan which involved examining the impact on transportation and having community workshops. She also mentioned that the community had felt as though some information was being withheld or obscured from it. For example, the prices for each project could vary depending on who the community was asking. Several of the Commission members had commented that Elkridge was the cheapest project, according to CSX. Kim mentioned that the DOT website was a useful site for information and that the intermodal website offered email updates.

The general consensus of the Commission was to draft a letter to the community with recommended steps to take to protect their interests. Kim explained that this operation is a joint operation between CSX and the DOT. DOT has a final say on the location of the project because they provide funding for it. Scot raised the question if we would need to send a letter to the DOT as well, and it was suggested that we send a letter to the Secretary of the DOT. Kim then mentioned that they were in the NEPA scan process, which could take a maximum of 18 months. Currently the process is in phase two, community involvement. It was also mentioned by Kim that CSX was purchasing land in that area.

With regards to creating an academic library Rebecca mentioned that the response is generally optimistic on EJ. She has accumulated a large bibliography, but no library yet. One problem she is having is that anything retrieved from the UMD subscription is not available for public use. Vernice commended Rebecca for her work and mentioned that the EPA Plan EJ 2014 had an excellent culmination of research and science.

Jennifer Bevan-Dangel mentioned that Towson had a grant to study how smart growth impacts people in terms of transportation and living. She then proposed that the Commission should work towards a forum with an academic subcommittee. Scot added that it would be a good idea

to invite legislators and the Mayor of College Park. The meeting would likely take place after session in the end of April.

Towards the end of the meeting the idea was proposed that the CEJSC draft a legislative agenda for legislators and drop it off at their offices. The agenda would contain upcoming bills, related information to bills, and information for them to consider about the issues. Among these issues the Commission mentioned that lead issues and fracking issues would be included in this legislative agenda.

### Adjourn

**The next CEJSC meeting is scheduled for February 28<sup>th</sup>, 2012 at the House Office Building Room 218.**

**Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Meeting**

**February 28, 2012 8:30a.m.-10:00a.m.  
Annapolis, MD**

### In Attendance:

- Commissioners: Lisa Nissley, Cliff Mitchell, Arabia Davis, Stephanie Cobb-Williams, Scot Spencer, Andrew Fellows, Jennifer Petersen, Robin Underwood, Rebecca Rehr, Delegate Elizabeth Bobo, and John Kotoski
- Participants: Robert Jackson, and James Willett

Introductions: The meeting began with introductions of participants.

### Other Business:

Chairman Scot Spencer called the meeting to order and Lisa Nissley began the meeting by going over the agenda items that were to be covered during the meeting. Lisa is still working on the Internal EJ Workgroup memo. She also mentioned that although the problem/solution statement was finished that it could be considered a living document that would evolve and should be revisited regularly at meetings if everyone was okay with that.

Rebecca Rehr briefed the Commission with her progress on the Academic Subcommittee. The next step for this is setting up a lunch date. This would likely be on April 27<sup>th</sup> at 1 in the afternoon and last between 1-2 hours. Carpooling is encouraged, and Rebecca is looking at the possibility of setting up a conference call for anyone who cannot attend the lunch meeting. For those who can attend parking codes will be provided. Members of the Academic Subcommittee as well as members from her department were invited.

Robin Underwood updated the Commission on the Title VI Disciplinary Team saying that there would be a meeting scheduled for March and she would provide updates along the way that were related to EJ issues.

The next item on the agenda was SMART techniques. The focus of this was to ensure that as a commission we were using SMART techniques to help achieve our goals and mark our progress. Cliff Mitchell said that the state cancer plan used a formal SMART technique, and one of the things their plan did was to pick one goal and two initiatives to work on so that there was a limit on goals. One idea may be to pick a goal and two initiatives per area or per agency to keep the commission focused. Lisa agreed and noted that it has been hard for the Commission to prioritize with several goals, but also noted that the commission has been recognizing success with techniques similar to SMART.

Cliff then asked if the Commission had a data goal. Lisa said that we did not have one yet, but through Rebecca we were going to academics for data. Then Cliff discussed the idea of having an articulated common set of data and themes that the Commission thinks agencies ought to consider when discussing projects that might have an EJ impact. This concept ties in with our impact concept, it would be like creating a dashboard for agencies. Robin concurred with his point and said that the Title VI meeting examined a similar idea. Andrew Fellows asked if there was a final outcome of this Commission's EJ identification initiative. Cliff responded saying that most agencies have some kind of dashboard and that the Commission is in a position to think differently about the demographics. He noted that most agencies haven't figured out how to do that in the context of their own operations. This provides an opportunity for us to get this to get agencies to incorporate consideration for EJ into their projects. Other states are already doing this; Massachusetts requires a health impact assessment. Currently DHMH has tracking for data, and they are talking to UMD and other academics on how to scale those down to a county level. Lisa suggested that we could consider DHMH's work a pilot and get it refined before asking the agencies to take it on.

Scot mentioned that the Commission could use SMART techniques to figure out how to manage larger problems and coordinate them with local governments and work those up the ladder to other levels. Andrew asked if it would be easier to list, track and prioritize long-term projects that the Commission works on. It was suggested that James would work with Scot to create a standard document to track SMART goals for the Commission. Scot and Rebecca agreed and stated that this would be a good step towards organizing our annual reports. It was noted that although a few years ago the Commission was behind on reporting it was now fully caught up.

The next item on the agenda was the draft letter to the Intermodal Communities. This issue is over a year old and much has happened regarding it. The communities at Elkridge have held meetings for outreach; however, it is unclear who was targeted for the outreach and what the message was. It was agreed that the Commission could draft a letter for suggestive or informative purposes and ask questions to the community to help. Because of the elapsed time between the origin of this EJ issue and the current proceedings that the Commission is taking it was discussed how effective any efforts would be. Arabia Davis said that MDP does do a clearinghouse for projects, and will be giving a short presentation on it next meeting. Scot suggested that the Commission compose a lessons learned document for handling EJ issues in a timely manner. There was discussion about the difference in size and scope between an EIS and EA.

The next item on the agenda was to examine bills that were of interest to the Commission. Delegate Bobo suggested SB358, the Public Private Partnerships bill. Scot suggested the Commission follow HB439, the Maryland Health Improvement and Disparities Reduction Act of 2012 and HB523, the Economic Inclusion Plans bill. Andrew suggested that the Commission address SB475, the Dredging – Testing for Toxic Substances bill.

John Kotoski asked if the Commission made a stand on any bills. Lisa answered that the Commission does not take stances on bills, but does address EJ issues in testimony and brings them to the attention of legislators who may not realize. There was some discussion about whether the septic bill had an EJ slant on it.

Scot brought up a new item about the Baltimore region being awarded a Housing and Urban Development Sustainable Communities Regional Planning Award. The region signed a cooperative agreement with HUD to produce a work-plan within 60 days and to produce a memorandum of understanding within 120 days following the 60-day deadline. Because it is a regional planning grant, it requires broad community outreach and the Commission's attention on this issue is welcome. The Commission decided they should keep current on this item. In the next 30 days the Steering Committee for this project is deciding what the right outcomes are for outreach. Jennifer Petersen mentioned that the EPA has done work with respect to this process which could serve as guidance to the process. Rebecca said that she would ask Dr. Wilson if he had any input for Scot. Robin suggested that the Baltimore MPL would be involved, and that SHA and MTA had models to follow, including a survey that gets the demographics of the surveyed. The overall goal of the plan is to produce a 20 year plan for the Baltimore Region toward sustainability that addresses housing, transportation, workforce disparity, and protecting the environment.

Adjourn: - The meeting was adjourned at 10:05 am.

**The next CEJSC meeting is scheduled for March 27<sup>th</sup> at 8:30 a.m. in Annapolis, MD in the House Office Building, room 218.**

**Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Meeting**

**March 27, 2012 8:30 a.m. 10:30 a.m.  
Annapolis, MD**

In Attendance:

- Commissioners: Lisa Nissley, John Kotoski, Arabia Davis, Rebecca Rehr, Dick Fairbanks, Robin Underwood, Caroline Varney-Alvarado, and Robert Sklar.
- Participants: James Willett, Robert Jackson

Introductions: The meeting began with introductions of participants.

Other Business:

The meeting was called to order at 8:55 a.m. Lisa Nissley opened the meeting by discussing the SMART Techniques draft document. The idea behind this document was to track projects that the Commission was working on. It was suggested at this meeting that the document could be used to submit projects to the Commission before they were approved to be taken on. Using the document as a means for submitting potential projects to the Commission could make it more proactive as opposed to reactive. Arabia Davis suggested that for this purpose the Commissioner would attach specific details to the SMART techniques document for a comprehensive analysis by the Commission. Lisa suggested that the Commission could use this document for a month or so and then re-evaluate it to determine if it needed to be restructured. The Commission briefly went over the SMART techniques acronym and its uses for the Commission.

Lisa said that the internal workgroup memo would be completed and reviewed soon. There has been good progress on the guidance documents. The business one-pager is far along and the stakeholder one-pagers can be circulated soon.

The agency conference call has been scheduled for the second Monday of each month in the afternoon at 2 p.m. Lisa suggested that the first call would take place in May because of the hectic schedule the departments face during Session. This would mean that Agencies communicate every two weeks for Commission-related purposes starting in May. The agency representatives of the Commission, Arabia Davis of MDP, Robin Underwood of MDOT, Caroline Varney-Alvarado of DHCD, Lisa Nissley of MDE, and Bob Sklar of DBED agreed that this time would work.

Arabia mentioned that the idea of incorporating EJ into the clearinghouse was well-received. She gave information on clearinghouse processes with respect to local government. Arabia also said that Linda is open to communicating with the Commission to pursue incorporating EJ into the process.

Lisa said that the Commission was working on getting the Lieutenant Governor to speak at an event. Currently the work is on getting a date that the Lieutenant Governor can attend, which is going to happen at DBED sometime in May. Bob Sklar requested that DBED receive a copy of anything that goes to the Lieutenants Office to ensure that communications on any issues are well known between all parties.

Rebecca briefed the Commission on her progress for outreach to the academic community. The Commission will have a lunch meeting with Dr. Sacoby Wilson at the Dean's Suite in the School for Public Health at University of Maryland College Park on Friday, April 27<sup>th</sup> at 1 p.m. It is an opportunity to connect the Commissioners with academics and serves as an informative meeting. She will send a short biography on Dr. Wilson to the Commission. Lisa and Rebecca suggested that the academic library agenda item was not a monthly issue to be discussed and that Rebecca would work on it and update the Commission as necessary. James will help Rebecca with the academic syllabus item.

Robin Underwood updated the Commission on the Title VI issues. She asked each department to send her the contact information for their department's fair practice officer. For an update, Robin mentioned that MDOT trained 100 managers, executives, and supervisors about Title VI to educate their workers. At the request of the Commission she will circulate these training documents to the Commission. Robin also mentioned a Supreme Court case ruling that allows home-owners and businesses to utilize the courts before exhausting agency functions, and provided three relevant articles: "States Question Lack of Clarity On EPA Bid to Improve Civil Rights Efforts" and "States Outline Broad Concerns Over Expected Future Budget Cuts for EPA" from *Inside EPA*, and "U.S. Top Court Backs Landowners, limits power of EPA" from the *Reuters* news website.

Lisa briefed the Commission on some bills that had moved in the Senate or House, and suggested that Commissioners inform her about any bills they were concerned by. The legislative tracker is still going out regularly. House Bill 439, the Maryland Health Improvement and Disparities Reduction Act, passed third reader and is assigned to Budget & Taxation in the Senate. There was a discussion of what this bill does, which is that it targets medically underserved zones for resource concentration. Lisa asked if there were other bills of interest. There was some discussion on the Maryland Offshore Wind Energy Act, House Bill 441. John Kotoski asked about the fracking bills. The severance tax bill, fee study, and presumption of contamination bill passed the house. The House Environmental Matters Committee did not pass any bill that was regarding anything the Marcellus Shale Safe Drilling Initiative Commission would be looking at this Session.

The Commission then moved to hear any other business that was not on the agenda. Rebecca discussed an abstract she wrote about the effectiveness of a Commission that makes recommendations to the Governor, as opposed to community-based Commission. The report examined Commission annual reports, and bills that the Commission or Commissioners testified on to examine the impact on their passage. The overarching goal is to examine ways for the Commission to move forward as a group and determine where it can be improved for effectiveness.

Robin asked if the Commission was still working on the CSX IMC projects. The Commission has questions they would like Robin to ask of MDOT. She asked them to get those to her. Robin also mentioned that she would be circulating the MDOT webpage link that has information on many aspects of the project. Currently the CSX IMC projects are in the NEPA phase and that six public meetings have been held in areas near proposed sites, and no site has been chosen as of yet.

#### Adjourn:

The meeting was adjourned at 9:35.

**The next CEJSC meeting is scheduled for April 24<sup>th</sup> 9:30 a.m. at Baltimore, MD.**

**Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Meeting**

**April 24, 2012**  
**Aeris Conference Room 1800 Washington Blvd.**  
**Baltimore, MD**

In Attendance:

- Commissioners: Scot Spencer, John Quinn, Andrew Fellows, Caroline Varney-Alvarado, Karen Forbes, Arabia Davis, Rebecca Rehr, Cliff Mitchell, Dick Fairbanks, Lisa Nissley, Bob Sklar, Stephanie Cobb Williams, Robin Underwood. Vernice Miller-Travis and Jennifer Petersen
  
- Participants: James Willett, Edward Dexter, and Sybil Wojcio

Introductions: The meeting began with introductions of Commissioners and Participants.

Agenda Items: Chairman Scot Spencer called the meeting to order at 9:30 am. Vernice Miller-Travis and Jennifer Petersen joined via conference phone. The first discussion point was an update from Vernice about the Demolition Advisory Panel. This project involves Baltimore City, the Annie E. Casey Foundation, and East Baltimore Demolition Inc. (EBDI), which is in the process of demolishing and deconstructing several homes and structures in east Baltimore. The Panel suggested low-cost methods to contain dust-fall.

The scope of the project from the Panels standpoint was to engage the community in the process, and develop standards to minimize the levels of lead and dust-fall in the area. The Panel focused on providing EBDI engineers, project planners, and workers with cost-effective ways to reduce these risks to the health of the impacted area. The work of the panel was a success; the community felt engaged and informed and the dust-fall and lead levels were kept at a minimum.

Vernice also mentioned that the Panel was examining the issue of dust-fall impacting communities that the trucks transporting debris traveled through. Ed Dexter mentioned that for transporting debris and landfills there are different standards for controlling dust-fall. Scot Spencer mentioned that this was part of the lessons learned from phase one of the EBDI project, and was perhaps something to take up with the City or MDE. The eventual goal from this development project is to mandate these demolition and deconstruction standards through legislation. Cliff Mitchell mentioned that these same practices and standards that were applied to lead could be applied to asbestos as well. Cliff also said that the work of the Panel was much like a health impact assessment in the sense that there were baselines and measurements of impacts from the project, as well as community engagement and feedback from the community. The next order of business was to approve the minutes of the meeting from January, February, and March. These minutes were provided to the Commissioners via email and were approved unanimously.

Next, Lisa Nissley gave updates on agenda items for the MDE Internal Workgroup. Currently a memo with the recommendations of the Workgroup is being approved by senior staff and will be made public. Robert Jackson, the MDE intern who recently finished his internship had completed a draft for the county two-pager memo that Lisa will complete. The monthly conference call between agencies has been set for the second Tuesday in each month, starting in



the month of May. For the local jurisdiction agenda item Lisa will be starting on a two-pager and contacting Calvin Ball to proceed.

A request has been sent for a date that the Lt. Governor would be able to join the Commission and the Maryland Business Roundtable to create a discussion about how businesses can address potential environmental justice issues in a manner that is beneficial to the environment and the businesses. Bob Sklar mentioned that leading off with an EJ issue may help start the dialogue. John Quinn said that the basis is that decisions have to be made at the time that the investment decisions are made, and that EJ issues are not always recognized at that time. Cliff said that it was perhaps easier to frame the discussion around a case instead of discussing the general theory of EJ. John agreed with the idea of having case studies, but suggested that the overall idea was getting these people into a room and then frame the discussion with them.

Andy Fellows mentioned that the discussion should be framed in the context of environmental justice as well as sustainable communities. Cliff built onto that idea by suggesting that the discussion should not just focus on regulatory policy but also on how it is financially and publicly beneficial for businesses to take something from this meeting. John agreed and mentioned that Sue Brigamm would give a talk about why it makes sense to involve the community in the business process. Scot Spencer agreed, noting that Sue works with the second largest waste management company in the nation and that every business contributes to or is affected by the waste stream. Sue Brigamm is in the best position to help the Commission lead the discussion. Dick Fairbanks suggested that perhaps the conversation should include success examples of this practice, citing that public relations are important to businesses.

Next order of business was the lunch meeting with Dr. Sacoby Wilson at College Park on Friday. Rebecca Rehr encouraged the participation of all the Commissioners and participants and mentioned that she would provide parking permits to attendees. Andy and Vernice said that this lunch meeting with Dr. Wilson was a tremendous opportunity for the Commission. Rebecca also filled out the tracking progress form for her project.

Robin Underwood spoke to the importance of this opportunity and the importance of working with Communities and smaller jurisdictions because some may not understand their Title VI rights. She then gave an update on her Title VI agenda items stating that hopefully by the next meeting the fair practice representatives will have had their first phone call on Title VI to discuss who is working in it, what they are doing with it. Vernice said that at some point she would like to brief the Commission on Plan EJ 2014 in terms of implementing it at the federal level and how it relates to Title VI.

Next order of business was the 2012 Legislative Session wrap-up, in which Lisa and other Commissioners discussed bills that the Commission was tracking. Andy mentioned that Clean Water Action has been working for three and a half years for a stormwater requirement local funding mechanism. Which is an EJ issue considering the bay as a whole and the pollutants that run into it; the focus is mostly on pollutants from agriculture, but stormwater is a priority too. For rivers like the Anacostia and the Patapsco to be healthy would required large-scale retrofitting in many urban areas. He suggested that the Commission could think about how to get private sector developers to invest in lower class and urban communities and have them resist sprawling out. Dick Fairbanks mentioned that in a parking lot near his residence was just

completed and there were excellent stormwater and runoff control implementations put in by the city.

Scot mentioned that in Maryland, the state started working toward the community in the red line and purple line area where one half of one percent of federally provided funds is dedicated toward job training for when construction begins. This creates a pathway to opportunity for folks who are usually negatively impacted by transportation projects.

Lisa shared information about the Marcellus Shale presumption of impact bill was amended to change the presumptive impact area from 2650 feet to 2500 feet, which matches Pennsylvania. Lisa mentioned that the effort on lead bills was very successful. The House sent three bills to address liability issues to the Senate; one that came out was a workgroup to study it. Another bill passed that would increase the fee for property. In terms of stormwater, septic passed on a tiered basis. The asbestos worker protection bill passed; this bill creates fund that goes back into the protection program. Vernice mentioned that SB 708 and HB 1019, both passed, and modify requirements of procurement of green cleaning products in schools.

Cliff mentioned SB 234, the Health Enterprise Zones bill. This bill creates local health indicators, because of health disparities, to identify health enterprise zones, the goal and mechanism is to identify areas with disproportionately high health impacts that impact disadvantaged populations. Karen Forbes asked if the part of the purpose of this bill was to place green spaces and walking zones in areas that are developing. Cliff replied that the department was specifically looking at areas that had less access to health care. Rebecca added that the bill was structured in a way that would provide incentives to doctors to practice in shortage areas. Scot concluded by saying that this topic and the topic of GIS would be great topics for discussion at the retreat.

Adjourn:

The meeting was adjourned at 11:40 am.

**The next CEJSC meeting is scheduled for May 22<sup>nd</sup> at 9:30 a.m. at Baltimore, MD.**

**Commission on Environmental Justice & Sustainable Communities (CEJSC)**

**Annual Joint Meeting with  
Children's Environmental Health and Protection Advisory Council (CEHPAC)**

**May 22, 2012  
Aeris Conference Room 1800 Washington Blvd.  
Baltimore, MD**

In Attendance:

CEJSC Commissioners: Lisa Nissley, Jennifer Bevan Dangel, Arabia Davis, Dick Fairbanks, Robert Sklar, Andrew Fellows, Clifford Mitchell, Rebecca Rehr, Jennifer Peterson, Caroline Varney Alvarado, Delora Sanchez

Participants: Paula Montgomery, Julian Levy, Nancy Servatius, Richard Allen, Veronika Carella, Suzanne Collins, Crystal Heide, Stephanie Cobb Williams, Megan Ulrich, David Skinner, Ben Gitterman, Karin Russ, Sacoby Wilson, Rebecca Ruggle, D'Ann Williams, Jesse Negherbon, Jed Miller, Jullian Levy

Introductions: The meeting began with introductions of Commissioners from each group and participants.

Cliff Mitchell began the meeting by describing the statutory charge each organization has to work coordinate efforts on issues of common interest.

Lisa Nissley gave an update on the work of the CEJSC. The Commission has concentrated on using a new approach to handling business using SMART techniques (Specific, Measurable, Attainable, Relevant, Timely). Doing so, the Commission has recognized the limited nature of our resources and has concentrated on taking on setting goals, creating action plans for achieving those goals, naming Commissioners as leads on issues, and doing more work between meetings. Meetings have become a time to report back on work that has been done between meetings rather than a time for speakers. Instead, the Commission has done conference calls and special meetings for members that are interested in particular topics to come together and discuss the topic. Recently, the Commission has made comments on Plan Maryland and met with MDP about the policy, hosted an event for the business community, and hosted a lunch discussion with members of the academic community. The Commission has also advised MDE on various efforts of the Department.

The Commissioners submitted comments and met with staff at MDP to advise on Plan Maryland, led by Arabia Davis. Arabia discussed the Commission's thought that the document doesn't have strong metrics or indicators on children's environmental health. Veronika mentioned – LEED and IAQ – is there a thought about IAQ and schools as part of Plan Maryland? Arabia and Cliff explained that Plan Maryland is about where to place growth, not the individual developments. Veronika asked how Plan MD deals with HOAs or areas like Columbia. Arabia answered this is done through the county. (was this Veronika's question?)

Bob Sklar described the business outreach efforts of the Commission. There is an event planned for the business community on June 11<sup>th</sup> at DBED's WTC Office. The Lt. Governor will be speaking and it is cosponsored by the Maryland Chamber of Commerce. We hope to have a discussion on how businesses can involve communities in expansion decisions. Sue Brigham of Waste Management will also speak.

Rebecca described efforts to do academic outreach with the thought that the research being done in the academic community could be related to the goals of the Commission. She suggested that the new Center on Community Engagement, Environmental Justice, and Health (CEEJH) being formed at UMD School of Public Health may be a natural academic arm of the Commission. Ben asked if medical schools have been involved; Rebecca answered no, but they would be a natural partner. Another guest mentioned that nursing schools would also and Rebecca agreed. Dr. Sacoby Wilson of UMD and CEEJH described some of the issues CEEJH would like to work on including STEM activities, community engagement, engagement on environmental justice –

service learning – issues: working on back yard issues (Anacostia, Chesapeake, eastern shore, poultry and pesticides, infrastructure issues, food justice, recreational issues), equity risk mapping (facility location, poultry operations, etc), and poultry – risk mapping for NPDES-permitted facilities. The Center will also be looking at environmental education (note EPHT curriculum development, other educational activities).

The discussion on Title VI was deferred as a member was not present to provide details.

Lisa described MDE internal work group looked at priorities given existing resources. The Commission has been helpful and she is gearing up post session to get things running again.

Dr. Cliff Mitchell discussed issues CEHPAC has been working on and following. He described the new law that passed during session. The lead prevention program will now cover pre-1978 rental properties, instead of pre-1950. State is submitting an application to take delegation of RRP law from EPA. The bill also gives local health departments the authority to issue abatement orders and MDE now has ability to enforce locally issued orders. Meetings are taking place now with local health officers about local authority. Veronika asked about settlement issues and the lawyers present described them as private tort issues. Dr. Wilson mentioned that CDC has lost some of its funding related to lead prevention. Dr. Mitchell explained that SB 644 also doubled registration fees for properties which we hope will help MD to be better situated than other states.

Tyrone Hill (MDE fair practice officer) came into the meeting and asked if anyone was present from Coalition to End Lead Poisoning and told the representative he needed to speak with them a concern regarding their contract that should be corrected. The person present said they would look into it.

No permits have been issued for drilling in the Marcellus Shale. There are applications that have been submitted to MDE, but the Department will not be issuing permits until many questions about safety are resolved. An executive order established an Advisory Council to advise the Department on issues surrounding best practices; the Council meeting monthly in Garrett County. There are consultants looking at safe practices. Reports are due at the end of December. A bill to fund the studies did not pass. MDE and DNR are using existing resources. DNR and MGIS are looking at baseline studies. Is it possible to look at what DNR is collecting right now? Lisa will share the information that is online and if need be could have someone from MDE speak to the groups. Richard Fairbank – is industry involved in the Commission; Lisa answered yes. Dr. Wilson mentioned ATSDR also looking at the issue including what chemicals are being used, which drives what kind of monitoring to do? Part of EPA rule? Cliff mentioned that industry trying to get trade secret protections. Stephanie Cobb Williams shared information about a website called Frack-Focus which the industry would like to use as a clearinghouse. May be MCLs for some chemicals; SDWA has some exemptions. It was suggested that the two groups might submit a letter about concerns and bring exemptions to the attention of policy makers. Julian stated that we need to be careful about putting the cart before the horse since we do not know what the studies are looking at. We want to be sure to ask the right questions – need to look at air, water, land.

Power plant research fund. Could use fees from industry to monitor populations that are potentially affected. Sacoby – what about nutritional biomarkers (combination of the two might

have particular impact on children). Chemical and nutritional biomarkers. National nutritional biomarkers remark. Sorry I can't recall this part and had no written notes on this discussion.

Dr. Wilson mentioned that UMD may have funding for a center that will have biomonitoring for people who fish.

Ben Gitterman discussed a report on pediatric environmental health specialty units, a clinical resource for the U.S. Now over 10 years old. National children's study – still at risk of being zero funded. Family enrollment ongoing in Maryland.

Jed stated that he sees fracking a challenge but one with opportunities. Need to provide good advice. Ben has had collaborations with outside groups – we are very close to the legislative and academic centers in PA, which are closer to the fracking issue. Could we engage them in part of our discussion? Could we engage them in the discussion? Should engage how people are thinking about the issues (health, environmental justice). Dr. Wilson mentioned that Curtis Bay also potentially an opportunity for applying health in all policies in Curtis Bay (a primary EJ issue)?

New Business Veronika spoke about HB 1019 which corrected greenwashing of design for environment. There is opportunity for CEHPAC or MDE to address school policies that have to be developed in that schools need guidance on soaps, hand cleaners, etc. Carolyn Varney asked does it include pesticides (no). Also, new law there is requirement for environmental literacy prior to graduation.

Rebecca Ruggles mentioned that Children's Environmental Health Network will issue a report card soon.

Adjourn:

The meeting was adjourned at 11:40 am.

**The next CEJSC meeting is scheduled for June 26th at 9:30 a.m. at Baltimore, MD.**

**Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Meeting**

**June 26, 2012  
Aeris Conference Room 1800 Washington Blvd.  
Baltimore, MD**

In Attendance:

- Commissioners: Caroline Varney-Alvarado, Arabia Davis, Rebecca Rehr, Lisa Nissley, Bob Sklar, Jennifer Peterson, Calvin Ball, Dianna Myles for Senator Ferguson, and John Quinn
- Participants: Crystal Heide, Kerri Morrison, and Jenny Levin

Introductions: The meeting began with introductions of Commissioners and Participants.

Lisa updated the Commission on MDE's internal effort. A memo summarizing the MDE Internal Workgroup's work has been approved to be shared and Lisa will circulate that to the Commissioners this week. As for the guidance documents, the business document was completed for the June 11<sup>th</sup> event and next she will be working on the county outreach document. Lisa & Calvin will be meeting soon to discuss the next steps on county outreach, including outlining the document.

The first monthly call of the agencies took place on the 11<sup>th</sup>. Caroline & Lisa participated. The next call is July 9<sup>th</sup>.

Bob recapped the business event that took place on June 11<sup>th</sup> at DBED. The event went off well and the conversation was good. There were about 40-50 people in attendance; about 60% were public sector, 40% private sector. Many of the private sector people were environmental consultants. While they do influence their clients, in the future we probably want to target decision makers. Calvin asked what type of decision makers we would like to reach in the future. Bob thinks people such as investors and developers as well as those starting new businesses. In speaking to Allyson Black of the MD Chamber of Commerce after the event, she agreed that we might speak at events the Chamber has in the future, perhaps as a breakout session of a bigger event. Then we will be going to the audience rather than trying to bring them to us.

Calvin suggested we make a list of people we would like to target. There are usually a limited number of developers working in each county so we could probably come up with a list. Bob agreed that is a good idea.

Caroline asked if there is a trade organization that would be appropriate to address. Bob mentioned the Regional Management Institute, but said they rarely have events with breakout sessions. Usually, their events are large and not conducive to a discussion. He is on the list serve though and will keep an eye out for anything appropriate. We will need to circle back with Allyson & John Quinn once we have our target list.

Rebecca proposed that we work to develop our relationship with UMD School of Public Health as the response to our academic effort has been most enthusiastic from UMD. They are in the process of opening two centers on EJ issues and a lot of the issues they are considering overlap with the work of the Commission. Once we have established a relationship there, it will be easier to engage other schools, such as JHU which has also expressed an interest. Calvin agreed with Rebecca, relaying an example of other outreach he has done for the Smart Growth Commission. Once there is a good example to build off of, other schools will be more likely to work with us.

In terms of the EJ Library, Rebecca could use help to get everything online. Lisa will seek approval for an intern to work with us on the project.

There was not a report on the Title VI disciplinary team, but Lisa suggested we might address this at the retreat and decide if we have the resources right now to move forward with this project or if it should be tabled until there is more time to commit to it.

Lisa suggested that we all commit to filling out SMART forms for their respective projects for review at the retreat. From there we can evaluate and prioritize our projects.

Jennifer Bevan Dangel discussed what we would like to do for the 2013 session in terms of outreach. It was suggested by Jennifer Peterson suggested we have one or two people develop a proposal that we review at the retreat.

Follow Up from CEHPAC Meeting will also happen at the retreat in terms of our direction and priority setting.

Lisa asked for other ideas for the retreat agenda. Previously, we discussed Health Enterprise Zones as a possible topic. It looks like that could be the morning and in the afternoon we would explore our priorities and revisit our charge. Rebecca pointed out that the comments on developing HEZs are due before the retreat on the 15<sup>th</sup>. She is willing to draft comments on behalf of the Commission and circulate them for review. It was agreed this is a good idea. Rebecca also said that she liked last year's retreat activity where we went around the room and visited different topics to brainstorm ideas. She suggested we do that again with our current priorities/issues of interest.

Jenny Levin mentioned that she is part of the Environmental Health Network, an umbrella group to coordinate activity on public health policy and legislation. She suggested we might want to visit with the group at our retreat to hear about the upcoming session agenda. She also mentioned that the next meeting of the group is July 12<sup>th</sup> and she will share the details with Lisa to circulate.

On that note, Bob mentioned that he is aware of multiple overlapping groups that MDE is participating in. He asked if there is coordination on the policy. Lisa said that this happens on an executive letter.

Lisa reviewed the list of issues that will be included in the Annual Report including: standard items, our new operating techniques, advising MDE initiatives, the annual retreat, Plan MD Comments, Academic Effort (committee, Library, and Event), Business Event, EIP WTE Call, Research language in comp plans on EJ, Title VI outreach, Legislative activity, CEHPAC Meeting, and agency calls. Lisa relayed that this year it was an easy task to figure out what we would write about and recommend. She also noted that in this year's report, many of our recommendations may be embedded in the report rather than a separate section. The way we have conducted business this year lends itself to doing this more than other years. No one had additional issues to add to the list. Lisa will work on the outline and ask individuals to help with the writing.

Lisa asked if anyone had additional reports. Jennifer Peterson mentioned a report coming out from EIP regarding Air Quality in Curtis Bay. She will share that with the group soon.

Adjourn:

The meeting was adjourned at 11:40 am.

**The Commissioner's Retreat is scheduled for July 24th at 9:30 a.m. at Johns Hopkins University. Details to follow.**

**Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC)  
Meeting**

**Annual Commissioner's Retreat, July 24<sup>th</sup>, 9:30 a.m. to 3 p.m.  
Johns Hopkins University**

**In Attendance**

- Commissioners: Delora Sanchez, Lisa Nissley, Rebecca Rehr, Karen Forbes, Arabia Davis, Jennifer Peterson, Scot Spencer, Caroline Varney-Alvarado, Jennifer Bevan-Dangel, Calvin Ball, Robin Underwood, Clifford Mitchell, Andrew Fellows
- Speakers: Ben Stutz, Davis Bookhart, Marie Grant
- Participants: Nancy Servatius, Kerri Morrison, Marisa Schuler

**Introductions:**

The retreat began with introductions from everyone who was in attendance.

**Greetings: Ben Stutz, Policy Director, Office of the Lt. Governor:**

Ben Stutz greeted the Commission and spoke about the efforts of the Governor and Lieutenant Governor to reform health care and improve health care access for all Marylanders. For example, the Lt. Governor has worked on addressing the instance of crime diseases, which are more prevalent in minority communities and underserved communities. The Lt. Governor created the Maryland Health Quality and Cost Council Health Disparities Workgroup to consider ways to address health disparities and disease prevention.

The workgroup led to legislation creating Health Enterprise Zones (HEZs). The HEZ program is an innovative approach to addressing health care disparities and chronic diseases, allowing communities to come together and tell the government how they would like to use grants to address health care issues. \$4 million was approved by the legislation to create the HEZs, and the Lt. Governor's office envisions that two to four zones will be established by December. The HEZ is a three year pilot program. Applications will need to plan out how the funds will be used each year. The most successful applications will be sustainable beyond the funding. The Lt. Governor is holding public forums on HEZs. Scheduled forums included locations in Western Maryland, Baltimore City, Prince George's County, Montgomery County and the Eastern Shore. Through these forums, the Lt. Governor's Office hopes to get feedback and understand what health issues the communities are facing.



Scot Spencer asked if the intent of the public forums is to gather information to help design the application.

Ben Stutz replied yes and that the Lt. Governor's website has a mapping tool so communities can see by zip code what health issues they are facing. An example of a suggestion from the public forums was looking at the percentage of free and reduced meals as an indicator. The Lt. Governor's Office has received 50-75 written comments in addition to the public forums.

Lisa Nissley mentioned that the Commission submitted comments.

Ben Stutz thanked the Commission and offered both his and the Lt. Governor's help.

**Greetings: Davis Bookhart, Director of Sustainability, Johns Hopkins University:**

Davis Bookhart greeted the Commission and welcomed them to Johns Hopkins University (JHU). He talked about the sustainability initiatives on campus. JHU's sustainability goals include only using enough energy that can be replenished on a natural basis and generating zero waste. JHU seeks to embed sustainability into the decision making and planning of all aspects of the University.

Andrew Fellows asked if Davis knows of any other academic institutions that are leaders in sustainability.

Davis replied that the most sustainable academic institutions have really adopted sustainability and that size, prestige, or being private or public doesn't matter. For example, some community colleges have made more advances than large institutions. Sustainability has more to do with how the leadership embraces the idea. A policy can be put in place, but if people do not understand it or can't back it up, it won't be successful. An example is how JHU pushes contractors to try new sustainable technologies by sharing the risk.

Andrew asked if JHU has partnerships with the city.

Davis pointed out that he and Scot Spencer are on the Baltimore Commission on Sustainability. JHU also has a program in which students are trained to do systems audits of buildings for nonprofits. The program is in its third or fourth year.

Andrew asked if Davis is in charge of this campus or the whole university.

Davis replied that he is in charge of sustainability for the entire university, although only property that JHU owns. For example, he is not in charge of sustainability internationally.

Scot asked if JHU's sustainability efforts extend to procurement practices.

Davis replied that this is absolutely true and one of the president's top priorities is to incentivize local procurement.

Caroline Varney-Alvarado asked if JHU purchases offsets for emissions.

Davis replied no, JHU needs to make its own footprint sustainable. Purchasing offsets may be cheaper, but it says that it is okay to continue current practices instead of improving.

Jennifer Bevan-Dangel noted that she attended JHU and during her time there, there was a strong anti-sustainability culture. She asked if this has changed.

Davis noted that seven years ago when he first began working at JHU, building at LEED building was a big deal, but today it is expected. He replied that the mindset is changing, including in students. A few years ago, the environmentally active students were a distinct group, but now almost all the students have some level of environmental awareness. He sees this when his office hires interns from a wide variety of majors.

Councilman Calvin Ball noted that JHU's perspective of sustainability goes beyond the environment. He asked how JHU engages in economic development and addresses challenges in the surrounding area.

Davis admitted that up until the last ten years, JHU was probably not as good of a neighbor as it could have been. In the past, resources at JHU were available to the community, but not advertised. Now this is changing. The president is pushing to make sure all contracts are more inclusive. JHU has invested money in the Center for Social Concern, which has grown in size and gets students to work and volunteer in the community.

Calvin asked how JHU could play a role in EJ. He noted that injustices are often seen in communities with disparities.

Davis replied that the academic role of the institution can probably make the most difference. For example, the School of Public Health is trying to address issues here in city: local food, health in different populations, testing of materials and soils. JHU can take the research and put it to practical use.

Jennifer Bevan-Dangel noted that the big issue on campus when she attended was living wage. She asked if that has changed.

Davis replied that the relationship between the administration and working personnel has greatly improved.

**Presentation: Implementation of Health Enterprise Zones, Marie Grant, Director of DHMH Office of Government Affairs:**

Marie Grant greeted the Commission and introduced herself. She then presented on HEZs and the Maryland Health Improvement and Disparities Reduction Act. She explained the legislation was the result of a workgroup on the issue, and the money committed to the project by the General Assembly and the Governor shows how committed they are to this issue.

The purpose of the HEZs is to target state resources, improve health care outcomes in underserved communities and reduce health care costs. To become an HEZ, communities must: constitute a continuous geographical area; demonstrate evidence of economic disparities and poor health outcomes; be small enough for the grant to have some influence; but large enough to

measure the effects. The Department of Health and Mental Hygiene (DHMH) is encouraging applications that reflect inclusion, participation and incorporate the State Health Improvement Process (SHIP, [dhmh.maryland.gov/ship](http://dhmh.maryland.gov/ship)). In addition to grants, the legislation also sets up a framework to provide incentives to providers, which will be determined by the local organizations.

There is an internal steering committee led by the Lt. Governor and the Secretary of DHMH, with assistance from health disparities advocates, to guide implementation of the legislation. There are three stages of implementation. The first is the public comment process, which closed on Friday, July 20<sup>th</sup>. The committee will be reviewing the comments and the application process is expected to begin in November. The comments were on the suggested eligibility threshold criteria and potential incentives and benefits beyond the legislation. Marie pointed out that even though the comment period is over, the Committee is always open to feedback.

The proposed eligibility criteria suggested identifying communities by zip code (one or multiple zip codes) because it is a well defined geographic area and easy to gather data from. The suggested population is at least 5,000, and economic disadvantage is proposed to be determined by Medicaid enrollment rate and WIC participation. GIS maps on the website show a variety of health factors in different zip codes.

Jennifer Bevan-Dangel asked if anyone has studied whether the different variables such as WIC participation, zipcode, Medicaid enrollment, etc - were overlapping in a way that showed certain communities were impacted by all these factors, or if they were coming up with scattershot targeting.

Marie was not sure, but noted she observed a lot of overlap. She continued with the presentation. The proposed principles for selecting HEZs was also up for comment. The proposed principles are purpose, description of need, identifying specific diseases and measureable goals, strategies to meet goals, cultural competence of strategies, balance between community-based approaches and provider incentives, coalition, collaborations between health and community partners and a detailed management plan.

Delora Sanchez noted that it's important to consider how to get in touch with and determine who the partners should be in a coalition. At one of forums, mixers were suggested. Delora asked if there were any other strategies for getting people together to build strong coalitions.

Marie replied that yes, having mixers to bring stakeholders together is an option. Another suggestion is to contact the local health improvement coalition.

Jennifer Peterson noted that in some areas, part of the problem is that there is no coalition. She asked if there are resources to help communities through the application process.

Marie replied that once the process begins, DHMH will start putting out more information.

Calvin asked who will be reviewing the applications.

Marie replied that Community Health Resources will be looking at the applications.

Calvin expressed his concern over the communities most in need. He asked if DHMH has considered looking at every zip code and picking five that are the lowest in every health indicator category and creating HEZs in those communities.

Marie said she will take that suggestion back to the Committee. She clarified that the goal of the program is not only to identify these communities, but to have the communities develop plans. This is a pilot program and won't address all the problems in the state.

Calvin noted that before he was a councilmember he was a community organizer, and even though the community recognized the challenges, it was hard to know what to do about them. The community received a grant, part of which included instruction. He noted that those communities most in need may not have the infrastructure or skills necessary to apply for or implement the HEZs. He asked if the Committee has considered picking a few communities to help.

Marie responded that she will take those comments back to the Committee and reiterated that the goal of the program is for communities to build their own strategy, have measureable outcomes, and get started relatively quickly.

Calvin commended the HEZs, but noted that if the communities with the greatest need are targeted, health outcomes for the entire state may improve dramatically.

Marie replied that the Affordable Health Care Act addresses issues of health care access and acknowledged that there are other problems as well.

Scot referred back to the highly successful Harlem Children's Zone initiative, saying they basically set the standard for changing outcomes for a community. He stressed the need to find the communities that were most "ripe and ready" for change to make the HEZ program most effective. He suggested the development of some type of evaluation matrix to set tracking mechanisms so that the program could improve over the course of time.

Marie replied that she appreciated the comments and will take them back to the Committee.

Caroline Varney-Alvarado asked if spending the money on something that is affecting health, but is not the actual delivery of healthcare, will be acceptable, such as remediation, the location of a toxic dump, etc.

Marie explained that the legislation is pretty broad but must target a specific disease or health care disparity. If a community came forward and said remediation would be most helpful to addressing a specific disease, for example, then it would be considered. The legislation doesn't limit funds in that way.

Jennifer Bevan-Dangel asked if a tax credit would be accounted against the \$4 million.

Marie replied yes.

Marie moved onto to discuss the proposed HEZ selection principles. She discussed HEZ initiatives to address cultural competence, sustainability and collaboration with other

stakeholders. As she mentioned earlier, she spoke again about the specific incentives the grant funding included for health care providers, like dental services. When seeking feedback, Marie said they specifically asked about what other communities would like to see. She mentioned other pieces of legislation that address disparities, and concluded by giving her email address, encouraging the commissioners to send her any questions, comments or suggestions.

Andrew Fellows asked Marie to speak about cultural competence.

Marie replied that cultural competence is not a DHMH construction, but an academic and stakeholder movement. Sometimes there are health disparities because not all health care providers work well with all populations.

Andrew noted that it seems like most of the money will go to health care providers and moving those providers into areas where they are needed the most, which may not address some issues.

Marie clarified that it will up to the local community what to bring forth their issues, and that there is a lot of money available.

Rebecca Rehr further explained cultural competence. Sometimes certain cultures have eating or medical habits that are not the norm. Rather than blaming medical problems on these habits, cultural competent medical professionals understand the reason behind these habits and incorporate them into a health plan, instead of imposing western medicine on a population.

Andrew asked if that meant competency is referring to the provider rather than the community.

There was general agreement that this was true.

Andrew noted that there are communities where a lot of facilities are emitting carcinogens and focusing on the health practices of the community may be missing the whole picture.

### **Discussion: Goals and Objectives for CEJSC involvement with HEZ:**

Rebecca summarized the HEZ comments she submitted to DHMH on behalf of the Commission. The comments suggested that the HEZs incorporate environmental health with an emphasis on health disparities. By this she means the commission of course focuses on social determinants, but also the environmental determinants, like where you live and how that affects your health. The commission is working on developing some synergy between HEZ and health tracking, using maps. There were also comments on the use of zip codes and a population of at least 5,000 as eligibility requirements. Communities do not necessarily define themselves by zip code and the combination between at 5,000 people and zip codes may exclude less densely populated areas or force together zip codes that aren't a community. The comments included incorporating the EJ framework into the HEZ framework. Rebecca noted that it is encouraging that the funds can be used towards something other than bringing in physicians, like developing a community center or grocery store. She believes that incorporating environmental health initiatives will make the health enterprise zones more efficient

Marie noted that one of the proposed principles for evaluation is a balance between incentives. HEZs aren't just about providers, they're about using whatever strategies the community thinks will improve health outcomes, like community gardens.

Rebecca asked if the Committee is looking for any overlap with that program (doesn't name program). She also asked if applications that included a group of 5,000 within a zip code would be accepted.

Marie replied that the zip code and 5,000 minimum population were both up for comment, so after review the Committee would see if they make sense.

Rebecca asked if the Committee considered using the census tract for eligibility.

Marie replied that they did look at census track, but the zip codes seemed to make sense since they are better geographically defined and data is more readily available.

Rebecca noted that there is a lot of criticism of using zip codes since they are a postal designation, but also noted that people do not generally know what census track they live in.

Scot noted that the City has community statistical areas.

Calvin asked Marie to comment more on how health data, such as low birth weight data, is being used to identify HEZ.

Marie replied that they planned to float the threshold eligibility criteria. Criteria would be for economic disadvantage, like WIC numbers, and poor health outcomes, like low birth weight. She said that these should be the thresholds of what a zone should be. They start to define the geographic areas. But she points out that those are floating criteria.

Calvin posed a hypothetical applicant pool of 10 communities that are in relatively good economic shape. He asked if the Committee would say that none of those communities meets the minimum threshold or choose the five communities with the most economic disadvantage out of those 10. He noted that the thresholds seemed relevant to who applies.

Marie replied that the Committee is proposing that communities must meet a minimum economic threshold to apply. If an area in good shape applies, the Committee wouldn't consider the application.

Calvin noted that they may not receive enough applications.

Marie said She said the goal of the eligibility criteria is to screen out the wealthiest communities, but also be loose enough to allow broader areas of economic variability to apply.

Calvin asked what would happen if the community was wrong in what they are proposing, like destroying a hospital because the community doesn't want to be near sick people. He noted his experiences with communities that come up with bad solutions, get tunnel vision, or refuse to introduce something that could be helpful.

Marie replied that in the evaluation criteria, the Committee will be looking to make sure the strategies fit the outcomes. This is not to forestall innovation, but to make sure the strategies make sense. She thought that if there is a lot of stakeholder buy in, there will be appropriate solutions.

Calvin noted that he hopes DHMH will offer suggestions to the communities.

Andy noted that he hopes the state develops a response to the communities that do not receive funding, following up on all the applicants.

Scot noted how the HEZs are trying to stretch the traditional approach to health outcomes by recognizing other solutions such as parks, green spaces and cleaner running buses. Also, partnerships could extend beyond the traditional health agency route into planning departments, transportation agencies, and others to solve a community-identified issue.

Marie commented that thinking big about public health is what we're going to see.

Scot pointed out that Marie mentioned an internal steering committee that will function to guide the applicants. He asked who will monitor this program over time.

Marie said she believes there will be an annual report requirement in addition to a final report, but she would get back to the Commission with a definitive answer. She said that the Committee hopes that the applicants will provide plans for evaluation, monitoring and reporting, as required in the application. She asked if the Commission would like to stay involved in this process.

Andy hoped that it will be kept in mind to involve the Commission, particularly during the application process and potential follow up on communities that are not funded.

Marie said she would take those comments back.

Jennifer Peterson asked if there will be an opportunity for comment once the communities are selected. She noted that some of the criteria are objective.

Marie said she would get back to the Commission about that issue. She knows there will be a report to the General Assembly on the applicants, but she wasn't sure if there is a public comment period.

Jennifer Bevan-Dangel commented that public commenting could become a political issue depending on which locations are chosen. She suggested opening the selected communities to suggestion and having a small group recommend the comments.

Jennifer Peterson noted that it depends on the communities chosen.

Rebecca suggested publishing the applications so that the ideas one community generates could be used by other communities.

Rebecca noted that if one community comes up with a plan, other communities shouldn't be deprived of using that plan.

Calvin commented the Howard County Council will sometimes reject applications that repeat each year in favor of innovative plans.

Marisa Schuler of MDE asked how the Committee is deciding the allocation of funds over the three years.

Marie clarified that the \$4 million the program was given by the General Assembly is for FY 2013. The money will be split between two to four communities and how the money is split will depend on the plans put forward.

Andy asked if there could potentially be \$4 million each year for the program.

Karen asked if there will be new applications and new communities chosen each year.

Marie replied no, additional funds will be reinvested in the same communities.

Caroline asked if the plans will have to take into account funding fluctuations.

Delora commented that the same question came up at one of the forums. If a community is awarded the grant money, they will have to create a sustainable plan for the out years in which funding won't be available. The communities will also have to factor in things such as loan repayment as part of the application.

Scot commented that a federal program, Strong City Strong Communities, decided the best method of community development was to provide teams of federal agency personnel to work with the communities, "hand in glove." He asked if working with state agencies would be a potential benefit for an HEZ. He believes that it's not an issue of funding, it's using the expertise that already exist in the agency to help face policy and regulatory barriers that money alone won't be able to solve.

Marie replied that this is a great suggestion for the additional benefits the state can provide.

Scot wrapped up by saying that the Commission would like to work with Marie and her agency down the road. He said everyone would definitely like to commit to working in partnership to help fulfill the agenda.

Robin echoed that MDOT would help with an initiative like this.

### **Review: CEJSC Rules of Engagement & Review of the Commission's Charge:**

Scot commented that making recommendations on and discussing the HEZs fulfills Parts 1 and 2 of the Commission's charge. The Commission has also been working with CEHPAC, which is another part of the charge. He noted that there is the potential for conflict during the Commission's proceedings and that the Commissioners should be respectful of each other. He also suggested that the Commissioners should come prepared with research and a solution, not just an identification of the problem.



### **Review: CEJSC Annual Report:**

Lisa provided a summary of what will be included in the Annual Report. The report will include the new operating techniques used by the Commission to be more efficient and what the Commission has accomplished in the last year. These accomplishments are: advising MDE on outreach, commenting on PlanMaryland, efforts to reach out to the community, meeting with CEHPAC, online calls on the Waste Energy Report, offline agency coordination, including EJ language in comp plans, presentations on Title VI and discussion of legislation. Lisa noted the list includes more substantive actions than in past years and the annual report should be done by the end of the first week of August.

Scot noted that working with academic institutions has been a great stride forward and an example of the Commission's expanding network. He commented that the work Rebecca is doing with Dr. Wilson could be considered the intelligence and operational arm of the Commission. He noted they are providing data to help the Commission be more informed in the policy and practice recommendations.

### **Presentation: Commissions as an Effective Way to Move Environmental Justice Forward on the State Level, Rebecca Rehr, CEJSC Member:**

Rebecca summarized the paper she is writing for publication on environmental justice commissions at the state level. The purpose of her paper is to inform the work the CEJSC does so that she can present the framework of the Commission to other states, so they can form similar ones. She thanked all the Commissioners that participated in her work for the paper. Rebecca commented that any new information discussed at the retreat would be included in the paper. Rebecca then discussed the results of the paper. Most of the Commissioners had similar responses to her interview questions, which Rebecca noted meant everyone is on the same page. For example, many of the Commissioners said the business and academic outreaches were very successful, but almost none of the Commissioners were satisfied with the current flow of the Commission, thinking it could change for the better.

Rebecca noted that her results show that participating in the Commission has been a good experience for each Commissioner, but their charge is not to educate the Commissioners. The Commission does a good job communicating amongst its members, but perhaps falls short in following up. She said EJ Commissioners may be sharing with select people at work, but it is necessary to expand the Commission's network to inform more people. Common suggestions were setting priorities for each year, selecting annual themes complete with three action items and submitting more comments. Rebecca concluded that the structure of the Commission allows the Commissioners to talk about a variety of issues, but that means that less gets done, especially considering that everyone is volunteering here and has full time jobs. She suggested that with a more targeted approach, picking a charge, the Commission could be more effective.

Robin commented that the Commission could get suggestions from similar Commissions in other states. Robin also commented that since some of the Commissioners represent state agencies, if the Secretary of an agency doesn't sign off on a comment, the Commissioner would not be able to participate.

Jennifer Peterson noted that the Commission doesn't submit any comments until everyone agrees to them.

Scot noted that in the past, the Commission doesn't take a position on bills, it only points out gaps in Environmental Justice. The Commission is used as an advocacy opportunity.

Jennifer Peterson asked if all the Commissioners have to agree on a comment for it to be submitted.

Scot replied that the Commission has not done any voting, but has also not supported or opposed any legislation. He said that sometimes comments are submitted by smaller groups of Commissioners, and that he himself has done it before.

Andy noted that he's never brought anything before the city on behalf of the group, and that it's different for each Commissioner.

Lisa noted that she felt a little differently than Robin, but that this probably reflects the differences between state agencies. She commented that MDE doesn't have as many conflicting opinions because it is a smaller agency and its mission is more conducive to agreement. She's never been told "no" concerning EJ issues.

Calvin noted that lately his focus has been on budgetary issues and not EJ.

Andy commented that the legislative members of the Commission, Delegate Bobo and Senator Ferguson, could potentially be legislative leaders on environmental justice.

Lisa said the Commission provided more testimony on legislative matters in other years. The testimony given by the Commission in past years reflected the conversations of the Commission and wasn't controversial. The testimony pointed out how incorporating environmental justice could improve legislation.

Calvin suggested giving more testimony like this.

Scot noted that this past year, the Commission made a decision not to testify.

Lisa noted that in the brainstorming session later, legislation would be one of the topics.

Andy noted that there has been little progress so far in identifying and measuring progress in specific communities, but the HEZ legislation could help. Andy commented that the Commission had begun a process to identify EJ communities and asked what happened with that, especially considering the objective criteria is so useful.

Rebecca said the only person who had responded was Dr. Dabney. She said that when the Commission was new, there were working groups that came up with some criteria, but that it got folded into the environmental health and tracking network. She said the issue goes with the previously discussed one about the Commissioner's lack of follow up: there was a lot of enthusiasm, but the criteria didn't end up in any sort of sustainable program within the Commission.

Andy asked why that happened. Did the Commission decide that project would be too difficult, or that the Commission wasn't the right vehicle for the project? He noted that the Commission did put a lot of effort into it.

Calvin agreed and noted that at his first few meetings as a Commissioner, there were community leaders at the meetings, scheduled on the agenda.

Jennifer Bevan-Dangel noted that she remembered the community interaction was driving the Commission away from its mission and the project. She said that making maps and identifying communities wouldn't qualify as a role of the Commission.

Lisa noted that Jennifer and Calvin started attending when the Commission was looking into the Environmental Benefits Districts and members from each EBD had been invited to speak at the meetings. Also, there is currently a community member vacancy. Dick, not able to attend today, holds one community seat. Lisa commented that the vacancy needs to be filled.

Andy commented that community involvement should be a part of what the Commission addresses, especially when communities seek guidance. He noted that it seems worth exploring and that the Commission should follow up with the HEZ legislation to identify communities that need support.

Jennifer Peterson noted that it would be helpful to work with Dr. Wilson at the UMD School of Public Health and can inform the Commission on data and metrics.

Lisa commented that this is why expanding the network is important and building relationships is more of a priority than action items. Building relationships is the action item, rather than trying to fix problems the Commission doesn't have the capacity to address.

Rebecca commented that if there is a project the Commission cannot do but wants to see happen, expanding their network can inform others. Owning data would also give the Commission's comments more teeth, especially when targeting portions of legislation based on a data sheet.

Andy brought up an idea about working with universities to identify where their waste is sent and make partnerships so there is financial incentive to reduce waste and mitigate impacts for receiving communities.

*The Commission breaks for lunch.*

### **Brainstorming: Ideas for Action Items:**

Lisa explained how this part of the day was organized. There were five topics for brainstorming: Guiding Local Governments, Guiding Agencies, Coordinating with CEHPAC, Expanding the Network, and Legislative Involvement. There was a notepad for each topic and the Commissioners went around to each notepad and wrote down ideas.

Karen asked if this process worked last year.

Lisa replied yes, most of the ideas for the work this past year came from the retreat.

Arabia asked about the SMART forms.

Lisa replied that those would be completed after the brainstorming session. She noted it is important to think about the Commission's goals and what the Commission has been working on, and decide what is most important.

Cliff Mitchell asked if the Commission has discussed whether agencies are making significant strides. He noted that MDE is because of initiatives by the EPA and the administration, but in other agencies engagement may be more difficult. However, engagement in other agencies could have a greater yield. He asked whether the Commission should continue focusing on agencies that are making strides in EJ or focus on agencies that have had less progress.

Karen commented that the Commission should assess if MDE has made strides and how, and then determine if those methods are applicable to other agencies.

Cliff commented that it is clear MDE has made strides and those strides haven't had anything to do with funding. He clarified that he is asking whether or not the Commission has a strategy for where its efforts will do the most good.

Robin commented that this is where the Commission was headed last year with Title VI. She noted that DOT has at least three different proposals dealing with Title VI and EJ.

Lisa commented that this is the same vein as building on the Commission's successes and relationships.

Cliff commented that he is not coming down on either side, but it may be more useful to help agencies that have less EJ incorporation.

**Discussion: Priority Setting & Updating the Problem/Solution Statement: Moving Toward a More Environmentally Just Maryland:**

See attached document for list of brainstorming ideas.

Cliff noted that the Commission has talked a lot about decisions made at the level of local government, but the Commission does not have a process for communicating with local governments. He suggested identifying a region or community and having a sustained engagement. He noted that the Eastern Shore would be a good place for this because so much of the decision making there is local. The Commission could engage local communities there as a pilot or demonstration. Cliff noted that it has been difficult trying to break through at the agency level and that the Commission discusses zoning and decision making, which is at the local level.

Caroline noted that Cliff's suggestion reminds her of federal programs that are going directly to the locals.

Karen commented that Maryland has something similar connecting the state with locals. For example, circuit riders address issues multiple communities have in common. She suggested outreach to the community through resources that do not cost money.

Lisa noted that it may be helpful to look at the Commission's charge during the discussion. For example, making recommendations has been one of the things the Commission has been most successful with this year and it's a main part of the charge.

Jennifer Peterson suggested identifying communities in need, which is within the Commission's charge and then the Commission can assess whether or not it's within the charge to provide additional resources.

Delora suggested keeping track of the Commission's recommendations and whether or not they're implemented and why. She also suggested facilitating a collaborative relationship with the Governor's Office.

Lisa suggested rather than the Commission taking on the burden of Cliff's idea, the Commission could give the state and local governments recommendations for implementing the plan. Lisa noted she has a rough idea of how to do outreach to local governments, but support is needed. Working on outreach with Arabia could be more efficient.

### ***Legislative Involvement:***

Scot suggested that the legislative members of the Commissioner could be legislative champions for EJ.

Delora noted that it would be helpful to give EJ legislative champions a path.

Scot and Delora also suggested working with Delegate Mary Washington on EJ legislation.

Jennifer Peterson commented that the Commission gets update on bills, but there doesn't seem to be enough time to submit comments.

Lisa noted that getting feedback on legislation is difficult sometimes due to quick turnaround times and not worth the effort if there's not enough feedback.

Jennifer Bevan-Dangel suggested sitting down with the environmental leadership before December and look for EJ opportunities, then choose three things to focus on.

Delora noted that these meetings would better for the Commission in its role than testifying on bills. She suggested presenting to the Black Caucus during their November meeting and that the Commission provides similar groups educational tools, so they can learn how EJ affects their initiatives.

Lisa commented that this should happen sooner rather than later; especially since "justice" is included in their title this year.

Scot noted that the Commission exists by statute because of the Black Caucus, and meeting with them could remind the representatives of their role in the Commission's continuing existence. Scot suggested that members of the Commission take a leadership role in issues they want to see addressed. He asked if there is a mechanism by which the Commission could get around the issues with the Departments and get the breadth of EJ out there.

Delora thought this could be done. The Commission has to be careful concerning positions and it may not be feasible for the Commission to give testimony, but going to a legislator and pointing out EJ issues could make legislators view the Commission as a resource.

Jennifer Peterson commented that the Commission doesn't need to take positions to be useful and looking at EJ issues in legislation could be useful.

Scot asked if a workgroup could be formed to work on this.

There was general consensus for the idea.

### ***Guiding Agencies***

Andy commented on the suggestion to review existing laws and policies. He noted that at one point a Senator asked the Commission to help craft EJ legislation. The Commission never took a position and only provided information, but the bill ran into the problem of which communities would be applicable and then the Senator was not re-elected. The value in that was that there was an interested legislator, but the problem was the administration did not support the legislation, and so it didn't have the full force of the Commission. He asked how the Commission can raise these issues without challenging the agencies. He suggested talking to legislators and providing information without taking a position. For example, there is now law concerning aggregate impacts, which would really benefit communities.

Delora mentioned that this was a suggestion at last year's retreat and commented that there is no specific EJ law. She suggested looking back at last year's minutes. Delora also mentioned a website the Governor created after session to identify issues and asked what happened with that website.

Lisa thought that they were still taking suggestions.

Delora mentions that right after session last year, the governor's office created that website for reviewing different ideas.

Jennifer Bevan-Dangel mentioned the MDP FastTrack.

Arabia thought they were working with the Montgomery County realtors and the program is streamlining and working with local governments to come up with a timeline, but there's not a consensus on what's going to happen.

Jennifer Peterson asked Delora if she was suggesting the agencies review their own laws and polices on how they address EJ.

Delora clarified she was just expanding on one of the brainstorming suggestions. She commented that the Commission's job would be to identify which policies are needed and what can be improved. She noted that the website is very informal

Lisa clarified that this was the legislative reform effort, which is different from FastTrack.

Delora noted that it could be found on the Governor's website.

Arabia asked how agencies would be asked to do this from an EJ perspective; what criteria would be used?

Delora noted that it probably wouldn't be called "Environmental Justice" because it's different for each agency. More likely, it would include something like environmental impact on communities, regulations on dumping or pollution, particularly in areas with certain socioeconomic factors.

Arabia commented that when the Commission was looking at PlanMaryland, there was a lot of feedback. EJ language was initially incorporated but after it was vetted, the references were removed. She was told it was up to the agencies. She mentioned that she is talking to the Department Secretary and Deputy Secretary about the environmental assessment form and incorporating EJ. She said if the Commission can really push and support this, she can begin to schedule meetings with locals and with agencies.

Robin mentioned that Maryland does not have an EJ regulation and other states have EJ and Title VI regulations.

#### ***Coordinating with CEHPAC:***

Lisa suggested appointing one person from the Commission and one person from CEHPAC to attend the meetings of the other group.

Scot commented that he thought Vernice Miller-Travis was attending the meetings.

Lisa replied that she was not aware of this and asked Nancy Servatius if she would be willing and able.

Nancy commented that she already attends the meetings and could fill that role.

Lisa suggested she look for issues in which CEHPAC and the Commission are like-minded or there is an overlap in interest.

#### ***Guiding Local Governments:***

Lisa commented that something MDE has wanted to do is outreach through MACo and the agencies should work on that to relieve the burden on the Commission.

Nancy asked if the Commission ever considered doing a booth or presentation to MACo.

Lisa wasn't sure if the Commission was at that point yet, but noted that MACo is open to it. Lisa commented that she would need help if she were to do it through MDE.

Andy commented that he would talk to someone about how the leaders of MACo can reach out and interact with the Commission in a way in which the organization doesn't feel like the state is telling them what to do.

Jennifer Bevan-Dangel suggested first starting the discussion and coordinating.

Robin commented that she hasn't gotten Title VI off the ground yet, but she will have a new employee soon, which will give her more time to work on it.

***Expanding the Network:***

Scot noted that academic outreach to UMD can give the Commission data. He commented that the Commission should figure out the partnership better and how to make the best use of both the Commission and the university.

Rebecca suggested meeting with Dr. Wilson and his team around the time the Commission is creating the legislative agenda ask what he has that will help. She noted that it is important to establish the relationship in a more formal way, similar to how the Commission approaches legislators, so Dr. Wilson knows when he will meet with the Commission and can prepare material.

Karen commented that it is important to think more broadly about the Commission's relationships with other universities throughout the state. The Commission has the resources and if students are involved, the Commission won't have to work as hard to get Commissioners.

Rebecca agreed, stating the Commission should capitalize on academic requirements and tap into that resource.

Lisa suggested relationship building as a theme for the year.

Rebecca suggested coming up with concrete ideas for student projects.

Delora mentioned the UMD Law and Perdue issue, noting that the Commission should be careful about this.

Rebecca agreed and said having a list of suggestions could be useful, and reaching out to other schools and programs, such as public policy.

Andy suggested asking the Congressional Black Caucus about advocates for communities of color that the Commission could reach out to.

Jennifer Bevan-Dangel noted that this is why she thought of reaching out to faith-based umbrella groups.



Lisa summarized that the theme of relationship building would be with business, planning/county, legislators, the academic community, community building, CEHPAC and Title VI.

Jennifer Bevan-Dangel commented that last year the Commission identified what it wanted to get done and the capacity limitations and this year can work on the relationships to get them done.

### **SMART Forms:**

Lisa then coordinated who would be responsible for the SMART forms and leadership of each topic. Cliff and Nancy are working on CEHPAC; Karen, Scot and Rebecca will work on academic outreach; and Lisa, Jennifer Bevan-Dangel, Jennifer Peterson and Delora will work on legislation.

Rebecca asked if the Commission could plan an e-meeting for the 28<sup>th</sup>, when the Commission would have met in August.

An e-meeting on the 28<sup>th</sup> was agreed upon. Lisa asked everyone to turn in the SMART forms by Friday, August 24 and she will send them out in the weekly email.

### **Other News, Closing Thoughts & Comments:**

Jennifer Peterson discussed her group's work with Lisa and Deputy Secretary Kathy Kinsey at MDE on a white paper on authority to address EJ considerations. They are in preliminary talks with Dr. Wilson to propose solutions and ways to implement an analysis of cumulative impacts in permitting decisions. This is difficult because there is no model that takes these considerations into account. She noted that they are in the beginning stages of drafting the white paper, and she would like to share it with the Commission and get feedback.

Robin noted that NEJAC is meeting today and would probably discuss that.

Cliff commented that it would be interesting to get an inventory of projects looking at health impacts as a part of the permitting process. He noted there is at least one such project that UMD is doing in Prince George's County looking at new hospitals and health planning. He also noted that Montgomery County is dealing with the Costco gasoline station. He commented that MDE does not look at how health assessments can help facilitate community engagement and local decision making, and this could be helpful.

Andy asked Cliff if he thought the HEZ legislation is going to be a part of a continuing health development.

Cliff noted that HEZ is the latest example of how health plays a role in the decision making process.

Scot mentioned that DOT approved \$40 million to rebuild the Kirk Avenue bus depot. He commented that the community did not want the bus depot to leave, just a better facility in the community.

Andy noted that it might be good to have Glen come in to talk about the victory.

Robin noted that not everyone in the community views it as a victory; some people did not want the bus depot there at all.

Scot commented that he is working with the Sustainable Communities region, and there's a request for proposals for demonstration projects. He noted the Commission might want to pay attention to the beginning of the engagement process around Sustainable Communities. The goal of the SEI workgroup is to measure that at least 1% of the region, or 26,000 people, have been touched by the engagement process. He commented that it is a lot to do in three years and he will keep the Commission updated. He also noted that the staff is starting to think about incorporating EJ. He thanked the Commissioners for attending and thanked Lisa for her work on the retreat.

### Adjourn

**The next CEJSC meeting is scheduled for September 25<sup>th</sup> at Montgomery Park.**

## **Maryland Commission on Environmental Justice & Sustainable Communities (CEJSC) Meeting**

**September 25, 2012, 9:30a, Baltimore, MD**

### **In Attendance:**

- Commissioners: Elaine McCubbin, Dick Fairbanks, Nancy Servatius for Cliff Mitchell, Jennifer Peterson, Caroline Varney-Alvarado, Karen Forbes, Calvin Ball, Lisa Nissley, Vernice Miller-Travis, John Quinn, and Rebecca Rehr (by phone)
- Participants: Richard Allen, Crystal Heide, Kimberly Armstrong

### **Introductions:**

The meeting began with introductions from all participants. Elaine McCubbin explained that due to reorganization at the Department of Business & Economic Development, she would be representing the agency at CEJSC meetings from now on, rather than Bob Sklar. They have worked together for several years.

Lisa recapped the July Commissioners Retreat. At the retreat, the members set a 2012-2013 theme for CEJSC: Outreach and Relationship Building. The focus will be on network and relationship building over the next year in order to broaden the number of people thinking about EJ issues and applying it to public policy in the State of Maryland. The Commission set four priority areas including business outreach, planning and county outreach, legislative outreach, and academic community outreach. Smaller scale outreach will be done to coordinate efforts on Title VI and with CEHPAC.

Lisa also explained the June 11<sup>th</sup> business event the Commission worked on for to inform people new to CEJSC Meetings. The event brought together about 40 people to discuss issues of EJ and business. Delegate Mary Washington spoke and the key note speaker was Sue Brigham of Waste Management. In follow up discussions, the Commissioners have decided that it would be a good idea to go to other Chamber events where there may be opportunities to speak, rather than asking people to come to us. Next steps would include discussing with John Quinn what events it may be appropriate for us to participate in.

Vernice commented that she thinks exposure to the issue is very important and it is great to engage the Chamber in order to build relationships and get information out there.

Dick commented that this sort of interaction can raise awareness for potential problems and that acting in advance can be in business' best interest as well as the best interest of the community.

Elaine believes that the Chamber is a good organization to work with because it stands on its own outside of any one issue whereas other well intentioned groups can fall apart when one person leads them without support.

Vernice mentioned the good work that John Quinn and Jennifer Peterson had done to help a community where there was a CCB permit application. This is an example of business being proactive and there being a better outcome for the community. Jennifer further described the process where they worked with the Curtis Bay community and Constellation to include additional parameters for increased monitoring as well as long term monitoring, clean up plans, triggers for resampling, etc in the permit.

Vernice said that Sue Brigham is a good person to relate messages like this one because of her own experiences at Waste Management.

Lisa mentioned again that the next step is to have a conversation with John Quinn and John Kotoski so they we can move forward.

Karen talked about the meeting in August several members had with Dr. Wilson regarding CEEJH. There are students on the ground in Prince George's and Montgomery Counties. Karen things there are many opportunities to use CEEJH as a resource and a partner to further community outreach efforts. Also, surrounding legislative efforts, she mentioned that there is a need for supporting data sometimes and CEEJH may be able to use students to help with that. Dr. Wilson was going to call into the meeting, but was not able to. Karen will reschedule with him.

Dick commented that there are a lot of good thoughts and ideas for collaboration. Dr. Wilson seems to be doing impressive work.

Karen said she could see this growing to other colleges and universities as we develop projects.

Vernice thought we could build on other relationships such as JHU, Morgan, and UB. Suggested we might use work in South Carolina which community was engaged in legislation. An EPA grant was involved and so was Dr. Wilson; we might want to hear more from him about doing this sort of thing here.

Elaine mentioned Johns Hopkins School of Public Health as a potential partner given their involvement in the community.

Nancy updated on CEHPAC. They are currently involved with tanning bed hearings and use by teens. There are no proposed regulations right now; though they are looking to make sure what is in place is protective enough. The next big issue they are looking at is pesticides and there is a conference coming up on that. West Nile is also a current concern.

Jennifer described the discussions surrounding relationship building during the legislative session. We have been discussing how we can best be involved given the fast paced nature of session, how can we add value. We discussed briefing key stakeholders with the goal of informing them so they can identify EJ issues when they see them. We want to be involved more as a resource, rather than on a specific bill.

We also discussed the SMART form we had developed and Lisa mentioned some points to add such as legal/ethics issues, suggesting that December's special topic meeting focus on session, and meeting with advocates on their priorities. Lisa will update the SMART form.

Calvin mentioned that we may want to develop key individuals we want to be in touch with and reach out to our legislative members too. Also, what committees to individuals sit on and can our legislators help us reach out to other members.

Vernice suggested we look into what hot issues will be by communicating with state agencies. She has learned early and often is a good way to communicate about legislation.

Richard mentioned that we should communicate with the Black Caucus, particularly about any MBE issues.

Lisa asked if there were other issues on their mind. Vernice answered the permitting process.

Calvin suggested that we need to be thoughtful about legislations and who they have relationships with, or maybe don't have relationships with. Lisa agreed and said they have begun to do that.

Vernice commented that EJ is in need of a legislative champion and that we really need legislators to participate in our own meetings and discussions.

Vernice spoke about how Title VI is a hot topic at the Federal level right now. She would suggest that our next steps include a briefing with key state agencies about what their obligations are under Title VI.

Planning and Counties Outreach was postponed to the next meeting.

**Other Business:**

Nancy mentioned the intermodal sites and that Baltimore City has asked for a city site. She mentioned we could invite Ruth Lindberg who is in charge of doing the Health Impact Assessment (HIA) regarding the Inter-modal rail project. Lisa will follow up.

Kim asked if we are working with EJ Partnerships. Vernice answered, yes, indirectly through our Chair, Scot Spencer.

Vernice mentioned that she has been facilitating a conversation in Mississippi on a Superfund site and since it meets on Monday nights, she has missed several meetings or only be available by phone because of the travel. She mentioned she would like to share a NEJAC document on permitting and would send that to Lisa.

### **Adjourn**

**The next CEJSC meeting is scheduled for October 23, 2012 at Montgomery Park, Baltimore, MD.**

## **9 Appendix D – Letters of Support Submitted by CEJSC**

National Center on Minority Health and Health Disparities  
National Institutes of Health  
6707 Democracy Boulevard, Suite 800  
Bethesda, MD 20892-5465

To Whom It May Concern:

On behalf of the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC), I am pleased to support Dr. Sacoby Wilson's team at the University of Maryland-College Park School of Public Health and their research proposal to eliminate environmental health disparities in Maryland entitled "Elimination of Environmental Health Disparities in Maryland." For more than a decade, the CEJSC has been working towards achieving environmental justice for Maryland residents. The CEJSC was established in 2001 by an executive order, then codified into law in 2003. Legislation in 2010 expanded the CEJSC so it now has 20 members, including the heads of 6 state departments. Since its establishment, the CEJSC has been tasked with the following:

- Advise State government agencies on environmental justice
- Analyze the effectiveness of State and local government laws and policies to address issues of environmental justice and sustainable communities
- Coordinate with the Children's Environmental Health and Protection Advisory Council on the issues of environmental justice and sustainable communities
- Develop criteria to assess what communities in Maryland may be experiencing environmental justice issues
- Recommend options for addressing environmental justice to the Governor and the General Assembly; include prioritized areas of the State that need immediate attention

One of the ongoing discussions we have as a Commission is how to identify communities in Maryland that are disproportionately burdened by environmental hazards. Dr. Wilson's team

will contribute to this mission and will help us improve the indicators we have used to identify these communities. Their project truly integrates the concepts of environmental justice and sustainable communities by emphasizing the built and social environments as determinants of health, something we strive to do as a Commission. We will help with these efforts by providing any institutional expertise we can and any future testimony on legislation that results from this project. I look forward to working with Dr. Wilson's team.

Sincerely,



Scot Spencer  
Chair, Maryland Commission on Environmental Justice and Sustainable Communities

### 10 Appendix E – SMART Form

#### Commission for Environmental Justice and Sustainable Communities Project Progress Report (SMART Form)

Project Name: \_\_\_\_\_ Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

Project Leader(s): \_\_\_\_\_ Project Team: \_\_\_\_\_

Project Stakeholders: \_\_\_\_\_

Project Objectives: \_\_\_\_\_

Current Phase of Project:

- Research       Planning       Implementation       Closing

Steps to Reaching Next Phase:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Most Recent Benchmark: \_\_\_\_\_  
\_\_\_\_\_

Date this was achieved: \_\_\_\_\_

Upcoming Benchmark: \_\_\_\_\_  
\_\_\_\_\_

Date this will be achieved: \_\_\_\_\_

Steps to Achieving the Next Benchmark:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_