

**Maryland Commission on Environmental Justice & Sustainable Communities
(CEJSC) Meeting
March 25th, 9:30 a.m. - 11:30 a.m.
Howard County Delegation Room 218
House Office Building (HOB)
6 Bladen St.
Annapolis, MD 21401**

In Attendance

- Commissioners: Cliff Mitchell, John Quinn, Lisa Nissley, Calvin Ball, Larissa Johnson, Ann Goldscher (for Delegate Bobo), Laurence Polsky, Andy Fellows, Vernice Miller-Travis, Arabia Davis, Benoy Thomas
- Participants: Megan Ulrich, Stephanie Cobb-Williams, Richard Allen

Introductions: Everyone at the meeting introduced themselves.

Business Outreach Update

John Quinn said he did not have any updates.

Lisa Nissley said that the EJ language has been inserted into MDE's air permits. MDE previously surveyed other permits that could include EJ language on community outreach. MDE is currently reviewing the other Administrations' permitting forms to assess where EJ language might be added to those permitting forms.

John recommended holding conference calls related to legislation, such as the one that was scheduled on SB 56/HB 240, closer to the beginning of the Legislative Session.

Academic Community

Benoy Thomas asked if he could get a copy of the MDE EJ internship proposal.

Megan Ulrich said she would send it to him.

Legislative Outreach

Calvin Ball asked if anyone had any legislative outreach updates.

Vernice Miller-Travis asked why the CEJSC was not informed of MDE's position on HB 1210. She said that in the ten years since she has been on the CEJSC, MDE has not supported any environmental legislation.

Lisa Nissley explained the legislative process for executive agencies and said that MDE didn't oppose HB 1210, but that the Department is not allowed to support any bill with a fiscal note. She noted that the bill has been introduced 3 other times and this position was consistent with previous years. Lisa also asked Stephanie Cobb-Williams to explain the legal process that MDE undertakes on every bill.

Stephanie said that there is no legal obligation for MDE to discuss its position on legislation with the CEJSC. She also asked if Vernice meant that the Department had not supported any environmental justice legislation in the past ten years, because the Department has supported a lot of environmental legislation over the past ten years.

Vernice said that Stephanie was correct; she meant to say environmental justice legislation.

Stephanie said that there are many reasons why MDE may not be able to support certain legislation, such as the bill may not be legally sufficient or there may not be adequate agency resources to implement the legislation.

Calvin said maybe we can find ways to improve communication between the CEJSC and MDE. MDE can send the CEJSC its position statements.

Vernice said that she feels like the CEJSC has no impact on what MDE does.

Stephanie said that the perception of the public and the legislature of the CEJSC's duties may be different than what is actually listed in the CEJSC's statutory charge.

Larry Polsky said that a more fruitful approach may be for the CEJSC to give information to a few key people at each agency who make the legislative decisions for the agency.

Larissa said it might also make sense for the Commissioners to reach out to MDE to ask for MDE's thoughts on the legislation and notify them if they intend on testifying. This would encourage open communication. Lisa mentioned that sometimes the Department's testimony or position is not final until the day of, but that she can share past position statements as a good indication of what to expect.

Andy Fellows asked if the CEJSC was discussing SB 706 and said that the environmental community supports the bill and wants to expand it and make it a priority for next year.

Vernice asked to discuss SB 706 in the interim so that legislation could possibly be introduced again next year.

Andy said that the pesticides bill is moving forward and that it might address some EJ concerns.

County Outreach

Arabia Davis said that she and Lisa and Megan have been discussing the Planning Director's Meeting. She said that they are waiting to hear back from Calvin on what dates in June he is available to speak at the meeting. She also said that she thought that the CEJSC could potentially coordinate an event with the Smart Growth Commission.

Calvin said maybe we can set-up a conference call.

Arabia also mentioned that MDP is doing a staff educational series on homeless youth. She said that David Whitaker may be contacting Calvin in the next few weeks about it.

Richard Allen asked Calvin or Andy or Vernice to come speak about EJ at DNR.

Andy asked if the CEJSC had done any follow-up with Prince George's County after the December meeting.

Calvin asked Megan if she had done anything.

Megan said she has been corresponding with Dawn Hawkins-Nixon, the Acting Associate Director of the Sustainable Initiatives Division of the Prince George's County Department of Environmental Resources who gave the presentation in December. She said that Dawn has also been attending CEJSC meetings.

Calvin said it would be a good idea to reach out to the other counties who have Departments of the Environment. He said the CEJSC could draft something and send it out to them. The CEJSC could build on its EJ-101 document, include information on other recent efforts, explain what the CEJSC does and what goals the Commission has.

Cliff said it might also make sense to reach out to the Environmental Health Directors.

Calvin said that since we have a quorum he would like to discuss approval of the minutes from October-February.

Andy Fellows had a change to the November minutes.

John Quinn made a motion to accept all of the minutes.

Andy Fellows seconded the approval of the minutes.

Title VI

Calvin asked Megan to give an update on the Title VI letter.

Megan said that Robin has done a lot of work on the letter. Robin also addressed some comments and questions via email; however, those comments were not incorporated into the letter itself. The last paragraph of the letter is still unclear regarding the intent of the Title VI interdisciplinary team.

Vernice said she will work on tightening up the last paragraph of the letter.

Calvin asked Megan if she could organize a call with the relevant people to discuss the letter before the next meeting.

Stephanie said that the letter needs more background information on Title VI in case people who are reading it are not familiar with the law.

Lisa said MDE could schedule something after April 7th when Session is over.

Richard Allen said he thought it made sense to reach out to the Fair Practice Officers at each State agency.

Stephanie said that she thought it made sense to send it to all State agencies and the assumption is that the Fair Practice Officer is the person that would know about Title VI. She said it was important to get the word out to every state agency, not just MDE.

Vernice said that she agreed that the letter should go to all state agencies, not just MDE. She said that the reason she had previously focused on MDE is because state environmental agencies around the country do not understand how to handle Title VI because EPA has not historically given guidance to the states on Title VI. She agreed that the CEJSC needs to focus energy on other state agencies as well.

Stephanie said that she recently read about a settlement involving the DOJ and a community in Texas that had experienced many EJ concerns. It is an interesting example of how to incorporate EJ into settlement agreements.

CEHPAC Report

Cliff Mitchell said that he is trying to get CEHPAC more engaged in the regulatory process. He wanted to add someone from the CEJSC to CEHPAC to help analyze regulations. Cliff said that this session the CEHPAC is looking at indoor air quality issues in housing.

Vernice asked Stephanie if the CEJSC can get involved with the regulatory process.

Stephanie said yes, reviewing state laws and regulations and then advising State agencies is something that is listed in the statutory charge of the Commission.

Vernice asked if Stephanie could give a presentation at the retreat on the CEJSC's charge and explain what the CEJSC can and cannot do.

Calvin said that there was a presentation on the CEJSC charge at CEJSC retreat at Howard Community College in 2011. Maybe we can re-circulate the presentation to everyone.

Lisa said that in the past the Commission has been most effective when it focuses on narrow issues within the CEJSC charge.

Other Business

Calvin asked if there were any agency updates.

Cliff said that they have been trying to deal with the issue of non-fixed/non-permanent housing. There is no ability in the state to deal with temporary housing. A lot of the issues deal with environmental compliance and Cliff is trying to think about ways to deal with it.

Larry said that looking at the livability code may be a way to try to narrow down the issue.

Vernice said that she is speaking at Howard University Law School about EJ. EPA is conducting Clean Air Act rulemaking and offering training for states across the country on the Clean Air Act permitting process.

The next CEJSC meeting is scheduled for April 22nd, 9:30 a.m. - 11:30 a.m. in the Patuxent Conference Room, at the Montgomery Park Building in Baltimore, MD.