

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

**Annual Report  
2007-2008  
and  
2008-2009**

# CONTENTS

	<b>Page</b>
<b>1. Background.....</b>	3
<b>2. Commissioners Serving 2007 to 2009.....</b>	4-5
<b>3. Commission Activities October 1, 2007- September 30, 2009.....</b>	6-16
<b>4. Planned Commission Objectives for 2009-2010.....</b>	17-18
<b>5. Recommendations to State and Local Government.....</b>	18-20
<b>6. Appendix A- July 2008 &amp; August 2009 Retreat Summary.....</b>	20-32
<b>7. Appendix B- Legislative Testimonies .....</b>	32-48
<b>8. Appendix C- 2007-2009 Meeting Agendas/Minutes.....</b>	49-109
<b>9. Appendix D- Guest Presentations to the Commission.....</b>	109-117

## 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 fifteen-member body that includes the following representatives: two State legislators, three cabinet secretaries, and ten 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 2007 TO 2009**

### **List of CEJSC Commissioners – 2007-2008**

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

Senator Ulysses Currie, State Senate (\*State Legislature)

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

Secretary Shari Wilson, Maryland Department of the Environment (\*State Agency)

Secretary John Colmers, Department of Health and Mental Hygiene (\*State Agency)

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

Ms. Rosa Hart Burenstine, Baltimore Community for Environmental Justice, Inc. (\*Impacted Community)

Christine Dunkerton., Community Law Center (\*Public Interest)

Rev. Dr. Douglas Edwards, Mission of Love Charities (\*Impacted Community)

Mr. Richard Fairbanks (\*Impacted Community)

Mr. Andrew Fellows, Commission Vice Chair, Clean Water Action/Council Member, City of College Park (\*Environmental Advocacy)

Ms. Vernice Miller-Travis, Commission Vice Chair, Groundwork USA (\*Environmental Advocacy)

Rev. Dr. Solomon Iyobosa Omo-Osagie II, Maryland Church of God in Christ (\*Impacted Community)

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

Dr. Barbara Sattler, University of Maryland School of Nursing (\*Public Health)

Mr. Bill Stack, Baltimore City Department of Public Works (\*Local Government)

\*Representative Stakeholder Group

## **List of CEJSC Commissioners – 2008-2009**

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

Senator Michael Lenett, State Senate (\*State Legislature)

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

Secretary Shari Wilson, Maryland Department of the Environment (\*State Agency)

Secretary John Colmers, Department of Health and Mental Hygiene (\*State Agency)

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

Ms. Rosa Hart Burenstine, Baltimore Community for Environmental Justice, Inc. (\*Impacted Community)

Kelly Pfiefer, Community Law Center (\*Public Interest)

Mr. Richard Fairbanks (\*Impacted Community)

Mr. Andrew Fellows, Commission Vice Chair, Clean Water Action/Council Member, City of College Park (\*Environmental Advocacy)

Ms. Vernice Miller-Travis, Commission Vice Chair, Groundwork USA (\*Environmental Advocacy)

Rev. Dr. Solomon Iyobosa Omo-Osagie II, Maryland Church of God in Christ (\*Impacted Community)

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

Betty Dabney, University of Maryland School of Public Health (\*Public Health)

Joshua Feldmark, Howard County Office of Environmental Sustainability (\*Local Government)

\*Representative Stakeholder Group

### 3. COMMISSION ACTIVITIES OCTOBER, 2007 – SEPTEMBER, 2009

During the period October 1, 2007 through September 30, 2009, the Commission met nine times and subcommittees held additional meetings and teleconferences to execute activities laid out in their various work plans. Some activities included engagement with the executive and legislative branches of state government; and outreach to local government officials and community residents.

#### 2008 Activities and Analysis

##### *Property Demolition and Environmental Health*

**Background:** For many buildings constructed before 1978, there exists the potential for building components, particularly painted finishes, to contain lead paint. For nearly 20 years, the Coalition to End Childhood Lead Poisoning (the Coalition) has been working to address lead paint and poisoning issues and, largely as a result of their direct work in homes and legislative initiatives, Maryland has experienced a 95% reduction in the incidence of children with elevated levels of lead in their blood.

In 2001, the East Baltimore Development Initiative (EBDI) was announced and with it, a plan to demolish mostly vacant houses in a concentrated 30 acre area. The neighborhoods in East Baltimore were plagued with the highest numbers and percentage of children testing positive for elevated lead in their blood in Baltimore City. Baltimore's rich history in shipbuilding also provided it with abundant, cheap and potent leaded paint – among the highest concentrations in the world. The proposed mass demolition presented the residents of East Baltimore – many long time residents and many young children – with a very real and very pressing environmental health situation.

Historically, demolition practices protected workers and notified residents. Safety concerns were employed to keep people away from the demolition site during the course of demolition but nothing was practiced in the way of protecting residents from the lingering impacts that demolition could have – namely latent and ambient particulate matter, lead dust and, in the instance of many vacant buildings bacteria from animal and insect matter and mold.

**Previous Work:** Partially because of the engagement of several commissioners (Scot Spencer and Rosa Hart Burenstine) in the East Baltimore project, the Commission monitored the work being done by EBDI, residents and the Coalition to arrive at a mutually agreeable solution with the hope to transfer this project specific knowledge to a larger policy change by government.

Commission Vice-Chair Vernice Miller-Travis joined three other professionals on an independent advisory panel to work with EBDI and the community to study a newly created demolition protocol, understand the air, soil and dustfall data (an emerging best practice in the measure of [heavy] particulate matter) and proffer recommendations on future actions with demolition.

Dorothy Morrison, then the EJ Coordinator, engaged in discussions with representatives of local departments of public works to determine the utility of state level legislation or guidance on demolition practices that seek to protect the health of residents and workers.

Based upon the lessons learned from the EBDI project, Baltimore Housing and the Baltimore City Health Department updated and clarified demolition practices to ensure sufficient resident notification, wetting of buildings prior to and during demolition, enhanced inspection activity to monitor compliance and requirements for safe transport of demolition materials to a landfill.

**Recommendations or Next Steps:** Based upon the interest by local governments in state level policy development around environmentally sound demolition, the Commission recommends that the State assume leadership in the development of guidance to standardize demolition procedures in Maryland. We have discovered that not all jurisdictions require contractors to be certified in demolition.

During the 2008 (Pugh and Carr) and 2009 (Carr and Harrington) legislative sessions, bills that would outline certification requirements and minimum demolition practices were introduced. The 2008 bill (Environmental Matters) went to summer study and led to the introduction of the 2009 bill (Economic Matters) where it failed to get out of committee. The Commission believes in the tenets of the bill and also believes that its merit as an environmental health and community safety matter outweighs its reintroduction and will work with the sponsors and MDE toward that end.

**Rationale and Implications of the Work:** The Coalition estimates the treatment cost of a child infected by lead to be \$732,000; this includes painful detoxification, special learning costs but may not include lost productivity by the caregiver, the longer term implications and connections between lead poisoning and criminal behavior (vis a vis the Dawson family tragedy). The costs borne by society writ large for inaction are evidenced in the numbers of adults who were lead poisoned as children engaged at a very high annual cost in correctional facilities. It is experienced in the non-monetary but substantial loss of vulnerable families' ability to succeed due to the tremendous hardships endured through long-term care.

Beyond lead poisoning, there is an overall safety element to standardized practice in demolition work. Though undocumented, unqualified and sometimes under-insured and bonded contractors can contribute to litigious expenses and high cost emergency practices.

### **Community issues**

#### ***Middle Branch/Westport***

**Background:** In August 2007 the Commission received correspondence from Julia Dinkins expressing community concern with the City's public engagement process in developing the Middle Branch Master Plan (the Plan), which had been recently approved. It sought the Commission's insight on whether the plan and process were in violation of Title VI of the Civil Rights Act of 1964.

The Plan was adopted by the City Planning Commission in July and followed a fast, but strenuous effort at public engagement. Over 30 community meetings were held in four city neighborhoods bordering the Middle Branch. The rapidity of the Plan development and adoption was due to the request by Pat Turner for the right to develop approximately 52 acres of vacant and largely contaminated waterfront land adjacent to the old Westport neighborhood for a market rate high density mixed-use development that is in one of the State's BRACtion Zones. Between the community and the proposed development site is the Central Light Rail (Blue) Line, which would have station area upgrades to support the development.

Because of the Commission's charge on state matters, we made an early determination that the Baltimore City/Title VI question was beyond our jurisdiction of action/recommendation or intervention; however, given the network of State and federally financed infrastructure – Light Rail, State and Interstate Highways – as well as permitting requirements, the Commission determined there to be an opportunity to review the plan and actions by different actors.

**Previous Work:** At its regular meeting in November 2007 the Commission met with Pat Turner, the lead developer for the Westport project. He and his team briefed the Commission on their plans for development including their work in environmental remediation, wetlands reclamation as well as scope and scale of the development.

On April 17, 2008, the Commission met with residents and concerned citizens in a listening session hosted at Harbor Hospital and heard a range of concerns from unknown traffic impacts to suspicions of leaching landfills in Cherry Hill.

The Commission also met with City planning staff in February and May of 2008 to discuss their work and process on the plan.

On June 4, 2008, Commission Chair Scot Spencer met with staff from the Maryland Department of Planning and MDOT to learn more about traffic impacts, community engagement processes and community "right-to-contest" in the process. Out of this meeting, one of the most significant highlights is that, although there exist processes to determine and potentially mitigate damage to the environment – flora, fauna and aquatic life in this instance, and to address impacts of increasing numbers of vehicles entering or leaving the proposed Westport development site, there is no process to determine and potentially mitigate damage to the community – residents, homes and their quality of life. When, in discussion with MDP and MDOT staff about this, it was asked, 'who do the residents turn to when something like this needs to be addressed', their response was 'it should be their local elected official.'

**Recommendations or Next Steps:** From the various meetings and discussions the singular most significant recommendation is support for the development of community benefits agreements or processes during redevelopment projects involving underserved and underrepresented communities. Residents expressed significant frustration from their perceived lack of information in the process; they similarly expressed concern about neutral or negative community impacts – from lack of access to employment opportunities, from increasing traffic congestion to dislocation due to affordability. Finally, it should be noted that in the presentation by Pat Turner in November 2007, the question of affordability in the new housing was asked.



His reply was that he would be the master developer and therefore did not have the ability to determine whether developers would be required to meet any standard for affordable housing. Subsequent to Mr. Turner's presentation and discussion, the City of Baltimore did pass an affordable housing ordinance; Mr. Turner's development team also sought, and the City gave preliminary approval to a \$160 million TIF for the development.

**Rationale and Implications of the Work:** The Commission does believe and the sustainable community development and environmental justice fields find great benefit to the development of community benefits agreements as a potent tool in community engagement and buy-in. In many instances, CBA's as they are known, have smoothed the development process, reduced project costs and can lead to more successful collaborations between developers, government and communities.

In Baltimore, the proposed Red Line transit system plans included a Community Compact, which, in essence, sets, out the parameters of design, environmental and community protection, economic inclusion for the system and has played a role in greater buy-in by many parties to the project. Because the Red Line was supported by the Mayor but eventually a project of the state, there were legitimate community concerns regarding the negative impacts. The Compact, however, included signatures by MDOT, MTA, the City, Baltimore County and more than 30 community and civic leaders and details leadership roles to ensure a level of transparency and accountability for the project as it moves toward implementation.

#### *Cheverly, Prince Georges*

The CEJSC followed up on an earlier meeting with the Town of Cheverly in Central Prince George's County regarding a long-standing dispute with a local industrial zone tenant that has been an issue for local environmental justice activists for years. That dispute, and additional issues around zoning and land use practices proximate to Cheverly and the historic African American community of Cedar Heights, has motivated community residents to seek support from the state of Maryland for equal protection from environmental health harm as enjoyed by other communities throughout the state.

Senator David Harrington met with members of the CEJSC to discuss potential remedies through state legislation, which resulted in legislation proposed in the 2009 session, and which will likely result in follow up work to insure that Maryland residents have effective notice of land use decisions, and that aggregate impacts be considered when granting permits in areas near communities that have suffered disproportionate harm from previous zoning and permit decisions.

### ***City/County Watershed Agreement –***

Scot Spencer has represented the Commission as part of the Committee of Principals for the new Baltimore City/County Watershed Agreement. The agreement, renewed in 2006, is an inter-jurisdictional pledge to improve water quality conditions in the shared watersheds through shared and individual actions. The Action Plan includes two cross-cutting themes to ensure that the plan addresses matters pertaining to environmental justice and sustainable communities. The inclusive language is below:

#### **“Cross-cutting Themes**

Members of the five committees and Committee of Principals identified two cross-cutting themes to be realized through effective implementation of the Plan – “sustainable communities” and “environmental justice.”

In Sustainable Communities, people and nature are preserved and enhanced by thoughtful planning, careful use of resources and a respectful approach to life. Fundamental to the sustainability of any community is the commitment to provide for future generations.

([www.centerforsustainablecommunity.org/](http://www.centerforsustainablecommunity.org/)).

Environmental Justice is 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. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work (<http://www.epa.gov/oecaerth/environmentaljustice/>).

Plan actions are to be consistent and coordinated with elements of the City and County Sustainability Programs. In addition, an awareness and sensitivity towards environmental justice is to be demonstrated through the implementation of the various actions.”

### ***Staff Changes at the Maryland Department of the Environment***

In May of 2008 the MDE Environmental Justice Coordinator, the employee tasked with staffing the Commission, resigned in order to take a position at another state agency. After some deliberation, the Department decided to combine the position with that of the vacant Legislative Liaison position. This new position was posted for applications in August of 2008. A new employee was hired and began working in December, 2008. Another employee, the Assistant Legislative Liaison, staffed the Commission during the transition period.

### **2009 Activities and Analysis**

#### ***Standing***

The CEJSC submitted comments on House Bill 1035/Senate Bill 824, which attempted to address the issue of standing in environmental cases. Over the past several years, the Commission has consistently stressed the need for community organizations to have standing to appeal local land use decisions. Each year the efforts to expand the definition of standing have failed. This year, legislation was ultimately passed that allows individuals to appeal certain permitting decisions. However, once again, the land use component and any provision that would permit community organizations to have standing were not approved.

The testimony submitted by the Committee included the following:

The Commission is frustrated by the fact that communities are frequently faced with threats to their health, safety and welfare because of a decision to permit a particular activity nearby. If the residents or communities had the opportunity to appeal adverse permitting decisions to the Circuit Court, they may not be faced with these threats. Current Maryland law, however, does not allow this to occur. The end result is that the process gives developers and industry more power than residents and communities.

In reviewing this bill, the Commission considered a host of information, including the following points:

- Many nonprofit organizations exist to serve and protect community and residents' interests, including in the areas of environmental permits;
- Current Maryland law does not provide standing for organizations seeking judicial review unless it has its own property interest separate from property interest held by its members;
- It is difficult for nonprofit organizations to demonstrate that they are "aggrieved" under current law, even though a community or organization may be impacted directly by permitting decisions;
- The legislation requires that one member of the organization must have standing in his or her own right, but is not required to participate in the proceeding; and
- A federal standard exists for organizational standing, and this legislation is in line with that standard.

The Commission finds it appropriate that Maryland incorporate the current federal standard for organizational standing. The Commission views the standing to participate in governmental proceedings provided by HB 1035 as an appropriate mechanism to achieve the goals that we all seek to increase the public's role in environmental permitting decisions. This will ultimately hold governmental agencies to a higher standing in situations such as issuing permits, which will, in turn, give residents a greater voice in these decisions which so greatly impact their lives.

While the Commission is supportive of the proposed legislation, we feel compelled to note that we also believe the legislation would be stronger and more beneficial to community organizations throughout Maryland if it were to encompass land use decisions within its scope.

### ***Joint Meeting with the CEHAC***

On May 28, the Commission had its first joint meeting with the Children's Environmental Health Advisory Council to explore common agendas and examine the prospect for deeper and stronger collaboration around our shared visions for improved outcomes for all Marylanders regardless of place, privilege or standing in society (meeting minutes detailing the discussion are in the appendix). It was agreed that in future years, the two groups would reserve the May meeting expressly for the purpose to review our common work and strategy for reducing health and other disparities for children including safe schools - facilities and access, integrated pest management and reducing food deserts in distressed communities.

### ***2009 CEJSC Annual Retreat***

On July 23, 2009 the CEJSC held a daylong retreat in Annapolis. The day's activities included a panel discussion on Smart Growth, a review of the CEJSC Homepage on the MDE Website, a visit to the Banneker-Douglass Museum, and a Roundtable discussion with MDE staff on the cumulative impact of multiple permits in a single community. The day closed with a discussion on Commission priorities. An agenda and minutes from the retreat is attached as Appendix A.

### ***Symposium Planning***

In 2008, the Commission began to discuss the idea of bringing together all of the stakeholders involved in the planning process from state and local government, communities advocates, developers, and health fields. Ultimately, the Commission has developed a planning committee to host a symposium to address these issues. The event, entitled "Environment, Justice, and Health in the Planning Process: Strategies for Maryland," will be held at Morgan State University in Baltimore on October 3, 2009.

The Commission is working with key sponsors to plan the event including: the Baltimore Region Environmental Justice in Transportation Project, Morgan State University's School of Engineering and Institute for Urban Research, and the Maryland Departments of Environment, Health and Mental Hygiene, Planning, and Housing and Community Development. The event is planned for approximately 150 stakeholders will attend.

It is the Commission's hope that the day will serve as the commencement of a comprehensive state effort to improve planning, development, and public health assessments to reach sustainability goals. The symposium will outline Maryland's environmental justice challenges and the work of the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC). Case studies will evaluate how zoning and land use processes address environmental justice and examine the public health effects of planning and development. Participants will identify tools to help incorporate these issues into the planning and permitting process.

This meeting will help to foster relationships between community members, industry leaders, and policy makers. It is the belief of the Commission that better coordination and planning will equal an improved quality of life for Maryland residents and healthy economic development for the state.

### *Smart Growth Coordinating Committee*

The principle role of the Smart Growth Coordinating Committee is to serve as the primary staffing and operations arm of the Governor's revitalized Smart Growth Subcabinet (SGSC) and to better coordinate state efforts to achieve more sustainable growth in Maryland, while protecting the State's natural and cultural resources.

Governor O'Malley and the Governor's Smart Growth Sub Cabinet (SGSC) are committed to aligning the State's development and conservation policies, resources and practices accordingly and achieve more sustainable growth in Maryland by:

- promote sustainable development practices;
- improving interagency, inter-jurisdictional and public/private sector growth and conservation related coordination;
- enhancing growth and conservation State laws and regulations, and the enforcement of existing laws and regulations;
- strengthening existing smart growth programs and providing new resources;
- expanding smart growth outreach and education.

**Smart, Green and Growing Initiative “Smart Sites Program:”** The Maryland Smart Sites Program is designed to concentrate public and private resources to projects that are of the highest priority and are the most conducive to more sustainable growth. Smart Sites are site-specific capital projects that encourage public and private investment and green building practices in existing Maryland communities. Smart Sites show how State and local partners can work together to coordinate and align investment in innovative ways that catalyze smart growth in appropriate areas throughout Maryland. Smart Sites is an element in Governor O'Malley's Smart, Green and Growing initiative, which, together with other initiatives, aim at creating a sustainable future for our State.

On June 28, 2009, the Governor announced 15 "Smart Sites". The following Smart Site Projects are located in existing communities around the State:

**Smart Sites Projects**

#	Project Name	Jurisdiction Name	Description
1	<b>Maple Street Neighborhood Initiative</b>	The City of Cambridge	Revitalization of historic residential communities adjacent to Cambridge's Main Street business district as part of the Maryland Department of Housing and Development's new Maple Street initiative.
2	<b>East Baltimore Development Initiative</b>	The City of Baltimore	This 80-acre redevelopment project will include a mix of housing types, new K-8 school, transit-related services, public facilities and new commercial development.
3	<b>Offices of the Human Resources Development Commission of Allegany County</b>	The City of Cumberland	Construction of a new facility to house the Allegany County Human Resources Development Commission (HRDC) as part of the revitalization of the Virginia Avenue corridor with green building design including a green roof.
4	<b>Mount Airy Main Street Infill Development Project</b>	The Town of Mount Airy	New development/infill to support the recovery of Mount Airy's Main Street community from a devastating fire in September 2007.
5	<b>Washington Court BRAC Housing Redevelopment</b>	Harford County	Redevelopment of former military housing into 288 new housing units to support a community impacted by the Base Realignment and Closure (BRAC).
6	<b>TaneyScape</b>	The City of Taneytown	The largest ever Maryland "Streetscape" project, including full reconstruction of a section of MD 140, upgrading the storm water management system, installation of ornamental pedestrian lighting, tree plantings and landscaping, is proceeding in coordination with the replacement of aging,

			leaking water mains.
7	<b>Odenton MARC Station Transit-Oriented Development</b>	Anne Arundel County	25-acres of State-owned surface lots will be redeveloped into mixed-used retail, residential, office; hospitality and parking for one of the most heavily used commuter rail stations in Maryland.
8	<b>State Center Transit-Oriented Development</b>	The City of Baltimore	25-acres of State-owned land next to Metro and Light Rail will be redeveloped into a mixed use, mixed income community for 3,000 residents, 3,500 State employees and 3000 private sector workers.
9	<b>Laurel MARC Station Transit-Oriented Development</b>	The City of Laurel	Approximately four acres of MTA land to be developed into a mixed-use TOD adjacent to the Laurel commuter rail station.
10	<b>Owings Mills Town Center Transit-Oriented Development</b>	Baltimore County	Pedestrian-friendly town center at the Owings Mills Metro station will host a public library, retail, offices, housing and a community college campus; the station serves downtown Baltimore and Johns Hopkins Hospital.
11	<b>Savage MARC Station Transit-Oriented Development</b>	Howard County	10 acres adjacent to the Savage commuter rail station will be converted into a mixed-use town center with 420 dwelling units, retail, office and a new hotel.
12	<b>Wheaton Metro Transit-Oriented Development Initiative</b>	Montgomery County	Metro, Montgomery County and MDOT are collaborating to revitalize the five acre Wheaton Central Business District triangle.
13	<b>Germantown Elementary School</b>	Anne Arundel County Public Schools and the City of Annapolis	This replacement school will assist in the revitalization of this community-focused site consisting of recreational facilities and located near a public library and mass transit.
14	<b>Hyattsville Downtown Infill and Hyattsville Elementary School</b>	The City of Hyattsville and Prince George's County Public Schools	The two phased EYA development along the east and west section of Route 1, Hyattsville includes town house units with mixed-use owner commercial and residential units .Partial renovation of the historic Hyattsville

Elementary School as a community-focused school site that will support the revitalization of the Route 1 corridor.

15 **Calvert Middle School**

Calvert County Public Schools, the Calvert County Commissioners, and Prince Frederick

This new community focused school will be located in Prince Frederick with other school and recreational facilities.

The principle role of the Smart Growth Coordinating Committee is to serve as the primary staffing and operations arm of the Governor's revitalized Smart Growth Subcabinet (SGSC) and to better coordinate state efforts to achieve smarter, more sustainable growth in Maryland, while protecting the State's natural and cultural resources.

Governor O'Malley and the Governor's Smart Growth Sub Cabinet (SGSC) are committed to playing a more active and assertive role in determining where growth should and should not occur in Maryland, and in aligning the State's development and conservation policies, resources and practices accordingly. More specifically, the SGSC is committed to achieving smarter, more sustainable growth in Maryland by:

- markedly improving interagency, inter-jurisdictional and public/private sector growth and conservation related coordination;
- enhancing growth and conservation State laws and regulations, and the enforcement of existing laws and regulations;
- strengthening existing smart growth programs and providing new resources;
- expanding smart growth outreach and education.

***Senator Gladden – Minorities in the Environment - Scot***

***Senator Harrington – 2009 Legislative Preparation***

As mentioned earlier, Senator David Harrington met with members of the CEJSC to discuss potential remedies related to local environmental justice issues. Working with the Commission and other stakeholders, he developed SB 4 & SB 47 which... The Commission supported this legislation.

SB 4 was given an unfavorable report by both the House and Senate committees respectively, in great part due to the high fiscal impact. MDE committed to working on the issues over the interim with the Senator and the Commission and CEJSC has been an active participant in this process.



#### **4. PLANNED COMMISSION OBJECTIVES FOR 2009-2010**

##### ***PLANNED COMMISSION OBJECTIVES FOR 2010***

There are a number of activities that the commission would like to pursue, which are provided below.

In 2010, the Commission will, in addition to the objectives noted below, seek to strengthen our role and relationship with the U.S. Environmental Protection Agency and its favorably aggressive position toward the reduction of disparities as well as increased access to opportunities to disadvantaged people and distressed communities.

##### **1. Increase awareness and improve communications on environmental justice and sustainable community issues in state and local decision-making.**

- a. Engage and brief the House and Senate Committees, the Legislative Black Caucus, MACO and MML on the work of CEJSC;
- b. Continue to provide analysis and commentary on select state legislation during the 2010 session;
- c. Hold and host meetings with up to four (4) locally elected officials and select appointees to provide background on commission, its purpose and;
- d. Work with MDE on the development and dissemination of EJ policy guidance for local government agencies on incorporating EJ in building demolition with a vision toward expanded use of deconstruction practices;
- e. Assume an active role to advance the Environmental Public Health Training to myriad groups;
- f. Continue to work with MDE on updates and revisions to the CEJSC information on the MDE website;
- g. Lend active support to a 5 member expansion to the Commission to include DBED, MDOT and DHCD as well as two “at large” commission seats;
- h. Increase our collective efforts to strike language that, through deliberate or accidental actions, create an environment which excludes populations and communities from fair and equal access to benefits, provisions, policy advancement, economic opportunity and environmental quality;
- i. Leverage the participation from the first symposium for new volunteers and establish next level action steps from the symposium.

##### **2. Increase participation by and collaboration with diverse stakeholders in matters pertaining to environmental justice and sustainable communities.**

- a. Work to increase the numbers of environmental justice and minority groups attending the Maryland Environmental Summit;
- b. Host at least two listening sessions, in places recommended by commissioners or requested by constituents, on matters pertaining to EJ and SC;
- c. Provide recommendations to MDE on the continuation of Environmental Benefits District program;

- d. Increase connections to emerging and untapped constituent groups including local offices of sustainability and youth;
- e. Increase connections and opportunities for communities to seek resources to improve their communities through relationships with the partners state agencies;
- f. Actively enhance our relationship with other state agencies and the Chesapeake Bay Trust.

**3. Further infuse the Environmental Justice and Sustainable Communities work into the state’s environmental agenda.**

- a. Engage environmental organizations in the activities of the EJ commission— its purpose and work;
- b. Examine and propose inclusion of EJ&SC principles into existing State efforts including BayStat, Smart Sites and BRAC;
- c. Work toward the development of a formal process to evaluate, monitor and seek resolution to Environmental Justice and Sustainable Communities issues;
- d. Work with MDE to expand the breadth and depth of interdepartmental liaisons on Environmental Justice and Sustainable Communities matters;
- e. Work with the Administration, State Agencies, members of the Legislature and local advocacy groups to advance select legislation which promotes Environmental Justice and Sustainable Communities.

Some measures of success in meeting the stated objectives may include:

- a. The number of EJ issues received, referred, investigated and acted upon;
- b. The increased diversity of groups and communities working toward more inclusive practices;
- c. The number of volunteers working with the Commission to advance its work;
- d. The influence of the Commission’s comments or relationships in advancing Environmental Justice and Sustainable communities that is incorporated into legislative or regulatory language.

**5. RECOMMENDATIONS FOR STATE AND LOCAL GOVERNMENT**

**For the Governor and the Legislature**

*Expansion of Commission’s membership*

The commission recommends the expansion of state agency appointments to the commission. These should include but may not be limited to the Department of Housing, Department of Business and Economic Development, and Department of Transportation. Currently, the agencies appointed to the commission are the Department of Environment, Department of Health and Mental Hygiene, and Department of Planning. In order to address EJ issues from a holistic standpoint, it will require a collaborative strategy crafted through the involvement of all state agencies because EJ issues are crosscutting in nature and fall under the purview of multiple state

agencies as well as the various levels of government. In addition to the increased state agency representations, two more representatives from the community at large are recommended, bringing the total number of Commissioners to 20.

*Development of policy guidance for environmentally safe demolition*

Based upon the interest by local governments in state level policy development around environmentally sound demolition, the Commission recommends that the State assume leadership in the development of guidance to standardize demolition procedures in Maryland. We have discovered that not all jurisdictions require contractors to be certified in demolition.

During the 2008 (Pugh and Carr) and 2009 (Carr and Harrington) legislative sessions, bills that would outline certification requirements and minimum demolition practices were introduced. The 2008 bill (Environmental Matters) went to summer study and led to the introduction of the 2009 bill (Economic Matters) where it failed to get out of committee. The Commission believes in the tenets of the bill and also believes that its merit as an environmental health and community safety matter outweighs its reintroduction and will work with the sponsors and MDE toward that end.

## **6. APPENDIX A: RETREAT REPORTS - 2008 & 2009**

### COMMISSION ON ENVIRONMENTAL JUSTICE & SUSTAINABLE COMMUNITIES (CEJSC) RETREAT

#### **CEJSC 2008 Retreat**

**August 20, 2008**

**DHMH 201 W. Preston Street**

**Room L3 Lobby**

#### **AGENDA**

- |              |   |
|--------------|---|
| <b>9:30</b>  | Arrival, Meet and Greet, and Desired Outcomes for the Day   |
| <b>10:00</b> | Presentation, Discussion on Healthy Places and Indicators –<br>Dr. Cliff Mitchell <ul style="list-style-type: none"><li>• Presentation of Environmental Public Health Tracking Project and Community Health Indicators</li><li>• Discussion of Healthy Places Legislation</li></ul> |
| <b>12:00</b> | Lunch – Discussion: Offer Your Definition of “Sustainable Communities”  |
| <b>12:45</b> | Discussion of 2009 Work Plan<br>Communications – Website, Outreach, Legislature, Environmental Groups<br>Legislation and Policy Guidance – Demolition Bill, Healthy Places Act<br>2008 Unfinished Business (2007-2008 Commission Objectives Attached)                               |
| <b>1:45</b>  | Break   |
| <b>2:00</b>  | 2008 Summation – Report<br>Writing and Information Gathering Assignments, Timetables  |
| <b>2:45</b>  | Conclusion  |

On August 20, 2008 the CEJSC held a daylong retreat at the Maryland Department of Health and Mental Hygiene. The morning session focused on attendees desired outcomes for the day/upcoming year and a presentation by Dr. Cliff Mitchell on the Healthy Places Indicator Tool. There was a lunch discussion of what constitutes “sustainable communities.” The afternoon discussion centered on the 2009 Work Plan (including communications, legislation and policy guidance, and 2008 unfinished business) and the 2008 CEJSC Annual Report.

## **In Attendance**

### *Commissioners:*

Scot Spencer, Cliff Mitchell (John Colmers/Sharmi Das designee), Richard Fairbanks, Andy Fellows, Rosa Hart-Burnstein, Betty Dabney, Vernice Miller-Travis, Robyn Gilden (Barbara Sattler designee), Jeff Fretwell (MDE designee)

### *Participants:*

Senator David Harrington, Sharmi Das (DHMH), Joshua Feldmark (Howard County), Nan Lyon (MDE), Lou Takacs (Washington Village/Pigtown), Mary Russell (DHMH), Karen Forbes (DHCD), Jonathan Nwagbaraocha (CECLP)

## **Desired Outcomes**

The group started the Retreat with a discussion of desired outcomes for the day/upcoming year. Some of the desired outcomes included:

- Develop a strong work plan for the coming year
- Learn how to identify communities in need using the Healthy Places Indicator Tool and the metrics used for identification
- Use data to promote the cause of Environmental Justice (EJ)
- Develop the Commission as an effective voice for impacted communities
- Explore funding opportunities and resources for communities, especially those designated Environmental Benefits Districts
- Increase engagement of youth and minorities on EJ issues
- Improve outreach
- Explore the possibility of adding EJ metrics as part of BayStat
- Have EJ included as a part of the Governor's Legislative Package for the upcoming year.
- Raise the profile of EJ and the Commission
- Work smarter and make better use of all of the Commissioners
- Continue to build on the momentum of the Commission

Scot followed this discussion of desired outcomes with a short history of the Commission.

## **Healthy Places Indicator Tool – Presentation by Dr. Cliff Mitchell**

The Commission sees information as the great equalizer. This information includes environmental and health conditions for all parts of the State, particularly at the zip code/neighborhood level. However, there is currently a lack of oversight when it comes to these concerns. There are tools/metrics that serve to measure development's impact on water, wetlands, traffic, etc., but currently there is no tool to measure the effect of development on people/community. This is where the Healthy Places Act and Indicator Tool could fill the void.

## **Introduction/Definition of Community**

Cliff's presentation started with a discussion of the definition of community. What is it? How do we define it? How do we get at information that is useful to a community no matter how it defines itself?

### **Healthy Places Legislation**

The Federal Healthy Places Act of 2006 introduced by Congressman Obama and Congresswoman Solis was the model for Maryland's Health Places Act, which has been introduced during the previous two legislative sessions. The bill set out to establish health impact assessment programs to proactively examine the potential health effects of major policy or programmatic changes. It also creates a grant program to assist States and local communities to address environmental health hazards, particularly those that contribute to health disparities. It also accelerates research on the relationship between the environment and health. The legislation was advisory/informative, but not binding.

Delegate Oaks and Rosenberg introduced the Maryland Health Places Act in the House of Delegates the previous two years, but there has not been a Senate sponsor. **Senator Harrington said that he is going to sponsor the Maryland Healthy Places Act in the Senate this year.**

### **Health Places Indicator Tool**

The CDC wanted to figure out how to account for environmental health indicators in terms of public health. They teamed with 15 States and NYC for the pilot program. Maryland is one of those States and is in the third year of the implementation phase of the project. Ideally, we would be looking at nationally consistent data for environmental and health indicators. With nationally consistent data we can look across the States and know we are looking at the same things. However, every State collects slightly different data, so this may not be the case. The program is entirely federally funded with the CDC putting in \$700,000 a year for the last three years. However, this is unlikely to continue beyond 2011, at which point State funding will be critical.

The Indicator Tool will be housed on a page on both DHMH and MDE's websites. The page is not yet live, and will not go live until September 30, 2008. **DHMH is going to send an email and brochure to all attending the meeting/commissioners on the tool.**

The page consists of a collection of surveillance data. There are a number of topics including air quality, asthma, chemicals, etc. **Cliff mentioned the idea of having an environmental justice page, within the Indicator Tool site, authored by the CEJSC, on the site.**

The site has four main options: Welcome, Query, Maps, and I Want to . . .

On the Query Page you can query health data or environmental data. There will be an explanation at the bottom of the page for each item (i.e. birth defects – says why included, what it means, what can cause them, etc. with a link to a fact sheet). On the Maps page you can look at the State as a whole with an environmental or health indicator, and then can click on a County and get more demographic information. The I Want to . . . feature is an action page including report and request options.

### *Questions/Comments*

Lou Takacs asked if this information is available at the zip code level. Cliff answered that this data is available at the County (and Baltimore City) level only, not at the neighborhood/zip code/cluster level. Due to confidentiality laws, it is prohibited to publicly release this health information on an individual level. There are different rules for environmental data because the information is public domain, while health data is not. Betty Dabney suggested that the only solution is to take a larger pool over 5/10 years so you have a large enough data set to not violate privacy laws. Cliff stressed that this is the first version and there is a learning curve. We also need to keep in mind that those who are in charge of the health records are anxious to have the data used but don't want to break the law. We need to develop good relationships with the data holders because they are not required to share the information. MD Health Care Commission, Vital Records Administration, Cancer Registry, and the HSCRC all have records and are bound to confidentiality by HIPA, FERPA, and State laws. Perhaps as the data handlers get comfortable with our use of the information we can expand the queries to include aggregate data.

There were questions as to whether there is some other way for the average citizen to get zip code level data if one cannot get it on the website? Cliff said you could develop a report by zip code with DHMH directly if you contact them. Cliff said they are building this website so that people overwhelm them with requests for more detailed data. Cliff wants to get to the point of using zip code/community data. Cliff also hopes MDP will look at the site and use it for planning purposes.

Karen Forbes asked if there was any movement to gather information from people on the street and compile it like this. Betty Dabney said she has an interest in this. Cliff said that would take a lot and we need to remember this is a starting point.

Andy asked if all 15 States/NYC are wrestling with the same problems. Cliff said that all are bound by the federal baseline for confidentiality, but then each state is different. Maryland is one of the strictest in terms of data control.

Senator Harrington pointed out a problem with geographic reporting of the data because people don't always seek treatment in the County/City they reside in and may be treated outside of their home jurisdiction. Senator Harrington also suggested that this information could be used in the permitting process, especially with industrial activities. Cliff said this can already be done, just not through the website. All that would be required is for DHMH to share the information with MDE permitting staff. Cliff said the real question is whether the permitting authority will look at it? Are they willing to look at cumulative impacts? Jonathan asked if there is any anticipation that this will be used in litigation. Cliff said this information is already available elsewhere and is used in litigation. Cliff said the anticipation is that it will be used commercially.

Vernice turned the questions to Maryland's Healthy Places Act. She said it would move the Cask's work forward leaps and bounds. The question is how can we move the legislation forward? Cliff said that funding is needed and that a strategic discussion needs to be had with Legislators and Departments. Scot stressed that the burden can be put on the developer/contractor when it comes to the Environmental Impact Statement, so why not with this? He said the real question is how, not whether or not the burden can be shifted.

Andy asked if the current version of the federal bill has moved at all in this Congress? Andy was told that the federal legislation has opposition from the current Administration. **Vernice committed to looking in to the status of the federal bill for the next meeting.**

### **Lunch Discussion – “What is Your Definition of Sustainable Communities?”**

During lunch attendees engaged in a discussion of how they define “sustainable communities.”

Topics discussed included:

- Recycling efforts, focused on the work of Howard County
- Sustainability as community connectivity
- The need to interject EJ issues into the sustainability dialogue/wave
- The need to expand the EJ dialogue to include sustainability, livability, environmental health, etc. to be more inclusive
- The need to bring greater attention to EJ issues – the need for a policy that connects the dots
- The State budget deficit and the importance of maintaining funding for sustainability.
- EJSC issues are often local/county issues so Senator Harrington can play a big role connecting state and local.
- Local incentives to solar are needed statewide
- The connection with Wagners Point/Sparrows Point and Green Jobs
- Workable solutions to economics and sustainability, including help for poor communities to increase energy efficiency efforts, increased monetary assistance for bus commuting and greater availability of buses.
- The recognition that environmental justice is a loaded term and the need to turn it around and be more proactive

A few miscellaneous items were also mentioned:

- Scot said that we need to add sustainability to our Work Plan. **Jeff will handle this.**
- Senator Harrington requested a copy of all upcoming EJ meetings this year and next be sent to him and Wiltina. **Jeff will handle this.**

### **2009 Work Plan**

#### *I. 2009 Suggested Meeting Schedule (see Attachment I – Suggested Meeting Dates)*

All attendees agreed to the suggested meeting schedule put together by Scot. Cliff suggested changing some of the meetings hosted at MDE to other State agencies (i.e. DNR, Planning, Etc.) to raise the profile. There was consensus that this was a good idea.

#### *II. 2008 Unfinished Business (See Attachment II – 2007-2008 Commission Objectives)*

Scot led a review of the 2007-2008 Planned Commission Objectives from the 2007 Annual Report. The Commission was able to complete many of the objectives during the preceding year.



### *III. Communications*

#### *Website*

There was extensive discussion of the environmental justice section of MDE's website. There was consensus that it needs a better spot on our website and perhaps even an independent page. The site itself also needs revamping. Cliff asked what we want people coming to our site to get from it? He said this is where we need to focus.

It was suggested that we could possibly add a link within the Air, Water, Waste and Science Services sites on MDE's website to the environmental justice section. That way you can get people coming to the MDE website for the different programs to click on environmental justice. The site could also include links to other State Agencies sites, as well as links elsewhere.

Cliff wants to duplicate everything on the DHMH site. A question was also asked as to whether you can have blogs on a State website? We think yes, but it is a huge drain on resources.

#### *Outreach*

While the Commission has done a good job holding meetings with locally elected officials and select appointees to provide background on the commission, its purpose and work in Prince George's County and Baltimore City, new areas need to be identified. Possibilities include Howard County, the Eastern Shore, and Western Maryland. Vernice stressed the need to build bridges between affected environmental justice communities regardless of race. An environmental community could be built in Maryland that focuses on issues of justice/sustainability/equity.

Richard Fairbanks asked about increasing engagement with elected officials when out of session – Vernice thought this was a good idea to forge the relationships. It is also something Dorothy had been working on including the MACO meeting, Senator Harrington, etc.

#### *Legislature*

Scot mentioned that he is trying to set up a meeting with Environmental Matters and that Senator Harrington is trying to set up a meeting with EHEA to do a briefing on the Commission and environmental justice issues.

#### *Environmental Groups*

We have attempted to promote involvement of environmental justice and minority groups with the Maryland Environmental Summit, but had little action on – we need to continue working on this. Senator Harrington suggested greater relationship forging with environmental groups and legislators, as well as inclusion of environmental justice issues on annual legislative scorecards.

### *IV. Legislation and Policy Guidance*

It was noted that someone new would need to take up the analysis and commentary on select state legislation during the 2009 session, as Kelly Pfeifer can't continue her work on this next year. It was suggested that possibly the new EJ Coordinator could track this for the Commission. It was also suggested that the Commission could use an AmeriCorps intern, a legal intern, or a public health intern to complete this work. **Nan said she has worked with public health**

**interns before and she can get Jeff the information on getting one. Also, Jeff needs to look in Dorothy's files and find her previous intern paperwork and send it to Scot/Vernice/Andy.**

Nan suggested developing metrics to measure environmental justice. What metrics might we be able to include? Cliff said one possibility would be how many queries come in to MDE and local health directors relating to EJ (this could be coordinated). This could give us a better idea what the magnitude of the problem is. This idea needs to be explored further.

There are already three bills of particular interest to the Commission in the upcoming session including the Demolition bill, the Healthy Places Act, and Senator Harrington's legislation dealing with permitting (public notification, density/capping). Andy asked if there were any other lead bills this session? Jonathan said there is the Dust Testing Bill in addition to the Demolition Bill.

*Demolition Bill – HB1526 from last year – Attachments for bill and fiscal note included (Attachments III and IV)*

*Healthy Places Act – HB1196 from last year – Attachments for bill and fiscal note included (Attachments V and VI)*

There was also a discussion of the Base Realignment and Closure (BRAC) process. Cliff said there has not been much input by the environmental community/public health officials. Nan said that Marie Halka is MDE's BRAC lead. There was a push to have much of the housing steered toward Baltimore City with an agreement between the city and Anne Arundel and Howard Counties. Scot suggested possibly meeting with Lt. Governor Anthony Brown to suggest some of these issues.

Andy mentioned the Gov's Smart growth package for the 2009 Session. How might the Commission have a chance to weigh in on the package? There is an increased desire and effort to get growth back on the smart track. It was suggested that perhaps we could set up a meeting with Maryland Department of Planning Secretary Rich Hall.

There was a brief discussion of Environmental Benefits Districts (EBDs). There is the possibility that Smart Sites would replace EBDs. This would be dependent on the inclusion of environmental justice/environmental benefits districts within Smart Sites. We need to keep this on the Work Plan for 2009, and include efforts to examine, analyze, and provide recommendations to strengthen the appeal, reach, and results of EBD designation. **Jeff also needs to look into the status of Curtis Bay and Turner Station EBD Designation.**

*V. Procedural*

**Scot will draft a Work Plan for 2009 for next month's meeting.**

## **2008 CEJSC Annual Report**

### *Writing and Information Gathering Assignments*

Scot reviewed the 2008 Draft Report Outline (see attachment VII) and assigned sections to people.

### *Timetables*

All of the report sections should be drafted for the next CEJSC meeting on September 18, 2008. The 2008 Annual Report is due to the Governor and General Assembly by October 1, 2008.

### *Other Items*

- The National Healthy Homes Festival at Druid Hill Park is from September 12-14 from 10 am to 6 pm
- The National Healthy Homes Conference is at the Baltimore Hilton September 15-17.
- There is a meeting on “Health Disparities and Economics and Business in Maryland” in Annapolis with Legislators and business leaders on October 1.

## **CEJSC 2009 Annual Retreat**

**Thursday, July 23, 2009**

**Miller Senate Office Building**

**West 1, First Floor Conference Room**

**Annapolis, MD**

### **AGENDA**

- |          |  |
|----------|--|
| 9:00 am  | Arrival & Breakfast  |
| 9:15 am  | Greetings & Introduction from Matthew Gallagher, Deputy Chief of Staff, Office of the Governor   |
| 9:30 am  | Smart Growth Panel<br>Featured guests: Leslie Knapp, Associate Director, Maryland Association of Counties<br>Delegate Steven Lafferty, Baltimore County, District 42<br>Dru Schmidt-Perkins, Executive Director, 1000 Friends of Maryland<br>Representative, Maryland Department of Planning |
| 10:30 am | Review of CEJSC Homepage on MDE Website Review<br>Location: Senate Education, Health, and Environmental Affairs Committee Room, 2 West Miller Senate Building  |
| 11:30 am | Visit to the Banneker-Douglass Museum<br>Location: 84 Franklin Street (Walking distance from the MSB)  |
| 12:15 pm | Lunch at 49 West Coffeehouse w/Guest Speakers<br>Location: 49 West Street (Walking distance from the Banneker-Douglass Museum & the MSB)   |
| 1:30 pm  | Roundtable with MDE on Cumulative Impact   |

3:15 pm        Symposium Update  
3:30 pm        Discussion on Commission Priorities for 2009/2010  
4:00/4:15 pm   Adjourn

### **In Attendance**

Commissioners: Scot Spencer, Vernice Miller-Travis, Betty Dabney, Arabia Davis, Dick Fairbanks, Joshua Feldmark, Andrew Fellows, Al Picardi representing John Quinn, Lisa Nissley

Participants/Guests: Heather Barthel, Matt Gallagher, Leslie Knapp, Shelley Wasserman, Dru Schmidt-Perkins, Delegate Steve Lafferty, Senator David Harrington, Bevin Buchheister, Jeffrey Fretwell, Halley Epstein, Brian Frazee, Kathy Kinsey, Angelo Bianca, Rich Eskin

### **Greetings and Introductions**

Heather Barthel, Director of Legislation and Policy at MDE greeted the Commission on behalf of Secretary Shari Wilson. She introduced Matt Gallagher, Deputy Chief of Staff from the Office of the Governor.

The guests introduced themselves to Mr. Gallagher and he welcomed the Commissioners. He shared his excitement for the issues the Commission works on and took questions from the audience.

Andy Fellows asked if State Stat has ever considered measuring EJ indicators. Gallagher answered probably not, but they would be open to consideration. He explained that typically State Stat uses long term measurements to track trends over history so we would need to consider how this could be tracked if EJ was to be considered.

Betty Dabney described the DHMH Healthy Places database and suggested that might be helpful. Mr. Gallagher described that when the program was used in the city, services were tracked on a neighborhood level, but the state program tends to look at a more of a macro level.

Scot Spencer explained EBDs and compared them to Smart Sites. He shared the idea that some of these programs may be overlapping and we should take a look to see where we may combine programs or resources.

Heather also explained about the recent restructuring at MDE to better align programs and align resources with priorities. Waste Management will now be called Land Management. The Mining Program will be moved to the Waste Management Administration. The new permitting program for coal combustion byproducts will also be located within Waste Management. This change consolidates ground water protection programs. The Confined Animal Feeding Operations regulatory program will be consolidated with MDE's other major nutrient management program, the sewage sludge program. Within the Office of Secretary, the Office of Communications will be moved to be part of the Office of Legislation and Policy. Staff in the Permitting and Customer Service Center will be reassigned to high-priority areas. It is anticipated that these changes will result in a more even workload distribution, decrease the possibility of positions being abolished, and develop greater efficiencies in our operations.

### **Smart Growth Panel**

A panel to discuss smart growth issues included Delegate Steve Lafferty (Baltimore County, District 42), Dru Schmidt-Perkins, Executive Director of 1,000 Friends of Maryland, Shelley Wasserman, Principal Counsel for the Department of Planning, and Leslie Knapp, Associate Director at the Maryland Association of Counties.

Delegate Lafferty introduced himself and talked about the issues surrounding growth including standing on environmental issues, increased air pollution, transit development and access, the new septic system bill that is good, but leaves a lot of systems out, safe drinking water, open space, and issues of redevelopment in low income areas.

Dru Schmidt-Perkins spoke about the challenges facing Maryland including a lack of resources for good planning, health care, jobs, and transportation. She described the disconnect between Housing costs and growth issues. She also discussed the Joint Campaign on Smart and Fair Growth that links money with outcomes and builds coalitions. Dru is hopeful that we will be seeing federal leadership on transportation issues that will really consider growth and planning. She also recommended a policy paper called Transportation RX.

Shelley Wasserman described DOP's work with stakeholders. A remarkable coalition worked on five bills including a visions bill, a development plan, and an indicators bill. The budget constraints are an issue, but they help the Department to be very focused.

Les Knapp spoke about MACo's position that many of these growth decisions are best made at the local level. The lack of resources at the state level has had an impact and it has been a challenge for the state to be able to give technical assistance for planning and land use decisions to the locals. Les also described five important goals for moving forward:

1. Comprehensive Planning with regard to infrastructure, funding outside of the PFA, and education of the local public.
2. State Presentation
3. Departmentalized efforts need to stop
4. Acknowledge what has been done, what resources are available and the limits
5. There is a clash between smart growth and environmental goals that needs to be worked on

### *Questions and Answers*

Scot shared that he was invited to participate in the Central MD Transportation Alliance Report to do a presentation on Transit Oriented Development at the Federal Level and asked for thoughts on the issue. Delegate Lafferty said the biggest challenge is CSX because the government has no control over the tracks. Dru added the thought that Prince George's County is transportation rich but has parking issues. She thinks it is great that HUD, US DOT, and EPA are finally working together.

Josh asked how you resolve the conflict between the local, state, and federal government. Lafferty commented there is a need for comprehensive plans because decisions cannot be made county by county. Decisions need to be done regionally at a minimum. The bill that past in

2009 let locals set standards. Josh followed up suggesting if there should at least be a floor that the locals need to meet.

Senator Harrington suggested before policies are created we need to consider where we want to be and raise awareness of who is at the ground level. There is a need to think beyond the next development. Dru added that coalitions need to decide their goal and with each decision the coalition needs to go back to the goal and consider how the decision will affect the goal.

Andy asked if county or state discussions take into consideration the burden of polluting facilities. Dru commented there is some recognition as we consider new stormwater regulations and TMDL regulations, but it is not as front and center as it could be. Andy followed up suggesting that there may be a need for industrial zoning planning on a state level. Les commented that putting it into law might not solve the problem because planning is so broad now.

There was discussion on the fact that no performance measures passed because there was a disagreement as to what would work.

Dick asked if there are conflicts between MML and MACO. Les said there was greater conflict prior to the 2006 session, but that they have made progress and have more meeting, etc to come to agreement.

#### **Review of the CEJSC Homepage on MDE Website Review**

Lisa Nissley presented a power point looking at the CEJSC homepage on the MDE Website and other environmental justice information on the website (see power point attached). The presentation included brief information about what other states include on other EJ websites.

In an effort to save time, the discussion was very limited but it was suggested that as MDE revamps the site they pay special attention to public participation.

Lisa will email this presentation to the Commissioners so they can share further thoughts.

#### **Visit to the Banneker-Douglass Museum & Lunch at 49 West**

The Commissioners traveled to the Banneker-Douglass Museum. They were welcomed by staff and informed about the Obama mural done by students from Lothian Elementary School and the quilt *Journey to the White House* by local artist Dr. Joan M. E. Gaither. The quilt chronicles the life of President Barack Obama and his path to the White House. This was followed by a self-guided tour though the permanent exhibit.

Commissioners then gathered at 49 West for lunch and informal conversation.

### **Roundtable on Cumulative Impact**

MDE staff presented potential ideas for addressing public participation and environmental justice in the permitting process. Lisa explained the process that they have gone through looking at data and speaking to other states about ideas. She also explained that resources have to be a top consideration in this conversation as we move forward because of fiscal concerns.

Rich Eskin, Director of Science Services at MDE presented on maps showing demographics and permitting statistics in the state, as well as more focused areas of Baltimore and Prince George's County (presentation attached).

Overall, Commissioners were pleased with the maps that were shared. Betty commented that there is more likely a correlation between health outcomes and demographics than permitting. The Commissioners asked why there are a high number of permits in the White Marsh area. That is attributed to a waste transfer station. It is also discussed that the Middle River statistics are "legacies" from the former industry in the area.

They inquired if there could be an EBD overlay and that is a possibility. There was also interest in tracking mobile sources of pollution, but that is not really possible with MDE data.

The Commission requested MDE provide mapping/data on Cambridge, Easton, and Salisbury, age, voting patterns, and Native American populations.

Angelo Bianca, Deputy Director of ARMA at MDE shared the idea of a petition process that New Jersey has tried (see attached). It would allow communities to petition the Commission to receive attention on EJ issues and have an action plan developed to address these issues. Questions were asked about who could form a group to file a petition. This is the sort of thing that could be determined later. There is great concern about the resources involved and what may be needed from other agencies. There was some thought of overlap with the EBDs.

Lisa presented on the idea of Local Advisory Groups, which would serve as a way to bring decision makers together with the community to address concerns (see attached write up). Kathy Kinsey compared this to successful Neighborhood Advisory Councils in Frederick. Vernice agreed and pointed out the similar Community Boards in New York City. Commissioners thought if we could focus this idea on a few areas based on data it might be successful.

This led to a conversation about who would be engaged and the power structures in communities. The idea of engaging people at this level was appreciated. It was thought to be successful you would also need to engage elected officials.

Commissioners thought that this also speaks to how we take in problems that communities bring to the Commission. Lisa suggested that the commission might concentrate on getting people to the right agency that can help them.

The idea of a need for local EJ policies was discussed too.

### **Symposium Update**

Vernice briefed the Commission on details related to the October 3<sup>rd</sup> land use symposium. The symposium will be held at Morgan State University and is being co-sponsored by MDE, MDP, Housing, DHMH, and Glenn's group. MDE has agreed to pay for lunch, which is a big cost of the event. MDP will give \$2500 in in-kind donations and Glenn's group has agreed to donate \$1000. DHMH will give \$5000 through Cliff's grant.

A planning committee has been meeting via phone conference on a regular basis to work out details. Right now the schedule is as plans:

### **Discussion on Commission Priorities for 2009/2010**

First, Scot reviewed the annual report outline and each section was assigned to someone to write and turn into Lisa in two weeks.

Working from the document "Planned Commission Objectives for 2009" the Commission discussed its plans for next year. It decided that its overarching goals are the same:

1. Increase awareness and improve communications on environmental justice and sustainable community issues in state and local decision-making.
2. Increase participation by and collaboration with diverse stakeholders in matters pertaining to environmental justice and sustainable communities.
3. Further infuse the Environmental Justice and Sustainable Communities work into the state's environmental agenda.

Scot reviewed the subcategories that have been completed and he will revise the document to be included in the annual report. The Commission decided they would adopt Lisa's suggestion on incoming community concerns.

The Retreat was adjourned at 3:15pm.

## **7. APPENDIX B: LEGISLATIVE TESTIMONY**

**Comments offered by Vernice Miller-Travis  
Commission on Environmental Justice and Sustainable Communities  
HB 1053/SB 824 – Community Environmental Protection Act of 2009  
Wednesday, March 11, 2009**

Madame Chairwoman and members of the committee, I am Vernice Miller-Travis and I am here today in my role as Vice-Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

The CEJSC is tasked with examining environmental justice and sustainable community issues that may be associated with creating healthy, safe, economically vibrant, and environmentally sound communities for all Marylanders in a manner that allows for democratic processes and



community involvement. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am speaking today.

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.

It is within the context of these approaches that the Commission finds that House Bill 1035 is consistent with both EPA's and the State's stated definitions of environmental justice.

The Commission is frustrated by the fact that communities are frequently faced with threats to their health, safety and welfare because of a decision to permit a particular activity nearby, or permit the expansion of an existing nearby facility. If the residents or communities had the opportunity to appeal adverse permitting decisions to the Circuit Court, they may not be faced with these threats. Current Maryland law, however, does not allow this to occur. The end result is that the process gives developers and industry more power than residents and communities. In reviewing this bill, the Commission considered a host of information, including the following points:

- Many nonprofit organizations exist to serve and protect community and residents' interests, including in the areas of environmental permits;
- Current Maryland law does not provide standing for organizations seeking judicial review unless it has its own property interest separate from property interest held by its members;
- It is difficult for nonprofit organizations to demonstrate that they are “aggrieved” under current law, even though a community or organization may be impacted directly by permitting decisions;
- The legislation requires that one member of the organization must have standing in his or her own right, but is not required to participate in the proceeding; and
- A federal standard exists for organizational standing, and this legislation is in line with that standard.

The Commission finds it appropriate that Maryland incorporate the current federal standard for organizational standing. The Commission views the standing to participate in governmental proceedings provided by HB 1035 as an appropriate mechanism to achieve the goals that we all seek to increase the public's role in environmental permitting decisions. This will ultimately hold governmental agencies to a higher standing in situations such as issuing permits, which will, in turn, give residents a greater voice in these decisions which so greatly impact their lives. At the end of the day when one looks at instances of environmental injustice we find all too often that land-use and zoning determinations made by local jurisdictions frequently wind up inflicting adverse environmental conditions and circumstances on local communities, especially low-income and communities of color. In order for those who are in harms way, or have the potential to be harmed by local environmental permitting decisions to be able to seek appropriate redress they too must be included among those classes of persons or groups who have the "standing" to pursue such claims in various fora to protect their interest and their communities well-being.

While the Commission is supportive of the proposed legislation, we feel compelled to note that we also believe the legislation would be stronger and more beneficial to community organizations throughout Maryland if it were to encompass land use decisions within its scope.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On HB 236 – Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing  
Wednesday, February 11, 2009  
Environmental Matters Committee**

Madame Chair and members of the committee I am sorry that I could not join you in person to provide our review of this important legislation. I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am writing today.

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.

It is in this context that we find that HB 236 satisfies the state’s definition of Environmental Justice. We all know of the devastating and long-term effects of lead poisoning on all people, but it is most pronounced in the most vulnerable of our citizens – children aged zero to six and seniors. The disproportionate burden of lead poisoning occurs in low income communities. The treatment for reducing the toxicity of lead paint is painful to the individual, costly to society – in terms of long lasting effects on people and cost of treatment - and limited in its true effectiveness.

The details in this legislation seek to level the field of safety in housing to prevent unnecessary exposure to lead paint. Given the number of historic structures that are being returned to productive use, the good work that has gone to reduce the risks of being in leaded housing could be compromised without a standard of testing and treatment.

Any older structure – whether it is a rowhouse in East or West Baltimore or an historic house in Cumberland or Salisbury – would be covered under the provisions of this act. The Commission finds that this is a fair and equitable approach to a serious environmental health threat.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On HB 1054 – Environment – Permitting Process – Environmental Justice Review  
Wednesday, March 11, 2009  
Environmental Matters Committee**

Good afternoon Madame Chair and members of the committee. I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those

findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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,

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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.

It is within the context of these approaches that the Commission finds that House Bill 1054 is consistent with both EPA's and the State's stated definitions of environmental justice.

The State of Maryland has a very favorable record of taking appropriate steps to protect wildlife, habitats, shorelines and watersheds. Federal and state standards require reviews and steps to mitigate or offset impacts to wetlands, threatened and endangered species. The provisions in HB 1054 take formative steps to acknowledge the potential impacts to **people and the communities that they live in**. It seeks to reach out to communities who already suffer a disproportionate share of burdens – not necessarily from any deliberate act or action – but too often from the cumulative impacts of seemingly disparate actions to potentially engage them as part of the solution.

In our work and proceedings we have often found that communities have an implicit understanding that change has impacts, however, too often it is the case that no one seeks to educate them on the explicit understanding of those potential impacts and what they often say to us is ‘it just isn't fair to treat us like we don't matter’. HB 1054, in our analysis, seeks to redress that gap.

**Comments offered by Scot T. Spencer, Chair**

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

**On HB 1078 – Environment – Permitting Applications – Notice Requirements**

**Wednesday, March 11, 2009**

**Environmental Matters Committee**

Good afternoon Madame Chair and members of the committee. I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our

Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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.

It is within the context of these approaches that the Commission finds that House Bill 1078 is consistent with both EPA's and the State's stated definitions of environmental justice.

This measure provides a more up to date method of communicating to property owners who may be personally or economically impacted by a permitted action. In an age where newspaper circulations are shrinking, the provisions of HB 1078 simply calls for a more direct means of communicating with populations that may be impacted by development.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On HB 1116 – Smart Growth – Visions and Performance Standards  
Wednesday, February 25, 2009  
Environmental Matters Committee**

Good afternoon Madame Chair and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our

Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I write today.

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,

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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.

It is within the context of these approaches that the Commission finds that House Bill 1116 is consistent with both EPA's and the State's stated definitions of environmental justice.

While the Commission is supportive of the provisions which seek to strengthen the performance standards that measure Maryland's improving growth and development we offer the following observations that could strengthen the bills' provisions for marginalized communities:

- We do not see a relationship between the vision that “residents are active partners in the planning and implementation of community planning initiatives” and any performance standard to measure that vision;
- While we support the performance standard to ensure a level of affordable housing for moderate and low income populations, it does not seem adequate that only 3.33% of housing would be available for the lowest income of our citizens. In our view the measure does not equal the vision that “residential options are provided for residents of all ages and incomes by creating a range of housing types, densities and sizes...”;

- Finally, we fully agree with the performance standard that links jobs and accessibility to those job sites but would recommend that the measures should be adjusted by revising standard #4 (I) to: “within ¼ mile from a bus system and ½ mile from a rail or fixed guideway system stop operating 7 days per week”. Numerous studies by transportation analysts, including the Center for Transit Oriented Development, cite that these transit standards are acceptable walking distances by most people in America. Furthermore, this standard should include a mechanism to ensure that the public transit stops detailed within this standard remain in operation – either through sustained funding by the State or by the development entity – for a period of at least 10 years. Transit Oriented Development’s can take up to 15 years to achieve sustainable operating densities for transit services. In many instances it may be too easy, because of the lack of demand, to curtail or eliminate services which compromise the State’s overall system test for farebox recovery.

The provisions of this bill will re-establish Maryland in the vanguard of states seeking to balance economic growth with environmental protection; we believe that strengthening the provisions to provide for meaningful and measured citizen engagement, fair inclusion in housing that is proximate to jobs and other family life functions and sustained support to connect people to emerging job centers will make Maryland the model in advancing a triple bottom line.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On HB 1289 – Public Safety – Regulation of Demolition – Demolition Contractors  
Tuesday, March 17, 2009  
Economic Matters Committee**

Good afternoon Mister Chairman and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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,

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*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.

It is within the context of these approaches that the Commission finds that House Bill 1289 is consistent with both EPA’s and the State’s stated definitions of environmental justice.

The Commission has been examining the issue of safe demolition for several years. Our attention to this came with the advent of the East Baltimore Redevelopment Project in late 2004. The residents of the Middle East Baltimore community were rightfully concerned about the 577 housing units that were slated for demolition as part of the revitalization of the community. The buildings, constructed in the latter part of the 19<sup>th</sup> century, were laden with lead, mold and potentially other hazardous substances. This is a community that, despite a 94% reduction in childhood lead poisoning, still has the highest rate of children testing for lead poisoning in the City.

It was clear that with their concerns that a different, improved and community responsive solution to demolition.

A new protocol for demolition was developed. It was used with a 100% minority contractor participation in the demolition process. The results from testing – both pre- and post-demolition showed a process that informed the community, limited casual entry to a demolition site and in which active preventative practices were employed worked and in the end lowered the level of lead to the point that it is undetectable by USEPA standards.

Safe demolition works. When compared with the \$732,000 cost of treatment for a lead poisoned person, the business model underscored in HB1289 is modest. Children deserve a fair opportunity to be spared from hazardous lead dust. Communities deserve the opportunity to be spared from particulate matter being emitted in their neighborhood.

HB 1289 will ensure that every person in the State of Maryland should have the same level of protection from unsafe demolition practices. This bill does meet every standard of environmental justice and it is something that the Commission fully embraces.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 4 – Environment – Permitting Process – Environmental Justice Review  
Tuesday, February 3, 2009  
Education, Health and Environmental Affairs Committee**



Good afternoon Madame Chair and members of the committee. I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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,

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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.

It is within the context of these approaches that the Commission finds that Senate Bill 4 is consistent with both EPA's and the State's stated definitions of environmental justice.

The State of Maryland has a very favorable record of taking appropriate steps to protect wildlife, habitats, shorelines and watersheds. Federal and state standards require reviews and steps to mitigate or offset impacts to wetlands, threatened and endangered species. The provisions in SB 4 take formative steps to acknowledge the potential impacts to **people and the communities that they live in**. It seeks to reach out to communities who already suffer a disproportionate share of burdens – not necessarily from any deliberate act or action – but too often from the cumulative impacts of seemingly disparate actions to potentially engage them as part of the solution.

In our work and proceedings we have often found that communities have an implicit understanding that change has impacts, however, too often it is the case that no one seeks to educate them on the explicit understanding of those potential impacts and what they often say to us is ‘it just isn’t fair to treat us like we don’t matter’. SB 4, in our analysis, seeks to redress that gap.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 47 – Environment – Permitting Applications – Notice Requirements  
Tuesday, February 3, 2009  
Education, Health and Environmental Affairs Committee**

Good afternoon Madame Chair and members of the committee. I am Scot Spencer, Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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.

It is within the context of these approaches that the Commission finds that Senate Bill 47 is consistent with both EPA's and the State's stated definitions of environmental justice. This measure provides a more up to date method of communicating to property owners who may be personally or economically impacted by a permitted action. In an age where newspaper circulations are shrinking, the provisions of SB 47 simply calls for a more direct means of communicating with populations that may be impacted by development.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 361 – Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing  
Wednesday, February 18, 2009  
Senate Judicial Proceedings Committee**

Chairman and members of the committee, I am Scot Spencer and am writing in my role as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am writing today.

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,

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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.

It is in this context that we find that SB 361 satisfies the state's definition of Environmental Justice. We all know of the devastating and long-term effects of lead poisoning on all people, but it is most pronounced in the most vulnerable of our citizens – children aged zero to six and

seniors. The disproportionate burden of lead poisoning occurs in low income communities. The treatment for reducing the toxicity of lead paint is painful to the individual, costly to society – in terms of long lasting effects on people and cost of treatment - and limited in its true effectiveness.

The details in this legislation seek to level the field of safety in housing to prevent unnecessary exposure to lead paint. Given the number of historic structures that are being returned to productive use, the good work that has gone to reduce the risks of being in leaded housing could be compromised without a standard of testing and treatment.

Any older structure – whether it is a rowhouse in East or West Baltimore or an historic house in Cumberland or Salisbury – would be covered under the provisions of this act. The Commission finds that this is a fair and equitable approach to a serious environmental health threat.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 529 – Environment –Environmental Justice Review – Public Service Companies  
Tuesday, March 3, 2009  
Education, Health and Environmental Affairs Committee**

Good afternoon Madame Chair and members of the committee. I am writing as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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.

It is within the context of these approaches that the Commission finds that Senate Bill 529 is consistent with both EPA's and the State's stated definitions of environmental justice.

The State of Maryland has a very favorable record of taking appropriate steps to protect wildlife, habitats, shorelines and watersheds. Federal and state standards require reviews and steps to mitigate or offset impacts to wetlands, threatened and endangered species. The provisions in SB 4 take formative steps to acknowledge the potential impacts to **people and the communities that they live in**. It seeks to reach out to communities who already suffer a disproportionate share of burdens – not necessarily from any deliberate act or action – but too often from the cumulative impacts of seemingly disparate actions to potentially engage them as part of the solution.

In our work and proceedings we have often found that communities have an implicit understanding that change has impacts, however, too often it is the case that no one seeks to educate them on the explicit understanding of those potential impacts and what they often say to us is 'it just isn't fair to treat us like we don't matter'. SB 529, in our analysis, seeks to redress that gap.

Should this legislation become law, the Commission, as specified in the legislation, stands ready to work with the Department of the Environment to meet the provisions outlined in SB 529.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 975 – Public Safety – Regulation of Demolition – Demolition Contractors  
Wednesday, March 25, 2009  
Education, Health and Environmental Affairs Committee**

Good afternoon Madame Chair and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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.

It is within the context of these approaches that the Commission finds that Senate Bill 975 is consistent with both EPA's and the State's stated definitions of environmental justice.

The Commission has been examining the issue of safe demolition for several years. Our attention to this came with the advent of the East Baltimore Redevelopment Project in late 2004. The residents of the Middle East Baltimore community were rightfully concerned about the 577 housing units that were slated for demolition as part of the revitalization of the community. The buildings, constructed in the latter part of the 19<sup>th</sup> century, were laden with lead, mold and potentially other hazardous substances. This is a community that, despite a 94% reduction in childhood lead poisoning, still has the highest rate of children testing for lead poisoning in the City.

It was clear that with their concerns that a different, improved and community responsive solution to demolition.

A new protocol for demolition was developed. It was used with a 100% minority contractor participation in the demolition process. The results from testing – both pre- and post-demolition showed a process that informed the community, limited casual entry to a demolition site and in which active preventative practices were employed worked and in the end lowered the level of lead to the point that it is undetectable by USEPA standards.

Safe demolition works. When compared with the \$732,000 cost of treatment for a lead poisoned person, the business model underscored in SB 975 is modest. Children deserve a fair opportunity to be spared from hazardous lead dust. Communities deserve the opportunity to be spared from particulate matter being emitted in their neighborhood.

SB 975 will ensure that every person in the State of Maryland should have the same level of protection from unsafe demolition practices. This bill does meet every standard of environmental justice and it is something that the Commission fully embraces.

**Comments offered by Scot T. Spencer, Chair  
Maryland Commission on Environmental Justice and Sustainable Communities  
On SB 878 – Smart Growth – Visions and Performance Standards  
Wednesday, February 25, 2009  
Education, Health and Environmental Affairs Committee**

Good afternoon Madame Chair and members of the committee. I am writing you as Chair of the Maryland Commission on Environmental Justice and Sustainable Communities. Our Commission (CEJSC) was first established by Executive Order on January 1, 2001 and signed into law on May 22, 2003.

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. Specifically, we are empowered to provide advice and analysis on matters pertaining to environmental justice and sustainable communities and to report those findings and analyses to the Governor and the Legislature. It is in that spirit and that responsibility that I am here today.

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.

It is within the context of these approaches that the Commission finds that Senate Bill 878 is consistent with both EPA's and the State's stated definitions of environmental justice.

While the Commission is supportive of the provisions which seek to strengthen the performance standards that measure Maryland's improving growth and development we offer the following observations that could strengthen the bills' provisions for marginalized communities: We do not see a relationship between the vision that “residents are active partners in the planning and implementation of community planning initiatives” and any performance standard to measure that vision;

While we support the performance standard to ensure a level of affordable housing for moderate and low income populations, it does not seem adequate that only 3.33% of housing would be available for the lowest income of our citizens. In our view the measure does not equal the vision that “residential options are provided for residents of all ages and incomes by creating a range of housing types, densities and sizes...”;

Finally, we fully agree with the performance standard that links jobs and accessibility to those job sites but would recommend that the measures should be adjusted by revising standard #4 (I) to: “within ¼ mile from a bus system and ½ mile from a rail or fixed guideway system stop operating 7 days per week”. Numerous studies by transportation analysts, including the Center for Transit Oriented Development, cite that these transit standards are acceptable walking distances by most people in America. Furthermore, this standard should include a mechanism to ensure that the public transit stops detailed within this standard remain in operation – either through sustained funding by the State or by the development entity – for a period of at least 10 years. Transit Oriented Development’s can take up to 15 years to achieve sustainable operating densities for transit services. In many instances it may be too easy, because of the lack of demand, to curtail or eliminate services which compromise the State’s overall system test for farebox recovery.

The provisions of this bill will re-establish Maryland in the vanguard of states seeking to balance economic growth with environmental protection; we believe that strengthening the provisions to provide for meaningful and measured citizen engagement, fair inclusion in housing that is proximate to jobs and other family life functions and sustained support to connect people to emerging job centers will make Maryland the model in advancing a triple bottom line.



## 8. APPENDIX C: AGENDAS & MINUTES

### December 6, 2007 Meeting

Maryland Department of the Environment  
1800 Washington Boulevard, Baltimore MD 21230  
9:30 AM - 12:00 Noon

#### AGENDA

- 9:30** Introductions
- 9:45** Approval of Minutes  
Amendments to bylaws - *Kelly Pfeifer*  
Governor's Appointments Office Disclosure – *Dorothy Morrison*
- 10:00** Overview of Middle Branch, Baltimore City Comprehensive Plan  
- *Beth Stroeman, Baltimore City Planning Office*
- 10:30** Overview of Westport Development Project  
*Pat Turner, Turner Development, LLC (invited)*
- 11:00** Discussion on Baltimore City's Sustainable Plan and  
Environmental Justice- *All*
- 11:30** Update on 11/16/07 Legislative Black Caucus Mtg. - *Vernice Miller-Travis*
- 11:45** Closing Remarks- *Scot Spencer, Chair*

#### MINUTES

##### In Attendance

Commissioners: Scot Spencer, Vernice Miller-Travis (via phone), Andrew Fellows, Beth Stroeman, Betty Dabney, Gregory Contess, John Braggio, Rosa Hart Burenstine, Dorothy Morrison

Participants/Guests: Amy Burch, Denise Sullivan, Gregory Countess, Chris Sewell, John Papagni, Eric Turner, Pat Turner, Johnathan Nwagbaraocha, Nan Lyons, Lou Tackas, Luke Wisniewski, Julia Dinkin, Glen Robinson, Dawn McClery

##### Introductions

The meeting commenced with introduction of attendees, followed by presentations by the Baltimore City Planning Office and Turner Development, LLC, contractors for the Westport Redevelopment project.

Due to time constraints, The following Commission house keeping items were tabled for next meeting— approval of minutes, amendments to bylaws, and Governor's Appointments Office disclosure.

### **Overview of Middle Branch, Baltimore City Comprehensive Plan**

Beth Stroeman, with the Baltimore City Planning Office gave the following highlights during her presentation:

Ms. Stroeman indicated the Baltimore City comprehensive plan will be available online by Friday, December 14, 2007.

### **Overview of Westport Development Project**

Pat Turner, with Turner Development, LLC provided an overview of the West Port development project to the group. Below are some highlights of the project.

- The development will be marketed as access neighborhood for the Base Realignment and Closure Act (BRAC), which is expected to bring approximately 50,000.00 jobs to Maryland within the next two to four years. Incentives will be provided for defense contractors to locate to the West Port development.
- The project will connect the community with the area's waterfront amenities by removing hindering railroad tracks.
- There will be no marinas in order to discourage power boat use, and encourage
- Industrial facilities will be demolished and remediated.
- The development will be transit-oriented featuring a transit station located in the center. Portions of Interstate 295 will be converted into a boulevard to ensure safe crossing for the Cherry Hill residents.
- Ten miles of bike and walking trail will allow pedestrian circulation.
- The project will have 50 acres of constructed wetlands including aqua filters and dry swales for watering trees and shrubs.
- The Westport development is a 45 million dollar investment with 2000 proposed mixed housing units and three million square feet of office space.
- Currently, the residential area adjacent to the development is 25% home ownership and 75% renters and abandoned properties.

### **Baltimore City Sustainability Plan and EJ**

Due to time constraints, the planned discussion on Baltimore City's Sustainable Plan and Environmental Justice did not occur. This discussion will be rescheduled for either the Commission's January or February, 2008 meeting.

### **Equity and Sustainability**

There were some concerns raised as to whether existing residents will be able to purchase new or refurbished homes in the area as a result of the Westport development, which is expected to raise surrounding property values. Harbor Bank is one of the banks that have been retained to assist residents with home purchasing.

Important factors to consider in development projects are:

- Economic inclusion to accommodate a variety of income levels
- Education and awareness about community benefits agreements. Community benefits

agreements are agreements reached on a proposed development with input from the impacted community prior to the start of development project.

Note: The Westport (Turner development) project commenced prior to the development of the Baltimore Middle Branch Master Plan. The Westport development project conforms with guidance requirement available at the time. Improvements to the previous guidance have been made and documented in the current Middle Branch Master Plan.

**Action Items:**

It was proposed that the CEJSC review the Middle Branch master plan from a Title VI perspective and provide recommendations to the City on how to better address development and equity.

Local planning commissions need to be urged to use development plans effectively and implement recommendations.

Vernice Miller-Travis offered to share with the City, strategies for enhanced public involvement.

**January 17 2008 Meeting**

Low House Building, Annapolis  
Room 302  
9:30 – 11:30 A.M.

**AGENDA**

- 9:30** Introductions
- 9:40** Approval of December 6th Minutes
- 9:50** Discussion on EJ and Sustainability- *Vernice lead*
- 10:30** Discussion on Environmental Benefits Districts
- 10:45** Amendments to Bylaws- *Kelly lead*
- 11:00** Update on November 2007 Legislative Black Caucus Workshop -*Vernice*
- 11:15** Other Updates- *All*
- 11:30** Adjourn

**In Attendance**

Commissioners: Spot Spencer, De. Elizabeth Bob, Arabia Davis (MDP Designee), Kelly Pfeifer, Rosa Hart-Burnstein, Betty Dabney, Vernice Miller-Travis, Solomon Omo-Omosagie John Quinn, Beth Stroeman (Baltimore City Designee), Dorothy Morrison (MDE)

Participants/Guest: Lou Tackas, Nan Lyons, Mary Washington, Gregory Tempest, Jeanette Gilmore, Jeffrey Fretwell, Stuart Clarke, (Four Cherry Hill residents to be included)

## Agenda Items

### Introductions

Approval of December 6th Minutes

Updates from the Chair

Discussion on EJ and Title VI of 1964 Civil Rights Act

Discussion on Environmental Benefits Districts

Amendments to Bylaws

Update on November 2007 Legislative Black Caucus Workshop

Updates from the Chair

The Chair (Scot) opened the meeting with an overview of recent activities:

- Baltimore Watershed Agreement-- Scot submitted comments to be included in the agreement (Attachment A) on behalf of the Commission.
- League of Conservation Voters— Scot was asked to review the league’s briefing book and provide recommended text (Attachment B) for this publication. In doing so, Scot insisted that reference to race and class, under the “Peoples” section remain in the document.
- 2008 Senate bills 99 and 100, Virtual Environmental Centers and Minority Environmental Land Trust, sponsored by Senator Lisa Gladden, were dropped into the hopper on Monday, January 14<sup>th</sup> and hearings will be on Tuesday, January 29<sup>th</sup>.
- Scot attended a briefing with the Coalition to End Childhood Lead Poisoning on proposed lead bills, which will be introduced this year and co-sponsored by Montgomery County delegate.
- Representatives from CEJSC have been invited to address the State Smart Growth Coordinated Committee on February 13, 2008 about the nexus of EJ and smart growth. Scot and Vernice will be the key speakers, but if anyone has an interest in attending let Dorothy know.
- Chesapeake Bay Trust Minority Participation Listening Session-- will be held on Tuesday, January 29 in Annapolis. All are encouraged to attend and offer their perspective.

Discussion on EJ and Title VI of 1964 Civil Rights Act

Vernice Miller-Travis gave an overview of the 1964 Civil Rights Act, Title VI and its implications for environmental Justice. For further insight, it was recommended that Commissioners read the publication, *Environmental Advocacy: Working for Economic & Environmental Justice* by [Bunyan Bryant](#). This publication explores environmental justice through several theoretical frameworks. The book goes beyond grievances and promotes the

scientific and theoretical analysis as bases for a deeper understanding and critical analysis of the interface of race and the environment and implication for public policy.

Important highlights from the Title VI presentation were:

1. Many government agencies may be in non-compliance of Title VI, but have not been charged with a violation because the impacted populations do not have the resources, knowledge, or wear-with-all to bring on claims against agencies. If this status quo were to be reversed and charges brought against state and local agencies or entities that are recipients of federal funds, then these entities face the risk of suspension or termination of federal assistance moneys received for programs and activities.
2. It may be prudent for the CEJSC to conduct an analysis of how MDE and other state agencies are incorporating Title VI requirements into their daily operations.

### **Background Note:**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin under any program or activity of a Federal financial assistance recipient. Title VI itself prohibits intentional discrimination. However Congress directed that its policy against discrimination by recipients of Federal assistance be implemented, in part, through administrative rulemaking. Since 1964, regulations promulgated by Federal agencies implementing Title VI have uniformly prohibited conduct or actions by a recipient which have the effect of discriminating on the basis of race, color or national origin. Title VI "delegated to the agencies in the first instance the complex determination of what sorts of disparate impacts upon minorities constituted sufficiently significant social problems, and were readily enough remediable, to warrant altering the practices of the Federal grantees that had produced those impacts."

EPA initially issued Title VI regulations in 1973 and revised them in 1984. Applicants for EPA financial assistance must submit an assurance with their application stating they will comply with the requirements of EPA's regulations implementing Title VI with respect to their programs or activities.<sup>15</sup> Applicants must also adopt grievance procedures that assure the prompt and fair resolution of complaints which allege violations of EPA's Title VI regulations.<sup>16</sup> When an applicant receives EPA assistance, they may not issue permits that are intentionally discriminatory, or use "criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, or national origin."<sup>17</sup> Persons, or their authorized representatives, who believe Federal financial assistance recipients are not administering their programs in a nondiscriminatory manner may file administrative complaints with EPA or other relevant Federal agencies. The complaint must be filed within 180 calendar days of a particular action taken by the recipient (such as the issuance of an environmental permit) that allegedly has a discriminatory purpose or effect.<sup>18</sup> The primary means of enforcing compliance with Title VI is through voluntary compliance agreements. Suspension or termination of funding is a means of last resort.

## Discussion on Environmental Benefits Districts

Recommendations on the framework for evaluating EBD include:

- Application process and datasets used in the identification and designation of communities of concern.
- Degree of interagency coordination
- Community perspective on benefit of designation
- How will listening sessions translate into funds for project implementation

Betty Dabney recommended that an on-line survey be developed for soliciting information for the EBD Program.

The Community Involvement Workgroup was assigned to lead the EBD evaluation strategy. Members include, Rosa Burnstein and Andy Fellows. New volunteers: Arabia Davis and Lou Tackas.

## Amendments to Bylaws

Kelly Pfeifer proposed amendments as follows:

Bylaws currently state:

*6.1 Two thirds or ten (10) of the Fifteen (15) members or their alternates representing CEJSC shall constitute a quorum of the CEJSC. Of this number, there shall be at least two (2) members or alternates from state agencies, two (2) members or alternates from local government, two (2) members from community groups and two (2) members from the business sector..*

Proposed amendment to read:

*6.1 One-half or eight (8) of the fifteen (15) members or their alternates shall constitute a quorum of the CEJSC.*

In addition, John Quinn proposed including language to facilitate remote participation in meetings. John will provide such text to Kelly to incorporate into the bylaws. The amended version of the bylaws will be circulated to all commissioners and a vote will be taken to accept amendments during the February 14<sup>th</sup> meeting. All commissioners are urged to be present on February 14<sup>th</sup> so that there will be a quorum for voting.

## November 2007 Legislative Black Caucus Workshop

During the Legislative Black Caucus Annual Meeting, Vernice on behalf of the Commission gave participants a perspective on the State of Minorities in the Environmental Community as well as some background on the CEJSC and its activities.

**(Attachment A)**

**Baltimore Watershed Agreement**

**Goals**

**December 12, 2007**

**FINAL**

**Introduction**

In December 2006 leaders from Baltimore City and Baltimore County signed the second regional watershed agreement, pledging at that time to continue the cooperative efforts begun four years earlier when the first agreement was signed. The new agreement takes the commitments made in 2002 to a new level. It acknowledges the value of cooperation on regional watershed issues and highlights progress in getting monitoring programs aligned and watershed organizations more fully involved in outreach, citizen action and oversight. It creates a significant set of new commitments in five topic areas: Development/Redevelopment, Community Greening, Stormwater, Public Health and Trash. It acknowledges that action in all five of these areas is necessary to address pollution problems in the region's shared streams as well as the Harbor and the Back River.

The 2006 agreement established a Committee of Principals to oversee the task of developing first goals and then action strategies for each topic. Committee members were appointed by the Mayor and the County Executive. That committee met for the first time in July 2007 and established a process for tackling the work called for in the agreement. They created five ad hoc committees and asked them to complete step one – goal setting – by October 2007.

The five committees addressing Development/Redevelopment, Community Greening, Stormwater, Public Health and Trash held two meetings in August and September.

The charge to each committee was to prepare a list of goals to be submitted to the Committee of Principals for approval, as the first step toward developing action strategies for each topic area. Committees were asked to define an overarching, long term (2020) goal; ensure that each suggested goal and action has a clear connection to water quality; include relevant goals and strategies already adopted by City and County agencies; and look for opportunities to collaborate and coordinate between the City and the County.

All five committees identified “sustainable communities” as an overarching theme in these discussions and urged that effective coordinating mechanisms be put in place to ensure that sustainability is established in both jurisdictions as a key element and outcome of the Baltimore Watershed Agreement. Specific ways to do this are suggested in the text that follows. Another cross cutting theme identified by a member of the Committee of Principals is environmental justice; issues related to Environmental Justice will need to be considered during the implementation strategy phase of this work.

Pervasive throughout all the discussions were several themes common to all five groups. These themes have to do with:

1) coordination across agencies within each jurisdiction as well as between jurisdictions;

- 2) development of metrics and indicators to enable technical staff, policy leaders and the public to gage progress in meeting the goals;
- 3) the need for funding plans in each topic area, as it is clear that while existing resources may be more efficiently utilized, new dollars are needed;
- 4) public awareness, which is believed to be low in all five topic areas.

Following are the goals developed by each of the five committees. The next step entails spending a number of months working on the action strategies for each set of goals and seeking public comment as well as political and financial support for those strategies. The goal for completion of the second phase of work is October 2008.

### **DEVELOPMENT/REDEVELOPMENT**

New development continues in much of the area outside Baltimore's urban core. Redevelopment of older areas has accelerated in recent years, as new buildings spring up around the Harbor and in older neighborhoods throughout the metropolitan region. While the impervious surfaces that traditionally come with development have been demonstrated to be detrimental to water quality, new techniques for reducing negative impacts abound. These new techniques make redevelopment in particular an opportunity to address environmental problems that date to the days when awareness about the environmental downside of development were much less well understood.

*Overarching goal: Ensure that the policies and practices that govern development and redevelopment are protective of existing natural and water resources and meet objectives of the Clean Water Act.*

- 1. Coordinate existing planning, zoning and permitting processes to ensure that development is consistent with watershed management plans, Maryland's Smart Growth program and regulatory requirements.**
- 2. Use new State stormwater and water resources requirements to improve water quality during the development and redevelopment process and to develop better methods to measure improvement.**
- 3. Develop and implement an outreach and public education program about stormwater, development and related activities emphasizing the impact on water quality.**
- 4. Ensure that government is equipped to evaluate programs and projects to ensure consistency with water quality goals.**
- 5. Identify needed resources and implement a funding strategy.**

### **COMMUNITY GREENING**

Increasing the amount of vegetation, in the form of tree canopy, shrubs and gardens, has come to be seen as a major step in improving water quality and quality of life in urban areas. It has the effect of improving air quality, lowering summertime ambient temperatures, serving as an effective stormwater management technique, reducing flooding, protecting streams, removing nutrients from the soil, increasing property values, and in general improving the quality of life for urban and suburban residents.



*Overarching 2020 Goal: Achieve City and County urban tree canopy and stream buffer goals and maximize vegetated areas as appropriate to improve water quality.*

- 1. Increase urban tree canopy and stream buffers in the Baltimore region through partnerships and the implementation of comprehensive multi-agency programs.**
- 2. Establish metrics and indicators to measure the effectiveness of greening elements in improving water quality.**
- 3. Identify necessary resources and design a funding strategy.**
- 4. Implement a public outreach and education campaign focused on schools, adults, businesses and institutions.**

## **STORMWATER**

Urban runoff, frequently referred to as stormwater, is the unseen culprit in deteriorating water quality in the metropolitan region. While problems from sewage treatment plants are being effectively addressed, urban runoff goes largely unabated and untreated. Also called nonpoint source pollution, it is the urban counterpoint to agricultural runoff. Stormwater carries huge amounts of pollutants from streets, parking areas, lawns and rooftops. It stresses streams because the volume of water rushing off hard surfaces exceeds the stream channel's ability to carry it. Finding ways to address both the volume and the quality of stormwater is imperative if the Baltimore region is to meet its water quality improvement goals.

*Overarching Goal: Achieve the necessary pollutant reductions and hydrological control to meet water quality standards in City and County streams and tidal waters by 2020.*

- 1. Coordinate current stormwater programs within and among state, city and county agencies to ensure maximum achievement of water quality objectives.**
- 2. Examine new technology, programs and training to improve the delivery and outcome of stormwater programs.**
- 3. Develop and implement new programs to address gaps in current efforts.**
- 4. Identify needed resources and implement a funding strategy.**
- 5. Design and conduct a public education and outreach program on stormwater.**

## **PUBLIC HEALTH**

Serious concern exists about the public health ramifications of contact with water in the region's streams as well as the Harbor. High bacteria levels are frequently found in the Gwynns Falls, Jones Falls, Herring Run and the Harbor. In addition, other contaminants have been found in fish tissue at levels that make local fish an unacceptable choice for susceptible populations. Efforts are underway to address long standing problems with the region's old sanitary sewer system but additional attention is warranted if Baltimore's streams and rivers are to be safe for humans.

*Overarching Goal: Ensure that the Harbor, the Back River and the tributary streams meet the "fishable, swimmable" goal of the Clean Water Act by 2020.*

- 1. Evaluate and expand water quality monitoring to ensure sufficient data to identify public health threats from bacteria and chemical contaminants and to detect trends.**

- 2. Examine City and County consent decrees and Municipal Stormwater permits to identify opportunities to address bacteria problems in a more timely fashion.**
- 3. Conduct a public education campaign about the risks associated with recreational use of polluted surface waters.**
- 4. Evaluate the additional costs associated with implementing better practices and identify potential funding mechanisms.**

## **TRASH**

The Baltimore region has long experienced major problems with trash. In addition to the visual blight caused by trash, there are potentially huge economic impacts to tourism and property values. Baltimore has periodically attempted to address the issue with anti-litter awareness campaigns and efforts to encourage recycling. Installation of trash collection systems at some of the major Harbor outfalls has highlighted the incredible volume of trash being channeled via the stormdrain system. Concerns have arisen about the potential public health issues associated with trash.

***Overarching Goal: Eliminate trash-related water quality impairments as defined by the Clean Water Act by 2020 in the Harbor, Back River and tributary streams.***

- 1. Identify and monitor receiving water impacts and identify sources and types of trash in order to establish reduction goals.**
- 2. Review and modify existing trash reduction strategies with a focus on source reduction, proper trash disposal and BMPs for trash removal.**
- 3. Implement a public outreach and education campaign focused on recycling and trash management and aimed at schools, adults, businesses and institutions.**
- 4. Create partnerships, identify funding needs and develop a financing strategy to reduce trash in Baltimore's waterways.**

**(Attachment B)**

### ***League of Conservation Voters Briefing Book***

A healthy environment is essential to public health, and public health is a cornerstone for a healthy, productive population and an enduring duty of government.

As we clean our air and water and protect our land, we improve the climate for public health.

In Maryland, environmental threats to public health include widespread air, water pollution and lead paint poisoning. Our air is polluted with particulates, gasoline constituents such as benzene, dioxin, and ground-level ozone. Many of our streams, rivers, and the Chesapeake Bay are polluted with methyl mercury, PCBs, and pesticides.

The Maryland Department of the Environment advises us not to eat too many of the fish we catch because they contain harmful chemicals.

Dirty air and water burden all of us, but some of us carry the weight more than others. An analysis by Scorecard, The Pollution Information Site found that communities where the poor and least educated Marylanders live are near the greatest releases of toxic chemicals, the highest cancer risks, the most superfund

sites, and the most facilities that emit criteria air pollutants. No one wants these health threats in their backyards. The challenge is to make sure they are not in anyone's backyard.

### Environmental Justice

Environmental justice embraces the principle that all people and communities have the right to equal protection, including safe living and working conditions and the right of access to natural resources such as parks and waterways. The concern is that environmental amenities on the one hand and toxic waste sites on the other are not distributed uniformly among income groups, classes, or ethnic communities.

The EPA 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 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.

Environmental equity—preventing and addressing disproportionate effects of environmental degradation on people and places—has been a governmental concern since the 1980s. Maryland created programs to address the issue in the 1990s. Now, state agencies, including the Department of the Environment and Department of Transportation, have active programs to ensure that unwanted uses are not unfairly located in low income, disadvantaged, and minority communities. The programs are designed to mitigate existing problems and prevent new ones and to involve these communities in decision making.

### SOLUTIONS

Invest in programs to remove pollution from abandoned industrial and commercial sites in urban and suburban areas. These so-called brownfields should be redeveloped before undeveloped resource lands are converted to industrial or commercial sites. Utilities and transportation systems are often available at brownfields and state policy should encourage their re-use.

### People

20 Maryland Environmental Briefing Book

Lead paint has been a scourge in many urban, low-income areas. Increase fees

and enforcement for lead removal and education programs. Consider environmental justice concerns in locating and permitting pollution producing land uses; involve the community in these decisions. Gather information about the presence and effects of industrial facilities and pollution in disadvantaged communities; use it to improve environmental justice efforts.

### Environmental Health

The list of environmental threats for Marylanders is high and reflected in the state's rates of cancer and lung disease. Soot and toxic compounds such as benzene and dioxin pollute the air. Pesticides, heavy metals, bacteria and toxic algae pollute the water. These pollutants enter the environment from factories, power plants, cars, hazardous waste dumps, agriculture and household use. Persistent substances such as lead, PCBs, mercury, and used oil can be found throughout Maryland. Identifying sources of toxics, preventing pollution, and cleaning up existing problems will reduce the toxic burden on humans and our environment.

Lead paint or dust continues to create long-lasting problems for children. Lead accumulates in the body and can create severe developmental and learning disabilities in young children and harm the kidneys and blood. The effects of lead poisoning can last a lifetime. More than 200,000 Maryland children under the age of 6 are at risk of lead poisoning.

Pesticides are used in agriculture, homes, gardens, schools, day care centers, hospitals, nursing homes, parks, and workplaces. Pesticides have been linked to birth defects, cancer, neurological and behavioral disorders, asthma, and sterility. A study by the Environmental Working Group examined the umbilical cord blood of 10 newborn children born between August and September 2004 and researchers found 28 organochloride pesticides, which are largely banned in the U.S. today and 21 detectable amounts of pesticides known to cause cancer and reproductive disorders. Recent research indicates that a class of pesticides widely used in Maryland is linked to Parkinson's disease. Pesticides can eventually reach the Chesapeake, Coastal Bays and tributaries, harming aquatic and wild life such as birds and mammals. The U.S. EPA has yet to evaluate the cumulative and synergistic effects of our daily exposure to a host of pesticides. Children are particularly vulnerable to the hazards of pesticides. Maryland's training materials for school administrators and staffs are out-of-compliance with the Integrated Pest Management (IPM) Schools law, and Maryland's public schools are likely to be out of compliance as well. In September 2006, the U.S. Department of Housing and Urban Development reported that child daycare centers throughout the U.S. exposed children to residues from pesticide

### Fast Facts

More than 200,000 Maryland children under the age of 6 are at risk of lead poisoning. A study by the Environmental Working Group examined the umbilical cord blood of 10 newborn children born between August and September 2004 and found 28 organochloride pesticides, which are largely banned in the U.S. today and 21 detectable amounts of pesticides

known to cause cancer and reproductive disorders. In Maryland, over 1 million children live within 30 miles of a power plant, the area in which the greatest health impacts are felt. As recently as 2002 approximately 146 million people in the United States lived in counties that did not meet air quality standards for at least one regulated pollutant.. Exposure to air pollution can aggravate chronic respiratory and cardiovascular disease, damage lung tissue, lead to premature death, and may even contribute to cancer. A study by the Centers for Disease Control estimated that 1 in 10 women currently have mercury levels in their bodies high enough to cause neurological effects in their offspring.

### People

Maryland League of Conservation Voters Education Fund 21 spraying. Hospital and nursing home patients are similarly exposed to pesticides. Maryland's challenge is to continue the downward trend of toxic emissions into the air, water, and land that originated with the federal Toxic Release Inventory Program and other Right-to-Know efforts. The EPA's Toxic Release Inventory (TRI) requires industrial facilities to disclose emissions of hundreds of different chemicals each year. Maryland companies still can achieve significantly greater pollution reductions.

### SOLUTIONS

#### Implement Safer Alternatives

Reduce our exposure to toxic chemicals by phasing out the use of known or probable toxics by switching to safer alternatives. There are many known hazards in the cleaning products we use, from the soaps and cosmetics we put on our bodies to the containers we use to store food. By phasing out these dangerous products and switching to safer alternatives we can protect ourselves and future generations.

#### Reduce Lead Exposure

Address the lead paint problem with increased funding and enforcement of clean up of lead contamination in homes. Register all rental properties that might contain lead. Test all children for blood lead levels, monitor buildings, clean up identified lead contamination, and educate parents about lead risks. Promote and implement new protocols that are proven to reduce lead hazards for workers and community residents alike.

#### Commit to a Bay Free of Toxic Pollution

Institute total maximum daily load permitting and eliminate mixing zones, which allow dischargers to meet water quality standards by diluting concentrations of toxic chemicals in waterways without reducing the total amount of chemicals released.

#### Protect School Children

Strengthen enforcement of Maryland's IPM-in-Schools law by ensuring that school employees are properly educated regarding the law and that all state provided educational materials regarding the law's implementation reflect the letter and the spirit of the law. Promote integrated pest management practices

and policies for schools, day care centers, hospitals, nursing homes, government parks and buildings that emphasize prevention and non-chemical strategies and use of least toxic chemicals only as a last resort when all other control methods have been exhausted.

#### Grow an Educated Citizenry

Develop and update an environmental health indicators web tool that can educate citizens on environmental health issues regardless of economic standing;

Foster and promote the use of language on environmental matters that is common to all and advances values such as fairness, responsibility and opportunity;

Advance community participation processes that are transparent and aspire to meet a triple bottom line – increased economic vitality, environmental protection and equal opportunity to benefit regardless of race or income.

#### People

22 Maryland Environmental Briefing Book

Control Pesticide Access

Encourage stricter oversight on access to restricted use pesticides and stored pesticides to reduce the potential criminal use of pesticides.

### **February 14, 2008 Meeting**

Lowe House Building, Annapolis

Room 302

9:30 – 11:30 am

#### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of January 17th Minutes
- 9:50** Vote to Amend Bylaws
- 10:00** Baltimore City Presentation on Middle Branch Master Plan
- 10:30** Q&A on Plan
- 10:40** Discussion on EJ and Sustainability in relation to Baltimore City Plan
- 11:15** Other Updates- *All*
- 11:30** Adjourn

#### **MINUTES**

##### **In Attendance**

Commissioners: Scot Spencer, Del. Elizabeth Bobo, Arabia Davis (MDP Designee), Cliff Mitchell (DHMH Designee), Andy Fellows, Rosa Hart-Burnstein, Betty Dabney, Richard Fairbanks, Vernice Miller-Travis, Solomon Omo-Omosagie, John Quinn, Hope Williams (Baltimore City Designee), Dorothy Morrison (MDE)

Participants/Guest: Siria Silas, Thomasina Scott, Jeaneatte Gilmore, Jeffrey Fretwell, John

Papagni, Jonathan Nwagbaraocha, Cheryle Wilson, Beth Stroeman

### **Agenda Items**

Introductions

Approval of January 17<sup>th</sup> Minutes

Amendments to Bylaws

Middle Branch Master Plan

Testimony from Cherry Hill Residents

Update on lead bills from Coalition to End Child Hood Lead Poisoning

### **Approval of Minutes and Amendments to Bylaws**

January minutes were approved and members voted to amend the existing bylaws.

### **Middle Branch Master Plan**

Beth Stroeman with Baltimore City Planning Department briefly highlighted the Middle Branch plan as it relates to addressing key environmental Justice issues:

1. meaningful public participation,
2. disproportionate environmental impacts, and
3. enforcement of environmental laws

(See meeting handouts 1 and 2 on pages 4 and 5 for details).

Ms. Stroeman pointed out that master plans have no legal ramifications and are used just as guides for development. The legal instruments that are enforceable include plan unit developments and zoning ordinances.

### **Testimony from Cherry Hill Residents**

Representatives from the Cherry Hill community expressed some of their concerns with regards to proposed development in the middle branch master area. Concerns included:

1. Availability of affordable housing
2. Impact of the West Port development on traffic- A transportation study is needed, but has not yet been performed. The claim by residents is that currently, there are only two viable ways to get in and out of the Cherry Hill community. Additional development bringing in more traffic will make it increasingly difficult for Cherry Hill residents to get in and out of their homes in a timely manner.
3. There is inadequate public transit available to Cherry Hill residents currently.
4. Environmental degradation of the WOMAC development project, which has come to a stand still.
5. Water main breaks and blackouts in the community

With regards to transportation, Ms. Stroeman mentioned that MTA had participated in development of the Middle Branch plan development. The recommendations were that light rail be improved and shuttle service be instituted to go around the community.

The Commission proposed conducting a site visit in April to Cherry Hill and the surrounding area to gain a better understanding of residents' concerns. Representations from Maryland Department of Transportation (MDOT) will be invited on this visit, as the bulk of the concerns expressed were centered on transportation-related issues. Chris Patusky of MDOT will be the initially contact regarding the site visit.

### **Update on Lead Bills**

Jonathan Nwagbaraocha with the Coalition to End Childhood Lead Poisoning brought to the attention of commissioners a number of lead bills to monitor that were either under development or had dropped. Among those bills were:

1. HB 62 and SB 97 – Lead in toys.
2. HB 589 and SB 587 – Relocation bill
3. HB 2273 - Dust testing requirement
4. HB 1164 – Workforce Bill to protect workers in high lead environments
5. Demolition Bill- No bill number yet, but is currently being drafted

#### ***Bill Sponsored by the Coalition:***

6. HB 1241 Market share Bill- liability for lead paint manufacturer
7. SB 1118 – Bringing properties to compliance
8. SB 1261 – Discrimination in housing based on source of income

#### ***Other Bills of Interest:***

9. HB 369 – Chesapeake Bay Trust Fund
10. HB 555 - Mobile home park relocation, fair compensation
11. HB 1196 – Maryland Healthy Places Act

Betty Dabney offered to provide comments for the lead in toys bill on behalf of the Commission.

**\*\*The next meeting will be held on Thursday, March 20<sup>th</sup>, 2008 at the Banneker Douglas Museum in Annapolis located in the Old Mount Moriah A.M.E. Church at 84 Franklin Street \*\***

Meeting Handout -1

Environmental Justice Commission Specific Questions regarding the Middle Branch Master Plan

1. Will the Middle Branch Master Plan result in environmental pollution to a greater degree in the Cherry Hill community than in the other communities that are part of the plan?



Answer: No. All properties within the Middle Branch Master Plan boundaries are former or current industrial sites with some Brownfields issues. The Plan directs that these sites be cleaned up and converted to non-industrial mixed-use developments that:

- Incorporate Green Building construction to reduce pollution (pg 40, 41, 45);
- Guarantee public access (pg 26,27)
- Encourage transit improvements and transit oriented design to discourage new roads and auto use (and pollution)(pg 56);
- Create new open space and protect existing open space (pg 26-29, 41).

2. Is there unequal enforcement of environmental laws in the targeted area?

Answer: No. The Middle Branch Plan calls for strict enforcement of existing environmental laws with recommendations for more restrictive standards in all areas of the Plan (pg 70-72).

3. Was there a lack of meaningful public involvement in the development process for the Middle Branch Master Plan or Cherry Hill Master Plan?

Answer: There was adequate and extensive public involvement. The Middle Branch Plan public process was handled in the standard method that all public plans are handled by the Department of Planning according to City policy. This process included:

- Twenty-eight public meetings were held to discuss the Middle Branch Plan. Six meetings were held specifically with Cherry Hill to present and discuss the Plan. Also, six of the general Middle Branch Master Plan meetings were held in the community of Cherry Hill to make it easier for them to attend. (A Table of public meetings is attached for review).
- Public Notification: Notification of the public was done in the following manor:
  - Master notification list developed with input from community planners, community association leaders, public meeting sign in sheets, property ownership data;
  - Meeting notifications were mailed through U.S. Postal Service;
  - E-mails;
  - Web page postings;
  - Flyers at each door in community;
  - Attendance at normally scheduled Community Meetings and distribution/announcement of future meetings.

## Meeting Handout -2

### MIDDLE BRANCH MASTER PLAN PUBLIC MEETINGS

Meeting Type/Subject	Time	Date	Location
Middle Branch Forum	8:30 am - Noon	11/16/06	Baltimore Rowing Ctr – Cherry Hill
Middle Branch MP Kick-Off Public Meeting	6:00 pm	3/12/07	Department of Planning
Subcommittee Mtg: Design and Development	8:30 am	3/26/07	Department of Planning
Community Mtg: Westport, Mt. Winans/Lakeland	6:30 pm	3/31/07	Westport Academy
Subcommittee Mtg Heritage and Tourism	2:00 pm	4/11/07	Department of Planning
Subcommittee Mtg Transportation	4:30 pm	4/11/07	36 South Charles Street
<b>Community Mtg: Cherry Hill Trust – Housing Committee Cherry Hill Master Plan</b>	<b>6:00 pm</b>	<b>4/12/07</b>	<b>Cherry Hill Town Ctr – Senior Ctr</b>
Subcommittee Mtg: Design and Development	8:30 am	4/18/07	Department of Planning
Subcommittee Mtg Transportation	6:00 pm	4/24/07	36 South Charles Street
Subcommittee Mtg: Parks and Open Space	6:00 pm	4/23/07	2600 Madison Ave
Subcommittee Mtg: Design and Development	6:00 pm	4/26/07	Department of Planning
Subcommittee Mtg Transportation	5:00 pm	5/7/07	Baltimore Rowing Ctr – Cherry Hill (CH)
Subcommittee Mtg Transportation	6:00 pm	5/16/07	Cherry Hill Health Ctr
Subcommittee Mtg: Parks and Open Space	6:00 pm	5/17/07	Cherry Hill Health Ctr
Community Mtg: Westport, Mt.	6:00 pm	5/31/07	Lakeland Recreation Ctr.

Winans/Lakeland			
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Page 2 MIDDLE BRANCH MASTER PLAN PUBLIC MEETINGS

<b>Meeting Type/Subject</b>	<b>Time</b>	<b>Date</b>	<b>Location</b>
<b>Community Mtg: Cherry Hill Trust – Cherry Hill Master Plan</b>	<b>6:00 pm</b>	<b>6/5/07</b>	<b>Cherry Hill Town Ctr – Senior Ctr</b>
Subcommittee Mtg: Design and Development	6:00 pm	6/6/07	Department of Planning
<b>Community Mtg: Cherry Hill Trust – Cherry Hill Master Plan</b>	<b>6:00 pm</b>	<b>6/14/07</b>	<b>Cherry Hill Town Ctr – Senior Ctr</b>
Master Plan Progress Meeting– All Committees Report Out/Public Discussion	6:00 pm	6/19/07	Baltimore Rowing Ctr – Cherry Hill
Subcommittee Mtg: Design and Development	6:00 pm	6/25/07	Department of Planning
Subcommittee Mtg: Design and Development	6:00 pm	7/10/07	Department of Planning
Youth Discussion/Presentation at CH Summer Youth Program	2:00 pm	7/17/07	Cherry Hill Town Ctr – Senior Ctr
<b>Cherry Hill Public Meeting – Cherry Hill Development Corp</b>	<b>7:00 pm</b>	<b>8/2/07</b>	<b>HABC Community Center</b>
Planning Commission Public Hearing	3:00 pm	8/9/07	Department of Planning
Westport Mt Winans Lakeland	10:00 am	9/4/07	Westport Academy
<b>Cherry Hill Public Meeting – Cherry Hill Development Corp</b>	<b>6:00 pm</b>	<b>9/5/07</b>	<b>Cherry Hill Health Ctr</b>
<b>Cherry Hill Public Meeting – Cherry Hill Development Corp</b>	<b>6:00 pm</b>	<b>9/17/07</b>	<b>Cherry Hill - School 181</b>
Planning Commission Hearing	7:00 pm	9/20/07	Department of Planning

## **March 20, 2008**

Banneker-Douglass Museum  
84 Franklin Street  
Annapolis, Maryland  
9:30 – 11:30 am.

### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of February 14<sup>th</sup> Minutes
- 9:50** Amend Bylaws to include remote participation
- 10:00** Environmental Benefits Districts Discussion
- 1) Application process
  - 2) Resource Allocation
    - What is it?
    - Is there interagency coordination?
    - How effective/responsive are the resources?
  - 3) Evaluation of the Benefit of EBD's
    - To the community
    - Baseline data
    - Community leverage of resources
    - To the environment
  - 4) What can be done to improve the program?
- 10:45** Smart Growth/Smart Sites- *David Castello, Department of Planning*
- 11:15** Comments- *All*
- 11:30** Adjourn

### **MINUTES**

*Commissioners:* Scot Spencer, Del. Elizabeth Bobo, Arabia Davis (MDP Designee)  
Andy Fellows, Rosa Hart-Burnstein, Betty Dabney, Richard Fairbanks, Vernice Miller-Travis  
Solomon Omo-Omosagie, John Quinn, Kelly Pfeifer, Dorothy Morrison (MDE)

*Participants/Guests:* David Castello, Assistant Secretary (OSG), Eric Schmitt (OSG)  
Approx. 25 Students from Baltimore Community College

### **Agenda Items**

Introductions  
Approval of February 14<sup>th</sup> Minutes  
Amend Bylaws to include remote participation  
Environmental Benefits Districts Discussion  
Smart Growth/Smart Sites-David Castello, Department of Planning

## **Approval of February Minutes**

Minutes were approved with amendments.

## **Amendments to Bylaws**

- Kelly Pfeifer proposed amendments as follows:

Bylaws currently state:

7.1 A member of the CEJSC who fails to attend at least 50% of the meetings of the Commission during any consecutive 12-month period shall be considered to have resigned. Not later than January 15 of the year following the end of the 12-month period the chairman of the Commission shall forward to the Governor the name of [the] individual considered to have resigned with a statement describing attendance history during the period. The Governor shall then appoint a successor for the remainder of the term of the individual.

Proposed amendments:

7.2 Remote participation in Commission meetings shall be permitted via telephone conference call or videoconferencing when available and when approved by the Chair in advance of the meeting. Members attending the meeting remotely shall have all privileges accorded to members attending in person.

- John Quinn mentioned teleconferencing is the waive of the future.

## **Environmental Benefits Districts**

An overview of EBD was presented.

- EBD's goal is to use existing resources to promote environmental protection, public health, and economic development.
- These are areas where the State focuses its resources (i.e. financial, technical, administrative, etc.) in which the community may benefit.
- Fairness on how these particular areas are designated to be environmental benefits districts and factors may play a key role in the decision-making (i.e. race, income, and health status).
- Census track is used to define community.
- New analytical way to better define community from a demographic standpoint.
- Vernice suggested to hold field meetings to make the community aware that they are in an environmental benefits district.
- Andy Fellows made recommendations to enhance EBD marketing.

## **Maryland Smart Growth/Smart Sites**

David Castello gave an overview of the State's Smart Growth/Smart Sites initiative.

- Program intends to concentrate the State's resources on projects that are conducive to smarter, more sustainable growth in Maryland.
- Will incorporate Environmental Justice issues in selection process or scorecard.
- Smart sites are to be used as the principal mechanism to promote more sustainable communities.

### **Updates from the Chair**

- Scot provided update on Demolition Bill – differed to Summer Workgroup Session with MDE.
- Listening session at Harbor Hospital for Cherry Hill and Westport communities about pending development activities on April 17<sup>th</sup>. The meeting is scheduled for 5:00 – 8:00 p.m., including a tour from 5:00 – 6:00 p.m.
- Central Prince George’s County meeting on March 26<sup>th</sup> at Cheverly Town Hall to discuss community concerns about facilities in the area.
- First meeting of Steering Committee for minority involvement in the environment was held on March 17<sup>th</sup>. Hope Williams (not present) to give update.
- Next Smart Growth meeting is April 9<sup>th</sup>, 10:00 a.m. – 12:00 p.m.
- Analytical framework for EJ  
Vernice gave an update on EPA’s effort to develop an analytical framework for identifying EJ communities using the following criteria:
  - Proximity to hazards
  - Sustainable populations
  - Unique exposure pathways
  - Impact (multiple and cumulative risks)
  - Participation in decision-making
  - Vulnerability of infrastructure

### **\*Action Item**

- Members proposed looking into hosting a symposium with local officials to discuss growth, land use, and EJ.

## **May 22, 2008 Meeting**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of April 17th Minutes
- 9:50** Commission Staff Transition Update (Jeffrey Fretwell)
- 10:00** Update and follow up on Baltimore Middle Branch Listening Session
- 10:45** Other Updates:
  - Redline Summit
  - Cheverly/Central Prince George’s County environmental issues
  - Meeting with Sen. Harrington re: EJ legislation development
- 11:30** Adjourn

## MINUTES

### In Attendance

- Commission Members:  
Scot Spencer, Kelly Pfeifer, Richard Fairbanks, Rosa Hart-Burnstein, Vernice Miller-Travis, Solomon Omo-Osagie, Allyson Black (John Quinn's Designee), Jeff Fretwell and Arnitra Jones (MDE Designees)
- Participants:  
Thomasina Scott (Cherry Hill Resident), Jeaneatte Gilmore (Cherry Hill Legal Aid Office), Louise Ford (Cherry Hill Resident), Julia Dinkins (Cherry Hill Resident), Greg Countess (Legal Aid Bureau), Brent Flickinger (Baltimore City Planning Department)

### ***Introductions***

Scot opened the meeting with introductions. All individuals present introduced themselves and whom they were representing at the meeting.

### **Commission Staff Transition Update**

**Jeff Fretwell briefed the Commission on the status of MDE's Environmental Justice staffing. He and Arnitra Jones are going to serve as Commission Staff on an interim basis. Jeff assured the Commission that the Department is committed to filling the EJ Coordinator Position. In addition to the duties Dorothy Morrison was assigned as EJ Coordinator, the new Coordinator will also be responsible for facilitating implementation of EJ into MDE's permitting process, as well as working on EJ issues at the legislative level. Until the new individual is hired, Jeff and Arnitra will continue to staff the Commission, focusing on coordinating Commission Meetings and taking on other responsibilities as time and learning capacity permit. Several EJ members expressed interest in obtaining a copy of the job announcement to forward on to interested individuals. Jeff assured the members he would forward the announcement to all of the members as soon as it was finished and approved by both MDE and the Department of Budget and Management.**

### Update and Follow Up on Baltimore Middle Branch Listening Session

Scot led a discussion on April's Commission Meeting that included a tour of the Cherry Hill and Westport Communities, as well as a listening session with members of both Communities. Items discussed included:

- A Potential meeting with MDOT and MDP. Arabia and Scot were attempting to set up the meeting. **Scot was going to follow up on this with Arabia and get back to the Commission.**
- There was interest expressed in engaging in plain speak on environmental issues related to the new Westport Development. There is also a renewed interest in meeting with the Developer. It was mentioned that the Developer has hired a community liaison to work on dialogue with the Community.
- There were concerns raised by Westport and Cherry Hill residents that individuals on the Planning Commission have said the whole Westport controversy is nothing more than extortion by the Community. Scot informed the members of the Community who were

present that there is a new Planning Commission as well as a new Commission on Sustainability which will hopefully be responsive to the citizens of the City.

Julia Dinkins, a Cherry Hill Resident, presented the Commission with a memo that outlined “Environmental Concerns and Actions for Cherry Hill and Westport Community” (Attachment 1). The Commission reviewed the memo line by line to discern the State role from the City’s role in development decisions and approvals.

- Item 4 of the memo was addressed. The Communities have a concern that the “Westport Traffic Study” that was done by the City for the Westport Community could be biased against the existing communities around Westport and Cherry Hill and pro the developer. There is particular concern that the Study was used to support the City’s Planned Unit Development (PUD), especially considering the flaws in the Study. The Communities are also concerned that the study minimizes the impact on the existing Community and doesn’t incorporate future development. Residents also expressed concern about the impact of the Development on the Light Rail. The Communities have questions as to whether there was intentional discrimination in siting the Cherry Hill/Westport Developments where they are by the city.
- Item 6 of the memo was addressed. Residents want to know whether the existing closed landfills are being properly monitored by the State and what data over the years determines this monitoring. There is a concern that hazardous material from the Cherry Hill Park (or Reedbird Park) existing landfill is leaching into the ground and may be affecting the health of the community residents around the Cherry Hill Community. **Jeff said he would contact Ed Dexter at MDE and report back to the Commission.**
- Item 7 of the memo was addressed. The Communities have concerns about the development of Cherry Hill, Westport, and other communities of southern Baltimore, particularly relating to guidelines for salvage, deconstruction, demolition, and site preparation of all building and construction and development activities. The memo specifically references the “East Baltimore Development, Inc. Operations Protocol” as a guideline for this (Attachment 2). HB1526/SB907 (Public Safety - Demolition Work - Safety Provisions and Permitting) of the 2008 Session was mentioned by Scot. The bill did not pass during the session, but was late filed and is a priority of the Lead Poisoning Prevention Commission. There is interest to move forward with the bill again next session. There was also mention that the bill may be instituted by MDE through regulations before the 2009 Session. In addition, there may be a summer study the Environmental Matters Committee is engaging in on the topic. **Jeff is to follow up on this issue and report back to the Commission.**

Brent Flickinger from the Baltimore City Planning Department was present to answer questions and address concerns. Brent assured those present he would get a copy of the Westport traffic study to them. **Jeff will follow up with Brent to get a copy and forward to all Commissioners.** Brent presented those in attendance with more information regarding the traffic study and the Westport development, including:

- The study is an engineering study, not an environmental impact study.
- If individuals were to access the new Westport Development from 295 they will have to cut straight through Westport’s main street.



- The Development will have an impact on 95 and 295, as well as the Community, so the State and City are both affected and need to be involved. **The relationship between the City and State with regard to upgrading and maintenance of State roads needs to be looked in to further by the Commission.**
  - Vernice mentioned there could be Title VI concerns if federal transportation dollars are being used.
- The City is requiring Turner to improve the 295 Interchange.
- The PUD is finalized but the Tax Increment Financing (TIF) is not yet. Thus, the Community could still talk to their City Council member and the City Council President to relay their concerns.
- Brent stressed that there has been much environmental review. The Critical Area Commission had to review the Development based on its location within the Critical Area.

Several questions were asked of Brent, including:

- What improvements to the Light Rail and/or possible relocation of the Westport and Cherry Hill stops have been planned?
- Whether the presence of CSX, Convention Center, Stadiums, etc. are taken into account in planning?
- What kind of tax package was Turner getting from the State?
  - Brent did not know, but thought there was probably Brownfields Remediation money.
- Concerns were also mentioned that the Traffic Study that was done was only for Westport and did not consult Cherry Hill.

## Other Updates

### Redline Summit

- Scot discussed the May meeting that was held by Mayor Dixon. Three members of the Commission were present: Scot, Andy Fellows, and Cliff Mitchell. Environmental factors in the development of the Redline were discussed. Cliff wants to incorporate a health indicators assessment. Danielle Diggs, the Redline Coordinator for the City was present. Senator Verna Jones was also present and stressed that it is a competition with the rest of the State for scarce transportation dollars, so the City needs to focus on the positives and coalesce around the project. The first shovel is still scheduled to be in the ground by 2012. Secretary Porcari has agreed to do all of the necessary studies.

Discussion on the Redline ensued. Scot mentioned that Denver's citizens recently agreed to tax themselves \$6 billion to build up their mass-transit. Vernice expressed her feeling that the ICC should not be a priority for State transportation funding. Brent mentioned that there was EJ discussion to be had as to where the Redline will run to in the East. Will it be Canton/Boston Street or will it be further north and east?

Cheverly/Central Prince George's County Environmental Issues

- Dorothy Morrison, the former Environmental Justice Coordinator, phoned in for this part of the meeting. She is now the Environmental Manager for Compliance at MDOT and serves under the Director of Planning at MDOT. **The Commission would like to get the Director of Planning at MDOT to attend an upcoming EJ meeting to discuss the Westport Development.**

Dorothy briefed the Commission on the Cheverly “boom” problem. The source of the “booms” still needs to be identified. A consultant needs to be hired to identify the sound (sound camera person from UMD). This needs to be added to the Prince George’s County Budget. Some possible sources of the “booms” have been identified, including: Joseph Smith and Sons Incorporated, American Resource Management, and Aggregate and Dirt Solutions, LLC

Meeting with Senator Harrington re: EJ Legislation Development

- The meeting came out of Cheverly meeting at which Senator Harrington was present. The Senator expressed an interest in EJ Issues and wanted to meet with members of the Commission to discuss the issues further. A meeting was set up for Friday, May 23 to discuss the introduction of legislation in next year’s legislative session.

### **Approval of April 17<sup>th</sup> Minutes**

Approved.

### **Commission Updates/Announcements**

Two upcoming meetings of interest were mentioned:

- “Forum on Engaging Minorities in Our Watershed and Increasing Participation”  
June 12, 2008, 6-8 pm.  
Baum Auditorium at Harbor Hospital, 3001 S. Hanover St., Baltimore, MD  
Scot Spencer, Hope Williams, and Rosa Hart-Burnstein are all presenters.
- EJ Conference at Howard University: “The State of Environmental Justice in America 2008.”  
Today (May 22) through Saturday (May 24)  
Howard University School of Law, the United States Departments of Energy and Agriculture, the Environmental Protection Agency and the National Small Town Alliance are all sponsors of the Conference.

## **June 26, 2008 Meeting**

Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230

### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of May 22nd Minutes
- 9:50** Summation of the Meeting with Senator Harrington – Andy Fellows
- 10:15** Update on the Healthy Places Act – Dr. Cliff Mitchell
- 10:40** Review of outline for the 2007-2008 annual report of the Maryland State Commission on Environmental Justice and Sustainable Communities – Vernice Miller-Travis and Jeff Fretwell
- 11:00** 2008 Retreat Discussion
- 11:15** Updates and other business
- 11:30** Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Clifford Mitchell (John Colmers/Sharmi Das designee), Arabia Davis, Kelly Pfeifer, Richard Fairbanks, Andy Fellows, Vernice Miller-Travis, John Quinn, Jeff Fretwell and Arnitra Jones (MDE Designees)
- Participants:  
George Oleru (MDE, Water Management), Kavei Murangi (MDE, Legislation and Policy), Karen Forbes (DHCD), Lou Takacs (Washington Village/Pigtown Neighborhood Planning Council), Anna Ricklin (Johns Hopkins School of Public Health/DHMH/Baltimore Red Line), Mary Rosso (Anne Arundel County Voters for Environmental Justice), Jonathan Nwagbaraocha (Coalition to End Childhood Lead Poisoning)

#### ***Introductions***

Vernice opened the meeting with introductions. All individuals present introduced themselves and whom they were representing at the meeting.

#### **Summation of the Meeting with Senator Harrington**

**Andy and Vernice briefed the Commission on the May 23 meeting that Scot, Andy, Vernice, Jeff, and Dorothy had with Senator Harrington to discuss EJ issues and possible legislative ideas for the upcoming legislative session. Andy provided the Commission on**

**background on the meeting's genesis as well as background on Senator Harrington. He thought the meeting went quite well and the Senator was very engaged and interested in moving forward. Andy thought that the next step would most likely be a follow-up meeting (This meeting has been scheduled for Wednesday, August 6 at 9:00 am in Annapolis). Andy and Vernice briefly touched on some of the topics discussed in the meeting including the New York City "Fairshare" legislation, Cliff Mitchell's work on cumulative impacts, the incorporation of EJ in the permitting process, increased public participation, Smart Sites incorporating EJ, and holding a general EJ briefing before the Education, Health, and Environmental Affairs Committee.**

#### Update on the Healthy Places Act

Dr. Cliff Mitchell briefed the Commission on the background of the Healthy Places Act, including a description of the legislation and its history. Cliff informed the Commission that the legislation originated out of California, but that Senator Obama had also introduced legislation on the topic in the U.S. Senate. The legislation essentially requires that with all new development/projects the health impacts must be looked at (in a way similar to environmental impact statements). It is simply a demonstration bill and is not meant to be binding. Similar legislation has been adopted in California, some parts of the Midwest, and Europe. Two years ago the bill passed the House and got to Second Reader on the Senate floor, but was special ordered and then never came back up for a vote. Last year the bill was withdrawn in the House because there was no money in the budget for the program.

Vernice asked Cliff what other agencies besides DHMH may be interested in this legislation. Cliff said that he thought the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Department of Transportation, and the Maryland Department of Natural Resources would be agencies of primary interest. Also, the Maryland Department of Housing and Community Development, the Baltimore Metropolitan Council, and the Washington Metropolitan Transportation and Planning Board would be of secondary interest.

Lou asked if other State agencies were involved with the bill. Cliff said no because it is not a State/Department bill. Most State agencies took a No Position, and a few took a Support With Amendments position.

Vernice reiterated that this issue is of high importance to the Commission and that we need to move it forward. Conversations need to be had with the right people because having no money for the program is always going to be an excuse. Consensus was reached to elevate the time and energy of the Commission on the Healthy Places Act. The Commission should also make an effort to meet with primary and secondary interest groups ahead of time. Cliff mentioned the possibility of a summit with the State Agencies, players, and legislators to discuss the Healthy Places Act and how these issues are dealt with now. This would be an opportunity for the Commission to participate in a high profile event and elevate its status.

On a related note, Cliff also mentioned a CDC tool that DHMH is working on incorporating. The tool should be up and running in August with a link on both DHMH and MDE's websites. The tool will allow individuals to view a number of environmental and public health data by region, including drinking water quality, air quality, cancer rates, birth defects, etc. Cliff has

agreed to make a presentation at the Commission's August 20 retreat to demonstrate how the tool works. The CDC is funding the work for five years, then it will most likely be on the State to take up the funding.

Cliff also brought Anna Ricklin, a Master's Student from Johns Hopkins University School of Public Health who is interning at DHMH this summer, in to discuss the Red Line development. Anna is going to be focusing on the Red Line development this summer, paying particular attention to the potential health impacts of the Red Line. Anna briefed the Commission on what she has done so far and what she hopes to do while working at DHMH. Cliff suggested that the Red Line could serve as a prime opportunity for the Commission to engage in a discussion with Baltimore City and all of the relevant players at the front end of the process (and continue throughout), and thus serve as a model/example to State Legislators of a positive example of EJ in action.

During the Healthy Places Act discussion, Kelly also generally discussed the legislative process. She specifically talked about the need to be more proactive before Session, weighing in on legislation ahead of time. This is important because once the legislation is introduced the Commission can no longer submit their position to the Legislators. Andy mentioned the need for the representatives of State Agencies on the Commission to push some of the EJ issues up the food chain, possibly all the way up to the Governor, with the hope that he may introduce an EJ related bill in the future.

#### Summation of the Meeting With MDOT and MDP Representatives on the Traffic Impacts of the Turner-Westport Development

Arabia made a brief presentation to the Commission on the July 4 meeting that Scot, Arabia, Jeff and Kavei had with representatives from MDOT and MDP to discuss the traffic impacts of the Turner-Westport Development on the surrounding neighborhoods. This was in follow-up to the Westport/Cherry Hill site visit and listening session the Commission participated in on April 17. Arabia thought that the most revealing aspect of the meeting centered around two questions Scot asked: Who governs State roads in the City of Baltimore? (Did not really get a good answer); What State agency/group represents the citizens in the development process? (Answer was no one/their elected officials). Arabia also mentioned that the Smart Sites are being adjusted and that Westport may possibly be added to the list of Smart Sites.

Vernice asked Kelly what the stance of these communities on "standing" was? Kelly said they support expanding the scope of standing, but mentioned that environmental groups and community groups really need to come together if the issue is going to move forward. Kelly also mentioned that the Community Law Center is no longer going to be doing EJ due to a lack of funding.

#### **Review of the Outline for the 2007-2008 Annual Report of the Maryland State Commission on Environmental Justice and Sustainable Communities**

Vernice went over the 2007-2008 Annual Report outline prepared by Scot and passed out to Commission members (Attachment I). This document was compared to the Commission's objectives for 2007-2008 that were included in the Commission's 2006-2007 Annual Report

(Attachment II). Vernice told all Commission members to take both documents home with them for review and to be ready to discuss the Report at the July 24 Commission meeting.

Mary Rosso asked for Sparrows Point/Turner Station/Northern Anne Arundel County to be included in the Commission's list of Community Issues in its Annual Report. She feels they are not being listened to by the federal government as far as the AES/LNG plant and cumulative impact/disease clusters are concerned.

### **2008 Retreat Discussion**

Vernice informed the Commission that August 20 is being floated as a date for the Commission retreat. She asked those in attendance if this date worked for them. The date seemed to work for all in attendance and it was agreed that the retreat would be held on August 20. A location for the retreat was not settled on. One possible topic for discussion at the retreat is the Healthy Places Act. Cliff will also be making a presentation on the new CDC/DHMH tool.

### **Updates and Other Business**

Jonathan Nwagbaraocha from the Coalition to End Childhood Lead Poisoning informed the Commission about a meeting of stakeholders that is taking place on July 1 at 10:00 at Montgomery Park to discuss last Session's Demolition Bill. The meeting is to include Jonathan, Heather Barthel and Horacio Tablada of MDE, Scot Spencer, Jay Hutchins of DLLR, and Delegate Carr. Vernice mentioned including the Code Enforcement Office for the City of Easton who made a presentation to the Commission on demolition protocol, as well as Easton Councilwoman Moonyene Jackson-Amis and Mayor Robert Willey in the Demolition Bill meeting. **Jeff will follow up with Jonathan to get him the contact information for these individuals.**

John Quinn mentioned that there are a number of jurisdictions in the State that have "sustainable" groups/commissions/etc. He suggested that the Commission should develop a brochure that briefly tells who we are/what we do and can be distributed to the other "sustainable" groups for greater coordination.

Cliff suggested that the Commission's website should be improved. It is hard to navigate, is out of date, and needs to incorporate more information. John suggested that it minimally include the Commission's membership, reports, and initiatives. **Jeff and Arnitra will follow-up with MDE IT staff to update the site.**

Vernice made suggestions that the Commission meetings be extended to 3 hours in length. She also mentioned that she thought the Commission needs authorizing legislation.

Vernice briefly summarized the NEJAC meeting she attended. Of particular interest were the CARE Initiative and the new EPA grant program for States. Lou Takacs informed the Commission that the grant that the Washington Village/Pigtown Neighborhood Planning Council had from the EPA Office of Environmental Justice is being cut in half. Lou also mentioned the importance of pairing with Universities when applying for EPA grants. Vernice said tension can be created when federal money is limited to the communities and more is given directly to the states.

### **Approval of May 22 Minutes**

A quorum was not present, so the minutes were not approved. They will be held for approval until the July 24 meeting.

### **July 24, 2008 Meeting**

Maryland Department of Environment  
1800 Washington Blvd.  
Baltimore, MD 21230

### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of May 22nd Minutes
- 9:50** Approval of June 26<sup>th</sup> Minutes
- 10:00** Outlining the 2007-2008 annual report of the  
Maryland State Commission on Environmental Justice and  
Sustainable Communities
- 10:30** 2008 Retreat Discussion
- 11:00** Updates and other business
- 11:30** Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Scot Spencer, Steve Pattison, Clifford Mitchell (John Colmers/Sharmi Das designee),  
Andy Fellows, Rosa Hart-Burnstein, Betty Dabney, Arnitra Jones (MDE designee)
- Participants:  
Stephanie Cobb Williams (MDE/Office of the Attorney General)

#### Introductions

Scot opened the meeting with introductions. All individuals present introduced themselves and whom they were representing at the meeting.

#### **2008 Retreat Discussion**

Scot discussed tentative topics for the Commission Retreat Agenda. Topics include a discussion of the Healthy Places Act, the Environmental Health Surveillance Tracking Database presentation by Cliff Mitchell, discussion of the current Environmental Benefits District Program, discussion of the definition of “sustainable communities,” review of the 2008

Commission Report Outline including assigning of sections to members for completion, and a review of the 2007 Commission Workplan.

Scot would like to invite Senators Gladden and Harrington, Delegates Oaks and Rosenberg, as well as Erin Fitzsimmons. **Scot will follow-up with invitations to all of these individuals.**

Cliff is looking in to a location at DHMH for the retreat to accommodate his presentation on the Environmental Health Surveillance Tracking Database. **Cliff will follow-up with arranging the retreat location and get back to the Commission Members.**

### **Outlining the 2007-2008 annual report of the CEJSC (Attachment I is the outline)**

Discussion points:

- Smartgrowth including the Statewide Growth Plan being developed by the Maryland Department of Planning.
- “Sustainable Communities”
- Transportation and Land Use as it relates to Environmental Justice.

Jeff needs to add Smartgrowth and Sustainability to the Legislative Issues and Analysis Section of the 2008 Report Outline.

Jeff needs to compile the necessary documentation from the last year for Sections 3 and 4 of the 2008 Report Outline.

Andy Fellows inquired as to the status of adding two more Environmental Benefits Districts (EBDs):

- Northern Anne Arundel County/Curtis Bay/Brooklyn Park
- Turner Station/Dundalk/Sparrows Point

Jeff Fretwell needs to check with Dorothy Morrison on the official process of adding EBDs and the status of the two suggested EBDs.

### **Updates and Other Business**

7/1/08 – Scot participated in a meeting with Jonathan Nwagbaraocha of the Coalition to End Childhood Lead Poisoning, Delegate Al Carr, and Horacio Tablada and Heather Barthel of MDE to discuss the Demolition Bill. Topics covered included:

- 5-page memo from MDE on the legislation.
- East Baltimore Development Inc.’s Protocol
- Notification of resident and inspectors
- Watering of Site
- Coalition is to meet again to review the latest draft in August



7/7/08 – Vernice and Andy met with the Prince George’s County Council to brief them on Environmental Justice issues and share some concerns. The discussion included transportation and land-use issues. Dorothy Morrison was previously working on arranging a meeting for Commission Members with the County Council Chair. **Jeff needs to follow-up and arrange the meeting.**

8/6 – Follow-up meeting with Senator Harrington scheduled to discuss Environmental Justice Issues/Legislation in Annapolis. **Scot, Vernice, Andy, and Jeff are to participate.**

### **Approval of May 22 and June 26 Minutes**

A quorum was not present, so the minutes for May22 and June 26 were not approved. They will be held for approval until the September 25 meeting.

### **Adjourn**

The EJ retreat will be held August 20, 2008, 9:00 a.m. –3:00 p.m. at the Department of Health and Mental Hygiene, 201 W. Preston Street, Room L3, Baltimore, MD 21201. The next EJ Commission meeting is scheduled for Thursday, September 25, 2008, 9:30-11:30 a.m. at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230 in the Aeris Conference Room on the first floor.

## **September 18, 2008 Meeting**

Maryland Department of Environment  
1800 Washington Blvd.  
Baltimore, MD 21239

### **AGENDA**

- 9:30** Introductions
- 9:40** Approval of May 22<sup>nd</sup>, June 26<sup>th</sup>, July 24<sup>th</sup>, and August 18<sup>th</sup> Minutes
- 10:20** Compiling the 2007-2008 Annual Report of the Maryland State Commission on Environmental Justice and Sustainable Communities
- 11:20** Updates and other business
- 11:30** Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Scot Spencer, Clifford Mitchell (John Colmers/Sharmi Das designee), Richard Fairbanks, Andy Fellows, Vernice Miller-Travis, Betty Dabney, Jeff Fretwell (MDE Designee)
- Participants:

Karen Forbes (DHCD), Nan Lyon (MDE)

### ***Introductions***

Scot opened the meeting with introductions.

#### Summation of Scot's Meeting with Secretary Wilson

Scot briefed the Commission on a recent meeting he had with Secretary Wilson. There were four main issues on Scot's agenda. The first was geographic expansion of the Commission's membership. Secretary Wilson committed to helping achieve this.

Scot also spoke with Secretary Wilson about the EJ Coordinator Position and how she sees the position evolving. She sees environmental justice being infused into State business. It could serve as a supplement to current environmental projects. Additionally, the new Coordinator can serve to assist the Commission with its legislative work during the Session, keeping an eye out for EJ items. The Secretary also committed to revisiting the position status if needed.

Scot's third item was talking to the Secretary about the expansion of standing, particularly as it relates to a proposal Senator Harrington is considering introducing, which would expand standing to one mile. The Secretary told Scot that the Department was looking into this issue already.

Scot's final item was overhauling the Environmental Justice section of the Department's website. Secretary Wilson informed Scot that the Department is currently looking to overhaul its website. **John Quinn is going to handle the Environmental Justice section of the website. Jeff needs to get John all of the necessary materials to have his IT people put something together. MDE's website survey to its business partners was also discussed, and the Commissioners asked Jeff to forward it to them so that they could respond. Jeff also needs to get the Commissioners and Attendees on the eMDE newsletter list.** Betty Dabney stressed that often the websites tend to be self involved; there is a need to include a section for citizens so that they know their rights and how they can be involved in the process.

Secretary Wilson then brought some other pieces of legislation to Scot's attention that she thought may be of interest to the Commission. The first is the Department's Coal Combustion By-Products Fee Bill. The second bill discussed was the Climate Change Bill. Also, there will be legislation addressing the topics of vehicle miles traveled and growth management. At this point it is not certain what form they may take. Andy explained that there would definitely be legislation in response to the Terrapin Run Decision, to give greater teeth to Comprehensive Plans.

Land use issues are where interests collide (State vs. County/City or County vs. City) and where EJ can play a role. Vernice suggested the Commission sponsor a conversation with citizens on growth issues. Scot mentioned the potential to use global warming as a driver to growth issues; it could be used to push back on developments not in line with the global warming plan.

Secretary Wilson also told Scot that Delegate Olszewski, who represents Turner Station/Sparrow's Point/Dundalk, is interested in having a tool like the Healthy Places Indicator Tool that is being launched by DHMH and MDE. It was suggested that the Commission needs to have a conversation with him. Cliff suggested that we wait for the tool to officially launch before meeting with him so that we actually have something to show him.

Scot said that Secretary Wilson also agreed to mention EJ issues to the Environmental Groups when she meets with them.

### 2009 Objectives

The group reviewed the Planned Commission Objectives for 2009 document (Attachment I) that Scot prepared. There was discussion around 1.c. (holding meetings with locally elected officials and select appointees to provide background on the commission, its purpose and work). This can be done as a whole Commission or individually by Commissioners with their local officials. Cliff suggested that we should meet in new locations to engage elected officials in their districts. Scot said that this is already reflected in the 2009 Commission schedule (Attachment II). Dick Fairbanks asked if Commissioners should give notice prior to meeting with local officials? Scot said yes to make sure Commissioners are sticking to certain items and pertinent local issues. Dick said pre-meetings would be a good opportunity to get local officials in the loop on pertinent issues in their district before our larger meetings in their district (i.e. Westport tour and listening sessions).

It was mentioned that under item 1.d. (working with MDE on the development and dissemination of EJ policy guidance for government agencies on incorporating EJ in permitting and local land use planning) that demolition protocol should be noted as one definite success the Commission has had on this front. Under item 1.f. (examining and proposing revisions to the CEJSC information on the MDE website) it was noted that John Quinn is taking the lead on this.

In item 2.a. (working to increase the number of environmental justice and minority groups attending the Maryland Environmental Summit) the group acknowledged that we need to be proactive on ramping up this participation. There were questions on item 2.b. (pertaining to strengthening the Environmental Benefits District program) as to how to do this? Under item 2.d. (increasing connections to emerging and untapped constituent groups including local offices of sustainability and youth) it was suggested that as the number of city and county offices of sustainability increase, the Commission needs to connect with them. Two new items need to be added to section 2: f. Actively engage other State Agencies, g. DHCD hosting a meeting of the Commission. One item needs to be added to the final section on measures of success in meeting the stated objectives: d. The number of pieces of legislation the Commission provides briefings or comments on.

### CEJSC Event at DHCD

Karen Forbes volunteered to host a CEJSC meeting at DHCD, as many of the EJ issues revolve around housing/planning/etc. so it is a natural fit. The event would potentially be with interested stakeholders (planners (city, county, state), sustainability councils/offices, etc.). This event would potentially be a symposium. It would need to be done well and there should be a planning group to put it together. Cliff pointed out that there is a big difference between teaching decision

makers to do the right thing vs. engaging citizens to do what is in their best interest. He asked what is the objective of the symposium? Is it the process or finding the answer? Vernice said we need discourse, not lecture; this leads to a different result. Scot asked who would take the lead for the planning group? Vernice said she could take the lead for the Commission. Karen Forbes will likely take the lead for DHCD, but she needs to check with the Assistant Secretary first. Betty recommended using the MACO Conference (winter or summer) as a vehicle to reach all of the key County people at one time. Betty also volunteered to be on the planning group. **Jeff needs to add the symposium to next month's agenda. Vernice and Andy are going to invite Senator Harrington to be on the planning committee.** Andy said that Senator Harrington is a good spokesperson on these issues because of his County, City, and State background. Karen Forbes asked that when we are ready to move forward to let her know. Also, she will reserve a room for us if we need it. **The Commission needs to send a letter to the Secretary when the details are set.**

#### 2008 CEJSC Report Assignments

**Scot asked the Commissioners to review the 2008 CEJSC Report Outline and pull together all of their pertinent information and get it to Jeff by September 25.**

#### Approval of May, June, July, and August Minutes

A quorum was not present so the minutes were not approved. They will be held for approval until the next meeting.

#### Updates and Other Business

Andy mentioned the League of Conservation Voters scorecard and the potential to get EJ on it. He said that setting up a meeting with Cindy Schwartz to discuss this would be a logical next step and that he could coordinate it if needed.

**Jeff needs to research whether there is a State Environmental Impact Statement and how it relates to National Environmental Policy Act.** Is there a trigger for a State EIS if no federal dollars are involved? **Jeff also needs to research MDE's permits and provide the Commission with an overview of the varieties and the relationship between State and County Permits.** Nan mentioned that MDE is working on getting more information on field workers laptops so that the different levels of data can be integrated.

## **November 20, 2008 Meeting**

Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230

### **AGENDA**

- 9:30** Introductions
- 9:40** Edward Lee, President, Worcester County NAACP
- Briefing on the NAACP's Difficulty in Gaining Inclusion in the Maryland Coastal Bays Program's Operations, Especially on Issues Effecting Environmental Justice Communities in Worcester County
- 10:00** Updates
- New Commissioners, Staff and Transitions
  - Baltimore City Sustainability Plan
  - 2009 Demolition Bill
- 10:20** Discussion
- City/County Watershed ISO Guidance
  - LEED Standards for Neighborhood Development - Public Comment Period
  - Baltimore's Red Line
  - Liquefied Natural Gas Facilities – Approval for Construction or Operation (HB1043 of 2008) – Help with Environmental Positioning
- 10:50** DHCD Land Use Symposium Discussion
- 11:10** Approval of May 22, June 26, July 24, August 18 and September 18 Minutes
- 11:20** Other Business
- 11:30** Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Scot Spencer, Andy Fellows, Vernice Miller-Travis, Betty Dabney, Arabia Davis (MDP Designee), John Quinn, Rosa Hart-Burnstein, Hope Williams, Jeff Fretwell/Lisa Nissley (MDE Designee)
- Participants:  
Edward S. Lee, Don Cash, Lou Takacs, Elbridge James, Karen Forbes, Stephanie Cobb Williams, Jonathan Nwagbaraocha, Senator David Harrington

### ***Introductions and Updates***

The meeting was opened with introductions. Jeff updated the Commission on new appointments. Joshua Feldmark has been added as a local government representative on the Commission. Senator Lenett has been added as the Senate representative on the Commission.

Vernice did a run through of the Commission, its makeup and issues it addresses. Jeff then introduced Lisa Nissley to the Commission as the new Environmental Justice Coordinator. Lisa provided the Commission with information on her background, what she brings to the position, and what she hopes to get out of her experience with the Commission.

Vernice briefed the Commission on work she has been doing on the Urban Policy Committee for Obama, which is constituted of 45-50 people around the Country. The Committee's recommendations have been delivered to the Obama Administration's Office of Urban Policy. The Office of Urban Policy will house many of the environmental justice issues, such as sustainability, green jobs, poverty, etc.

Betty Dabney spoke to the connection between the health of the environment and individual health. She informed the Commission that Senator Mikulski will be taking a leading role in the new Congress on health care/public health issues. Betty has contacted the Senator's office and asked to be part of the team that tackles these issues. There have been 3 million avoidable deaths in the African American community since 1930 because of the gap in healthcare between the rich and the poor.

#### Approval of May 22, June 26, July 24, August 18 and September 18 Minutes

A quorum was present and all minutes were approved.

#### Briefing on the Worcester County NAACP's Difficulties with the Maryland Coastal Bays Program – Edward Lee, President, Worcester County NAACP

Mr. Lee, along with Don Cash (Member of the NAACP National Board of Directors) and Elbridge James (Member of the Maryland Chapter of the NAACP), briefed the Commission on problems the Worcester County NAACP has had in gaining inclusion in the Maryland Coastal Bays Program's Operations. Mr. Lee was specifically seeking a position of support from the CEJSC for the NAACP's inclusion on the Coastal Bays Policy Committee, which they had previously been a member of but have not been reappointed to. Mr. Lee provided the Commission with detailed background on his 12 years of participation in the Coastal Bays Program and his fight to get the NAACP reappointed to the Policy Committee. Mr. Lee asked the Commissioners to attend the December 12 meeting of the Policy Committee and help Mr. Lee get on the agenda for the meeting so that they don't have to take this issue back to the Legislature and Department Secretaries.

Mr. Cash spoke about his strong interest in the Worcester County NAACP's issue and his desire to figure out what role the NAACP National Board can play.

Elbridge James said that he hopes that we are able to seek remedies for the Eastern Shore residents, as well as expand opportunities for people of color on the Eastern Shore to expand the

dialogue. This will enable them to enjoy the natural benefits and take responsibility for their natural environment.

The guests then fielded questions from the Commissioners:

Andy Fellows asked whether Secretary Griffin responded and gave a reason for the Coastal Bays Program's actions. Mr. Lee said yes, there is a letter of response from the Secretary. **Mr. Lee is going to forward the letter to Jeff to forward to the Commission.** Mr. Lee went on to say that the decisions are made by the Committee as a whole. The NAACP wants to be part of the dialogue. Mr. James said that they are here to encourage the Commission to encourage the Committee to expand their membership and let the NAACP back on the Policy Committee. By taking them off of the Committee, their voice has been silenced.

Lou Takacs asked if there is community involvement.

Mr. Lee said there was some involvement, but nearly at the level needed. The Coastal Bays Program really doesn't address the issues relevant to the community. Mr. Lee made some strides to improve this during his time on the Policy Committee and had some success, but much remains to be done.

Scot asked Mr. Lee what specifically they are asking for. Is it inclusion of the NAACP on the Policy Committee?

Mr. Lee said they are looking for inclusion on the Committee. However, it does not have to necessarily be NAACP representation, but must be fair organizational representation.

Hope Williams asked for more background information.

**Mr. Lee said he would get the information to Vernice, who would share it with Jeff, who would then circulate it to the Commission.**

#### Updates (cont.)

- *Baltimore City Sustainability Plan*

Scot provided a brief update on the status of the plan.

- *2009 Demolition Bill*

Scot provided an update on the bill. The fiscal impact could be the major hurdle with the legislation. **This is legislation the Commission will continue to track and be provided updates on.**

Rosa asked whether this is something we can help California on, as they are developing their own demolition protocol. Stephanie Cobb Williams, counsel to the Commission, advised that we can talk to California, but can't legally offer formal advice.

#### Discussion Items

- *Senator Harrington's 2009 Legislation of Interest*

Senator Harrington discussed past liquefied natural gas bills and their lack of success. As a result he has decided to try to tackle the issue from a different angle this year. He is introducing an EJ Review Bill (Attachment I) as a means to address the same problem. The Senator explained the bill's goal and how it works. The Senator asked that the Commissioners get him

any comments on the legislation ASAP. Vernice offered her thanks to the Senator and Andy. She said that this legislation is a wonderful step forward. Senator Harrington said that he appreciates the collaboration at the State level.

Senator Harrington also has a public notice bill for MDE (Attachment II) that he shared with the Commission. It would require MDE to contact individuals within a certain radius of a proposed project by mail instead of posting a sign and putting notice in the newspaper. He asked for comments from the Commission on this legislation as well.

- *City/County Watershed ISO Guidance*

Scot led the discussion and asked for people to help him with the review environmental justice issues. **Andy, Rosa, and Hope volunteered.**

- *LEED Standards for Neighborhood Development – Public Comment Period*

A question was asked whether the Maryland Department of Planning is looking at the draft standards. **Vernice said she would contact David Costello to see if they were.** It was suggested that the Commission review the standards for environmental justice and sustainability items. It was also suggested that MDE should be looking at the standards. Lou asked if Baltimore City was looking at it. **Hope Williams said she would look into it and get back to the Commission.**

- *Baltimore's Red Line*

Scot led the discussion. The State has released the draft Environmental Impact Statement for the Red Line. Alternative 4C is the preferred route. Scot attended a public meeting on the Red Line. There is a level of opposition to the plan. The disproportionate impact argument was made, as the western side of the route is slated to be above ground and the eastern side of the route is slated to be below ground. The question was raised as to whether the Commission should do anything with this issue? Advise MTA? Another layer of investigation? Reconsider Alternative 4A – all above ground? Vernice asked if there is any federal money tied to the project. Scot said yes. Vernice said that it is then subject to Title VI - disproportionate impacts. Betty said she feels the Commission should weigh in and make sure the City gets the best cars, track, etc. that it can.

Andy said that there needs to be an EJ discussion around transportation funding, especially the ICC. It was agreed that a dialogue on environmental justice and transportation spending, including federal spending, was an excellent topic for a future meeting agenda item. Hope said she could arrange for the Commission to have a discussion with the planner responsible for the Red Line. Scot said he would check on the deadline for public comment on the Red Line.

#### DHCD Land Use Symposium Discussion

Karen Forbes said that DHCD is open to host the event. They just need to know a date, time, who will attend, etc. **The workgroup needs to finalize the details** (The workgroup consists of Vernice, Karen, Arabia, and Senator Harrington). Betty suggested that we invite all State Agencies, neighborhood organizations, and the National Center for Smart Growth. Scot said that we need a frame for the discussion, and then we should get a list of people to attend. We should flush out the frame by the January EJSC meeting and use part of the January meeting to flush out the details.



### Other Business

Andy provided an update on the Citizens Campaign for the Environment (CCE). Growth, climate change, the budget, and the ICC are their agreed upon four main priorities for the 2009 legislative session. Andy pointed out that all of these are in some way environmental justice issues. He also let the Commission know that environmental justice was among the top 7 or 8 issues of the CCE.

Lou let everyone know about watershed meetings on the first Wednesday and third Saturday of the month throughout 2009. He asked that someone from the CEJSC attend to talk about the Commission and its work. Scot said that he would talk to Guy Hager of Parks and People about attending a meeting.

Stephanie Cobb Williams asked if the Commission has had a dialogue with the Attorney General's Office, particularly Erin Fitzsimmons and Carl Snowden. Scot said that the Commission has been engaged with them and will continue to be engaged in the future. It was suggested that it may be a good idea to have them comment on environmental justice bills and possibly attend the DHCD Land Use Symposium.

Scot provided the Commission with an update on the Westport Development. It has received its preliminary Tax Increment Financing (TIF) of \$160 million. Hope provided the Commission with more information on this issue. The Westport Community is divided into 6 factions that are not all on the same page. Rosa said that she had attended the community meeting the night before and reiterated Hope's point. Hope suggested that the Commission could help bring them all together so that they could have a more effective voice. Scot said that when the developer asks for a TIF, the community then has an opportunity to pursue further discussion with the developer. **Hope offered to help set up a meeting between the Commission and the 6 community groups. Hope said she would get the Commission the groups' contact information.**

**January 22, 2009**  
**Lowe House Office Building, Room 251**  
**Annapolis, MD**

**AGENDA**

- 9:30 am        Introductions  
9:40 am        Updates
- New Commissioners
  - New Staff
- 9:50 am        Planning Symposium – General Brainstorming  
10:10 am       2009 Legislative Session
- General Overview (Lisa Nissley)
  - MDE Legislative Agenda (Lisa Nissley)
  - LNG Issue – SB 4; potential bill by Delegate Ivey (Scot Spencer & Andy Fellows)
  - Demolition Bill (Scot Spencer)
  - SB 47: Harrington’s Notice Bill (Scot Spencer)
- 10:55        Healthy Places Update (Cliff Mitchell)  
11:10 am       Approval of November 18, 2008 Minutes  
11:20 am       Other Business  
11:30 am       Adjourn

**MINUTES**

In Attendance

- Commission Members:  
Scot Spencer, Delegate Liz Bobo, Dick Fairbanks, Andy Fellows, Senator Mike Lenett, Vernice Miller-Travis, Karen Forbes (HCD Designee), Cliff Mitchell (DHMH Designee), Lisa Nissley (MDE Designee)
- Participants:  
Theresa Healey Conway (Senator Lenett’s Office), Lloyd Knowles (Delegate Bobo’s Office), Vince Leggett (DNR), Jonathan Nwagbaraocha (Coalition to End Childhood Lead Poisoning)

Introductions & Updates

The meeting was opened with introductions. Senator Lenett introduced himself as it was his first meeting and expressed that he is looking forward to working with the Commission.

## Planning Symposium

There was a December conference call on the Land Use Planning Symposium to be held in the spring, but only Hope Williams (Baltimore City Government, Karen Forbes, (MDHCD) and Lisa Nissley (MDE) were able to be on the call. As such, there was a brainstorming session on ideas for the symposium.

It was explained that the original idea came from the link between environmental justice issues and planning. Often these are treated as separate issues but the idea is to have a day long conversation with various parties about working together. The discussion would definitely include MDE, DHMH, and HCD. No conversation has been had with DBED, but they would like to include them as well and Vince Leggett would like to check in with DNR to see if they would want to participate.

Senator Lenett asked the target would be policy makers or the public and there was a discussion on that issue. Ultimately it was quickly decided that the primary target is policy makers in order to find common direction, but the public should also be included.

The conversation progressed to consider how EBDs may fit into the discussion. There is not a clear model of what the EBDs designation means after it is in place and lack resources may be part of the problem. It was agreed that there needs to be more progress to build on what is a conceptually good framework.

Scot will set a time to for another conference call to include Karen, Vernice, Hope, Cliff, Lisa, & Scot.

## 2009 Session

Lisa updated the Commission on general issues facing the legislature with regard to fiscal concerns and the \$100K fiscal note limit. It is thought there will be a great deal of environmental policy bills. Lisa further described upcoming legislation including:

- Coal Combustion By-product Disposal Fees
- Local Cost Recovery
- Climate Change

Andy spoke about the Citizen's Campaign for the Environment four priorities 1. climate change, 2. the Governor's Smart Growth package, 3. the budget, and 4. opposition to the ICC. Second tier issues include pesticide reporting, SB 4, & SB 47. There is also interest in federal stimulus money and how that will be used. Vernice would like to see some of that money go toward EJ related issues.

SB 4 (Senator Harrington's Environmental Justice Review bill) and SB 47 (Harrington's notice of permit application bill) were discussed in great detail. Lisa explained MDE has not yet reviewed SB 4, but as written the bill requires businesses to submit an EJ review which when applying for permits and MDE would have to consider the review with the application. MDE, in

consultation with the Commission and the Department of Planning, is also responsible for creating a definition of “environmentally stressed communities” and a map that shows these communities.

The Commission has been invited to speak at the hearing. The Commission speculated that the bills may be cost prohibitive given the \$100K fiscal note limit. It was decided they would like to meet with Senator Harrington to discuss the bill. Everyone would like to move the issue forward in a cost effective manner. Lisa will call to set a meeting and the Commission would like Lisa to attend if possible.

The conversation turned to the Healthy Places program. Cliff advises there may not be a bill related to the program because of fiscal impact. The site will have the capacity to look at health impact assessment.

This brought the discussion back around to the symposium ideas. Cliff suggested there is synergy between the SB 4 ideas, Healthy Places, and the symposium. Perhaps it could serve as a mechanism to have a discussion of Healthily Places, environment, justice, planning process, etc. No matter what happens with SB 4 the symposium could focus policy makers on how to address these issues and use it has a forum to develop a bill. May include Morgan University, UMD, and/or Johns Hopkins University.

Lisa mentioned this idea may take longer to develop then a May date would allow. Vince suggested that Environmental Impact Statements may also be a starting point. It was also noted that President Obama was the sponsor of the National Healthy Places Act. Cliff also noted that part of the Climate Action Change Plan committed DHMH to do a workgroup on health impact statements and they have a JHU student doing an impact statement on the red line.

Jonathan briefed the Commission on the demolition bill. Delegate Carr and Senator Pinsky are the likely sponsors. Carr has raised a concern about architectural material and they are working on that issue. It was suggested he contact the Healthy Buildings Network on this issue. Cost is another major concern.

Jonathan also needs information on the cost to treat people with lead poisoning and several suggestions were made.

The Commission has been invited to speak at the bill hearing.

### Healthy Places Update

Cliff updated the Commission on Healthy Places. The website is up for internal beta testing then will be open to the public. It will include maps tracking asthma rates, mortality, reproduction, heart health, cancer, and environmental issues such as ozone, water evaluations, etc. It is on track to be ready at the end of the month and Cliff will send Lisa the link when it is ready. It will be important for people to visit; they need as many hits as possible to show it is being used. Cliff would like information on environmental justice to include in the links on the homepage.

## Approval of the November Minutes

Postponed to February due to lack of quorum.

## Other Business

Vernice shared the work of the Obama transition team with regard to the environmental justice community and read aloud the letter the workgroup developed. Vernice will share this letter with Lisa to send to the group.

Senator Lenett and Delegate Bobo were not able to participate for long. Before he left, Senator Lenett suggested that during the session, it may be a good idea to meet at 8:30am. This came up during other business and everyone agreed this is a good idea. Lisa Nissley will check to see if the room is available and reach out to other members to see if they agree.

Scot reported that he decided the Coastal Bays Commission/NAACP issue was not one that the Commission had a role in. Also, he heard from Commission Solomon Omo Osagie will not be seeking reappointment when his term ends this year.

## **February 26, 2009 Meeting**

Lowe House Office Building, Room 302  
Annapolis, MD

### **AGENDA**

- 8:30 am        Introductions & Updates
  - New Commissioners
- 8:45 am        EJ Grant
- 9:05 am        2009 Legislative Session
  - SB 4, 47, & 529 (Harrington Bills)
  - SB 278/HB 315 (GHG)
  - HB 236/SB 361 & HB 1289/SB 975 (Lead Bills)
  - HB1053/SB 824 (Standing)
  - Smart Growth Package (HB 294, 295, & 297; SB 878)
- 9:55 am        Planning Symposium – Report on call/Brainstorming
- 10:15 am       Approval of November 18, 2008 Minutes  
                  Approval of January 22, 2008 Minutes
  
- 10:20 am       Other Business
- 10:30 am       Adjourn

## **March 19, 2009 Meeting**

Lowe House Office Building, Room 302  
Annapolis, MD

### **AGENDA**

- 8:30 am        Introductions & Updates
  - New Commissioners
- 8:45 am        2009 Legislative Session Updates
  - SB 4, 47, & 529 (Harrington Bills)
  - SB 278/HB 315 (GHG)
  - HB 236/SB 361 & HB 1289/SB 975 (Lead Bills)
  - HB1053/SB 824 (Standing)
  - Smart Growth Package (HB 294, 295, & 297; SB 878)
- 9:00 am        EJ Grant
- 9:45 am        Planning Symposium – Report on call/Brainstorming
- 10:15 am       Approval of November 18, 2008 Minutes  
                  Approval of January 22, 2008 Minutes
- 10:20 am       Other Business
  - City/County Watershed agreement
- 10:30 am       Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Scot Spencer, Delegate Liz Bobo, Arabia Davis (MDP Designee), Andy Fellows, rosa Hart Burenstine, Senator Mike Lenett, Kelly Pfeifer, Lisa Nissley (MDE Designees)
- Participants:  
Lloyd Knowles, Edward Lee, Worchester County NAACP

#### Approval of the November, January, & February Minutes

The Commissioners accepted minutes for the November, January, and February meetings.

#### 2009 Session

Lisa updated the Commissioners on bills directly related to environmental justice. SB 4 (EJ review for permits) will not be passing because of it has a significant fiscal impact. The Department has committed to working on the issue of cumulative impact and the permitting process during the interim and would like to look at the issue with a holistic approach, including the permit notice issue, which is addressed in SB 47. In the meantime, MDE has offered amendments, which the sponsor, Senator Harrington has accepted, to require notices to be posted

on MDE's website. These notices will be searchable by zip code and a method will be provided to allow people to request electronic or paper updates on a specific application. This will be implemented over the summer. SB 529 (EJ review for LNG permit applications) will likely not be approved. Senator Lenett shared that he is supportive of these efforts.

Lisa also updated the Commissioners on the GHG bill. Both Houses have voted the bill favorably with minor amendments requiring the Department to make certain considerations on impact to rural communities when creating the plan for GHG emission reduction. The House version has more amendments than the Senate version, however since they are of a similar nature it is hoped that the Senate will accept these amendments. The Department and advocates are okay with the amendments that have been added, but it is our hope that no more will be offered so not to tip the balance of support.

Rosa Hart Burenstine updated the Commission on the lead bills. She testified at the House hearing on demolition and met with legislators with Ruth Ann Norton to educate on the bill. There was no opposition at the House hearing and there was a lot of good energy surrounding the bill's momentum. If this bill passes, it would be the first in the nation. Scot also submitted written testimony on the bill.

FYI – Jonathan has left the Coalition to End Childhood Lead Poisoning, but is still working to support the bills. He is working at a law firm on national environmental issues.

Lisa described the process on the standing bills. After many workgroup sessions, a new bill was drafted and introduced by Chairman McIntosh to address many of the concerns that were brought up with the other bill. The new bill number is HB 1569 and was just introduced yesterday. Vernice described the bill hearing for the original bill, which was packed with interested parties. Land use is not included in the bill, but a Prince George's County organization did speak to the issue. Chairman McIntosh talked about EJ issues and the Commission and highlighted the importance of the issue.

All of the Smart Growth bills have been heard in both Houses. HB 294 has been passed.

Andy shared that the hearing on the ICC happened, but there has been no vote. Defunding is not likely to pass.

MDE has worked with Delegate Morhaim HB 189 to help get at the issue of school bus retrofitting with a smaller fiscal impact.

The Commission may want an update on green job bills later.

Dick asked some questions about the LNG related bills. It was clarified that these bills are not to just stop LNG plants, but to assess need and consider safety.

## **EPA EJ Grant Application**

Lisa shared the Department's discussions on the EJ grant and how we would like to proceed. This coming Friday Secretary Wilson has requested a meeting with four staffers, Lisa included, to discuss and finalize an idea for moving forward. Everything discussed to this point has followed the ideas of the Commission. After that meeting, Lisa will consult with Scot and Vernice. The Commission discussed the EBDs that currently exist and Vernice discussed the EPA Cumulative Impact Report and the NY process.

Delegate Liz Bobo came at this point and shared her thoughts on the session and some of the issues facing Columbia.

## Planning Symposium

Vernice reported on the progress with planning the symposium. There have been two calls and it was decided that Vernice and Cliff will chair the event. The goal will be to bring all parties involved in the land use process together to raise the level of understanding about environmental justice and the process. The hope is that it will be at Morgan State University in the early fall. The three tracks will be science, public policy, and communities. Hope to have sponsorship from DHCH, Planning, DNR, DHMH, and MDE. Will try to get Lisa Jackson as a keynote speaker. Rosa would like to be on the planning committee. Vernice and Cliff will be drafting a one pager to describe the symposium. Some thought was given to trying to get the CBT grant for this purpose.

## Other Business

Scot shared the Watershed Agreement Action Plan, which is a joint agreement with the City and Baltimore County on cleaning the three-shared watersheds that drain to the Bay.

Scot spoke AG's event on the NAACP 100<sup>th</sup> Anniversary. He was a panelist on a talk about the new definition of civil rights. It was a very positive experience and Scot shared his talking points.

Mr. Lee shared an update on the outreach he has done regarding NAACP involvement in the Coastal Bays Commission.

## Adjourn

**The next CEJSC meeting is scheduled for Thursday, April 23, 2009, 9:30-11:30 am at Montgomery Park, Baltimore, MD.**



## **April 23, 2009 Meeting**

Maryland Department of the Environment  
Terra Conference Room  
1800 Washington Blvd.  
Baltimore, MD 21230

### **AGENDA**

- 9:30 am        Introductions & Updates
- 9:45 am        2009 Legislative Session Review
  - SB 4, 47, & 529 (Harrington Bills)
  - SB 278/HB 315 (GHG)
  - HB 236/SB 361 & HB 1289/SB 975 (Lead Bills)
  - HB1053/SB 824 (Standing)
  - Smart Growth Package (HB 294, 295, & 297; SB 878)
- 10:30 am        EJ Grant Application
- 10:45 am        Planning Symposium – Report on call/Brainstorming
- 11:15 am        Approval of March Meeting Minutes
- 11:20 am        Other Business
- 11:30 am        Adjourn

### **MINUTES**

#### In Attendance

- Commission Members:  
Scot Spencer, Vernice Travis-Miller, Rosa Hart Burenstine, Betty Dabney, Arabia Davis (MDP Designee), Andy Fellows, Cliff Mitchell, Kelly Pfeifer, Lisa Nissley (MDE Designee)
- Participants:  
Stephanie Cobb-Williams (MDE/AG), Karen Forbes (DHCD), Michael, Gaffney (Chesapeake Bay Trust), Andy Galli (Clean Water Action), Brigid Kenney (MDE), Kathy Kinsey (MDE), Nan Lyon (MDE), William Paul (MDE), Wiltina Wilson (Office of Senator Harrington)

## **Introductions**

The meeting began with introductions and Scot reviewing the agenda. Scot also announced the intention of the Commission to have a joint meeting with the CEHACC in April.

### 2009 Session Review

The review began with an informal presentation on the Administration's Smart Growth Package given by MDE's Brigid Kenney. She described the four bills. Smart Green and Growing (HB/SB) requires counties to report data on certain indicators. The original bill had no consequence for "bad numbers." There were advocate amendments to have numeric goals that were passed by the House, but ultimately stripped by the Senate. The compromise bill that passed included statewide goals for land use. The Terrapin Run Bill (HB/SB) redefined certain terms to strengthen the connections between comprehensive plans and actual development implemented by counties. SB 723 added to the eight visions for a total of twelve goals for growth. The original eight were Bay-centered and the added visions are related to the big picture to include housing, development, etc. The final bill, SB 274, did not pass. The bill would have extended the historic tax credit. The current law does not expire until 2010 so this bill will be back next session.

Kathy Kinsey, MDE, briefed the Commission on the Standing Bill (HB 1569). At the last meeting, this bill had just been introduced to replace the original (HB 1065) in response to many issues that were raised. The original bill was much more comprehensive, but the bill that passed represents a compromise with various stakeholders.

Current law provides a method of challenging permits issued by MDE called "contested case hearings." After a draft permit is issued, the public is able to comment, and then MDE issues a final permit. Parties with standing have the right to challenge the permit with adjudication and, down the road, in Circuit Court. The bill substitutes that process with direct judicial review. After a draft permit is issued, interested parties may comment in writing. MDE considers those comments and publishes a final permit along with all of the comments that were considered in making the permit decision. Any issue addressed in the record is grounds for challenge in court.

Currently, those who are personally and specifically affected by the permitted project have the right to sue. This bill expands standing to non-economic interest that are recognized in federal court such as aesthetics, recreational interests, and conservational interests. Also, organizations may sue on behalf of members.

Vernice asked how the department feels about the changes and the impact on the Department. Kathy explained that while we will need to feel our way through the process in terms of issuing the public comments, etc, that overall the Department is pleased with the bill. The Department is supportive of expanded standing and has been for some time.

A discussion began on cumulative impact and the idea that while a single application may not create a problem for the surrounding community, there may be other facilities in the area and the sum of the pollution may be a problem. A discussion between Bill and Vernice MDE's ability to

address this issue within current law and the progress the state has made in the past 30 years. The group agreed this is a bigger discussion and Scot suggested it be added to the retreat agenda in July.

Lisa & Kathy also briefed on the GHG reduction bill (SB 278). The bill requires MDE to propose and implement a plan to reduce GHG emissions by 25% by the year 2020. MDE must consider the effect of the plan on manufacturing jobs, green jobs, the affordability of electric rates, and rural communities, among other things. Legislative review of the plan is set for 2016. The question was asked how EJ is included. There is language specific that the measures in the plan “DO NOT DISPROPORTIONATELY IMPACT RURAL OR LOW-INCOME, LOW-MODERATE-INCOME, OR MINORITY COMMUNITIES OR ANY OTHER PARTICULAR CLASS OF ELECTRICITY RATEPAYERS.” The Commission expressed interest in being at the table when the plan is being developed and helping with community outreach.

Lisa ran through the following bills and gave the final status for each:

SB 4 – Harrington EJ review – failed due to the large fiscal note, but MDE has committed on working with the Senator and stakeholders to look at the issue throughout the summer. SB 529, which required EJ reviews for LNG applications, was also rejected.

SB 47 – Permit Notices – it was agreed that this issue will be looked at closer as part of the above, however, there were amendments requiring MDE to post notices online and allow for interested parties to sign up for further notice either by email or by mail. The Department thought this was a better first step then deciding the distance for notice, etc based solely on the fiscal impact.

HB 1417 - authorizes the use of the Maryland Water Quality Revolving Loan Fund and the Maryland Drinking Water Revolving Loan Fund to provide assistance in the form of grants. This allows the Department to issue stimulus money in the form of grants to disadvantaged communities as required by the American Recovery and Reinvestment Act of 2009 (ARRA or stimulus). The Governor signed this bill on Tuesday, April 14, 2009.

HB 1556 authorizes the Department to establish a small “fee for service” on each ton of coal combustion byproducts generated to pay for permit reviews and other costs to implement MDE’s regulatory program enacted in December 2008.

HB 176/SB 554: Bay Restoration Act of 2009 requires that all new or replacement septic systems in the Critical Areas use nitrogen removal technology, which can prevent 50 percent of a system’s nitrogen from polluting groundwater and local waterways. MDE’s free septic upgrade program, paid for through the Bay Restoration Fund, will be available for eligible homeowners as funds are available.

HB 259: Environmental Health Monitoring and Testing - Reimbursement of Costs authorizes counties to recover costs incurred in monitoring and assessing the release or discharge of pollutants, and which extends provisions for local governments and MDE to include all water pollution, not just oil and controlled hazardous substances.

HB 1263: Mercury Switch Removal from Vehicles requires vehicle dismantlers and scrap recyclers to participate in a mandatory program to remove and recycle mercury switches in scrapped vehicles

HB1305: Environment – Coal Combustion Byproducts – Department Regulations - Transport and Beneficial Use requires MDE to propose regulations on the beneficial reuse and transportation of coal combustion byproducts by the end of 2009.

SB 408: -Water Pollution Control-Incentives and Penalties This bill would amend Sections 9-320 and 9-342 of the Environment Article to increase MDE's administrative civil penalty authority from \$1,000 per day per violation to \$5,000 per day per violation with a \$50,000 cap. Penalties collected under this provision go to the Clean Water Fund.

Betty described HB 419 which establishes a Maryland Health and Wellness Commission, staffed by the University of Maryland School of Public Health, to facilitate health promotion and disease prevention efforts in counties in the State and promote the social and economic well-being of State residents through healthy living. Betty wanted to be sure that Cliff, and the rest of the Commissioners, were aware of the bill.

Lisa shared that HB 189, Delegate Morhaim's school bus retrofit bill did not ultimately pass.

#### Approval of the March Minutes

The Commissioners accepted minutes for the March meeting.

#### **EPA EJ Grant Application**

Scot described the application process and thanked those who participated in writing the grant application including Vernice, Cliff, Lisa, and other MDE staff. Things came together very quickly and the application has received technical approval. Decisions are expected late summer/fall.

Lisa described the basic premise of the application, which would provide a process to look at cumulative impact and the permitting process. The process would include the land use symposium as a kick off event, then the hiring of a facilitator to identify an area for a pilot program, and work with stakeholders to develop a plan to identify a method for considering environmental justice in land use decisions. After a pilot period, it would hopefully be used statewide. Vernice and Cliff expanded on these ideas and how the Commissions ongoing conversations were considered and the Health Places Indicators would be used.

Lisa will send a copy of the application to Commissioners for their review.

## Planning Symposium

Vernice reported on the progress with planning the symposium, thanking Arabia and Karen for coming up with the idea. The planning group would like to get \$2500-5000 from each agency involved (DHCH, Planning, DNR, DHMH, and MDE).

Arabia is working on getting CM credit for planners who attend the event (continuing education credits).

Cliff expressed the importance of keeping the program focused on outcomes for Maryland and framing to program in terms of what is beneficial for the state.

Possible case studies that have been include Terrapin Run, the Red Line, Poppleton, or Guilford Gardens.

A date of October 3, 2009 was tentatively set. Commissioners will check with their organizations to be sure that date works. The event will definitely be at Morgan and the idea of having Lisa Jackson or Donna Edwards as a keynote speaker were discussed.

Will try to get Lisa Jackson as a keynote speaker.

## Other Business

MDE is sending Lisa to two conferences on Environmental Justice. She will be at one during the May meeting, but will arrange to call in. Jeff Fretwell will cover the meeting in her absence. Vernice will also be attending and suggested Lisa send information on the second conference in DC to the Commissioners.

Andy shared information about a Town Hall Meeting on May 4<sup>th</sup> with Congressman Hoyer on the environment. It will take place at College Park at 6:30p. He can provide more information if people are interested.

The next meeting will be more informational then business related. Cliff and Scot will work on an agenda. If you have questions related to children's health and the environment, please forward to Cliff and Scot.

**Joint Meeting of the Commission on Environmental Justice & Sustainable Communities (CEJSC) and Children's Environmental Health & Protection Advisory Council**

**May 28, 2009 Meeting**

Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230

**AGENDA**

- |          |  |
|----------|--|
| 9:30 am  | Introductions  |
| 9:45 am  | General Report – Recent work of each organization  |
| 10:00 am | Children's Environmental Health Initiatives in Baltimore City –<br>Madeleine Shea                    |
| 10:30 am | Fall Conference on Environment, Justice, and Health in the Planning<br>Process – Update & Discussion |
| 11:00 am | Legislative & Regulatory Updates   |
| 11:15am  | Other Business   |
|          | Approval of April CEJSC Meeting Minutes (If quorum)  |
| 11:30 am | Adjourn  |

**MINUTES**

In Attendance

- CEJSC Members:  
Scot Spencer, Andy Fellows, Vernice Miller-Travis, Arabia Davis, John Quinn, Rosa Hart-Burnstein, Clifford Mitchell, Jeff Fretwell
- CEHPAC Members:  
Clifford Mitchell, Richard Eskin, Chris Loffredo, Lorne Garrettson, Veronika Carella
- Participants:  
Rachel Hess-Mutinda, Stephanie Cobb-Williams, Karen Forbes, Madeleine Shea, Lee Hurt, Ed Crow, Andy Galli, Kalin Williams, Pam Bauer, Natalie Pascale

***Introductions***

The meeting was opened with introductions by all individuals present.

General Report – Recent Work of Each Organization

Cliff Mitchell handled the CEHPAC introduction, focusing on the Council's recent work. Some specific things CEHPAC has been focused on are children's environmental health and toxins in consumer products, schools and environmental health, children's environmental health indicators, and the children's environmental health report. The Council has also been involved with both the Department of Health and Mental Hygiene (DHMH) and the Maryland Department

of the Environment (MDE) in work to incorporate children's health indicators into an environmental health tracking tool that is being developed.

Scot Spencer handled the CEJSC introduction, talking about environmental justice in general, and the work of the Commission specifically. One of the first things the CEJSC was focused on when it was created was getting basic knowledge into the hands of citizens, which is now beginning to be realized via the environmental health tracking tool.

Community Standing was another issue the Commission was focused on early and saw some legislative success this year with the passage of HB1569 (<http://mlis.state.md.us/2009rs/billfile/hb1569.htm>). Now we need to make sure as the legislation is implemented it is readily accessible/understandable to citizens.

The CEJSC has also worked on local land use issues, doing bi-annual site visits. Often these issues are brought to the Commission by citizens and present significant challenges. The Commission is hopeful that the symposium they are planning will lead to policy change at the State level.

Lead has been another issue of focus for the Commission, with Rosa Hart-Burnstein playing a significant role through her position with the East Baltimore Development Corporation. This has led to new demolition protocols in Baltimore City. There has also been legislation at the State level that has not advanced, but the Commission will continue to champion it (<http://mlis.state.md.us/2009rs/billfile/hb1289.htm>). Scot was asked what happened to the 600 or so homeowners that were displaced by the demolition project in east Baltimore? Scot said they were given the first right to come back, relocation benefits, etc. Of the 396 families that were affected, all but 20 stayed in the City.

Vernice said that the Commission has increased its role to educate the legislature on various pieces of legislation and their impact on environmental justice communities, particularly on public health issues. The CEJSC does not lobby, just educates. The statewide demolition bill failed by 1 vote in Committee, and she is convinced with more education it will be passed next year. A question was asked whether the CEJSC works with legislators on the front end or after bills are introduced? Scot said both. He stressed that thinking about environmental justice should happen at the front end of the process and the environmental justice issues are not only in black and low income areas.

#### Children's Environmental Health Initiatives in Baltimore City – Madeleine Shea

Madeleine Shea, Assistant Commissioner of Baltimore City's Healthy Homes Division (Division), gave a power point presentation on Baltimore City's Healthy Homes Initiative (Attachment I). Baltimore City was the first major U.S. city to have a Healthy Homes Initiative.

Madeleine was asked a number of questions during and following the presentation. Questions included:

What is the stance of the Healthy Homes Division on non-chemical control of pests? They discourage spraying and encourage integrated pest management.

Is there a correlation between moisture and pests? Yes, there is a strong correlation and the Division tries to work to get at the root of the moisture issues. John Quinn reminded everyone about the Regional Greenhouse Gas Initiative funds that are going to the Maryland Energy Administration for low income energy assistance and a new initiative being rolled out by Baltimore Gas and Electric, both of which can help pay to correct some of the moisture issues. Karen Forbes also let everyone know about the Department of Housing and Community Development Neighborhood Block Grants that can be used to help upgrade substandard/low income housing. John Quinn said that we can all do a better job cross coordinating these efforts.

A general conversation followed the presentation focused on efforts by the federal government and cities to move to an integrated Healthy Homes Initiative and lack of progress on the State level. A conversation about integrating the various pieces of a healthy homes program needs to happen at the State level.

A comment was made that the Maryland Pesticide Committee should put together a meeting on kids, pesticides, and Integrated Pest Management. This meeting must involve the Maryland Department of Agriculture, which has been largely uninvolved in the discussion and needs to be to move the issue forward. There is a huge disconnect between applicants and communities affected. Veronika Carella let everyone about the pesticide application notification requirement that individuals can sign up for (<http://www.mda.state.md.us/pdf/sensitiv.pdf>).

#### Fall Conference on Environment, justice, and Health in the Planning Process – Update & Discussion

The Conference is going to be in October at Morgan State University. Now that the date and venue have been set an agenda/speakers need to be developed. Also, a budget needs to be secured. Cliff thought DHMH could provide \$5,000. Money is also needed from other State Agencies and/or participants.

A general framework for the conference has been developed. There will be three case studies about land use: Terrapin Run (rural), the Red Line (urban), and Howard County (suburban). There will also be three work groups: science and data, community engagement, and legislation and regulation. These three work groups will come up with recommendations to integrate environmental justice and environmental health into the planning process.

A suggestion was made to have an expert give an overview of the current science on these topics. This will allow everyone to get a better handle on the breadth of the problem and start everyone off on the same page. This has been previously discussed. Several suggestions for the speaker slot were made, but no definite individual chosen.

It was also suggested that developers, planners, and financial professionals should be included in the conference. However, the conference should not be too large to prevent a work product from resulting. Scot said it would also be helpful to have the conference count towards professionals' continuing education credits.



There will be a planning committee conference call in the next couple of weeks.

#### Legislative and Regulatory Updates

The green cleaning bill from the 2009 session

(<http://mlis.state.md.us/2009rs/billfile/hb1363.htm>) was brought up by Veronika Carella. The bill passed but has many outs for industry. Also, the definition of “green products” is problematic. Perhaps the National Fire Protection Association definition can be used as a starting point. Delegate Murphy (the lead sponsor) and the industry representatives have agreed to meet and rework the bill for next year. The CEJSC was asked to participate when talks commence. The Maryland State Department of Education, DHMH, and public health officials all need to be involved in the discussions.

Andy Fellows said that he will touch base with Senator Harrington again regarding future environmental justice legislation. Andy also mentioned that the CEJSC should take a look at the pesticide reporting bill that failed (<http://mlis.state.md.us/2009rs/billfile/HB0929.htm>).

Cliff Mitchell spoke about the Environmental Justice Grant applied for jointly by MDE and DHMH. The grant was denied, but Cliff spoke to Jane Lewis of EPA Region 3, and they are very interested in the health indicators piece of the grant proposal. Cliff is working jointly with Florida and Arkansas to apply for another grant using the health indicators tool. Additionally, Vernice has asked the EPA to walk the CEJSC through why the grant was not accepted. EPA has agreed and she and Cliff will take part in the walk through.

#### Approval of April Minutes

A quorum was present and the minutes were approved.

#### Other Business

Cliff Mitchell suggested an annual joint meeting of CEJSC and CEHPAC. Vernice made the motion. John Quinn seconded. All in attendance concurred.

Vernice is helping to write a report on how to advance environmental justice throughout the federal government for the Obama Administration. She is participating with environmental justice scholars, researchers, lawyers, etc. It should be finished by the third week in June. She said that any suggestions should be sent to her.

**Joint Meeting of the Commission on Environmental Justice & Sustainable Communities  
(CEJSC)**

**June 25, 2009 Meeting**

Maryland Department of the Environment  
1800 Washington Blvd.  
Terra Conference Room  
Baltimore, MD 21230

**AGENDA**

9:30 am	Introductions
9:45 am	Planning Fall Conference on Environment, Justice, and Health in the Planning Process
10:30 am	Potential CEJSC Membership Bill
10:45 am	Cumulative Impact Update & EBDs
11:00 am	Retreat Suggestions
11:15 am	Other Business
	Approval of April CEJSC Meeting Minutes (If quorum)
11:30 am	Adjourn

**\*\*REMINDER TO SAVE THE DATE\*\***

July 23, 2009  
CEJSC Retreat – All day

**June 25, 2009 Meeting**

Maryland Department of the Environment  
1800 Washington Blvd.  
Terra Conference Room  
Baltimore, MD 21230

In Attendance

- CEJSC Members:  
Scot Spencer, Dick Fairbanks, Andy Fellows, Vernice Miller-Travis, Rosa Hart-Burenstine, Kelly Pfeifer, Clifford Mitchell, Lisa Nissley
- Participants:  
Glenn Robinson

**Introductions**

The meeting was opened with introductions by all individuals present.

### **CEJSC Annual Retreat for Commissioners**

Lisa shared that the annual retreat will be held in the Miller Senate Building on July 23, 2009 from approximately 9:00-4:00pm. She and Scot did visit another venue, Orienda Mansion, at the suggestion of Dick Fairbanks, but decided due to the fiscal situation it would be best to use space in Annapolis and reserve funds for another project, such as the Symposium. Lisa shared other details about the day that have been planned including lunch at 49 West, potential guest speakers, a potential roundtable with MDE on cumulative impact considerations, and the option to visit the Banneker Douglass Museum. The Commission opted do the roundtable and to visit the museum. The Roundtable may take significant time, perhaps two hours. The Commissioners also asked that Lisa call each Commissioner to urge them to attend so that there will be 100% participation.

Talk turned to other possible topics for the day. Dick shared information he has received regarding zoning in Worchester County and the Costal Bays. The Commissioners agreed this was a worthy topic, but one they preferred to address outside of the retreat. Andy inquired about the possibility of hearing more about Smart Growth and next steps.

Glenn discussed issues of trash clogging sewer drains and gutters after community parties in the city. It seems to be a regular occurrence and the street cleaners are actually compounding the problem. The Commissioners agreed this was an issue for the local government and they will share names with Glenn that he might contact.

Scot mentioned a possible panel from LCV's Cindy Schwartz, MML, and MACo on early thinking for next year.

Lisa will work with Scot to see who is available and what will fit into the day. Details will be sent to out to the Commissioners.

### Approval of May Minutes

A quorum was present and the minutes were approved.

### **CEJCS Membership**

Scot described the idea of expanding membership to include additional state agencies and community members. Previously Transportation and Housing were mentioned. Lisa suggested adding DBED to the list for consideration. At this point, MDE is willing to consider this for Departmental legislation and would work with the Commission to see if agency's would be willing to join in.

A discussion about whether or not it made sense to find a private sponsor occurred. In that case the Commission might work to try to find more financial resources for the Commission's activities and involve other agencies in a more meaningful way. Ultimately it was decided that it was not the time to ask for additional resources and MDE will move forward with considering CEJSC as Departmental legislation.

The agreed upon proposal will increase the number of members to 20 and include representatives from Housing, Transportation, and DBED. It would also require at least two Governor's appointees to come from affected communities.

### Fall Conference on Environment, Justice, and Health in the Planning Process – Update & Discussion

The Conference is going to be in October 3<sup>rd</sup> at Morgan State University. A particular space will need to be confirmed with Andrea Kidd Taylor, though Glenn offered to check out some spaces that day. One large room for 150 people is needed then three breakout rooms for 50 people each. The planning committee will need to look for sponsors and work on a list of contacts, materials, outreach, etc. Glenn's organization XXX would like to cosponsor.

The issue of the Title VI anniversary came up as a possible discussion point. Ultimately the group decided they would like to go in another direction. The focus will more be on Maryland law, decisions, and solutions. At this point, Cliff took the opportunity to review the one pager on the event.

A date for the next planning call was decided (July 1, 2009 at 10:00 am) and invitees will include: Cliff, Vernice, Arabia, Karen Forbes, Andrea Kidd Taylor, Rosa, Josh Feldmark, Lisa, Scot, Glenn, and Andy. Vernice, Cliff, and Lisa will speak later today to create an agenda for this call. Cliff will arrange for a conference line.

Further goals and framing were discussed. The Symposium should be focused on people who are not usually involved in the process as opposed to the Commission and the agencies.

Scot pointed out that we will need to check in with Arabia Davis about what is needed to make the Symposium a CEU for planners.

Breakout groups will be on each track (science, community, and policy) and have a panel speak, then small group discussion, then large group outcomes. It was decided that each group should include a mix of people to broaden the conversation.

### **Cumulative Impact**

It was agreed that the MDE process to explore cumulative impact will be discussed at the retreat. Lisa explained the discussion she had with Scot to invite a representative from each EBD to come to a CEJSC meeting to discuss their interest, concerns, and the direction they would like to see the program go in. While this is agreeable, no representatives were available to come to the June meeting and the next regular meeting is scheduled for September. Lisa proposed that MDE might set up meeting with each representative and invite CEJSC members to attend so the project is not held up. The Commissioners agreed with this idea and suggested the meetings take place in the community if possible.

Andy asked if Curtis Bay was ever named an EBD. Lisa explained the when they applied back in 2005 or 2006, other locations were chosen. Andy asked if the Commission could be briefed

on EBDs as a refresher before looking at moving forward. Lisa will prepare something, likely for the September meeting.

**Other Business**

Vernice discussed several activities she has recently participated in including the Delta’s reunion and the WEACTION 20<sup>th</sup> Anniversary. She also told Commissioners about an article from the Washington Post about the east coasts waters.

Scot described a session he moderated on Transportation in Baltimore for the MD Historical Society.

Joint Meeting of the Commission on Environmental Justice & Sustainable Communities (CEJSC)

**September 10, 2009**

1800 Washington Blvd.  
Baltimore, MD 21230

**AGENDA**

- 9:30 am Introductions
- 9:40 am Consideration of Issues shared by the MD PTA Health & Environmental Issues Committee
- 10:00 am Annual Report Review
- 10:20 am CCB Issues
- 11:00 am Symposium Review
- 11:20 am Other Business
- 11:30 am Approval of June & July CEJSC Meeting Minutes (If quorum)
- 11:30 am Adjourn

**9. APPENDIX D: GUEST PRESENTATIONS TO THE COMMISSION**

*Madeline Shea*



## Unhealthy Homes and Communities Children's Environmental Injustice in Baltimore

Madeleine A. Shea, Ph.D.  
Assistant Commissioner, Healthy Homes Division  
Baltimore City Health Department

### Presentation Goals

- Provide an Overview of the Baltimore City Health Department's Healthy Homes Goals and Programs
- Describe a Southwest Baltimore Healthy Homes and Communities Initiative Aiming to Address Environmental Injustice

### Environmental Health and Environmental Justice

- **Environmental justice** is the right of all people to have equal access to their basic needs. This includes healthy housing, safe energy, healthy food, clean air and water, open space, non-toxic communities, and equitable educational and employment opportunities.

## Why Unhealthy Homes and Communities is an Environmental Justice Issue

Children Spend up to 90% of time indoors and are exposed to lead, allergens and asthma triggers, and fire and injury dangers

### Asthma and Lead Reduce School/Work Attainment ...In 2007

- 624 children exposed to lead → cognitive and behavioral effects
- 28% of BCPHS students report asthma → #1 reason for missed school

### Fires, Unsafe Sleep and Asthma Kill

- Baltimore childhood fire deaths 3-4x the nation
- 89 SUDI deaths (2002-2006)
- Asthma Fatalities double the state

### Reduced Quality of Life

- Evidence of mice in 28.8% of Baltimore rental properties (AHS 2007)
- Peeling Paint in >50% Baltimore low income homes (05)



## Baltimore Housing Indicators

- 50 years old on average (US is 30 yrs)
- 1/3 rental homes estimated not to meet housing code
- 75% of rental units with lead
- Studies show:

- 100% mouse allergen
- 80% cockroach allergen
- 96% cat allergen
- 60% mite allergen



## Healthy Homes Programs

### Home Inspections and Education

- Lead Exposed Children  $\geq 10$  ug/dL
- Primary Prevention– Pregnant and Postpartum Moms
- Childhood Asthma Control
- Foster Care Inspections
- Lead Hazard Remediation

### Community Based Education

- Asthma Caregivers
- Southwest Initiative
- Promotores Program





## Program Common Elements

- Written protocols, guidelines and forms
- Process and outcome evaluative measures
- CQI processes
- Guided by staff and community input



## Inspection Components

Lead risks, environmental tobacco smoke, pests, cleanliness, carbon monoxide, mold, smoke detectors, structural defects, injury hazards



## Education Components

Lead poisoning, ETS, cleaning, pest management, fire safety, asthma triggers, ABCs of safe sleep, injury

### Supplies/Incentives

mop & bucket, cleaning solution, paper towels, roach bait, glue traps for mice, caulk, cribs, mattress and pillow covers, HEPA vacuums, night lights, smoke alarm batteries, children's books, etc.



## Referrals and Case Management

- **Health programs:** PCPs, BreathMobile, schools, home-visiting, insurance enrollment, smoking cessation, developmental screens
- **Referral services:** United Way 211, housing, Coalition to End Childhood Lead Poisoning (Coalition)
- **Mental health services**
- **Relocation support:** Coalition
- **Refugee/Immigrant services**
- **Education:** GED/ESL



## Referrals and Case Management

- **Safety:** Fire Department, JH Safety Center
- **Pest management:** Rat Rubout/Vector Control
- **Legal services:** Coalition, Legal Aid
- **Enforcement:** Maryland Department of the Environment, Baltimore Housing
- **Housing/loan grant programs**

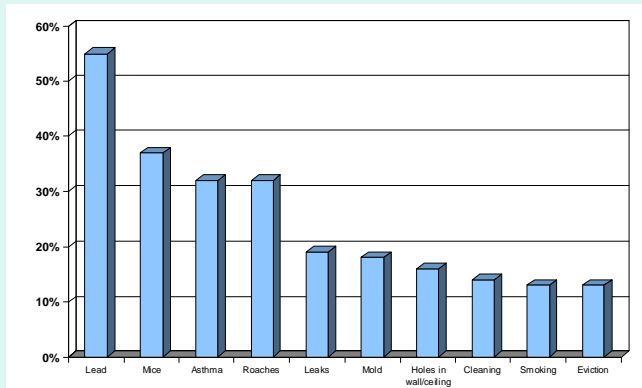


## Select Findings

- 40% of households visited for lead prevention had someone with asthma or other respiratory problems (32% children)
- 10% of homes had no heat in winter
- Lack of working smoke alarms #1 problem in foster care inspections – but about half also have lead dust



## What are families biggest concerns?



### Healthy Homes Home Visiting Interventions Lessons Learned



- Comprehensive approaches make sense - Where there is one risk – there are almost always multiple risks.
- Home environmental health programs can significantly reduce risks
- One size does not fit all - need to establish priorities with each family, but also for the program as a whole
  - **Health priorities:** Lead, Asthma, Fire safety
  - **Environmental priorities:** Lead, mold/moisture, IPM, smoke detectors

### Southwest Initiative Goals

- Mobilize SW Baltimore residents, businesses, government agencies, and community organizations to identify and prioritize home and community-based environmental health hazard reduction strategies
- To create an action plan and obtain more funding

## Southwest Initiative Goals

- Educate the community about the sources, extent, and impact of environmental hazards
- Identify and prioritize environmental health hazards in a consensus-driven process
- Create long-lasting, local partnerships that improve trust and coordination among residents, businesses, and government agencies, and that reduce exposure to environmental toxins
- Improve environmental health

## Where?

Barre Circle  
Carrollton Ridge  
Hollins Market  
Mill Hill  
Morrell Park  
New Southwest/Mount Clare  
Ridgely's Delight  
Sharp Leadenhall  
SBIC  
Stadium Area  
Union Square  
Washington Village/Pigtown



## Tangible Outcome Possibilities

- Youth internship program (green jobs)
- Vacant lot clean-up
- Organized bus trips to farmers' markets
- Community garden project
- Block party clean-ups
- Smoking cessation/asthma support groups

## Who is Involved?

### Baltimore City Agencies

- Health Dept
- Housing Dept
- Sustainability Office

### Community Groups

- Coalition to End Childhood Lead Poisoning
- Baltimore Station
- Barre Circle Comm. Assoc.
- Washington Village Pigtown Neighborhood Planning Council
- Morrell Park Comm. Assoc.

### Businesses

- Furbish Company

### Universities and Schools

- Johns Hopkins School of Public Health
- U of MD School of Nursing
- SW Baltimore Charter School

## Plans to Expand Children's Environmental Health Resources

- EPA Grant
- AED Grant
- HUD Grants
- Collaborations with Weatherization Expansion
- HIA – Zoning
- Sustainability Commission

## Questions?

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