

Commission on Environmental Justice  
and Sustainable Communities (CEJSC) Retreat  
Maryland Department of Health and Mental Hygiene  
(201 West Preston St., Room L3, Lobby)  
August 20, 2008

**Draft Summary Notes**

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 CEJSC'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 Smartgrowth 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.

A section should be added immediately following Section 1, that details Sustainable Communities and Healthy Places. This will serve to set the tone for the report.

Within the Legislative Issues and Analysis Section of the report the following assignments were made:

**Demolition and Lead – Scot**  
**Standing – Kelly**  
**Healthy Places – Cliff**  
**Minority Environmental Land Trust - ?**  
**Smart Growth and Sustainability - ?**

Within the Community Issues Section of the report the following assignments were made:

**Middle Branch/Westport - ?**  
**Cheverly/Prince George's – Vernice/Andy**

## City/County Watershed – Scot

**Section 3 of the Outline will be filled out by Jeff and Scot.**

Section 4 of the Outline

**Hosting meeting with Representatives of the Environmental Community - ?**  
**Editing EJ section of LCV's Legislative Handbook - ?**  
**From each commissioner – listing and description of participation (as a commissioner) in environmental programs – Each Commissioner**

Section 5 of the Outline

**For the Governor - ?**  
**For the Legislature - ?**  
**For Local Government - ?**  
**For Environmental Organizations (new) - ?**

**Section 6 – 2009 Workplan (to be developed) – Scot**

Section 7 – Appendices

**A – Meeting minutes with any attachments – Jeff**  
**B – Legislative letters – Jeff**  
**Other?**

### *Timetables*

All of the report sections should be drafted for the next EJSC 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.

**The Next meeting of the CEJSC is scheduled for September 18 at 9:30 at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230 in the Aeris Conference Room on the first floor.**