

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

Thursday, January 22, 2009

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.

## Adjourn

**The next CEJSC meeting is scheduled for Thursday, February 26, 2009, 8:30-10:30 am at the Lowe House Office Building, Room 302, 6 Bladen Street, Annapolis, MD 21401**

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

Thursday, February 26, 2009

## In Attendance

- Commission Members:  
Scot Spencer, Arabia Davis (MDP Designee), Joshua Feldmark, Andy Fellows, Cliff Mitchell (DHMH Designee), Kelly Pfeifer, Jeff Fretwell & Lisa Nissley (MDE Designees)
- Participants:  
Erin Fitzsimmons (Attorney General's Office)

## Introductions & Updates

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

### EPA EJ Grant Application

The Commission discussed potential ideas for the EPA EJ Grant Application. Vernice explained that the RFP is due April 10<sup>th</sup> and shared background information about the community grants that EPA has offered. The current RFP is the result of a new program to spur states to do more work in the community. She would like to see the Commission use the grant to achieve its goals and accomplish its mission.

Scot Spencer added that the RFP states that the results should serve as a model for statewide implementation and has to address a program authorized under federal statute.

Cliff discussed ideas he has had including working with Madeline Shey of the Baltimore City Health Department. He also noted that the strongest applications will be community driven and responding to a community need. He spoke about using this grant to address the EJ permitting issues. Also, the environmental tracking tool will be online this coming Monday.

Other ideas that were mentioned: doing a protocol for large scale demolition sites like row homes on the Eastside of Baltimore; the Red Line process; Sheriff Road; Cheverly. Planning is always the main concern.

Lisa shared that Secretary Wilson would like MDE to apply with partnerships from DHMH, Commission, perhaps others. Reggie Harris expressed interest in having the Department apply as well.

The discussion turned to the possibility of using the EBDs (Easton, SW Baltimore, PG area, Easton) as communities. Easton is possible for outside of Baltimore area; Westport has location & access benefits. Interested in looking at ways to spend money to help the community evaluate, measure, and operational results. Lisa is now responsible for EBDs and will be working with staff to improve once session is over.

It was agreed that Lisa will continue to work with MDE staff on grant ideas. A small group of commissioners will work on the application.

### 2009 Session

Erin Fitzsimmons from the AG office briefed the committee on the standing bill; gave basic summary. She advised that a workgroup has been convened by McIntosh to work on issues. There are concerns that the bill is too broad. It will likely change significantly. Planning is not included because as of now the bill is limited to the Environment article.

There was a discussion about the hope that EJ can be included in some way. Zoning is very hard to get at. Erin is happy to act as a conduit on this issue, perhaps after session. There was a discussion between members on the framing of the debate. CEJSC is pleased with this, but other EJ issues still need to be addressed down the road.

Scot and Vernice are sitting in on workgroup and hearings. Kelly is going to draft comments for Vernice to share at hearing. Vernice will call McIntosh's office about speaking at the workgroup.

Lisa generally updated the Commission on the session. EJ reviews are not likely to pass, but the Department has committed to working on the issue over the interim. Something may come out of the permit bill (SB 47).

(Lisa had to leave for the floor session. Jeff Fretwell came to take minutes for the remainder of the meeting.)

HB 236/SB 361 – Dust Test: Scot discussed the bill hearings. He testified in the Senate. Scot feels the issue comes down to the costs of test versus the public health benefit.

HB 1289 – Demolition Bill: is someone able to make it? Would like to have someone testify at 3/17 hearing.

HB 878/HB 1116 – Lafferty’s smart growth bill puts vision standards into place where the other bills did not go far enough. Scot reviewed the bill and the testimony the Commission introduced.

Scot has developed a template for Commission testimony that explains the CEJSC, the EPA standards, and connects to EJ & sustainability. Vernice would like this circulated for feedback.

HB 1289 came up again. West Steward from CECLP stopped in and explained the bill. DLLR & Baltimore City are supporting but contractors and second hand stores are opposing. Vernice will try to testify. Ruth Ann Norton is doing outreach on the bill before hearings.

### Planning Symposium

Scot & Karen Forbes from DHCD came up with the idea. On Feb 6<sup>th</sup> there was a conference call on general goals (to bring EJ to planning) and specific goals (bringing the planning community together with academics and EJ community). There would be three topics, each with a facilitator – scientific, policy, and community. The program would start with a framing discussion with a national or statewide figure. Three other states have done similar work (OR, MA, CA). Morgan University and School of Public Health are potential hosts. Vernice mentioned having someone to bring it all together and get the state moving forward. Josh would like to be involved with planning/land use portion. Cliff mentioned several potential organizations to reach out to including MNCPP and the Baltimore Metro Council. Other groups mentioned are MCO, MML, Council of State Government.

Next steps: Scot will plan another call; Vernice will be in touch with Arabia.

### Approval of the November & January Minutes

Postponed to March due to lack of quorum.

### Other Business

Scot would like to have a joint meeting with CEHACC as suggested by Cliff. Cliff will check with council members about possible April 23<sup>rd</sup> meeting. Possible topics on children and EJ are exposures and who to engage.

### Adjourn

**The next CEJSC meeting is scheduled for Thursday, March 19, 2009, 8:30-10:30 am at the Lowe House Office Building, Room 302, 6 Bladen Street, Annapolis, MD 21401**