

# **Commission on Environmental Justice & Sustainable Communities Final Annual Report 2003**

## **INTRODUCTION**

Governor Robert Ehrlich statutorily established the Commission on Environmental Justice and Sustainable Communities, by signing it into law on May 22, 2003.<sup>1</sup> It was previously established by Executive Order on January 1, 2001. The Commission is tasked to examine 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 (E.J.) 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 E.J. 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.

## **CHALLENGES**

The Commission, throughout its work this year (through meetings, workgroup sessions, public dialogues, hearings and citizens' feedback), affirms prior findings that some communities are more prone to unhealthy environments. Particularly, poorer communities are more likely experience environmental justice concerns. Additional challenges include barriers to resources that can aid environmental pollution mitigation concerns and barriers to viable participation in the planning processes resulting in direct negative impacts to their quality of life.

## **AREAS OF CONCERN**

The following issues that have been raised are similar to issues raised in the annual report of 2002:

- Lack of appropriate health data to accurately assess community health concerns
- Disproportionate burden of health problems, such as asthma and lead poisoning;

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<sup>1</sup> A list of the membership is attached.

- Disproportionate siting of locally unwanted land uses (LULUs), e.g., power plants, landfills, and other uses that are associated with environmental pollution;
- Limited opportunities for economic development in certain disenfranchised communities;
- Research practices associated with environmental health studies;
- Unequal access to hearing and permitting processes and regulatory protection; and,
- Differential establishment and maintenance of water, wastewater, and sewer infrastructure.

## **RECOMMENDATIONS**

The Commission will continue to hold bi-monthly meetings and public dialogues to develop a set of recommendations for the Governor on environmental justice and sustainability in the State. Some of the deliberations and recommendations are carried over from the annual report of 2002 with a few additions. They are preliminary and will be further developed in the coming year. The general categories of issues are as follows:

1. Fully develop the Commission's Policy and Regulatory Workgroup to prepare core recommendations to be submitted to the Governor and the legislature for fall 2004.
2. Encourage MDE and other state agencies to design ways to address cumulative impacts of multiple facilities, particularly when siting new facilities in areas with other facilities. For example, determining how best to incorporate appropriate health indicators into the planning framework could enhance the Commission's work. Currently, the Commission's health workgroup has been working earnestly over the last year to better ascertain such indicators. Attached, please find the workgroup update (see appendix A);
3. Continue to develop a planning tool designed to foster public participation and promote better planning by characterizing the strengths and needs of our communities from health, economic and environmental perspectives;
4. Improve public participation processes during planning and implementation of economic development activities, permitting, and regulatory hearings. This could include opportunities for greater access to public permit information, including the creation of searchable internet-based databases;
5. Adopt findings and recommendations that were presented to the Commission based on Public Dialogues across Maryland in 2003. (See appendix B for Executive Summary of public dialogues. The full report will be made available on MDE's website by April 2004. The public dialogues findings, recommendations, and report were developed by Public Works Consulting);
6. Promote Environmental Benefits Districts (EBD) as an approach to assist in addressing community environmental justice concerns. Currently, two EBDs have been targeted in Maryland (see appendix C for EBD summary);
7. Examine within state agencies, opportunities to assist communities facing environmental justice concerns. For examples, communities that have expressed concerns to the Commission include Middle East Baltimore, Woodberry, and Central Prince Georges County. This process can be facilitated by undertaking pilot studies in communities to demonstrate how best to address environmental justice concerns;

8. Encourage opportunities for supplemental environmental projects and compliance in communities concerned with environmental justice concerns. Opportunities could focus on mitigation and/or intervention projects to address concerns related to air and water quality, solid waste issues and quality of life concerns;
9. The State should work with other stakeholders including local officials and communities to encourage the creation of offsets, when appropriate, particularly when proposed and/or existing projects are controversial. Such offsets could include buffers, aesthetics enhancements, conditional use approval with the consent of facility owners and other stakeholders. Examples of conditional use approval include hours of operation, noise levels, alternative routes, support of community activities, and third party audits.
10. Encourage the development, planning, and funding of technical assistance centers (based in Maryland universities) to assist communities to better understand and respond to environmental justice concerns;
11. Work with the Maryland Congressional Black Caucus to address E.J. concerns as appropriate;
12. Expand the public dialogue opportunities and use them as an official forum for Maryland citizens to comment on environmental justice and sustainable development issues;
13. Better, prepare state and local agencies to address issues associated with environmental justice and sustainability by training and preparing agency employees. Establish an environmental justice contact person within each agency;
14. Continue to create a vision for economic development in Maryland that takes into account environmental justice, public health, and ecological health, sustainability and community participation;

#### **PLANNED COMMISSION ACTION ITEMS FOR 2004-2005**

1. Continue to develop and implement an environmental justice-training program for State and local agency employees;
2. Undertake two pilot studies in Environmental Benefits Districts to demonstrate how best to address environmental justice concerns;
3. Fully develop the Commission's Policy and Regulatory Workgroup to prepare recommendations for fall 2004;
4. Continue to convene public forums on environmental justice and sustainable development around the State;
5. Continue to test applicability of planning framework. Appended is a copy of the planning framework in its most recent iteration (see appendix D);
6. Utilize planning framework to improve environmental justice-related decision-making and help set improvement targets and goals for specific environmental, socio-economic and health indicators; and,
7. Enhance the committees' work of the Commission to develop more detailed regulatory, health, and economic development recommendations in the coming year.

The Commission believes that it has been tasked with extremely important work for the State of Maryland and looks forward to working with the Governor of Maryland. It is prepared to help move environmental justice concerns into the mainstream of discussion concerning environmental and community planning procedures. The Commission members believe that environmental protection, community vitality and involvement is a practical ingredient to vibrant economic development and sustainable development for communities across Maryland.

## **APPENDIX A: Community Health and Protection Subgroup Update**

The Community Health and Protection Subgroup of the Commission on Environmental Justice and Sustainable Communities began meeting on March 10, 2003. The group has participation from a wide array of backgrounds and representing many agencies and community sectors. There is representation from local Baltimore Communities, University of Maryland School of Nursing, Johns Hopkins University School of Public Health, Clean Water Action, Maryland Department of Environment, Local Health Departments, Department of Health and Mental Hygiene, Department of Natural Resources, International City and County Managers Association, and Maryland Department of Planning. The group meets monthly and the meetings are open to anyone at any time.

The mission of the group, as determined by the group members, is to develop recommendations for the Commission on Environmental Justice and Sustainable Communities for the assessment of communities regarding environmental health risks. The goals and objectives supporting this mission include:

- Prioritize local environmental health concerns
- Increase access, availability, and usability of environmental health data
- Assess community capacity and barriers to response related to environmental health issues

Activities of the group included developing a set of general health indicators with some emphasis on environmental health risks that communities and regulatory bodies can use to assess the status of a community, compare communities, and determine priority areas to focus on. The process began with a review of any existing surveys and tools at the local, state, and national level and collaboration with the Community Index Subgroup. The group is testing the indicators on several pilot communities in Maryland to see what data is available and how useful it is to the decision-making process. Some data sources utilized include US Census, Vital Statistics, the Health Services Cost Review Commission, Education Department, and Social Security. The group has also sought out other Environmental Justice Commissions and organizations across the country to share ideas and lessons learned including California, New Jersey, New York, and the Center for Health, Environment, and Justice.

The next steps for the subgroup will be to analyze the data results from the pilot collections for usability and relevance. Then the indicators will be edited accordingly. Once a final set is decided upon, one-page fact sheets will be created explaining the location of the database, a contact person, a description of the data available, and any limitations or cautions about using the indicator.

Based on the work of the group thus far, members recommend creating another subgroup to explore the exposure and hazard indicators the group initially drafted as it is beyond the scope of this subgroup's mission but needs to be addressed. The members also see a benefit in creating an entity and/or funding source to provide technical assistance to communities attempting to use the assessment tool. The group also recommends further collaboration with the CDC Health Tracking effort ongoing at MDE and DHMH.

**APPENDIX B:****Public Dialogues Executive Summary****A. Background**

In June 2003, the Maryland Commission on Environmental Justice and Sustainable Communities (EJ Commission) initiated a series of Public Dialogue Sessions to provide a forum for citizens, community organizations, neighborhood groups, and local leaders to offer advice and direction to various levels of government on environmental policies and processes that may have an impact on minority and/or low income families throughout Maryland. The Public Dialogue Project's goal was to conduct four Public Dialogues in geographically diverse areas of Maryland and submit a final report back to EJ Commission by the end of December 2003.

**B. Summary of the Public Dialogue Sessions**

In October and November, 2003 the EJ Commission held four Public Dialogue Sessions in Baltimore City, Cumberland, Landover, and Easton. Turnout for the Public Dialogue Sessions varied from approximately 25 participants in Cumberland and Easton to more than 100 in Baltimore. Severe thunderstorms limited the turnout at the Prince Georges County Dialogue Session and the EJ Commission may consider rescheduling a Public Dialogue. However, several local Prince George's County groups submitted comments for this Report by e-mail and by telephone.

The Public Dialogue Sessions prompted a wide variety of comments and suggestions. Community participants are supportive of the EJ Commission's focus on "sustainable economic growth" and providing incentives for investments in low income and minority neighborhoods. Participants were especially interested in learning more about Brownfield redevelopment programs and the newly announced Environmental Benefits District program.

As anticipated by the EJ Commission, some of the most contentious comments at each Dialogue Session were related to permit applications for prisons, landfills, and other facilities that are currently before MDE. Many of these comments addressed the interplay of local zoning decisions and MDE permit decisions; the "fairness" of the public hearing process; the extent to which local governments will accept "tradeoffs" of land use decisions in exchange for economic development and jobs; and how county governments might take steps (such as enact a county ordinance) to address specific environmental problems.

Finally, the Public Dialogues identified a number of new issues, including the problems that many small, rural, and low-income communities have with failing sewage

collection and treatment systems. Public Dialogue participants suggested that these small system sewage discharges pose a major threat to the health of the Chesapeake Bay.

### **C. Summary of Recommendations from the Public Dialogue Sessions**

Section IV of this Report contains Recommendations for the EJ Commission for 2004 activities based on the comments received during the Public Dialogue Sessions. These Recommendations are consistent with and/or build upon the EJ Commission's December 2002 recommendations while recognizing current budget realities. ***Four Recommendations focus on the expansion or modification of existing EJ Commission priorities:***

- **Continue to Establish the EJ Commission as an “Official Forum”**

The information gathering and disseminating role of the EJ Commission should be continued and enhanced in 2004. For example, the EJ Commission's web site should be expanded to include other state and local agencies and the Commission should continue to hold forums or Public Dialogues with community groups in 2004.

- **Continue to Integrate EJ into State/Local Planning**

The EJ Commission should take practical steps in 2004 to formalize its relationship with county zoning, county planning, county health, and county environmental officials.

- **Complete the Environmental Indicators Tool**

The completion of the “Environmental Indicators” data-gathering tool should remain a focus for the sub-committee workgroup in 2004. The EJ Commission's focus should remain on providing additional incentives for economic development in communities with environmental justice concerns.

- **Expand EJ Training Programs**

The EJ Commission should continue its efforts to train and sensitize staff on the background and purpose of programs to address environmental justice interviews. However, MDE should also provide “media” or “public speaking” training for MDE staff

***Two Recommendations would require significant changes to the 2002 EJ Commission priorities:***

- **Make Economic Development Projects a Focus**

The Environmental Benefits District (EBD) initiative has begun to fulfill part of the “vision for economic development in Maryland” that is sensitive to environmental

justice and community concerns. The EJ Commission should advocate the rapid design and implementation of 2 - 4 EBD pilot projects in 2004.

- **Improve the Public Participation Process**

One simple step the EJ Commission could take in 2004 is to request that MDE make it easier for interested citizens to receive a notice of a proposed permit. In addition, The EJ Commission should consider other participation process improvements such as whether the public participation requirements of the Brownfields program should be applied to other permits in the Air, Waste, and Water Divisions.

*Three Recommendations propose new EJ Commission priorities:*

- **Small/Rural System Sewage Treatment Initiative**

The EJ Commission should take steps in 2004 to determine whether there are a large number of failing small sewage collection and treatment systems in rural Maryland as suggested by Public Dialogue participants. The EJ Commission should also task a sub-committee or workgroup to develop a sewage system technical assistance and training program for local officials.

- **Project Based Enforcement Initiative**

The EJ Commission should launch 2 - 4 coordinated enforcement campaigns in low income or minority neighborhoods based upon the successful program completed in Baltimore in 2003.

- **Expand Community Outreach/Training**

The EJ Commission and/or MDE should devote more resources to extensive outreach to community groups in 2004 to facilitate dialogue with low income and minority families.

#### **D. Summary of the Project & Contents of the Report on the Public Dialogue Sessions**

The Public Dialogue Project consisted of four phases. **First**, in July and August 2003, Public Works, LLC held discussions with more than 25 key staff and management from the MDE and US EPA as well as several members of the EJ Commission. The purpose of these discussions was to: 1) identify how environmental equity issues arise in the day-to-day operations of MDE and other state and local agencies; and 2) identify potential participants and invitees for the Public Dialogue Sessions. **A Summary of the MDE/EPA Interviews appears at Section II of the Report.**<sup>2</sup>

<sup>2</sup> Public Works greatly appreciates the assistance provided by Kristina Golden, Michelle McFadden, Jalonne White, Jim Richmond and Bill Schmidt of MDE who helped schedule the internal MDE interviews and assisted with outreach and invitations to the four Dialogue Sessions.



**Second**, Public Works worked with MDE agency staff and local officials to conduct outreach for, prepare materials for and develop a format for each of the Public Dialogue Sessions. The handout materials and the format of each Public Dialogue Session varied depending upon the anticipated turnout levels and the issues of interest in each community. Although there was a very limited budget for advertising, MDE staff and EJ Commission members were able to generate better than anticipated attendance at three of the four Dialogue Sessions. The November 5, 2003 Prince George's County Public Dialogue Session's attendance suffered from severe thunderstorms and a tornado watch in Montgomery and Prince George's Counties that evening.<sup>3</sup> **Copies of the handouts prepared for the four Public Dialogue Sessions appear in Appendix A of the Report.**

**Third**, Public Works helped to facilitate the Public Dialogue Sessions in Baltimore City, Cumberland, Landover and Easton. Public Works also prepared and circulated summaries of those Dialogue Sessions for comment. Where possible, these summaries included testimony or proposals submitted by local citizens. Several attendees provided additional details and comments on these draft summaries. **Copies of the final summaries from each Public Dialogue Session appear in Appendix B.**

**Fourth**, Public Works developed a list of common environmental justice themes and issues that citizens expressed in all of the Public Dialogues. Some of the environmental justice themes and issues from the Public Dialogue Sessions were anticipated based upon the internal interviews described in Section II of the Report, but several unanticipated issues emerged from the Dialogue Sessions. **The list of common environmental justice themes and issues appears in Section III of the Report.** Finally, Public Works developed a series of Recommendations to address the environmental justice themes and issues identified during the Public Dialogue Sessions. **The Recommendations on how best to address the identified environmental justice issues appear at Section IV of the Report.**

*Two additional documents appear as Appendices to this Report. To highlight the scope of the time and resources devoted to each of the Phases of the Public Dialogue Session Project, a copy of **the Project Workplan is attached as Appendix C.** By way of comparison to this Report's Recommendations, a copy of the National Academy of Professional Administration's June 2002 "**Models for Change**" Study Recommendations (based on a review of efforts by four states to address environmental justice issues) is attached as **Appendix D.***

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In addition, many thanks to the Alliance for the Chesapeake which assisted with outreach for the Eastern Shore Dialogue Session.

<sup>3</sup> The EJ Commission may schedule an additional Public Dialogue Session for Prince George's County. In the meantime, Public Works has been interviewing citizens groups and local officials from Prince George's County to identify the environmental justice issues of the greatest interest in that region of Maryland.

## **APPENDIX C: ENVIRONMENTAL BENEFITS DISTRICT (EBD) SUMMARY**

Environmental Benefits Districts are places where State government and other stakeholders can focus their financial, technical, regulatory, administrative, policy and other appropriate resources to benefit targeted communities. The EBD initiative was developed by MDE to foster sound environmental practices, healthy and safe communities, and proactive economic development for all Marylanders. The approach emphasizes concentrating state resources in targeted communities. It intends to encourage more effective governance by allowing, where appropriate, communities to sit face-to-face with several State and/or local agencies. This can provide a symbolic one-stop-shop opportunity to resolve concerns and facilitate a clear and consistent message. The concept acknowledges that many of the needed programs to protect and revitalize communities are in existence, albeit not focused or coordinated in some cases. EBDs provide the geographic focus and needs identification to make some existing programs more successful.

The Priority Funding Areas (PFAs) Act of 1997 and Executive Order **01.01.2003.33** (“**Maryland’s Priority Places Strategy**”), suggest that State agencies in Maryland should prioritize their focus within PFAs to enable sound land use policy, economic growth, community revitalization, and environmental protection. **EBDs** will assist state agencies to achieve the visions of the PFA Act of 1997 and Executive Order **01.01.2003.33**. They build on the foundations of land development and community revitalization and those adopted as Maryland State policy in the 1992 Growth Act and the Maryland Brownfields Act of 1997.

### **BENEFITS TO STAKEHOLDERS**

#### **Environment and Government**

- Proactive environmental protection and significant state role in stimulating local economies;
- Create “smarter” growth and stabilize poor and disenfranchised communities;
- Influence the location of some types of development – encourage development where governments want to target their efforts;
- Identification of communities that are most in need;
- Proactive collaboration among state, business, local government, and communities;
- More efficient use of state, local, community, and business resources – including land use; and,
- Geographic focus and needs identification to make some existing programs more successful.

#### **Businesses**

- Provide opportunities for economic development, innovation, and small business growth with community and state support. This also creates a positive image and relationship with community;
- Accessible labor pools and utilization of existing incentives and resources to offset some costs;
- Better understanding and greater support of management activities, industry procedures, state policies, and community issues; and,
- Reduce delays and costs associated with opposition and litigation to targeted projects.

#### **Community**

- Strategic and prioritized attention from state/local government and businesses;

- Opportunities for input into decision-making and the generation of community goodwill;
- Revitalize and stabilize poor and at risk communities and their neighborhoods; and,
- Employment opportunities and better relationships with government and business.

## **TARGETING AND RESOURCE IDENTIFICATION**

A first step in targeting EBDs will be the identification of state and other resources that can assist in focusing state efforts in targeted communities. For examples, site assessment and redevelopment of qualified brownfields sites; service delivery operations such as drinking and clean-water infrastructure improvements; alternative environmental technologies; concentrated outreach to bus companies and fleet owners to secure commitment to improve operation by using cleaner diesel fuel, alternative fuel (such as compressed natural gas [CNG]), and retrofitting dirty diesel engines with devices to reduce pollution; fish tissue advisories; targeted enforcement; and, compliance assistance, etc.), are resources that exist within MDE. State programs weighted toward rebuilding communities (such as the Sidewalk Retrofit Program and Neighborhood Business Development Program), have important services that could make EBDs a model for rebuilding and sustaining communities across Maryland. Other State agencies such as the Departments of Planning, Natural Resources, Economic Development, Transportation, and Health, etc., could likely play a role in this venture.

## **METHODOLOGY AND TENETS OF EBDs**

- State, local governments, and communities identify potential EBDs;
- EBD committee led by MDE with MDP, DNR, DBED, DHCD, and MDOT, local government etc.;
- EBD committee along with other stakeholders such as private foundations and agencies, non profits, and communities undertake preliminary needs assessment;
- Project implementation to include community-based input that gives residents and other stakeholders a seat at the table with state agencies and businesses to decide what types of protection and development best serve their needs; and,
- The EBD committee and stakeholders identify appropriate resources that can increase the effectiveness of potential projects and opportunities to revitalize and sustain communities;

## **CRITERIA for EBDs**

EBDs should exhibit at least five of the following criteria (see EBD white paper for additional criteria):

- Strive to attain and complement the State's Priority Places six initiatives;
- Demonstrate an environmental justice or disadvantage concern;
- Areas where local government, legislator, and communities will support an EBD initiative;
- Demonstrate a need and/or possess the potential for economic development opportunities;
- Demonstrate capacity development or are willing to get support to improve capacity development
- Currently located within the state priority funding area
- Communities with landfills, failing water, wastewater and sewer, transportation, housing, economic, etc., infrastructure systems (potential risk to public health and welfare); and,
- Communities located in a county or municipality that has elected to participate in the Brownfields Revitalization incentive program in accordance with § 5-1408(a) of this subtitle.

**SUMMARY**

EBDs will work to enhance the quality of life in communities through a new vision of environmental protection and economic development. They seek to improve the quality of life of all communities that are looking for a greater voice in determining the future of their neighborhoods. EBDs intend to increase the support and effectiveness of state and local government programs by taking an integrated and proactive approach to rebuild and sustain communities. EBDs recognize that many of the programs needed to rebuild and sustain communities do exist, but at times are not focused or coordinated. It will provide the geographic focus and needs identification to make some existing programs more successful.

The EBD strategies will help citizens, local and state governments to achieve some of the goals of Governor Ehrlich's Priority Places Strategy and key initiatives. Environmental protection and community revitalization require a transition from poorly managed areas to sound environmental and planning practices that create and maintain protection from environmental insults, natural systems, proactive business culture, improved infrastructure, and a celebration of communities.

## **APPENDIX D: PLANNING FRAMEWORK**

# **Environmental Justice & Sustainable Communities Commission Community Index Workgroup Evaluation Framework**

### **Mission of the Community Index Workgroup**

To develop a planning framework to assist communities, businesses, and regulators to understand and respond to sustainability and environmental concerns in local communities. The mission is also to assist in developing guidelines in advising State agencies on Environmental Justice and Sustainable Community issues. These efforts will be accomplished by developing a process for determining if a community is disproportionately environmentally stressed and using the results of this analysis as a means to better understand and communicate to stakeholders.

The proposed purpose of the environmental justice framework is:

1. To provide a review mechanism that can be incorporated into the current regulatory and permitting process of the State in order to address environmental justice concerns as they relate to future projects and permit applications, and,
2. To provide a common procedure by which to assess potential ongoing environmental justice concerns in communities of the State.

### **Definitions of Environmental Justice**

To implement this framework, state and national comparative indices of appropriate indicators are included. These measures are the basis for the determination of disproportionate environmental stress on communities in the State, and are in keeping with the State and Federal environmental justice missions.

1. ***Maryland Advisory Council on Environmental Justice and the Maryland Department of Environment:*** Environmental Justice (EJ) means equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Environmental justice also means equal access to socio-economic resources so that all people can provide for their livelihood and

health. Additionally, environmental justice means 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 racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies.

2. ***United States Environmental Protection Agency:*** 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. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

These definitions are markedly similar. However, the Maryland 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 socioeconomic resources necessary to address concerns about their livelihood and health. The following framework lays out the procedure through which any citizen, organization, or community may begin communicating to the State any present or proposed environmental justice concern.

This framework is consistent with the proposed strategies for Strategic Interagency Coordination in the Maryland Department of Environment's Draft Environmental Justice and Public Participation plan.

1. First, the proposed indices will be and must be developed through interagency cooperation.
2. Second, these recommendations are meaningless if not readily incorporated into the compliance mechanisms of the other state regulatory agencies.
3. Third, in the short term, this framework can be developed concurrently with suggested demonstration projects, both to test the appropriateness of the suggested indicators and to modify or supplement them.
4. Fourth, in the long term, tested and accepted indicators can be applied not only to proposed projects in the State that citizens, organizations or communities question on the grounds of environmental justice but also to broader characterizations of the environmental state of the State.

# **Framework for Evaluating Environmental Justice Issues**

## **I. Project Initiation: Community Environmental Justice Issue/Concern**

Purpose: The purpose of the framework is to encourage stakeholders to use it as a planning document to improve environmental protection and decision-making. It could be used as a guide for community, business, government, and academia. It essentially can be used as the premise for good neighbor agreements and prioritizing public policy mandates and influencing permit decisions, etc.,

A: Project Description

B. Data Gathering

1. Dialogue with community – using geographically defined boundaries
  - a. Define community boundaries through dialogue – census tract
  - b. Document real and perceived impacts
  - c. Public participation (e.g., hearings/comment period)
  - d. Quality of life assessment. (1) social dynamics (e.g., faith communities, community activism) and (2) community resources (e.g., nonprofits, service organizations, access to legal advice)
2. Project relationship to local zoning/land use
3. Project relationship to State law or planning - Smart Growth
4. Related and/or concurrent local, state, federal agency involvement

C. Data sources: Communities and research, etc.,

D: Summary of dialogue and research

## **II. Community Assessment**

A. Community Assessment goals

B. Data Gathering

### **1. Community Environmental Assessment**

- a. Report card on status of land, air, and water resources - descriptive
- b. Potential environmental impacts (utilize existing regulatory framework and anecdotal information as guidance)
- c. Cumulative impacts (i.e., “ aggregate burden”)
- d. Indicators (industries and facilities by type, etc.)

### **2. Community Demographics Assessment**

- a. Economic dynamics (e.g., income, poverty, employment)
- b. Population dynamics (e.g., race, age, language, education)

### **3. Community Health Assessment**

- a. Report card on status of health in the community
- b. Attributable health impacts related to issue/concern (e.g., exposure modeling, risk assessment)
- C. Data sources: State agencies, federal agencies, census, etc.,
- D. Summary of community assessment

## **III. Comparative Representation**

### **A. Data Representation**

#### **1. Comparisons to local, state, national indicators**

- a. Socio-economic comparisons: economic and population dynamics
- b. Environmental health comparisons
- c. General environmental comparisons

### **B. Data sources**

### **C. Summary of Comparative Analysis**

## **IV. Findings and Analysis**



A. Comparative findings

1. Socio-economic
2. Health
3. Environmental
4. Community dialogue analysis: “potential impacts (positive and negative – based on comparative analysis) to the community (see page 42 MACEJ) –with some minor changes
  - a. Increased risk of bodily harm, infirmity, illness, birth defects, or death
  - b. Increase in air, water, land, and/or noise pollution
  - c. Destruction of or disruption of natural resources
  - d. Destruction of or disruption of cultural values
  - e. Impacts to social aspects of the community
  - f. Displacement of persons, businesses, farms, or communities
  - g. Economic improvement to the community
  - h. Increased jobs, etc.,

B: Potentially significant impact to community’s sustainability

- a. Mitigatory measures
- b. Designate community as a “priority community”
- c. Encourage the use of ADR – MDE could become facilitator to discuss findings, compromise, and new requirements
- d. Encourage additional public participation and community engagement
- e. Explore alternative projects or sites with community input
- f. Create new permit conditions – subject to periodical review.

C: Finding of No Significant Impact –FONSI

**COMMISSION ON ENVIRONMENTAL JUSTICE & SUSTAINABLE  
COMMUNITIES ROSTER**

**Scot T. Spencer, *Chair (chosen by Governor), 2003***

***Appointed by Governor:*** Kristine J. Dunkerton, Esq.; Rev. Douglas E. Edwards; Andrew M. Fellow; Claudia Goetz Phillips, Ph.D.; Barbara Sattler, Dr. P.H.; William P. Stack; Nonet S. Thomas; Barrie P. Tilghman; Bonnie R. Wilson.

***Appointed by Senate President:*** Ulysses Currie

***Appointed by House Speaker:*** Elizabeth Bobo

***Ex officio:*** Kendl P. Philbrick, Acting Secretary of the Environment; Nelson J. Sabatini, Secretary of Health & Mental Hygiene; Audrey E. Scott, Secretary of Planning.

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