
By: Delegates Hubbard, Oaks, Billings, Frush, Watson, D. Davis, Hammen, McHale, Nathan-Pulliam, D. Hughes, Exum, C. Mitchell, Opara, Pitkin, R. Baker, Valderrama, Patterson, Crumlin, Proctor, Muse, Perry, Benson, B. Hughes, Turner, and Bobo

Introduced and read first time: February 21, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Citizens Advisory Council on Environmental Justice**

3 FOR the purpose of establishing a Citizens Advisory Council on Environmental Justice;
4 establishing the membership, duties, purposes, and staffing of the Advisory Council;
5 requiring the Advisory Council to develop a draft State Policy on Environmental
6 Justice; requiring the Advisory Council to make a report to certain persons by a
7 certain date; providing for the effective date and termination of this Act; and
8 generally relating to the Citizens Advisory Council on Environmental Justice.

9 BY adding to

10 Article 41 - Governor - Executive and Administrative Departments
11 Section 18-313
12 Annotated Code of Maryland
13 (1997 Replacement Volume)

14 Preamble

15 WHEREAS, The General Assembly recognizes the importance of equal protection
16 of the citizens of the State with regard to State action protecting the public health,
17 welfare, and environment; and

18 WHEREAS, Historical decisions on land use and siting of industrial development
19 and its byproducts have placed an inordinate burden of environmental degradation on
20 communities disadvantaged by ethnic background, low income, and ignorance; and

21 WHEREAS, These decisions are perpetuated based on the current environmental
22 and economic conditions of these communities, giving rise to issues of environmental
23 justice; and

24 WHEREAS, The State of Maryland has made significant efforts to support the
25 redevelopment of brownfields areas, in order to clean up the degraded environment of
26 affected communities and to provide new economic opportunities in those communities
27 while preserving pristine areas from sprawl and pollution; and

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1 WHEREAS, Brownfields redevelopment is a major part of efforts throughout the
2 nation to address issues of environmental justice; and

3 WHEREAS, Equal protection of all of our citizens, including those in affected
4 communities, may best be afforded by increasing the involvement of communities affected
5 by regulatory programs, policies, and permit actions in their development, taking into
6 account not only the physical health of the people and the environment, but also the
7 social, economic, and psychological health of the communities; now, therefore,

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 41 - Governor - Executive and Administrative Departments**

11 18-313.

12 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
13 INDICATED.

14 (2) "ACTIVITY" INCLUDES ADOPTION OF REGULATIONS, PERMIT
15 ISSUANCE, SITING ACTIVITIES, AND ENFORCEMENT ACTIONS.

16 (3) "ADVISORY COUNCIL" MEANS THE CITIZENS ADVISORY COUNCIL
17 ON ENVIRONMENTAL JUSTICE.

18 (4) "AFFECTED COMMUNITY" MEANS THE INDIVIDUALS WHO LIVE
19 WITHIN A COMMUNITY AND WHO ARE AFFECTED BY THE ACTIONS, ACTIVITIES,
20 PROGRAMS, OR POLICIES OF A STATE UNIT, INCLUDING PERMITTING DECISIONS,
21 THAT HAVE AN IMPACT ON HUMAN HEALTH OR THE ENVIRONMENT.

22 (B) THERE IS A CITIZENS ADVISORY COUNCIL ON ENVIRONMENTAL JUSTICE.

23 (C) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING 19 MEMBERS:

24 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
25 PRESIDENT OF THE SENATE;

26 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
27 SPEAKER OF THE HOUSE;

28 (3) THE ATTORNEY GENERAL, OR THE DESIGNEE OF THE ATTORNEY
29 GENERAL;

30 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
31 SECRETARY'S DESIGNEE;

32 (5) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S
33 DESIGNEE;

34 (6) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR
35 THE SECRETARY'S DESIGNEE;

36 (7) THE SECRETARY OF BUSINESS AND EMPLOYMENT DEVELOPMENT,
37 OR THE SECRETARY'S DESIGNEE; AND

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1 (8) 12 MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:

2 (I) TWO INDIVIDUALS FROM EACH OF THE FOLLOWING
3 COMMUNITIES OF INTEREST:

4 1. CIVIC ASSOCIATIONS ESTABLISHED IN AFFECTED
5 COMMUNITIES;

6 2. NOT-FOR-PROFIT ADVOCACY GROUPS CONCERNED
7 WITH HEALTH, WELFARE, AND THE ENVIRONMENT OF AFFECTED COMMUNITIES;

8 3. HEALTH AND ENVIRONMENTAL PROFESSIONAL
9 ORGANIZATIONS;

10 4. CORPORATIONS AND INSTITUTIONS OF HIGHER
11 EDUCATION IN THE STATE; AND

12 5. A REPRESENTATIVE OF THE MARYLAND FARM BUREAU.

13 (II) THREE MEMBERS AT LARGE.

14 (D) TO THE GREATEST EXTENT PRACTICABLE, THE MEMBERSHIP OF THE
15 ADVISORY COUNCIL SHALL BE APPOINTED TO ENSURE REGIONAL, ETHNIC,
16 ECONOMIC, AND GENDER DIVERSITY.

17 (E) THE GOVERNOR SHALL SELECT A CHAIRMAN FROM THE MEMBERS OF
18 THE ADVISORY COUNCIL.

19 (F) (1) THE ADVISORY COUNCIL SHALL HAVE ITS FIRST MEETING NO
20 LATER THAN JUNE 30, 1997 AT THE CALL OF THE CHAIRMAN.

21 (2) THE ADVISORY COUNCIL SHALL MEET AT LEAST MONTHLY.

22 (3) THE ADVISORY COUNCIL MAY ESTABLISH SUBCOMMITTEES FROM
23 THE MEMBERS OF THE ADVISORY COUNCIL TO ACCOMPLISH THE DUTIES IMPOSED
24 BY THIS SECTION.

25 (4) A MEMBER OF THE ADVISORY COUNCIL:

26 (I) MAY NOT RECEIVE COMPENSATION; BUT

27 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
28 STANDARD STATE TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

29 (5) A MEMBER MAY BE REMOVED FROM THE ADVISORY COUNCIL FOR
30 FAILURE TO ATTEND MEETINGS OF THE ADVISORY COUNCIL.

31 (6) IN THE COURSE OF ITS EXAMINATION AND DEVELOPMENT OF
32 RECOMMENDATIONS, THE ADVISORY COUNCIL MAY HOLD MEETINGS IN DIFFERENT
33 PARTS OF THE STATE, AND MAY ENCOURAGE PARTICIPATION FROM ALL SECTORS
34 OF THE STATE.

35 (G) THE ADVISORY COUNCIL SHALL:

36 (1) EXAMINE ISSUES RELATING TO ENVIRONMENTAL JUSTICE;

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1 (2) MAKE RECOMMENDATIONS ON ENVIRONMENTAL JUSTICE ISSUES
2 TO THE GOVERNOR AND THE GENERAL ASSEMBLY;

3 (3) PROVIDE GUIDANCE TO STATE UNITS IN IMPLEMENTING POLICIES
4 RELATING TO ENVIRONMENTAL JUSTICE;

5 (4) DEVELOP A DRAFT STATE POLICY ON ENVIRONMENTAL JUSTICE;

6 (5) DEVELOP IMPLEMENTATION TOOLS FOR STATE UNITS TO USE IN
7 REVIEWING EXISTING ACTIVITIES, PROGRAMS, AND POLICIES AND IN DEVELOPING
8 THEIR OWN ENVIRONMENTAL JUSTICE POLICIES;

9 (6) RECOMMEND LEGISLATION AND EXECUTIVE POLICIES NEEDED TO
10 IMPLEMENT A FINAL STATE POLICY ON ENVIRONMENTAL JUSTICE;

11 (7) ASSIST IN COORDINATING STATE AND LOCAL ENVIRONMENTAL
12 JUSTICE ACTIONS AND RESPONSES; AND

13 (8) STUDY AND MAKE RECOMMENDATIONS ON MEANS TO:

14 (I) INVOLVE AFFECTED COMMUNITIES IN COMMUNITY-BASED
15 PLANNING FOR ENVIRONMENTAL AND ECONOMIC ENHANCEMENT AND RELATED
16 COORDINATED STATE AND LOCAL ACTIVITIES, PROGRAMS, AND POLICIES;

17 (II) INCREASE EFFORTS TO INTEGRATE PUBLIC HEALTH AND
18 PLANNING FOR REVITALIZATION OF AFFECTED COMMUNITIES, BOTH THROUGH
19 BROWNFIELDS EFFORTS AND THROUGH OTHER STATE POLICIES AND PROGRAMS
20 AFFECTING PUBLIC HEALTH, WELFARE, AND THE ENVIRONMENT;

21 (III) ENHANCE PUBLIC PARTICIPATION IN POLICY DEVELOPMENT
22 AND IMPLEMENTATION REGARDING AFFECTED COMMUNITIES;

23 (IV) INCREASE THE AWARENESS AND SENSITIVITY OF STATE AND
24 LOCAL OFFICIALS TO ENVIRONMENTAL JUSTICE ISSUES;

25 (V) ASSESS THE IMPACT OF STATE POLICIES, PROGRAMS, AND
26 ACTIVITIES ON AFFECTED COMMUNITIES; AND

27 (VI) ENCOURAGE PUBLIC-PRIVATE PARTNERSHIPS TO ADDRESS
28 ENVIRONMENTAL JUSTICE ISSUES IN THE AFFECTED COMMUNITIES.

29 (H) THE GOVERNOR SHALL PROVIDE OFFICE AND MEETING SPACE AND
30 ADMINISTRATIVE STAFF SUPPORT TO THE ADVISORY COUNCIL.

31 (I) ON OR BEFORE JANUARY 1, 1999, THE ADVISORY COUNCIL SHALL REPORT
32 ITS DRAFT STATE POLICY ON ENVIRONMENTAL JUSTICE AND ITS
33 RECOMMENDATIONS TO THE GOVERNOR, AND, SUBJECT TO § 2-1312 OF THE STATE
34 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 June 1, 1997. It shall remain effective for a period of 2 years and 1 month and, at the end
37 of June 30, 1999, with no further action required by the General Assembly, this Act shall
38 be abrogated and of no further force and effect.