

General Assembly Of Maryland

Environment and Transportation Committee

Room 251
House Office Building
Annapolis, Maryland 21401
Phone: 410-841-3990

Education, Health, and Environmental Affairs Committee

2 West
Miller Senate Office Building
Annapolis, Maryland 21401
Phone: 410-841-3661

HB1207 Cross-filed SB0674

***Environment - Commission on Environmental Justice and Sustainable
Communities - Reform***

Sponsor: Delegate Bridges

Brandywine/TB, Southern Region Neighborhood Coalition

March 1, 2021

Environment and Transportation Committee

Chair, Delegate Kumar P. Barve

Vice Chair, Delegate Dana Stein

Sponsor, Delegate Bridges

Education, Health, and Environmental Affairs

Elfreth, Griffith, West, Waldstreicher, Jackson, Smith, Guzzone, Pinsky, Augustine, Beidle, and McCray

FROM: The Brandywine | TB Southern Region Neighborhood Coalition

- BTB Coalition Kamita Gray, President– BTB Executive Community Citizen’s Board (ECCB), Chair
- NAACP Brandywine Working Group— Kamita Gray, Chair

Subject: HB1207/SB674: Environment-Commission on Environmental Justice and Sustainable Communities-Reform

We are submitting our testimony today being we were only informed of this bill on Thursday, February 25, 2021.

Along with our testimony we have attached relevant history documents and if you have any questions please feel to contact us.

In addition, for those of you that don’t know our president, she was honored by Prince George’s County Department of the Environment for Black History Month as a hero;
<https://www.princegeorgescountymd.gov/3902/Black-History-Month>

While she is very honored she knows it takes a team and collaboration.

Respectfully submitted

BTB Coalition, and the Executive Community Citizen’s Board

Together we can make a difference

Brandywine/TB, Southern Region Neighborhood Coalition

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HB1207/SB0674

Testimony

DATE: February 27, 2021

TO: Mr. Chairman and Members of the Committee,

FROM: The Brandywine | TB Southern Region Neighborhood Coalition

- BTB Coalition Kamita Gray, President– BTB Executive Community Citizen’s Board (ECCB), Chair
- NAACP Brandywine Working Group— Kamita Gray, Chair

Subject: HB1207/SB674: Environment-Commission on Environmental Justice and Sustainable Communities-Reform

The Brandywine | TB Southern Region Neighborhood Coalition was elated to announce that The U.S. Department of Transportation (DOT), Pipeline and Hazard Materials Safety Administration (PHMSA), and the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECROC) is resolving our complaint based on their internal 'Informal Resolution' process. On June 14, 2016. ECRCO accepted for the following issues for investigation;

- 1.) Whether the process and decision to issue a Certificate of Public Convenience and Necessity (CPCN) to Mattawoman Energy, LLC for the construction of a natural gas-fired power plant in Brandywine, Maryland discriminated on the basis of race, color, or national origin, in violation of Title VI; and
- 2.) Whether the **public engagement process** prior to the decision to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

We are elated to announce that the Panda Mattowoman Energy Center was withdrawn by the applicant due to federal actions and regulations nothing more or due to any rubble rousing of “no more power plants”. Ultimately the PSC then made the decision to terminate the CPNC License. This solves one of the BTB Coalition interests.

At the June 2016 meeting of CEJSC after the announcement of the Title VI Administrative complaint acceptance was only then that Brandywine was on the radar of MDE and not in a meaningful way but the fact that there was now a federal action. Let me bring ones back to the CEJSC July 2016 Meeting for which I devoted my time in driving the hour or more to attend these monthly meetings.

Commission on Environmental & Sustainable Communities (CEJSC)

Montgomery Park, Baltimore, MD

Salisbury, MD

Notes: July 29, 2016 | 9:30 pm- 5:00 pm

Kamita Gray from the BTB Coalition said she came to the meeting to determine the objectives of the commission for 2016. She talked about the challenges facing citizens in Brandywine, MD due to the industrial environmental impacts. Vernice said this is one of the reasons why CEJSC is going to recommend that one of the three meetings be held in Brandywine to address some of these challenges head on. EPA has accepted Brandywine Title IV complaint and will be looking into it. Kameta if anything, it needs to be a two-way communication on how we fix this problem so that it never happens to another community.

HB1207/SB674... MD CEJSC Lipstick on the Pig syndrome.

Here comes the 2021 Legislative session five years later and we still do not have changes in policy that will bring about meaningful change in "affected" communities or a meaningful public engagement plan by MDE or by our elected legislatures. In addition, we were cut out of the processes for which they proclaimed to have taken public comment (we are looking into that in review of another MDE Title VI Complaint).

Now, we have HB1207/SB674 in putting "lipstick on a pig" in this legislative attempt and by MDE to make superficial cosmetic changes to a commission in a futile effort to disguise its fundamental failings for over 25 years.

As anyone will tell you that I have become a regular fixture at the CEJSC meetings not just showing up when it's beneficial as with these nonprofits professional advocacy groups in making "amendments" that provide discriminatory benefits from public agencies that receive federal funds and to an anchor academic organization.

There where three community representatives in the room for the EPA/DOT Title VI Administrative ADR all community-led and based representation that brought about meaningful change in MD COMAR of direct benefit to community by the PSC. As we state MDE has chosen to ignore its own ADR drafted agreement. (Letter to Devon Dodson & EPA attached)

We are all for "equity" a philanthropy buss word for the nonprofit industrial complex funding as it relates to paid Big Greens Environmentalisms and Academia tenure, and for school funding.

What is most frustrating as a "Matter of Fact" with CEJSC;

1. First, Vernice Travis-Miller was at the helm of CEJSC for number of years and the **fact** that nothing happen during this time that brought about any meaningful change in over 25 years for any "affected" community in the state of Maryland.
2. Now comes Dr. Sacoby Wilson self-serving programs here and with the PgCty Ej Commission in seeking academic tenure which is not beneficial for community advancement nor representative of any such "affected" communities for which the DMV, 17 for Peace or now this Chesapeake Bay Alliance Coalition(s) who are the same industrial complex nonprofits talking and supporting one another's philanthropy nonprofit world. These programs have failed communities and the ones mention in the farce of the PgCty Ej Commission... please ask communities don't take our word.
3. Then we have the Chesapeake Bay Foundation on August 31, 2020 and the Waterkeeper Chesapeake in the Title VI Administrative Complaint Rule Making in their submission of such "whitewashing insurrection" letters. Then further insult to injury in association with ones that reference the Civil Rights Act of 1964, and that Title VI Administrative Complaints are racist against "white" people. Again, Title VI is Law, Ej is NOT! (attached BTB Factsheet on Title VI)

As our legislatures have to have a real look at these systemic systems that one's are complainant in with these are accomplices not allies of community and furthermore these are people with environmental careers. They can't have careers unless they have funded issues to work on. In effect they plumb communities seeking "issues" they can get funded to work on. They cannot image how to obtain "issues" unless they go to where they can be found and in this case it's to our legislatures whom seem very congenial, gun ho and getti with all this attention.

Does this seem harsh... absolutely but what's more absurd is the fact this is "affected" communities' lives for which our health is being pulverated being the air quality, greenhouse gases, carbon pollution toxins are killing us. Then comes COVID-19 which attacks our already degraded respiratory systems especially in our BIPOC communities. Then this legislation and MDE answer is reshuffle CEJSC as if we are a deck of cards?

Pedro Cruz, acting director of healthy communities at the Sierra Club. (Sierra Club) Big green organizations — which includes the Sierra Club that I work for, League of Conservation Voters, NRDC, Environmental Defense Fund

and the list goes on (all you have to do is reference the "amendment" testimony letter submitted having numerous sign-on cohorts) — are mostly led by White, middle-class, college-educated people. I would say that this is the moment of reckoning for all of those organizations and should be for our elected legislative bodies.

<https://www.washingtonpost.com/nation/2021/01/21/with-new-administration-activists-hope-focus-environmental-racism/>

While communities are building a movement to hold elected legislatures accountable in serving the interest of the people whom have elected them to serve in the best interest of the public not the self-serving agendas of these Academies and Nonprofit and philanthropy's lack of imagination is a barrier to equity and justice.

<https://nonprofitaf.com/2020/06/how-nonprofit-and-philanthropys-lack-of-imagination-is-a-barrier-to-equity-and-justice/>

Why it's not just about "equity" in designing an equitable policy.

For very good reasons, "equity" is a hot word in the philanthropy and nonprofit worlds. The last few years, and in particular the recent bizarre political process, have illustrated how much there is a need for addressing fairness and equitable justice in the American political system, and in our society as a whole and in nonprofit world. However, as excited as we are, we've been seeing a lot of instances where there is significant talk around equity, and yet the implementation falls far short of what the concept actually is. We call this "Dissonance In Equity" (DIE).

<https://nonprofitaf.com/2014/09/is-equity-the-new-coconut-water/>

"The problem with the equity vs. equality graphic circulating across the web"

"<http://culturalorganizing.org/the-problem-with-that-equity-vs-equality-graphic/>"

- The problem with the graphic it has to do with where the initial inequity is located. In the graphic, some people need more support to see over the fence because they are shorter, an issue inherent to the people themselves. That's fine if we're talking about height, but if this is supposed to be a metaphor for other inequities, it becomes problematic."
- For instance, if we return to the school funding example, this image implies that students in low-income Communities of Color and other marginalized communities need more resources in their schools because they are inherently less academically capable. They (or their families, or their communities) are metaphorically "shorter" and need more support. But that is not why the so-called "achievement gap" exists. As many have studies have shown, it should actually be termed the "opportunity gap" because the problem is not in the abilities of students, but in the disparate opportunities they are afforded. It is rooted in a history of oppression, from colonization and slavery to "separate but equal" and redlining. It is sustained by systemic racism and the country's ever-growing "economic inequality."

There has to be "equality"

A term that is used less frequently—environmental inequality. Environmental Inequality focuses on broader dimensions of the intersection between environmental quality and social hierarchies. Environmental inequality addresses more structural questions that focus on social inequality (the unequal distribution of power and resources in society) and environmental burdens needing policy focused on ameliorating potentially life-threatening conditions or on improving the overall quality of life for the minority, low-income and/or people of color.

Please understand the word "utilized", as community and Racism

Racism is more than individual prejudice based on race. Racism is the power of a dominant group, through its systems, legislative systems and institutions, to enforce the dominant culture's history, values, practices and beliefs. It advantages those in the dominant group and disadvantages those who are not. It results in disparities.

Hopeless to argue these things with people who not only are very indoctrinated but also very blind to anything but their own needs, power and funding basis and the reason for the gridlock with CEJSC for twenty-five plus years without any measurable outcomes.

Key Takeaways: Equity vs. Equality

Equality is providing the same level of opportunity and assistance to all segments of society, such as races and genders.

Equity is providing various levels of support and assistance depending on specific needs or abilities.

Equality and equity are most often applied to the rights and opportunities of minority groups. Laws such as the Civil Rights Act of 1964 provide equality, while policies such as affirmative action provide equity.

Understanding ones **CANNOT** GIVE ones "Equity", ask the expert Dr. Sacoby Wilson.

Public Engagement versus Civic Participation within MDE and CEJSC

Both concepts might seem similar, but they have differing views of the role that citizens should play. The key difference is that civic engagement requires an active, intentional dialogue between citizens and public decision makers whereas public engagement (lesson sessions) is a top-down process that does not bring about meaningful change that "effective" in community public policy.

This is not accomplished by or through "Professional Advocacy Advisory Groups"

Being this Equity Group that was convened and created in guise of community participation that we just hear bits and pieces about created by the peoples elected officials. Advocacy groups that DID NOT bring one's constituency to the table... again these environmental professionals that are not represented nor represent communities.

We want to be clear here:

Discriminatory practices are when our elected legislatures along with MDE are providing different services, activities, and/or benefits, and providing meetings, and or advisory in a manner different than they are provided to community and/or others that segregate and/or separately treat community and/or it's leadership.

This is fact changing the challenging conditions that affect black, minority, low-income and people and communities of color requires a "grassroots to treetops" approach that connects the experiences of people on the ground with the decisions about policies that shape communities.

WHAT IS NEEDED

- 1.) A visioning process, driven by community dialogue — particularly among those most affected by the problem — produces a collective vision of the community's future.
- 2.) Leadership of the collaborative includes leaders from the community and reflects its racial diversity and diversity of interests.
- 3.) Paths to leadership within the collaborative are transparent, available to, and endorsed by members of the collaborative.
- 4.) Please reference the Proposal to MDE in 2017 on what it would take to stratify "community" and a "civic" plan that transparent and brings top-down to bottom-up in collaboration. We have presented the plan in 2017 because it's community we are of the opinion it's being ignored and it's being ignored. But we do plan to release the ADR in communities' quest to obtain meaningful legislation.

IN CONCLUSION

For these reasons as stated herein we cannot support policies that do not bring about “equitable” policy in changing the challenging conditions that “affect”, minority low-income people and communities of color requires a “grassroots to treetops” approach that connects the experiences of people on the ground with the decisions about policies that shape communities.

We ask that this legislation be sidelined and a more meaningful solution. More so ask yourselves what company do you know that would give an employee more than twenty-five years to complete a job?

In reference to the “amendments” dated February 24, 2021, these amendments reflect recommendations that have been made to both Governor Hogan and to the President’s Workgroup, from **members** of impacted communities and recognized experts in the field of environmental justice;

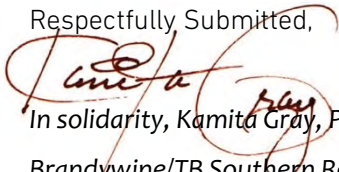
1. Who are these “members”, used loosely here are not representative of constituents but members of these nonprofit industrial complex and academia organizations.

Let’s be clear here that our legislatures need to bring the community-led and community elected leadership to a table of their own. Or since 1964 our communities for which we live will continue to be polluted in killing us.

Climate Change did not cause what is happening in our BIPOC communities, and Climate Justice is not the answer.

Please know that just because there is one letter submitted in testimony “opposing”, legislatures need to ask why... and the fact that we only knew of this legislation and letter for amendments as community on February 25, 2021. Again, your constituency has been left out of these processes.

Respectfully Submitted,



In solidarity, Kamita Gray, President

Brandywine/TB Southern Region Neighborhood Coalition; Executive Community Citizen’s Board (ECCB):
BTB President—Kamita Gray, ECCB Chairman—C.A. Sixxon

Community Partners Representative of Asbury United Methodist, Union Bethel A.M.E., Community Senior Representative, and Aggregate Industries.

cc: Federal Agencies and Title VI Review
Maryland Commission Environmental Justice and Sustainability (MDE)
Environment and Transportation Committee
Education, Health, and Environmental Affairs Committee
Administrative Files

Enclosures