

**HB 1207\_FAV\_MML.pdf**

Uploaded by: Fiore, Justin

Position: FAV



## Maryland Municipal League

*The Association of Maryland's Cities and Towns*

# TESTIMONY

February 26, 2021

**Committee:** House Environment and Transportation

**Bill:** HB 1207 – Environment – Commission on Environmental Justice and Sustainable Communities – Reform

**Position:** Support

**Reason for Position:**

The Maryland Municipal League supports HB 1207, which would provide more seats appointed by the General Assembly, including a seat specifically designated by the League.

While there is currently one member of local government appointed by the Governor, there is nothing to ensure that individual comes from a municipal background or can appropriately share insights in the same manner. This bill would guarantee a municipal presence, and MML is glad to share its voice with this commission as they navigate local issues and make recommendations.

The League therefore respectfully requests that this committee provide HB 1207 with a favorable report.

**FOR MORE INFORMATION CONTACT:**

Scott A. Hancock	Executive Director
Angelica Bailey	Director, Government Relations
Bill Jorch	Director, Research and Policy Analysis
Justin Fiore	Manager, Government Relations

1212 West Street, Annapolis, Maryland 21401

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**MD Catholic Conference \_FAV\_HB1207.pdf**

Uploaded by: Kraska, MJ

Position: FAV



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**February 26, 2021**

**HB 1207**

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

**House Committee**

**Position: Support**

The Maryland Catholic Conference (“Conference”) represents the public policy interests of the three Roman Catholic (arch) dioceses serving Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington.

House Bill 1207 alters the membership of the Commission on Environmental Justice and Sustainable Communities; requiring the membership of the Commission to reflect the diversity of the State to the extent practicable; specifying the term of certain members; requiring the Department of the Environment to provide a new member with an orientation reviewing environmental justice issues in the State; altering the manner in which a chair is chosen for the Commission; requiring the Commission to meet at least six times per calendar year.

The Conference supports environmental legislation that recognizes the integral ecosystem in which we live and promotes diversity and inclusion in pursuit of a common good. In his encyclical, *On Care for Our Common Home (Laudato Si’)*, Pope Francis states that “*What kind of world do we want to leave to those who come after us, to children who are now growing up? This question not only concerns the environment in isolation; the issue cannot be approached piecemeal.*”

*Laudato Si’* is not an endorsement of specific public policy proposals; rather, it seeks to illustrate the importance of protecting our common home and issue guidance as to how to listen to all voices in solving this massive global crisis. Pope Francis explains that “[t]o take up these responsibilities and the costs they entail, politicians will inevitably clash with the mindset of short-term gain and results which dominates present-day economics and politics. But if they are courageous, they will attest to their God-given dignity and leave behind a testimony of selfless responsibility.” House Bill 1207 aims to address some of the needed reforms policies and standards to be set to sustain and achieve a healthy global ecosystem.

The Conference appreciates your consideration and, for these reasons, respectfully requests a favorable report on House Bill 1207.

**HB1207\_IndivisibleHoCo\_FAV\_BarbMatheson (1).pdf**

Uploaded by: Matheson, Barbara

Position: FAV



## **HB1207/SB674 – “Environment - Commission on Environmental Justice and Sustainable Communities – Reform”**

### **Testimony before House Environment & Transportation Committee**

**February 26, 2021**

**Position: Favorable**

Dear Chairman Barve and Members of the Committee, my name is Barbara Matheson, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today in **support of HB1207**, which will strengthen the Commission on Environmental Justice and Sustainable Communities. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members).

Climate Solutions Now may be one of the most important legislative actions in the history of the state of Maryland. It places the state of Maryland at the forefront of addressing the Climate Crisis and helping to avert a global disaster. Environmental Justice is an essential part of the bill which addresses decades of neglect and misuse in underserved communities – and the associated endangerment of citizens health and economic well-being. ***HB 1207 ensures that these are not empty words on paper but thoroughly implemented changes and provisions.*** The Commission on Environmental Justice and Sustainable Communities must play a vigorous and determined role in rectifying the long overdue problems in vulnerable communities. **HB1207** empowers the Commission by mandating organizational requirements which serve the goal of fair and equal environmental rights. This includes changing the commission membership to reflect the diversity of affected communities in our state. By specifying membership to represent all aspect of the community – citizens, business, healthcare, environmental experts, local government representatives and others, not only is fairness served but a richness of expertise and life experience is brought to the table. Requiring meetings to be held in affected communities insures accessibility at the local level. The use of data sets and mapping tools to analyze current state laws and assess their effectiveness is essential. Finally, identifying potential projects to ensure Environmental Justice is bedrock. Coordination with the Commission on Climate Change insures thoroughness and effectiveness. Reporting findings on an annual basis enables ongoing, systematic progress and accountability.

**HB1207** provides the necessary tools and personnel to more deeply address Environmental Justice.

**Indivisible Howard County urges a favorable report on HB 1207.**

Barbara Matheson  
Columbia, Maryland

# **HB 1207 - Commission on Environmental Justice and**

Uploaded by: Peterson, Matt

Position: FAV

## OFFICERS

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American Jewish Committee

Americans for Peace Now

Baltimore Chapter

American Israel Public Affairs Committee

American Red Magen David for Israel

American Zionist Movement

Amit Women

Association of Reform Zionists of America

Baltimore Board of Rabbis

Baltimore Hebrew Congregation

Baltimore Jewish Green and Just Alliance

Baltimore Men's ORT

Baltimore Zionist District

Beth Am Congregation

Beth El Congregation

Beth Israel Congregation

Beth Shalom Congregation of

Howard County

Beth Tfiloh Congregation

B'nai B'rith, Chesapeake Bay Region

B'nai Israel Congregation

B'nai Jacob Shaarei Zion Congregation

Bolton Street Synagogue

Chevra Ahavas Chesed, Inc.

Chevrei Tzedek Congregation

Chizuk Amuno Congregation

Congregation Beit Tikvah

Congregation Beth Shalom of

Carroll County

Congregation Tiferes Yisroel

Federation of Jewish Women's

Organizations of Maryland

Hadassah

Har Sinai - Oheb Shalom Congregation

J Street

Jewish Federation of Howard County

Jewish Labor Committee

Jewish War Veterans

Jewish War Veterans, Ladies Auxiliary

Jewish Women International

Jews For Judaism

Moses Montefiore Anshe Emunah

Hebrew Congregation

National Council of Jewish Women

Ner Tamid Congregation

Rabbinical Council of America

Religious Zionists of America

Shaarei Tfiloh Congregation

Shomrei Emunah Congregation

Simon E. Sobeloff Jewish Law Society

Suburban Orthodox Congregation

Temple Beth Shalom

Temple Isaiah

Zionist Organization of America

Baltimore District



## WRITTEN TESTIMONY

### House Bill 1207 – Commission on Environmental Justice and Sustainable Communities – Reform

### Environment and Transportation Committee

February 26, 2021

## SUPPORT

**Background:** House Bill 1207 (HB1207) would reform the Commission on Environmental Justice and Sustainable Communities so that its membership and work reflects the diversity of the state. The bill mandates that new members of the commission receive a full orientation on environmental justice. The commission would also be required to hold at least one meeting each, in an urban and rural part of the state. The commission would be required to implement the use of data and advanced mapping tools in their reporting. Finally, the commission would be required to create a list of potential environmental justice projects based on input by adversely impacted communities. The projects would be undertaken by alleged violators of environmental protections.

**Written Comments:** Like nearly all aspects of life, the destructive impacts of the climate crisis disproportionately impact communities of color. The Commission on Environmental Justice and Sustainable Communities is one of the few means the state has for assessing these adverse impacts, and working to remedy them. But the reality is that this commission is not working to meet its full potential and is not reflective of the very communities it was established to protect. The climate crisis is the single greatest existential threat that humanity faces. Our state must be working to ensure that everyone is protected from it.

The Jewish concept of *tikkun olam* teaches us to repair the world in which we live in. Jewish law clearly states that we are not to destroy the public domain. The public domain is just that, it belongs to everyone, regardless of race or background, and any efforts to repair our world must be equitable.

The Baltimore Jewish Council and the The Associated Jewish Community Federation of Baltimore are committed to repairing our world. We represent The Pearlstone Center in Reisterstown, MD, a conference center and farm that employs and teaches sustainable practices, many of which are called for in this bill. We encourage this committee to join us in our mission to create a cleaner Maryland that is healthier for everyone. With this in mind, the Baltimore Jewish Council urges a favorable report of HB 1207.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

BALTIMORE JEWISH COUNCIL

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Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated





# **HB1207 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV



**HB1207 – Environment - Commission on Environmental Justice and Sustainable Communities - Reform**  
Presented to the Hon. Kumar Barve and Members of the House Environment and Transportation Committee  
February 26, 2021 1:30 p.m.

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**POSITION: SUPPORT**

NARAL Pro-Choice Maryland urges Members of the House Environment and Transportation Committee to issue **a favorable report on HB1207 – Environment - Commission on Environmental Justice and Sustainable Communities - Reform**, sponsored by Delegate Tony Bridges.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. In doing so, we recognize that human health is intimately tied to environmental conditions, and a substantial body of evidence has identified the threats environmental toxicants and extreme heat pose to reproductive health and fetal development. Low-income communities and people of color are [disproportionately impacted](#) by the adverse reproductive health consequences of climate change, which is why these communities should have a prominent voice in the Commission.

Racial minorities are more likely to be exposed to [air pollution](#), live near [toxic sites and landfills](#), [drink contaminated water](#), and have elevated levels of [lead in their blood](#). Research has demonstrated the reproductive health outcomes associated with environmental pollution include infertility, abnormal menstruation and puberty, endometriosis, recurrent pregnancy loss, polycystic ovarian syndrome (PCOS), fetal death, prenatal growth abnormalities, reduced gestational period, low birth weight,<sup>1</sup> pregnancy-induced hypertension and preeclampsia,<sup>2</sup> and genital and breast cancers.<sup>3</sup> Additionally, people of color in Maryland are more likely to live in areas with [limited green space](#) to mitigate extreme heat. Rising global temperatures is making heat a more serious threat to pregnant persons going forward; exposure to unusually high temperatures can lead to changes in length of gestation, birth weight, stillbirth rates, and neonatal stress.<sup>4</sup> These health outcomes can cause enduring mental and physical trauma to pregnant persons and the infants they deliver. Substantial research has shown that low birth weight infants may be more at risk for many health problems; some may become sick in the first six days of life or develop infections, others can suffer from long term problems such as delayed motor

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<sup>1</sup> Rashtian, J. et al. "Water and soil pollution as determinant of water and food quality/contamination and its impact on female fertility." *Reprod Biol Endocrinol* 17, 5 (2019). <https://doi.org/10.1186/s12958-018-0448-5>

<sup>2</sup> Wang, A et al. "Environmental influences on reproductive health: the importance of chemical exposures." *Fertility and sterility* vol. 106,4 (2016): 905-29. <https://doi.org/10.1016/j.fertnstert.2016.07.1076>

<sup>3</sup> Bhatt, R.V. "Environmental Influence on Reproductive Health." *International Journal for Gynecology and Obstetrics*, 70: (2000) 69-75. [https://doi.org/10.1016/S0020-7292\(00\)00221-6](https://doi.org/10.1016/S0020-7292(00)00221-6)

<sup>4</sup> Bekkar B, et al. "Association of Air Pollution and Heat Exposure With Preterm Birth, Low Birth Weight, and Stillbirth in the US: A Systematic Review." *JAMA Netw Open*. (2020); 3(6):e208243. doi:10.1001/jamanetworkopen.2020.8243

skills and social development or learning disabilities.<sup>5</sup> Furthermore, increased instances of [natural disasters](#) result in a disruption of reproductive health services which can lead to unplanned pregnancies; conversely, natural disasters can displace families and leave them financially unstable resulting in reduced fertility.<sup>6</sup> In both cases, individuals lose their reproductive freedom to choose when to become pregnant.

Historical environmental racism and economic inequality are major factors in the disproportionate impact of climate change on communities of color and low-income folks. Dr. Robert Bullard, a founder of the environmental justice movement notes “one of the key components in environmental justice is getting people to the table to speak for themselves.” This bill seeks to bring the people most impacted by environmental injustice issues to the Commission so that their concerns and needs can be met. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on HB1207 with the proposed amendments by Maryland League of Conservation Voters.** Thank you for your time and consideration.

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<sup>5</sup> Centers for Disease Control and Prevention. Reproductive and Birth Outcomes and the Environment. Retrieved <https://ephtracking.cdc.gov/showRbBirthOutcomeEnv>

<sup>6</sup> Tobin-Gurley, J., et al. “Displaced single mothers in the aftermath of Hurricane Katrina: resource needs and resource acquisition.” *International Journal of Mass Emergencies and Disasters*. (2010): 28, no. 2: 170-206

**HB1207 Environment\_CEJSC\_MLC\_FAV.pdf**

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR HB1207**  
**ENVIRONMENT – COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE**  
**COMMUNITIES - REFORM**

**Bill Sponsor:** Delegate Bridges

**Committee:** Environment and Transportation

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of HB1207 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

The Commission on Environmental Justice and Sustainable Communities was established in 2001. The Commission analyzes and reviews what impact State laws, regulations, and policy have on the equitable treatment and protection of communities threatened by development or environmental pollution, and determines what areas in the State need immediate attention. Moreover, the Commission assesses the adequacy of statutes to ensure environmental justice, and develops criteria to pinpoint which communities need sustaining.

However, since its inception, although the Commission has come up with recommendations, they don't seem to go anywhere. They are presented to the Governor, and put in a report, and there they die. This bill does several things. It changes the composition of the Commission, by adding members appointed by the Senate President and Speaker of the House. It also requires that the makeup of the Commission represent the racial, gender, ethnic and geographical diversity of the state. But, most importantly, it requires that any recommendations made by the Commission be presented to the General Assembly, rather than just presenting to the Governor and being published in a report.

We think this bill will ensure that the Commission's recommendations see the light of day and have a chance of being implemented.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

# **HB 1207 - CEJSC - Reform.pdf**

Uploaded by: Edwards, Donna

Position: FWA



# MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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*President*

Donna S. Edwards

*Secretary-Treasurer*

Gerald W. Jackson

**HB 1207 – Environment – Commission on Environmental Justice and  
Sustainable Communities - Reform  
House Environment and Transportation Committee  
February 26, 2021**

**SUPPORT WITH AMENDMENT**

**Donna S. Edwards  
President  
Maryland State and DC AFL-CIO**

Chairman and members of the Committee, thank you for the opportunity to provide testimony in support of HB 1207 – Environment – Commission on Environmental Justice and Sustainable Communities – Reform. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments in support of SB 91.

The work of the Commission on Environmental Justice and Sustainable Communities is vital as we move forward toward a clean energy future. Ensuring that affected communities are not ignored or given short shrift during a re-ordering of our energy economy is paramount to a successful transition. With HB 1207 we have the opportunity to guarantee that the Commission accurately reflects the representation of all stakeholders, by adding the voices of Maryland’s workers. Therefore, I would like to offer the following friendly amendments to HB 1207:

On page 3, after line 13:

7. ONE REPRESENTATIVE OF A LABOR UNION, AS DESIGNATED BY THE MARYLAND STATE AND DC AFL-CIO

On page 3, after line 23:

5. ONE REPRESENTATIVE OF A LABOR UNION, AS DESIGNATED BY THE MARYLAND STATE AND DC AFL-CIO

The input of workers impacted by changing energy sources and those training workers and building the new clean energy is crucial to supporting, strengthening, and growing sustainable communities and to working towards environmental justice for all Marylanders.

**We urge a favorable report on HB 1207 with the amendments.**

**HB1207 FWA Sign-on letter.pdf**

Uploaded by: Harbeson, Kristen

Position: FWA



February 24, 2021

**FAVORABLE WITH AMENDMENTS – SB674: Environment-Commission on Environmental Justice and Sustainable Communities-Reform**

Mr. Chairman and Members of the Committee,

As with many Maryland individuals, community groups, and advocacy organizations, the signatories below were encouraged by the formation of the Senate President’s Advisory Workgroup on Equity and Inclusion. In 2001 the Commission on Environmental Justice and Sustainable Communities (CEJSC) was empowered to provide guidance on environmental justice and community-related issues. Twenty years later, it is clear that the Commission’s membership, mandate, and authority are not equal to the monumental task of dismantling the profound disadvantages experienced by frontline and fenceline communities from environmental injustices endured due to urban heat islands, lack of green infrastructure, disproportionate air and pollution from power plants, incinerators, industrial chicken farms, concrete batching, and other polluting industries in both urban and rural areas as well as unsafe worker conditions. SB674 is an important first step in addressing these injustices. We applaud the Workgroup on Equity and Inclusion for their dedication in confronting the issue head-on, and thank the Senate members of that Workgroup, as well as Delegate Bridges for their leadership on this issue.

While we appreciate that addressing racial injustice takes time and is never completely done, it also requires steadfast commitment and we do strongly believe that the proposed legislation does not go far enough to advance and sustain the structural changes needed and where incremental progress is too slow. For that reason, we offer the following amendments to ensure that the CEJSC is empowered to truly address the needs of the most vulnerable Marylanders, whose voices have for so long been unheard. 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:

<b>Page/Line Number</b>	<b>Critical Amendments</b>
Page 3 line 16	(x)1. <b>AT LEAST FOUR REPRESENTATIVES FROM COMMUNITIES IMPACTED BY ENVIRONMENTAL JUSTICE ISSUES;</b>

Page 4 line 2	(2) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL REFLECT THE RACIAL, GENDER, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE, <b>ACCORDING TO THE MOST RECENT CENSUS DATA.</b>
Page 5, line 6	(h)(2) USE DATA SETS AND MAPPING TOOLS <b>IN COORDINATION WITH THE UNIVERSITY OF MARYLAND COMMUNITY ENGAGEMENT, ENVIRONMENTAL JUSTICE AND HEALTH LAB,</b> TO REVIEW AND ANALYZE THE IMPACT OF CURRENT STATE AND LOCAL LAWS, <b>PERMITS, ACTIONS AND POLICIES ON THE ISSUE OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES INCLUDING CUMULATIVE IMPACTS, EFFECTS, AND EXPOSURE;</b>
Page 5, line 9	(h)(3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities <b>INCLUDING FOR COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, PROHIBITING DISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN ANY PROGRAM OR ACTIVITY THAT RECEIVES FEDERAL FUNDS OR OTHER FEDERAL FINANCIAL ASSISTANCE;</b>
Page 5, line 11	(h)(4) COORDINATE WITH THE CHILDREN’S ENVIRONMENTAL HEALTH AND PROTECTION ADVISORY COUNCIL, <b>THE MARYLAND OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES,</b> AND THE COMMISSION ON CLIMATE CHANGE ON RECOMMENDATIONS RELATED TO ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES;

Page 5 line 19	(h)(6) <b>RECOMMEND LEGISLATIVE POLICY AND BUDGET OPTIONS</b> OPTIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR ADDRESSING ISSUES, CONCERNS OR PROBLEMS RELATED TO ENVIRONMENTAL JUSTICE <b>AND THE CUMULATIVE EXPOSURE, IMPACTS, OR EFFECTS</b> THAT SURFACE AFTER REVIEWING STATE LAWS AND POLICIES, <b>AND RECEIVING INPUT FROM THE PUBLIC REGARDING ENVIRONMENTAL INJUSTICES</b> , INCLUDING PRIORITIZING AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION.
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Throughout	Replace “Community impacted by environmental justice issues” in all parts of the document to “community disproportionately impacted by environmental and public health hazards”
Page 3, line 4 & line 19	define “Business organization”
Page 3, line 6 & line 21	define “environmental organization”
Page 4, line 24	<b>AT LEAST ONE SHALL BE HELD IN AN URBAN LOCATION OF THE STATE NOT INCLUDING THE OFFICES OF THE DEPARTMENT</b>

<p>Page 4, line 24</p>	<p>Add new paragraph under subsection (g)(1)(II) that reads:</p> <p><b>(3) ALL, WHETHER VIRTUAL OR IN-PERSON, SHALL BE REASONABLY ACCESSIBLE TO ALL ATTENDEES, INCLUDING THOSE WITH LIMITED ENGLISH PROFICIENCY AND DISABILITIES. (4) ADEQUATE NOTICE OF THE TIME AND LOCATION SHALL BE GIVEN TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.</b></p>
<p>Page 4, line 27</p>	<p><b>A MEMBER OF THE COMMISSION MAY ONLY REPRESENT ONE ENTITY OR GROUP AS A MEMBER OF THE COMMISSION.</b></p>

Page 5, line 14

Insert new (5)

**(5) “CREATE A PUBLIC ENGAGEMENT PLAN FOR COLLECTING COMMUNITY MEMBER INPUT, INCLUDING BUT NOT LIMITED TO:**

**(a) AN ONLINE PORTAL TO SOLICIT INPUT FROM COMMUNITY MEMBERS AND PUBLIC LISTENING SESSIONS IN COMMUNITIES THROUGHOUT THE STATE TO HEAR LOCAL CONCERNS;**

**(b) A PROTOCOL FOR GIVING THE PUBLIC ADEQUATE NOTICE AND INFORMATION ABOUT PUBLIC ENGAGEMENT OPPORTUNITIES; AND**

**(c) MEASURES TO ENSURE THAT ALL METHODS OF PUBLIC ENGAGEMENT, WHETHER VIRTUAL OR IN-PERSON, ARE REASONABLY ACCESSIBLE TO UNDERSERVED COMMUNITIES, INCLUDING THOSE WITH LIMITED ENGLISH PROFICIENCY AND DISABILITIES.**

Page 5, line 19

**(6) RECOMMEND OPTIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY FOR ADDRESSING ISSUES, CONCERNS, OR PROBLEMS RELATED TO ENVIRONMENTAL JUSTICE THAT SURFACE AFTER REVIEWING STATE LAWS AND POLICIES, INCLUDING PRIORITIZING AREAS OF THE STATE THAT NEED IMMEDIATE ATTENTION INCLUDING ESTABLISHING A PROCESS REQUIRING THE DEPARTMENT TO CONSULT WITH THE COMMISSION PRIOR TO ISSUING**

**OR ADOPTING SIGNIFICANT POLICIES, PLANS,  
ACTIONS, DECISIONS, OR REGULATIONS.**

With the inclusion of these amendments, we are confident that Maryland will be able to take the difficult, but essential steps needed to confront the racial injustices related to environmental pollution of its past and present and ensure a brighter future for all who live here.

For these reasons we urge the Committee to adopt these amendments and issue a favorable report on an impactful piece of legislation.

Respectfully submitted,

Maryland League of Conservation Voters  
Community Engagement, Environmental Justice, and Health (CEEJH) Laboratory, University of  
Maryland-College Park  
Annapolis Green  
Assateague Coastal Trust  
Audubon Naturalist Society  
CATA Immigrant Workers Support Group  
Center for Progressive Reform  
Charles County Democratic Central Committee Community Outreach Legislation  
Chesapeake Bay Foundation  
Chesapeake Climate Action Network  
Chesapeake Conservancy  
Chesapeake Legal Alliance  
Clean Air Prince George's  
Clean Water Action  
Climate Law and Policy Project  
Concerned Citizens Against Industrial CAFOs  
Daughters Of Charity of St. Vincent de Paul  
Defensores de la Cuenca

Downtown Residents Advocacy Network  
Food and Water Watch  
Howard County Climate Action  
Indivisible Howard County  
Ji'Aires Workgroup  
Maryland Campaign for Environmental Human Rights  
Maryland Catholics for our Common Home  
Maryland Legislative Coalition  
MLC Climate Justice Wing  
Maryland Pesticide Education Network  
Maryland Sierra Club  
MOM's Organic Market  
Montgomery Countryside Alliance  
NAACP Maryland State Conference  
NARAL Pro-Choice Maryland  
Namati US Environmental Justice Program  
National Aquarium  
Northeast Catholic Community Peace/Justice Committee  
Prince George's County Young Democrats  
San Camilo Secular Franciscan Fraternity  
Sentinels of Eastern Shore Health  
ShoreRivers  
St. Camillus Catholic Church's Justice, Peace and Integrity of Creation  
Strong Future Maryland  
Takoma Park Mobilization Environment Committee  
Unitarian Universalist Legislative Ministry of Maryland  
Washington Area Bicyclist Association  
Waterkeepers Chesapeake  
Wicomico Environmental Trust  
WISE  
Shirley Hyman (individual)  
Alicia Menendez (individual)  
Jeanne McCann (individual)  
Janna Parker (individual)  
Maya Santhanam (individual)  
Miryan Cabrera (individual)  
Talia Schwelling (individual)  
Vontasha Simms (individual)  
Caiwei Zhang (individual)

**HB 1207 - CLA - FWA.pdf**

Uploaded by: Haren, Angela

Position: FWA





February 26, 2021

House Environment and Transportation Committee  
Room 251  
House Office Building  
Annapolis, Maryland 21401

Re: **FAVORABLE WITH AMENDMENTS**-- HB 1207- Environment - Commission on Environmental Justice and Sustainable Communities - Reform

Dear Chair Barve and Members of the Committee:

Chesapeake Legal Alliance supports HB 1207 to reform the Commission on Environmental Justice and Sustainable Communities if amendments are made to: include ways to increase public engagement; ensure that representation on the Commission includes more Maryland residents living in communities experiencing environmental injustice; consider Title VI of the Civil Rights Act of 1964, which bans discrimination by recipients of federal funds based on race, color, or national origin; and incorporate mapping tools and census data into determinations and future legislation. The specific amendments are laid out in the Maryland League of Conservation Voters letter to which Chesapeake Legal Alliance also signed on.

Environmental justice is a key element to attaining true racial and social justice. As it stands, the bill does not create ways to meaningfully, structurally rectify the issues that contribute to disproportionate levels of pollution and environmental hazard in low-income communities and communities of color across the state of Maryland. The report published in January of this year by the Senate President's Advisory Group on Equity and Inclusion plainly states that communities most impacted by environmental harm are historically least likely to become involved in environmental decision-making processes.<sup>1</sup>

The Principles of Environmental Justice emphasize the need to include those most harmed by environmental injustice to become involved in the environmental decision-making process.<sup>2</sup> At present, the Commission is not allowed to have meaningful involvement in the decisions of the

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<sup>1</sup> Senate President Advisory Group on Equity and Inclusion, *Report* (January 2021), <http://www.mgaleg.maryland.gov/pubs-current/SenatePresidentAdvisoryWorkgrouponEquityandInclusion.pdf>.

<sup>2</sup> Delegates of the First National People of Color Environmental Leadership Summit, *17 Principles of Environmental Justice* (1991), <https://www.ejnet.org/ej/principles.html>.

Maryland Department of the Environment to ensure that all Marylanders are given equal protection under our environmental laws. We believe this bill will empower the Commission and charge the Department with evaluating what role the Commission needs to play in the future to adequately protect all Marylanders and remedy ongoing environmental injustices.

It is clear that the Commission understands that they must improve their public engagement and outreach. In the Commission's 2019-2020 Annual Report, recommendations included conducting virtual listening sessions in communities suffering from environmental injustice around Maryland, and creating a public input portal for community identification of environmental justice issues directly to the Commission<sup>3</sup>. Unfortunately this recognition is not new, and has yet to be turned into action. During a Commission Meeting in November 2020, Maryland Department of the Environment representative Devon Dodson stated, "it is our recommendation to go out into communities to hear their local concerns," to which Joe Griffiths of the Maryland Department of Planning agreed and stated that "in past years, the Commission discussed the creation of an outreach plan," that has not yet come to fruition.<sup>4</sup> The proposed amendments set a mandate to establish an outreach plan which includes the development of an online portal to solicit input from community members; protocol for giving adequate notice for Commission meetings; and guidelines for accessibility for all community members in attendance, whether in-person or virtually.

**For these reasons, we urge this Committee to vote in favor of HB 1207 with the amendments before you.**

Thank you,

Arielle King

Law Clerk

Evan M. Isaacson

Director of Policy and Research

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<sup>3</sup> Maryland Commission on Environmental Justice and Sustainable Communities, *Annual Report 2020*, 11 (2020), <https://mde.maryland.gov/programs/Crossmedia/EnvironmentalJustice/Documents/Commission%20on%20Environmental%20Justice%20and%20Sustainable%20Communities%20Annual%20Report%202020.pdf>.

<sup>4</sup> Maryland Commission on Environmental Justice and Sustainable Communities, *Meeting Minutes* (November 24, 2020), <https://mde.maryland.gov/programs/Crossmedia/EnvironmentalJustice/Documents/CEJSC%20Meeting%20Minutes%20for%20November%202020,%202020.pdf>.

# **HB1207-E&T-SWA**

Uploaded by: Mehu, Natasha

Position: FWA



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB 1207**

February 26, 2021

**TO:** Members of the Environment and Transportation Committee

**FROM:** Natasha Mehu, Director of Government Relations

**RE:** House Bill 1207 – Environment - Commission on Environmental Justice and Sustainable Communities - Reform

**POSITION: Support with Amendments**

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports with amendments** House Bill (HB) 1207.

HB 1207 would alter the membership of the Commission on Environmental Justice and Sustainable Communities. This bill would require the membership of the Commission to reflect the diversity of the State to the extent practicable, specify the term of certain members, and require the Department of the Environment (MDE) to provide a new member with an orientation to review environmental justice issues in the State. It would also alter the manner in which a chair is chosen for the Commission and require the Commission to meet at least six times per calendar year.

The Office of Equity and Environmental Justice, housed within the Baltimore City Department of Public Works, supports the goal of this bill and offers the below amendments to support the goal of equitable, informed and complete representation.

- 1) We recommend representation from those within the disability, the LBGTQ+, and faith based communities to expand the perspective of diversity on the Commission. Additionally, those appointed to represent ethnic and gender diversity should still have professional experience in environmental issues as well as lived experiences impacted by environmental inequities.
- 2) HB 1207 references “coordination” with the Children's Health Environmental Health Protection Advisory Council and we recommend that membership from this Council should be part of the Commission.

- 3) With regard to the development of criteria to assess whether communities may be experiencing environment justice issues, consideration should be given to the existing federal assessment models and encouragement of a specific requirement to coordinate with the National Environmental Justice Advisory Council and assign participation to the reformed Commission.
- 4) Lastly, there are no references to MDE or the Maryland Commission on Civil Rights, however, these two entities have responsibilities that inform and are relevant to the work of the Commission.
- 5) Finally, the terms of Commission member should be staggered to ensure continuity of membership and institutional knowledge.

House Bill 1207 is a great start toward supporting environmental and we believe these amendments will strengthen the intended goal of creating a more equitable Maryland for all residents.

Altogether, the BCA requests a **favorable with amendments** report on HB1207.

**HB 1207\_MAA\_UNF.pdf**

Uploaded by: Clark, Rachel

Position: UNF

CHAIRMAN:  
Brian Russell  
VICE CHAIRMAN  
Jeff Graf

**MARYLAND ASPHALT ASSOCIATION**



SECRETARY:  
Curtis Hall  
TREASURER:  
David Slaughter  
PRESIDENT:  
G. Marshall Klinefelter

February 26<sup>th</sup>, 2021

Delegate Kumar P. Barve, Chair  
Environment and Transportation Committee  
251 House Office Building  
Annapolis, MD 21401

**RE: HB 1207 – UNFAVORABLE – Environment – Commission on Environmental Justice and Sustainable Communities – Reform**

Dear Chairman Barve and Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 48 production facilities, 20 contractor members, 24 consulting engineer firms and 40 other associate members. Combined our members employ more than 4,000 Marylanders in our operations. We assist with the education of our workforce, sponsor safety activities and promote best practices while working diligently to produce the highest performing pavement materials with the lowest carbon footprint. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

While we appreciate the Sponsor's intent with this legislation, we must oppose HB 1207. This bill is onerous in its nature, presenting significant hurdles in the pursuit of solutions, which are already effectively being sought by the current Commission on Environmental Justice and Sustainable Communities. At a time when we are facing an economic crisis and coping with various consequences of the COVID-19 pandemic, we must focus our resources on the most pressing issues like our crumbling roads and highways, improving public transit options, and addressing economic disparities within Maryland. We believe it is paramount to address the problems at hand before they are inadvertently exacerbated by misguided and burdensome legislation, and it is for these reasons we ask you for an UNFAVORABLE report on House Bill 1207.

We thank you for your time and consideration.

Thank you,

Marshall Klinefelter  
President  
Maryland Asphalt Association

**HB 1207\_MTBMA\_UNF.pdf**

Uploaded by: Clark, Rachel

Position: UNF





**MTBMA**  
MARYLAND TRANSPORTATION BUILDERS  
AND MATERIALS ASSOCIATION

February 26<sup>th</sup>, 2021

Delegate Kumar P. Barve, Chair  
Environment and Transportation Committee  
251 House Office Building  
Annapolis, MD 21401

**RE: HB 1207 – UNFAVORABLE – Environment – Commission on Environmental Justice  
and Sustainable Communities – Reform**

Dear Chairman Barve and Committee Members:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

While we appreciate the Sponsor’s intent with this legislation, we must oppose HB 1207. This bill is onerous in its nature, presenting significant hurdles in the pursuit of solutions, which are already effectively being sought by the current Commission on Environmental Justice and Sustainable Communities. At a time when we are facing an economic crisis and coping with various consequences of the COVID-19 pandemic, we must focus our resources on the most pressing issues like our crumbling roads and highways, improving public transit options, and addressing economic disparities within Maryland. We believe it is paramount to address the problems at hand before they are inadvertently exacerbated by misguided and burdensome legislation, and it is for these reasons we ask you for an UNFAVORABLE report on House Bill 1207.

We thank you for your time and consideration.

Thank you,

Michael Sakata  
President and CEO  
Maryland Transportation Builders and Materials Association

# **HB1207SB0674Testimony**

Uploaded by: Gray, Kamita

Position: UNF

# 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

Youth • Community • Development • Professionals • Community Partners

[WWW.BTBCOALITION.ORG](http://WWW.BTBCOALITION.ORG)

[PollutantsFreeAlliance.com](http://PollutantsFreeAlliance.com) • [Greening4life.com](http://Greening4life.com)

## 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.

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#### 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;

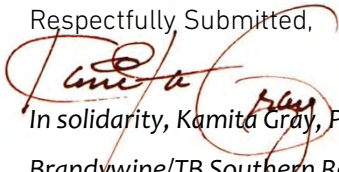
1. Who are these “members”, used loosely here are not representative of constituents but members of these nonprofit industrial complex and academia organizations.

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

**HB1207\_CEJSC\_LOI.pdf**

Uploaded by: abbott, tyler

Position: INFO

# MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE & SUSTAINABLE COMMUNITIES

CAMILLE BURKE, CHAIR



February 26, 2021

The Honorable Kumar Barve  
Chair, House Environment and Transportation Committee

Re: HB 1207 - Commission on Environmental Justice and Sustainable Communities – Reform

Letter of Information:

The Commission on Environmental Justice and Sustainable Communities (CEJSC) is committed to doing our part to ensure that environmental laws and programs protect the environment as well as the health and well-being of all Marylanders. CEJSC has reviewed House Bill 1207 and provides this letter of information.

CEJSC is charged with examining EJ issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or other issues relating to EJ and sustainable communities. CEJSC is broadly tasked with reviewing and analyzing Maryland laws and policies pertaining to EJ issues, including state agency programs and permits. CEJSC is also tasked with developing criteria to identify vulnerable communities and prioritizing action strategies toward the identified areas of the state that need immediate attention.

CEJSC is established in statute with the following authority:

- (1) Advise State government agencies on environmental justice and related community issues;
- (2) Review and analyze the impact of current State laws and policies on the issue of environmental justice and sustainable communities;
- (3) Assess the adequacy of State and local government laws to address the issue of environmental justice and sustainable communities;
- (4) Coordinate with the Children's Environmental Health and Protection Advisory Council on recommendations related to environmental justice and sustainable communities;
- (5) Develop criteria to assess whether communities in the State may be experiencing environmental justice issues; and
- (6) Recommend options to the Governor for addressing issues, concerns, or problems related to environmental justice that surface after reviewing State laws and policies, including prioritizing areas of the State that need immediate attention.

It is important that the legislature understand that the CEJSC is comprised of volunteer members who are appointed from the general public. It is staffed by two state employees who have the Commission as but a part of their overall duties. CEJSC is concerned that adding detailed analyses and reports is beyond the scope of expertise afforded to the Commission. Any significant additional duties must be designated with adequate funding, staffing and/or contracting assistance so CEJSC can be responsive to any additional duties or responsibilities in a timely manner.

Thank you for your consideration. We will continue to monitor these issues. Please feel free to contact me at 443-984-2460 or by e-mail at [Camille.Burke@baltimorecity.gov](mailto:Camille.Burke@baltimorecity.gov).

Sincerely,

*Camille Burke*

Camille Burke, Chair of the CEJSC

cc: The Honorable Tony Bridges, House of Delegates of Maryland  
Ben Grumbles, Secretary of the Maryland Department of the Environment

# **hb1183\_Testimony15Mar18**

Uploaded by: Gray, Kamita

Position: INFO

**Brandywine/TB, Southern Region**  
*Neighborhood Coalition*

# **GENERAL ASSEMBLY**

## **of Maryland**

**Prince George's County Delegation**

**ENVIRONMENT AND TRANSPORTATION COMMITTEE**

Delegate Kumar P. Barve, Chair

Delegate Dana Stein, Vice Chair

Room 250, House Office Building, Annapolis, MD 21401-1991

(410-841-3990 | 301-858-3990 )

## **HB183**

*An ACT concerning*

*Prince Georges County Environmental Justice Commission–*

*PG 411 18*

**Brandywine/TB, Southern Region**  
*Neighborhood Coalition*

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## Brandywine/TB, Southern Region *Neighborhood Coalition*

### Hearing Date: March 15, 2018 at 1pm Testimony (opponent)

#### 1.) Kamita Gray

Resident of Brandywine MD, for over 50 years with my parents history dating back in the 1940's for which my mother at times baby-sat now Senator Mike Miller being his parents and mine where friends and commerce associates. This is meant to give history that I know the history of the area for which I live... not to "speak for", as any special interest group purports.

#### 2.) Brandywine/TB Southern Region Neighborhood Coalition (BTB Coalition)

Kamita Gray, **advocate** and the President of the BTB Coalition a citizen's civic engagement group elected since 2007 formally the Danville/Floral Park Road Civic Association in existence since the mid 1960's.

#### 3.) Brandywine MD a 72% minority community

Brandywine has 14 Heavy Industrial pollutant industries 3 are Fossil Fuel Power Plants in Brandywine, MD of the 6 in the State Panda Cedarville, existing, and two approved to come online in 2018/2020, PSEG Keys Energy and Panda Mattawomen.

**The BTB Coalition is the only group with "standing" that alone worked with Earthjustice to file the current active Title VI Complaint with the EPA/DOT of the Civil Rights Act 1964, with a honorable mention of the co-complaint that was an add-on.** Our Title VI is only the third to be ever have been accepted and the first to enter into ADR as of August 2016 for which I spent as the BTB representative since March 2017, 11 months in negotiations seeking a resolution throughout all state agencies. This on its face is relevant because the subject matter of the Title VI is the Panda Mattawoman Power Plant.

The State of Maryland concludes they should not have been the target of the Title VI Complaint and while we some what agree that Prince George's County should too have been the "recipient" of our current Title VI Complaint it does not preclude us from pursuing this avenue in the very near future with the recent approval of aggregate mining and the coal/fly ash dumpsite. The State of Maryland is was ultimately the action by Public Service Commission – Certificate of Public Convenience and Necessity (CPCN)– process that was disenfranchising and too by not having a Title VI process. Such commission does not bring you into compliance and the fact that you are the recipient of Federal Funds.

#### Here in lies the RUB with the Term "Environmental Justice"

While the sponsor(s) has put forth legislation to in act a "Prince George's County Environmental Justice Commission", based on the fact the State of Maryland has a "Commission on Environmental Justice and Sustainable Communities" (CEJAC), is preposterous. This commission for the past 21 years has done NOTHING to improve and/or facilitate any sufficient change for low-income and/or minority communities of color, and furthermore enacted no such policies and/or processes. Within the framework of this bill we would expect the same outcome in expecting a county and/or agency to regulate themselves. To put themselves in a negative light, while ones still tout that the County is the most affluent taken out of context especially with 285 land fills. Ones based this commission on CEJSC yet, you do not address within this commission the sustainability of communities that is directly related to land-use and part of Ej issues.

The term "Environmental Justice" is a movement and absolutely not decree as to any regulation but rather guiding principles. While this maybe a great idea in theory there are inherent issues within the makeup of such bill:

As to the composition of the Commission members and the meaning of "Environmental Justice":

1. 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: **how is this bill accountable to this?**
2. Environmental justice planning seeks to create effective policies that ensure all members of a community can meaningfully participate in any civic decision-making processes. Community engagement, also Known as "civil engagement," must be promoted in a local jurisdiction through the development of objectives and policies that seek to involve members: **Then, why are there only 2 community members?**

The act of "commissioning" what are the outcome to be in facilitating "change" as an end result and coming to a conclusion. For that matter that CEJSC has made none and the Commission on "Cumulative Effect" could not even come to a "consensus", on any issues that matter.

**There is no charge in the "commissioning",** obtaining what should be the focus and a primary function of a commission in supporting with the promotion of an environmental policy? Such as;

## Brandwine/TB, Southern Region *Neighborhood Coalition*

1. Environmental policy with the commitment of a County, and/or agency adhering to the laws, regulations, and other policy mechanisms concerning environmental issues. Policies concerning energy or regulation of toxic substances including pesticides and many types of industrial waste are part of the topic of environmental policy.
2. Each agency identify and address, as appropriate, “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations, minority populations, and Indian tribes.
3. An integral component of EJ planning is proactively prioritizing projects and investments that directly benefit DACs. Impacted communities may have specific needs that are distinct from those of the greater community, which may require taking special actions to ensure that existing conditions in a DAC are improved and not exacerbated, such as limits on new developments to compensate for already high pollution burdens. These kinds of programs may not be applicable across an entire city or jurisdiction, but may be needed due to the special circumstances.

I will State for the record that Prince George’s County does not, and is not adhering to Federal Laws for which the County receives Federal funds.

***The commission and what should be part of this bill is realization and the achievement of “environmental justice” principles as part of their mission of identifying, addressing and the development of, compliance with, and enforcement of Federal laws, regulations, and policies affecting human health identifying disadvantages communities***

1. The requirement of such guidance is intended only to improve the internal management of the commission. It shall be deemed to create a right, benefit, and trust obligation, either substantive or procedural, enforceable by any one agency, its officers, or any other person. Consequently, this Guidance should have a deliberative process or programs resulting from the implementation of this Guidance to be treated as establishing standards or criteria that constitute any basis for review of the actions of the Executive Branch and the County Council. Compliance with this Guidance shall not be justifiable in any proceeding throughout all Agency action(s).
2. **Key Message;**
  - a. The commission should be charged with the development and outcome of policies as it relates to Title VI processes that address disproportionately high and adverse human health effects: otherwise you will end up with the same outcomes as CEJSC, NONE due to personal opinions and agency preferences.

### ***(II) MAKE RECOMMENDATIONS ON MITIGATING OR MANAGING ANY NEGATIVE HEALTH IMPACTS;***

To coordinate with, provide guidance to, and serve as a clearinghouse for, each agency as it develops Title VI processes and a environmental justice strategy as required by section I-103, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner compliant with Title VI?

#### **In making yourself heard**

**Environmental Justice is:** the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the well-being of those people It is a powerful vehicle for bringing about environmental and behavioral changes that will improve the health of the community and its members It often involves partnerships and coalitions that help mobilize resources and influence systems, change relationships among partners, and serve as catalysts for changing policies, programs, and practices.

#### **Title VI Policy**

The U.S. Environmental Protection Agency (EPA) has made improving its civil rights program a priority and recognizes that its enforcement of Title VI of the Civil Rights Act of 1964 (Title VI) is an important tool in its efforts to protect against discrimination and ensure that recipients of EPA financial assistance do not discriminate in implementing programs and activities.

Thanks for listening, your time and consideration.

*Respectfully submitted, BTB Coalition*





**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

JUN 14 2016



**In Reply Refer To:**

DOT# 2016-0361  
EPA File Nos. 28R-16-R3,  
29R-16-R3, and 30R-16-R3

Neil Gormley  
Carter Hall  
Earthjustice  
1625 Massachusetts Ave, NW  
Suite 702  
Washington, DC 20036

Christine Ernst  
Earthjustice  
48 Wall Street  
19<sup>th</sup> Floor  
New York, NY 10005

**Subject:** Notification of Acceptance for Investigation of Administrative Complaint

Dear Messrs. Gormley and Hall and Ms. Ernst:

This is to notify you that the U.S. Department of Transportation (DOT), Departmental Office of Civil Rights (DOCR) with the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), have accepted for investigation the complaint filed by Earthjustice on behalf of the Brandywine TB Coalition and Patuxent Riverkeeper against the Maryland Public Service Commission (PSC), the Maryland Department of the Environment (MDE), and the Maryland Department of Natural Resources (MDNR) (collectively, "recipients"). Your complaint was received on May 11, 2016, and alleges violations of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, including Title VI regulations administered by DOT (49 Code of Federal Regulations, Part 21) and EPA (40 Code of Federal Regulations, Part 7).

Pursuant to DOT's and EPA's nondiscrimination regulations, the Offices of Civil Rights conduct preliminary reviews of administrative complaints received for acceptance, rejection, or referral to the appropriate agency. *See* 49 C.F.R. § 21.11(c); *see also* 40 C.F.R. § 7.120(d)(1). Complaints must meet the Agencies' jurisdictional requirements to be accepted for investigation.

After careful consideration, DOT and EPA have determined that the complaint meets the jurisdictional requirements of both agencies, and therefore the complaint will be jointly investigated.

Accordingly, the investigation will focus on:

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.


The investigation will be conducted in accordance with the DOT's *External Civil Rights Complaint Processing Manual*, and EPA OCR's *Interim Case Resolution Manual*.

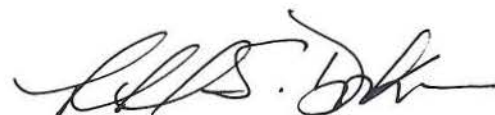
The decision to investigate the issues above does not constitute a decision on the merits of the complaint. DOT and EPA will begin a joint process to gather the relevant information, discuss the matter further with you and the recipients, if appropriate, and determine next steps utilizing their internal procedures. Both DOT's and EPA's nondiscrimination regulations provide that Offices of Civil Rights will attempt to resolve complaints informally whenever possible. 49 C.F.R. § 21.11(d); 40 C.F.R. § 7.120(d)(2). Accordingly, DOT and EPA are willing to discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, offer alternative dispute resolution (ADR) as described at <http://www.epa.gov/ocr/frequently-asked-questions-about-use-alternative-dispute-resolution-resolving-title-vi>. We will be contacting both you and representatives of the recipients in the future to discuss potential interest in pursuing ADR, as well as the recipients' interest in entering into informal resolution discussions.

No one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 49 C.F.R. § 21.11(e); *see also* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with DOT and/or EPA. Any questions or concerns that you have regarding the investigative process and your rights can be discussed with the investigators.


Please do not hesitate to contact Ryan Fitzpatrick, Lead Civil Rights Analyst in DOT's Departmental Office of Civil Rights, or Brittany Martinez, Case Manager in EPA's Office of Civil Rights, with any questions about the investigation. Mr. Fitzpatrick can be reached at (202) 366-1979, or [ryan.fitzpatrick@dot.gov](mailto:ryan.fitzpatrick@dot.gov). Ms. Martinez can be reached at (202) 564-0727, or [martinez.brittany@epa.gov](mailto:martinez.brittany@epa.gov).

Sincerely,

  
Yvette Rivera  
Associate Director  
Department Office of Civil Rights  
U.S. Department of Transportation



Lilian S. Dorka  
Deputy Director, Interim Director  
Office of Civil Rights  
U.S. Environmental Protection Agency

  
Rosanne Goodwill  
Director  
Office of Civil Rights  
Pipeline and Hazardous Materials Safety Administration

# **MD TCI WorkshopSpeech\_Final**

Uploaded by: Gray, Kamita

Position: INFO

## Fence-line “Affected” Community Residents Roadmap to Low-Carbon Reduction, Investment & Policy

“The Pathway to a Safer Climate Future”

Good afternoon, Kamita Gray, President of community locally-led centered organizations nothing herein is meant to be off-putting in addressing the disproportionate impacts within our black communities that face serious health risks caused by air pollution. Please excuse me if I get emotional Brandywine is the community for which I live and advocate for... it's problematic in being conscious.

(Change slide)

### Circumstances of Brandywine

Approximately twelve miles outside of Washington, DC and eight miles from Andrew Air Force Base is Brandywine a 72% black community in a 2.9 square mile radius. Brandywines' community-citizens science program TEX found dangerous levels of ozone due to diesel emissions and greenhouse gases. Brandywine will host three (3) fossil fuel power plants two of the largest in the United States. Toxic air pollution in black communities from natural gas facilities is so high that the cancer risk due to this industry alone exceeds EPA's level of concern.

Additional, heavy industrial pollutant industries include a superfund site (DRMO) one of the worst contaminated in the United States, a sludge lagoon, a regional coal/fly ash facility that has not been in compliance for over 10 years, 3,500 plus diesel daily truck trips, and several active surface mining operations.

Tailpipe pollution is one many but of a major concern being the Brandywine Road Club as deferred roadway improvements for over 21 years. Brandywine is subject to over 90,000 daily one-way vehicle trips. This will grow with the new developments in the works within Brandywine that has estimated an increase of daily Commercial|Car Generated trips of 420,000.

(Change slide)

With the new developments within Brandywine and Charles County named number one for development growth in 2019, increased daily vehicle traffic will further contribute to the already massive congestion that currently exists for which all traffic studies have failed since 2014. There is currently no form of public transportation or mass transit to provide commuters with an alternative to driving in giving ones an incentive to get out our cars.

(TCI) must put the poorest, lowest emitting and most disproportionate impacted vulnerable people first...

An Oxfam study concluded that people in the top tenth of the world's income distribution are to blame for 50 percent of global emissions, while those in the bottom half of the distribution account for only 10 percent of emissions.

(Change slide)

The 2BridgeCDX representative of community-led, centered fence-line communities and as a Public Engagement Influencer community-driven change and citizen-centered democracy, for the greater good of community having measureable outcomes... which bring me to the Brandywine TB Southern Region being the first grass-roots organization solely to

successfully achieve a groundbreaking 'Informal Resolution' agreement successfully settling the BTB Coalitions Title VI Administrative Complaint enforcing many measurable outcomes within the State of Maryland agencies policy that benefits minority and low-income communities.

Accountability with Community Locally-Led Based Initiatives and principles (CLBIP) having measurable successes and what we term as the “Community-led centered community participatory collaborative-participation meaningful engagement and involvement of the “affected” Census CDP community within a one (1) to three (3)-mile radius. Not as some co-opt as “communities affected”, is subjective in “all”, with the ally industrial complex of activists who's careers depend on the "issues" they work to address in advancing ones careers off the struggles they ostensibly support in this Mid-Atlantic region.

1. Those whom are not community-led are a community-oriented organization; stakeholder and/or group including academia... through community's eyes are “all” classified as proxy organizations and do not “speak for” as you are facilitators as community engagement that only demonstrates to funders that ones are doing stuff. Ones that seek input from communities, then ignore whatever doesn't align with their priorities anyway, so communities funding landscape is too much like Westeros in Game of Thrones!
2. We the “affected” fence-line community residents require is Community-centered/based Participatory-Participation Meaningful Engagement & Community Involvement that is CDL based; in that policies result in the protection of our most “affected” communities of significant adverse effects on public health in minority or low-income populations.

Title VI disproportionate risks and the health impacts on inequality. Inequality addresses the structural questions that focus on social inequality, the unequal distribution of power and resources in society and environmental burdens.

Title VI is a Federal statute in addressing disproportionate risks as it relates to health and the air pollution we have to put Title VI framework policies first. The Executive Order only establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies. If a program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic, including costs and environmental effects of avoiding or mitigating the adverse effects should be taken into account from the inception of the planning process through to project completion, operations, and evaluation having accountability.

### **Evidence vs. Emotion**

While the EJ movement activist, its leadership and the proxy organizations are passionate in their work ones have to be smart... environmental injustice is what activists are fighting against. When the poor or people of color are dumped on or exposed to hazards because they are less powerful than corporations and other agencies. This is what we call a "perpetrator-victim scenario".

Emerging Issues with TCI... How are environmental inequalities in general and environmental racism in particular produced? and How do they emerge? Through policy or a lack thereof... so then we must ask;

What benefits should be explicitly acknowledged and incorporated in the TCI policymaking? Being Brandywine would not have not have three power plants if it where not for “cap and trade”.

Despite making inroads there's a lack of a state and local governmental agencies program policy in addressing disproportionately high and adverse effects institutional framework. We don't need platforms or programmed agendas, listening sessions, leadership forums or nor should we be campaigns convened all having inequitably distribution and riddle with the loudest voices being oppressive in itself in a systematic system. We shall speak for ourselves, we are competent capable of leading ourselves in being party to our determination.

Navigate the TCI process in order to achieve greater theoretical sophistication and policy relevance, environmental justice research must move toward a deeper understanding of environmental inequality in policy. Thus far, however, the environmental justice has principally focused on the racially unequal outcomes of environmental decision-making. The voice of resistance will not get us where we want to be.

So, we ask what are ones fighting for?

## In Conclusion

We have two means by which to establish community locally-led effective policy

1. We need smart assisting policy incentives for people-powered innovation designed to encourage and reward community-based organizations to develop and deliver innovative approaches to significantly reducing carbon emissions.

*(Change slide)*

2. Environmental Inequality means establishing “affected” Community Environmental Mitigation Programs (EMP) that are community-led and centered programs in addressing environmental impacts such as carbon disproportionate risks and health impacts where there is accountability which is why the 2BridgeCDX founded and termed “CeDap” Community, Education, Development, Advocacy and Policy, that involve participatory committee strengthening networks”, with everyone in there lane of subject-matter creating agreements that brings about measurable outcomes as it relates to:

*(Change slide)*

- a. Reduction, = affected community detail plans delivering projects and measuring outcomes with regular reporting with a clear timetable
- b. Policy, = adopts goals that reduces emissions in vulnerable communities, and
- c. Investments = benefits that belong to local communities that will mostly be impacted to divest environmental inequality.

We don't need outreach as engagement but One-on-one relationships being the basic building block of community influencing, “Without the fence-line community, there can be no liberation”, in what you do for us without us is not for us!

# **MDE\_2DevonMemo01a**

Uploaded by: Gray, Kamita

Position: INFO

# Brandywine/TB, Southern Region Neighborhood Coalition

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## CONFIDENTIAL MEMORANDUM

### Title VI Complaint 'Informal Resolution' with DOT, PHMSA, EPA, ECROC

**DATE:** February 2, 2021

**TO:** Mr. Devon Dodson, Senior Advisor, Maryland Department of the Environment

cc: Brittany Robinson, External Civil Rights Compliance Office, Office of General Counsel, U.S.  
Environmental Protection Agency

**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:** Title VI Compliant EPA|DOT DOT# 2016-0361, EPA File Nos. 28R- 16-R3,29R-16-R3, and 30R-1 6-R3

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. An agreement was entered into and executed on January 30, 2019 between the Maryland Public Service Commission (“PSC” or “Commission”), Maryland Department of the Environment (“MDE”), Maryland Department of Natural Resources (“DNR”) (together, the “Agencies”), on behalf of the Brandywine TB Southern Region Neighborhood Coalition (“BTB Coalition”), regarding the Title VI complaint (“Standing Complaint”) filed with the U.S. Environmental Protection Agency (“U.S. EPA”) and the U.S. Department of Transportation (“U.S. DOT”) on June 14, 2016. ECRCO accepted 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.

The Brandywine | TB Southern Region Neighborhood Coalition finds it unfortunate that on December 15, 2020, Maryland Department of the Environment (“MDE”), one of the most crucial agencies in ensuring that decisions affecting human health and the environment skirted past a public engagement policy. MDE was salty from the very beginning of the Title VI Administrative Complaint acceptance for which MDE was of the opinion should not have been involved in the complaint to begin with.

MDE declares that “**The Maryland Department of the Environment** (MDE) realizes that environmental decisions can only be made effectively when the public is involved in the decision-making process.

Yet, MDE has not been forthcoming or transparent or responded after many promises were made in the process through the Alternative Dispute Resolution in being responsive to the needs of community and to the complaints. As stated “Months ago, MDE began developing strategies for ‘restoration from the inside out,’ including internal policies for workforce diversity and permitting, funding, enforcement, and public engagement and has not been transparent or responsive in the complaint processes.



Racism is more than individual prejudice based on race. Racism is the power of a dominant group, through its 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.

From our many experiences with Mr. Mr. Sacoby Wilson he leads this charge as a self-proclaiming ally in a nonprofit academia oppression of community voices in order to commodify the struggle of utilization having many examples. This leads to the fact that we are excited yet we are saddened in that an MDE a governmental agency would rather engage in marginalized activism with proxy organizations and academia having a self-centered, self-serving with a self-serving agenda for one's tenor to include Nick Sheets along with other cohorts in connecting the dots of these organizations that have shown NO measurable outcomes within our fenceline communities for which we live. These same cohorts complain what has the EPA done, we ask what have these organization and academias accomplished in having measurable outcomes when our communities are still being polluted. Rather we are seen as their commodity parachuting in on communities' challenges for their gain and narcissistic agendas.

When agencies are serious they at least put forth an effort especially when in 2017 at the time of our Title VI ADR negotiations we presented MDE with a fortified plan for which MDE turned a death ear to.

Then the farce of the PgCty Ej Commission in the first and the second term participated in by Mr. Mr. Sacoby Wilson for whom communities refer to as "dim shady" being given a voice when he has DONE NOTHING in following through with any measurable outcomes that have brought about change in any community yet continues the farce that he somehow represents in speaking for and having any such standing. Community self-determination is a foundational concept embedded within environmental justice principles with community-led leadership... respecting this speaks monuments as a governmental allegiance having a duty to serve the people.

These cohorts' accomplices have no standing in our communities with the continued expropriation of our local difficulties such as that they can be transformed into "issues" useful in Environmental Big Greens campaigns. By all involved that DO NOT LIVE or REPRESENT our communities and/or Brandywine in addition community voices are used and abused with the community's voice in letters, fundraising appeals, press releases, victory parties and other methods of subsuming the legitimate voices here in Brandywine and elsewhere.

MDE has taken no formal measures in solidifying a plan by which to increase community involvement and to engage **citizens**. Residents deserve a means by which to voice their opinions on permits and proposed regulations, and other issues bottom up not top down.

For the BTB Coalition it was nothing more than a slap in the face when you stated during the CEJSC meeting on January 28, 2021, that MDE had an Ej Plan in the works for the past 18 months and that it had public comment... from whom and where because the Title VI complaint was still open and MDE during this time when MDE continued to be out-and-out NON-RESPONSIVE to the BTB Coalition many requests to engage. In addition, as the NAACP Workgroup Chair for Brandywine this is inexcusable and distressing. Our Title VI was on "Public Engagement" and MDE has failed to engage the very community with the open Title VI complaint and we see this as nothing more than being wayward. Especially, now in light of the comments made on the last day of ADR as it related to the Title VI complaint.

The PgCty Ej Commission was a complete fabrication of being anything meaningful and/or viable but rather a tool as it relates to Mr. Sacoby Wilson to interject his insignificant procedures that are nothing more than tactics. Furthermore, the first report along was bogus and the second report was a farce in having NO measurable outcomes but rather based on a congenial relationship that furthered a lack of meaningful actions. Adding too this CEJSC for 21 years with Vernice Travis-Miller at the hem produced no measurable outcomes.

Now, MDE comes and intentionally follows these proxies' failures...' it's concerning in the furtherance of ones leveraging their connections for self-gain. 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 imagine how to obtain "issues" unless they go to where they can be found in exploiting our communities.

Fool me once, shame on you; fool me twice, shame on me... after being tricked once, we should have learned from our mistakes and avoided being tricked in the same way again in the mist of our Title VI resolution. MDE is the ONLY agency that did not keep its word in the ADR agreement and especially as it relates to "public participation". Then to find that MDE is in bed with Mr. Sacoby Wilson warrants even less credibility went you get in bed with dogs you can't help but get fleas. Further in adding a position on CJEJSC for the University of Maryland besides having a history of putting his students on the CEJSC to further toot his horn and this farce of the MD Ej Screen. Really?

Meanwhile, Grumbles stated that he hopes to move towards something like New Jersey's "holy grail" environmental justice bill that was signed into law, which requires the state Department of Environmental Protection to deny permits for power plants, landfills and other energy installations in disadvantaged communities if they pose health and environmental risks. Putting into perspective is inadequate in that Maryland should be the leader and not following behind furthermore MDE had the chance in their resolution with the Title VI Administrative Complaint to solidify in the "Informal Resolution", for which MDE failed measurable.

Within our Title VI processes MDE before "equity" was a philanthropy buzz word MDE was presented with Environments Equity and Environmental Justice Permitting Process using state approved regulations, plans and programs for they MDE adamantly resisted so to now dangle the New Jersey's "holy grail" environmental justice bill when in the last paragraph it states;

- In addition, as a rule of law New Jersey's "holy grail" environmental justice bill ... "Nothing in this section shall be construed to limit the right of an **applicant** to continue facility operations during the process of permit renewal to the extent such right is conveyed by **applicable law, rule, or regulation, including the application shield provisions of the rules and regulations adopted pursuant to the "Air Pollution Control Act (1954),"** P.L.1954, c.212(C.26:2C-1 et seq.).

This MDE initiative should have been a ground up process and not the muffling of fenceline community voices in just having again Mr. Sacoby Wilson and the cohorts of the industrial nonprofit complex advocates, special interest groups and Ej advocacy groups and academies at local universities leading the charge in being what they proclaim ones should not do in speaking for without... As with Cecilia Martinez in a meeting on January 5, 2021, stating that she and these groups are "embedded" in our communities and speak from community perspective as if they are "good allies" when they are seen as nothing more than accomplices.

MDE furtherance of fenceline community's victimization as fetish for the work of the allies in forms of exoticification, manarchism, "splaining, POC exploitation, and this kind of relationship fosters exploitation between both the oppressed and oppressor.

Where public voices and public participation are concerned there has to be a systematic change in how we engage fenceline communities if we are going to foster change for the most "affected". One's don't bake a cake... then tell us to come support in others words eat whatever it is that one is selling as it relates to legislation that is not for us. We are not someone's that you come to "get" the grassroots as if we are objects! Big Environmental Greens and Academia's are NOT facilitators of local communities' civic engagement.

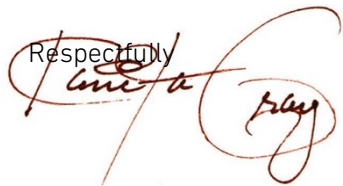
Community participation is understood as the participation of the individuals in various types of local tasks and activities that are not only geared towards benefitting themselves but also promoting well-being of the local community. Public participation is an important part of agencies regulatory and oversight responsibilities. There are many ways that the public can have a role in the decision-making processes and MDE has failed to do that.

We ask MDE where is Environmental Legislative Regulatory Process... Public Engagement and Citizen Involvement being they are not one in the same as it relates to outreach. We not only deserve to be in the room but at our own table in addressing real issues and the impacts of climate issues, pollution and environmental injustice; agroecology, food sovereignty, and rebuilding of local farms; energy democracy; water protection and access; promotion of solidarity economies; advancing women's leadership with education programs; legislative policy work; and movement civic empowerment building toward long-term systemic change.

Community self-determination is a necessary foundational concept. In being at the table and not one that has already been set by granted "agendas" of the nonprofit complex. We don't need outreach as public engagement but one---on---one basic building block of community influencing, "Without the fence---line community, there can be no liberation", in what you do for us without us is not for us! We expect that MDE to satisfy the public engagement process, as it relates to our complaint as it relates to our Title VI Administrative Complaint.

We are raising our concerns requesting a respond in exploring how we might find a resolution that "affected" communities voices are heard and at the table not one already set for us. With sincere respect for the MDE Administration, we seek positive and measurable results where we live, walk, work, and die. We have come to understand that while one's understands the underlying problems and issues surrounding parachute environmentalisms, it is the systemic system one's works within that creates the chaos and conflicts the Ej advocacy groups values.

We hope MDE fully considers building off of the Jemez Principles for Democratic Organizing, including the inherit right for "affected" communities to participate as equal partners at every level of decision-making. "Affected" community's participation engagement needs to be greatly expanded with a proven method giving the opportunity to participate in the decisions at the beginning of the conversations not just listening sessions.

Respectfully  


DRAFT Agreement – August 3, 2017

## B. Maryland Department of Environment

- i. Environmental Justice Policy. MDE will complete development of a statewide Environmental Justice Policy within 18 months of the effective date of this agreement ~~and will complete any necessary regulatory changes required under the plan by XXX. (See Exhibit 5 for an outline of the elements of the Environmental Justice Policy).~~ [SP8] The MDE Environmental Justice Policy will include, but not be limited to:
  - a. Environmental Justice Screen. MDE will require the internal use of appropriate environmental justice screening tools for certain permit applications (See Exhibit 3 for Illustrative List of Permit Applications Subject to MDE Environmental Justice Policy).
    1. MDE will initially use the U.S. EPA EJSCREEN environmental justice screening tool.
    2. MDE may evaluate multiple environmental justice screening tools to determine if there is a need to use other environmental justice screening tool components in conjunction with or instead of U.S. EPA EJSCREEN.
    3. The appropriate environmental justice screening tool selected will be used by MDE to determine if a proposed project is within an environmental justice community, as determined by MDE in its environmental justice policy.
    4. If upon a run of the environmental justice screening tool, a proposed project is determined to be within an area that contains an environmental justice community, then it will be subject to the MDE Environmental Justice Policy, which at a minimum, will provide for enhanced public notification and engagement as part of the permit review process.
  - b. Public Participation Guidelines. MDE, with input from the BTB Coalition and Patuxent Riverkeeper, will prepare guidelines for conducting meaningful and effective public engagement. The guidelines will outline opportunities for meaningful public engagement, including activities such as dialogue, work groups, and public hearings. (See Exhibit 4 for the outline of the Public Participation Guidelines) [SP9][SP10].
  - c. Enhanced Oversight. MDE will consider enhanced oversight of facilities in environmental justice communities pursuant to its environmental justice policy.
  - d. Partner with County Governments. MDE will seek to work with the applicable county governments to coordinate inspection activities and enforcement matters where warranted.
- ii. Environmental Justice Policy Stakeholder Process. MDE will provide the BTB Coalition, the Patuxent Riverkeeper, and other stakeholders with an opportunity to comment on its Environmental Justice Policy.
- iii. Public Information. MDE will add to its website, pages that will provide information on public participation opportunities for permitting activities and grant, loan, and technical assistance opportunities for environmental justice communities. [SP11]
- iv. Monitoring. MDE will assist BTB coalition with citizen monitoring. ~~This needs to be better defined.~~ [SP12]
- v. MDE and Maryland Department of Health will make every effort to meet regularly to discuss environmental justice issues.

# Brandywine/TB, Southern Region Neighborhood Coalition

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**DATE:** March 29, 2019

Brandywine | TB Southern Region Neighborhood Coalition (BTBCoalition)  
8787 Branch Avenue, Suite 17  
Clinton MD 20735

The Honorable Thomas V. Mike Miller, Jr.,  
President  
Senate of Maryland, State House H-107  
Annapolis, MD 21401  
[Thomas.V.Mike.Miller@Senate.State.Md.Us](mailto:Thomas.V.Mike.Miller@Senate.State.Md.Us)

The Honorable Michael Erin Busch,  
Speaker of House of Delegates  
Senate of Maryland, State House H-101  
Annapolis, MD 21401  
[michael.busch@house.state.md.us](mailto:michael.busch@house.state.md.us)

**Re:** Report required by the State Government Article § 2-1246 (MSAR #11623) Environmental Justice Commission  
Report required by (Hb-183-2018)

Dear Gentlemen:

The letter is to inform you that in your acceptance of the report submitted on February 22, 2019 by Gary E. Cunningham Deputy Director of Prince George's Department of Permitting, Inspections and Enforcement on behalf of the Prince George's County Environmental Commission (herein after "Commission"), was not submitted by the Commission of the whole having a consensus according to HB-183 2018, requiring the "Commission" to study and make recommendations regarding... requiring the "Commission" to report it's findings and recommendations to the Prince George's County House Delegation".

It is a matter of fact the non-governmental community representatives and myself were excluded from any contribution, review, and/or briefing of the submitted report being a significantly adverse action against myself as a commissioner subjected to unfair treatment. Additionally, we as community commission members having no input or participation as a "Commission" of the whole **period**, rather backdoored by executive agencies in their lack of transparency.

As an authentic community advocate Commissioner member representative of the public we loath being named party to such an inexpert report as subject matter experts secondly a Title VI is not a case study likewise the many other inaccurate analogies.

In referencing a county resident but rather an "affected community resident"; left out of the drafting to The Prince George's County Delegation HB 1362 (Prince George's County Environmental Justice Commission – Alterations and Extension, PG 421-19). We are concerned with the only change being added was the position of the Prince George's County State's Attorney the sponsor of PG 416-13 | HB 1145 2013, The Report of The Task Force to Study Energy Generation in Prince George's County to the Maryland General Assembly and Prince George's Delegate Aisha N. Braveboy, District 25, being one in the same gives the presumption of a conflict of interest.

Where's the authentic representation to responsible complete any tasks necessary to protect public health and welfare (no adding of the Health Department). White Washing of environmental justice disproportionate and disparate impacts has consequences WHEN IT COMES TO THE ENVIRONMENT, and MINORITY COMMUNITIES in not addressing health risks.

It was for this very reason initially we testified against this bill due to the improprieties of such commissions are unaccountable and without measurable meaningful outcomes leaving environmental justice communities to only further morph into long-term consequences as it relates to our community's public health.

Why was the Commission not commenced until November 21, 2018?; being the first meeting and the second on December 11, 2018, when clearly there was activity by DoE in July 2018 haven been documented. At no time were we as community commission members informed or ever made aware that Mr. Gary Cunningham was the appointed chairman. At no time "ever" did Mr. Gary Cunningham chair a Commission meeting of the whole or that community commission members were party too. Yet, the report states that Mr. Gary Cunningham was the appointed chairman as of October 3, 2019. At both meetings community commission

members present where given the impression that we had no chairman being talks at both meetings verbally expressed with Dr. Sacoby Wilson and by email in reference to him being and/or becoming the chairman of the Commission.

**November 21, 2018**

- a) Present
- Angel and Legislative Aid
- Calvin
- Dawn
- Akosua
- Kamita
- No Dept Reps(?)

**December 11, 2018**

- a) Present
- Angel
- Gary Cunningham
- Dawn
- Akosua
- Kamita
- Dr. Sacoby, with Vernice, Denise & Ramon

On March 8, 2019 a FOIA request was submitted to Prince George's County DoE in seeking information that should have been forthcoming. On March 27, 2019 in a condescending fear-provoking email Dawn Hawkins-Nixon Sustainable Initiatives Division Acting Associate Director stated "Per House Bill 183, this document has been transmitted to the Prince George's County House Delegation according to State guidelines"; attaching the submitted report "after the fact". Additionally, having no knowledge a new bill had been proposed in that we expressed at both meetings the need for critical revisions as to new additional Commission members.

In conference the BTB Coalition discussions concerning the Title VI Complaint against the State of Maryland being investigated according the law reaching an informal resolution with the State of Maryland agencies on January 30, 2019. As the complainant the BTB Coalition or myself shall not be subject to deliberate actions used to send a clear message that complaining is unwelcome and risky for which we reasonably and in good faith believe that these acts are discriminatory.

As well, public concerns about state delegates representation being unintentional or intentional improper influence that the General Assembly exercises oversight in doing business with regard to local governmental commission having a lack of public disclosure and transparency in there's and others actions in turning a blind eye to inappropriate unethical conduct regarding the application of the law.

The State of Maryland General Assembly enacted this Commission. Therefore to instill fear and intimidation that myself might not consider complaining or not making a complaint or the fear of my continued involvement as a Commissioner, as related to the Prince George's County Environmental Justice Commission, as a commissioner and the Title VI being regarded to as a "troublemaker.", in retaliation, and/or subject to the fear of retaliation, being used as a weapon to maintain the power structure within the institutions maybe subject to a complaint. In addition it is my understanding in speaking with the Ethics Counsel., being of the opinion that that the U.S. Department of Justice has no such authority in an allegation(s) of wrong doing over the State of Maryland according to 49 C.F.R. § 21.11(e); or also 40 C.F.R. § 7.100 for which they enforce.

Furthermore, the BTB Coalition was one of the organizations of Concerned Citizen's on the Power Plants meeting with Senator, Thomas V. Mike Miller, Jr., August 6, 2015, were at that time we expressed the severity of the situation as it relates to public health and welfare.

Respectfully yours,

  
BTB Coalition In solidarity, Kamita Gray, President  
Brandywine/TB Southern Region Neighborhood Coalition, Executive Community Citizen's Board (ECCB)

Attachments

- cc: Supervising Title VI Compliance Officers
- Official BTB Coalition Representatives
- Gary E. Cunningham Deputy Director of Prince George's Department of Permitting, Inspections and Enforcement
- Dawn Hawkins-Nixon, Acting Associate Director Sustainable Initiatives Division
- Delegate Michael A. Jackson, District 27B, Prince George's County House Delegation, Chairman
- Delegate Andrea Fletcher Harrison, District 24