

**Maryland State Commission on  
Environmental Justice and  
Sustainable Communities**

**2005 Annual Report**

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## BACKGROUND

Governor Robert Ehrlich statutorily established the Commission on Environmental Justice and Sustainable Communities, by signing it into law on May 22, 2003. It was previously established by Executive Order on January 1, 2001. The Commission is tasked to examine environmental justice and sustainable communities' issues that may be associated with creating healthy, safe, economically vibrant, environmentally sound communities for all Marylanders in a manner that allows for democratic processes and community involvement. Maryland's approach to Environmental Justice (E.J.) is consistent with the approach advocated by the United States Environmental Protection Agency (EPA). EPA calls for States to address Environmental Justice issues as appropriate and for improvements in efficiency and sustainability in the use of resources and production processes. EPA defines E.J. as,

*“The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people including a racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.*

Additionally, Maryland's definition, which builds on EPA's definition, specifically notes that all citizens of the State should expect (1) to be protected from public health hazards and (2) to have access to the socio-economic resources necessary to address concerns about their livelihood and health.

## **INTERIM COMMISSIONERS**

The following Individuals awaiting appointments from the Governor served as Interim Commissioners during the 2005 fiscal year:

Scot Spencer, Commission Chair, Annie E. Casey Foundation  
Senator Ulysses Currie, State Senate Appointment  
Delegate Elizabeth Bobo, House of Delegates Appointment  
Secretary Kendl Philbrick, Maryland Department of the Environment  
Dr. Diane Matuszak, Department of Health and Mental Hygiene  
Secretary Audrey Scott, Maryland Department of Planning  
Ms. Rosa Burenstine, Baltimore Community for Environmental Justice, Inc.  
Rev. Dr. Douglas Edwards, Mission of Love Charities  
Mr. Andrew Fellows, Clean Water Action  
Ms. Moonyene Jackson-Amis, Esq., Council Member Town of Easton  
Ms. Vernice Miller-Travis, Groundwork USA  
Dr. Cliff Mitchell, Johns Hopkins University  
Mr. Joshua Neiman, Esq., Struever Bros. Eccles & Rouse, Inc.  
Ms. Kelly Pfeiffer, Esq., Community Law Center, Inc.  
Dr. Barbara Sattler, University of Maryland School of Nursing  
Mr. Bill Stack, Baltimore City Department of Public Works

## COMMISSION'S ACTIVITIES IN 2005

### **Legislative Review:**

The commission felt it important to give thoughtful consideration to bills brought forward during the legislative session that may have an environmental justice and/or sustainable communities implication. In this light, a Legislative Review Workgroup was established. The group was to: (a) develop criteria for bill selection and (b) determine whether there was legislation requiring attention from the CEJSC and if so, present legislation to the Commission for consideration. Bob Bailey, representative from Senator Currie's office and Melania Pender, representative from Delegate Elizabeth Bobo's office agreed to alert the CEJSC about pending environmental justice related bills.

The workgroup was inclusive of interested citizen members as well as Commissioners. The following volunteers agreed to participate in the Legislative Review workgroup:

- Scot Spencer, Annie E. Casey Foundation
- Paul Oberle, Maryland Department of Transportation
- Kristine Dunkerton, Community Law Center
- Mary Rosso, University of Maryland School of Nursing

There was one bill of interest to the Commission during the 2005 legislative session that the Commission deliberated over— H.B. 470: Appeals of Zoning Regulations and Building Permits by Neighborhood Associations. Although the bill was rejected before formal comments from the Commission was submitted, the draft letter is attached (Appendix A) as an illustration of the kind of input the Commission will provide in future sessions.

### **East Baltimore Demolition Protocol Review:**

One of the Commission's objectives in 2005 was to enhance its relations with Maryland communities through project engagement. As a result of this commitment, the CEJSC carefully reviewed and provided input to draft demolition protocols developed for the East Baltimore Revitalization Project. The East Baltimore Revitalization Project is an ambitious plan to reverse historic trends and, over the next decade, transform a disinvested area of East Baltimore, adjacent to the Johns Hopkins medical complex, into a healthy and thriving community. The economic driver for the project is the development of a privately owned 2-million-square-foot life sciences and technology center, leveraging business opportunities from the medical research capacity of Johns Hopkins, Baltimore's largest employer. This project promises to create an estimated 6,000 new jobs, up to 1,200 new and rehabilitated residential units, a new community school and recreation facilities, public open space, and new retail uses along the existing business corridors.

The East Baltimore redevelopment project is a massive redevelopment project comprising an eighty-acre section with nearly 600 buildings slated to be demolished in the first 30-acre phase alone. Currently, there are no set protocols in the state or nationally to guide demolition in a way that combines active public involvement, public health, and public

safety in demolition activities. Once finalized, the East Baltimore Site Preparation and Demolition Protocol could potentially serve as a national model.

There are concerns from the perspective of East Baltimore Development Inc. (EBDI), City health officials, community residents, and activists about the potential exposures and long-term health impacts particularly on young people, workers, and senior citizens. The protocols developed by EBDI call for a number of preparatory measures and protections including but not limited to: reduced site access by residents; limited deconstruction and removal of potentially hazardous materials; worker protections; particulate reduction techniques during demolition; protection of demolition materials during transit to approved fill sites; and soil removal.

It is also acknowledged by EBDI and the City that these protocols “raise the bar” in terms of their protections and the cost of doing business. Therefore, non-governmental entities may view the adoption of these protocols for general practice as impractical even though they offer impacted populations positive benefits and protections.

Protocols developed for this project require a partial deconstruction of each building. There have been suggestions made to support complete building deconstruction versus the demolition method called for in the Operations Protocol. The basis for this suggestion is that deconstruction will reduce the potential hazards related to the spread of harmful particulate matter better than the site preparation and demolition method outlined in the protocol.

There are, however, human safety concerns regarding complete deconstruction. Given that many of the buildings in the project area have been vacant for some time, their structural stability varies greatly. It is therefore likely that a wholesale deconstruction strategy will result in other staging protections and increased safety hazard exposures due to the length of deconstruction. Complete deconstruction might also require the use of other staging protections.

Baltimore City has a lengthy history of building demolition – either as a “blight reduction” strategy largely undertaken by the City or as part of a redevelopment initiative undertaken by private interests. In either instance, demolition information to impacted communities has varied from passive notifications on buildings to extensive community meetings that sometimes results in “saving” historic buildings from the wrecker’s ball. While the history of demolition in East Baltimore has been more of a City function without broad community notification or engagement beyond condemnation notices, the process developed by EBDI has striven to include extended community input and dialogue into issues related to demolition. EBDI has also developed a notification and outreach strategy that is outlined in the protocols.

The protocols and practices related to demolition activity as a result of this project will establish a new standard within Baltimore City and its approach to community development in the future. However, given the time and added expense associated with a socially responsible demolition practice, there are questions which remain to be answered:

are such detailed measures feasible outside of government action; how does the precedence of this translate to future work for EBDI, other development initiatives in East Baltimore as well as the City; can the protocols and procedures balance the needs for development, particularly in underserved communities, against the needs to protect the health of those most susceptible to illness?

EDBI has also created an expert panel of persons with a wide range of experts to review the demolition protocol and recommend changes to enhance the protocol prior to the initiation of phase two of the demolition and deconstruction activities.

### **Environmental Benefits District Selection Process Review:**

The CEJSC thoughtfully reviewed and provided input to the development of an objective mechanism for identifying and designating Environmental Benefits Districts (EBDs) in Maryland. The mechanism for identifying EBDs entails responses to community characterization questionnaires, community research and GIS analysis. In 2005, two potential EBDs were identified and include, the Town of Easton and Southwest Baltimore City.

### **Summer Retreat:**

On June 29<sup>th</sup> 2005 the CEJSC held a summer retreat at the Annie E. Casey Foundation in Baltimore City. The retreat spurred discussion about many of the issues that had been plaguing the Commission since its inception and the reasons why the issues have not yet been resolved. The issues of concern included: a disproportionate burden of health problems, such as asthma and lead poisoning; a disproportionate siting of locally unwanted land uses (LULUs), e.g., power plants, landfills, and other uses that are associated with environmental pollution; limited opportunities for economic development in certain disenfranchised communities; inequities in research practices associated with environmental health studies; unequal access to hearings, permitting processes, and regulatory protection; and differential establishment and maintenance of water, wastewater, and sewer infrastructure. After a thorough analysis of the issues at hand, the Commission came up with a course of action.

The Commission realizes that with so few members and so many issues that individually take up a lot of time, energy, and resources to address, it cannot possibly resolve every issue without assistance from other informed parties. To this end, the Commission established four working groups to focus on each of the following areas:

- 1) Land Use and Sustainable Development,
- 2) Community Involvement/ Intergovernmental Liaison,
- 3) Legislative and Policy Development, and
- 4) Health and Environmental Research.

Each working group will be lead by three members of the Commission, and include several members from the general public with subject matter expertise or interest. By having

commissioners whose strengths and interests lie in these areas devote all of their attention to developing an action plan with stakeholder input, the Commission anticipates having a successful and productive year. Notes from the summer retreat are attached as Appendix B.

### **Community Health Indicators Project:**

During 2005, the Health and Environmental Research Subcommittee continued to pursue funding opportunities to further the Community Health Indicators Project. The commission would like to take this existing work to the next level by partnering with communities to gather input on the types of indicators that are of most benefit to communities. Thus far, the Commission has established partnership with the Washington Village/ Pigtown Neighborhood Planning Council to help reach residents of Washington Village to serve as pilot community for refining community indicators.

The Community Health Indicators Project was borne in response to the community concerns previously expressed to the Commission about the lack of appropriate resources and existing data to assess whether communities in the State may be experiencing environmental justice issues. The Community Health Indicators project is expected to culminate in a tool that could potentially be used by stakeholders— community residents, state planners, environmental officials, potential investors, and others to aid in environmental protection and community planning.

At its present stage of development, the community profile tool represents a template of indicators and characteristics still in progress and in need of extensive peer review, community and other stakeholder input, modifications, and pilot testing, before it can be a fully functional tool. Recommendations for next steps in the development process are outlined in the Commission's Community Profile Tool Development Report. The report documents the work of the Commission in developing a community profile tool to assist with addressing environmental justice and sustainability issues in Maryland. The report is attached as Appendix C.

### **Bylaws:**

A set of bylaws were developed in 2005 by commissioners to augment the Commission's mandate as outlined in House Bill 970 and to ensure consistency and efficiency in the way the Commission does business.

## COMMISSION'S OBJECTIVES FOR 2006

In the coming fiscal year, the Commission will execute tasks to fulfill the mission and goals developed by the four Subcommittees formed as an outcome from the summer Retreat. The objectives for 2006 are outlined below.

### 1) Health and Environmental Research Subcommittee

Cliff Mitchell, Chair

#### **Mission —**

The purpose of this subcommittee is to use sound health and environmental research to identify and mitigate health and environmental hazards that exist in communities.

#### **Goal —**

- To continue efforts to develop a comprehensive health indicators tool for communities, agencies, and the legislature. The tool, which builds on the work done to date by the Working Group, is conceived of as an interactive display that integrates environmental stressors and assets, health indicators, and social/economic indicators in one graphic or tabular display.

#### **Strategic Approach —**

- The Working Group intends to work with one or more local community pilot sites, and to seek funding for the development of a working model of the tool.
- In addition to working with community interests, the Working Group will also seek to expand its interactions with and representation from other agencies that might play a role in the ultimate design and utilization of the tool.

### 2) Legislation and Policy Development Subcommittee

Kelly Pfeifer, Chair

#### **Mission —**

The purpose of this subcommittee is to examine and contribute to legislation and policy development related to the issues of environmental justice and sustainable communities throughout the state of Maryland.

#### **Goals —**

- To assist with achieving the overall mission of the CEJSC via legislation and policy development.
- To improve existing environmental justice and sustainable community legislation and policy.
- To advise on new legislation and policy related to environmental justice and sustainable communities.

### **Strategic Approach—**

- Create a functioning committee with a mixture of Commission members, community members, and outside experts;
- Collaborate with other workgroups to determine how their goals can be accomplished via legislation and policy development;
- Work with other organizations or groups on legislation and policy initiatives related to environmental justice and sustainable communities;
- Develop relationships with legislators and policy-makers with strong interests in environmental justice and sustainable community issues;
- Together with the Commission and the other workgroups, identify/prioritize a maximum of three legislation and policy development objectives for the coming year;
- Participate, as needed, in other workgroup discussions;
- Create and/or work on existing legislation and policy development discussions as relevant to the mission of the CEJSC.

### 3) Land Use and Sustainability Subcommittee

Vernice Miller-Travis, Chair

#### **Mission –**

The purpose of this subcommittee is to bring more clarity about the relationship between good land-use planning and the growth and development of sustainable communities across the State of Maryland.

#### **Goals –**

- To develop specific sustainable land-use policies that the Governor and State Legislature will support and promulgate through legislative initiative.
- To create a more positive climate among local officials to implement equitable and sustainable local land-use practices and policies.

#### **Strategic Approach –**

- Create a functioning committee with a mixture of Commission members, community members, and outside experts.
- Collect research and data on the topics of:
  - a) the environmental impacts of land-use planning and facility siting,
  - b) achieving environmental justice through land-use planning, and smart growth development,
  - c) the intersection of race, class, land-use planning and development.
- Develop a strategic work plan with public input to establish committee priorities.
- Identify/prioritize a maximum of three programmatic objectives for the coming year.
- Hold public fora across the state on ways the public can inform, impact and influence local land-use planning.

- Hold briefings for relevant state and local government entities on creating and supporting sustainable local communities through good land-use planning and public involvement.
- Share best practices from other local jurisdictions who are utilizing good land-use and development practices and policies,

#### 4) Community Involvement and Intergovernmental Liaison

Rosa Burnstein, Chair

##### **Mission —**

The purpose of this subcommittee is to enhance public involvement in civic processes and encourage collaboration among all parties in addressing environmental, health, and economic disparities that may exist in some communities.

##### **Goal—**

- To make CEJSC become recognized as a forum for addressing community concerns
- To Generate awareness about EJ and CEJSC among all levels of government and other stakeholders.

##### **Strategy—**

- Meet with Director of Planning, Baltimore City and subsequently other planning directors through out the state. Letters for submission to heads of planning at the local level have already drafted.
- Meet with as many residents as possible in various communities in an effort to bring them to the decision-making table.

## COMMISSION'S RECOMMENDATIONS

### **Funds for implementing EJ efforts**

The Commission recommends consideration of project funding of \$250,000 to more fully develop a Community Profile Tool through state appropriations. Additionally, the Commission may pursue funding opportunities from other sources, such as federal agencies and philanthropic organization. The value of developing a community profile tool is to provide a reference point for various stakeholders, including: the community, state planners, environmental officials, investors, and others to consider when working to address disparate environmental impacts and revitalization communities. The investment in a community profile tool will assist agencies with prioritizing communities in need of assistance and for enhancing a community's ability to access data about the environmental quality of its neighborhoods for planning purposes.

The Commission feels that this is a very small initial investment to provide the citizens of Maryland with basic information so that they can more fully participate as stewards of a healthier future.

### **Statewide prioritizing system to remedy marginalized communities**

The Commission recommends that all state agencies develop a prioritizing system for their programs to help mitigate the environmental and health impacts in disadvantaged communities. This system would ideally help leverage resources in targeted areas within the state that have been identified as being or face the threat of becoming marginalized. The Maryland Department of the Environment (MDE) is working on implementing Environmental Benefits Districts (EBDs), places where government and other stakeholders can optimize their resources to benefit communities in a proactive way. MDE has identified EBD zip codes in Central and Western Prince George's County and in East Baltimore as pilots. The Maryland Department of Planning is implementing the State's Priority Places framework to enable sound land use practices, economic growth, environmental protection, and community revitalization.

### **Renewed Commitment**

The Commission recommends that each state agency demonstrate full commitment to the Environmental Justice and Sustainable Communities initiative by allocating dedicated staff to this effort cause. Dedicated staff will be responsible for fostering collaboration within their home agency, among other state agencies, and with the Commission on Environmental Justice and Sustainable Communities, to assist communities in need. Dedicated staff will strive to effect change in communities by proactively listening to community concerns; reviewing their agency's programs and policies that may help address community concerns; and implementing strategies that promote environmental health and economic vitality in disadvantaged communities.

### **Expansion of Commission membership**

The commission recommends the expansion of state agency appointments to the commission. These should include but may not be limited to the Department of Housing, Department of Business and Economic Development, and Department of Transportation. Currently, the agencies appointed to the commission are the Department of Environment, Department of Health and Mental Hygiene, and Department of Planning. In order to address EJ issues from a holistic standpoint, it will require a collaborative strategy crafted through the involvement of all state agencies because EJ issues are crosscutting in nature and fall under the purview of multiple state agencies as well as the various levels of government. In addition to the increased state agency representations, two more representatives from the community at large are recommended, bringing the total number of Commissioners to 20.

### **New Legislation**

The Commission recommends the proposal of enabling legislation, which would encourage mindful, lead-safe demolition activities in Maryland by implementing demolition protocols such as those developed through the East Baltimore Development Initiative for the purpose of eliminating lead contaminated housing and lead poisoning statewide. The Legislation might be adopted as an expansion of existing Brownfields Law.

## APPENDIX A

### SAMPLE BILL SUPPORT LETTER

Del. Maggie L. McIntosh  
Chairman, Environmental Matters Committee  
Lowe House Office Building, Room 141  
84 College Ave.  
Annapolis, MD 21401 - 1991

**Re: H.B. 470: Appeals of Zoning Regulations and Building Permits by  
Neighborhood Associations**

Dear Del. McIntosh:

I write on behalf of the Maryland Commission on Environmental Justice and Sustainable Communities to ask your Committee to consider our recommendations for H.B. 470. Our recommendations include some ways in which this bill might be made still more helpful to make Maryland's communities sustainable and further environmental justice in the state.

The Commission on Environmental Justice and Sustainable Communities was established by Executive Order 01.01.2001.01 because the State of Maryland supports, and is committed to, the principle of environmental justice and equal protection of all citizens of the State in a manner that fully complies with Title VI of the Civil Rights Act of 1964. Environmental justice is based on the principle that regardless of race, national origin, age or income, no segment of our population should bear disproportionately high and adverse effect of environmental pollution. We recognize that certain communities in the State may suffer disproportionately from environmental hazards related to programs and policies designed to encourage industrial, municipal or commercial revitalization and that fair treatment suggests that no community should disproportionately suffer such negative environmental impacts. We believe this legislation furthers Maryland's compliance with Title VI and moves the State forward in its commitment to environmental justice.

Often, the Commission is frustrated by the fact that communities are often faced with threats to their health, safety and welfare because of a decision to site a particular land use in or near their homes. If the communities had the opportunity to appeal adverse zoning decisions to the Circuit Court, they may not be faced with these threats. In many instances, neighborhood groups want to oppose inappropriate activities in their communities. Often the community association is willing to accept these activities, but only with conditions such as limited hours of operation. And sometimes neighborhood groups support proposals that will strengthen the community economically or socially. Either way, they should have the legal standing to allow them to have their voices heard.

In zoning matters, neighborhood associations can bring a broader view of the needs and problems of the community. A neighborhood association's stated position reflects the judgment of its elected board and officers. Associations, therefore, can address the board with added authority. When, as often happens, a particular land use is debated for years, an association can continue the struggle while a lone individual might die, move away, or give up.

Current Maryland law, however, does not allow a neighborhood association to appeal decisions of the zoning board to the Circuit Court. Only owners of property are deemed "persons aggrieved" by the decision and so allowed standing to appeal. This procedure is unsatisfactory for several reasons. It obscures the fact that the opposition to the zoning board is much broader than the single individual with standing. It also denies the fact that the negative impact may be much more extensive than to those near-by property owners willing and able to file an appeal, if there even are any such nearby property owners. This artificial constraint of current standing law endangers the principle of judicial review.

H.B. 470 would dramatically improve this situation. It would allow the board of a neighborhood association to file for judicial review of zoning board decisions, if the association met certain criteria. Such suits would bring the advantages of continuity, authority, and broad outlook to the Circuit Court.

Our recommendations for improvement of the bill concern the criteria that associations must meet to gain standing under H.B. 470. Proposed subsection 20-101(b)(3) limits the "community associations" benefited by the bill to those that have 501(c)(3) or (4) tax-exempt status. Larger neighborhood associations are usually 501(c)(3)'s because that makes them eligible for foundation grants. But many groups that have worked for years to improve their neighborhoods do not, nor should they, have 501(c)(3) or (4) status with the IRS. They do not have staff or skilled volunteers who could fill out grant applications or to maintain the required paperwork. Moreover, simply filing for 501(c)(3) status costs at least \$150. Many groups in distressed areas of the State rely on membership dues and the occasional fundraiser. For such groups, the cost of 501(c)(3) status outweighs the benefit. But these groups have the same zoning concerns as other neighborhoods in the state. They, too, should have standing to appeal zoning board decisions.

The Commission therefore recommends that §20-101(b)(3) be amended to require only that community associations be Maryland corporations. If the board wants a narrower definition of community associations, §14-120(a)(2) of the Real Property Article provides an excellent definition of "community association." It requires that the association be chartered to benefit a community and has contiguous boundaries, but it does not make 501(c)(3) or (4) status mandatory.

The Commission also has some concerns about the membership vote that a community association would be required to take, under proposed § 20-103, before it could file for judicial review. We appreciate the desire to ensure that the decision of an association's board reflects the view of the membership. But as a general matter, we should assume

that the board does. The board is elected, and will be accountable to the membership at the next election (if not sooner) for the board's decision to go to court. Furthermore, the 75% supermajority requirement to approve an appeal is very demanding. Even if only a majority, or two-thirds, of those voting support filing an appeal, their feelings, plus those of a majority of the board, are sufficient evidence of neighborhood sentiment.

Furthermore, under Rule 7-203(a) of the Maryland Rules of Procedure, an association has only about thirty days to decide to appeal from the date the zoning board issues its decision. Most associations meet once a month, at most. If the monthly meeting falls a day or two after the zoning board decision comes out, it will be impossible to notify the entire membership that they will be voting on whether to appeal a zoning board decision. And by the next monthly meeting, the deadline for judicial review will have passed.

If the committee wishes to retain some version of proposed § 20-103's membership vote, we can suggest some alternatives that accommodate the reality of neighborhood organizations. First, the 75% vote threshold ought to be reduced to a simple majority or at most two-thirds. Second, the Legislature should make it clear that the membership of a community association can authorize the board to apply for judicial review in advance, i.e. before the zoning board announces its decision. At a monthly meeting the membership could authorize the association's board to appear before the zoning board and, if the zoning board's decision is adverse, to petition for judicial review.

Finally, we acknowledge that the 5-mile radius may present problematic jurisdictional issues. We do understand, however, the larger challenge of pollution not honoring these geographic boundaries, especially when sites, or access to sites, may rumble through a number of communities. We urge creative thinking and a reasonable compromise on this issue.

H.B. 470 will greatly improve existing law by making it easier for Marylanders to come together to defend and enhance their neighborhoods. The Commission urges serious consideration of our recommendations.

Sincerely yours,

Scot Spencer  
Chairman

## **APPENDIX B**

### **COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES (CEJSC) RETREAT ANNIE E. CASEY FOUNDATION BALTIMORE, MARYLAND**

**June 29, 2005**

#### **Agenda and Draft Notes**

- 9:00 a.m.      **Introductions and Statement of Interest in the Work of the CEJSC**
- 9:30-11:00    **Review of the Mission, Structure, and Accomplishments of the CEJSC**
- Is the existing mission/structure effective?
  - What changes need to be made for better results?
  - What are other states doing and which activities can be benchmarked?
  - What progress has the commission made to date and what are the unfinished businesses? Include activities and outcomes of past workgroups.
  - What are the barriers to the major areas of CEJSC work: Example, land use, health impact, sustainable development, and community engagement?
- 11:00-11:15   **Break**
- 11:15-12:30   **Land Use & Other Impacts on Environmental Justice**
- What is the citizen's obligation?
  - What is the local government's role?
  - What are the state and federal government roles?
  - Discussion about convening a workshop on EJ & land use
- 12:30-1:15    **Lunch Break**
- 1:15-2:45     **Community Involvement Strategies**
- How can the CEJSC get communities to come to the table with their issues?
  - What table should communities come to and for what purpose?
  - Who besides communities should be at the table?
  - What is the commission's response to community issues? (process)
  - How does the commission seek resolution to community issues?
- 2:45-3:00     **Break**

- 3:00-4:00      **Identification of Next Steps for Coming Year**
- Clarification of commissioners' and ex officio members' roles
  - Establish working groups to complete identified tasks for the coming year
  - Establish time table for completing tasks
  - Come up with 2005 recommendations to the Governor and Legislature

4:15              **Adjourn**

## **SUMMER RETREAT MEETING NOTES**

### **(i) Review of the Mission, Structure, and Accomplishments of the CEJSC**

Issues for 2006

1. Website development for health indicators
2. Land use impacts on EJ
3. Community Involvement (CI) strategies

### Concerns

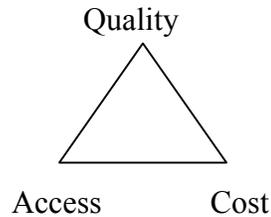
1. Committee composition- need more robust membership.
  - Accountability
    - Change meeting times in order to get more community involvement
    - Change state locations to get greater involvement
2. Lack of Governor's and Legislature's response to recommendations in annual report
3. Over-representation of state employees
4. Need contact persons for local governments
5. Issues for urban communities differ from rural- EJ issues not as obvious, they are much less evident
  - Need greater sensitivity to recognize subtle EJ issues
  - Need local government diversity- staff composition should be representative of community's diversity.
6. EJ problems hard to determine, thus it is hard to get resources
  - State/government problem
7. Problem: People looking for traditional EJ problems (e.g. cancers)
  - **Case study: East Baltimore Woodland Village sewage problem in Indian Head- lack of infrastructure, a public health problem**
  - REFOCUS on EJ in MD, not national problem
8. Racial history in state of Maryland setting precedence, e.g. P.G. County where race is the major issue rather than poverty.
  - Creates a unique problem incomparable to other states.
  - Solution: Still visit other commissions and see what they're discussing

Environmental Burden Statistics – {Blacks have more bodily toxins than whites; the poor have more health problems} → Synergistic effect?

→ Race and Poverty are therefore the greatest issues and frame the problem, rather than EJ

→ Problem: Nutrition

- EJ issue, i.e. can't buy fresh produce in poorer community



- Environmental Justice is a poor way to frame the issue. The term ‘sustainable communities’ is more holistic and encompassing of EJ. Don’t change the name of EJ, change the definition instead.
- Recommendations need to be Action Plans!

### Improvements

1. Emphasize sustainable communities over EJ  
→ Counter: emphasize “quality of life”
2. More holistic definition of our environment- inclusive of ecological, social, psychological, etc. aspects.
3. Environment is everything that affects the way you live: environmental racism (source of the problem)→ environmental equity→ environmental justice→ change the mission and determine its reference to communities.
4. Ask the question: what are we doing to improve the quality of life in Maryland?
5. CEJSC should consider possibility of alternate structure to become more functional. For example, to assure Chesapeake Bay protection, an independent commission (the Critical Area Commission) exists to regulate all jurisdictions. The commission holds jurisdiction to state mandate from EPA→ other agencies must comply with written programs that they create. Non-compliance results in legal penalization.  
Counter: there is an economic incentive to improve Chesapeake Bay because of the benefits to the entire state- very different politically from EJ issues.

### What Other States Are Doing

→ PA DEP has the Office of the Environmental Advocate (OEA)  
“Trigger Permits”

- NY has developed a permit policy, which allows regulators to deny permits based on EJ impact. To accomplish this, NY's EJ advocates hired best attorney to present the case to NYDEP.
- Permits that could lead to public concern- have enhanced public involvement. Refer to 10-Step permitting process (e.g. CAFO- research)
- Problem: Brownfields laws vs. Permitting process- regulators don't enforce the laws, therefore there is no need to comply even with increased participation.
- Problem: Site selection process begins before the permit process.  
Possible solution: Give oversight to county governments in land use review.

### Committee Recommendations

1. Statutory authority
2. Interagency/commission cooperation
3. Use existing laws on equity to address EJ
4. Establish local government liaisons
5. Collaborate with local government to ensure that mutual needs are met, as well as industry.
6. Use MD EBDs to identify problem communities.
7. Give the ability to veto permits.
8. Grant early involvement in the permitting process.
9. Rule to give state oversight of county's facility siting.

### **(ii) Land Use & Other Impacts on Environmental Justice**

1. "Expulsive zoning: The Inequitable Legacy of Euclid" by Prof. Yale Rabin details the history of EJ and displaced residents (e.g. Native Americans and Blacks).
2. Land use and zoning in 20<sup>th</sup> century was used for segregation until the 1970 Buchanan decision overturns the policy, federally.
  - The intention of placing factories in poor minority areas was not to make them live in it, but to displace them, but these minorities could not leave because of financial inability. As a result:
    - Increased overcrowding of blacks in these areas
    - Segregation increased
    - MD the most northern slave-holding state; this was particularly harsh because Delaware was a free state, so fugitive slave act enforced Union on DE border, confederacy on MD border.

### Citizen Obligation

1. Understanding local regulations and plans
2. Understanding local land use processes
3. Understanding WHEN public can participate
4. EJ advocates need to be at planning board meetings

### Power of Local Government

1. Federal government has no authority over local land use and zoning ordinances unless it is an issue of national security.
2. How to teach the public about the means to influence zoning (i.e. State and Federal government roles- deference to local government).
3. Montgomery County's Inclusionary Zoning- "Affordable housing program"- developers are required to set aside a percentage of houses in any new development for low to moderate income buyers.

### **(iii) Community Involvement Strategies**

1. Getting communities more informed (i.e. through newsletters)  
→ sub-committee to inform communities

Missing from Public Participation Guide (PPG) is how to use the MES in EPA training for the issues

2. Better community group representation on CEJSC  
→ sub-committee focus on land use and community involvement
3. Better usage of the "ethnic-sympathetic" press
4. Tie EBDs into priority places and smart growth for the state  
(EBDs- coordinated efforts between state and agencies)
5. Use media representatives
6. Use youth representatives
7. Conduct evening meetings
8. Educate community about CEJSC
9. EPA Region. 3 is available to offer public outreach training
10. Contact reporters about how they can be used to promote the work of CEJSC- use mainstream and alternate media

### **(iv) Plans for Upcoming Year- Recommendations**

1. Commissioners chair sub-committees
2. Commissioners should communicate and bring information to the table as well as take it back to their constituencies
3. Mandatory meeting enforcement
4. Recruit committee members
5. Create a subcommittee for "Land Use and Sustainable Development"
6. Create a subcommittee for "Community/Public Involvement Initiative" with an intergovernmental/interagency liaison
7. Environmental concerns and [land] development/research
8. Involve state agencies and local government more
9. CEJSC to address the MD Environmental Matters Committee (Maggie Macintosh)

10. Initiate termination letter to commissioners who have attended less than the required 50% of scheduled meetings.
11. Look into getting MD Chemical Council representation on the commission representing business interest.

CEJSC Workgroups and Chairs

1. Land Use and Sustainable Development (Chair: Vernice Miller-Travis)
2. Community Involvement/ Intergovernmental Liaison (Chair: Rosa Burenstine)
3. Legislative and Policy Analysis (Chair: Kelly Pfeiffer)
4. Health and Environmental Research (Chairs: Cliff Mitchell & Robyn Gilden)

**Action Items:**

1. Chairs to recruit two other commission members to their subcommittee.
2. Workgroups to develop a draft work plan for coming year.
3. Draft work plan to be discussed and approved during the September 21<sup>st</sup>, 2005 meeting.
4. During September 21<sup>st</sup>, 2005 meeting, specific recommendations to be decided on for the 2005 Annual Report to the Governor and General Assembly.

**June 29, 2005 CEJSC Retreat Attendance List**

Dorothy Morrison, Maryland Department of the Environment (MDE)  
 Reginald Harris, US Environmental Protection Agency (US EPA) Region III 215-814-2988  
 Scot Spencer, Annie E. Casey Foundation  
 Barbara Sattler, University of Maryland School of Nursing  
 Shahatra Allen, MDE  
 Bill Stack, Baltimore City Department of Public Works  
 Moonyene Jackson-Amis, Council Member, Town of Easton  
 Tory Ameree, Department of Health and Mental Hygiene (DHMH)  
 Carlita Lindsey, Maryland Department of Planning (MDP)  
 Arthur Wily Ray  
 Hal Yates, US EPA Region III  
 Betty Dabney, MDE  
 Edward Dexter, MDE  
 Phil Heard, MDE  
 Diane Matuszak, Department of Health and Mental Hygiene (DHMH)  
 Nadine Jackson-Bey, MDE  
 Rosa Hart Burenstine, Baltimore Community for Environmental Justice  
 Vernice Miller-Travis, Groundwork USA  
 Andrew Fellows, Clean Water Action

Delegate Elizabeth Bobo, Maryland House of Delegates  
Paul Oberle, Maryland Department of Transportation (MDOT)  
Dawn McLeary, Maryland Department of Natural Resources (MDNR)

Notes by Shahatra Allen  
Technical Assistant, MDE

## APPENDIX C

### COMMUNITY PROFILE TOOL DEVELOPMENT REPORT

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## EXECUTIVE SUMMARY

The mission of the Community Health and Protection Working Group of the Commission on Environmental Justice and Sustainable Communities (CEJSC) was twofold: (1) to recommend to the CEJSC a series of useful environmental and health indicators related to community environmental concerns that could be used by stakeholders in environmental protection and community planning; and (2) to recommend a means of presenting the indicators that would be useful to various potential stakeholders, including the community, state planners, environmental officials, potential investors, and others.

The working group met regularly over 18 months, and considered a range of proposals. The group's final recommendations to the CEJSC include:

1. Solicit opinions from a broad range of potential users and stakeholders regarding the plans for a community profile (both the type of data and presentation format)
2. Refine the indicators and the profile format, based on solicited comments
3. Pilot test the community profiles among a broad range of potential stakeholders in selected communities
4. Determine what kind of resources and collaborations would be required to maintain the profiles.
5. Decide whether to support the implementation of a full set of community profiles in the state at the zip code level.
6. Further study, assess and refine the means of communicating the profiles to a diverse audience to ensure their usefulness
7. Coordinate with other efforts in the state to develop a "next generation" of health and environmental quality tracking indicators.

These proposed activities are a means of building a better communication bridge between neighborhoods, businesses, regulatory agencies, and policy makers on matters of community well-being and environment. The foundations of this bridge are standardized, objective, and comprehensible data about the health and environmental conditions in a community, and an approach for conveying this information that promotes constructive dialogue.

## INTRODUCTION AND BACKGROUND

The main purpose of this draft document is to present proposed indicators and a format for their presentation (the community profile) related to community environmental concerns for use by stakeholders in environmental protection and community planning. These indicators deal with community, health, and environmental characteristics that could be useful in an environmental justice tool kit. Among the many stakeholders involved in this process – state agencies, communities, business interests, academic researchers, and others – the ultimate responsibility for the development and implementation of these indicators rests with the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC). These indicators have been developed over the past year and half, but are not yet final. Input needs to be received from stakeholders, including local governments, state and Federal agencies, the public, and many other public and private interests.

Community indicators have been under discussion at the Commission for Environmental Justice and Sustainable Communities (CEJSC) for approximately three years. Three work groups – the original Community Index Workgroup, the JHU-led project in Little Washington in Prince George’s County, and, most recently, the current Community Health and Protection Working Group – have worked under the direction of the Commission to develop community indicators and means to implement them.

The Community Health and Protection Working Group of the CEJSC began meeting on March 10, 2003. The group’s mission, developed over the first several meetings, was twofold: (1) to recommend to the CEJSC a series of indicators of health and environmental health in local communities; and (2) to recommend a means of presenting the indicators in a manner that would be useful to various potential users, including the community, state planners and environmental officials, and others. Participants in the working group included academic health experts and representatives from state government agencies, along with occasional input from local Baltimore community members and representatives from environmental advocacy groups and local agencies.

The working group wanted to ensure that its final recommendations would help to:

- Provide an easy-to-use tool that would allow communities, agencies, and organizations to understand and respond to local health and environmental conditions and concerns
- Make it easier for communities and others to identify and assess community capacity (such as income resources, population, education, and other community characteristics), potential opportunities and barriers related to health and environmental quality
- Present indicators of health, environment, and equity in a non-judgmental fashion that would enhance and inform public discussions of these issues.

The working group could not anticipate all of the potential uses of the community profiles, but some of the possible applications might be:

- Community groups and regulatory agencies could use the information in responding to potential facility siting and permitting questions. This could be particularly useful for community groups, who now have to go to many different sources to find even basic information about their community.
- Community leaders could use the information to inform deliberations over health and environmental priorities, and to set benchmarks or goals for improvements in health or environmental quality.
- Community residents could use the information to answer their questions about local health and environmental conditions, or to raise public awareness.
- Community members and businesses could use the information to establish dialogues about local business development and community revitalization.

There is a challenge in conveying information to such diverse groups of people. This project presumes that there is a need for a better communication bridge between neighborhoods, businesses, regulatory agencies, and policy makers. Community profiles are part of that bridge because they provide a common starting point for the discussion of community issues. Profiles alone are not enough, however. The real value appears when the profiles, the data, are presented and explained in a way that helps interested parties put the facts into perspective, determine where more information is needed, and find a constructive path for the future. The success of community profiles therefore depends, in part, upon how they are perceived and understood. Thus, there is a need to study and plan for how these community-level data will be presented to diverse audiences.

The community profile is meant to give a snapshot of a community, to offer a picture of the current health and environmental quality of a community, and to offer some guidance to planners and community members about the potential impacts of, for example, new facilities on environmental quality. It could also be used by a community to discuss how to set priorities for development or amelioration of environmental damage.

While community health and environmental profiles have the potential to serve many uses, they are a challenge to create. In an ideal world, our data resources would be highly relevant, accurate, and easy to obtain. This community profile project is an invaluable step in moving us in that direction. Today, to create a community profile, one needs a measure of luck for the data to exist in the first place. Beyond that, one needs permission to obtain the data and assistance – real staff time from different agencies – to extract, organize, and deliver the requested data, and additional resources to analyze the data and record the findings.

It is also important to understand that the profile represents the status of a community at a given point in time, or over a relatively short period of time. Thus it has limitations for examination of long-term hazards or effects, unless the information is periodically updated.

In effect, this project is demonstrating how to make existing data resources more effective for community issues. The mechanics of finding and using community-level data throughout Maryland can be made more streamlined and efficient through this effort.

Some of this information is already available in user-friendly tools. The EPA's "Enviromapper" now offers an Environmental Justice component, but it does not contain health data. Baltimore Neighborhood Indicators Alliance has developed an extensive interactive web site with many useful indicators for quality of life, but these are limited to Baltimore City. "Scorecard", a project of Environmental Defense, combines nationwide environmental information but does not contain health data specific to Maryland. In short, no existing application meets all the Commission's needs for presenting environmental, health, quality of life and other useful information all in one place.

## SELECTION OF HEALTH INDICATORS

The first activity of the working group was the selection of health indicators for use in the community profiles. This involved review of literature on environmental health indicators, discussions with other groups involved in similar efforts across the country, and extensive deliberations within the working group.

The questions that framed the discussion of health indicators included the following:

1. What indicators are most commonly used to describe the *overall health* of a community?
2. What health indicators are most closely or directly associated in the scientific literature with *acute or immediate effects* from environmental exposures?
3. What health indicators are most closely identified in the scientific literature with *chronic or long-term* health effects from environmental exposures?
4. What are some of the more speculative relationships between environmental exposures and either acute or chronic health effects, for which data might not be available currently, but which should be at least considered in the creation of a community profile?

The working group identified some critical issues:

- *Our current ability to relate environmental exposures to any specific health outcomes or population health is limited, especially when exposure data are not available at an individual level. Many if not most of the determinants of population health are related to a broad array of genetic, socioeconomic, and demographic variables. The relative contribution of environmental factors is poorly understood for many diseases.*
- *Current environmental quality may not accurately reflect past conditions and their contribution to present health status.*
- *In addition, the ambient measurement of environmental pollutants does not necessarily indicate the actual dose to an individual or population. The true individual dose, which is more relevant to individual health risk, is in most cases difficult or impossible to determine.*
- *Therefore one should not look at current indicators of environmental quality and health as being causally related. In general, community health and environmental indicators are not yet reliable indicators of environmental health risk, although they can be useful in identifying potential problems.*
- *Direct comparison between different communities may not be meaningful, because of differences in other determinants of health besides environmental exposures. Nevertheless, some benchmarks may be useful.*

Because of these constraints, the Community Health and Protection working group decided to develop a set of general health indicators with some emphasis on environmental health that communities and regulatory bodies can use to assess the status of a community, compared with other locations (*e.g.*, county, state), and set priorities. The process began with a review

of existing surveys and tools at the local, state, and national level and collaboration with the Community Index Working group. The Community Index Working group developed and tested a set of demographic and environmental indicators in one community in Maryland to see what data were available and how useful it was to the decision-making process<sup>1</sup>. Among the conclusions and recommendations of the Community Index Working group were:

Overall, we found assessment of the Maryland Commission's Framework to be a useful tool in assessing Central Prince George's County. However, the assessment was difficult and very time consuming. A period of three months was not sufficient time to adequately address all aspects of the Framework.

\*\*\*\*\*

The Framework, as it now stands, is somewhat cumbersome and will not benefit communities without significant assistance. Some suggestions for how to assist communities:

- Compile a list of resources that community members can use to perform an assessment,
- Provide technical support and assistance, perhaps through a University,
- Consider variables not included in our study that could be important or problematic such as health, change in property values and voting,
- Undertake a pilot study with community members doing the research,
- Follow through with the CPGC project because the landfills do impact the community members<sup>2</sup>.

The Community Health and Protection Working group also sought out other Environmental Justice Commissions and organizations across the country to share ideas and lessons learned, including New Jersey, New York, and the Center for Health, Environment, and Justice in Falls Church, VA.

Early in its deliberations the working group decided to attempt as much as possible to organize, analyze, and present data at the zip code level. An advantage of zip codes compared to county level information is that the results could be more useful to specific communities. However, much environmental and health data are not collected at the zip code level, and for less common health outcomes there might be too few cases for meaningful analysis or adequate protection of confidentiality. Thus, the working group recognized that there might be limitations in the data at this level.

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<sup>1</sup> *Community Assessment for Central Prince George's County. A Report Based on the "Framework for Evaluating Environmental Justice Issues" in the 2001 report of the Maryland State Commission for Environmental Justice and Sustainable Communities.* Baltimore: Johns Hopkins University Program in Environmental Sciences and Policy. 2003.

<sup>2</sup> *Ibid*, p. 46.

The working group struggled to suggest a set of desirable health indicators, and evaluated them according to two criteria: (1) Do they represent a basic picture of the overall health of the community; or (2) Do they correspond to known or suspected indicators that have been linked to environmental exposures? This was a difficult task. Many of the indicators have been suggested as possibly related to environmental exposures, but the relationships are complex and multi-factorial in most cases. It was complicated further by the fact that many potential indicators were not currently collected systematically by any agency or organization.

Eventually, the working group suggested a list of possible indicators on the basis of the criteria above: indicators of general community health; the strength of their relationship to environmental conditions; and the quality and availability of the corresponding data. The suggested criteria are listed in Table 1.

**Table 1. Potential Health Indicators**

| <i>General Health Indicators Thought To Be Currently Available With Relatively Little Difficulty</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• All cause mortality adjusted for the age and sex distribution of the population</li> <li>• Age distribution of population</li> <li>• Cancer mortality (overall and for specific types of cancers)</li> <li>• Infant mortality               <ul style="list-style-type: none"> <li>○ Fetal</li> <li>○ Neonatal</li> <li>○ Infant</li> </ul> </li> <li>• Top 10 causes of morbidity for community</li> <li>• Low birth weight rate</li> <li>• Blood lead levels</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <i>Possible Community Health Indicators</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <ul style="list-style-type: none"> <li>• Asthma rates               <ul style="list-style-type: none"> <li>○ ER visits</li> <li>○ Asthma mortality rate</li> <li>○ Asthma treatment rates in hospitals and schools</li> <li>○ Medicaid encounters for adult population</li> <li>○ Asthma hospitalizations and emergency room admissions</li> </ul> </li> <li>• Birth defects rate</li> <li>• Diabetes</li> <li>• Disabilities (SSDI claims rate)</li> <li>• Autoimmune disease               <ul style="list-style-type: none"> <li>○ Lupus</li> <li>○ Multiple Sclerosis</li> <li>○ Sarcoidosis</li> </ul> </li> <li>• Neurological               <ul style="list-style-type: none"> <li>○ Learning disabilities (percentage of students in special education classes)</li> <li>○ Mental retardation</li> <li>○ ADHD</li> <li>○ Autism</li> </ul> </li> <li>• Mental Health               <ul style="list-style-type: none"> <li>○ Depression</li> <li>○ Anxiety</li> <li>○ Substance abuse</li> </ul> </li> <li>• Chemical poisonings</li> <li>• Obesity</li> <li>• Blood levels of mercury, PCB's and other important environmental contaminants.</li> </ul> |

We broke the indicators into two categories. The first included indicators that the working group felt would be relatively easy to collect and analyze with currently available data, and would also have sufficient quality to be useful and valid. These included general indicators of community health (such as mortality) and currently available environmental indicators (blood lead levels). Category 2 indicators were thought by the working group to be of interest because of their *possible* relationship to environmental exposures or because they were indicative of stressed communities, but were more exploratory in nature. Category 2 indicators are less easily available (and in some cases are not available at all).

## SELECTION OF ENVIRONMENTAL INDICATORS

The working group then turned its attention to environmental indicators. Here the issues related again to the availability of data and how to display the data in a concise and meaningful way. The goal was to present a picture of the community's environmental quality, rather than an exhaustive inventory of each environmental factor.

One of the challenges was that much environmental data is aggregated over a large area. For example, air quality data is measured at relatively few locations in the state, and estimated down to the census tract level. Therefore describing the air quality for each zip code is not possible. In other cases, such as drinking water quality, systematic data are not available for drinking water from private wells.

The working group ultimately proposed a number of indicators for each medium (air, water, land) and also tried to select some non-regulatory indicators that would provide a more complete picture of the environment. The group struggled with whether there was some simple aggregate index that would reflect the overall environmental quality of an area. For several reasons, we decided not to adopt that approach. An aggregate index requires value judgments about the relative importance of separate environmental factors; we elected not to make those value judgments. We also felt that an aggregate index would more likely be interpreted as a "score" that could be used to rank communities, and this was contrary to our stated goal of avoiding a comparison of one community against another.

We recognize that our proposed indicators are only a few of the many indicators that could be included in such a profile. Other indicators might be more useful to certain parties in particular situations. As in the case of the health indicators, though, we wanted a range of indicators that could be used to suggest the overall state of the environment of the community.

There is no such thing as a "perfect" indicator. Development of health and environmental indicators is an ongoing process, and the best set of indicators may change as our understanding changes. Other groups are developing the next generation of environmental health indicators. These new indicators should be considered in future profiles as they become available.

**Table 2. Potential Environmental Indicators**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><i>Possible Land Quality Indicators</i></b></p> <ul style="list-style-type: none"> <li>• Number of waste management permits</li> <li>• Percentage of waste management Permits with significant violations</li> <li>• Are abandoned industrial sites present?</li> <li>• Number of national priority list and state master list sites</li> <li>• Toxic release inventory releases</li> <li>• Airport, rail line, interstate highway, military base</li> </ul>                                                                                                                                                                                                                                                                                                                                                    |
| <p><b><i>Possible Air Quality Indicators</i></b></p> <ul style="list-style-type: none"> <li>• Number of MDE air quality permits</li> <li>• Incinerators in community</li> <li>• Percentage of air quality permits with significant violations</li> <li>• Number of facilities reporting TRI air emissions</li> <li>• Meets Clean Air Act Standards?</li> <li>• Exceedances for criteria pollutants (by pollutant and number)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b><i>Possible Water Quality Indicators</i></b></p> <ul style="list-style-type: none"> <li>• <i>Number of MDE water management permits</i></li> <li>• Percentage of water management permits with significant violations</li> <li>• Sewage treatment plants in community</li> <li>• Total TRI surface water discharge (pounds)</li> <li>• Safe rinking Water Standards consistently achieved</li> <li>• Number of MCL exceedances in past year (by pollutant and number of exceedances)</li> <li>• Percentage population on a community water system (name of water system)</li> <li>• Percentage population on private wells</li> <li>• Percentage population on septic systems</li> <li>• Impaired water bodies (§303(d) of Water Quality Act)</li> <li>• Number of surface water advisories/closures</li> </ul> |

**SELECTION OF COMMUNITY CHARACTERISTICS**

Although the principal goal of the working group was to identify health and environmental indicators, there was general agreement in the working group that certain demographic and socioeconomic characteristics of the community were desirable in understanding both the unique features and the health status of the community. These characteristics play an important role in determining the community’s health, both literally and figuratively. They influence and are also influenced by the health status of the population. As measures of the composition of a community, they can be helpful in determining if an environmental inequity exists. A community can use them to identify priorities for improvement. And they can

provide useful measures to developers for identifying potential investment sites and nearby sources of labor, as they move to bring in new businesses and create jobs.

Table 3 is a table of community characteristics that might be useful. Data for some are obtained more easily than for others. Some indicators that might be desirable, but for which data may not be readily available, are also listed in the table.

**Table 3. Potential Community Characteristics**

| <i>General characteristics that are relatively easy to obtain at the zip code level</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>CHARACTERISTIC</b></p> <ul style="list-style-type: none"> <li>• Population density (Persons per square mile)</li> <li>• Per capita income</li> <li>• Percentage of minorities</li> <li>• Percentage of population with &lt;12 years education</li> <li>• Percentage of population with high school diploma</li> <li>• Percentage of population with some college</li> <li>• Percentage of population who are college graduates</li> <li>• Median age</li> <li>• Percentage &lt;18 years of age</li> <li>• Percentage &gt;65 years of age</li> <li>• Percentage below poverty</li> <li>• Percentage of Housing Built before 1950</li> <li>• Average market value of housing</li> <li>• Percentage of units that are owner occupied</li> <li>• Percent Speaking English &lt; Well</li> <li>• Urban vs. Rural vs. suburban</li> <li>• In Economic Benefits District?</li> <li>• Percentage Zoned industrial</li> <li>• Percentage Forested</li> <li>• Percentage Residential</li> <li>• Commercial investment activity indicator</li> <li>• Retail sales</li> </ul> |
| <i>Possible community characteristics that may not be currently available at the zip code level</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>• Unemployment rate</li> <li>• Percentage Housing Vacant</li> <li>• Others</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

## DEVELOPMENT OF THE COMMUNITY PROFILE

The working group attempted to develop a concise tool that would display the selected indicators in a user-friendly fashion, taking advantage of current information technology. Appendix A shows an example of the “community profile” for one community. This information could be presented on a web site. The web site would ideally permit the user to find a particular location either through a graphical interface (such as clicking on a map) or by entering a zip code or place name. The page would then display the information for that zip code. Similar information could be presented at the county and/or state level for comparison. The data should also be available in electronic tabular form to allow easy transfer for presenting the data in other formats.

The working group felt strongly that the community profiles should meet the following requirements:

- They should be easy to navigate, so that anyone of moderate computer sophistication could find the desired information.
- The basic profile should contain just a page of the basic indicators, with the capability to “drill down” for additional details by clicking on particular indicators.
- The indicators should contain some benchmarks such as county- and state-level data for comparison.
- The profiles should not present conclusions of “good” or “bad”, as these may oversimplify and prejudge community conditions.
- The data should not be over-interpreted. The profile must clearly communicate that causal inferences about the relationship between environmental indicators and health indicators cannot be drawn from this information.
- The health indicator data must be robust and respect confidentiality requirements, particularly for indicators that might involve only a few cases in any particular geographic location each year.

The question of generating “real-time” or static profiles was considered. A real-time system may not be feasible at this time. The best approach is probably a system that is periodically updated with new information. This will be especially advantageous for health data, which for reasons of security and confidentiality can probably not be linked directly to external databases. Annual updates would be a reasonable time frame, and would correspond to the frequency of updates for much of the raw data. Determination of the feasibility of producing community profiles for every zip code in the state, and any update schedule, would need to be determined by the Commission.

## CHALLENGES TO BE ADDRESSED

The working group has attempted to pilot this process with one location (zip code 21230). Members of the working group contacted various agencies and requested data to construct the profile. Generally, the agencies were helpful in meeting the requests, but a number of challenges were apparent:

1. Acquiring the electronic data sets and developing the data for these community profiles is laborious with current data collection and information systems. Methods can be developed to streamline the process of data transfer and analysis. In fact, development of this streamlining process would be one of the benefits of the project.
2. There are likely to be many “empty cells,” that is, many instances where the small number of events (particularly health events) in a small location will result in no data for a given location. For health data, the working group intends to use 5-year rolling averages to make the rate estimates more robust and ensure confidentiality. Five-year rolling averages will reduce but not eliminate the problem of small numbers.
3. Resources and the inter-agency collaborations need to be developed. Memoranda of Understanding (MOU’s) between certain state departments would need to be implemented to facilitate sharing and streamlining of data. These MOU’s can be laborious and time-consuming, but can result in optimizing limited resources of personnel, equipment and time.
4. Effective communication of the profiles: Developing new ways of training, outreach and education which are effective for the various stakeholders, and are not sources of potential discrimination themselves, is an especially challenging task. Many citizens in at-risk communities may not have ready access to the Internet. Language for reports needs to be culturally sensitive and easy to understand. At the same time, it needs to communicate information that can be difficult to understand regardless of one’s educational, cultural or economic background.

## RECOMMENDATIONS

Thus far the working group's deliberations have produced a community profile template for environmental and health indicators and community characteristics, but much work remains. The most important next step is to have the concept and structure of the community profiles evaluated by a broad range of potential users and stakeholders, including (but not limited to): community interests; state and local agencies; advocacy groups; public health and environmental interests; commercial interests; and others.

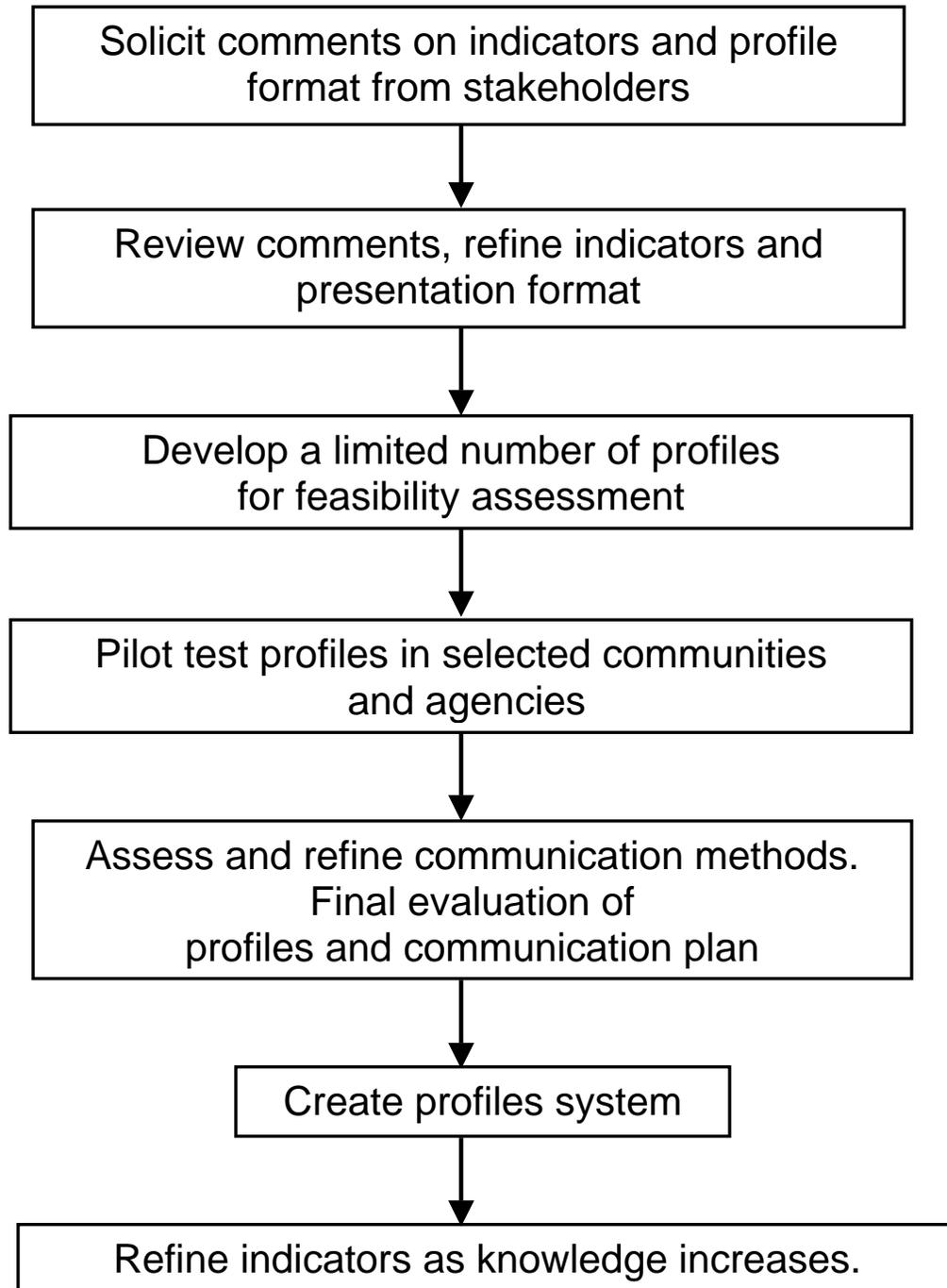
If there is a consensus in favor of further development, it will be of paramount importance to accurately gauge the resources necessary to create and maintain the community profiles. There may well be federal or other funding that could be used to help create the profiles, which would be somewhat unique in their scope and potential application.

Given the activities of other agencies (such as the Departments of Health and Mental Hygiene and of Environment) and other environmental justice programs at the state and federal level that are developing other indicators for environmental health, it will be important to consider the potential application of additional indicators to the community profiles as they become available. The community profiles could also be used to evaluate the value and effectiveness of its indicators through usage tracking or surveys incorporated into the web site.

These recommendations are summarized below. Based on their potential utility to many interests and applicability to communities, the working group recommends that the Commission should (Figure 1):

1. Solicit opinions from a broad range of potential users and stakeholders regarding the plans for a community profile (both the type of data and presentation format)
2. Refine the indicators and the profile format, based on solicited comments
3. Pilot test the community profiles among a broad range of potential stakeholders in selected communities
4. Determine what kind of resources and collaborations would be required to maintain the profiles.
5. Decide whether to support the implementation of a full set of community profiles in the state at the zip code level.
6. Further study, assess and refine the means of communicating the profiles to a diverse audience to ensure their usefulness
7. Coordinate with other efforts in the state to develop a "next generation" of health and environmental quality tracking indicators.

**Figure 1**  
**Development of a Community Profile System**



Although not specifically part of our mandate, the working group recognizes that resources will need to be identified in order to support full implementation of the community profiles project.

Concurrent with the piloting of the indicator tools, planning for its implementation and long-term sustainability is essential. Developing a 5-year and 10-year vision for the tool would be useful. Even more importantly, it would be productive to communicate with groups involved in the Environmental Public Health Tracking initiative in the state and to coordinate future activities with them.

# **SAMPLE COMMUNITY PROFILE – *data and indicators are for illustration only***

## **APPENDIX A – SAMPLE COMMUNITY PROFILE**

### **Maryland Community Health and Environmental Profiles**

This is the Maryland Community Health and Environmental Profile web site. It is operated and maintained by the State of Maryland for use by communities, agencies, organizations, and individuals as a tool to assist in planning and assessment. It is NOT a regulatory or enforcement activity, and is intended SOLELY to provide guidance and assistance.

#### ***HOW TO USE THE PROFILE***

To use the tool, enter the zip code or designation of the community in question. Note that community designations may include several zip codes. When that occurs, the search will return all of the applicable zip codes. Alternatively, you can click on an area of the map and examine a particular zip code through the graphic interface.

#### ***HOW TO READ THE PROFILE***

**I. COMMUNITY CHARACTERISTICS.** This section gives a brief description of who lives in the community and what kind of community it is. *Population* describes the people, based primarily on census data. *Land Use* describes the soil and built environment.

**II. HEALTH INDICATORS.** This section is a snapshot of the overall health of the community. Sources of data are noted in the table. Note that IT IS NOT POSSIBLE TO SAY, FROM THE INFORMATION PROVIDED, WHAT INFLUENCED PARTICULAR HEALTH INDICATORS. Many factors influence the health of a population – age, health history, race, socioeconomic factors, access to health care, environment - and many other potential factors. Some of these factors, such as age, race, etc. cannot be changed.

**III. ENVIRONMENTAL INDICATORS.** In this section are some critical environmental indicators. Most come from reporting activities required by law, at only a few locations. In order to estimate the magnitude of the indicators within each zip code, certain assumptions have been made. These and other limitations of the data may be obtained by clicking on the particular indicator. .

**SAMPLE COMMUNITY PROFILE – *data and indicators are for illustration only***

**Community Health and Environmental Profile  
Community: Washington Village/Pigtown  
Zip Code: 21230**

|                                            | <b>Community<br/>21230</b> | <b>Jurisdiction<br/>Baltimore City</b> | <b>State<br/>Maryland</b> |
|--------------------------------------------|----------------------------|----------------------------------------|---------------------------|
| <b>I. COMMUNITY CHARACTERISTICS</b>        |                            |                                        |                           |
| <b><i>Population</i></b>                   |                            |                                        |                           |
| Total population                           | 76,167                     | 638,614                                | 4,458,137                 |
| Population density                         | Urban                      | Urban                                  | --                        |
| Median age                                 |                            |                                        |                           |
| Percentage minority populations            | 60.6%                      | 68.4%                                  | 36.0%                     |
| Percentage persons below the poverty level | 23.1%                      | 22.9%                                  | 8.5%                      |
| <b><i>Percentage unemployment</i></b>      |                            |                                        |                           |
| Education: Percentage with HS diploma/GED) | 27.5%                      | 31.6%                                  | 16.2%                     |
| Percentage Elderly (age 65+)               | 12.3%                      | 14.6%                                  | 11.3%                     |
| Percentage Children (age <18)              | 25.7%                      | 23.6%                                  | 25.6%                     |
| <b><i>Land Use</i></b>                     |                            |                                        |                           |
| Urban vs. Rural                            |                            |                                        |                           |
| Acres of land use                          |                            |                                        |                           |
| <i>Percentage zoned industrial</i>         |                            |                                        |                           |
| Percentage forested                        |                            |                                        |                           |
| Percentage low density                     |                            |                                        |                           |
| <i>Proposed: Percentage vacant housing</i> | 11.44%                     |                                        |                           |

**SAMPLE COMMUNITY PROFILE – *data and indicators are for illustration only***

|                                                                        | <b>Community<br/>21230</b> | <b>Jurisdiction<br/>Baltimore City</b> | <b>State<br/>Maryland</b> |
|------------------------------------------------------------------------|----------------------------|----------------------------------------|---------------------------|
| <b>II. HEALTH INDICATORS</b>                                           |                            |                                        |                           |
| All cause age- and sex-adjusted death rate (per 100,000 persons)       | 1259.9                     |                                        |                           |
| Cancer incidence rate (adjusted for age and sex) (per 100,000 persons) | 505.8                      |                                        |                           |
| Asthma hospitalization rate (per 100,000 persons?)                     | TBD                        |                                        |                           |
| Emergency room visits for asthma (per 100,000 persons?)                | TBD                        |                                        |                           |
| Propose: Birth rate/1,000 women                                        | TBD                        |                                        |                           |
| Propose: Fetal death rate (per 1,000 live births)                      | TBD                        | (9,046 #?)                             |                           |
| Infant mortality rate/1,000 live births (< 28 days)                    | TBD                        |                                        |                           |
| Post-neonatal mortality rate/1,000 live births (28 days –11 months)    | TBD                        |                                        |                           |
| Birth defects rate (per 1,000 live births)                             | TBD                        |                                        |                           |
| Proposed: Percentage pregnancies ≤ 19 yrs                              | TBD                        |                                        |                           |
|                                                                        |                            |                                        |                           |
| Percentage of children <3 years/age screened for lead                  |                            |                                        |                           |
| Percentage of children tested with ≥10µg/Dl                            |                            |                                        |                           |

## SAMPLE COMMUNITY PROFILE – *data and indicators are for illustration only*

|                    |                                |                   |
|--------------------|--------------------------------|-------------------|
| Community<br>21230 | Jurisdiction<br>Baltimore City | State<br>Maryland |
|--------------------|--------------------------------|-------------------|

### III. ENVIRONMENTAL INDICATORS

#### *Land Quality Indicators*

Number of MDE Land Management Permits

#### *Percentage of Land Permits with Significant Violations*

Are abandoned industrial sites present?

Y/N

*Number of sites on MDE Master List of abandoned industrial sites*

0

TRI releases to land (pounds)

Y/N

Airport, rail line, interstate hwy, military base?

#### *Air Quality Indicators*

*Number of MDE Air Quality Permits*

#### *Percentage of Air Quality Permits with significant Violations*

Total TRI air emissions (pounds)

137,237

Meets Clean Air Act Standards?

Any exceedances for criteria pollutants?

If so, list pollutant, no. of exceedances

#### *Water Quality Indicators*

## **SAMPLE COMMUNITY PROFILE – *data and indicators are for illustration only***

*Number of MDE Water Management Permits*

***Percentage of Water Permits with significant violations***

Sewage treatment plant in community No

Total TRI surface water discharge (pounds) 5

Meets Safe Drinking Water Standards? Y/N

No. MCL exceedances in past year

If yes, list pollutant(s), no of exceedances

Percentage Population on a community water system

Name of water system(s):

Percentage Population on septic systems

Any impaired waterbodies present?

(§303(d) of Water Quality Act)

Number of surface water advisories/closures

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## SUMMARY OF COMMENTS FROM PRELIMINARY REVIEWS

The first draft of this report was presented to the CEJSC on September 29, 2004. Subsequently, a number of individuals provided comments to the Working Group. Some of those comments have been incorporated in the current draft version of the report. Below are some additional comments, which reflect concerns, questions, or suggestions. These are not attributed to any particular individual, and were selected primarily to illustrate the types of concerns or questions raised:

*Data collection and analysis..[are]... big task[s] since the data are spread out, arrangements for data sharing must be made, data quality will vary and affect the reliability of the results. A sustainable project will require certain IT fixes and staff resources/expertise for analysis. This set of issues is a good example of what environmental public health tracking is trying to address.*

*The messages [to communities] must be easy to understand, more or less relevant, point to solutions, and encourage productive discussion. How? The content, format, mode of delivery, mechanisms for follow up, etc. should not be left to chance. The communication should be designed with input from the end users, and should be tested. A health educator or other professional needs to be involved...*

*I agree that the indicator tool would be useful to help communities assess their health stress level so to speak. An issue will arise, however, from an MDE permitting perspective in that if many indicators or several key indicators point out that a community is at capacity and is unable to absorb anything else that would negatively affect their health, the expectation or the demand will be that MDE should take such information into account when deliberating whether to issue permits to facilities within or neighboring the community. Unfortunately, MDE's regulatory structure doesn't allow us to take into account the factors used in the indicator tool to decide the fate of a permit...*

*...[N]o matter how much anyone tries to say that adverse health effects or poor indicator status should not be linked to specific industrial activities, the link will nonetheless be made. It is made now, and citizens have no data on which to base their decision. The indicator tool will give people the ammunition they think they need to strengthen the link that already exists in their minds.*

Probably the most frequently raised concern was some version of the last comment above. More than one person raised the possibility that simply putting various indicators together in one table could lead to public “linkage” of the indicators, even though the actual science associating them might be limited or non-existent.

In addition, there were comments regarding the selection of particular indicators. Some reviewers questioned why certain indicators, particularly environmental indicators and community characteristics, were included or omitted in the profiles. The working group acknowledges that these indicators may not be the final indicators in the community profiles;

they need to be modified and endorsed by many of the stakeholders who will participate in the development process.

Other commenters noted that it might be difficult to incorporate information from the community profiles into the regulatory process, which is set by existing state and Federal law.