

## STATE OF MARYLAND

### Commission on Environmental Justice and Sustainable Communities

August 28, 2015

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Governor Lawrence J. Hogan  
100 State Circle  
Annapolis, MD 21401

Governor Hogan:

The Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC) is writing to you to request that community engagement measures, such as those recommended in a 2014 study commissioned by the State of Maryland, be given full attention by you and your agencies as you consider natural gas development in Maryland, in order to address environmental justice concerns related to unconventional natural gas development and production (UNGDP).

The CEJSC analyzes and reviews what impact State laws, regulations, and policy have on the equitable treatment and protection of communities threatened by development or environmental pollution, and determines what areas in the State need immediate attention. It is in this capacity to advise State government on environmental justice that we write to you on the topic of UNGDP.

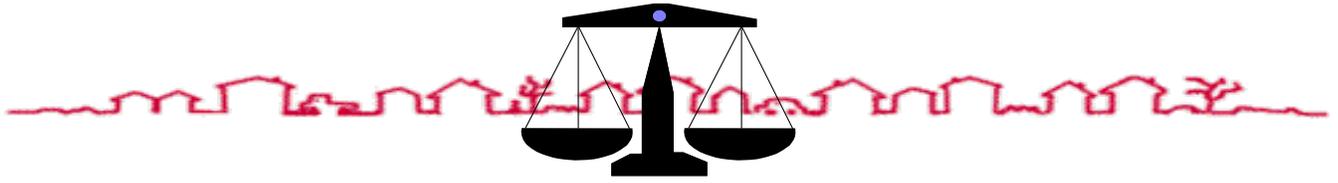
The United States Environmental Protection Agency defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The history of the environmental justice movement is rooted in the inequitable siting of polluting facilities. Decades of research have documented the disproportionate siting of chemical plants, processing facilities, and landfills in low-income communities and communities of color.

There have been at least two peer reviewed studies using the environmental justice framework to analyze UNGDP, which both found evidence of well siting in impoverished areas. Ogneva-Himmelberger (2015) found that people in Pennsylvania who live in census tracts with potential exposure to pollution from unconventional wells are significantly less wealthy than other parts of the state. Fry, et al. (2015) demonstrated that in Texas, economic benefits from shale gas development are geographically distributed because the mineral owners who benefit from drilling live elsewhere, but the social and environmental burdens remain local. For example, property values decreased 3-14% when located within 1000 ft of wellheads, the same distance within which researchers found high and unsafe concentrations of the carcinogens acrolein and formaldehyde. The authors go one step further to raise questions about power and participation in the decision-making processes that resulted in the distribution of costs and benefits.

Further, Jacquet's (2014) review of risks to shale extraction communities highlights atypical financial features of unconventional gas development that may make it harder for communities to plan for development. Although Appalachian communities have experience in boom-bust resource extraction cycles, Jacquet notes that industry's speculative financial strategies "incentivize the concealment or even misrepresentation of plans for future drilling activity" to citizens, landowners and local officials.

The Marcellus Shale, the formation most likely to be drilled first if UNGDP is approved in Maryland, runs through western Maryland, mostly Garrett and Allegany counties. Garrett County's median household income is almost \$30,000 less than that of

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Maryland as a whole, and the poverty rate at 13.9%, is 4% higher than that of Maryland as a whole. In light of these statistics, it is crucial that citizens in Garrett County are meaningfully engaged in environmental decision-making processes directly affecting their lives and livelihoods. Too often, communities at an economic disadvantage do not or cannot fully participate in decision-making processes.

In July 2014, as part of the Marcellus Shale Advisory Commission process, the Maryland Institute of Applied Environmental Health (MIAEH) at the University of Maryland School of Public Health produced a public health analysis, *Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland*. Among the 52 recommendations in the report, they included several on community engagement. MDE and DNR failed to incorporate most of MIAEH's recommendations for citizen participation in the draft oil and gas regulations written under Governor O'Malley. We are asking that you consider MIAEH's recommendations. Community engagement is critical in all stages of planning, development, and implementation of large-scale industrial projects. Further, including the communities' perspective in whether to develop is critical, as low-income communities are vulnerable to extractive industries considering development in those areas. Although there is not any UNGDP happening right now, there is only a short-term moratorium in place. Now is the perfect time to work with residents of Garrett County, particularly to collect baseline data for air quality, water quality, and economic studies.

In addition to economic disadvantages, Garrett County is also designated as a Medically Underserved Area (MUA) and a Health Professional Shortage Area and has a slightly higher percentage of uninsured individuals than the state average (14 vs 12%). It is important to note that MIAEH documents effects of cumulative impacts on overburdened communities:

Exposure does not happen in vacuum. Community members impacted by UNGDP will be exposed to multiple chemical hazards (VOCs, PM, PAHs), physical hazards (noise, radiation), and a host of psychosocial stressors including those related to public safety, potential loss of property values, disruption of existing social fabric, crime, among others. In addition, such developments also disproportionately impact underserved communities such as those with low SES, and without a strong political voice.

Resiliency is already compromised in Appalachian communities. UNGDP would not only have public health effects but could also eviscerate the basis of economic well-being (tourism and resource-based recreation) and further erode resiliency in Allegany and Garrett Counties. The Marcellus Shale Risk Assessment, also published as part of the Marcellus Shale Advisory Commission process, highlights high risk of adverse health outcomes associated with UNGDP, including accidents and injury because of increased truck traffic. Garrett County is undertaking an analysis of UNGDP vs. amenity-led development with recently announced support from the Appalachian Regional Commission. Local citizens have petitioned county government to have a strong citizen participatory basis to this economic research.

Thank you for your service to the state of Maryland and for your strong leadership and focus on economic development. Economic development should also be equitable development, which begins with community engagement, especially for those who feel disenfranchised from the political systems in place. Thank you for your consideration of the issues presented here.

Sincerely,

The Maryland Commission on Environmental Justice and Sustainable Communities.