



Maryland
Department of
the Environment

Environmental Justice and MDE



Secretary Serena McIlwain's Top Priority

Embedding Equity in all MDE's programs, processes and activities.

Hiring a Director of EJ and EJ staff in the Office of the Secretary and every Administration.



MDE's Internal EJ Policy

- First EJ Policy released 2020
- Living document - Updated for 2022
- Creates the role of an EJ Officer to be responsible for coordinating MDE EJ practices and to serve as a liaison between communities and the Department
- Enhanced inspections, compliance, enforcement and infrastructure investments in communities with EJ concerns
- Broad use of MDE EJScreen Tool



Commission on Environmental Justice & Sustainable Communities

- Focus on examining EJ issues and ensuring sustainable communities
- Review and analyze the impact of current State law and policy to address issues of EJ
- Address the adequacy of State and local government laws to address issues of EJ and sustainable communities, as well as Title VI of the Civil Rights Act
- Recommend options to address EJ issues to the Governor and the General Assembly



SB 0528- Climate Solutions Now Act of 2022

- Defined Underserved Community
 - “Means any census tract in which, according to the most recent U.S. census bureau survey:
 - (I) at least 25% of the residents qualify as low-income;
 - (II) at least 50% of the residents identify as nonwhite; or
 - (III) at least 15% of the residents have limited English proficiency.”



SB 0528- Climate Solutions Now Act of 2022

- Defined Overburdened Community
 - “Means any census tract in which three or more of the following environmental health indicators are above the 75th percentile statewide:
 - (I) particulate matter (PM) 2.5;
 - (II) ozone;
 - (III) National Air Toxic Assessment (NATA) diesel PM;
 - (IV) NATA cancer risk;
 - (V) NATA respiratory hazard index;
 - (VI) traffic proximity;
 - (VII) lead paint indicator;
 - (VIII) national priorities list superfund site proximity;
 - (IX) risk management plan facility proximity;
 - (X) hazardous waste proximity;
 - (XI) wastewater discharge indicator;
 - (XII) proximity to a concentrated animal feeding operation (CAFO);
 - (XIII) percent of the population lacking broadband coverage;
 - (XIV) asthma emergency room discharges;
 - (XV) myocardial infarction discharges;
 - (XVI) low-birth-weight infants;
 - (XVII) proximity to emitting power plants;
 - (XVIII) proximity to a toxic release inventory (TRI) facility;
 - (XIX) proximity to a brownfields site;
 - (XX) proximity to mining operations; and
 - (XXI) proximity to a hazardous waste landfill”.



HB 1200 - Environment Permit Applications

Environmental Justice Screening

- Requires applicants for MDE public notice and participation permits to use a Maryland EJ tool to develop a score in which their permit will be located and report the score in the application.
- Applicant provides score along with project application
- MDE will review the score and post in the public notice.
- Defined EJ Score
 - “Means an overall evaluation of an area's environment and existing environmental justice indicators, as defined by the department in regulation, including:
 - (1) pollution burden exposure;
 - (2) pollution burden environmental effects;
 - (3) sensitive populations; and
 - (4) socioeconomic factors.”
- Effective on October 1, 2022



President Biden Executive Order

- Build off of President Bill Clinton's Executive Order 12898
 - Created an Office of EJ at the White House - which will embed EJ into all federal agencies
 - Focused on overburdened communities most affected by toxic pollution and disproportionate environmental harms
 - Strengthen engagement with communities
 - Asks agencies to increase data driven research and cumulative impact assessments
 - Increase transparency
 - EJ scorecards to measure progress of federal departments and agencies
 - 40% of all funds should benefit overburdened and disadvantaged communities



- [illegible]

<https://mdewin64.mde.state.md.us/EJ>

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MDE EJ Screening Tool Version 2

- Updated 2020 census tract data for underserved
 - 3 indicators will be labeled under “underserved” folder
- Addition of 2020 census tract data for 21 indicators for overburdened
 - Will be sorted into 4 bins ($\leq 25\%$, $\leq 50\%$, $\leq 75\%$, $\leq 100\%$)
 - Indicators will be labeled under “Environmental Exposure” and “Sensitive Populations”
- Ability to easily apply transparencies
- New data layers
 - Examples
 - Concentrated Animal Feeding Operations (CAFO’s)
 - Active High Air Emission Facilities



Federal Programs Spending

- State agencies use the EJ screen tool not only meet Justice40 requirements but also for State allocations of resources.
- Prioritize assistance in overburdened and underserved communities.
- Communities are asked for proposals to access the funds.
- MDE has connected communities with nonprofit partners



HB 840 from the 2023 Session

- Would have given MDE the express authority to condition, modify or deny a permit based upon impact factors discovered in an EJ review.
- MDE is using existing authority to prioritize actions taken in overburdened and underserved communities,



Contact Information

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