

PRINCE GEORGE'S COUNTY ENVIRONMENTAL JUSTICE COMMISSION (HB 1362)

PG 421-19 MSAR# 12246

Report of the Commission- A Summary

February 13, 2020

“An environmental injustice occurs when a particular social group, not necessarily a racially ethnic group, is burdened with environmental hazards. . . . It refers to those institutional rules, regulations and policies of the government or corporate decisions that . . . target certain communities for least desirable land uses, resulting in the disproportionate exposure of toxic and hazardous waste”

~Bunyan Bryant, Environmental Justice Activist
and Scholar



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: **BACKGROUND**

- In 2018, Chapter 779 of the Acts of Maryland 2018 established the first Prince George's County Environmental Justice Commission.
- Based on the recommendations of the 2018 Commission report, the General Assembly re-established the Commission (HB 1362) with an effective date of June 1, 2019.
- HB 1362, Chapter 352, Acts of Maryland 2019 added new representation to Commission membership and required the group to report its findings and recommendations on environmental justice issues with a **“plan of action”** to the Prince George's County House Delegation.
- A plan of action that, if executed, will do environmental justice.



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: PROCEEDINGS

In preparation for drafting the 2019 report, the Commission:

- Held public meetings monthly from September through December 2019
- Engaged in literature reviews
- Attended presentations from planning professionals
- Worked in topic specific work groups
- Presented information at public forums to receive input on work priorities



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: PRIMARY RESOURCES

The Commissioners first identified and reviewed national and county policies, projects and programs that address environment and social equity issues. Two resources were particularly helpful:

- *University of Maryland Environmental Justice Plan 2025 (CEEJH Plan 2025)*
- *The New School's Local Policies for Environmental Justice: A National Scan (February 2019) ("National Scan")*



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: **PRIORITY TOPIC AREAS**

Beginning with 18 topic areas, the Commission engaged in an inclusive process to identify the top three priority areas for the 2019 Report and Action Plan as:

- Land Use, Planning, Zoning and Development: Differential Permitting of Environmental Hazards and Locally Unwanted Land Uses (LULUs)
- Health Equity and Health Impact Assessments
- Environmental Benefits Districts



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: PLAN OF ACTION

Recommended Action Items:

1. The Maryland-National Capital Park and Planning Commission (M-NCPPC) develop a countywide Environment and Health Equity Functional Master Plan addressing LULUs, health equity and health impact assessments, and environmental benefits districts.
2. The County Council direct M-NCPPC to develop this Plan



FUNCTIONAL MASTER PLAN: STATEMENT OF NEED

- The initiation of a functional master planning process will produce a guiding document that combines public input, data and analysis, and recommendations to address environmental justice issues
- A master plan is enforceable, a policy is not
- Recognizing the influence of planning documents, in 2016 California passed a law that “requires both cities and counties that have disadvantaged communities to incorporate environmental justice (EJ) policies into their general plans”



LAND USE, PLANNING ZONING AND DEVELOPMENT: DIFFERENTIAL PERMITTING OF ENVIRONMENTAL HAZARDS AND LOCALLY UNWANTED LAND USES (LULUS)

- An environmental concern nationwide and in Prince George's County is the siting of hazardous and polluting industries on the fence line of residential communities
- County relevance:
 - Bladensburg- concrete batching plants
 - Brandywine- gas power plant cluster
 - Subregion 4 (Sheriff Road industrial corridor etc.)

Land Use, Planning AMD Zoning: Subregion 4 Case Study

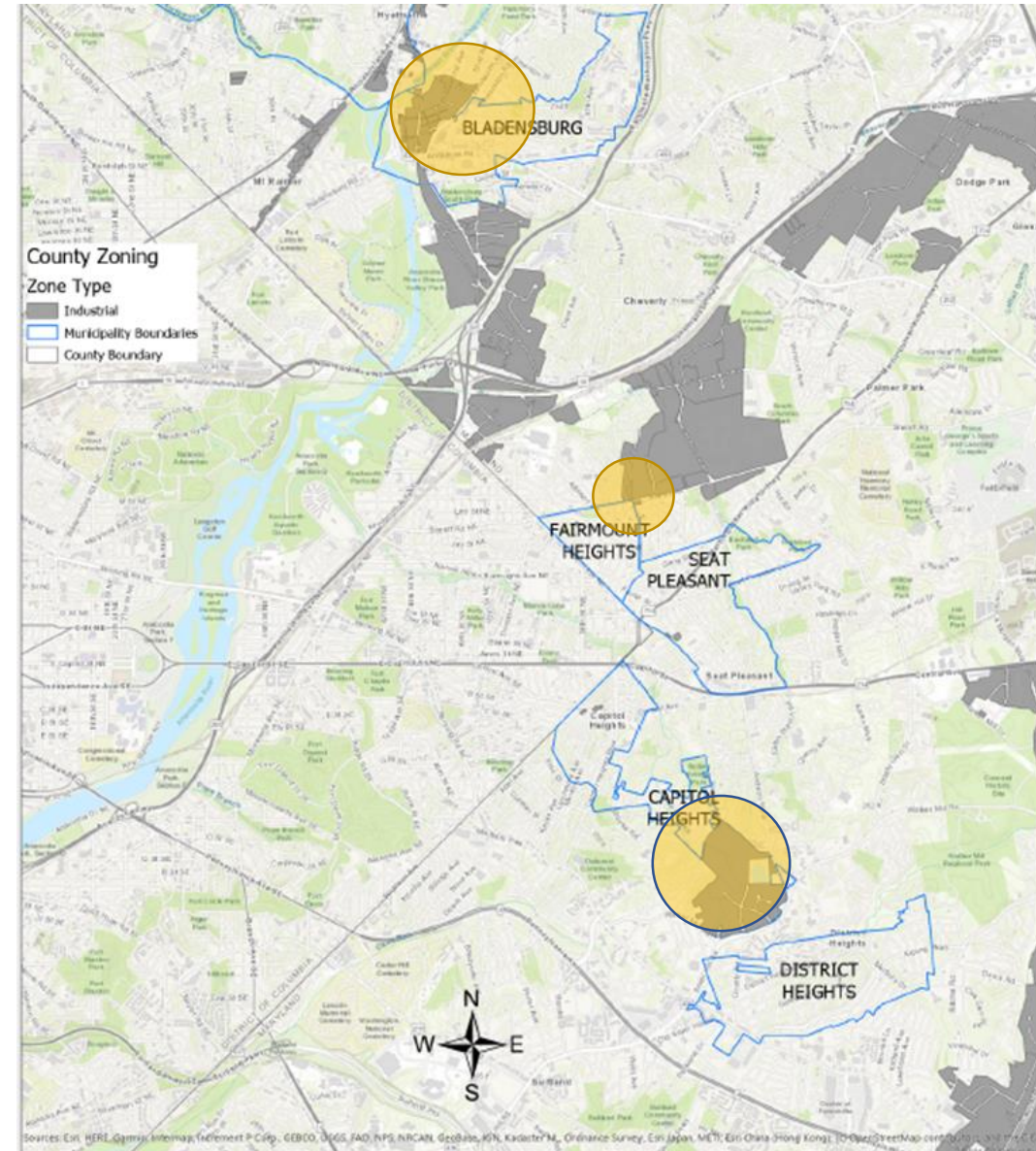
Subregion 4 is bordered by US 50 to the north, Suitland Parkway to the south, and I-95/I-495 to the east. This subregion currently contains 35 percent of the county's industrially zoned land with eight established industrial areas. Residential neighborhoods in this subregion, mainly Cedar Heights, the Town of Cheverly, and the Town of Fairmount Heights continuously advocate for zoning mitigation efforts to address cumulative impacts of concentrated industrial operations.

The residents suffer from particulate matter emissions, diesel truck emissions, runoff into the water ways and traffic safety issues. Subregion 4 is predominately African American (88%). According to the EPA Environmental Justice Screen, the neighborhoods listed above are in the 90th percentile for particulate matter (PM 2.5), in the 95th percentile for diesel PM and in the 98th percentile for proximity to a risk management plan site (EPA, 2019). The Planning Department identified the need to mitigate the cumulative impacts by drafting a Subregion 4 Industrial Areas Action Plan.



MAPPING CUMULATIVE IMPACTS

Communities that are exposed to a combination of polluting industries and socioeconomic stressors or more vulnerable to environmental and health inequities



**LAND USE, PLANNING ZONING AND
DEVELOPMENT: DIFFERENTIAL
PERMITTING OF ENVIRONMENTAL
HAZARDS AND LOCALLY UNWANTED
LAND USES (LULUS)**

County's Ordinance lacks EJ provisions

The County's 2018 Zoning Ordinance allows the Planning Board to place conditions on development which, theoretically, could include conditions to prevent, mitigate or offset the environmental impacts of hazardous and polluting industries to nearby residents.

However, Section 27-3415 (b) in the County's Zoning Ordinance update states that the conditions must be related to criteria in the ordinance.



LAND USE, PLANNING ZONING AND DEVELOPMENT: DIFFERENTIAL PERMITTING OF ENVIRONMENTAL HAZARDS AND LOCALLY UNWANTED LAND USES (LULUS)

Recommendation LU1: Incorporate environmental justice into land use decisions and permitting. An Environment and Health Equity Functional Master Plan would implement the following actions:

- For purposes of land use and zoning reviews, establish criteria for identification of EJ communities
- Authorize the County Council, sitting as a District Council, to adopt special conditions as necessary for protection of environment and public health for development in EJ communities
- Issue formal guidance or a directive for enhanced reporting and inspection of industries which generate hazardous materials or emissions within a certain distance of residential zones



**LAND USE, PLANNING ZONING AND
DEVELOPMENT: DIFFERENTIAL
PERMITTING OF ENVIRONMENTAL
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LAND USES (LULUS)**

Recommendation LU2: Mitigate
Cumulative Environmental Hazards
Impacting Air, Land and Water

- Measures for avoidance or mitigation of cumulative adverse impacts in EJ communities incorporated into detailed site plans and comprehensive/specific design plans
- Formal guidance on how to determine and assess cumulative adverse environmental impacts and socioeconomic health stressors



**LAND USE, PLANNING ZONING AND
DEVELOPMENT: DIFFERENTIAL
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Recommendation LU3: Provide
Mechanisms for Meaningful Community
Engagement

Implement actions through an Environment and Health
Equity Functional Master Plan

- Educate residents and communities on how best to use the planning process to recommend provisions that may be implemented as enforceable criteria in land use and permitting decisions
- Issue formal guidance for the Planning Board, Planning Examiner and permitting agencies on when and how to consider the feedback received from the pre-application process



HEALTH EQUITY AND HEALTH IMPACTS ASSESSMENTS

Health impact assessments (HIAs) are effective tools to assess the impact of land development proposals on vulnerable populations

Two issues impact the effectiveness of HIAs. The County Code:

- Stops short of requiring implementation of recommended actions
- Requires the completion of HIAs within a short, 30-day time frame, precluding community involvement

County relevance – Capitol Heights

Health Impacts Assessments: Capitol Heights Case Study

Prince George's County Health Department has established a Health Enterprise Zone (HEZ) for Capital Heights (zip code 20743) to redress health disparities for this underserved community. This HEZ focuses on bringing quality affordable healthcare to a community that is medically underserved, bears negative statistics relative to low birth weight and poverty, and has a diverse population with over 95% of residents belonging to racial and/or ethnic minorities. (*Prince George's County Health Enterprise Zone, Primary Care – Public Health Integrated Services Model*, November 15, 2012, Prince George's County Health Department.) The Capital Heights HEZ provides a model structure for establishing and sustaining data collection, management and analysis protocols and procedures which will inform long-term focus on health disparities.



HEALTH EQUITY AND HEALTH IMPACTS ASSESSMENTS

The Health Department performs “desktop” HIAs annually however, HIAs have not resulted in substantial changes to development projects, despite the potential adverse health impacts on vulnerable communities

Community input is missing from the County’s assessment process due to the required 30 days turnaround for the review.

- Health Department uses criteria that do not appear in County Code and hence may not be basis for binding conditions for development
- Community involvement is essential to meaningful HIA. A pre-application community meeting is an effective means to inform the public about environmental health issues and solicit public participation in addressing such issues before formal project initiation



HEALTH EQUITY AND HEALTH IMPACTS ASSESSMENTS

Recommendation HE1: Incorporate effective health impact assessments in the permitting process

An Environment and Health Equity Functional Master Plan would implement the following actions

- Codify criteria for a more robust HIA process for development projects
- Codify that the review process may take more than 30 days for some projects requiring community input
- Authorize the Planning Board to add conditions identified in HIAs to design plan approvals to protect public health
- Require pre-application community meetings



ENVIRONMENTAL BENEFITS DISTRICTS

Environmental Benefits Districts (EBDs) provide an opportunity to benefit communities burdened by past environmental injustice.

EBDs are: “locations where the State, EPA, and stakeholders can focus their resources to address the environmental concerns of . . . targeted communities” (US EPA, 2016)

County relevance — Port Towns Eco-District

Environmental Benefits Districts: Port Towns Case Study

Prince George’s County Port Towns EcoDistrict was established to stimulate economic growth, promote green business, and implement environmental projects. Port Towns communities are vulnerable to environmental justice issues caused by cumulative environmental hazards and socioeconomic disparities.

Port Towns include the jurisdictions of Bladensburg, Colmar Manor, Cottage City and Edmonston. Port Towns communities are in close proximity to industrial clusters, freight rail transport and dense, heavy traffic. This area has a median household income of \$42,570, significantly less than the \$73,538 median household income for the County. (EcoDistricts, 2017) Bladensburg residents are primarily people of color with an 87% minority demographic. (EPA EJ Screen, 2019).

The EcoDistrict was established to encourage sustainable development and leverage resources for greater economic benefit for the communities. County agencies and Town decision makers collaborated to help businesses locate or grow in the EcoDistrict. Services include business consulting, workforce development and a series of tax incentives for eligible businesses. For the sustainability component, the EcoDistrict kick-off project was aimed at improving infrastructure to reduce stormwater flooding and industrial run off. The Port Towns EcoDistrict can be reestablished and expanded to provide environmental benefits for Prince George’s County areas overburdened by environment and health stressors.



ENVIRONMENTAL BENEFITS DISTRICTS

Similar to our recommendations, State, EPA and County provide examples for where environmental benefits have been designated for vulnerable communities.

- Maryland Department of the Environment (MDE) designated Central Prince George County an Environmental Benefits District in 2004
- EPA offers the “Collaborative Problem Solving Model” to assess, create and implement solutions to meet community needs
- County has established Economic Enterprise Zones, Health Enterprise Zone and Transforming Neighborhood Initiative



ENVIRONMENTAL BENEFITS DISTRICTS

Recommendation EBD1: Target and fund investment in Environmental Benefits Districts

An Environment and Health Equity Functional Master Plan implementing the following actions:

- Identify existing environmental funding streams and develop a process for determining a reasonable percentage of funding to be dedicated to environment and health benefits. (e.g. State grant funds, Woodland Conservation Fund, highway user funds)
- Identify methods for implementing an environmental benefits surcharge on air, water, and solid waste disposal permits issued by the County



COMMISSION REPORT: RECOMMENDATIONS AND PLAN OF ACTION

The Commission recommends creation and adoption of a countywide Environment and Health Equity Functional Master Plan with steps taken by the following actors:

- The County Council adopts a Resolution requiring the M-NCPPC to develop a Master Plan incorporating the priority areas and actions in this report
- M-NCPPC develops the Master Plan in consultation with County agencies local university partners
- The Council reviews and adopts the Master Plan. The County Council, sitting as the District Council, implements the Master Plan in land use permitting decisions, in considering health impact assessments, in making approvals for investment in environmental benefits districts.



COMMISSION REPORT: FUNCTIONAL MASTER PLAN

The Master Plan includes mechanisms for:

- Integrating environmental justice into land use decisions and permitting
- Mitigating cumulative adverse environmental impacts to air, land and water
- Requiring meaningful community engagement in permitting decisions
- Incorporating effective health impact assessments in the permitting process
- Establishing criteria for receipt of environmental benefits by communities adversely impacted by environmental and health stressors
- Targeting investments in environmental benefits districts



2019 ENVIRONMENTAL JUSTICE COMMISSION REPORT: **REFERENCES**

The recommendations in the Commission report are based upon actions taken by federal, state, and local laws, and recommendations from national commissions, from across the country, including:

- Environmental Protection Agency and the Maryland Department of the Environment
- California, Georgia, Pennsylvania, New Jersey, San Francisco, New York City, Minneapolis, and Baltimore
- The National Environmental Justice Advisory Council
- The New School for Social Research and the University of Maryland



PRINCE GEORGE'S COUNTY ENVIRONMENTAL JUSTICE COMMISSION: COMMISSIONERS

State and Local Government Representatives

- Joseph P. Gill, Director, Prince George's County Department of the Environment, Chair of the Commission
- Franklin Shelton, Chief of Special Prosecution Unit, Prince George's County State's Attorney Office
- Gary Cunningham, Deputy Director, Prince George's County Department of Permitting, Inspection and Enforcement
- The Honorable Calvin Hawkins, Council Member At-Large, Prince George's County Council
- Devon Dodson, Special Assistant to the Secretary, Maryland Department of Environment
- Evelyn Hoban, Associate Director, Division of Environmental Health/Disease Control, Prince George's County Health Department

Staff

Akosua Dosu, Sustainability Coordinator, Prince George's County Department of the Environment

Business, Academic, Organizational and Community Representatives

- David Harrington, President and CEO, Prince George's County Chamber of Commerce
- Sacoby Wilson, PhD, MS, Director, Community Engagement, Environmental Justice and Health {CEEJH}
- Dennis Borie, Prince George's County Resident; Regulatory Compliance Engineer, Air and Radiation Administration, Maryland Department of the Environment
- Tiffany Ganthier, Prince George's County Resident; Institute Associate, Adaptation, Georgetown Climate Center



THANK YOU

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