



# UNIVERSITY OF MARYLAND

SCHOOL OF PUBLIC HEALTH  
*Maryland Institute for Applied and Environmental Health*

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Dear esteemed members of the Senate Education, Health, and Environmental Affairs Committee,

On behalf of the Center for Community Engagement, Environmental Justice, & Health (CEEJH) at the University of Maryland School of Public Health, I, **Dr. Sacoby Wilson, Center Director, am writing to express my support (with amendments), for SB 818/HB 1200, sponsored by Senator Arthur Ellis,** which will require cumulative impact considerations codified in the form of an EJ Score, for land use and permitting decisions to mitigate environmental injustices.

Policymakers are giving increasing, and overdue, focus on the racial, environmental, and economic crises plaguing so many communities in our nation—crises compounded by the ongoing COVID-19 pandemic and climate change.<sup>1</sup> Active environmental justice screening and mapping (EJSM) tools in several states have effectively demonstrated not only the inequitable effects of climate change and pollution, but also the varied socioeconomic statuses that increase the susceptibility of certain communities.<sup>1</sup> The effective use of geospatial tools will help the state of Maryland alleviate historic and ongoing environmental and climate injustices, and invest in healthy, resilient communities for all.

Maryland residents' knowledge of environmental hazards and their health effects has previously been limited, partly due to the absence of a state-specific tool to map and visualize distribution of risk factors across socio-demographic groups.<sup>2</sup> Therefore, the Center for Community Engagement, Environmental Justice, and Health (CEEJH) at the University of Maryland, School of Public Health partnered with the Maryland Department of Natural Resources (DNR) to develop the MD EJSCREEN tool.<sup>3</sup> MD EJSCREEN was built upon the framework of the following state-specific and nationwide EJSM tools: US EPA EJSCREEN and CalEnviroScreen.<sup>2,4-5</sup> MD EJSCREEN is distinct for using feedback gathered from stakeholders and community members in Prince George's County, truly representing the interests of state constituents. Although EPA EJSCREEN is able to map the entire US, this makes the scope of the tool too broad to address all relevant issues at the local level, thus making the development of a Maryland-specific tool all the more necessary. MD EJSCREEN incorporates additional indicators that are more specific to Maryland such as: asthma emergency discharges and watershed failure.<sup>3</sup> These indicators can inform permitting decisions through the identification of vulnerable populations and pathogenic environmental features.<sup>6</sup> EJSM tools like EPA EJSCREEN and MD EJSCREEN have already been utilized in community assessments throughout the state of Maryland, including, but are not limited to: Bladensburg<sup>2</sup>,

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<sup>1</sup>Arriens, J., Schlesinger, S., and Wilson, S. 2020. Environmental Justice Mapping Tools: Use and Potential in Policy Making to Address Climate Change. Washington, DC: National Wildlife Federation.

<sup>2</sup> Driver, A., Mehdizadeh, C., Bara-Garcia, S., Bodenreider, C., Lewis, J., & Wilson, S. (2019). Utilization of the Maryland environmental justice screening tool: A Bladensburg, Maryland case study. *International journal of environmental research and public health*, 16(3), 348.

<sup>3</sup> CEEJH. (n.d.). *MD EJSCREEN*. Community Engagement, Environmental Justice & Health. Retrieved February 16, 2022, from <https://www.ceejh.center/md-ejscreen-1>

<sup>4</sup> Cushing, L., Faust, J., August, L. M., Cendak, R., Wieland, W., & Alexeeff, G. (2015). Racial/ethnic disparities in cumulative environmental health impacts in California: evidence from a statewide environmental justice screening tool (CalEnviroScreen 1.1). *American journal of public health*, 105(11), 2341-2348.

<sup>5</sup> USEPA. (2016). How Does EPA Use EJSCREEN?. Retrieved August 5, 2020 from <https://www.epa.gov/ejscreen/how-does-epa-use-ejscreen>

<sup>6</sup> Wilson, S. M. (2009). An ecologic framework to study and address environmental justice and community health issues. *Environmental Justice*, 2(1), 15-24.



Langley Park<sup>7</sup> and Baltimore City.<sup>8</sup> MD EJSCREEN has also been used to determine the cutoff for community designation as an environmental benefit district (EBD).<sup>9</sup> This designation was defined as an EJ Score at or above the 75th percentile with mean EJ scores 0.7 or higher, corresponding to an elevated level of environmental risk.<sup>10</sup> Percentiles can be further stratified to identify “high needs” communities, which SB 818/HB 1200 can consider in permit allowances.

Proper use and acceptability of the data by the Maryland Department of Environment (MDE) will also identify and protect “sacrifice zones.” These are defined as fenceline communities of low-income and people of color, or “hot spots” of chemical pollution where residents live immediately adjacent to heavily polluted industries or military bases.<sup>11</sup> These communities present the path of least resistance to industries affecting the environment.<sup>12</sup> By requiring permit applicants to present an EJ Score at a high resolution (census block level), the MDE can better evaluate and restrict allowances in these areas that have been overlooked by previous zoning laws. At the federal level, legislation pertaining to EJSM applications and microtargeting of communities have been sponsored by members of the House of Representatives. A current example from the 2021-22 Congressional Session is the Environmental Justice Mapping and Data Collection Act of 2021, introduced by Cori Bush [D-MO-1] of the House of Representatives and co-sponsored by 46 other House Members from various states.<sup>13</sup> Moreover, Executive Order 14008: Tackling the Climate Crisis at Home and Abroad and the Justice40 Initiative set national goals for reducing carbon emissions and pollution remediation with an environmental justice lens.

Other similarly situated states have already integrated EJSM tools within the context of permitting decisions. For example, in California, SB 673 (passed in 2015) directs the Department of Toxic Substances Control (DTSC) to use tools such as CalEnviroScreen when making decisions on hazardous waste permitting.<sup>14</sup> California leaders have several environmental justice related screening tools at their disposal including the EJSM tool which expands upon the CalEnviroScreen tool by including race and ethnicity, climate vulnerability risks, and water quality analysis metrics in its scoring.<sup>15</sup> Additionally, New Jersey’ Environmental Justice Law S-232 (passed in 2020), empowering the New Jersey Department of Environmental Protection (NJDEP) to deny permits for certain facilities if the facility would contribute to a disproportionate impact on an overburdened community (i.e., a community where environmental justice concerns are present). The NJDEP expects to provide a data mapping tool to determine if the overburdened community in which the proposed facility is or will be located is already subject to disproportionate environmental and public health stressor levels when compared to an appropriate geographic point of comparison. Additionally, S-232 provides definitions of an overburdened community,

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<sup>7</sup> CEEJH. (2021, March 28). *Local traffic is choking Latinx neighborhoods in Langley Park, MD*. Community Engagement, Environmental Justice & Health. Retrieved February 20, 2022, from

<https://www.ceejh.center/air-quality-1/local-traffic-is-choking-latinx-neighborhoods-in-langley-park-md-yysen-6t4ge>

<sup>8</sup> Baltimore Transit Equity Alliance. (2021, September). *Transit Equity & Environmental Health in Baltimore City*. Johns Hopkins Bloomberg School of Public Health . Retrieved February 20, 2022, from <https://trid.trb.org/view/1884862>

<sup>9</sup> Maryland Department of the Environment. (2003, November 6). *Press Release*. Maryland Department of the Environment. <https://mde.maryland.gov/programs/Pressroom/Pages/574.aspx>.

<sup>10</sup> Ravichandran, V., Albert, R., & Wilson, S. M. (2021, August 2). *The Justice40 Initiative: Opportunities for Environmental Justice in the State of Maryland*. Community Engagement, Environmental Justice & Health. Retrieved February 16, 2022, from <https://www.ceejh.center/blog/the-justice40-initiative-opportunities-for-environmental-justice-in-the-state-of-maryland>

<sup>11</sup> Bullard R. D. (2011). Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States. *Environmental Health Perspectives*, 119(6), A266.

<sup>12</sup> Schelly, D., & Stretesky, P. B. (2009). An analysis of the “path of least resistance” argument in three environmental justice success cases. *Society and Natural Resources*, 22(4), 369-380.

<sup>13</sup> U.S. Congress Legislation. (2021). *H.R. 516 - Environmental Justice Mapping and Data Collection Act of 2021*. Library of Congress. Retrieved February 21, 2022, from <https://www.congress.gov/bill/117th-congress/house-bill/3860/cosponsors>

<sup>14</sup> CEJA. (2018). *CalEnviroScreen: A Critical Tool for Achieving Environmental Justice in California*. California Environmental Justice Alliance. Retrieved from [https://caleja.org/wp-content/uploads/2018/08/CEJA-CES-Report-2018\\_web.pdf](https://caleja.org/wp-content/uploads/2018/08/CEJA-CES-Report-2018_web.pdf)

<sup>15</sup> Blondell, M., Kobayashi, W., Redden, B., & Zrzavy, A. (2020). Environmental Justice Tools for the 21st Century.



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thus providing tangible instructions/cutoffs to the NJDEP. This prevents vague interpretations or lack of action on ordinances, which have previously occurred. Such strategies should be implemented by MDE. Lastly, it is imperative to note the significance of MD EJSCREEN including a race metric and providing a cumulative score; particularly as this compares to the newly released Climate and Economic Justice Screening tool which does not. Utilizing a tool which includes these metrics demonstrates recognition of the science and humanity of environmental justice work.

**Thus, our recommendations are as followed:**

- We recommend further stratification of percentiles to identify communities that meet the MD EJSCREEN cutoff as an EBD or EJ community.
- Communities with an EJ Score at or above the 75th percentile should be weighted more heavily in permit decision-making by the MDE, and incorporate meaningful involvement of stakeholders in the region and the 90th percentile representing the highest priority for justice consideration.
- SB 818/HB 1200 should also include updated MD EJSCREEN reports on the environmental and demographic indicators and overall EJ Score annually, due to the availability of better data and more robust indicators which can change from year to year.
- Additional tools developed in collaboration with the University of Maryland and Maryland Department for Natural Resources (i.e. MD Climate & Health Equity Mapper, Park Equity Mapper) should be considered in permitting decisions as well.
- MDE should consider energy burden as a separate domain, which is not currently embedded within any of the Maryland EJSM tools, to be included in the analyses and permitting decisions.
- Maryland should use the EPA's Enforcement and Compliance History Online (ECHO) database that integrates compliance and enforcement information for over one million regulated facilities nationwide subject to environmental regulations or are of environmental interest. It includes information regarding environmental permits, fines, etc of such facilities for various statutes and programs, including air and water facilities, effluents, water pollution, hazardous waste, etc.
- Geographic Information Systems (GIS) should be utilized to map the permit, violation, and penalty data in Maryland to study environmental stressors on the impacted locations. These maps should then be used to calculate the number of permits for each type of facility hosted by each census tract level in the area.

For all of these reasons and many more, please support SB 818/HB 1200, along with my proposed amendments, to ensure we can advance environmental justice, and codify MD EJSCREEN tool to serve as a model for other states to follow. I firmly believe a favorable vote for SB 818/HB 1200 is a vote for environmental justice and equitable development for the great residents of Maryland.

Sincerely,  
Dr. Sacoby Wilson