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May 15, 2024

Kenny Boddye, Chair, MWCOG Metropolitan Washington Air Quality Committee
(MWAQC)

Tom Dernoga, Anta Bonds, iVice Chairs MWAQC
Committee Members, MWAQC
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

RE: Additional Information Mentioned in My Comments for the 5/22/24 MWAQC
Meeting

MWAQC Chair Boddye, other MWAQC Leadership, MWAQC members:

I am writing today to provide input and to offer assistance as MWAQC begins to develop and implement the Environmental Justice Action Plan.

My comments for the 5/22/24 MWAQC meeting are on the next page of this letter.

The remainder of the letter is a short summary of a small sampling of the letters written to MWAQC and MWCOG since 2022 that provide critical information and recommendations on what is critical for MWAQC to include in its Environmental Justice Action Plan. The actual letters since 2022 are also attached. These letters include input from multiple environmental justice communities, local academic institutions and other local and national experts on environmental justice policy and science.

I believe they provide valuable background and public input to the MWAQC EJ Subcommittee and to the new MWAQC contractor hired to assist in the drafting and implementation of the MWAQC EJ Action Plan. There are numerous other letters and comments that have been made over the past two years that include valuable public input on environmental justice. The Subcommittee and the new contractor should ask MWCOG staff for all information received from the public related to the MWAQC Environmental Justice Action Plan.

Copy of Comments Made by Tad Aburn¹
MWAQC Meeting
May 22, 2024

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Mr. Chairman, MWAQC members, thank you for providing the opportunity to provide public comment today.

My comments today focus on the Environmental Justice Action Plan that will be discussed as agenda item #5 I am working with approximately 30 different community groups, academic experts, advocates and individuals who are extremely interested in making sure that the MWAQC EJ Action Plan is comprehensive and effective and implemented in an urgent fashion. Many of my colleagues are also commenting today. Some of the key points from these comments include:

- From the researchers ... The problem is real, very serious and needs to be addressed quickly.
- From all commenters ... Include significant public participation ... MWACQ and all EJ Subcommittee meetings should allow for public comment and participation.
- From the EJ communities ... The Plan must be very action oriented and include real emission reduction measures, deadlines and meaningful progress benchmarks focused on reducing emissions and health risk in EJ communities. A fluffy, feel-good guide or toolkit is unacceptable.

¹ My name is Tad Aburn. In October of 2022, I was the Chair of MWAQC TAC. For the past 15 years I was the MDE Air Director and an MWAQC member. I have helped write and have submitted over 30 SIPs to EPA over my career. I am now retired ... doing volunteer work for overburdened communities in Prince George's County and the District of Columbia.

- From communities and advocates ... Existing control measures in the MWAQC and State SIPs ... for problems like diesel exhaust, toxic fugitive dust and poorly controlled stationary sources ... should be implemented more aggressively in overburdened, EJ communities by MWAQC and MWAQC members immediately. This kind of enhanced implementation or enforcement effort ... as demonstrated in the MDE EJ partnership in PG County ... can significantly reduce public health risk immediately.
- From communities and researchers ... MWAQC should establish a community-based air monitoring support center to find funding and other implementation resources to establish hyper-local air monitoring networks in EJ communities. Federal funding is readily available to support this effort. Local universities are interested in helping make this happen.

Additional information on what I believe needs to be included in the MWAQC EJ Action Plan is included in a 5/15/24 letter to MWAQC and MWCOG. It should be in your packet.

In closing, I would be happy to help COG staff put together sessions for MWAQC and the EJ Subcommittee to make sure that the significant amount of experience and expertise that is available from local stakeholders is presented to the policy makers at MWAQC.

Thank you again for providing the opportunity to provide public comment.

Since 2022 I have submitted multiple letters to MWAQC and other MWCOG Committees and Boards on the critical need for a comprehensive, action oriented plan to address air pollution and other environmental issues in environmental justice communities of color.

A short snapshot of the key issue addressed in each letter is provided below. Each letter is attached. Again, I hope this information provides valuable background and public input to the MWAQC EJ Subcommittee.

Earlier Letters and Why They Are Important

- December 5, 2022 Letter - Argues that environmental justice is a widespread critical problem that needs to be addressed through a regional plan ... not on a project by project basis by local government.
- December 30, 2022 Letter - Recommends 3 key steps to address air pollution in EJ areas.
- May 24, 2023 Letter - Urges MWAQC to address environmental justice in a manner consistent with EPA guidance in the SIP amendment proposed for MWAQC approval on the 24th. Provides specific language to include in the proposed SIP to address environmental justice.
- June 1 2023 Letter - Follow up to Chairs unanimously approved compromise motion for MWAQC to adopt an action oriented, "SIP-Like" regional EJ Plan. Recommends a framework for that Plan.
- August 14, 2023 Letter to VADEQ - Identical letters sent to MDE and DC DOEE. Challenges SIP for failure to address EJ and summarizes EPA guidance on why EJ should be included in SIPs.
- September 26, 2023 Letter from DC EJ Coalition - Offers support from the Coalition on what needs to be included in the MWAQC EJ Action Plan.
- December 5, 2023 Letter - Encourages significant public participation in the development of the MWAQC EJ Action Plan and provides specific recommendations on what needs to be in the Plan.
- February 28, 2024 Letter - Provides specific recommendations on public participation, key elements of the MWAQC EJ Plan and other critical issues related to the development of the MWAQC EJ Action Plan.
- April 7, 2024 Comments to TPB and MWCOG Board - one of many comments that pushes for better transportation planning to address EJ issues

Thank you again for allowing public comment. I applaud MWAQC for moving forward to begin to address environmental justice, a very serious public health protection issue in many communities across the DMV. The process has unfortunately been very slow and does not make sense given the urgency of the problem. If MWAQC members have not simply driven or walked through one of the EJ communities in their jurisdictions ... I encourage you to do that ... you will walk away with a true sense of urgency. Please let me know if I can help with this critical effort.

Respectfully,

George S. Aburn Jr.

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Cc: MWAQC Members
Charles Allen, Chair, MWCOG Board
Cristina Henderson, Chair, TPB
Jolene Ivey, Chair CEEPC
Julie Kimmel, Chair, ACPAC
Roger Thunell, Chair MWAQC TAC
Alexander Mandell, USEPA

ATTACHMENT TO MAY 15, 2024 LETTER

Earlier Letters Related to the MWAQC EJ Action Plan

December 5, 2022 Letter

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December 5, 2022

Takis Karantonis, Chair
MWAQC Members
Metropolitan Washington Air Quality Committee (MWAQC)
777 North Capitol St. N.E.
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Washington, DC 20002

Re: Systemic Environmental Racism Linked to MWAQC Policies

Chairman Karantonis and MWAQC members:

I have asked the COG staff to distribute this letter on November 5, 2022. Thank you for providing the opportunity to provide short public comments for consideration at the December 7, 2022 MWAQC meeting.

I am writing today in advance of the public comment opportunity to provide a more detailed letter on the critical issue now surfacing in the Washington, DC metropolitan area that I will be commenting on ... systemic, government supported, environmental racism.

My name is Tad Aburn. Last month I was the Chair of the MWAQC Technical Advisory Committee. For almost 20 years I was the director of the air pollution program in Maryland. I was also a member of MWAQC for about the past 10 years. I am now retired and commenting today as a concerned, well-informed citizen.

The MWCOG staff appears to be framing this issue as a “local” issue. It is not ... it is a critical region-wide issue. The issue I am submitting comments on is a widespread regional problem where air quality, transportation and land use policies in the Washington region have created air pollution and high environmental risk “hotspots” in low income communities, often communities of color. Although regional air quality and land use policies were not intended to create systemic, environmental racism, they clearly have. There are examples all over the Washington metropolitan area. I believe that MWAQC, should not be satisfied with the general progress the region has made with ground level ozone while these very high risk air pollution hotspots, in communities of color, exist ... and continue to get worse. Many of these overburdened communities have or are planning to install community based monitoring programs. Where this has been done, it is clear ... the air pollution hotspots are real.

There is a classic example of this kind of government supported environmental racism taking place right now. As you meet on the 7th, the District of Columbia is planning to build a very large, very dirty bus maintenance and training facility next to and directly upwind of a small community of color located in the Cheverly and Seat Pleasant area of Prince George's County, Maryland. The facility will eventually help the region transition to electric buses and will provide significant environmental benefits to the residents of the region ... the primarily white residents of the region. The problem is that it is being done at the expense of a small, somewhat defenseless community of color. To repeat ... this is a classic case of government supported racial injustice ... specifically environmental racism.

The proposed facility to be built on Claybrick Road, will result in significant air pollution during construction and operation that will be breathed by the residents living in the area. A few of the specific air pollutants that will be released as a result of the new facility include cancer causing pollutants like diesel particulate and benzene and airborne dust which is likely to contain deadly heavy metals and asbestos. To make things worse, because of ill-informed zoning and land-use decisions, this community of color is already overburdened by over 30 similar dirty facilities again located next to and directly upwind of where the residents breathe the air.

Simply stated, not one person on MWAQC would want to live next to or near the new DC Claybrick Road facility or the other dirty businesses located in the area. I ask you ... why is it OK for the residents in a community of color to breathe unhealthy air?

I recognize that this is a very difficult and sensitive issue. During the October MWAQC TAC meeting, a motion to get an update from the District on the proposed Claybrick Road Project was made. The motion did not pass as MWCOG staff said that several

MWAQC TAC members argued that environmental justice and environmental racism are not issues that MWAQC plans to address. I find that difficult to believe.

I know that MWAQC leadership was asked by the TAC Chair to clarify MWAQC's policy on environmental racism and the emerging issue of regional projects that continue a legacy of dumping dirty businesses on communities of color. This is what is now happening because of the District's proposed Claybrick Road facility. According to the MWCOG staff there are multiple other emerging situations similar to the Claybrick Road project, including one high profile, environmentally racist project in the Ivy City community of color in the District of Columbia.

In closing, racial equity and environmental racism will be one of the most important issues that MWAQC will need to address over the next few years. I believe that MWAQC should do whatever it can to stop the Claybrick Road project and immediately begin to work regionally to change the way that air pollution and environmental justice are explicitly considered as part of the region's air pollution plan. This will require the region to rethink the way zoning and land use decisions are made. Unfortunately, it is now well recognized that these outdated policies not only enable, but actually promote environmental racism.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on this very difficult issue. I feel strongly that MWAQC believes that issues like the air pollution hotspots being created because of the the Claybrick Road project and the outdated land use and zoning policies that are driving these situations are clearly issues that MWAQC needs to address.

I have attached a recent comment letter sent to the MWCOG Climate, Energy and Environment Policy Committee (CEEPC) that provides additional information and attaches comment letters from Dr. Sacoby Wilson's University of Maryland environmental justice center. There is also additional information on this issue in the public comment summary section of the MWCOG TPB web page for their recent 11/16/22 meeting.

Respectfully,

George S. Aburn Jr

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ccs: (to be distributed by MWCOG staff):

Christian Dorsey, Chair MWCOG BOD

Koran Saines, Chair, CEEPC

Pamel Sebesky, Chair, TPB

Dr. Sacoby Wilson, UMCP CEEJH

December 30, 2022 Letter

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December 30, 2022
Christain Dorsey
Chair, MWCOG Board of Directors
Takis Karantonis
Chair, Metropolitan Washington Air Quality Committee (MWAQC)
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

Chairman Dorsey and Chairman Karantonis:

Thank you for providing the opportunity to submit comments for consideration at the November 9, 2022 MWCOG Board and December 7, 2022 MWAQC meetings.

I also appreciate the written and verbal responses to my comments and letters provided by the MWCOG leadership.

I am again writing today to comment on a critical issue now surfacing in the Washington, DC metropolitan area ... racial inequity. I am concerned that you are focusing on the District of Columbia's Claybrick Road Project ... where the real regional issue is how regional air quality, transportation and land use policies are creating air pollution hot-spots in communities of color and how these regional policies are unintentionally promoting environmental racism throughout the Washington region. The Claybrick Road project is just one of many examples of how MWCOGs regional policies are driving environmental racism in the real world.

I have attached my December 5th letter to MWAQC that provides more detail on this issue.

I am also attaching a very short summary of the three key steps that I believe the MWCOG leadership and Committees need to begin to address to begin to fix this very serious, but technically and politically difficult problem.

During the December 7, 2022 MWAQC meeting, Chairman Karantonis described the mission of MWAQC, which is primarily to coordinate the development of regional air quality plans, and how the Claybrick Road project and environmental justice were not clearly part of the MWQAQC mission. I respectfully disagree with that. EPA is now requiring that environmental justice and real world environmental racism issues like the Claybrick Road project be addressed as part of regional air quality plans also referred to as "SIPs" or State Implementation Plans. I am surprised the MWCOG staff was not aware of this. I have cc'd Cristina Fernandez, a friend of mine and the EPA Region 3 Air Director. I am certain Cristina would be happy to brief MWAQC or MWAQC TAC on this critical new emerging area of SIP development. This issue also fits into several other EPA initiatives that are designed to ensure that environmental justice issues are addressed as part of projects that involve federal funding.

I would be happy to discuss these issues or to provide briefings to MWAQC, MWQAC TAC, CEEPC or TPB.

At a minimum, I would encourage you to ask the MWCOG staff to brief the MWCOG leadership on how widespread the issue of environmental racism, similar to the Claybrick Road Project, is throughout the region.

In closing, racial equity and environmental racism will be one of the most important issues that MWCOG will need to address over the next 10 years. I urge you to show real leadership, stop the Claybrick Road project and begin to work regionally to change the way that zoning and land use decisions are made and how existing regional air quality and transportation policies are driving racial inequity. Unfortunately, it is now well recognized that these outdated policies not only enable, but actually promote environmental racism.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on this very difficult issue.

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Cc: Ted Dernoga, Prince George's County Council and MWAQC member

Koran Saines, Chair MWCOG CEEPC
Tara Failey, Chair, MWCOG AQPAC
Roger Thunell, Chair MWAQC TAC
Kelly Crawford, Air Director, DC DOEE
Cristina Fernandez, USEPA
Dr. Sacoby Wilson, UMCP CEEJH
Dylan Galloway
Sheila Salo
Karen Moe
Laila Riazi

ATTACHMENT

Three Basic Steps that Need to be Implemented by MWCOG to Begin to Address Environmental Racism in the Washington, DC Region June 1, 2023

Introduction - This short white paper provides a basic framework that could be considered by the Metropolitan Washington Air Quality Committee (MWAQC) as they begin to develop the environmental justice program approved at the Committees May 24, 2023 meeting.

Step 1 - Rethink and relocate current projects that are in the works that add to the existing environmental burden and make air pollution hotspots and racial inequity worse in communities of color throughout the Washington DC region.

Many of these projects, like the Claybrick Road project and the Ivy City project can be built elsewhere ... in an area that does not impact a community of color or in an area with a larger buffer between the emissions from the project and the communities that breathe the air.

Step 2 - Begin to work with both county level and state level MWAQC members in VA, MD and DC to implement programs to reduce the existing inequitable exposures (hot-spots) to air pollution in communities of color throughout the region.

The efforts in Maryland provide a template to begin this work. The Maryland efforts involve:

- *Building community partnerships.*

- *The establishment of community based, hyper-local air monitoring networks.*
- *Implementing focused community-based inspection and enforcement programs to use existing authorities to begin to reduce emissions in communities of color for sources like diesel trucks, fugitive dust and air toxics from stationary sources.*
- *Adopting new regulatory or legislative programs to address difficult issues that are not covered by existing authorities like multi-pollutant, cumulative exposure to many air pollutants at the same time.*

Maryland has begun to implement community partnerships, enhanced, community based enforcement programs and has proposed three new regulatory initiatives to begin to address the issue of environmental racism. The MWCOG staff has several reports summarizing this work in Maryland.

Step 3 - Begin regional discussions on how to change existing air quality, transportation and land-use policies that are unintentionally driving environmental racism in the region. This is a very difficult step and will take time.

The most critical policy change that is needed is to rethink current land-use policies that continue to encourage dirty businesses to be built in communities of color because of antiquated zoning concepts.

This unintended consequence associated with decades of well intended policy is not all that complicated:

- *Areas are zoned for medium to heavy industrial use*
- *Dirtier businesses, warehouses, other associated operations and traffic move into that area*
- *Housing costs drop in that area*
- *Low income communities, sometimes communities of color and other overburdened communities, move into that area*
- *More dirty businesses, warehouses, other associated operations and traffic continue to move into that area*

This is a very difficult problem to fix, but local governments in areas like California are working to begin to reverse the problem by considering environmental justice as part of land use and zoning decisions.

May 24, 2023 Letter

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May 24, 2023

Anita Bonds, Chair, MWAQC
Kenny Boddye and Tom Dernoga, Vice Chairs, MWAQC
Committee Members, MWAQC
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RE: Additional Information for the 05/24/2023 MWAQC Meeting

Chairwoman Bonds, Vice Chairs Boddye and Dernoga, MWAQC members ... Thank you for the work you do and the opportunity to provide public comment during the March 24, 2023 MWAQC meeting. This letter is the letter containing the additional information mentioned in my short public comment for the 05/24/2023 MWAQC meeting.

My name is Tad Aburn. Last year I was the Chair of the MWAQC Technical Advisory Committee. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. I have an environmental engineering degree from Brown University. I am now retired and commenting today as a volunteer for several environmentally overburdened communities in Prince George's County and as a member of the general public .

My comments and letter for today, again focus on the two key air pollution issues discussed in my February 22nd comments and letter to MWAQC that are now critical in the Washington, DC metropolitan area ... the key roles that air quality planning has in addressing environmental justice and climate change. I am also submitting a comment on the draft State Implementation Plan or SIP that you have scheduled for approval on your agenda today.

The earlier issues that I have commented on can be summarized as follows:

:

- MWAQC needs to develop a plan to address the inequitable exposures to air pollution and climate change injustices in environmental justice communities. These communities are often communities of color. The data is very clear that these inequities exist and that there are “air pollution hot-spots” in and around communities of color. EPA will now be requiring that SIPs address this issue.
- MWAQC should provide oversight and ensure that critical laws and policies (directly or indirectly included in the SIP) that are designed to reduce exposure and risk from air pollutants and to address climate change are actually being implemented.
- MWAQC should work with CEEPC and the MWCOG Board to strengthen the region's climate change goals to be consistent with the current science and goals set in other leadership areas. This is critical as TPB is developing strategies that could be inadequate to address climate change. These transportation strategies could also be extremely expensive and not cost-effective.
- MWAQC should work with TPB to require that the routine (usually annual) process for ensuring that new regional transportation plans are consistent with regional air quality goals also include climate change goals, not just air pollution goals. This process called “transportation conformity” currently only looks at air pollutants, not greenhouse gasses ... even though the data for greenhouse gasses is available as part of the modeling process used.

I have submitted several earlier letters to TPB, MWAQC and other Committees at MWCOG. These letters provide additional information on these environmental issues and are available from MWCOG staff. Several of the more important letters include: The attached letters listed below provide additional information on these issues.

- The March 24, 2023 letter to CEEPC
- The January 30, 2023 letter to ACPAC,
- The February 15, 2023 letter to TPB,
- The January 10, 2023 letter to the District of Columbia, and
- The December 30, 2023 letter to MWAQC and the COG Board.

Recent letters to TPB Tech also provide information on available data and analyses linked to the issues I am raising.

During your meeting on the 24th, you will be asked to approve a draft SIP for public comment at the State level. I believe MWCOG should ask for public comments on the

draft regional SIP. I believe the SIP as currently drafted will be returned by EPA as incomplete.

Specifically, to the best of my ability to understand, the SIP includes no section discussing how the SIP will ensure that environmental justice issues are not created by the implementation of the measures in the SIP. EPA is now requiring this and developing detailed guidance. During the interim period before the EPA guidance is finalized, EPA expects MWAQC and the States to include language in the SIP similar to the language below:

“A core requirement of this SIP is that the emission reduction measures contained in the SIP directly or indirectly, and the implementation of those measures will not create or make worse environmental justice problems in already overburdened communities of color, or other environmental justice communities.”

The SIP should also include detailed descriptions of how MWAQC jurisdictions and the States plan to enforce that core element.

Environmental justice and climate change will be amongst the most important issues that MWCOG and MWAQC will need to address over the next 10 years. I urge you to show real leadership and begin to address these difficult issues.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on these very difficult issues.

George S. Auburn Jr.

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Cc: MWAQC Members
Takis Karantonis, Chair CEEPC
Dr. Sacoby Wilson, UMCP CEEJH

June 1, 2023 Letter

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June 1, 2023

Anita Bonds, Chair, MWAQC
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RE: Follow-Up Comments from the 05/24/2023 MWAQC Meeting

Chairwoman Bonds, Vice Chairs Boddye and Dernoga, MWAQC members:

Thank you very much for allowing me to provide public comments at your May 24th meeting and for the discussion of those comments during the “SIP (or State Implementation Plan) Approval” agenda item. I am particularly thankful for the interest in my letter expressed by the Chair and several committee members ... and the potential opportunity to provide additional information during, or in advance of, the next MWAQC meeting.

I thought that the Chairs recommended compromise on the potential inclusion of environmental justice in the SIP was very appropriate. That said, I still believe the best approach, which was not supported by the COG staff or the states, for moving forward quickly (because of the time-sensitive new “transportation budgets” in the draft SIP) would have been to require the following actions before the draft SIP was approved for state-level public comment:

1. Require that the draft SIP be revised to include policy language on environmental justice, and
2. Require staff to develop an aggressive time frame for developing the regional Environmental Justice program proposed by the Chair and supported unanimously.

During the meeting on the 24th, there was discussion of whether or not EPA is expecting SIPS to include provisions on environmental justice. Technical staff told MWAQC that they thought that EPA was working on that issue, but that no guidance was available. Although detailed guidance has not been finalized by EPA ... the document below, according to EPA, provides a clear indication of what EPA will be looking for in SIP submittals. Unfortunately I was unable to make this comment during the meeting as I was muted by staff.

<https://www.epa.gov/ogc/epa-legal-tools-advance-environmental-justice>

Again, as background, my name is Tad Aburn. Last year I was the Chair of the MWAQC Technical Advisory Committee. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. During my time at the Maryland Department of the Environment, I helped the State begin its efforts to address environmental justice. Several partnerships with environmental justice communities have been initiated with the support of Dr. Sacoby Wilson's University of Maryland Center for Community Engagement, Environmental Justice and Health (CEEJH). I have an environmental engineering degree from Brown University. I am now retired and writing today as a volunteer for several environmentally overburdened communities in Prince George's County and as a member of the general public.

Below, I have provided some of my thoughts on a framework for quickly developing an environmental justice policy and program for the MWCOG region.

A Proposed Framework

Three Basic Steps that Need to be Implemented by MWCOG to Begin to Address Environmental Justice in the Washington, DC Region

Introduction - This short white paper provides a basic framework that could be considered by the Metropolitan Washington Air Quality Committee (MWAQC) as they begin to develop the environmental justice policy and program that was approved at the Committees May 24, 2023 meeting.

Step 1 - Work with both county level and state level MWAQC members in VA, MD and DC to rethink and relocate current projects that are in the works that add to the existing environmental burden and make air pollution hotspots and racial inequality worse in environmental justice communities of color throughout the Washington DC region.

Many of these projects, like the Claybrick Road project and the Ivy City project can be built elsewhere ... in an area that does not impact a community of color or in an area with a larger buffer between the emissions from the project and the communities that breathe the air.

Step 2 - Begin to work with both county level and state level MWAQC members in VA, MD and DC to implement community-based partnership programs to reduce the existing inequitable exposures (hot-spots) to air pollution in environmental justice communities of color throughout the region.

The efforts in Maryland provide a template to begin this work. The Maryland efforts involve:

- *Building community partnerships.*
- *The establishment of community based, hyper-local air monitoring networks.*
- *Implementing focused community-based inspection and enforcement programs to use existing authorities to begin to reduce emissions in communities of color for sources like diesel trucks, fugitive dust and air toxics from stationary sources.*
- *Adopting new regulatory or legislative programs to address difficult issues that are not covered by existing authorities like multi-pollutant, cumulative exposure to many air pollutants at the same time.*

Maryland has begun to implement community partnerships, enhanced, community based enforcement programs and has proposed three new regulatory initiatives to begin to address the issue of environmental racism. The MWCOG staff has several reports summarizing this work in Maryland.

Step 3 - Begin regional discussions on how to change existing air quality, transportation and land-use policies that are unintentionally driving environmental racism in the region. This is a very difficult step and will take time.

The most critical policy change that is needed is to rethink current land-use policies that continue to encourage dirty businesses to be built in environmental justice communities of color because of antiquated zoning concepts.

This unintended consequence associated with decades of well intended land-use and zoning policy is not all that complicated:

- *Areas are zoned for medium to heavy industrial use*
- *Dirtier businesses, warehouses, other associated operations and traffic move into that area*

- *Housing costs drop in that area*
- *Low income communities, sometimes communities of color and other overburdened communities, move into that area*
- *More dirty businesses, warehouses, other associated operations and traffic continue to move into that area*

This is a very difficult problem to fix, but local governments in areas like California are working to begin to reverse this problem by considering environmental justice as part of land use and zoning decisions.

The above framework is intended to be very simple. Policy and technical support documents are available and probably already being considered by the MWCOG staff. I have also submitted several earlier letters to MWAQC, CEEPC, TPB and other Committees at MWCOG. These letters provide additional information on this issue and are available from MWCOG staff. I have also attached a stand-alone version of the proposed environmental justice framework.

There is a true sense of urgency associated with the need to adopt an environmental justice policy and program for the MWAQC/MWCOG region. At this time, there are at least two major high-polluting projects being planned in the region that would make the environmental justice problems in two communities of color significantly worse. MWCOG staff has information and "EJ Screen" output related to these projects and other projects within the region. Moving forward quickly to begin to address environmental justice is critical.

In closing, I would also like to thank you again for allowing public input and participation as part of the CEEPC process. I would be happy to discuss the simple environmental justice framework during a future meeting or with a smaller group of MWAQC leadership.

Please do not hesitate to contact me. I look forward to the continued leadership I expect you to show on this important but difficult issue.

Respectfully,

George S. Auburn Jr.

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Cc: MWAQC Members
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Reuben Collins, Chair, TPB
Clark Mercer, MWCOG
Takis Karantonis, Chair, CEEPC
Era Pandya, Chair, ACPAC
Julie Kimmel, Vice Chair, ACPAC
Tom Ballou, Chair MWAQC TAC
Dr. Sacoby Wilson, UMCP CEEJH
Cristina Fernandez, USEPA
Angus Welch, USEPA
Eric Schaefer, EIP
Leah Kelly, EIP
Anne Havemann, CCAN

August 14, 2023 Letter Commenting to VA on Failure to Include EJ in Their SIP (Identical Letters sent to MD and DC)

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August 14, 2023

Doris A. McLeod, Air Quality Planner
Department of Environmental Quality
1111 East Main St
P.O. Box 1105
Richmond, Virginia 23219

Doris:

I am writing to submit comments on the proposed update to the mobile vehicle emission budgets (MVEBs) for nitrogen oxides (NO_x) and volatile organic compounds (VOC) applicable to the Northern Virginia 2008 ozone National Ambient Air Quality Standards (NAAQS) maintenance area. I will also be submitting identical comments to the District of Columbia and the Metropolitan Washington Air Quality Committee (MWAQC).

I believe the concerns I am raising will result in a disapproval or an incompleteness finding from the United States Environmental Protection Agency (EPA). This could unfortunately delay the new MVEBs that are so desperately needed by the transportation planning community in the region. I have cc'd both the EPA and the Virginia Department of Transportation (VDOT) on this comment letter.

I have two significant comments:

1. The draft revision to Virginia's State Implementation Plan (SIP) does not include any requirements to insure that implementation of the control measures that are in the full SIP will not create environmental justice (EJ) problems or make existing EJ problems worse. EPA is now required by the President to ensure that EJ issues are addressed in SIPs and other actions that require federal approval. This is a critical issue as there are multiple situations where implementation of measures in the SIP are ... at this time ... making environmental justice problems worse. More detailed information on this issue is provided in Attachment 1.

2. The margins of safety or buffers included in the MVEBs in the SIP make no sense. They have the potential to place residents at risk because of unhealthy exposures to ozone air pollution. The safety margins are being used to protect the transportation planning process ... not public health. With code purple air pollution levels being measured in the Washington area and the clear understanding that a new more protective ozone standard is in the works, it appears that public health is being sacrificed so that new emissions from transportation projects can be accommodated. If the MVEBs are to include safety margins, they should be set to protect public health, not transportation projects. More detail on this issue is also provided in Attachment 1.

Thank you again for the opportunity to provide comments on the proposed revision to the Virginia SIP.

Respectfully,

George S. Aburn Jr.

Tad Aburn
tadaburn@gmail.com
(443) 829-3652

Attachment 1

August 14, 2023

Issue Number 1 - The draft revision to Virginia's State Implementation Plan (SIP) does not include any requirements to insure that implementation of the control measures that are in the full SIP will not create environmental justice (EJ) problems or make existing EJ problems worse. EPA is now required by the President to ensure that EJ issues are addressed in SIPs and other actions that require federal approval. This is a critical issue as there are multiple situations where implementation of measures in the SIP are ... at this time ... making environmental justice problems worse.

- **EPA and the States have a clear responsibility to address environmental justice in SIPs**

EPA has a clear responsibility to ensure that federally approved plans do not allow implementation of those plans to create or make EJ problems worse. This is unfortunately already happening and EPA now needs to require that SIPs include provisions that prohibit these types of outdated implementation policies.

In 2022, EPA released a groundbreaking document that discusses this issue. The document titled "EPA Legal Tools to Advance Environmental Justice" can be found at: <https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf>

EPA Administrator Michael Regan is quoted saying ...

"At EPA, we know that our most vulnerable communities bear a disproportionate burden when it comes to the impacts of pollution and climate change. That's why advancing environmental justice is so critical to our mission. In support of this mission, the Agency is releasing EPA Legal Tools to Advance Environmental Justice, a document that identifies a wide range of legal authorities that EPA can deploy to ensure its programs and activities protect the health and environment of all people, no matter the color of their skin, their zip code, or how much money they have in their pocket."

The introduction in the document goes on to further make it clear that ...

“Environmental justice is first and foremost about achieving EPA’s mission to protect public health and the environment in those communities where we have yet to achieve our mission to ensure that everyone enjoys clean air, land, and water. Research has reaffirmed what underserved and environmentally overburdened communities have for years expressed—that many communities in this country that are underserved are also exposed to higher pollution burdens and as a result have higher rates of morbidity and mortality. Furthermore, many overburdened or underserved communities have also been effectively cut out of decision-making processes, raising basic procedural fairness issues. No one should be disenfranchised from decisions that affect their health, the health of their families, and the future vitality of their communities. EPA is committed to ensuring meaningful engagement for all communities.”

The document then provides a very powerful overview of the many legal tools that EPA has to make progress on environmental justice. One of those legal tools that EPA discusses is the use of SIPs to insure that these federally approved plans do not interfere with the Agencies EJ goals. One of those goals is to clearly take common sense, reasonable actions to ensure that implementation of these federally approved plans do not create environmental justice problems or make existing environmental justice problems worse. A letter to the federal government on this issue is included as Attachment 2.

One example of how implementation of well-intended measures in a federally approved plan can make environmental justice problems worse is the District of Columbia’s proposal to build a large, high polluting bus maintenance yard and training facility next to and directly upwind of several environmental justice communities of color located in Prince George’s (PG) County Maryland. Virginia DEQ and EPA Region 3 have a significant amount of additional information on this proposal. In general the District’s proposal is well intended. It will help the region implement SIP and MWCOG transportation plan programs to support vehicle electrification. This, in the long run, will significantly benefit the residents ... the primarily white residents ... of the region.

Unfortunately, if finalized, the project will be done at the expense of already overburdened EJ areas and communities of color. Air pollution and environmental risk will be made worse in these communities. The PG County communities have already screened high for environmental justice. The area also has established a community based hyper-local air monitoring network that shows that the area is already overburdened by air pollution. Both the Maryland Department of the Environment (MDE) and the University of Maryland Center for Community Engagement Environmental Justice and Health (CEEJH) have released documents that have been provided to Virginia DEQ and EPA Region 3 that show inequitable exposure to air

pollution and risk and EJ screening results. These documents can be provided again if requested.

There are numerous other implementation efforts going on in the Washington area ... where implementation of the SIP and other federally approved plans ... are creating new environmental justice problems or making existing environmental justice problems worse.

- **The proposed SIP revision is the correct SIP revision for the States and EPA to begin to address environmental justice**

During public meetings of MWAQC and MWAQC's Technical Committee (MWAQC TAC), it was argued that this particular SIP revision is a very small, somewhat technical SIP revision and that EJ will be addressed in later SIPs ... several years from now.

The SIP is not a single document. It is a compilation of many SIP revisions made over many years. This is the first opportunity that EPA and the States have to begin to aggressively address EJ problems. Specifically, the long standing silence in the SIP, that does not require that SIPs include language that ensures that implementation of the policies and programs in the full SIP do not create EJ problems or make existing EJ problems worse, must be corrected in the current proposed SIP revision. In earlier comments to MWAQC and MWAQC TAC (the States and the District are members of both), I submitted an example of the specific language that ... at a minimum ... would begin to address this issue.

- **Lack of final guidance on how to include all elements of EJ in SIPs does not excuse the States from including requirements in the SIP that ensure that implementation of the policies and programs in the full SIP do not create EJ problems or make existing EJ problems worse**

During public meetings of MWAQC and MWAQC TAC, it was argued that EPA has not issued complete guidance on how to include EJ in SIPs and that EPA's failure excuses the States from including requirements in the SIP that ensure that implementation of the policies and programs in the SIP do not create EJ problems or make existing EJ problems worse. I believe this is illegal and incorrect.

EPA has made it very clear that they expect States to begin to address EJ in SIPs. The recent release of EPA's legal analysis on the legal tools that are available to begin to make progress on addressing EJ issues is a clear signal from EPA that they are providing a roadmap for States to use to begin to better address EJ in SIPs. This is one of the reasons that EPA finalized this document in May of 2022.

EPA policies on how to fully address EJ in SIPs will continue to evolve. This does not mean that certain requirements, like a requirement to ensure that implementation of the policies and programs in the full SIP do not create EJ problems or make existing EJ problems worse, can be delayed. This requirement should be included in the current proposed SIP revision.

Issue Number 2 - The margins of safety or buffers included in the MVEBs make no sense. They have the potential to place residents at risk because of unhealthy exposures to ozone air pollution. The safety margins are being used to protect the transportation planning process ... Not public health. With high risk, code purple air pollution levels being measured in the Washington area and the clear understanding that a new more protective ozone standard is in the works it appears that public health is being sacrificed so that new emissions from transportation projects can be accommodated. If the MVEBs are to include safety margins, they should be set to protect public health, not transportation projects.

- **EPA needs to correct outdated historical policies that allow transportation conformity budgets to be arbitrarily relaxed**

In 2023, mobile sources are the number one contributor to the Washington region's and the nation's ozone air pollution and climate change problems. This EPA policy that allows mobile source transportation conformity budgets to be relaxed (by using safety margins to protect transportation planning) in certain situations is simply bad policy that is both illogical and unnecessary.

EPA is in the process of evaluating the need for a more stringent ozone standard. Hyper-local air monitoring data across the country is often showing that air quality is worse in and around EJ communities of color. Reducing ozone air pollution to levels below the standard will provide significant additional risk reduction. Mobile sources are now the dominant emission source causing ozone air pollution.

For these reasons ... If a "margin of safety" is to be used in the SIP, it should be used to enhance and improve public health protection ... not to provide flexibility to the transportation planning community.

At MWAQC TAC, the transportation community has argued that the safety margins are only needed because of model changes and other strictly technical reasons. Unfortunately, that is not how these alternative budgets have been used. If the margins of safety are truly needed for strictly technical reasons, there are other ways to address those kinds of technical corrections with streamlined SIP revisions that would require

public participation and comment before a truly technical adjustment to a transportation conformity budget could be made. The currently proposed alternative transportation conformity budgets (with the safety margin) can be implemented without public participation or comment on the specific technical issue that may be driving a need for a technical correction to the budgets.

- **All of the data on both criteria pollutant and greenhouse gas emissions should be required to be made available to the public whenever a transportation conformity analysis for a new transportation plan is completed**

The models used to complete transportation conformity analyses generate both criteria pollutant and greenhouse gas emissions results. At this time, the greenhouse gas emissions increases or decreases associated with a new transportation plan are not made available to the public (or the elected officials) during the process where the transportation plan is being debated and finalized. Greenhouse gas emission information is provided later ... after the policy decision on what goes into the new transportation plan are already finalized. The greenhouse gas emission benefits or disbenefits should be made available during the policy discussion over what is included in new transportation plans.

September 26, 2023 Letter from DC EJ Coalition

Janet A. Phoenix, MD, MPH, Chair, DC Asthma Coalition
Parisa Norouzi, Executive Director, EMPOWER DC
Dr. Sacoby Wilson, University of Maryland Center for Community
Engagement, Environmental Justice and Health (CEEJH)
Tene Lewis, Lead Volunteer, Campaign to Reduce
Lead Exposure & Asthma

September 26, 2023

Anita Bonds, Chair, MWCOG Metropolitan Washington Air Quality Committee
(MWAQC)

Takis Karantonis, Chair, MWCOG Climate, Energy and Environment Policy Committee
(CEEPC)

Committee Members, MWAQC

Committee Members, CEEPC

777 North Capitol St. N.E.

Suite 300

Washington, DC 20002

RE: Request to Provide Input on the MWAQC/MWCOG Environmental Justice Plan

Chairwoman Bonds, Chairman Karantonis, MWAQC members, CEEPC members:

We are writing to offer our assistance to MWAQC, CEEPC and MWCOG as you work to finalize and implement the regional Environmental Justice Plan that Chairwoman Bonds proposed and passed during MWAQC's May 24, 2023 meeting. This proposal was vigorously supported by the Committee and passed unanimously. We understand that this issue may be discussed at the September 27, 2023 MWAQC and CEEPC meetings. This letter is follow-up to the comments that we submitted for the May 20, 2023 TPB meeting.

We have begun to work with Tad Aburn on this and other issues and we share his concern that it has been nearly a quarter of a year and that no real progress has been made to follow-up on Chairwoman Bond's action during the May 24th MWAQC meeting to expeditiously develop and adopt a stand-alone environmental justice plan. We find this surprising given the Committees clear charge to develop and implement the plan expeditiously.

The Plan needs to not only encourage the need to build partnerships with environmental justice communities but also include real action to reduce excessive emissions in these areas from both stationary and transportation related sources.

The data, research and analysis that is now readily available clearly shows that excess emissions in and around environmental justice areas are creating very serious, inequitable public health risks to the people and the children that live in these communities. In a briefing to MWAQC, Dr. Russell Dickerson, a national expert on air pollution, characterized the measured air pollution levels in the Ivy City environmental justice area as “alarming”.

Transportation Related Air Pollution (TRAP) is a high priority to our coalition. We have attached a 2022 letter describing our concerns over TRAP and the critical need for government agencies and regional planning organizations like MWCOG to take action to address this issue.

We have followed Mr. Aburn's efforts (before retiring, Mr. Aburn was the MDE Air Director for many years) to push MWAQC and the MWCOG Transportation Planning Board (TPB) to address the need to reduce pollution in the now well documented air pollution hotspots that are driven by TRAP and causing high risks in environmental justice communities of color. We support his efforts and share his concerns. Interestingly, Mr. Aburn's efforts started in Late 2022, almost the same time we began to push the need to address TRAP.

In closing, should you want our input on what we believe is critical in your environmental justice plan, please contact us. Please contact Tad Aburn. He will be coordinating this effort.

Thank you again for allowing public input. The work you are doing is critical.

Sincerely,

Janet A. Phoenix

Janet A. Phoenix, MD, MPH, Chair, DC Asthma Coalition

Parisa Norouzi

Parisa Norouzi, Executive Director, EMPOWER DC

Dr. Sacoby Wilson

BGSU JWP

Dr. Sacoby Wilson, University of Maryland Center for Community Engagement,
Environmental Justice and Health (CEEJH)

Tene Lewis

Tene Lewis, Lead Volunteer, Campaign to Reduce Lead Exposure and Asthma

George S. Aburn Jr.

George S. (Tad) Aburn Jr., Volunteer

Cc: William Washburn, Climate Justice Chair, Washington DC Branch, NAACP
Kate Stewart, Chair, MWCOG BOD
Reuben Collins, Chair, TPB
Clark Mercer, Executive Director, MWCOG
Rick Conrad, MWCOG Title VI Officer
Adam Ortiz, Regional Administrator, USEPA
Cristina Fernandez, USEPA
Angus Welch, USEPA

December 5, 2023 Letter

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December 5, 2023

Anita Bonds, Chair, MWCOG Metropolitan Washington Air Quality Committee
(MWAQC)
Committee Members, MWAQC
777 North Capitol St. N.E.
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Washington, DC 20002

RE: Comments on Inclusion of Stakeholders as Part of the Environmental Justice
Subcommittee

Chairwoman Bonds, MWAQC members:

Thank you for allowing public comments to be submitted to MWAQC. I look forward to the opportunity to work with the new Environmental Justice (EJ) Subcommittee that MWAQC has created.

My comments today focus on the role of stakeholders as part of that process. As you know, other MWAQC Subcommittees, like MWAQC TAC (Technical Advisory Committee) formally include stakeholders as members of the Subcommittee. Given the focus of the new EJ Subcommittee, I would urge you to use the Chairs and the Subcommittee Chairs authority to name a small number of stakeholders to be formal members of the new Subcommittee.

I'm sure there would be an application process, but I would volunteer to work with the MWAQC EJ Subcommittee on this critical issue. As you know, I am now working with several environmental justice communities in both Prince George's County and the District of Columbia and have considerable experience in the area of air pollution. I could also provide recommendations on other stakeholders who would be very interested in participating ... Some from the communities I am working with, some who are considered technical experts on monitoring and other technical issues linked to environmental justice.

I would also like to provide comment on the briefing you will receive as Agenda Item # 5 ... the "Hyperlocal/Community Monitoring Panel". I believe these two briefings will be a very good start to understanding the air monitoring that is finally being done in and around EJ communities. They are both presentations by government officials and I am certain they will be very nice and deliver a message that says "we are concerned ... we are looking".

What they will not say is that the levels of some pollutants in these communities are shocking and warrant strong, immediate action. In a briefing to MWAQC on February 22, 2023, Dr. Russell Dickerson from the University of Maryland (UM) called the air pollution levels he was measuring in the Ivy City area of the District of Columbia (DC) ... "Alarming".

There are other researchers in the DC area reaching similar conclusions. George Washington University, Trinity and Howard University are conducting EJ research. I would urge you to include a briefing from the research community at future MWAQC meetings. This kind of a briefing would also be very important to the new EJ Subcommittee as the research results convey a true sense of urgency to that Committee's work. I offer to reach out to these researchers if needed.

In closing, as the new EJ Subcommittee begins to meet, another very important briefing should focus on the emission reduction "Actions" that can be taken by MWCOG and its members to begin to reduce emissions and risk in EJ Communities. Again, because of the urgency of the problem, it is critical for the government to immediately begin to take common sense actions. There is a great example of an action-oriented EJ effort in Prince George's County. This community based effort, being done in partnership with the Maryland Department of the Environment (MDE), the UM and Prince George's County includes the following MDE-led early action programs:

- A targeted inspection and enforcement effort (using community-based air monitoring data) to ensure that emissions from stationary sources, like aggregate plants and metal shredders, are minimized,
- A community focused initiative to reduce diesel emissions from vehicles and potentially illegal truck idling (in partnership with the Maryland State Police),
- An initiative to address Transportation Related Air Pollution (TRAP),
- Another enhanced inspection and enforcement effort to ensure that fugitive dust from businesses, construction sites and warehouse areas are minimized, and
- Several other efforts targeting specific actions needed to address the inequitable exposure to air pollution in EJ communities.

I urge you to move quickly to address environmental justice across the region. I have also attached the short EJ Framework that I recommended to MWAQC in June of 2023. The EJ Subcommittee may find it useful.² Please let me know if I can help with this critical effort.

Respectfully,

George S. Aburn Jr.

Tad Aburn
tadaburn@gmail.com
(443) 829-3652

Cc: MWAQC Members
Reuben Collins, Chair, TPB
Takis Karantonis, Chair, CEEPC
Era Pandya, Chair, ACPAC
Julie Kimmel, Vice Chair, ACPAC
Tom Ballou, Chair MWAQC TAC
Cristina Fernandez, USEPA
Angus Welch, USEPA

² As background, My name is Tad Aburn. In 2022, I was the Chair of MWAQC TAC. For the past 15 years I was the MDE Air Director and an MWAQC member. I have helped write and have submitted over 30 SIPs to EPA over my 40 year career at MDE. I was also a two-time President and the State Criteria Pollutant Committee Chair for the National Association of Clean Air Agencies (NACAA). NACAA is a national organization noted for its expertise on air pollution and environmental justice. I am now retired ... and doing volunteer work for overburdened communities in Prince George's County and the District of Columbia.

ATTACHMENT

Three Basic Steps that Need to be Implemented by MWCOG to Begin to Address Environmental Racism in the Washington, DC Region June 1, 2023

Introduction - This short white paper provides a basic framework that could be considered by the Metropolitan Washington Air Quality Committee (MWAQC) as they begin to develop the environmental justice program approved at the Committees May 24, 2023 meeting.

Step 1 - Rethink and relocate current projects that are in the works that add to the existing environmental burden and make air pollution hotspots and racial inequity worse in communities of color throughout the Washington DC region.

Many of these projects, like the Claybrick Road project and the Ivy City project can be built elsewhere ... in an area that does not impact a community of color or in an area with a larger buffer between the emissions from the project and the communities that breathe the air.

Step 2 - Begin to work with both county level and state level MWAQC members in VA, MD and DC to implement programs to reduce the existing inequitable exposures (hot-spots) to air pollution in communities of color throughout the region.

The efforts in Maryland provide a template to begin this work. The Maryland efforts involve:

- *Building community partnerships.*
- *The establishment of community based, hyper-local air monitoring networks.*
- *Implementing focused community-based inspection and enforcement programs to use existing authorities to begin to reduce emissions in communities of color for sources like diesel trucks, fugitive dust and air toxics from stationary sources.*
- *Adopting new regulatory or legislative programs to address difficult issues that are not covered by existing authorities like multi-pollutant, cumulative exposure to many air pollutants at the same time.*

Maryland has begun to implement community partnerships, enhanced, community based enforcement programs and has proposed three new regulatory initiatives to begin to address the issue of environmental racism. The MWCOG staff has several reports summarizing this work in Maryland.

Step 3 - Begin regional discussions on how to change existing air quality, transportation and land-use policies that are unintentionally driving environmental racism in the region. This is a very difficult step and will take time.

The most critical policy change that is needed is to rethink current land-use policies that continue to encourage dirty businesses to be built in communities of color because of antiquated zoning concepts.

This unintended consequence associated with decades of well intended policy is not all that complicated:

- *Areas are zoned for medium to heavy industrial use*
- *Dirtier businesses, warehouses, other associated operations and traffic move into that area*
- *Housing costs drop in that area*
- *Low income communities, sometimes communities of color and other overburdened communities, move into that area*
- *More dirty businesses, warehouses, other associated operations and traffic continue to move into that area*

This is a very difficult problem to fix, but local governments in areas like California are working to begin to reverse the problem by considering environmental justice as part of land use and zoning decisions.

April 7, 2024 Comments to TPB and MWCOG Board

Comments for the April 17, 2024 TPB Meeting

Tad Aburn³

DC Environmental Justice (EJ) Coalition

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(443) 829-3652

Madame Chair, Mr. Chairman, TPB members ... thank you for the opportunity to provide virtual public comment today.

Could you please use the language below (bold Italics) in the MWCOG staff summary of my comments:

“I am submitting these comments on behalf of leadership at the DC EJ Coalition directly to TPB Chair Henderson and MWCOG Board Chair Allen because of the leadership roles they hold with MWCOG and their commitment to resolving environmental justice (EJ) issues.

My comments today focus on three EJ issues in the Envision 2050 Plan that are not well addressed and, in essence, if not corrected ... will continue a long legacy of institutionalized, systemic environmental racism linked to air pollution hotspots from transportation and other regional plans in EJ communities. These three issues are:

- ***The air quality conformity analysis. It is outdated and does not fully address air pollution,***
- ***The Plan's failure to address high-risk air pollution hotspots in EJ communities of color created by transportation plans and programs, and***
- ***The Plan's weak climate change goals and its underperformance on reducing greenhouse gasses to address the region's and the nation's climate change crisis.”***

³ As background, my name is Tad Aburn. I have submitted comments on this issue at every TPB meeting since November of 2022. I am retired, was a Maryland resident for 68 years and I am now doing volunteer work for overburdened communities in Prince George's County and the District of Columbia. I am also a member of the DC EJ Coalition. In 2022, I was the Chair of MWAQC TAC. I was an MWAQC member for over 10 years. For almost 20 years I was the Director of the air pollution program in Maryland. I worked for MDE for 40 years.

Having worked with many individual elected members of MWCOG, I know that you care deeply about racial equity. I urge you to speak up and push TPB and MWAQC to address these three critical EJ issues.

I have attached a comment letter that was submitted to MWCOG earlier this month that provides more detail on these issues.

Thank you again for providing the opportunity to provide public comment. The courtesy of a response is requested.

February 28, 2024 Letter

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February 28, 2024

Kenny Boddye, Chair, MWCOG Metropolitan Washington Air Quality Committee (MWAQC)

Charles Allen, Chair, MWCOG Board

Tom Dernoga, Anta Bonds, iVice Chairs MWAQC

Committee Members, MWAQC

777 North Capitol St. N.E.

Suite 300

Washington, DC 20002

RE: Comments on Public Participation and the MWAQC EJ Subcommittee

MWAQC Chair Boddye, MWCOG Board Chair Allen, other MWAQC Leadership, MWAQC members:

I am writing today as a member of the DC Environmental Justice Coalition and as a participant in ongoing environmental justice (EJ) partnerships in Prince George's County, Maryland and the District.

Thank you for allowing public comments to be submitted to MWAQC. The DC EJ Coalition, the residents who breathe the air in the EJ Communities of the and myself, all look forward to hopefully being able to support the new Environmental Justice (EJ) Subcommittee that MWAQC has created and to help create a regional plan that establishes the MWCOG area as one of the Countries leaders in this critical area of public health protection.

I have included MWCOG Board Chair Allen in this communication as many of the concerns I have over public participation at MWAQC are similar, or identical, to concerns that I have over the public participation processes used by other MWCOG Committees.

This letter is the supplementary information letter mentioned in my short, 3-minute, public comments for the February 28, 2024 MWAQC meeting that I am registered for.

I respectfully ask the Chair to allow a few extra seconds to complete my comments if they should go for maybe 30 seconds beyond the allowed 3 minute time that is allowed for public comment. I believe there are no other public comments, so a few extra seconds should not interfere with other agenda items.

A copy of my comments are below:

**Copy of Comments Made by Tad Aburn⁴
MWAQC Meeting
February 28, 2024**

**tadaburn@gmail.com
(443) 829-3652**

Mr. Chairman, MWAQC members, thank you for providing the opportunity to provide public comment today. I am commenting today as a concerned individual and as a member of the DC EJ Coalition.

I apologize in advance for the tone of my comments. They are very direct, factual and controversial.

My comments today focus on the public participation process for the EJ Subcommittee that will be discussed as agenda item 5. The process is very flawed as it does not include any representatives from actual EJ communities. It also ignores the need to add new stakeholders with well documented expertise on EJ policies and programs.

The COG staff briefing you will see is deceiving. It implies that the EJ Plan was driven by a decision on the work plan. That is inaccurate. It was driven by a unanimously approved motion by then Chair Bonds that stated that the effort to adopt a regional EJ Plan was urgent and that it needed to be completed expeditiously. She further commented that a key initial step was to seek input from experts in the public immediately.

⁴ My name is Tad Aburn. In October of 2022, I was the Chair of MWAQC TAC. For the past 15 years I was the MDE Air Director and an MWAQC member. I have helped write and have submitted over 30 SIPs to EPA over my career. I am now retired ... doing volunteer work for overburdened communities in Prince George's County and the District of Columbia.

There was extraordinarily strong support for the Chairs motion ... led by MWAQC members, Dernoga, Minks, Sayles and Snyder. The recording of this discussion on the MWAQC web site.

In March of 2023, Dr. Russell Dickerson provided a briefing to MWAQC on the issue of high-risk, air pollution hot-spots in environmental justice communities of color. He called the measured air pollution levels in the DC EJ Communities “alarming”. MWAQC Chair Bonds expressed major concern over Dr. Dickerson's research.

Since the Chairs motion was unanimously approved in May of 2023 ... nothing of substance has happened. Communities of color continue to be exposed ... every day ... to very dangerous air pollution. The science on this is indisputable.

Now, it appears that the EJ Subcommittee, which is being established a year after the “urgent” motion ... will not be asking for front-line residents or policy or technical experts to provide input.

The stakeholder process for the EJ Subcommittee appears to follow the model the COG staff uses for other subcommittees. Based upon my efforts to provide public input at ACPAC, TAC and CEEPC, it is clear that the COG staff self-selects stakeholders that will not disagree with the COG staff. ACPAC has not commented on a single policy-relevant issue in the last 5 years. CEEPC has avoided the very difficult discussion of the MWCOG climate change goals being woefully weak ... for about a year.

During Subcommittee meetings, public participation is prohibited. The public is allowed to “listen” to these meetings but is prohibited from speaking or asking questions as they are muted and prohibited from using chat or raise-hand functions to ask questions. I do not believe members actually understand how this works and would strongly disagree with what the COG staff is doing.

It is clear that the COG staff intentionally sets up the public participation processes to be a sham, where public participation appears to be part of the process, but it is actually not.

I believe that the MWAQC leadership does not understand how the COG staff manipulates the public participation process. You should request a briefing.

Additional information on the concerns I have are included in a 2/28/24 letter to MWAQC and MWCOG. It should be in your packet.

In closing, it is interesting that ... after about a year ... EPA has not begun to move forward to approve the MWAQC SIP. They appear to be very concerned over both

the way the SIP ignores environmental justice and the potentially illegal public comment process.

Thank you again for providing the opportunity to provide public comment.

The supplementary information and recommendations mentioned in my comments are provided below.

Take advantage of existing offers from front-line EJ communities and EJ experts to provide input to MWAQC and the new EJ Subcommittee

- Over the past year MWAQC has received formal comment, letters and other communications from the DC EJ Coalition, real-world EJ communities that I work with, the academic community and myself to provide immediate input on what a strong, common-sense regional EJ plan should include.
- A proposed EJ framework that was built as a team effort was submitted to MWAQC.
- The DC EJ Coalition and the interested academics include local, but nationally recognized experts like Dr. Janet Phoenix, Dr. Sacoby Wilson, Dr. Russ Dickerson, Dr. Susan Annenberg, and others. The DMV area has a wealth of expertise on both EJ policy and EJ science.
- It is unclear why these offers have not been acted on, but the offers still remain.
- My offers have also included a willingness to coordinate with COG staff to help efficiently tap into this local and “anxious-to-help” group of front-line community members and experts.

Fix ACPAC - Especially for EJ Issues

- ACPAC needs to set its own agenda and make recommendations to MWAQC independent of the desires of the COG staff.
- ACPAC has been told in formal briefings from COG staff that they can only work on issues pre-approved by MWAQC or CEEPC. I do not believe this is true and that this is actually what MWAQC and CEEPC members want. I believe members want an actual “Advisory” committee who advises on both easy and hard issues.
- Having tried to participate in ACPAC for the past 2 years and having talked to many ACPAC members, I know that many ACPAC members are frustrated over the role they are asked to play.

- New ACPAC Chair, Julie Kiimmel, is very good and I believe will work to improve the ACPAC process to allow public participation and to make sure that ACPAC agendas are policy relevant.
- Unfortunately, it appears that my application to volunteer and become an ACPAC member was rejected by COG staff based upon silly procedural issues. Multiple MWAQC and ACPAC members urged me to apply.
- My offer to serve still stands. There appears to still be ACPAC vacancies.

Fix MWAQC TAC, Especially for EJ Issues

- MWAQC TAC has not looked at any of the science or other technical information on EJ for the past two years. Given the priority that MWAQC has given EJ, I find this difficult to believe.
- There is now a very large body of research, technical analysis and reports on EJ in the DMV
- Having tried to participate in TAC meetings for the past two years, they are very focused on the lack of EPA policy, but that is a policy issue. Technical Committees should be looking at the technical information and let the policy committees worry about the policy. How bad and urgent is the EJ problem in the DMV? That's the question that the TAC should be looking at. The data and research is readily available, it's just been ignored. If EJ is not TAC's number one priority ... it should definitely be number two.

Fix the Public Participation Process for the EJ and Other Subcommittee Meetings

- Most of the MWCOG/MWAQC subcommittees would benefit greatly if meaningful public participation was allowed.
- Meaningful public participation at Subcommittees for MWAQC and other MWCOG committees is in essence prohibited.
- MWCOG by-laws and operating procedures imply that robust public participation is welcome and encouraged.
- Meaningful public participation does make management of Subcommittees for COG staff more difficult, but very successful models that allow meaningful public participation while ensuring that other critical Subcommittee business is completed can be found in Maryland's Air Quality Control Advisory Council, Maryland's air quality rulemaking stakeholder workgroups and the multiple working groups that support Maryland's Climate Change Commission.
- The Chairs for the EJ Subcommittee, ACPAC, MWAQC TAC, CEEPC, TPB Tech and the TPB Community Advisory Committee should all establish subcommittee specific procedures to allow for well managed public comment at every

Subcommittee meeting. MWCOG by-laws, operating procedure, policies and guidance provide this authority to the Subcommittee Chairs. Similar Subcommittees across the country almost always allow for public comment and manage that process to ensure that all urgent Subcommittee business is completed.

- In 2024, with transparency being a huge priority to government agencies and elected officials, fixing the public participation processes at MWAQC and throughout MWCOG should be a high priority.

Begin to provide written responses to letters and formal comments from the public

- MWAQC's public participation process is spelled out in MWAQC and MWCOG by-laws, operating procedures and guidance. It is not a model of clarity. It does however, clearly require that receipt of public comment be confirmed and a response to the commenter, on how the comment will be used, be provided.
- The second piece of the policy does not happen. The response could be ... "we disagree" but a response is required and is generally considered to be a common courtesy and a good government practice.
- The Chair or the staff should provide an appropriate response for all comments made by the public at meetings or that are part of a letter.

Take Advantage of Offers to Help from Experts

- Environmental justice is a new and challenging scientific and policy issue. New research and policy documents are emerging every month.
- The DMV is an area rich with academic EJ experts and residents involved in real-world implementation efforts to address EJ. The Subcommittee should take advantage of these free resources.
- Input on issues that are easy and less controversial (like building a partnership) and more difficult issues that can be much more controversial (like how transportation and land-use planning policies need to be updated so that they are not a form of systemic environmental racism) should all be included on the list of topics to seek input on from local experts.
- The DC EJ Coalition, residents in DMV EJ communities, the academic community and myself have all offered to provide input. To date those offers have been ignored.

I applaud MWAQC for moving forward to begin to address environmental justice, a very serious public health protection issue in many communities across the DMV. The

process has unfortunately been very slow and does not make sense given the urgency of the problem. If MWAQC members have not simply driven or walked through one of the EJ communities in their jurisdictions ... I encourage you to do that ... you will walk away with a true sense of urgency. Please let me know if I can help with this critical effort.

Respectfully,

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