

Copy of Comments Made by Tad Aburn¹
MWAQC Meeting
March 28, 2024

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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.

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.

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.

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 3/28/24 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.

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December 5, 2023

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

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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:

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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,

George S. Aburn Jr.

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Cc: MWAQC Members
Reuben Collins, Chair, TPB
Cristina Henderson, Chair, TPB
Takis Karantonis, Past Chair or Chair, CEEPC
Julie Kimmel, Chair, ACPAC
Roger Thunell, Chair MWAQC TAC
Cristina Fernandez, USEPA
Angus Welch, USEPA

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.