

Comment from George Aburn, Received 7/27/24 via email

Thanks for Your Efforts - CM Minks Question - Ideas on How to Better Engage With Communities

Thank you again for what is clearly a commitment by MWAQC leadership to have a robust, effective public participation process on environmental justice. All of the MWAQC and EJ Subcommittee elected leadership have been very clear over the importance of public participation. That is truly appreciated. Everyone in this email has been very clear on their commitment to working with the public on the EJ Action Plan that MWAQC is developing.

It would be really great if a short response from staff to this email was provided.

Unfortunately, the way the public participation process is working is actually discouraging public participation. The fact that no one from the public (other than me) participated in the last 2 EJ Subcommittee meetings ... when public participation at the May 22nd MWAQC meeting was very significant ... is clear evidence that something needs to be fixed. I was asked by MWAQC leadership and COG staff to help get significant public comment at the 5/22 MWAQC meeting that focused on the EJ Action Plan ... it worked - the most public comment and written public input received by MWAQC ever.

Co-Chair Mink asked how to fix this problem at the last Subcommittee meeting. She got little feedback on her question. Here is one idea that has proven to work.

As you know, I'm working with residents, advocacy groups, researchers and quite a few EJ communities in the DMV. I have built a very good network of very active residents, advocacy group experts, EJ policy experts and EJ science experts.

In talking to Jeff, I think the biggest problem is the way the public is not really "in" the EJ Subcommittee meetings - they are put into a separate "room" - has the feel of the kid's table at Christmas dinner - where they can't speak or ask questions except to COG staff. They are allowed to make 2 or 3 minute comments at the beginning of the meeting (that all can hear), but are then "hard-muted" immediately after they speak.

Even when the questions that the public would like to ask are very basic and very important ... like what version of EJ Screen is being used - the EPA version... the MDE version ... or the U of M version (Sacoby Wilson's DMV specific version) ... the questions never get asked. A little common sense political advice ... If Sacoby's EJ Screen is not being used (and it's not) - you will be severely criticized and lose public support.

The basic questions being asked by the public are allowed to be asked in the separate room through chat (no committee members see these chats) - COG staff confirms the chat was looked at by staff ... but they never get the questions to the Chair and the questions never get asked. The Chair then asks if there are any other questions - and again, the public questions are ignored as the Chair does not know they exist - this is frustrating to the public and discourages continued participation. No follow up written responses are provided. I think Jeff tried to allow some meaningful public questions to be asked at the last meeting ... it just did not work.

When I was MDE Air Director we used a different approach for public participation that worked much better to capture public input and bolster public confidence in the public participation process. Both

MDE air advisory committee meetings (Vice-Chair Dernoga is on the MDE advisory council) and the States Climate Change Commission committees use this process.

The MD process works. It does require the Chair (with staff providing a huge amount of support) to manage public comment and keep meetings on schedule so the goals of the meeting are achieved.

The Maryland process:

1. All notices and meeting materials are made available to the public through a web page and individual communications AT LEAST 2 weeks in advance of meetings. Never less than 1 week in advance.
2. No pre-registration of the public is required. Pre-registration is a participation killer. Just join the meeting.
3. Everyone is in the same meeting room - everyone can use chat and see chat from everyone else - all committee members and members of the public.
4. First thing said - by staff - before the Chair starts introductions and ground rules - is that "if you want to make an initial comment - please use chat to sign up right now. Please try to focus on providing input on the specific topics on the agenda that was made available to everyone in advance of the meeting. 15 minutes at the beginning of the meeting is reserved for initial public comment."
5. Chair does introductions - ground rules - and logistics. At MDE this is scripted by staff and the Chair uses that as a guide but - of course - can always ad lib. The ground rules include:
 - Public can make initial public comments during the first 15 minutes of the meeting. if the Chair feels it is important to allow more time - that's always OK.
 - If there are three commenters ... each commenter gets 5 minutes max. Clock and reminders by staff on time. 15 commenters ...1 minute each.
 - The public can also ask "appropriate" questions through the chat and they can raise their hand if they want to ask a question during a presentation.
 - After presentations, the Chair will take all comments from the Committee first.
 - If time allows (managed aggressively by staff), public questions in the order they were received by chat and raise hand will be allowed.
 - If time runs out, staff will provide a summary of all questions and comments and responses to those comments in writing.
 - It works very well in MD. In some situations the Chair (or the lead staff) may need to make it clear that inappropriate behavior that disrupts the meeting is unacceptable and will result in a "hard mute" ... in essence removal from the meeting. In my 40 years at MDE I had to do this only once.

Then you have the meeting. Staff manages the time aggressively, stick to your agenda and at the end of the meeting review follow-up actions including providing responses to questions in writing that could not be answered because of time or other reasons (like the need to research the issue) ... and ... including certain issues raised by the public as a priority agenda item at the next meeting. Staff always has the discretion to reach out to individual commenters directly.

This approach for public participation does create a significant workload for staff. It appears to me that Jeff has done a very good job of strengthening staff resources for the MWAQC EJ work by hiring the consultant and bringing in several highly efficient existing staff (who also do other work) to help with the MWAQC EJ work. I could help reduce the workload (and stop making negative comments out of frustration) if Jeff and Kanti would accept my pro bono offer to help. If this kind of help from the public is better done through a small group (Jeff ... something like Ray, Julia, Anthony, Sacoby, Janet and Parrisa - I could help create that).

Public input at the MDE meetings is significant, most often focused on the issues on the agenda and empowering in that the public want to continue to participate.

I worry that the current public participation process assumes the public is evil and can't be trusted to behave. I strongly disagree with that and encourage you to try an approach, like the MDE approach, that assumes (and has proven) that the public will behave and that the public actually has a lot of valuable input to provide. Jeff you met Anthony - he's very good - polite - definitely an advocate - but very profesional. I know of no one in my network that is not like Anthony.

I would be happy to discuss the MDE approach and why I think it would result in a much more meaningful public participation process. Just let me know.

One last, but important question I get from folks I'm working with. What is the full schedule? Folks know that the EJ Subcommittee sunsets (unless extended) in a year. The process so far has been a bit slow ... and appropriately focused on getting public input. MWAQC Chair Boddye recognized this and pushed for more meetings of the EJ Subcommittee. Very much appreciated.

That said, the process of drafting the plan - getting public comment on the plan - and then approving the plan ... it will take some serious time. How is the whole process - at least for now - scheduled to play out? I would love to see it get done in one year (public comment focuses on urgency and fast action) ... but that seems almost impossible.

Thanks again,

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