

Copy of Comments Made by Tad Aburn¹
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Co-Chairs, MWAQC Environmental Justice Subcommittee members, thank you for providing the opportunity to provide public comment today.

First, I would like to acknowledge the amazing effort made by the three Co-Chairs of the MWAQC EJ Subcommittee, the MWAQC leadership and the MWAQC staff for the intense process they have run over the past few months to make great progress on the MWAQC EJ Action Plan. In particular, the efforts made to work with EJ communities and the public in general have been extraordinary.

Consistent with the request made to stakeholders, I would like to comment on several pieces linked to the EJ Actions Priority List and the strategy selection criteria that the EJ Subcommittee is working on. These pieces include:

- The need to use a phased approach to begin implementation of the EJ Action Plan. Specifically, MWAQC and MWAQC members need to begin implementation of several simple, common-sense, effective emission reduction actions ... that are discussed below ... in at least one EJ area in each jurisdiction represented on MWAQC,
- The criteria for identifying EJ areas,
- The prioritization of three common sense strategies for early ... if not immediate ... implementation.

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.

The EJ Action Plan is being modeled after the SIP. SIPs are implemented in phases. The MWAQC EJ Action Plan should also include phases. Phase 1 of the MWAQC EJ Action Plan should focus on one EJ area in each MWAQC jurisdiction. This should not be challenging, as each MWAQC member can easily use common sense to identify low income, communities of color in their jurisdiction that are overburdened by air pollution sources and have most likely already been analyzed using an EJ screening tool. EJ analytical tools can quickly be used to confirm the common sense recommendations of MWAQC members.

MWAQC should use the University of Maryland version of EJ Screen to begin to identify EJ areas. It has been fine tuned for the DMV.

This analysis should be directly supplemented by community scale emissions density maps for both criteria pollutants and air toxics. The MWAQC EJ Action Plan is focused on air pollution. None of the different versions of EJ Screen actually do a very good job with air pollution. They do a great job with demographics ... just not air pollution. COG staff and the States already have the ability to use the SIP and photochemical modeling inventories to show which communities have the most criteria pollutant emissions. Emissions density maps have been developed in the past so this is not difficult.

COG staff, the states and contractors also have the ability to easily create community scale emissions density maps and cumulative risk maps for toxic air pollutants using EPA's AirToxScreen tool. AirTox Screen is the newest version of what used to be called NATA or the National Air Toxics Assessment.

My last specific comment is that the most important set of immediate, short-term strategies is not clearly, at this time, made a high priority on the EJ Actions Priority List.

Those strategies are based upon the fact that almost all EJ areas suffer from three, somewhat unique-to-EJ-areas, problems.

- The first major issue in EJ areas is that the number of diesel vehicles being used and releasing emissions in EJ areas is huge. Probably more than 10 to 100 times the number of trucks and emissions in EJ areas compared to the areas where you and I live. Illegal diesel truck idling is rampant. State and Local Government needs to step in immediately, focus on EJ areas ... and better enforce the law.
- Like illegal idling, the release of toxic fugitive dust is also a huge problem in EJ areas and also illegal ... much worse than in almost all other areas in the region. Fugitive dust can contain asbestos, heavy metals and other toxic compounds. Excessive emissions of fugitive dust from businesses, roadways, construction sites and warehouse parking lots is illegal throughout the DMV. Again, State and Local Government need to focus on EJ areas and stop this illegal activity. It does not appear that this strategy is on the list at all.
- Finally, EJ areas are also overwhelmed by many, many businesses who emit thousands of pollutants. These businesses include large facilities like power plants, metal recycling operations, aggregate plants and asphalt plants ... and small facilities like gas stations and paint spray booths. There are so many of these sources in EJ areas that State and Local Government agencies can not ensure that all of these sources are complying with the laws. This issue also needs to be given priority in EJ areas and fixed immediately.

Both MDE and DC DOEE have already started to do some of the enhanced inspection and enforcement efforts described above. It is resource intensive and most MWAQC members are already resource constrained. MDE has developed a set of enhanced, “do-more-with-less” enforcement tools that are much less resource intensive but still effective. MDE should brief MWAQC and MWAQC TAC on these “do-more-with less” tools. The

attached EJAT briefing to the Cheverly Town Council discusses the “do-more-with less” MDE tools.

It is my opinion, that if these three simple steps are taken, that the air pollution problems in EJ areas can be reduced by half. This is very, very significant.

I have attached two other documents for your consideration.

- A briefing to the Cheverly Town Council that discusses the progress being made in the Cheverly area and the MDE “do-more-with-less” enforcement efforts, and
- A presentation on cancer risks from diesel particulate matter that includes many recommended control strategies.

I'm sorry, but I have one negative comment. MWAQC TAC, for reasons that are not clear to me, has not really begun to seriously look at EJ issues that are time sensitive and critical. It's been two years.

MWAQC should give TAC a strong, direct and urgent charge to adjust and increase their meetings to not focus almost solely on the mind-numbing discussion of paperwork exercises driven by the SIP and to begin the serious discussions on tough EJ and climate change issues like those listed below:

- Which version of EJ Screen should be used?
- What does the now robust community scale data and science say about how bad air pollution is in EJ areas?
- How is MDE doing their “do-more-with-less” enhanced enforcement effort in Cheverly and why has that area observed a 25% reduction in fine particle levels between 2018 and 2024. Why are other jurisdictions not following MDE's lead?
- Are the cancer risks in DMV EJ areas as bad as they appear to be in Cheverly and Ivy City ... and if so ... is immediate action called for?

- Why are MWCOG regional climate change goals so much weaker than the goals of MWCOG members like Montgomery County and the State of Maryland. What does the data and science support? How will this impact the TPB mediocre greenhouse gas emission reduction plan ... given that transportation strategies are often difficult to change.

In closing, I again applaud the efforts being made by the Sub Committee Co-Chairs and offer my help and the help of the communities I have been working with to continue the work needed to finalize the EJ Action Plan and to get the emission and risk reductions in place as soon as possible. Real people are breathing the high-risk air pollution in EJ areas every day.

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