

Tad Aburn
39724 East Sun Drive, Unit 213
Fenwick Island, DE 19944
tadaburn@gmail.com
(443) 829-3652

November 10, 2023

Tom Ballou, Chair, Metropolitan Washington Air Quality Committee (MWAQC) Technical Advisory Committee (TAC)
MWAQC TAC Committee Members
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

RE: Questions for Presenters during Agenda Items 3 and 4 of the November 14, 2023 TAC Meeting

Chairman Ballou, MWAQC TAC Committee members:

Thank you for providing me with the opportunity to comment in writing. I was disappointed that my request to provide verbal public comment was again rejected.

There are two briefings on your agenda that I would like to provide early questions/comments on as the COG staff does not allow the public to ask questions during the TAC meetings. During TAC meetings, the public is muted and both the raise hand and chat functions ... for only the public ... are disabled by the COG staff.

I will copy the presenters directly so that they have advance notice of my questions.

Two simple questions for EPA (Agenda Item #3).

- Can EPA approve a state air quality or transportation plan if EPA has data that shows that, without any doubt, the plan and implementation of the plan is directly creating high-risk, criteria and air toxics air pollution hotspots that also violate federal standards in environmental justice communities of color?
- When EPA is challenged, legally on their approval of a SIP or under Title VI and either loses that challenge or goes to court on that challenge ... is it typical for the final approval of that SIP and the mobile budget (if the challenge involves the mobile budget) to be delayed for at least a year ... maybe 2 or 3 years?

I also have several questions for my colleagues at MDE (Agenda Item #4).

First, congratulations on your work on environmental justice. Your efforts in both Prince George's County and in Curtis Bay are amongst the best EJ efforts in the Country. Your focus on not only building partnerships with communities but your somewhat unique focus on actually taking early action to reduce air pollution and health risk in these communities is refreshing and trend setting.

My questions:

- In your October 2021 Cheverly report, MDE concluded that the primary contributor to the higher hotspot levels of fine particulate in Cheverly was the plume from the Washington ozone nonattainment area being pushed by southwest winds into Cheverly. Could you discuss this conclusion?
- One of MDE's research partners, Dr. Russel Dickerson, briefed MWAQC in February of 2023 on the most recent data and science for air pollution. During his briefing, he characterized the "black carbon" levels in the Ivy City area of DC from diesel exhaust as "alarming". Can you explain why black carbon is so risky and what MDE is doing to address diesel emissions in Cheverly.
- Since the beginning of the partnership with the Cheverly community and Dr. Sacoby Wilsons EJ group in 2020, have you seen an improvement in your relationship with the community? Do you think the Cheverly community has more trust in MDE and that MDE is actually working to reduce air pollution and improve the quality of life in the community?
- MWAQC is working on an action oriented regional EJ plan. On June 1, 2023 MWAQC received a 3 step EJ framework that was based upon the Maryland experience (attached). Maryland appears to have made great progress on steps 1 and 2 (early action and partnerships). Step 3 is more difficult. It involves rethinking the way land-use and zoning are done to try and move away from business-as-usual practices where the dirtiest facilities and roadways are always built in and around the same low income communities, often communities of color. With land-use and zoning being primarily a local, county and MPO responsibility, how much help will MDE need to address that last, very difficult step in addressing EJ?

In closing, under MWAQC, MWAQC TAC and MWCOG bylaws and operating procedures, the TAC Chair can overturn the COG staff's decision to totally mute the public during TAC meetings. Tom ... it would be great if you would do this. That said, thank you for allowing written comments. Please do not hesitate to contact me.

Respectfully,

George S. (Tad) Aburn Jr.

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

Cc: MWAQC Committee Members
Anita Bonds , Chair MWAQC
Tom Dernoga, Vice Chair, MWAQC
Takis Karantonis, Chair, CEEPC
Era Pandya, Chair, ACPAC
Julie Kimmel, Vice Chair, ACPAC
Cristina Fernandez, USEPA
Mike Gordon, USEPA
Roger Thunell, MDE

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 paper¹ 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.*

¹ This high level framework was drafted by Tad Aburn. Mr. Aburn worked for 40 years for the Maryland Department of the Environment (MDE), was the MDE Air Director and a member of MWAQC for over 10 years, chaired MWAQC TAC multiple times and played a key role at MDE in initiating Maryland's EJ efforts for air pollution. Mr Aburn has recently retired and is doing volunteer work for several overburdened communities in Maryland and DC . This summary includes input from local communities and experts.

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.