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Brandywine/TB, Southern Region Neighborhood Coalition

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Date: February 28, 2020

From: BTB Coalition Community Alliances:

Kamita Gray– Trustee/ President of BTB Coalition

Executive Community Citizen’s Board— Community “Citizens” Representatives

Karyn Maxwell, ECCB Chair

To:

Vicki Arroyo,

Executive Director

Georgetown Climate Center

Transportation and Climate Initiative

climate@georgetown.edu

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Kathleen Theoharides

Secretary

Massachusetts Executive Office of Energy
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R. Earl Lewis, Jr.,

Deputy Secretary

Maryland Department of Transportation

TCI Executive Policy Committee:

Marty Suuberg

Commissioner

Massachusetts Department of Environmental
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Roger Cohen,

Senior Advisor to the Secretary

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TCI Technical Analysis Workgroup:

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TCI Investment and Equity Workgroup:

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Assistant Secretary,
Massachusetts Department of
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TCI Outreach and Communications

Workgroup:

Chris Bast

Chief Deputy

Virginia Department of Environmental Quality

Re: Policy Design Community Development for an Equitable Clean Transportation Community Participation Processes

Dear TCI decision-makers and Georgetown staff;

The Brandywine | TB Southern Region Neighborhood Coalition writes to encourage you to finalize the design of a cross-state policy that ambitiously and equitably cuts transportation pollution and generates beneficial investments throughout the Mid-Atlantic states within the Transportation & Climate Initiative (TCI) in collaboration.

About the BTB Coalition

A grassroots community organization having been organized since 1968, in the Brandywine Community becoming the BTB Coalition in 2008 as an alliance of civic, citizens, homeowners, community associations and interested individuals located throughout Prince George’s Councilmatic Districts 6, 7, 8 and 9. We provide information and facilitate networking among civic groups, community activists and individuals concerned about the commonwealth of Prince Georgians in general specifically in the Southern part of Prince George’s County. We are especially interested in any issues that affect our quality of life.

Vision

The BTB Coalition is a countywide, community-led alliance that works to achieve environmental justice by advancing policy solutions. We unite the powerful local organizing of our members in the communities most impacted by environmental hazards – low-income communities and communities of color - to create comprehensive opportunities for change at a statewide level. We build the power of communities across Maryland to create policies that will alleviate poverty and pollution. Together, with the 2BridgeCDX we are growing the statewide movement for environmental health, economic and social justice.

Kamita Gray is the elected leader of the Brandywine | TB Southern Region Neighborhood Coalition... she's a communitarian civil rights activist in a 72% black community... elected for activism to advocate for intersectionality on behalf of the BTB Coalition in a community for which she has lived for over 49 years family history since the 1940's. We've been taught to speak truth to power and in no way is any of what is written meant to be off-putting in its reality as a community of color.

Brandywine actually faces as other minority overburden communities is Disproportionate Impacts as marginalized communities due to locally unwanted land-uses. Title VI is Law... environmental justice is not. We have two difference versions of "environmental... one white and one black. Climate change is not disproportionately impacted issues, yet both equally as important. We have to make some difficult decisions that results in more **equitable** outcomes.

Approximately thirteen miles outside of Washington, DC and eight miles from Andrew Air Force Base is Brandywine, MD a 72% black community in a 2.9 square mile radius. Brandywines' community--citizens science program TEX found dangerous levels of ozone due to diesel emissions and greenhouse gases. Brandywine will host three (3) fossil fuel power plants two of the largest in the United States. Toxic air pollution in black communities from natural gas facilities is so high that the cancer risk (70th percentile) due to this industry alone exceeds EPA's level of concern.

Additional, heavy industrial pollutant industries include a superfund site (DRMO) one of the worst contaminated in the United States, a sludge lagoon, a regional coal/fly ash facility that has not been complying for over 10 years, 3,500 plus diesel daily truck trips, and several active surface mining operations.

Tailpipe pollution is one many but of a major concern being the Brandywine Road Club as deferred roadway improvements for over 21 years. Brandywine is subject to over 90,000 daily one--way vehicle trips. This will grow with the new developments in the works within Brandywine that has estimated an increase of daily Commercial|Car Generated trips of 420,000.

With the new developments within Brandywine and Charles County named number one for development growth in 2019, increased daily vehicle traffic will further contribute to the already massive congestion that currently exists for which all traffic studies have failed since 2014. There is currently no form of public transportation or mass transit to provide commuters with an alternative to driving in giving ones an incentive to get out our cars.

(TCI) must put the most "affected", disproportionately impacted vulnerable people first... an Oxfam study concluded that people in the top tenth of the world's income distribution are to blame for 50 percent of global emissions, while those in the bottom half of the distribution account for only 10 percent of emissions.

In 2015 a third fossil fuel power plant was approved in Brandywine which prompted our reason in filing the Title VI Complaint and the reason this is significant our Civil Rights Title VI was accepted after careful consideration, DOT and EPA did determined that the complaint us, met the jurisdictional requirements of both agencies, and therefore the complaint was be jointly investigated.

Accordingly, the DOT and EPA investigation focused on two matters but the second is most relevant as it pertains to the TCI processes; and

#2. Whether the **public engagement process prior to the decision** to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

When our governmental agencies fail to engage the local community-based fence-line citizenry then agencies fail to understand the different environmental problems pose different levels of risk to public health. Community

members need to know what levels of pollutants to which they are exposed, and agencies must prioritize environmental problems to give priority to environmental problems that pose the greatest health risk.

The term “cumulative impacts” does not have a single definition, however, and is used in a number of different ways in different environmental statutes, regulations, policies, and programs. A single definition of “cumulative impacts” is hard to evaluate instead the agencies should use a meaningful public process to establish such a definition, beginning with the definition in the, (find language) and making use of the work of other agencies.

The Mid-Atlantic agencies should recommend specific actions to ensure meaningful public participation in environmental decision-making. There are also indicators that a public participation program is not successful. If one or more of these indicators are present, the underlying cause(s) should be examined because there are other reasons that these circumstances might occur even if the program itself is sound. Gaps in programs that result in less meaningful public participation may be indicated.

There are criteria’s that distinguish successful agency programs for meaningful public participation. There are specific guidelines and recommendations for internal activities to support meaningful public participation. There are specific agency inhouse designed program(s) without the outside noise that increase public access to information necessary for meaningful participation in environmental decision-making.

The reason we are referencing our Title VI complaint here in the TCI space being it should be used as an example as what the Mid-Atlantic states should not do and should do in engaging the public. We assembled with **all** of the MD State Agencies in a ridged process as “affected” grass-roots community leadership in agency public engagement processes. This has given us untethered value expertise as it relates to agencies and public engagement.

Empower individuals’ communities, to advance local residents causes, educate the public, and influence local policymakers through the voices of the local residents giving them the power to decide, and empower grassroots leaders in the struggle to develop actionable strategic plans for environmental equality within the “affected” fence-line communities.

Having meaningful public participation is clear and rather than debate definitions for broad concepts, the agencies should focus its efforts on identifying practical applications of precaution and mitigation strategies within TCI with dedicate investments of meaningful benefit. Some of the outcomes that agencies should avoid;

1. *Recommendations to enhance precaution should not be interpreted to mean a guarantee of zero risk, or a mandate to act without credible threat of harm.*
2. *Recommendations should be implemented in a manner that provides regulatory certainty for communities and businesses.*

In general, agencies should undertake these recommendations, and strive to avoid extremes in their interpretations. Instead, these recommendations should be implemented in the spirit in which they were made: with a genuine desire to identify real environmental justice problems, including circumstances of disproportionate, cumulative impacts, and to make real and measurable improvements in those situations additionally;

1. *Title VI of the Civil Rights Act requires that federal, state and local agencies and recipients of federal funds may not act in ways that create a discriminatory impact. Agencies must include a specific percentage of dedicated investments in targeted communities and populations and a process for defining those communities and populations. We urge you to make these changes to the final MOU and direct state agencies to include these provisions in the Model Rule that is to be developed over the course of the rest of this year.*
2. *The problem when our state agencies engage with proxy special interest, and nonprofit capitalists’ organizations again that advance their careers off the struggles they ostensibly support engaged in “Trickle-Down Community Engagement” (TDCE). As taxpayers “service” agencies in being responsible and having accountability could very well be engaging in discriminatory behavior. Agencies have to clear understanding as to;*
 - (1.) *“Where are environmental justice communities?*
 - (2.) *Who are the leaders in those communities? and,*
 - (3.) *Whom should the agencies be communicating with?”*

Example of nonprofits Exploitation & Co-optation”

Those nonprofits who co-opt our work only to advance their self-interests (usually it's either notoriety or financial). As these “accomplices” they seek to impose their agenda, in bolstering themselves.

Green For All Opt-Ed removing of “Title VI “filing an administrative complaint... Whereas the 1964 Civil Rights Act Title VI is Law... should not be confused with the Fourteenth Amendment, or Title VII, or Article One, or Section 8, or Fourteenth Amendment – federal duty and voting rights.

Climate Change is NOT a name change for Title VI even though if not... "but for" the issue of climate change that worsens pollution in communities of color that are already disproportionately impacted.

Which brings me to the Green For All Tool-Kit as it relates to Brandywine;

1. **CASE STUDY: Anti-discrimination in Prince George's County, MD...** the **Anti-Discrimination** mislabeling blasted like a trophy produces severe misappropriation to the Coalitions Civil Rights Title VI work and honestly, we find it blatantly disrespectful and appalling in the exploitation and co-optimization of our meaningful work.
2. The BTB Coalition recently **won a groundbreaking informal resolution after filing an administrative complaint**; we won what? How many times have we said this not a “rule of law”. That's right it's not about us in our communities' authentic work and empowerment.

Furthermore, the Civil Rights Act of 1964 needs no “white privilege” in updating and redefining authentic communities of work;

1. *disadvantaged communities (based on pollution and low populations)*
2. *In each state, the **advisory group** should create a legal definition, (top-down and oppressive)*
3. *screening tool, or (proven examples exist such as CalEnviroScreen 3.0)*
4. *other mechanism (?)*
5. *to define ‘overburdened’ and ‘underserved’ communities, and (based on differentially)*
6. *vulnerable populations (health research)*

Such behavior within these organizations are ultimately reactionary pimpologist, entitled, and patronizing, in positioning power-over, those they proclaim to have an allyship when its structural patronization. Salamanders masquerading concealed as marketing campaigns creative way to weaponize their privilege (or more clearly, their rewards of being part of an oppressor class) as an expression of social war.

Environmental justice involves “connecting the dots of the day-to-day challenges and the decisions agencies make,” and identifying “the opportunities that we have to make some different decisions so that we can have more equitable outcomes.”

While we're very glad the TCI discussions are happening, it had been oversimplified and, at times, reinforced stereotypes of powerlessness surrounding minority and low-income communities. Environmental justice plans should not only benefit marginalized communities, but also bring them into the policymaking decision processes.

“We have an opportunity to have a more sophisticated and nuanced conversation,” ECCB.

Respectfully submitted

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