



# Maryland

## Department of the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary Designate  
Suzanne E. Dorsey, Deputy Secretary

February 15, 2023

The Honorable Kumar P. Barve, Chair  
Environment and Transportation Committee  
House Office Building, Room 251  
Annapolis, Maryland 21401

**Re: House Bill 310 – Environment and Energy - Investment in Communities With Low- to Moderate-Income Households**

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 310 and we would like to provide information on this legislation. MDE has spoken with the sponsor of this legislation and the sponsor is willing to work with the Department on our concerns.

### Background

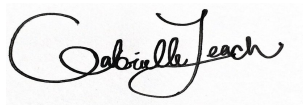
In 2021, the White House established the Justice40 Initiative under Executive Order 14008, which set a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution. The EPA has identified 6 programs to serve as their first phase programs for implementation of Justice40 and recently added the Bipartisan Infrastructure Law funding to this list of programs.

MDE is very supportive of Justice40 and is working very closely with the EPA to ensure that we are in full compliance with the requirements. We have taken a number of steps already to better align our work with the goals of Justice40 including developing and releasing MDE's Environmental Justice Screening Tool, as well as updating MDE's definition of disadvantaged communities to incorporate additional criteria and the EJ Screening Tool.

The Department would like to see the definition of disadvantaged communities, referenced in the legislation, align with the Department's current definition and limit the scope of the legislation to the current list of programs that are part of the EPA's first phase programs for Justice40. As currently drafted the legislation would impact MDE's operating budget programs for all three of main Administrations - Air (U00A07.01), Land (U00A06.01), and Water (U00A04.01). The legislation would also likely impact the Strategic Energy Investment Fund, which is a primary funding source for MDE's Climate Change Program. MDE is concerned that the impacts on its operating funds and SEIF funding would be negatively impacted by this legislation, thereby limiting the Department's ability to fund critical environmental and public health regulatory programs.

Thank you for your consideration. We will continue to monitor House Bill 310 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6304 or by e-mail at [gabrielle.leach@maryland.gov](mailto:gabrielle.leach@maryland.gov).

Sincerely,

A handwritten signature in black ink that reads "Gabrielle Leach". The signature is written in a cursive style with a large, stylized "G" and "L".

Gabrielle Leach, Deputy Director, Legislative and Intergovernmental Relations

cc: The Honorable Sandy Rosenberg