

# HOUSE BILL 880

P1, M3

2lr1883  
CF 2lr3077

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By: **Delegate Boyce**

Introduced and read first time: February 7, 2022

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Impact of Actions on Climate, Labor, and Environmental Justice**

3 FOR the purpose of prohibiting a certain governmental unit from taking an action unless  
4 the governmental unit has conducted certain evaluations and assessments of the  
5 impact of the action on the climate, labor and employment, environmental justice,  
6 and any overburdened community; authorizing a governmental unit to deny,  
7 condition, approve, or amend an action based on certain findings; requiring  
8 governmental units to coordinate and seek federal funding to meet the requirements  
9 of this Act; and generally relating to the impact of actions on climate, labor, and  
10 environmental justice.

11 BY adding to

12 Article – Environment

13 Section 1–901 through 1–905 to be under the new subtitle “Subtitle 9. Impact of  
14 Actions on Climate, Labor, and Environmental Justice”

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Environment**

20 **SUBTITLE 9. IMPACT OF ACTIONS ON CLIMATE, LABOR, AND ENVIRONMENTAL**  
21 **JUSTICE.**

22 **1–901.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
24 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "ACTION" INCLUDES THE WHOLE OR A PART OF A RULE, AN ORDER, A  
2 LICENSE, AN APPROVAL, A DENIAL SANCTION, OR RELIEF ISSUED BY A  
3 GOVERNMENTAL UNIT.

4 (C) "ENVIRONMENTAL JUSTICE" HAS THE MEANING STATED IN § 1-701(A)  
5 OF THIS TITLE.

6 (D) "LOW-INCOME" MEANS AN INDIVIDUAL WHO RESIDES IN A HOUSEHOLD  
7 THAT HAS AN ANNUAL HOUSEHOLD INCOME THAT IS AT OR BELOW 200% OF THE  
8 FEDERAL POVERTY GUIDELINES.

9 (E) (1) "OVERBURDENED COMMUNITY" MEANS:

10 (I) A LOW-INCOME OR MODERATE-INCOME COMMUNITY; OR

11 (II) A COMMUNITY OF COLOR IN WHICH THE RESIDENTS EITHER  
12 PRESENTLY OR HISTORICALLY HAVE BEEN BURDENED BY DISPROPORTIONATELY  
13 HIGH NUMBERS OF ENVIRONMENTAL AND PUBLIC HEALTH STRESSORS, INCLUDING  
14 POLLUTION, ADVERSE HEALTH EFFECTS DUE TO POLLUTION, REDUCED  
15 WELL-BEING, AND DIMINISHED ECONOMIC SUCCESS.

16 (2) "OVERBURDENED COMMUNITY" INCLUDES:

17 (I) ANY CENSUS TRACT IN WHICH, ACCORDING TO THE MOST  
18 RECENT U.S. CENSUS BUREAU SURVEY:

19 1. AT LEAST 25% OF THE RESIDENTS QUALIFY AS  
20 LOW-INCOME;

21 2. AT LEAST 50% OF THE RESIDENTS IDENTIFY AS  
22 NONWHITE; OR

23 3. AT LEAST 25% OF THE RESIDENTS HAVE LIMITED  
24 ENGLISH PROFICIENCY; OR

25 (II) AN AREA OR A NEIGHBORHOOD DESIGNATED BY THE  
26 SECRETARY AS AN OVERBURDENED COMMUNITY IN ACCORDANCE WITH § 1-902 OF  
27 THIS SUBTITLE.

28 1-902.

29 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND ON PETITION OF AT

1 LEAST 10 RESIDENTS OF AN AREA OR A NEIGHBORHOOD LOCATED WITHIN A CENSUS  
2 TRACT THAT DOES NOT MEET THE CRITERIA SPECIFIED IN § 1-901(E)(2)(I) OF THIS  
3 SUBTITLE, THE SECRETARY MAY DESIGNATE THE AREA OR NEIGHBORHOOD AS AN  
4 OVERBURDENED COMMUNITY IF THE SECRETARY DETERMINES THAT THE AREA OR  
5 NEIGHBORHOOD OTHERWISE QUALIFIES AS AN OVERBURDENED COMMUNITY.

6 (B) THE SECRETARY MAY DENY A PETITION SUBMITTED UNDER  
7 SUBSECTION (A) OF THIS SECTION IF THE SECRETARY DETERMINES THAT THE AREA  
8 OR NEIGHBORHOOD THAT IS THE SUBJECT OF THE PETITION:

9 (1) HAS AN ANNUAL MEDIAN HOUSEHOLD INCOME THAT EXCEEDS  
10 125% OF THE STATEWIDE MEDIAN HOUSEHOLD INCOME;

11 (2) HAS A MAJORITY OF INDIVIDUALS AT LEAST 25 YEARS OLD THAT  
12 HAVE A COLLEGE EDUCATION;

13 (3) DOES NOT BEAR AN UNFAIR BURDEN OF ENVIRONMENTAL  
14 POLLUTION; AND

15 (4) HAS MORE THAN LIMITED ACCESS TO NATURAL RESOURCES,  
16 INCLUDING OPEN SPACES, WATER RESOURCES, AND PLAYGROUNDS AND OTHER  
17 CONSTRUCTED OUTDOOR RECREATIONAL FACILITIES AND VENUES.

18 1-903.

19 A GOVERNMENTAL UNIT MAY NOT TAKE AN ACTION UNLESS THE  
20 GOVERNMENTAL UNIT HAS CONDUCTED THE EVALUATIONS, ASSESSMENTS, AND  
21 RELATED ACTIVITIES REQUIRED UNDER § 1-904 OF THIS SUBTITLE.

22 1-904.

23 (A) BEFORE TAKING AN ACTION, A GOVERNMENTAL UNIT SHALL EVALUATE  
24 AND MAKE A DETERMINATION ON WHETHER AND TO WHAT EXTENT THE ACTION MAY  
25 NEGATIVELY AFFECT THE CLIMATE, LABOR AND EMPLOYMENT, ENVIRONMENTAL  
26 JUSTICE, AND ANY OVERBURDENED COMMUNITY.

27 (B) AN EVALUATION CONDUCTED UNDER THIS SECTION SHALL INCLUDE  
28 CONSIDERATION AND ANALYSIS OF:

29 (1) THE IMPACT OF THE ACTION ON THE ENVIRONMENT, INCLUDING:

30 (I) THE GREENHOUSE GAS EMISSIONS AND CLIMATE EFFECTS  
31 OF THE ACTION BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION

1 **RECOGNIZED BY THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE;**

2 **(II) WHETHER THE GREENHOUSE GAS EMISSIONS AND CLIMATE**  
3 **EFFECTS OF THE ACTION ARE CONSISTENT WITH THE STATE'S CLIMATE**  
4 **COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS,**  
5 **INCLUDING THOSE SPECIFIED IN TITLE 2, SUBTITLE 12 OF THIS ARTICLE;**

6 **(III) THE EFFECT OF CLIMATE CHANGE ON THE ACTION BASED**  
7 **ON THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE**  
8 **INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

9 **(IV) THE POTENTIAL GREENHOUSE GAS EMISSIONS SAVINGS**  
10 **ASSOCIATED WITH USING A CARBON-FREE ENERGY SOURCE AS AN ALTERNATIVE TO**  
11 **A PROPOSED ENERGY SOURCE.**

12 **(2) THE IMPACT OF THE ACTION ON LABOR AND EMPLOYMENT,**  
13 **INCLUDING WHETHER THE EMPLOYERS, CONTRACTORS, AND SUBCONTRACTORS**  
14 **ASSOCIATED WITH ANY PROJECT RESULTING FROM THE ACTION:**

15 **(I) PAY THE AREA PREVAILING WAGE FOR EACH TRADE,**  
16 **INCLUDING WAGES AND FRINGE BENEFITS;**

17 **(II) OFFER HEALTH CARE AND RETIREMENT BENEFITS TO THE**  
18 **EMPLOYEES WORKING ON THE PROJECT OR AN ITEM ASSOCIATED WITH THE**  
19 **PROJECT;**

20 **(III) PARTICIPATE IN AN APPRENTICESHIP PROGRAM**  
21 **REGISTERED WITH THE STATE FOR EACH TRADE EMPLOYED ON A PROJECT OR**  
22 **OTHER ITEM ASSOCIATED WITH THE PROJECT;**

23 **(IV) ESTABLISH AND EXECUTE A PLAN FOR OUTREACH,**  
24 **RECRUITMENT, AND RETENTION OF STATE RESIDENTS TO PERFORM WORK ON A**  
25 **PROJECT OR OTHER ITEM ASSOCIATED WITH THE PROJECT, WITH AN ASPIRATIONAL**  
26 **GOAL OF 25% OF TOTAL WORK HOURS PERFORMED BY STATE RESIDENTS,**  
27 **INCLUDING RESIDENTS WHO ARE:**

28 **1. RETURNING CITIZENS;**

29 **2. WOMEN;**

30 **3. MINORITY INDIVIDUALS; OR**

31 **4. VETERANS;**

1 (V) HAVE BEEN IN COMPLIANCE WITH FEDERAL AND STATE  
2 WAGE AND HOUR LAWS FOR THE IMMEDIATELY PRECEDING 3 YEARS;

3 (VI) ARE IN GOOD STANDING WITH ALL STATE REPORTING AND  
4 COMPLIANCE REQUIREMENTS; AND

5 (VII) MAINTAIN ALL APPROPRIATE LICENSES IN GOOD  
6 STANDING; AND

7 (3) THE IMPACT OF THE ACTION ON ENVIRONMENTAL JUSTICE AND  
8 ANY OVERBURDENED COMMUNITY, INCLUDING THE POTENTIAL FOR:

9 (I) THE DETERIORATION OF PUBLIC HEALTH;

10 (II) AN INCREASE IN POLLUTION, INCLUDING THE ASSOCIATED  
11 BURDEN TO PUBLIC HEALTH AND THE ENVIRONMENT; AND

12 (III) A NEGATIVE IMPACT ON THE ECONOMIC WELL-BEING OF  
13 RESIDENTS OF THE STATE.

14 (C) (1) BASED ON THE EVALUATIONS CONDUCTED UNDER SUBSECTION  
15 (B) OF THIS SUBSECTION, A GOVERNMENTAL UNIT SHALL ISSUE A WRITTEN  
16 GENERAL IMPACT REPORT THAT INDICATES WHETHER AND TO WHAT EXTENT A  
17 PROPOSED ACTION MAY NEGATIVELY AFFECT THE CLIMATE, LABOR AND  
18 EMPLOYMENT, ENVIRONMENTAL JUSTICE, OR ANY OVERBURDENED COMMUNITY.

19 (2) A GOVERNMENTAL UNIT THAT ISSUES A GENERAL IMPACT  
20 REPORT UNDER THIS SUBSECTION SHALL MAKE THE REPORT PUBLICLY AVAILABLE.

21 (D) IF A GOVERNMENTAL UNIT DETERMINES THAT AN ACTION MAY  
22 NEGATIVELY AFFECT AN OVERBURDENED COMMUNITY, THE GOVERNMENTAL UNIT  
23 SHALL:

24 (1) CONDUCT FURTHER ASSESSMENT SUPPORTED BY DATA, STUDIES,  
25 OR OTHER APPROPRIATE SOURCES, INCLUDING:

26 (I) AN ANALYSIS OF THE NEGATIVE IMPACTS ON THE  
27 OVERBURDENED COMMUNITY; AND

28 (II) AN ANALYSIS OF THE MEASURES NECESSARY TO  
29 SUBSTANTIALLY DECREASE OR ELIMINATE THE NEGATIVE IMPACTS ON THE  
30 OVERBURDENED COMMUNITY;

1           **(2) ASSESS OPPORTUNITIES TO DIRECT PROCEEDS, BENEFITS, OR**  
2 **INVESTMENTS WHICH MAY RESULT FROM THE ACTION IN A MANNER THAT WILL**  
3 **BENEFIT THE OVERBURDENED COMMUNITY;**

4           **(3) ENGAGE IN MEANINGFUL COMMUNICATION WITH THE PUBLIC**  
5 **REGARDING THE NEGATIVE IMPACTS AND POSSIBLE MITIGATION STRATEGIES; AND**

6           **(4) REVISE THE GENERAL IMPACT REPORT REQUIRED UNDER**  
7 **SUBSECTION (C) OF THIS SECTION TO REFLECT THE FINDINGS UNDER THIS**  
8 **SUBSECTION.**

9           **(E) A GOVERNMENTAL UNIT MAY DENY, CONDITION, APPROVE, OR AMEND**  
10 **AN ACTION BASED ON ITS FINDINGS UNDER SUBSECTION (D) OF THIS SECTION.**

11 **1-905.**

12           **GOVERNMENTAL UNITS SHALL COORDINATE AND SEEK FEDERAL FUNDING,**  
13 **INCLUDING FUNDING AVAILABLE UNDER THE FEDERAL INFRASTRUCTURE**  
14 **INVESTMENT AND JOBS ACT, TO MEET THE REQUIREMENTS OF THIS SUBTITLE.**

15           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
16 **October 1, 2022.**