

SB 818 EJ Screen Testimony.pdf

Uploaded by: Alexander Villazon

Position: FAV

February 18, 2022

FAVORABLE WITH BILL – SB 818: Environment – Permit Applications – Environmental Justice Screening

Mr. Chairman and Members of the Committee,

We are writing in strong support of Senate Bill 818 on behalf of Waterkeepers Chesapeake, a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. As we here at Waterkeepers work to protect and maintain the ability of the public to safely enjoy the waters of our State, we are in support of ensuring communities are able to have an active, better informed role when there is proposed development in or around their neighborhoods. We support the movement behind environmental justice, and the “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status,” as the bill defines it. Currently, when issuing permits to emit air pollution or water pollution, the Maryland Department of the Environment (MDE) does not take into account any of the other pollution sources in the same proximity. Rectifying cumulative impacts and the inequalities that they promulgate in our communities is complex, however simply identifying the sources of pollution is straightforward and the state, through the University of Maryland, has already designed a tool to identify these sources -- the Maryland EJ Screen.

This bill does not seek to place a burden on developers nor deny them a fair opportunity to seek a permit with the MDE. Senate Bill 818 simply requires an identification and disclosure of the local pollution sources when a permit is being requested for a new polluting facility, and that this identification be included in the "packet" of materials that are provided for public notice and comment. Many communities are at a disadvantage when it comes to having access to information regarding project developments, in particular low-income communities of color who bear the brunt of such development projects. This lack of information has left many communities in this situation powerless to advocate for themselves or be well enough informed to request changes be made to proposed developments in order to prevent harm to their communities' health. Allowing such conflicts between developers and the communities surrounding their proposals to be debated early on in the permitting process is a benefit to not only communities but all parties involved, helping to avoid any costly consequences later on.

Alexander Villazon
Waterkeepers Chesapeake

Waterkeepers Chesapeake strongly believe SB 818 would provide helps further the goals of providing communities the opportunity to advocate for themselves and to be well informed, as well as taking a significant step towards achieving environmental justice. Through the establishment of requiring a permit to MDE to include the EJ Score from the EJ Screen tool, Senate Bill 818 will provide the proper procedures to help reach these goals.

For these reasons, we urge a favorable report on SB 818.

SB0818_EJ_Screening_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0818
Environment – Permit Applications – Environmental Justice Screening

Bill Sponsor: Senator Ellis

Committee: Education, Health, and Environmental Affairs

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0818 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

The Department of the Environment has time and again approved permits that allow for harm to the very communities they are supposed to be protecting. This bill would require anyone who applies for a permit from the Department of the Environment to include the EJ Score from the EJScreen Mapping Tool for the area affected by the permit. It would also require the Department of the Environment to perform an analysis regarding the environmental justice impact of the permit before deciding whether to issue it.

This is just good policy. The Department of the Environment should have been doing this all along, but it is clear that there has to be a legislative remedy to ensure that the people of this state are protected.

We support this bill and recommend a **FAVORABLE** report in committee.

SB 818 final Testimony.pdf

Uploaded by: Elizabeth Nicholas

Position: FAV



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CFC#: 31891

February 24, 2022

FAVORABLE: SB 818/HB 1200: Environment – Permit Applications – Environmental Justice Screening

Chairman Pinsky and Members of the Committee:

We are writing in strong support of Senate Bill 818 on behalf of Waterkeepers Chesapeake, and the undersigned organizations. Waterkeepers Chesapeake is a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. As Waterkeepers work to protect and maintain the ability of the public to safely enjoy the waters of our State, we are in support of ensuring communities are able to have an active, better-informed role when there is proposed development in or around their neighborhoods.

We support the movement behind environmental justice, and the “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status,” as the bill defines it. Currently, when issuing permits to emit air pollution or water pollution, the Maryland Department of the Environment (MDE) does not take into account any of the other pollution sources in the same proximity. Rectifying cumulative impacts and the inequalities that they promulgate in our communities is complex, however simply identifying the sources of pollution is straightforward and the state, through the University of Maryland, has already designed a tool to identify these sources -- the Maryland EJ Screen.

This bill does not seek to place a burden on developers nor deny them a fair opportunity to seek a permit with the MDE. Senate Bill 818 simply requires an identification and disclosure of the local pollution sources when a permit is being requested for a new polluting facility, and that this

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identification be included in the "packet" of materials that are provided for public notice and comment. Many communities are at a disadvantage when it comes to having access to information regarding project developments, in particular low-income communities of color who bear the brunt of such development projects. This lack of information has left many communities in this situation powerless to advocate for themselves or be well enough informed to request changes be made to proposed developments in order to prevent harm to their communities' health. Allowing such conflicts between developers and the communities surrounding their proposals to be debated early on in the permitting process is a benefit to not only communities but all parties involved, helping to avoid any costly consequences later on.

Waterkeepers Chesapeake strongly believe SB 818 helps further the goals of providing communities the opportunity to advocate for themselves and to be well informed, as well as taking a significant step towards achieving environmental justice. Through the establishment of requiring a permit to MDE to include the EJ Score from the EJ Screen tool, Senate Bill 818 will provide the proper procedures to help reach these goals.

For these reasons, we urge a favorable report on SB 818.

Betsy Nicholas

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Maryland Pesticide Information Network



SB818 EJ Screen EHEA_CJW_fav.pdf

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Education, Health and Environmental Affairs
Testimony on: SB818 - Environment – Permit Applications – Environmental Justice Screening
Organization: Climate Justice Wing of the Maryland Legislative Coalition
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 24, 2022

Dear Mr. Chairman and Committee Members:

Thank you for allowing our testimony today in support of SB818. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on SB818.

SB818 will require a person applying for an environmental permit to include the “EJ Score” from the “Maryland EJScreen” mapping tool for the location where the permit is being sought, and will require the Maryland Department of the Environment (MDE) to conduct an EJ analysis, in accordance with regulations adopted under the bill. MDE must conduct the analysis before making a decision on permit.

The bill defines “environmental justice” as equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status. The “EJ score” means an overall evaluation of an area’s environment and existing EJ indicators, including: (1) pollution burden exposure; (2) pollution burden environmental effects; (3) sensitive populations; and (4) socioeconomic factors.

For too long, communities of color have aspired to live in healthy, clean neighborhoods, and yet have seen state and local government allow polluting facilities to be concentrated near their homes. This longstanding practice has led to overburdened communities living with disproportionate levels of pollution and the attendant health effects. By making this EJ information part of the permit review process, it will shine a bright light on the environmental injustices concentrated in certain communities and hopefully affect future permit decisions.

SB818 will help Maryland be more transparent regarding the location of permitted activities and their relative impact on environmental justice communities. We support this bill and recommend a **FAVORABLE** report in committee.

SB 818_CBF SUPPORT.pdf

Uploaded by: Robin Jessica Clark

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 818

Environment – Permit Applications – Environmental Justice Screening

Date: February 24, 2022

Position: Support

To: Environment and Transportation Committee

From: Robin Clark, Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS SB 818**. This bill requires applicants for permits from the Department of the Environment to include in the application the EJ Score from the Maryland EJ Screen mapping tool for the address where the applicant is seeking the permit. It also requires the Department determine the EJ Score of the address where the applicant is seeking a permit using the Maryland EJ Screen mapping tool.

Environmental Justice Considerations Should Be Incorporated into Agency Permitting Decisions

Everyone deserves clean water, clean air, and a safe environment. Environmental justice refers to the effort to ensure that vulnerable and marginalized communities, such as low-income and/or Black, Indigenous, and People of Color communities, aren't disproportionately harmed by pollution and the singular or cumulative impacts of environmental burdens. SB 818 rightfully injects environmental justice screening into state agencies' permitting processes. Clarifying that the screening must take place at an early stage in the permitting process and be shared with the public in advance of the public comment period on a permit is appropriate and could assist environmental justice advocates raising concerns regarding the impact of a permit, whether relating to a new energy generating facility, a residential, commercial or transportation development, or a changed agricultural operation. The Chesapeake Bay Foundation also appreciates that SB 818 references the Maryland-based EJ Screen tool which is more comprehensive and relevant for Maryland than the EPA's EJ screen tool.

Environmental Justice Is More Than Just a Check Mark

The Chesapeake Bay Foundation is concerned that the task of using Maryland's EJ screen could become a minimum bar for agency consideration of environmental justice. Use of a screening tool may be a good start to environmental justice considerations, but it does not represent the depth or breadth of environmental justice considerations. A screening tool may miss an area that is disproportionately affected by environmental harms if it happens to fall upon a dividing line for other data, such as just outside a particular census block. A Maryland EJ Screen Score does not capture the variables that should be considered when mitigating environmental harms, which may differ based on the type of other environmental threats the

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

area faces, the potential presented by the area's distinct geography, and, most importantly, the community's own priorities for pollution reduction and quality of life improvements.¹

On January 7, 2020, the U.S. Court of Appeals for the Fourth Circuit struck down a permit for a proposed natural gas compressor station. The State Air Pollution Control Board, they ruled, had not adequately considered the impact and health risks to the historic, predominantly African American community of Union Hill in Buckingham County, Virginia. In that case, the Air Pollution Control Board had received evidence from the Department of Environmental Quality that the minority population around the compressor state was less than 39% based on the U.S. Environmental Protection Agency's EJSCREEN tool.

"Environmental justice is not merely a box to be checked," Judge Stephanie Thacker wrote in the opinion. It was a huge win for the Friends of Buckingham, a community group that challenged the permit with representation by CBF and the Southern Environmental Law Center. It also put regulators on notice that meaningful consideration of environmental justice is not an option when deciding whether or not to issue permits to polluting facilities. It is the hope of the Chesapeake Bay Foundation that Maryland's EJ Screen, does not become the sole mode of accounting for environmental justice considerations. For those reasons, CBF supports SB 818 and suggests clarification that additional analysis must be undertaken to consider environmental justice.

CBF urges the Committee's FAVORABLE report on SB 818. For more information, please contact Robin Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

¹ [Environmental Justice, More Than Just A Check Mark](#), Chesapeake Bay Foundation and Friends Buckingham v. State Air Pollution Control Bd., No. 19-1152 (4th Cir. Jan. 7, 2020).

Testimony in Support (With Amendment) of SB 818.pd

Uploaded by: Vivek Ravichandran

Position: FWA



UNIVERSITY OF MARYLAND

SCHOOL OF PUBLIC HEALTH
Maryland Institute for Applied and Environmental Health

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February 24th, 2022

Dear esteemed members of the Senate Education, Health, and Environmental Affairs Committee,

On behalf of the Center for Community Engagement, Environmental Justice, & Health (CEEJH) at the University of Maryland School of Public Health, I, **Dr. Sacoby Wilson, Center Director, am writing to express my support (with amendments), for SB 818/HB 1200, sponsored by Senator Arthur Ellis,** which will require cumulative impact considerations codified in the form of an EJ Score, for land use and permitting decisions to mitigate environmental injustices.

Policymakers are giving increasing, and overdue, focus on the racial, environmental, and economic crises plaguing so many communities in our nation—crises compounded by the ongoing COVID-19 pandemic and climate change.¹ Active environmental justice screening and mapping (EJSM) tools in several states have effectively demonstrated not only the inequitable effects of climate change and pollution, but also the varied socioeconomic statuses that increase the susceptibility of certain communities.¹ The effective use of geospatial tools will help the state of Maryland alleviate historic and ongoing environmental and climate injustices, and invest in healthy, resilient communities for all.

Maryland residents' knowledge of environmental hazards and their health effects has previously been limited, partly due to the absence of a state-specific tool to map and visualize distribution of risk factors across socio-demographic groups.² Therefore, the Center for Community Engagement, Environmental Justice, and Health (CEEJH) at the University of Maryland, School of Public Health partnered with the Maryland Department of Natural Resources (DNR) to develop the MD EJSCREEN tool.³ MD EJSCREEN was built upon the framework of the following state-specific and nationwide EJSM tools: US EPA EJSCREEN and CalEnviroScreen.^{2,4-5} MD EJSCREEN is distinct for using feedback gathered from stakeholders and community members in Prince George's County, truly representing the interests of state constituents. Although EPA EJSCREEN is able to map the entire US, this makes the scope of the tool too broad to address all relevant issues at the local level, thus making the development of a Maryland-specific tool all the more necessary. MD EJSCREEN incorporates additional indicators that are more specific to Maryland such as: asthma emergency discharges and watershed failure.³ These indicators can inform permitting decisions through the identification of vulnerable populations and pathogenic environmental features.⁶ EJSM tools like EPA EJSCREEN and MD EJSCREEN have already been utilized in community assessments throughout the state of Maryland, including, but are not limited to: Bladensburg²,

¹Arriens, J., Schlesinger, S., and Wilson, S. 2020. Environmental Justice Mapping Tools: Use and Potential in Policy Making to Address Climate Change. Washington, DC: National Wildlife Federation.

² Driver, A., Mehdizadeh, C., Bara-Garcia, S., Bodenreider, C., Lewis, J., & Wilson, S. (2019). Utilization of the Maryland environmental justice screening tool: A Bladensburg, Maryland case study. *International journal of environmental research and public health*, 16(3), 348.

³ CEEJH. (n.d.). *MD EJSCREEN*. Community Engagement, Environmental Justice & Health. Retrieved February 16, 2022, from <https://www.ceejh.center/md-ejscreen-1>

⁴ Cushing, L., Faust, J., August, L. M., Cendak, R., Wieland, W., & Alexeeff, G. (2015). Racial/ethnic disparities in cumulative environmental health impacts in California: evidence from a statewide environmental justice screening tool (CalEnviroScreen 1.1). *American journal of public health*, 105(11), 2341-2348.

⁵ USEPA. (2016). How Does EPA Use EJSCREEN?. Retrieved August 5, 2020 from <https://www.epa.gov/ejscreen/how-does-epa-use-ejscreen>

⁶ Wilson, S. M. (2009). An ecologic framework to study and address environmental justice and community health issues. *Environmental Justice*, 2(1), 15-24.



Langley Park⁷ and Baltimore City.⁸ MD EJSCREEN has also been used to determine the cutoff for community designation as an environmental benefit district (EBD).⁹ This designation was defined as an EJ Score at or above the 75th percentile with mean EJ scores 0.7 or higher, corresponding to an elevated level of environmental risk.¹⁰ Percentiles can be further stratified to identify “high needs” communities, which SB 818/HB 1200 can consider in permit allowances.

Proper use and acceptability of the data by the Maryland Department of Environment (MDE) will also identify and protect “sacrifice zones.” These are defined as fence-line communities of low-income and people of color, or “hot spots” of chemical pollution where residents live immediately adjacent to heavily polluted industries or military bases.¹¹ These communities present the path of least resistance to industries affecting the environment.¹² By requiring permit applicants to present an EJ Score at a high resolution (census block level), the MDE can better evaluate and restrict allowances in these areas that have been overlooked by previous zoning laws. At the federal level, legislation pertaining to EJSM applications and microtargeting of communities have been sponsored by members of the House of Representatives. A current example from the 2021-22 Congressional Session is the Environmental Justice Mapping and Data Collection Act of 2021, introduced by Cori Bush [D-MO-1] of the House of Representatives and co-sponsored by 46 other House Members from various states.¹³ Moreover, Executive Order 14008: Tackling the Climate Crisis at Home and Abroad and the Justice40 Initiative set national goals for reducing carbon emissions and pollution remediation with an environmental justice lens.

Other similarly situated states have already integrated EJSM tools within the context of permitting decisions. For example, in California, SB 673 (passed in 2015) directs the Department of Toxic Substances Control (DTSC) to use tools such as CalEnviroScreen when making decisions on hazardous waste permitting.¹⁴ California leaders have several environmental justice related screening tools at their disposal including the EJSM tool which expands upon the CalEnviroScreen tool by including race and ethnicity, climate vulnerability risks, and water quality analysis metrics in its scoring.¹⁵ Additionally, New Jersey’ Environmental Justice Law S-232 (passed in 2020), empowering the New Jersey Department of Environmental Protection (NJDEP) to deny permits for certain facilities if the facility would contribute to a disproportionate impact on an overburdened community (i.e., a community where environmental justice concerns are present). The NJDEP expects to provide a data mapping tool to determine if the overburdened community in which the proposed facility is or will be located is already subject to disproportionate environmental and public health stressor levels when compared to an appropriate geographic point of comparison. Additionally, S-232 provides definitions of an overburdened community,

⁷ CEEJH. (2021, March 28). *Local traffic is choking Latinx neighborhoods in Langley Park, MD*. Community Engagement, Environmental Justice & Health. Retrieved February 20, 2022, from

<https://www.ceejh.center/air-quality-1/local-traffic-is-choking-latinx-neighborhoods-in-langley-park-md-yysen-6t4ge>

⁸ Baltimore Transit Equity Alliance. (2021, September). *Transit Equity & Environmental Health in Baltimore City*. Johns Hopkins Bloomberg School of Public Health . Retrieved February 20, 2022, from <https://trid.trb.org/view/1884862>

⁹ Maryland Department of the Environment. (2003, November 6). *Press Release*. Maryland Department of the Environment. <https://mde.maryland.gov/programs/Pressroom/Pages/574.aspx>.

¹⁰ Ravichandran, V., Albert, R., & Wilson, S. M. (2021, August 2). *The Justice40 Initiative: Opportunities for Environmental Justice in the State of Maryland*. Community Engagement, Environmental Justice & Health. Retrieved February 16, 2022, from <https://www.ceejh.center/blog/the-justice40-initiative-opportunities-for-environmental-justice-in-the-state-of-maryland>

¹¹ Bullard R. D. (2011). Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States. *Environmental Health Perspectives*, 119(6), A266.

¹² Schelly, D., & Stretesky, P. B. (2009). An analysis of the “path of least resistance” argument in three environmental justice success cases. *Society and Natural Resources*, 22(4), 369-380.

¹³ U.S. Congress Legislation. (2021). *H.R. 516 - Environmental Justice Mapping and Data Collection Act of 2021*. Library of Congress. Retrieved February 21, 2022, from <https://www.congress.gov/bills/117th-congress/house-bill/3860/cosponsors>

¹⁴ CEJA. (2018). *CalEnviroScreen: A Critical Tool for Achieving Environmental Justice in California*. California Environmental Justice Alliance. Retrieved from https://caleja.org/wp-content/uploads/2018/08/CEJA-CES-Report-2018_web.pdf

¹⁵ Blondell, M., Kobayashi, W., Redden, B., & Zrzavy, A. (2020). Environmental Justice Tools for the 21st Century.



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thus providing tangible instructions/cutoffs to the NJDEP. This prevents vague interpretations or lack of action on ordinances, which have previously occurred. Such strategies should be implemented by MDE. Lastly, it is imperative to note the significance of MD EJSCREEN including a race metric and providing a cumulative score; particularly as this compares to the newly released Climate and Economic Justice Screening tool which does not. Utilizing a tool which includes these metrics demonstrates recognition of the science and humanity of environmental justice work.

Thus, our recommendations are as followed:

- We recommend further stratification of percentiles to identify communities that meet the MD EJSCREEN cutoff as an EBD or EJ community.
- Communities with an EJ Score at or above the 75th percentile should be weighted more heavily in permit decision-making by the MDE, and incorporate meaningful involvement of stakeholders in the region and the 90th percentile representing the highest priority for justice consideration.
- SB 818/HB 1200 should also include updated MD EJSCREEN reports on the environmental and demographic indicators and overall EJ Score annually, due to the availability of better data and more robust indicators which can change from year to year.
- Additional tools developed in collaboration with the University of Maryland and Maryland Department for Natural Resources (i.e. MD Climate & Health Equity Mapper, Park Equity Mapper) should be considered in permitting decisions as well.
- MDE should consider energy burden as a separate domain, which is not currently embedded within any of the Maryland EJSM tools, to be included in the analyses and permitting decisions.
- Maryland should use the EPA's Enforcement and Compliance History Online (ECHO) database that integrates compliance and enforcement information for over one million regulated facilities nationwide subject to environmental regulations or are of environmental interest. It includes information regarding environmental permits, fines, etc of such facilities for various statutes and programs, including air and water facilities, effluents, water pollution, hazardous waste, etc.
- Geographic Information Systems (GIS) should be utilized to map the permit, violation, and penalty data in Maryland to study environmental stressors on the impacted locations. These maps should then be used to calculate the number of permits for each type of facility hosted by each census tract level in the area.

For all of these reasons and many more, please support SB 818/HB 1200, along with my proposed amendments, to ensure we can advance environmental justice, and codify MD EJSCREEN tool to serve as a model for other states to follow. I firmly believe a favorable vote for SB 818/HB 1200 is a vote for environmental justice and equitable development for the great residents of Maryland.

Sincerely,
Dr. Sacoby Wilson

MBIA Letter of Opposition SB 818.pdf

Uploaded by: Lori Graf

Position: UNF

February 24, 2022

The Honorable Paul G. Pinsky
Senate Education, Health & Environmental Affairs Committee
Miller Senate Office Building,
2 West Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Opposition SB 818 Environment – Permit Applications – Environmental Justice Screening

Dear Chairman Pinsky:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **Sb 818 Environment – Permit Applications – Environmental Justice Screening**. MBIA **Opposes** the Act in its current version.

This bill would require that any permit application be submitted with and “Environmental Justice Score” to the Department of the Environment. MBIA respectfully opposes this measure. This score is relatively useless for the purposes of determining the environmental impact of a new project because it cannot take into account future development and how that will affect the Environmental Justice Score. Additionally, the scoring tool is based on data which may be out of date and thus issuing falsely low scores. New development could even potentially help change the EJ scores in a positive direction and thus low initial scores should not be used as an excuse to deny permits.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Health & Environmental Affairs Committee

SB0818_UNF_NWRA_Env. - Permit Applications - Env.

Uploaded by: Pam Kasemeyer

Position: UNF

Maryland-Delaware Solid Waste Association
a chapter of the



TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Arthur Ellis

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 24, 2022

RE: **OPPOSE** – Senate Bill 818 – *Environment – Permit Applications – Environmental Justice Screening*

The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 818.

Senate Bill 818 requires that anyone applying for a permit issued under the Environmental Article must include and “EJ Score” in its application. As proposed in the bill, and EJ Score is determined through an EJScreen mapping tool using the address for the permit application. The Maryland Department of the Environment (MDE) is to conduct an analysis of the EJScreen information in determining whether to issue a permit.

Maryland has notably taken many important steps to address environmental justice, including strengthening the membership and charge of the Environmental Justice Commission, which reviews and recommends policies to address environmental justice challenges in the State. MDSWA has been very supportive of those efforts and believes they will move the State forward in effectively addressing environmental justice challenges. Unfortunately, Senate Bill 818, proposes a one-size fits all approach to EJ analysis applied to all permits issued by MDE. MDE issues necessary permits for water, air, waste, and other infrastructure across the State that are required, regardless, for the health and safety of communities, including those that have faced environmental justice challenges. Even if the use of a mapping tool was relevant in certain circumstances, the language of Senate Bill 818 is too ambiguous to evaluate whether the proper and relevant metrics will be appropriately collected and evaluated. The State will be more effective in addressing environmental justice concerns through programmatic specific initiatives, such as those that come before the Environmental Justice Commission, than through the adoption of a mapping tool that may fail to produce information relevant to the permit applications for which it is being utilized. An unfavorable is requested.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

SB818 Testimony 22 Session.pdf

Uploaded by: Theresa Kuhns

Position: UNF



Senate Bill 818 – Permit Applications- Environmental Justice Screening

Position: Unfavorable

Maryland REALTORS® supports balancing the needs of the communities impacted unequally by environmental impacts alongside the growing challenge of affordable housing. We are concerned that SB 818 can be used to slow needed housing construction by delaying the permit process and making the construction of affordable housing more expensive and more difficult.

Maryland EJ Screen would take four categories and weight them equally in a final EJ Score, inclusive of sensitive populations; pollution burden exposure; environmental effects and socioeconomic factors. This screening is similar to the Environmental Protection Agency’s EJ Screening, which uses a “demographic” category rather than “socioeconomic” category under SB 818. While the EPA “demographic” factors include items like race, age, income, and unemployment rate, it does not include residential housing, blight or housing vacancies. The Maryland REALTORS® recommends that residential housing be a component of the socio-economic considerations, which would help affordable housing providers applying for state permits in communities with a dire need for safe and affordable housing.

Maryland is currently estimated to have a housing undersupply of over 80,000 units which includes both for sale and residential rental property. Moreover, according to the “Maryland Housing Needs Assessment and 10-Year Strategic Plan (Needs Assessment),” Maryland will be adding 178,000 new households between 2020 and 2030. As permitting for MDE focuses typically on development, sewage, wastewater treatment centers, septic systems, there could be an impact on implementation on these much-needed services for Maryland citizens if housing isn’t considered a component of the analysis.

For more information, contact

bill.castelli@mdrealtor.org, susan.mitchell@mdrealtor.org,

lisa.may@mdrealtor.org or theresa.kuhns@mdrealtor.org

SB 818_MDCC_Environment-Permit Applications-Enviro

Uploaded by: Maddy Voytek

Position: INFO



MARYLAND
Chamber of Commerce

LEGISLATIVE POSITION:

Letter of Information

Senate Bill 818

Environment – Permit Applications – Environmental Justice Screening

Senate Education, Health, and Environmental Affairs Committee

Thursday, February 24, 2022

Dear Chairman Pinsky and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

As introduced, SB 818 would require a person applying for a permit under the Maryland Environment Article to include an “EJ Score” from the “Maryland EJScreen” mapping tool to determine what, if any, environmental justice impacts may be present. The Maryland Chamber of Commerce is supportive of the intent of the legislation, however, as introduced the legislation presents some uncertainty.

It appears the intent of the legislation is for the Maryland Department of the Environment is to use the EJ Score as a factor in deciding whether to issue permits under the Environment Article. However, the language of the bill does not direct or even make reference to MDE using the EJ Score as criteria for approving or denying permits. Further, it is unclear to what extent and weight the EJ Score would hold in the overall approval process. Without clear direction on the purpose and role of the EJ Score in the permit application process we are concerned this could add a subjective measure to the permit review process causing further delays beyond the current norms.

The Maryland Chamber of Commerce appreciates your consideration of these comments and is happy to provide any additional information as needed.

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