

**Testimony in Support of House Bill 880 —
Climate Equity Act (Delegate Regina T. Boyce)**

March 2, 2022

Dear Chairman Barve and Members of the House Environment and Transportation Committee:

The **undersigned organizations** are grateful for the opportunity to submit written testimony in **support** of House Bill 880, with any sponsor amendments that may follow. This bill would provide quantifiable means for state agencies to assess a proposed action's potential impacts on the climate, overburdened communities, underserved communities, and workers in Maryland. No state law currently requires agencies to meaningfully consider these impacts, but with HB 880, agency decisions can move into closer alignment with community needs, as well as federal executive orders dedicated to combating climate change and environmental injustices.¹

In Maryland, there are persistent, well-documented health and environmental disparities that exist within communities. Numerous studies have demonstrated the connection between census tracts comprised of low income communities and communities of color, and heightened health risks as a result of closer proximity to toxic chemical releases and leakages² and air pollution.³ Maryland's own Department of Health has acknowledged the disproportionately high health risks faced by communities of color as a result of these entrenched disparities.⁴ Given the state's past in addressing environmental and health risk in these communities,⁵ this bill offers an accessible and comprehensive mechanism for state agencies to evaluate and rectify future environmental, labor and health impacts within Maryland.

The Climate Equity Act would address these issues by:

- Defining underserved and overburdened communities in a clear and quantifiable manner;
- Requiring state units to evaluate whether any action negatively impacts: the climate, labor and employment, environmental justice and any designated underserved or overburdened communities; and
- Creating assessment and reporting requirements that deter the furtherance of climate, health, and worker disparities.

While the state recently passed a similar bill, we believe the Climate Equity Act would ameliorate existing challenges. Last year, the Maryland General Assembly passed House Bill 298, which requires the Public Service Commission (PSC) to consider climate and labor impacts

¹ See

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/> and

<https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

² Sacoby Wilson, Chengsheng Jiang, Kristen Burwell, Rianna Murray, Laura Dalemarre, Charles Naney, and Hongmei Zhang. Environmental Justice. Dec 2013. 219-225. <http://doi.org/10.1089/env.2013.0029>, see also Wilson, S., Zhang, H., Jiang, C. *et al.* Being overburdened and medically underserved: assessment of this double disparity for populations in the state of Maryland. *Environ Health* 13, 26 (2014). <https://doi.org/10.1186/1476-069X-13-26>. See also <https://www.bdlaw.com/content/uploads/2019/04/fulltext.pdf>.

³ Apelberg, B. J., Buckley, T. J., & White, R. H. (2005). Socioeconomic and racial disparities in cancer risk from air toxics in Maryland. *Environmental health perspectives*, 113(6), 693–699. <https://doi.org/10.1289/ehp.7609>.

⁴ See

[https://health.maryland.gov/mhhd/Documents/Maryland%20Chartbook%20of%20Minority%20Health%20and%20Minority%20Health%20Disparities%20Data.%20Third%20Edition%20\(December%202012\).pdf](https://health.maryland.gov/mhhd/Documents/Maryland%20Chartbook%20of%20Minority%20Health%20and%20Minority%20Health%20Disparities%20Data.%20Third%20Edition%20(December%202012).pdf)

⁵ Matthew Adam Dernoga, Sacoby Wilson, Chengsheng Jiang, Fred Tutman, Environmental justice disparities in Maryland's watershed restoration programs, *Environmental Science & Policy*, Volume 45, 2015, Pages 67-78.

before approving applications for Certificates of Public Convenience and Necessity. The approval of this certificate is needed prior to the construction or modification of a power plant in Maryland. While this bill has only been in effect for a short time, it has proven to shape application discussions. In BGE's recent attempt to expand natural gas pipeline infrastructure, the PSC noted its failure to further the state's renewable energy goals, and cited the opportunity cost associated with not investing in renewable energy infrastructure. Members of the PSC referenced HB 298 in testimonies, clearly demonstrating the efficacy of such legislation.

HB 298 was a necessary step in deterring environmentally and socially irresponsible projects. However, it is not a panacea. Even after its enactment, the PSC has certified the conversion of two coal plants into oil plants despite the likelihood of vast environmental and public harm.⁶ These two plants are located in Curtis Bay, which scores in the top half of the state for environmental burden, pollution exposure, and socioeconomic factors, according to Maryland's EJScreen Mapper.⁷ With the enactment of the Climate Equity Act, these indicators, among others, would hold greater weight in discretionary decision making by not only the PSC, but all state agencies, thereby minimizing the risks faced by the most overburdened or underserved communities, as well as the rest of the state.

House Bill 880 is a necessary step in strengthening existing environmental and labor related legislation, and extending the promise of protection and equity to all Maryland communities. By elevating additional criteria in the decision making process, this bill ensures that all those in Maryland, and especially those already facing environmental, economic, and health disparities are better protected against harmful government actions. In an effort to safeguard and empower communities, we urge the Committee to adopt a **FAVORABLE** report on House Bill 880.

Sincerely,

Alliance of Nurses for Healthy Environments
Blue Water Baltimore
CCAN Action Fund
Center for Progressive Reform
Chesapeake Climate Action Network
Chesapeake Legal Alliance
Chesapeake Physicians for Social Responsibility
Frack Free Frostburg
Greenbelt Climate Action Network
HoCoClimateAction.org
Indivisible Howard County
Locust Point Community Garden
Maryland Campaign for Environmental Human Rights
Maryland Sierra Club
Maryland Legislative Coalition
Maryland League of Conservation Voters

⁶ Casey, J.A., Gemmill, A., Karasek, D. *et al.* Increase in fertility following coal and oil power plant retirements in California. *Environ Health* 17, 44 (2018). <https://doi.org/10.1186/s12940-018-0388-8> see also Jonathan I Levy, John D Spengler, Dennis Hlinka, David Sullivan, Dennis Moon, Using CALPUFF to evaluate the impacts of power plant emissions in Illinois: model sensitivity and implications, *Atmospheric Environment*, Volume 36, Issue 6, 2002, Pages 1063-1075, [https://doi.org/10.1016/S1352-2310\(01\)00493-9](https://doi.org/10.1016/S1352-2310(01)00493-9).

⁷ See <https://p1.cgis.umd.edu/mdejscreen/>.

Maryland Public Health Association
Maryland WISE Women
MLC Climate Justice Wing
NAACP Maryland State Conference
Our Revolution, Howard County
Preservation Maryland
Safe Healthy Playing Fields
ShoreRivers
Strong Future Maryland
Waterkeepers Chesapeake