



HB0880 - Environment - Impact of Actions on Climate, Labor, and Environmental Justice

Date: March 2, 2022

Committee: House Environment & Transportation Committee

Position: Favorable

Victoria Venable, Maryland Director - Chesapeake Climate Action Network Action Fund

On behalf of the Chesapeake Climate Action Network Action Fund, I urge a favorable report from the committee on **HB0880 - Environment - Impact of Actions on Climate, Labor, and Environmental Justice**.

The CCAN Action Fund is the advocacy arm of Chesapeake Climate Action Network (“CCAN Action Fund”), a grassroots organization dedicated exclusively to fighting for bold and just solutions to climate change in the Chesapeake region of Maryland, Virginia, and Washington, DC. After working hard to pass HB298 in the 2021 Legislative Session to require the Public Service Commission to assess climate and labor impacts associated with certain actions, we believe the HB880 is the proper next step in moving climate equity forward in Maryland.

Currently, Maryland’s public agencies take a sweeping array of actions that affect residents and communities but do not meaningfully assess how their decisions may contribute to environmental injustice, climate change, and worker or labor impacts. Historically, state actions have contributed to public health disparities for BIPOC, low-income, and limited English proficient communities. HB880 will ensure that Maryland state agencies, in their decision-making processes, meaningfully assess a proposed action’s potential climate change impact and effect on overburdened communities, environmental justice communities, and workers and jobs in Maryland.

In 2021, the Maryland General Assembly passed [House Bill 298](#), which requires the Public Service Commission (PSC) to consider climate and labor impacts before approving applications for Certificates of Public Convenience and Necessity (“certificate”). The approval of this Certificate is needed prior to the construction or modification of a power plant in Maryland. While the law has only been in effect for less than a year, it has already been successful in ensuring that we do not take steps backward in our climate efforts. In September of 2021, BGE proposed a Pay It Forward Pilot Program (Case 9646). The BGE project was opposed by PSC members on the grounds that it did not satisfactorily prove that it would promote enough economic growth to insulate ratepayers from bearing the cost of expansion. The PSC also voiced concerns around the environmental impacts of fuel switching from electric to gas and the inconsistency with state climate goals, citing the directive from HB298 to consider climate impacts.

While this exemplifies how requiring a state government entity to consider the climate in decision-making can be effective, the 2021 law has some shortcomings that we hope to address with HB880 this year. For example, the PSC can approve certain projects without issuing a new Certificate and therefore avoid the requirement of HB298 to consider the associated climate and labor impacts. [The PSC did exactly this with Talen Energy’s application](#) to convert two coal plants, Brandon Shores Power Plant and H.A. Wagner Plant near Curtis Bay, to burning oil based on the premise that the conversion did not constitute a “modification” under the law.

This decision means that the proposal falls under the purview of the Maryland Department of the Environment (“MDE”) and not the PSC. Because MDE has no mandate to consider climate, the agency will not consider what impact an oil-fired power plant will have on Maryland’s ability to meet its climate

goals. Additionally, these plants are located in an area near Curtis Bay that suffers from some of the highest rates of environmental burdens and pollution exposure, according to Maryland's EJScreen Mapper. Had the Climate Equity Act been in place for this process, the PSC, MDE, and every other relevant state agency would have been required to carefully study how these oil plants would affect this already overburdened community, providing decision-makers and the public with more complete information about the proposed project.

Thank you for your consideration of HB880. For all the reasons stated above, we urge a favorable vote from the committee.



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