

Testimony - SB 743 - Climate, Labor Environmental

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support

SB 743 - Climate, Labor, and Environmental Equity Act of 2023

To: Senator Feldman, Chair and the Members of the Education, Energy and the Environment Committee
From: Phil Webster, PhD
Lead Advocate on Climate Change
Unitarian Universalist Legislative Ministry of Maryland.
Date: February 23, 2023

The Unitarian Universalist Legislative Ministry of Maryland (UULM-MD) strongly supports **SB 743 - Climate, Labor, and Environmental Equity Act of 2023** and urges a FAVORABLE report by the committees.

The UULM-MD is a statewide faith-based advocacy organization, with over 1,000 members, based on the Principles of Unitarian Universalism. Two Principles are particularly relevant. The Second Principle, *justice, equity and compassion in human relations* and the Seventh Principle, *respect for the interdependent web of all existence of which we are a part*.

Unitarian Universalists believe in *justice and equity in human relations*. For generations, the state of Maryland has made decisions about locating harmful, unhealthy, and potentially dangerous projects in ways that have overburdened many communities in the state, especially communities of color and low-income communities. This has damaged those communities and inhibited their residents from leading safe, healthy, and productive lives.

The bill would place impediments in continuing this practice by requiring thorough planning, evaluation, reporting, and mitigation of negative impacts on underserved and overburdened communities before polluters are permitted to operate. In addition the bill would defer harmful projects near overburdened and underserved communities.

This bill would also advance labor equity associated with the projects described above by requiring prevailing wages, providing health care and retirement benefits, participating in apprenticeship programs, and aspiring to a goal of 25% of employees being returning citizens, women, minority individuals or veterans.

Unitarian Universalists also believe that we should all have *respect for the interdependent web of all existence of which we are a part*. Climate change is a serious and growing threat to all Marylanders. Maryland is especially vulnerable to the effects of sea-level rise and increasing frequency and intensity of heavy rainfall. Meeting the goals of the Climate Solutions Now Act of 2022 requires significant investment in clean green energy AND remediating the vestiges of decades of environmental racism.

All Marylanders need bold and urgent action! Please keep us on the right and moral path towards a livable climate and a sustainable world. We owe it to our children.

We support this bill and urge a FAVORABLE report in committee.

Phil Webster, PhD

Lead Advocate, Climate Change UULM-MD

SB0743 Climate and Environmental Equity Act FAV.pd

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0743
Climate, Labor, and Environmental Equity Act of 2023

Bill Sponsor: Senator Jackson

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0743 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

We strongly support this legislation because it requires state agencies in their decision-making processes to make meaningful assessments of a proposed action's potential climate impact and effect on underserved and overburdened communities, environmental justice communities, and workers and jobs in Maryland. In the past, many decisions have been made that have adversely affected whole communities in Maryland. Decision-making should include the equity impact that the project would have on the communities that it affects.

Maryland's public agencies currently do not systematically assess how their decisions may contribute to environmental injustice, climate change, and worker or labor impacts and have historically taken actions that have contributed to public health disparities for BIPOC, low-income, and limited English proficient communities. These communities are disproportionately burdened by environmental hazards that include exposure to polluted air, waterways, and landscapes. The hazards ripple through the community creating disparities in health, wealth, and even life expectancy.

The Climate, Labor and Environmental Equity Act creates a quantifiable way to protect these communities, engage in meaningful communication, and prioritize these communities for investment.

The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

SB0743Climate Equity Act of 2023 FAV Climate Partn

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0743
Climate, Labor, and Environmental Equity Act of 2023

Bill Sponsor: Senator Jackson

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

The undersigned organizations express their strong support for **SB0743 – Climate, Labor and Environmental Equity Act of 2023** and thank the sponsor, Senator Jackson, for introducing such an important piece of legislation.

This bill requires the Department of the Environment, when conducting an EJ Score Review during the process of issuing an approval for a permit that may impact an underserved or overburdened community, to conduct a climate and environmental equity evaluation of the permit. Needless to say, this is something that thoughtful, professional agencies should have been doing all along. Before any permit is approved that would have an anticipated impact on already marginalized communities, SOMEONE should be looking at the impact and should ensure that the decision to approve it does not have adverse impacts. Additionally, they should be looking to ensure that the jobs that would be created by approving the permit are good jobs. All of these things are part of being good stewards.

However, Maryland's public agencies generally do not do a good job of systematically assessing how their decisions may contribute to environmental injustice, climate change, and worker or labor impacts and have historically taken actions that have contributed to public health disparities for BIPOC, low-income, and limited English proficient communities. These communities are disproportionately burdened by environmental hazards that include exposure to polluted air, waterways, and landscapes. The hazards ripple through the community creating disparities in health, wealth, and even life expectancy.

The Climate, Labor and Environmental Equity Act creates a quantifiable way to protect these communities, engage in meaningful communication, and prioritize these communities for investment.

We strongly support this bill and we recommend a **FAVORABLE** report in Committee.

Endorsing Organizations

350 Baltimore
350 Montgomery County
Adat Shalom Climate Action
Assateague Coastal Trust
Audubon Naturalist Society
Casa de Maryland
Cedar Lane Unitarian
Universalist Church
CHEER
Chesapeake Bay Foundation
Chesapeake Climate
Action Network Action Fund
Chesapeake Physicians for
Social Responsibility
Chispa MD
Clean Air Prince Georges
Clean Air Prince Georges
Clean Water Action
Climate Law & Policy Project
Climate Parents of Prince
Georges
Climate Reality Montgomery
County
Climate Solutions
Climate Stewards of
Greater Annapolis
Climate XChange - Maryland
Coalition For Smarter Growth
Columbia Association Climate
Change
Concerned Citizens Against
Industrial CAFOs
Do The Most Good
Montgomery County
Echotopia
Elders Climate Action
Environmental Justice Ministry
Frack Free Frostburg
Glen Echo Heights Mobilization
Greenbelt Climate
Action Network

HoCo Climate Action
Howard County Indivisible
Howard County Sierra Club
Interfaith Power and Light, DC,
MD, NoVa
Labor Network for
Sustainability
Laurel Resist
Maryland Environmental
Health Network
Maryland League of
Conservation Voters
Maryland Legislative
Coalition
Maryland NAACP
State Conference,
Environmental Justice
Committee
Maryland Poor People's
Campaign
MCPS Clean Energy
Campaign
MD Campaign for
Environmental Human
Rights
Mid-Atlantic
Ministry of Maryland
MoCo DCC
Montgomery Countryside
Alliance
Montgomery County Faith
Alliance
Mountain Maryland
Movement
National Parks Conservation
Association
Nuclear Information &
Resource Service

Potomac Conservancy
Sustainability Advisory
Committee
Sierra Club, Maryland
Chapter
Strong Future Maryland
Sunrise Baltimore
Takoma Park Mobilization
Environment Committee
Talbot Rising
The Climate Mobilization
Montgomery County
The Nature Conservancy
Unitarian Universalist
Legislative Ministry
Wicomico NAACP
WISE

SB 743 - Climate, Labor, and Environmental Equity

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**SB 743 - Climate, Labor, and Environmental Equity Act of 2023
Senate Education, Energy, and the Environment Committee
February 23, 2023**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Chairman and members of the Committee, thank you for the opportunity to submit testimony in support of SB 743. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

In addition to analyzing demographic data and expanding public comment opportunities, SB 743 requires the Maryland Department of Labor (MDOL) complete a report on whether the decisions of state agencies support equitable labor standards. This includes analyzing whether state agencies are contracting with entities that pay prevailing wages, comply with state reporting requirements, follow wage and hour laws, participate in registered apprenticeship programs, offer health and retirement benefits, maintain proper licenses, and promote local hiring.

Through state grants, incentives, and contracts Maryland is able to shape how industries behave. The decisions of state agencies should reflect our values. Maryland's state agencies should be focused on creating family-sustaining jobs with real benefits.

We strongly support the addition of a labor equity analysis to state agency decisions and urge the committee to issue a favorable report for SB 743.

SB 743 - MoCo_Fitzgerald_FAV (GA 23).pdf

Uploaded by: Garrett Fitzgerald

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 743

DATE: February 23, 2023

SPONSOR: Senators Jackson and Lewis Young

ASSIGNED TO: Education, Energy and the Environment

CONTACT PERSON: Garrett Fitzgerald (garrett.fitzgerald@montgomerycountymd.gov)

POSITION: Favorable (Department of Environmental Protection)

Climate, Labor, and Environmental Equity Act of 2023

This bill would require the Maryland Department of the Environment (“MDE”) to conduct an environmental justice (“EJ”) screen when considering the issuance of a permit. If MDE finds that a permit might have impacts on an overburdened or underserved community, MDE must conduct a climate and environmental equity evaluation in more depth. That evaluation must include consideration of:

- demographic, environmental, climate, and public health data that might illuminate community vulnerability;
- the applicant facility's potential contribution to greenhouse gas (“GHG”) emissions and compliance record;
- potential chemical and other stressors the community will be exposed to and their impacts;
- cumulative impacts of pollution in the affected community if the permit is approved; and,
- potential methods to mitigate potential adverse effects.

The bill also requires MDE to provide opportunities for residents to receive information about permits for projects that would be located near their homes, and updates annual reporting requirements imposed on State agencies.

This bill would help to ensure that MDE is operationalizing consideration of environmental justice in its issuance of permits and placing emphasis on encouraging projects in overburdened and underserved communities to take steps to mitigate project impacts. The bill would also require state agencies to identify opportunities to more fully integrate Maryland climate goals and consideration of pollution and public health into their respective plans and activities. This will lead to better projects and service to Maryland communities, and better community and environmental health outcomes throughout our state.

We respectfully request that the Education, Energy, and the Environment Committee issue a favorable report on Senate Bill 743.

2023-02-23 SB 743 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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WRITER'S DIRECT DIAL NO.
(410) 576-6584

February 23, 2023

TO: The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB743 - Climate, Labor, and Environmental Equity Act of 2023 (**Support**)

The Office of the Attorney General "OAG" respectfully requests a favorable report on Senator Michael Jackson's bill, Senate Bill 743. This bill provides an important enhancement to MDE's authority, providing it with clear statutory authority to deny, amend, or condition permit decisions based upon MDE's assessment of environmental justice factors and related impacts to communities surrounding a permit applicant's facility, and to proactively involve those communities in its decisions. In addition, SB 743 will authorize MDE to charge a reasonable fee to support implementation of these new requirements. Finally, the bill requires the Maryland Department of Labor (MDL) to annually report on whether agency decisions support businesses that promote equitable labor and wage standards, as specified within the bill.

Senate Bill 743 will address potential climate impacts and effects on underserved and overburdened communities, seek environmental justice, and provide opportunity for the working people of Maryland. SB 743 would create a quantifiable way to identify and protect overburdened communities, engage in meaningful communication, and prioritize them for investment. Equal treatment and respect for all of our neighborhoods and communities are long overdue.

For all the foregoing reasons, the Office of the Attorney General requests a favorable report on Senate Bill 743.

cc: The Hon. Michael Jackson & Committee Members

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

BDCBT SB 0743 Climate, Labor, and Environmental Eq

Uploaded by: Jeffry Guido

Position: FAV



Maryland Senate - Education, Energy and the Environment Committee

Chair: Brian J. Feldman

Vice Chair: Cheryl C. Kagan

Senate Bill 0743 - Climate, Labor, and Environmental Equity Act of 2023

Position: Support

The Baltimore DC Metro Building Trades Council supports SB 0743 with the labor standards as stated on page 7 line 5 (B) through page 8 in its entirety. As these labor standards should apply to all state agencies in the permit application process.

We ask the Committee for a favorable report. Thank you.

Sincerely,

Jeffry Guido

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SB743 Written Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



Testimony in SUPPORT of SB743
Climate, Labor, and Environmental Equity Act of 2023
Senate Education, Energy, and the Environment Committee
Jose Coronado-Flores , On Behalf of CASA

February 23, 2023

Dear Honorable Chair Feldman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of SB743 Climate, Labor, and Environmental Equity Act of 2023**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 120,000 Black and Latino immigrants and working families.

SB743 is important legislation that will address the pollution-based inequalities that persist throughout Maryland by allowing state agencies to reject environmental permits based on cumulative pollution analyzes and a community's Environmental Justice Score. The bill will also create a channel of notification for community members whenever businesses or projects petition for these permits. In particular, CASA is invested in seeing this bill pass, because our members populate some of the most polluted communities in the state.

Take census tract 24033806602 for example, which contains East Riverdale, MD in Prince George's County. This low-income immigrant community has an exposure score of .91 out of a highest possible score of 1. The residents of this community are exposed to countless toxins everyday. Additionally, consider census tract 24031702000, which is located slightly Northwest of Langley Park in Silver Spring. This community has an exposure score of 0.96 and socioeconomic score of 0.92, with a total EJ score of .83. This is another example of a low-income community having extreme exposure to toxins. Lastly, census tract 24031700724 in Gaithersburg has an exposure score of 1.00 and a socioeconomic score of .94.¹ The data from these three communities explicitly outlines how seriously overburdened some of our communities are. The long-term effects of living in polluted communities can range from cancer to asthma.

People living in highly-polluted areas should not have to worry about more polluting businesses and projects opening up in their communities, and, with the passing of SB743, these communities will have a way of preventing more pollution in their living space. CASA urges a favorable report.

Jose Coronado-Flores
Research and Policy Analyst
jcoronado@wearecasa.org, 240-393-7840

¹ <https://p1.cgis.umd.edu/mdejscreen/>

SB743 Sign on Testimony - Final.pdf

Uploaded by: Katlyn Schmitt

Position: FAV

February 22, 2023

**Organizations Supporting the Climate, Labor, and Environmental Equity Act of 2023
(Senate Bill 743)**

To the Members of the Senate Education, Energy, and the Environment Committee:

We, the undersigned organizations and individuals, are writing with strong support for the Climate, Labor, and Environmental Equity Act of 2023, Senate Bill 743. We thank Senator Michael Jackson for his sponsorship of this important legislation.

As Marylanders, we pride ourselves on our commitment to equality and justice for all. For decades though, Maryland has allowed companies to locate harmful, unhealthy, and dangerous projects in ways that overburden communities, especially communities of color and low-wealth communities. Part of this is because Maryland doesn't have a process to adequately consider how projects and polluters impact our state's workers, jobs, and property values. Our state doesn't consider how industry impacts a community's health or our climate when permits are issued. Further, communities nearby have not been consulted about where these projects get sited, and in many cases, have been left out entirely of this process. The Climate, Labor, and Environmental Equity Act of 2023 will help address environmental injustice at the permitting level for projects that impact the land, air, and water – like industrial operations, wastewater treatment plants, highway expansions, mining operations, power plants, and landfills.

More specifically, the Climate, Labor, and Environmental Equity Act of 2023 would:

1. Expand reporting requirements for eleven key state agencies, and one academic center, to include climate change and environmental justice (“geographic impacts”) on an annual basis and to make it publicly available;
2. Require the Department of Labor to annually report on whether its decisions are supporting equitable wage and labor standards;
3. Require a comprehensive evaluation of the environmental and societal impacts for environmental permits (and permit renewal) with a high Environmental Justice score in underserved and overburdened communities. At a minimum, this evaluation should include:
 - a. Demographic and health data, as well as any related vulnerabilities in the community;
 - b. Climate-related impacts from the proposed project;
 - c. Cumulative impacts of pollution in the community;
 - d. Potential methods to minimize or mitigate potential adverse effects in the affected community;
4. Allow MDE to deny or amend permit applications based on this evaluation;
5. Require an “in-the-know system” where Maryland residents can opt-in to be notified about pending environmental permits in their area.

The Climate, Labor, and Environmental Equity Act of 2023 is needed (1) to address the fact that Maryland communities feel left in the dark about polluters in their area; (2) to require the state to consider the real-world impacts that polluters have on the environment, health, labor, and well-being of Maryland families; (3) to give Maryland residents the ability to be informed about the impacts that polluters have on the environment, and become more engaged in the environmental permitting process; and (4) to end environmental racism and injustice in Maryland.

We request a favorable report on SB 743.

Audubon Mid-Atlantic
Maryland United for Peace and Justice, Inc.
Interfaith Partners for the Chesapeake
Alliance of Nurses for Healthy Environments
Environmental Justice Ministry Cedar Lane Unitarian Universalist Church
Waterkeepers Chesapeake
Blue Water Baltimore
Unitarian Universalist Environmental Justice Ministry
Maryland Legislative Coalition
Maryland Latinos Unidos
CASA de Maryland
Elders Climate Action Maryland
Climate Reality Greater Maryland
Maryland Campaign for Environmental Human Rights
Maryland Conservation Council
Chesapeake Bay Foundation
Maryland Legislative Coalition Climate Justice Wing
Sierra Club - Maryland
Center for Progressive Reform
NAACP Maryland State Conference
Unitarian Universalist Legislative Ministry of Maryland
Maryland League of Conservation Voters
Center for Community Engagement, Environmental Justice, and Health (CEEJH)
Mountain Maryland Movement

sb 743 equity in environment 2023.pdf

Uploaded by: Kenneth Phelps, Jr.

Position: FAV



THE EPISCOPAL DIOCESE OF MARYLAND

The Maryland Episcopal
Public Policy
Network

TESTIMONY IN SUPPORT OF SB0743

FAVORABLE

Transportation - Statewide Transportation Improvement Programs and Transportation Improvement Programs - Equity Impacts

**TO: Senator Brian J. Feldman, Chair, Senator Cheryl C. Kagan, Vice-Chair, and
members of the Senate Education, Energy, and the Environment Committee**

**FROM: Rev. Linda K. Boyd, Co-Chair, Maryland Episcopal Public Policy Network,
Maryland, Diocese of Maryland**

DATE: February 23, 2023:

The Episcopal Church at large and the Diocese of Maryland in particular has embraced the concept of reparations, a concept not limited to financial considerations but to a leveling of the playing field across a broad spectrum of issues, including achieving equity in quality-of-life issues, such as health.

SB 743 will take important steps to rectify well-entrenched environmental policies that have resulted in unfairly and disproportionately affecting communities of color. Rectifying such inequities is long overdue. Equity with regard to the environment is sorely needed. It is a critical aspect of living in a healthy environment that is essential for all and not just for wealthy people, who are not persons of color, who almost never have to address these issues..

The Diocese of Maryland requests a favorable report on SB 743.

SB0743 Climate Labor Environmental Equity Act of 2

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Education, Energy, and the Environment
Testimony on: SB743 - Climate, Labor, and Environmental Equity Act of 2023
Organization: Climate Justice Wing of the Maryland Legislative Coalition
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 23, 2023

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB743. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on SB743.

The MLC Climate Justice Wing supports policies that benefit overburdened and underserved communities, which have historically sustained disproportionate environmental harm. By definition, “overburdened communities” are in census tracts that are disproportionately affected by more environmental health indicators. “Underserved communities” are in census tracts with a higher number of low-income residents who are also nonwhite and have limited English-proficiency. SB743 will help address environmental injustice at the permitting level for projects that impact the land, air, and water (e.g., industrial and mining operations, wastewater treatment and power plants, highway expansions, and landfills) by requiring the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation if they determine that issuing the permit may impact an underserved or an overburdened community.

The bill expands current State law in several important ways. First, it adds geographic impacts of climate change to the existing requirement for each State agency to review its program. Further, state agencies must identify and recommend changes to existing programs that do not currently address the geographic impacts of climate change or the opportunities to promote equitable wage and labor standards. Second, the bill broadens agency review of decisions to look at whether they will contribute to local deterioration of public health or increase pollution associated with health and environmental burdens for underserved and overburdened communities. Third, the bill requires MDE to provide residents the opportunity to receive text, phone, email, or regular mail notifications about any facility with a pending or final permit approval in or adjacent to the resident’s census tract.

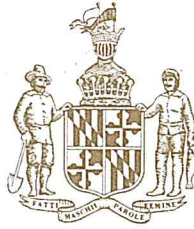
SB743 is needed to address the impacts polluters have on the environment, health, labor, and well-being of Maryland's most vulnerable families; to give residents better access to information about the impacts that projects have on their environment and to be more engaged in the permitting process; and to address environmental racism and injustice that has left communities disproportionately affected by pollution. For these reasons, we request a favorable report on SB743.

Jackson2023SB743Testimony.pdf

Uploaded by: Michael Jackson

Position: FAV

MICHAEL A. JACKSON
Legislative District 27
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Budget and Taxation Committee

Subcommittees

Chair, Pensions

Public Safety, Transportation, and
Environment

District Office
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Prince Frederick, Maryland 20678

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY - SENATE BILL 743

***CLIMATE, LABOR, AND ENVIRONMENTAL
EQUITY ACT OF 2023***

EDUCATION, ENERGY, & THE ENVIRONMENT COMMITTEE

FEBRUARY 23, 2023

Chair Feldman, Vice Chair Kagan and Committee Members:

Senate Bill 743 is a piece of legislation designed to require state agencies to take better account of their actions in relation to climate, labor, employment, and environmental justice policies in overburdened communities. This bill improves Maryland's permitting process when it comes to building industrial factories, wastewater treatment facilities, highways, mining operations, power plants and other potentially dangerous projects by doing a few things.

It ensures that key state agencies in Maryland are held accountable (through reporting) to the state's climate, environmental justice, and labor goals. It requires thorough planning, evaluation, reporting, and mitigation of negative impacts on underserved or overburdened communities before operations are permitted to begin on meaningful projects. It fosters measurable communication between the Maryland Department of the Environment, environmental permit applicants, and underserved or overburdened communities and it allows Marylanders to receive regular notifications regarding environmental permits that may have a negative impact on their health and well-being.

This legislation is a very straightforward attempt to ensure that all Maryland communities receive the necessary oversight actions to ensure their environmental safety and protection. This legislation simply aims to better serve all Marylanders.

For the reasons listed above, I ask for a favorable report of Senate Bill 743.

MD Catholic Conference_FAV_SB0743.pdf

Uploaded by: MJ Kraska

Position: FAV



February 23rd, 2023

SB 743

Climate, Labor, and Environmental Equity Act of 2023

Senate Education, Energy, and the Environment Committee

Position: Favorable

The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 743 This bill requires the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation of a permit application if, after conducting an Environmental Justice (EJ) score review required under current law, MDE determines that issuing an approval for the permit may impact an underserved community or an overburdened community.

In his encyclical, *On Care for Our Common Home (Laudato Si')*, Pope Francis tells us, “*Whenever these questions are raised, some react by accusing others of irrationally attempting to stand in the way of progress and human development. But we need to grow in the conviction that a decrease in the pace of production and consumption can at times give rise to another form of progress and development. Efforts to promote a sustainable use of natural resources are not a waste of money, but rather an investment capable of providing other economic benefits in the medium term...We know how unsustainable the behavior of those who constantly consume and destroy, while others are not yet able to live in a way worthy of their human dignity*”.

Senate Bill 743 aims to address the much-needed investment in climate and environmental equity in underserved communities within Maryland. We encourage discussion around the components and goals outlined in this legislation and hope they are a catalyst for positive ecological outcomes to our most vulnerable populations.

The Conference appreciates your consideration and respectfully urges a **favorable** report for Senate Bill 743.

9619 Pepco Extension Request_02.14.23.pdf

Uploaded by: Patricia Monroe

Position: FAV

Matthew K. Segers
Assistant General Counsel

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February 14, 2023

Andrew S. Johnston
Executive Secretary
Maryland Public Service Commission
6 St. Paul Street, 16th Floor
Baltimore, MD 21202

RE: Case No. 9619

Dear Mr. Johnston:

Please find enclosed Potomac Electric Power & Light Company's request that the Maryland Public Service Commission approve an extension of a revised project operational date for the National Harbor/Livingston Road battery energy storage system project located at Pepco's Livingston Road Substation in Prince George's County.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

/s/ *Matthew K. Segers*

Matthew K. Segers

cc: All Parties of Record

Project Operational Date

Potomac Electric Power Company (“Pepco”) hereby requests Maryland Public Service Commission (“Commission”) approval of a revised project operational date for the National Harbor/Livingston Road battery energy storage system project located at Pepco’s Livingston Road Substation in Prince George’s County (“Livingston Road Project” or “Project”).

The Energy Storage Pilot Act requires an operational date of February 28, 2022 for Commission approved pilot projects but allows the Commission for “good cause” to grant an extension. The specific statutory language states the following:

(6)(i) Except as provided in subparagraph (ii) of this paragraph, on or before February 28, 2022, all approved projects shall become operational.

(ii) The Commission may, for good cause shown, grant an extension from the deadline established in subparagraph (i) of this paragraph for unanticipated project development delays.

The Livingston Road Project was originally projected to be operational in February 2022, but was granted extensions by the Commission first to September 2022 and then to April 30, 2023.¹ The Livingston Road Project is now projected to be operational by June 30, 2024. For the reasons set forth below Pepco submits that there is good cause to grant an extension through this date.

The timeline for the Livingston Road Project has been challenged, primarily by the performance of the project contractor A.F. Mensah, Inc. (“A.F. Mensah”). Prior to August 2022, the estimated substantial completion date² of the Livingston Road Project by A.F. Mensah was

¹ See Commission Letter Order, Case No. 9619 (Dec. 15, 2021); Commission Letter Order, Case No. 9619 (Aug. 31, 2022).

² Substantial completion includes requirements such as mechanical completion of the Project, completion of all deliverables necessary to operate the Project, and delivering all necessary approvals and permits for the operation of the Project.

March 15, 2023, which would have permitted Pepco to complete testing and commissioning of the Livingston Road Project prior to April 30, 2023. However, A.F. Mensah needed to remedy their failure to maintain a certificate of good standing under the laws of Maryland and had delays in obtaining necessary construction permits, completing an emergency response plan, submitting a proposal for Pepco's requested scope changes to the Livingston Road Project, and submitting regular schedule updates. On August 15, 2022, Pepco sent A.F. Mensah a letter demanding that A.F. Mensah cure the failure to maintain a certificate of good standing in Maryland and that A.F. Mensah recommit to: a) meeting a Substantial Completion deadline of March 15, 2023; b) ensuring that the Project schedule would not be impacted; and c) continuing to perform pursuant to the Agreement. In response to the August 15, 2022 letter, A.F. Mensah corrected the certificate deficiency, but failed to satisfactorily address the other issues Pepco raised.

Subsequently, Pepco continued to experience delays with A.F. Mensah's performance regarding: (a) the submission of electrical designs; (b) obtaining necessary construction and environmental permits; (c) submitting IT documentation and their emergency response plan relating to the Livingston Road Project; and (d) delivering the necessary switchgear and transformers for the Project. On December 14, 2022, Pepco sent to A.F. Mensah a second letter detailing A.F. Mensah's several breaches and demanding assurances that the Livingston Road Project would be substantially complete by March 15, 2023. Pepco did not receive a response from A.F. Mensah to this second notice.

Finally, on January 25, 2023, Pepco sent to A.F. Mensah a Notice of Termination for Cause. A.F. Mensah was provided 10 business days to cure the previously detailed breaches, i.e., until February 8, 2023. On February 8, Pepco did receive a response from A.F. Mensah, but in its response A.F. Mensah failed to offer to cure their deficiencies and in fact acknowledged that it

will not be able to comply with the Project's Substantial Completion date. In addition, A.F. Mensah informed Pepco for the first time that the budget for the Project would require an additional \$2 million above the original estimate for the Project. This response from A.F. Mensah was wholly unsatisfactory to Pepco, and on February 13, 2023 Pepco sent to A.F. Mensah a formal notice terminating the vendor agreement effective on the same date.

Pepco remains committed to the successful completion of the Livingston Road Project, and has taken steps to move the Project forward.³ Specifically, Pepco has retained a local civil engineering and permitting firm, Dewberry, to assist with finalizing the remaining permits needed for the Livingston Road Project. These permits consist of the Grading Permit, Civil Structure Permit, and the Electrical Permit. As Pepco noted in its second extension request for the Livingston Road Project, applications for these permits could not be submitted prior to the Stormwater Management Concept Plan approval, which was not received until October 31, 2022. These permits will be delayed by a minimum of six (6) additional months due to A.F. Mensah not using peer reviewers, which is a recommended practice.

In addition, Pepco has commenced discussions with a prospective vendor to complete the engineering, procurement, and construction of the Livingston Road Project, and anticipates finalizing a selection in March 2023. This will include selecting a vendor that will be responsible for the operation and maintenance of the Livingston Road Project, as well as the Project's participation in the PJM Interconnection, L.L.C. wholesale markets. As of the date of this filing, Pepco does not have sufficient information regarding any potential Project cost increase that may result from the selection of a new vendor, but Pepco commits to updating the Commission with

³ Pepco also commits to continue its engagement with the communities in the Livingston Road Project area as the Project continues to move forward.

this information as soon as it becomes available. Moreover, Pepco is currently reviewing potential contractual remedies regarding A.F. Mensah that could mitigate any Project cost increase relating to the change in vendor.

As Pepco noted in its second extension request, because the Livingston Road Project is being installed at Pepco's Livingston Road Substation, switchgear and transformers that are specifically designed and custom made are needed to accommodate the battery. Pepco learned from the switchgear manufacturer that the order from A.F. Mensah for the switchgear was placed on hold due to technical questions from the manufacturer that remained unanswered by A.F. Mensah. The current estimated delivery date for the switchgear is March 2, 2023. In addition, A.F. Mensah informed Pepco in late 2022 that the transformers that would be needed to complete the Livingston Road Project will not be delivered until July 2023. In its December 14 correspondence to A.F. Mensah, Pepco requested from A.F. Mensah the reason for this delay, but A.F. Mensah failed to respond to Pepco's December 14 letter.

Therefore, Pepco respectfully requests that the Commission approve an extended operational date of June 30, 2024 for the Livingston Road Project for good cause based on the reasons stated above. The revised operational date will not impact the substation deferral benefit related to the Livingston Road Project and the benefit/cost ratio for the Project is still expected to be positive.

Senate Bill 07-43 – Climate Labor and Environmenta

Uploaded by: Patricia Monroe

Position: FAV

South Lawn Citizens Association

Monroe

Senate Bill 07-43 – Climate Labor and Environmental Equity Act 2023

February 22, 2023

**OXON HILL, LIVINGSTON ROAD & AREA RESIDENTS EXPRESS HEALTH
AND SAFETY CONCERNS ABOUT PEPCO'S LITHIUM-ION BATTERY
ENERGY STORAGE PILOT PROJECT**

For almost two years, residents in Oxon Hill and Fort Washington have been fighting against the installation of a 1 MW Lithium-Ion Battery Energy Storage System (BESS) on Livingston Road. A project in the making that very few residents knew nothing about and still don't.

Of great concern to the residents of the immediate and surrounding area is that since this is a pilot project, there are too many unknowns. The data that is available is less than five years old and is still being studied. One major concern is the effects of global warming, various temperatures swings, storms and terrorist threats.

The community discovered that the contractor PEPCO hired for this project was not in good standing with the State of Maryland, another reason for neighbors to be concerned about the project design.

The community supports PEPCO's effort to explore alternative forms of energy; however, we have been asking PEPCO to consider relocating the BESS given the newness and potential safety hazards of this technology. According to a Professor at Southern University, hired by the EPA to study lithium-ion battery hazards and harmful emissions. There are many unknowns with lithium-ion batteries as it relates to utility application.

Questions regarding fire, health and safety have not been addressed to the satisfaction of the residents. The community has asked for

emergency plans in case of a fire and PEPCO, to date has not produced or adequately discussed them.

The community organizations and area residents are convinced that this is just one example of a large corporate entity engaging in environmental racism by preying on what it regards as a minority community. The pilot project in Montgomery County is located miles away from residential homes, schools, and day care centers. This project is less than 200 feet from a day care, residential homes, and three schools less than one mile away.

So to place something in a residential area with so many unknowns is baffling. We do not want to be PEPCO's guinea pigs.

Support SB 743 MDLCV Climate, Labor, and Environme

Uploaded by: Rebecca Rehr

Position: FAV



Kim Coble
Executive Director

February 23, 2023

2023 Board of
Directors

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Thomas

SUPPORT: SB 743 - Climate, Labor, and Environmental Equity Act of 2023

Chairman Feldman and Members of the Committee:

Maryland LCV supports SB743, the Climate Labor, and Environmental Equity Act of 2023, and we thank Senator Jackson for his committed leadership on this issue.

This bill takes steps to ensure resources are allocated and protections are in place for communities across our state who are overburdened by existing environmental pollution, or underserved because of structural inequities resulting in a dearth of opportunities in low-income communities, communities of color, and communities with limited English proficiency.

Through the actions put forth in SB 743, agency decisions can move into closer alignment with community needs, and add a layer of scrutiny for certain permits that the Maryland Department of Environment (MDE) deems would have a high adverse impact on the surrounding community. The Climate, Labor, and Environmental Equity Act of 2023 would:

1. Expand the publicly available climate change and environmental justice reporting requirements for eleven key state agencies, and one academic center;
2. Require the Department of Labor to annually report on whether its decisions are supporting equitable wage and labor standards;
3. Require a comprehensive evaluation of the environmental and societal impacts for environmental permits with a high Environmental Justice score in underserved and overburdened communities. This evaluation should include:
 - i. Demographic and health data, as well as any related vulnerabilities in the community;
 - ii. Climate-related impacts from the proposed project;
 - iii. Cumulative impacts of pollution in the community;
 - iv. Potential methods to minimize or mitigate potential adverse effects in the affected community;
4. Allow MDE to deny or amend permit applications based on this evaluation;
5. Require an “in-the-know system” where Maryland residents can opt-in to be notified about pending environmental permits in their area.

We recognize that the requirements in the bill may require additional staffing needs at MDE and the Department of Labor, and support the allocation of resources for the agency to fully implement and enforce environmental justice initiatives.

Maryland LCV supports policies that advance the tenets of environmental justice: fair treatment and meaningful involvement. This bill does both. We strongly urge a favorable report on this important bill.

SB 743_Maryland Catholics for Our Common Home_FAV.

Uploaded by: Robert Simon

Position: FAV



Hearing before the Senate Committee on Education, Energy, and the Environment
Maryland General Assembly
February 23, 2023

**Statement of Support (FAVORABLE)
of Maryland Catholics for Our Common Home on
SB 743, Climate, Labor, and Environmental Equity Act of 2023**

Maryland Catholics for Our Common Home (MCCH) is a lay-led organization of Catholics from parishes in the three Catholic dioceses in Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. It engages in education about, and advocacy based on, the teachings of the Catholic Church relating to care for creation. MCCH is a voice for the understanding of Catholic social teaching held by a wide array of Maryland Catholics, but should be distinguished from the Maryland Catholic Conference, which represents the public policy interests of the bishops who lead these three dioceses.

MCCH would like to express its strong support for passage of Senate Bill 743, the Climate, Labor, and Environmental Equity Act of 2023. The bill echoes key themes that have been part of Catholic social teachings for over 130 years and that have found recent expression in Pope Francis's 2015 encyclical, entitled *Laudato Si': On Care for Our Common Home*,¹ in which Pope Francis issues a call to "integrate questions of justice in debates on the environment, so as to hear both the cry of the earth and the cry of the poor" (no. 49).

- The bill ensures that environmental permits are informed by a climate and environmental equity evaluation, in cases where "a permit may impact an underserved community or an overburdened community." This is responsive to Pope Francis's teaching that "every ecological approach needs to incorporate a social perspective which takes into account the fundamental rights of the poor and the underprivileged" (no. 93). The provision that health impact assessments may also be conducted is consistent with Pope Francis's view that environmental impact assessments "should be linked to a study of working conditions and possible effects on people's physical and mental health, on the local economy and on public safety" (no. 183).
- The bill's provision that the Department of Labor annually report whether State agency decisions "support businesses that promote equitable labor and wage standards" is in line with long-standing Catholic social teaching that "All people have the right to economic initiative, to productive work, to just wages and benefits, to decent working conditions as well as to organize and join unions or other associations."²

For these reasons, MCCH supports enactment of the bill. Thank you for your consideration of our views and our respectful request for a **favorable** report on Senate Bill 743.

¹ The English text of the encyclical, to which the paragraph numbers in the following parentheses refer, can be found at: https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

² United States Conference of Catholic Bishops, "A Catholic Framework for Economic Life" (2015), no. 5, available at <https://www.usccb.org/resources/catholic-framework-economic-life-0>.

NAACP MSC SB743 Climate Labor and Environmental Eq

Uploaded by: Staci Hartwell

Position: FAV



February 21, 2023

Committee | Senate Education, Energy, and the Environment

Bill | **SB743** - Climate, Labor, and Environmental Equity Act

Position | Favorable

Hearing | February 23, 2023

Dear Chairman Feldman and Distinguished Committee Members,

I am Staci Hartwell, chair of the Environmental and Climate Justice Committee of the NAACP Maryland State Conference. We support SB743, which requires Maryland policymakers to evaluate the climate equity implications of proposed policy changes.

One of the NAACP Environmental and Climate Justice Committee's primary goals is to advocate for increasing the livability of communities while also strengthening their resilience. SB743 would be a powerful tool for achieving exactly that. It will also serve as a cornerstone for implementing policy for the *Climate Solutions Now Act*.

This legislation is a meaningful step towards addressing one of the most insidious and entrenched forms of systemic racism. Across Maryland, BIPOC communities disproportionately suffer from pollutants and other environmental harm, poisoned by their own air, soil, and water. In Baltimore, a city that is 65% Black, as many as 130 residents per 100,000 die every year from the consequences of air pollution alone.¹ Despite this, the renewable-energy company, Energy Answers, is attempting to build a garbage incinerator that would emit 1000 pounds of lead and 250 pounds of mercury into the air of the Curtis Bay neighborhood, which remains largely segregated. This legislation will prevent us from "adding insult to injury."

Baltimore is not the only place that is harmed, however. Across Maryland, communities adjacent to industrial sites, such as Lothian in Anne Arundel County, are turned into "sacrifice zones" - places with severe and potentially irreversible pollution² and even greater, *negative* health impacts. In Lothian, which is disproportionately Black and poor, mining sites fill the air with diesel exhaust and dust while toxic cadmium leaches into the soil and water.

Currently, the predominantly Black community of Oxon Hill is being threatened by a proposed battery storage facility by PEPCO/Exelon. Facilities such as these are notoriously dangerous – they have a reputation of cascading explosions and deadly fires. This facility is proposed to be located thirty-five feet from the closest residential, single-family home and less than one

¹<https://grist.org/business-technology/baltimore-youth-of-color-are-still-fighting-plans-for-gigantic-garbage-incinerator/>

²https://www.bayjournal.com/news/policy/mining-waste-disposal-raise-environmental-justice-concerns-in-rural-maryland/article_b688b380-40c7-11ec-bc97-83d40bfd0e23.html;
<https://www.washingtonpost.com/express/wp/2010/09/23/steve-lerner-book-sacrifice-zones/>

hundred yards from a much relied upon daycare center. The potential and unintended perils and impacts of this have gone ignored and there has been no consideration for property values, our inability to extinguish lithium fires, no emergency evacuation plan, no remedies for air and water contamination in case of fire, and so on. The recent horrific disaster in East Palestine should be evidence enough of what can happen if we do not consider the impacts on underserved and overburdened communities. More importantly, Black and Brown communities should not be further victimized by green/clean technologies.

This legislation will require governments within Maryland to consider the potential for undue harm caused by any policy change - including modifications to mining guidelines or approval for a new incinerator. In doing so, it will make BIPOC communities across the state more livable, their air safer to breathe, and their water safer to drink.

To help make the *Justice 40 Initiative* a reality and to achieve the goals outlined in the *Climate Solutions Now Act*, we request a favorable report on SB743.

Thank you.

Respectfully submitted,



Staci Hartwell, Chair

NAACP Maryland State Conference

Environmental and Climate Justice Committee

8775 Cloudleap Court, Suite 200

Columbia, Maryland 21045

SB 743 Support.pdf

Uploaded by: Tom Clark

Position: FAV



International Brotherhood of Electrical Workers

JOSEPH F. DABBS: Business Manager • THOMAS C. MYERS: President • RICHARD D. WILKINSON: Vice President
CHRISTOPHER M. CASH: Financial Secretary • RICHARD G. MURPHY: Recording Secretary • PAULO C. HENRIQUES: Treasurer



TESTIMONY IN SUPPORT OF SB 743 CLIMATE, LABOR, & ENVIRONMENTAL EQUITY ACT OF 2023 February 23, 2023

TO: Sen. Brian Feldman, Chair and Members of the Education, Energy & Environment Committee
From: Tom Clark, Political Director, International Brotherhood of Electrical Workers Local 26

Mr. Chair, Madam Vice Chair and Members of the Committee, Local 26 is in **support of SB 743**. Environmental equity is important to the IBEW as it should be for all of those in our State.

We salute the sponsors of this bill, not just for looking out for the underserved in Maryland, but for including Labor standards. Personally, I think all bills thru the General Assembly should include the underserved community and those hard-working Marylanders in labor. The following words is music to my ears:

ESTABLISH AND EXECUTE A PLAN FOR OUTREACH, RECRUITMENT, AND RETENTION OF RESIDENTS OF THE STATE TO PERFORM WORK ON A PROJECT OR OTHER ITEM ASSOCIATED WITH THE PROJECT, WITH AN ASPIRATIONAL GOAL OF 25% OF TOTAL WORK HOURS PERFORMED BY RESIDENTS OF THE STATE, INCLUDING RESIDENTS WHO ARE: (I) RETURNING CITIZENS; (II) WOMEN; (III) MINORITY INDIVIDUALS; OR VETERANS
OFFER HEALTH CARE AND RETIREMENT BENEFITS TO THE EMPLOYEES WORKING ON A PROJECT OR OTHER ITEM ASSOCIATED WITH THE PROJECT

For this reason, I support this bill and encourage you to vote **favorable on SB 743**. Thank you



SB 743 LBCMD Support Letter .docx (1).pdf

Uploaded by: Ufuoma Agarin

Position: FAV



February 22, 2023

Chairman Brian J. Feldman
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chairman Feldman and Members of The Committee:

The Legislative Black Caucus of Maryland Inc. has voted to offer **favorable** support for Senate Bill 743 - Climate, Labor, and Environmental Equity Act of 2023. **This bill is a 2023 legislative priority of the Black Caucus.**

This bill will require the Department of the Environment to conduct an evaluation regarding the impact of issuing approval for certain environmental permits, require the Department to provide opportunities for communication with certain residents; and alter reporting requirements for specific State agencies.

For generations, the State of Maryland has made decisions about identifying harmful, unhealthy, and potentially dangerous projects in ways that have detrimentally impacted the Black community. As it stands, low-income communities of color in Maryland are more likely to live in close proximity to facilities that release toxic chemicals. This legislation will combat the ongoing environmental racism and injustice in Maryland. The Legislative Black Caucus aims to protect the health and wellbeing of all Black Marylanders and this bill aligns with our mission. For these reasons, the Legislative Black Caucus of Maryland supports Senate Bill 743 and would appreciate your favorable support of this legislation.

Legislative Black Caucus of Maryland

SB 743 Victoria Leonard LiUNA (SUPPORT).pdf

Uploaded by: Victoria Leonard

Position: FAV



February 22, 2023

The Honorable Brian J. Feldman, Chair
The Honorable Cheryl C. Kagan, Vice Chair
Senate Education, Energy and the Environment Committee
Miller Senate Office Building
Annapolis, Maryland 21401

**Written Testimony of Victoria Leonard on
SB 743 - Climate, Labor, and Environmental Equity Act of 2023**
Position: Support

Thank you Chair Feldman and Vice Chair Kagan and members of the committee for the opportunity to submit written testimony in support of SB 743.

My name is Victoria Leonard, Political and Legislative Director for the Baltimore Washington Laborers' District Council (BWLDC), an affiliate of the Laborers' International Union of North America, or LiUNA for short. The BWLDC represents more than 7,500 members across Maryland, Virginia, and the District of Columbia. Our members are proudly employed on many infrastructure construction projects across the region.

LiUNA supports SB 743. We particularly appreciate that the bill applies labor standards to all state agencies in the permit application process, as stated on page 7 line 5 (B) through page 8 in its entirety. SB 743 is also important because Maryland does not have a process to adequately consider how projects and polluters impact state workers, jobs, or property values. Maryland does not consider how industry impacts a community's health or climate when permits are issued. Further, communities nearby have not been consulted about where these projects get sited, and in many cases, have been left out entirely of this process.

SB 743 will help address environmental injustice at the permitting level for projects that impact the land, air, and water, such as industrial operations, wastewater treatment plants, highway expansions, mining operations, power plants, and landfills.

For these reasons, we request a favorable report on SB 743.

SB 0743_IndivisibleHoCoMD_FAV_VirginiaSmith.pdf

Uploaded by: Virginia Smith

Position: FAV



SB743 – Climate, Labor, and Environmental Equity Act of 2023

Testimony before

Senate Education, Energy and the Environment Committee

February 23, 2023

Position: Favorable

Mr. Chair, Mdm. Vice Chair and members of the committee, my name is Virginia Smith, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today in **support of SB743**, which would require the Department of the Environment to conduct certain evaluations before issuing certain environmental permits. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We appreciate the leadership of Senators Jackson and Lewis Young in sponsoring this important legislation.

Currently in the state of Maryland, there is no process to evaluate how a polluting industry's location and projects impact the state's workers, jobs, health, and property values. Studies have shown that these projects are often pushed onto overburdened communities, especially low-income and minority communities, without any discussion with the neighborhoods affected. This Act will work towards addressing the environmental injustice at the permitting level for projects that impact the land, air, and water.

The Act would achieve this by expanding reporting for several state agencies and an academic center to include climate change and environmental justice, require the Department of Labor to annually report on whether its decisions are supporting equitable wage and labor standards, and requiring a comprehensive evaluation of the environmental and societal impacts for environmental permits with a high Environmental Justice score in underserved and overburdened communities. These actions combined will make sure that minority and low-income areas are not continually saddled with unhealthy projects, while also ensuring that the workers in the state are being paid fairly and receiving comparable fringe benefits.

Finally, the Act would allow residents to opt-in to be notified of pending environmental permits in their area. This is important because knowing what might be coming will allow the people to get involved and resist if necessary.

For these reasons, we support SB743.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Virginia Smith
Columbia, MD 21044

SB 743 - Climate, Labor, Equity - Opposition Lette

Uploaded by: Grayson Middleton

Position: UNF



Educate. Advocate. Innovate.

Date: February 22, 2023
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Holly Porter, Executive Director
Re: SB 0743 – Climate, Labor, and Environmental Equity Act of 2023 – **OPPOSE**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, processing companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes SB 743 as written and urges an unfavorable committee report.

At DCA, we take our commitment to environmental justice and equity very seriously. In Maryland, over 23% of our growers are minority, compared with 4.5% of all farmers across the United States. The majority of the workforce in our processing plants are minority or of other national origin. Most of these groups live in the same area they work, and their safety and health is not only a moral priority for our organization, but also an economic benefit. However, we do not support regulations and laws which are both unnecessary and put our farmers and industry at an economic disadvantage.

This bill allows for the Department of Environment to “deny or alter a decision or amend the conditions under a permit based...” on how the approval would impact overserved and/or overburdened communities. Whether or not MDE should have the authority to deny a permit based on the listed parameters in the environmental equity evaluation is a separate issue for us. Most concerning is how this bill has defined “overburdened community,” the lack of clarity on how those vague parameters can be calculated, and the lack of transparency with which some of the parameters were included in the definition.

“Underserved” is a well-defined and easily calculable set of parameters whose impact to our industry would be relatively minimal. “Overburdened” has many questionable items which are vaguely defined and would unfairly impact much of our region. Furthermore, many of the items listed in this bill are not included in the current environmental justice screening tool, and thus our farmers cannot know how their permits could be impacted under this legislation.

The definition of “overburdened community” under the Climate Solutions Now Act of 2022 includes any area above the 75th percentile for three or more parameters which include: proximity to CAFO, percent of population lacking broadband, and emergency room discharges. Neither “percentage” nor “proximity” is defined, and thus there is no way of knowing which parts or percentage of our region (large or small) would be impacted. In addition, these data sets are currently absent from the screening tool created by MDE.

There is also the issue of including proximity to (as yet unspecified) Concentrated Animal Feeding Operations (CAFO) in the “overburdened” parameters. The permit issued to chicken farmers is considered a CAFO/general discharge permit that is based off a comprehensive nutrient management plan that does not allow for discharge. This general permit is established every five years and approved by EPA. There is currently no comprehensive data or study to support that proximity to poultry or other



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livestock farms has an impact on environmental health. Furthermore, as the regulations are written, there is no way to deny a general permit without rejecting them all. This could have enormous implications not just for our industry, but for agriculture across Maryland.

Other parameters under “overburdened” are also questionable. Although certainly disadvantageous, we fail to see how lack of broadband coverage has an impact on environmental health. Furthermore, although emergency room discharges are health related, in rural areas they are more often an indicator of lack of accessible healthcare. These are not things which should factor into whether or not an applicant will receive their permit. These are issues which either the state or private enterprises should be working to solve. While we realize that this definition has already been established under previous legislation we still believe its application is concerning.

Finally, there is a considerable lack of clarity and guidance for the department under this legislation, and we are concerned how broadly this bill might be interpreted. For example, on page 5 this bill states that the environmental equity evaluation “may include” an analysis of certain items and page 6 says the department “may deny” the permit. This lack of guidance and expansive room for interpretation with such big implications should concern everyone.

Although we support environmental justice and equity, the lack of transparency, clarity, and the inclusion of questionable and undefined parameters in this bill force us to oppose this legislation.

We urge an **unfavorable** vote on SB 0743.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Grayson Middleton at middleton@dcachicken.com or 410-490-3329.

Sincerely,

Holly Porter
Executive Director

MBIA Letter of Opposition SB 743.pdf

Uploaded by: Lori Graf

Position: UNF

February 23, 2023

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

RE: MBIA Letter of Opposition SB 743 Climate, Labor, and Environmental Equity Act of 2023

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 743 Climate, Labor, and Environmental Equity Act of 2023**. MBIA **Opposes** the Act in its current version.

This bill lays out new review restrictions on projects in underserved communities requiring an EJ score review to determine a permit impact and instituting new fees. MBIA respectfully opposes this measure. While we agree that achieving environmental equity in communities that have been overburdened and underdeveloped is a laudable goal this bill, would have the opposite effect of what is intended. The bill as written gives the Department of the Environment the ability to review all projects in these communities. This adds a significant time burden as the necessary reviews and reports are generated on the projects increasing the cost to develop in areas where the potential margins are already lower due to existing economic circumstances. This disincentivizes development in exactly the areas in which we want to encourage it and would exacerbate those existing conditions as developers avoid the new time, personnel, review, and general difficulty that this bill generates in those areas. The bill also imposes a fee to cover the costs of implementation of this new program imposing even more cost.

In most cases new construction and redevelopment already falls under stricter and more environmentally sound requirements than older buildings and the simple act of re-developing or building new projects has the potential to raise the environmental equity threshold without a regulatory burden. Imposing costs for all building permits reduced the capacity of developers to meet this community need and ultimately harms overburdened communities by leaving them in the same economic circumstances responsible for the inequity in the first place.

For these reasons, MBIA respectfully requests the Committee give this measure a **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

SB0743_UNF_NWRA_Climate, Labor, and Env. Equity Ac

Uploaded by: Pam Kasemeyer

Position: UNF

Maryland-Delaware Solid Waste Association
a chapter of the



**National
Waste & Recycling
AssociationSM**

Collect. Recycle. Innovate.

TO: The Honorable Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Honorable Michael A. Jackson

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
410-244-7000

DATE: February 23, 2023

RE: **OPPOSE** – Senate Bill 743 – *Climate, Labor, and Environmental Equity Act of 2023*

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 743.

Senate Bill 743 requires the Maryland Department of the Environment (MDE) to conduct a climate and environmental equity evaluation of a permit application if, after conducting an EJ score review required under current law, MDE determines that issuing an approval for a permit may impact an underserved community or an overburdened community. In addition, MDE, in coordination with the Maryland Department of Health, may conduct a health impact assessment of the permit. Senate Bill 743 also requires MDE to regularly provide opportunity for State residents to opt-in to text, phone, email, or regular mail notifications regarding any facility with a pending or final permit approval in or adjacent to the resident's census tract. Finally, the bill authorizes MDE to deny or alter a decision or amend the conditions under a pending permit based on its findings under the above provisions.

MDSWA has been supportive of the development of the EJ score review and the enhanced assessment it provides in evaluating the impact on underserved or overburdened communities. However, the industry is concerned with the provisions of the legislation as it relates to denials and or amendments to renewal permits. Many facilities subject to this analysis have been operating prior to growth of communities that surround the facility. Denial or significant amendment of renewal permits could create insurmountable obstacles for the continued operation of the facility, despite the fact the facility operation predates the community impact determined by the enhanced assessments. The use of the EJ score review is informative and strengthens the permitting process, but the additional authority granted MDE, especially with respect to permit renewals, should not be enacted. An unfavorable report is requested.

SB 743 - Climate and Labor Equity Act - NAIOP - UN

Uploaded by: Tom Ballentine

Position: UNF



February 22, 2023

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Unfavorable: SB 743 – Climate and Labor Equity Act

Dear, Chair Feldman and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate, recommend your unfavorable report on SB 743.

SB 743 prevents the Maryland Department of Environment (MDE) and other agencies from taking regulatory actions and issuing decisions related to activities in overburdened communities, as defined in the bill, without first evaluating and making determinations about how the action may affect climate, labor, employment, and environmental justice.

While we recognize the legitimate concerns about redevelopment and gentrification, on balance we believe the activities of our member companies are a catalyst for positive economic and environmental change.

The scope of permits called out in the bill is very broad applying to intense activities like waste-water treatment plants but also to relatively minor activities like restaurant grills, heating boilers, backup power generators, automobile repair facilities, dry cleaners, grading and stormwater permits that are administered by MDE.

For these minor activities it is unlikely the bill would result in greater environmental protections or pollutant reductions than have been achieved using the permit review and technology based environmental management practices currently employed by MDE and local government agencies.

The geographic scope is hard to determine. Regulated entities would have a difficult time knowing whether their activities are in an area that is subject to the bill's provisions.

The requirements of the bill, which include calculating potential future impacts and cumulative, are beyond the technical capabilities of MDE and other agencies. The authority for MDE to make permit decisions based on such speculative analysis is questionable.

For these reasons, NAIOP respectfully recommends your unfavorable report on Senate Bill 743.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Education, Energy and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.

MDE SB0743 LOI.pdf

Uploaded by: Tyler Abbott

Position: INFO



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

February 23, 2023

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, Maryland 21401

Re: Senate Bill 743 - Climate, Labor, and Environmental Equity Act of 2023

Dear Chair Feldman and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed Senate Bill 743 and would like to provide some additional information. To note, MDE has been working with the House sponsor on this legislation and appreciates the consideration of the Department's suggestions.

SB 743 would require MDE to do the following:

- Conduct a climate and environmental equity evaluation prior to issuing certain permits, if the permit may impact overburdened or underserved communities;
- Communicate with residents residing, within or adjacent to, the census tract within which a permit would be issued via text, phone, email, or regular mail notifications regarding any facility with a pending or final permit approval; and
- Adopt regulations to carry out the provisions of the new subtitle.

Additionally, SB 743 would allow MDE to:

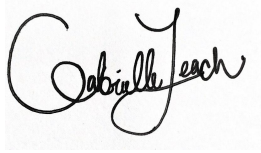
- Deny or alter a decision or amend the conditions under a pending permit based on the findings of its climate and environmental equity evaluation; and
- Charge applicants a reasonable fee to cover costs associated with complying with the bill, including technical assistance offered to applicants and residents of affected census tracts.

Under the leadership of Secretary McIlwain, MDE prioritizes environmental justice and equity statewide. The Department will be looking at everything through an equity lens with the intent of leaving no one behind in Maryland. Accordingly, while MDE supports the general concept of the bill, the Department would like to develop its own clearly defined and data-driven strategy to address pollution in overburdened and underserved areas, which Secretary McIlwain intends to begin immediately. In addition, SB 743 would require additional funding for contractual services to undertake the required evaluation and additional staff to fully implement the proposed legislation, which are not in the Fiscal 2024 budget.

Thank you for your consideration. We will continue to monitor SB 743 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at gabrielle.leach@maryland.gov.

The Honorable Brian Feldman, Chair
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Sincerely,

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

Gabriele Leach
Deputy Director, Legislative and Intergovernmental Relations

Cc: The Honorable Michael Jackson