



Opposition for House Bill 579

Dear Chairman Wilson and Members of the Committee:

The Chesapeake Legal Alliance strongly opposes HB 579.

As we speak, our neighbors across the Potomac are reckoning with the consequences of what has been nearly a decade of unchecked and unfettered growth in data center development. Northern Virginia is reported to now be home to the largest cluster of data centers in the world. Consequently, the Virginia General Assembly is trying to understand what has happened and how they can start to get ahead of the unintended consequences of this massive surge in industrial growth.

Virginians are offering up the lessons that they wish they knew a decade ago and it is critical that Marylanders listen and heed these warnings. The very first lesson, above all else, is to properly *plan* for this growth and its consequences, whatever they may be. Yet this bill represents the exact opposite: sticking our head in the sand by choosing to circumvent one of the most important planning laws we have, thus removing public protections for the benefit of some of the largest companies in the world.

The debate over this bill should not be seen as a referendum on the need for, or value from, data centers. Data centers are a necessary fixture of modern life. But make no mistake - while cloud computing, machine learning, and artificial intelligence are cutting edge 21st century technologies, in many ways data centers mimic or vastly exceed the environmental, social, and health impacts of 19th century heavy industry. From massive greenhouse gas emissions, energy use, air pollution, water consumption, and noise, a data center in 2024 can feel a lot like a steel mill in 1924. If data centers are the embodiment of cutting edge 21st century technology, then why should we accept anything less than that they use cutting edge energy and environmental technologies to mitigate the myriad detrimental or devastating impacts?

Given everything that the Maryland General Assembly has done in recent years and decades to respond to the worsening climate crisis, how can it now facilitate a headlong rush into an extraordinarily carbon intensive development boom? Prior to the data center expansion in Virginia, the Mid-Atlantic region had been facing stagnant or declining energy demand, allowing for the surging growth in renewable energy to displace carbon-emitting sources as a share of the overall pie. But now, with the current data center boom in Virginia and the anticipated growth in Maryland and other states within the PJM territory, it seems there is little chance that we will see renewable energy continue to eat up a larger share of the generation mix. Simply put, *unchecked growth of underregulated data centers is fundamentally incompatible with our climate goals.*

Similarly, with all that Maryland leaders have said about addressing environmental and climate justice and, principally, the need to *build in* such considerations right from the very start of the permitting process, how can the General Assembly pass a bill that would do the opposite, tearing down the procedural safeguards we already have that are supposed to ensure industrial growth does not harm our

most vulnerable communities? Just a few short years ago, Maryland signed an agreement with the federal government to resolve serious allegations of federal civil rights violations. *The result of this Agreement included new civil rights protections built into the Public Service Commission's process for issuing a Certificate of Public Convenience and Necessity (CPCN) - the very same process and agency that this bill would now exempt, even for a particularly nasty form of pollution.*

We should be no more opposed to data centers as we are to computers, cars, or any other modern fact of life. But we must also subject this industry to the same standards and processes as any other one. Maryland has the benefit now of learning from the experience of others rather than being the testing ground of a new industry. Maryland can have its cake and eat it too by properly permitting new data centers and *holding them to the higher standards that Marylanders deserve and have come to expect.*

Maryland can once again show itself as a national leader by beginning to craft policies that allow for smart growth in data center development. We hope this committee and the General Assembly will significantly amend this bill to not only remove the proposed exemptions from our public protections but to establish bold and achievable standards that ensure that Marylanders will not have to suffer from low-tech, high-pollution back-up generators and that any growth in data centers will not jeopardize the State's climate goals, which is exactly what this industry could do, if not properly managed.

For these and many other reasons we oppose House Bill 579. For more information, you may reach Evan Isaacson at evan@chesapeakelegal.org.