

**March 5, 2024**

**Favorable with Amendment: SB 96 - Impact of Environmental Permits and State Agency Actions**

Mr. Chairman and Members of the Committee:

Chesapeake PSR, Maryland Health Professionals for a Healthy Climate, and the Maryland Public Health Association support SB 96 - Impact of Environmental Permits and State Agency Actions - with an amendment to address air pollution permits, and we thank Senator Jackson for his leadership on this issue.

This bill takes an important step in embedding equity in the state’s regulatory process by enabling the Maryland Department of the Environment (MDE) to include results of an environmental justice (EJ) analysis in its permitting decisions. The proposed EJ analysis would be conducted for permits that are proposed in census tracts with an EJ score of 75 or above (available on [MDE’s EJ Screening Tool](#)), which are the top 25% most overburdened and underserved communities in the state. However, the proposed process would only apply to permits in section 1-601(a) of the Maryland code. These include surface water discharge permits, hazardous waste facility permits, landfill systems permits, permits to regulate air emissions during the construction phase of a facility, and several others. What this category does not include are the major facilities that emit air pollution, which are covered under the [Title V program](#) at MDE. Pollutants included in the Title V program are nitrogen oxides, volatile organic compounds, and other hazardous air pollutants covered under the Clean Air Act. These pollutants are particularly harmful with acute effects ranging from watery, burning eyes and throat and headaches to more severe effects such as fluid build up in the lungs, damage to the organs and even death.<sup>1,2</sup> As a result, it is imperative that we include Title V “permits to operate” in any EJ analysis requirement.

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<sup>1</sup> Minnesota Pollution Control Agency. (2023). Volatile organic compounds (VOCs). Minnesota Pollution Control Agency. Retrieved February 16, 2024, from <https://www.pca.state.mn.us/pollutants-and-contaminants/volatile-organic-compounds-vocs>

<sup>2</sup> Centers for Disease Control and Prevention. (2014, March 25). Nitrogen Oxides | ToxFAQs™ | ATSDR. CDC. Retrieved February 16, 2024, from <https://www.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69#bookmark05>

Air pollution contributes to adverse health outcomes, exacerbating conditions like asthma, chronic obstructive pulmonary disease (COPD), and adding stressors to pregnancy. "Outdoor air pollution has been associated with asthma, heart attacks, strokes and cancer."<sup>3</sup> High amounts of air pollution can also impact mental health and children's ability to learn, as microscopic particles can pass through the blood-brain barrier. The CDC has estimated an additional "[...] 1,000 to 4,300 additional premature deaths nationally per year by 2050 from combined ozone and particle health effects" assuming no regulatory action or changes in population characteristics in the U.S.<sup>4</sup> Facilities that emit air pollution as part of their ongoing operations should be subject to an Environmental Justice review in order to make a meaningful difference in people's quality of life, particularly focusing on protecting children's health. Children are more susceptible to the adverse effects of air pollution due to their developing respiratory systems and higher breathing rates compared to adults.<sup>5</sup>

Long term exposure to air pollution, specifically fine and ultrafine particulate matter, ozone, and nitrogen dioxide are associated with increased incidence of heart attacks and hospitalizations for strokes.<sup>6</sup> Short term exposure to particulate matter and nitrogen oxides have been associated with increased risk of death from heart attacks.<sup>7</sup> Long term exposure to outdoor air pollution, especially particulate matter, has been associated with an increased incidence of lung cancer and the International Agency for Research on Cancer (IARC) in 2013 classified both outdoor air pollution and PM in outdoor air pollution as human carcinogens for lung cancer.<sup>8</sup>

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<sup>3</sup>National Institutes of Health. (2018, January 9). *Air pollution linked to risk of premature death*. Retrieved February 18, 2024, from <https://www.nih.gov/news-events/nih-research-matters/air-pollution-linked-risk-premature-death#>

<sup>4</sup>National Center for Environmental Health. (2020, December 21). *Air Pollution | CDC*. Centers for Disease Control and Prevention. Retrieved February 16, 2024, from [https://www.cdc.gov/climateandhealth/effects/air\\_pollution.htm](https://www.cdc.gov/climateandhealth/effects/air_pollution.htm)

<sup>5</sup>American Lung Association. (2023, November 2). *Who is Most Affected by Outdoor Air Pollution?* American Lung Association. Retrieved February 16, 2024, from <https://www.lung.org/clean-air/outdoors/who-is-at-risk>

<sup>6</sup>Olanayan, et al. (2022). Ambient air pollution and the risk of acute myocardial infarction and stroke: A national cohort study. *Environmental Research*, 204(Part A). <https://doi.org/10.1016/j.envres.2021.111975>

<sup>7</sup>Liu, et al. (2021). Short-term Exposure to Ambient Air Pollution and Mortality from Myocardial Infarction. *Journal of the American College of Cardiology*, 77(3): 271-81. <https://www.jacc.org/doi/10.1016/j.jacc.2020.11.033>

<sup>8</sup>Turner, et al. (2020). Outdoor air pollution and cancer: An overview of the current evidence and public health recommendations. *CA: A Cancer Journal for Clinicians*, 70(6): 460-79. <https://acsjournals.onlinelibrary.wiley.com/doi/10.3322/caac.21632>



We support SB 96 with an amendment to include Title V permits in the covered permits in this bill. Maryland has 109 Title V “permits to operate” in the state, and 35% of them are located in census tracts with an EJ score above 75. Addressing large sources of air pollution is a critical step towards environmental justice in the state.

Thank you for your consideration.