



Testimony Opposing SB96 House Environment and Transportation Committee Tuesday, March 5th 2024

Position: OPPOSE

Dear Chair Korman and Members of the Committee,

Concerned Citizens Against Industrial CAFOs (CCAIC) is a community-based organization located on the Eastern Shore of Maryland founded in 2015 to protect citizens from the environmental injustices caused by factory farms. For too long communities on the Eastern Shore have been gravely impacted by the poultry industry's pollution, as well as many other industries. It is no surprise that the communities most impacted by this pollution are those of color, low-income and with language barriers. For over 9 years, CCAIC has been fighting to bring awareness that ammonia emissions as well as volatile organic compounds (VOCs) and particulate matter (PM 2.5 & 10) should be classified as a discharge as gaseous fumes and noxious odors coming out of the fans from CAFOs deposits onto the ground and into our local waterways thus contributing to the degradation of the Chesapeake Bay and MD Coastal Bays. We stand with our fellow members of the Mid-Atlantic Justice Coalition (MAJC) and **strongly oppose** this bill today.

During 2023, CCAIC participated in listening sessions held by MDE. These listening sessions could have informed MDE's next steps, and the community members who participated in those could have participated as equal partners in the needs assessment, planning, implementation, enforcement, and evaluation as required by the 17 Principles of Environmental Justice. Unfortunately, aside from these listening sessions, communities were not involved further along the process. Despite communities throughout the state raising air pollution and human health concerns, this feedback was not incorporated in this bill.

In December 2023, MDE began sharing legislative language for HB24/SB96, which would add layers of process to certain permits for pollution in communities defined as overburdened, a definition developed by the Center for Community Engagement, Environmental Justice, and Health, led by Dr. Sacoby Wilson, that our coalition has promoted into state law in previous years. It appears that MDE did not share the bill with or seek input on it from any of the community groups representing residents in which it had held the earlier listening sessions.

We are opposing this bill based on the following:

1. **The list of permits to which this bill would apply was not developed with environmental justice or public health in environmental justice communities in mind.** This legislation would apply extra review to certain permits to pollute in overburdened communities - but the list of permits the bill would apply to does not

prioritize environmental justice concerns identified by environmental justice communities in listening sessions.

2. **This bill is not limited in scope - instead, it would create a vast scope of work that would not address community needs, misallocating precious state resources.** We have heard this bill categorized as a pilot, as an opportunity for the Department to test how an environmental justice review would work on a more limited set of permits. A pilot program for extra review of pollution permits in EJ communities might be effective, if it identified a small set of permits that do influence public health in EJ communities and subjected them to review.
3. **The metrics used to define an overburdened and underserved community in this legislation are in misalignment with the bill's scope.** The bill mainly uses air pollution exposure to identify communities in need of extra permit review, but then largely does not apply to air pollution permits.
4. **While permit renewals for water pollution sources would trigger additional review under this bill, permit renewals for air pollution permits would not: a fundamental inequity.**

We appreciate the intent of HB24/SB96, but as written, the bill does not move toward providing the protection that affected communities need and have asked for. The bill is not small – it covers many water permits, but it does not address the pollution sources most dangerous for human health. We worry that this bill will require MDE to spend significant staff time conducting reviews that will not meaningfully address the most serious environmental justice and health concerns raised by communities in Maryland. We would like MDE to make good on their promise of highlighting communities concerns at the forefront of the environmental justice plans.

For these reasons above, we respectfully oppose HB24/SB96 and urge the State to meet with residents of environmental justice communities throughout the state to understand on which permits those communities need heightened review and present a set of options for what a better bill would look like next year.

Respectfully submitted,

A handwritten signature in black ink that reads "Gabrielle Ross". The signature is written in a cursive, flowing style.

Gabrielle Ross
Founder, Concerned Citizens Against Industrial CAFOs (CCAIC)