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February 21, 2025

**SUPPORT: HB 1406 - Certificate of Public Convenience and Necessity -
Environmental Impact Analysis and Existing Burden Report**

Mr. Chair and Members of the Committee:

Maryland LCV asks for a favorable report on **HB 1406 - Certificate of Public Convenience and Necessity - Environmental Impact Analysis and Existing Burden Report** and thanks Delegate Behler for introducing this important bill.

HB 1406 represents the culmination of years of community-led coordination in assessing cumulative impacts of pollution, and opportunities to address critical gaps in Maryland's regulatory agencies' authority to protect the health and wellbeing of communities. HB 1406 is the companion bill to HB 1484 and seeks protections for communities overburdened by a concentration of polluting facilities. It authorizes additional scrutiny for energy generating facilities being proposed in the state's most overburdened and underserved communities.

HB 1406 authorizes the commonsense step to perform an Existing Burden Report (EBR) on a permit application for an energy-generating facility that is proposed in census tract with an environmental justice (EJ) score of 75 or above or in the surrounding 1.5 mile radius. The results of the EBR would then be a factor in determining the outcome of the permit. Having an EJ score above 75 means that census tract is among the top 25% of most polluted and most underserved census tracts in the state. It follows, then, that permits being considered in these communities absolutely should be a top priority for the state to consider additional screening, to protect the health and wellbeing of residents and to fulfill its commitment to environmental justice.

Maryland law defines environmental justice as "equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status." The Public Service Commission [can already use its regulatory authority](#) to ensure that siting decisions do not disproportionately impact the environment of certain communities in light of the community's race, color, national origin, or income status. HB 1406 supports the PSC in fulfilling this commitment.

The first cumulative impacts bill was proposed in Maryland in 2014. In that time, Maryland has made some progress, including the development of the state's EJ mapping tool and requiring that some environmental justice information be included in certain types of permit applications. But we have fallen behind other states like New Jersey, New York, Connecticut, and Minnesota in implementing comprehensive and meaningful cumulative impacts laws.

Maryland LCV supports the sponsor amendments being introduced at the hearing, and urges a favorable report on HB 1406.