

FAVORABLE Testimony for HB1406
Certificate of Public Convenience and Necessity - Environmental Impact Analysis and Existing Burden Report

Economic Matters Committee
Iman Habib, On Behalf of Progressive Maryland

February 21st, 2025

Dear Honorable Chair Wilson and Members of the Committee,

Progressive Maryland is pleased to offer **favorable testimony in support of [HB1406](#) - Certificate of Public Convenience and Necessity - Environmental Impact Analysis and Existing Burden Report**

Progressive Maryland is a nonprofit political organization made up of multiracial and multiethnic working class people aiming to address the climate crisis while eliminating all forms of structural oppression through grassroots organizing. With over 125,000 members and supporters spanning across Baltimore City, Prince George's, Montgomery, Frederick, Harford counties, and the Eastern Shore, Progressive Maryland works to protect and uplift working class Black and Brown communities which are often underserved and overburdened.

For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state does not consider how industry impacts influence community health when permits are issued. Local communities are often not consulted about where these projects are located, and in many cases, have been left out entirely of this process.

In the transition to a net-zero state, Maryland has the opportunity to accelerate emissions reductions in the community that deserve it the most - those most overburdened. No additional polluters should be permitted in any community with an EJ score in the upper 75th percentile.

HB1406 does two critical things:

- 1) Allows the Public Service Commission (PSC) to reject or alter certificates of public convenience and necessity based on an environmental justice (EJ) score, which is based on current pollution levels, community health, and the demographics of a community and
- 2) Requires facilities that are granted permits to pay into a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues the facility will cause.

Census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these two communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort. WIN Waste's Wheelabrator Baltimore Refuse Energy Systems Company ("BRESKO") Incinerator, CSX Terminal, Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other facilities are all located within this strip of land. The communities here are overwhelmingly

low-income and the majority of the inhabitants are residents of color. People living in this area are nearly guaranteed to have pollution-burden associated health outcomes.

People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. Therefore, the ability for a CPCN to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, Progressive Maryland urges a favorable report.

Sincerely,

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