



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 21, 2025

**Testimony in Favor of House Bill 1406  
Certificate of Public Convenience and Necessity - Environmental Impact Analysis and  
Existing Burden Report**

Chair Wilson, Vice-Chair Crosby, and members of the Economic Matters Committee:

I respectfully request a favorable report of House Bill 1406 to update our CPCN process to ensure that there is effective recognition of our most overburdened communities through the CPCN process and ensure that the health and environmental impacts of such energy generating facilities are adequately incorporated into the PSC's CPCN process.

At its root, this legislation is simply about addressing a regulatory gap to better protect communities through the CPCN process. Without these protections, the cumulative impacts of energy generating facilities are not incorporated into the CPCN process and have resulted in concentrations of facilities in specific areas throughout the state. Many of us have heard the stories about Marylanders waking up to soot covered cars or the increased asthma rates in communities close to these facilities. This legislation will ensure that moving forward, the ongoing effects they are experiencing are included in the decision about placing another facility near the same community.

**With regard to a CPCN application – as amended, HB1406 would:**

1. Require applicants for a CPCN to include in their application an "Initial Environmental Impact Analysis" that summarizes the short-term and long-term environmental and public health impacts of the proposed project
2. Require applicants for a CPCN to include in their application an "Initial Existing Burden Report" that includes important information to help understand the impacts of the proposed project, including a list of existing pollution sources impacting the community in question and an evaluation of the contribution of the proposed project to the health of the community.
3. Both the "Analysis" and the "Report" would only be required if a proposed project is in or within 1.5 miles of a census tract with a score of 75 or above on Maryland's Environmental Justice Screening (EJ Screen) tool.
4. Require the PSC, in their notification of a CPCN application to all parties, to include the EJ Score for each qualifying census tract and a link to "Initial Environmental Impact Analysis" and the "Initial Existing Burden Report"

**After the public hearing and comment period required through the CPCN process – as amended, HB1406 would** require a revision of the “Environmental Impact Analysis” and the “Existing Burden Report” to incorporate comments received – and then submission of a finalized version of these.

**With regard to the final determination of a CPCN application – as amended, HB1406 would:**

1. Require the PSC to determine if the proposed project would lead to an increased potential for adverse environmental or public health impacts for an at-risk census tract and area located within 1.5 miles of the proposed project.
2. If the project would lead to an increased potential for adverse environmental or public health impacts for an at-risk census tract and area located within 1.5 miles of the proposed project, the PSC may not approve the project. (This is similar to processes developed in other states via cumulative impacts laws and resulting regulations).
3. Authorize the PSC to grant a conditional CPCN if the proposed project has an adverse impact, but would serve an essential environmental, health, or safety need of the community where the station would be located and if there is no reasonable alternative.
  - a. Ensure that the conditional CPCN imposes additional permit conditions to protect public health and require a cumulative impacts mitigation fund agreement with a community-based organization that would benefits all residents in the at-risk census tract.

**Furthermore the sponsor amendments:**

1. Limit the provisions of the legislation to just energy generating facilities and exempt solar, wind, and geothermal facilities.
2. Require the PSC to create the final “Environmental Impact Analysis” and the final “Existing Burden Report”

Today you will hear from Marylanders that live in communities with a high EJ score that will speak to the firsthand impacts of such energy generating facilities, you will hear from health experts about the tangible health impacts that the cumulative impacts these types of facilities can bring.

Once again, I respectfully request a favorable report of House Bill 1406 to ensure that our most overburdened communities are further incorporated into the CPCN process. This legislation will protect the health of communities that have so often been left behind.