



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

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February 19, 2025

Support: HB 1406

Dear Chair Wilson and Members of the Committee,

The Alliance of Nurses for Healthy Environments (ANHE) appreciates the opportunity to comment on HB 1406 *Certificate of Public Convenience and Necessity - Environmental Impact Analysis and Existing Burden Report* (CHERISH Our Communities Act for energy-generating facilities).

The Alliance of Nurses for Healthy Environments supports HB1406, which will provide important, targeted environmental health protections for the communities in Maryland most overburdened by pollution. With nurse members in all 50 states, including Maryland, ANHE is the only national nursing organization focused solely on the intersection of health and the environment. Nurses are led by our professional obligations¹ which make addressing health, environment, and safety a professional focus of ours.

Patients and communities are not exposed to one pollutant at a time and actual lived experience includes exposure to multiple pollutants, from multiple sources, interacting with other stressors in real time. Environmental exposures continue to occur at every level of human development and can have a single effect or cumulative effects across the lifespan.

HB1406 fills important gaps in how Maryland considers applications for Certificates of Public Convenience and Necessity (CPCN) to ensure that polluting energy-generating facilities aren't increasingly concentrated in communities in Maryland already overburdened by pollution. For projects proposed in and around the most polluted 25% of census tracts in Maryland, determined by MDE's Maryland EJ Screen, HB1406 requires extra information from the permit applicant and requires MDE and the PSC to consider whether the project will increase the pollution burden on the surrounding community as part of their review process. If the project will cause or contribute to disproportionate public health impacts on already-overburdened communities, HB1406 says the PSC will deny the project or issue a

¹ American Nurses Association. (2021). *Nursing: Scope and Standards of Practice (4th ed.)*. Standard 18: Environmental Health.



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conditional CPCN with provisions that will protect public health and provide benefits to the community.

In South Baltimore alone, residents are surrounded by nearly 100 EPA-regulated polluting facilities, including:

- A massive trash incinerator, the nation's largest medical waste incinerator, and multiple landfills.
- A wastewater treatment plant and an animal rendering plant. An open-air coal terminal, a coal ash landfill, and oil and gas tanks.
- Asphalt production plants, chemical manufacturing, and heavy truck routes surround the community's rec center.

Pollution from all of these facilities combine and compound with other inequalities to produce more and worse health impacts. This is a moment in our country for states to take the lead. There is a history of cumulative impact approaches in policy making include the State of New Jersey's rule,² the Massachusetts rule,³ and the Minnesota law's process document.⁴ Local governments have been leading the way ⁵ in cumulative impacts policies and method developments.

In Maryland, many communities face a barrage of pollution sources. Communities, which have been long overburdened with pollution and inadequate regulatory practices, need to have their concerns addressed and problems solved. Maryland must amend its permitting process to incorporate decisions about cumulative impacts. Residents of overburdened and underserved communities deserve a permitting process that recognizes that multiple polluters can create more health harms than individual polluters. Maryland deserves a gold-standard permitting process that learns from the significant environmental justice gains other states have adopted in the past five years.

Sincerely,

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² New Jersey Administrative Code (N.J.A.C.) N.J.A.C. 7:1C *Environmental justice*. https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_1c.pdf

³ MassDEP. (March 29, 2024). Cumulative impact analysis in air quality permitting. <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting#regulations->

⁴ Minnesota Pollution Control Agency. Air permitting in south Minneapolis <https://www.pca.state.mn.us/business-with-us/air-permitting-in-south-minneapolis>

⁵ Tishman Center. (Sept 28, 2022). *Understanding the evolution of 'cumulative impacts' definitions and policies in the U.S.* <https://www.tishmancenter.org/blog/new-research-understanding-the-evolution-of-cumulative-impacts-definitions-and-policies-in-the-us>