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January 24, 2025

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 168 – Environmental Justice in Confined Aquatic Disposal Act–
Support in Concept

The Office of Attorney General supports Senate Bill 168 – Environmental Justice in Confined Aquatic Disposal Act in concept. Senate Bill 168 aims to protect overburdened communities from the harms of confined aquatic disposal cells (“CAD”) by prohibiting the Maryland Department of the Environment (“MDE”) from processing or making a recommendation on certain applications seeking to alter tidal wetlands or State waters to construct a CAD within five miles of a residential overburdened community.

Senate Bill 168 also would prohibit the Board of Public Works (“BPW”) from approving certain applications seeking to alter tidal wetlands or State waters to construct a CAD within five miles of a residential overburdened community.

Senate Bill 168 aims to address longstanding environmental justice concerns in communities that bear the brunt of pollution in State waters, which is a priority of the OAG. The Maryland Port Authority (“MPA”) is overseeing a [piloted CAD](#) program in the Patapsco River to study CADs’ impacts and exploring a [second CAD project](#). Many of the ecological and health impacts of CADs remain unknown.

For the foregoing reasons, the Office of the Attorney General supports the spirit of Senate Bill 168.

Cc: Committee Members