

February 20, 2025

The Honorable Brian J. Feldman
Chairman, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SB 978 Environmental Permits – Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act)

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 978 Environmental Permits – Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act)**

This bill lays out new restrictions on projects in underserved communities requiring an EJ score review to any construction discharge permit for any site over 1-acre. MBIA respectfully opposes this measure, and questions whether the State has enough resources to implement public participation in every project over 1-acre. The bill as written gives the Department of the Environment (MDE) expanded oversight on projects that were not previously subjected to it, which will make the process longer and more difficult for permits that go through MDE.

Section 1-703 (A) of the bill targets many types of projects, mostly including energy related uses. The State of Maryland already faces high energy costs and has many energy supply constraints in place. The new requirements proposed in the bill will only make energy bills increase even higher, and make it more difficult to develop new energy infrastructure.

Section 1-704 (C) of the bill requires the Department, or other permitting agency to prepare, or cause to be prepared, a final existing burden report. The report may only be finalized after it is reviewed by the Commission, MDE, the Maryland Department of Health, Elected Officials representing the impacted community, and any other environmental or public health officials that the permitting agency deems appropriate. This multi-agency review will significantly delay building projects that address the State's housing crisis. Allowing "any other environmental or public health officials that the permitting agency deems appropriate" to review an existing burden report lacks clarity and could lead to open-ended delays.

When attempting to launch the EJ Screening Tool, a screen pops up that shows the tool is currently under construction and is not open for use because of disruptions in the federal online data availability. If this bill passes, it will bring tremendous uncertainty to our industry and we fear that projects could be delayed indefinitely until the EJ Screening Tool is available again.

Maryland is currently experiencing a housing shortage and we are concerned this will make housing more difficult to build in the state. This bill will only make it more challenging and have more steps in the process of building new housing.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee