

**Testimony in Support of Senate Bill 10**

Renewable Energy Portfolio Standard - Eligible Sources – Alterations  
(Reclaim Renewable Energy Act of 2025)

*Before the Education, Energy, and the Environment Committee: February 13, 2025*

By removing waste-to-energy incineration from Maryland’s list of tier one renewable sources of energy, Senate Bill 10 will encourage the use and production of energy sources that do not emit harmful air pollutants into communities suffering from public health crises, such as asthma. For communities that have been systematically harmed by structural racism and do not have access to adequate health resources, Senate Bill 10 will allow them to breathe a little easier knowing that their energy bill is not being used to support incineration.

Currently, because of the pollution emitted by the Wheelabrator incinerator in South Baltimore, many residents struggle to breathe. This is because incineration exacerbates already present health disparities within marginalized communities. Baltimore City, by far, has the highest rate of emergency room visits for asthma when compared to every other county in Maryland.<sup>1</sup> And this health burden is not felt equally across race: the Maryland Department of Health has found that Black people are sent to the Emergency Department for asthma over four times the rate that White people are in Maryland.<sup>2</sup>

Asthma is not the only public health issue exacerbated by incineration. The EPA measures and reports over 20 distinct categories of pollution that the Baltimore incinerator emits.<sup>3</sup> These pollutants include toxic materials such as arsenic, lead, mercury, formaldehyde, and sulfur dioxide, just to name a few. In 2020, the municipal waste incinerator in Baltimore emitted 1,764,812 pounds of nitrogen oxides and 44,221 pounds of fine particulate matter. **This amount of pollution is harmful and potential deadly for sensitive populations that live around its source.** The Centers for Disease Control warn that even small exposures to nitrogen oxides cause irritation to the eyes, throat, and lungs, and can cause shortness of breath.<sup>4</sup> Exposure to fine particulate matter has even more serious effects, such as trouble breathing, lung cancer, heart attacks, heart disease, and even birth defects.<sup>5</sup> The pollutants that incineration emits every day not only aggravate asthma symptoms but also lower the quality of life for those who live in its shadow.

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<sup>1</sup> MD. DEP’T HEALTH, EMERGENCY DEPARTMENT (ED) VISITS FOR ASTHMA, <https://maps.health.maryland.gov/ephtportal/asthma/status/EDRates> (last accessed Feb. 9, 2025).

<sup>2</sup> MD. DEP’T HEALTH, RATE OF ASTHMA EMERGENCY DEPARTMENT VISITS, <https://maps.health.maryland.gov/ephtportal/asthma/disparities/EDTrends> (last accessed Feb. 9, 2025).

<sup>3</sup> U.S. EPA, ENFORCEMENT AND COMPLIANCE HISTORY ONLINE (ECHO), AIR POLLUTANT REPORT, <https://echo.epa.gov/air-pollutant-report?fid=110009697845> (last accessed Feb. 8, 2025).

<sup>4</sup> CTR.S DISEASE CONTROL, AGENCY TOXIC SUBSTANCES DISEASE REGISTRY, ToxFAQs™ FOR NITROGEN OXIDES (last updated March. 25, 2014), [https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69#:~:text=Exposure%20to%20high%20levels%20of,Agency%20\(EPA\)%2C%20respectively.](https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69#:~:text=Exposure%20to%20high%20levels%20of,Agency%20(EPA)%2C%20respectively.)

<sup>5</sup> CTR.S DISEASE CONTROL, AIR QUALITY: AIR POLLUTANTS (last updated Feb. 16, 2024), <https://www.cdc.gov/air-quality/pollutants/index.html#:~:text=If%20you%20have%20asthma%2C%20particle,birth%2C%20like%20low%20birth%20weight.>

The EPA classifies environmental justice communities as those communities that “bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.”<sup>6</sup> The EPA already classifies the area surrounding the Baltimore incinerator as a potential environmental justice community based on thirteen measurable indices such as proximity to Superfund sites, the discharging of wastewater, and the emission of pollutants within the community.<sup>7</sup> EPA data also reflects that over half of the population surrounding the incinerator is Black. Thus the pollution emitted by the incinerator not only poses public health challenges for the greater Baltimore community but may also worsen racial and environmental inequities for many Baltimore residents. This is why Senate Bill 10 is so important.

Senate Bill 10 does not shut down the incinerator in Baltimore, nor does it shut down the incinerator owned and operated by Montgomery County. Rather Senate Bill 10 sends a signal to all Marylanders that the State will no longer provide financial incentives for activities that are deleterious to community health and may send its citizens to the hospital. If this bill is passed, Maryland would join the 17 other states whose Renewable Portfolio Standards do not classify waste incineration as a renewable source of energy.<sup>8</sup> In 2011, the General Assembly added waste incineration to the list of tier one renewable energy sources. MD. PUB. UTILITIES CODE ANN. §7-701(l). From 2011 to 2017, Wheelabrator earned an estimated \$10 million in subsidies through the State’s RPS program.<sup>9</sup> These \$10 million should be used to support sources of energy that do not exacerbate already existing health and environmental disparities within Maryland communities.

### Conclusion

Every Marylander deserves to be able to breathe. For those living with asthma or suffering from other chronic lung and heart conditions, living near an incinerator makes breathing difficult and deadly. Incineration currently exacerbates already existing health and environmental disparities within South Baltimore communities. This bill will remove subsidies for the Baltimore incinerator and show Maryland residents that the State is serious about protecting the health of its citizens. For these reasons, we request a favorable report on Senate Bill 10.

*This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.*

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<sup>6</sup> U.S. EPA, EJS SCREEN ENVIRONMENTAL JUSTICE MAPPING AND SCREENING TOOL EJS SCREEN TECHNICAL DOCUMENTATION (May 2015).

<sup>7</sup> U.S. EPA, ENFORCEMENT AND COMPLIANCE HISTORY ONLINE (ECHO), DETAILED FACILITY REPORT, <https://echo.epa.gov/detailed-facility-report?fid=110009697845> (last accessed Feb. 8, 2025).

<sup>8</sup> FOOD & WATER WATCH, CLEANWASHING: HOW STATES COUNT POLLUTING ENERGY SOURCES AS RENEWABLE, at 13 (July 2018), [https://foodandwaterwatch.org/wp-content/uploads/2021/03/rpt\\_1807\\_rpsnationalscores-web4\\_0.pdf](https://foodandwaterwatch.org/wp-content/uploads/2021/03/rpt_1807_rpsnationalscores-web4_0.pdf). These 17 states include: Arizona, California, Colorado, Delaware, Illinois, Iowa, Missouri, Montana, New Hampshire, New Mexico, New York, Ohio, Rhode Island, Texas, Vermont, Washington, and Wisconsin.

<sup>9</sup> MARIE DONAHUE, INSTITUTE FOR LOCAL SELF-RELIANCE, WASTE INCINERATION: A DIRTY SECRET IN HOW STATES DEFINE RENEWABLE ENERGY, at 22 (December 2018), <https://ilsr.org/articles/waste-incineration-renewable-energy/#:~:text=The%20perverse%20designation%20of%20incineration,energy%20and%20waste%20management%20alternatives.>