

Tuesday, February 25, 2025

TO: Brian Feldman, Chair Education, Energy, and the Environment Committee; and Committee Members
FROM: Humna Sharif, The Nature Conservancy, Director of Government Relations; and Michelle Dietz, The Nature Conservancy, Director of Government Relations
POSITION: Support 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)

The Nature Conservancy (TNC) supports SB 978 CHERISH Act offered by Senator Lam. [TNC believes](#) that the health of people and the planet are deeply interconnected. Every breath of fresh air, sip of clean water, and bite of nourishing food illustrates this fact. As the world's ecosystems are impacted by climate change, so are people's health and well-being. The CHERISH Act is at the intersection of human and planetary health, and will protect Maryland's ecosystem and communities from additional polluting industry.

The CHERISH Act will address the disproportionate environmental and public health harms that overburdened communities in Maryland face from pollution-generating activities or facilities. The CHERISH Act amends Maryland's environmental permitting law to provide adequate environmental impact analyses and opportunities for public participation for new, renewed, and expanded environmental permits that are issued by the Maryland Department of the Environment (MDE). Currently, environmental permit applications do not take into consideration the cumulative harms posed by multiple and historic sources of pollution. The CHERISH Act prioritizes Maryland residents' well-being and ensures that MDE's decision-making processes are transparent and inclusive of the public's interest.

The CHERISH Act covers permits for certain projects located in "at-risk" census tracts with that have a high pollution burden, as well as projects located within a 1.5- miles radius from the boundary of these census tracts. In South Baltimore for example, working-class communities are exposed to pollution from the BRESKO Trash Incinerator, CSX Terminal, Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other polluting facilities located near each other. The census tracts from Westport to Curtis Bay have some of the highest pollution burden in the state. The communities and adjacent ecosystems in polluted census tracts need immediate intervention from the state to prevent further harm.

Another example of high pollution burden are the power plants in Maryland. These facilities generate approximately [2 million tons](#) of coal ash, there are [21 coal ash dumpsites](#) in Maryland, 18 of which remained unregulated for decades. Coal combustion by-products contain harmful pollutants like arsenic, mercury, and heavy metals that leach into groundwater, pollute waterways, and pose risks to public health and ecosystems. TNC has testified favorably for a bill (SB 425 - Environment - Coal Combustion By-Products - Fees, Coordinating Committee, and Regulations) that aims to regulated coal ash sites and bring more transparency to MDE's regulatory approach. The CHERISH Act would complement and build upon SB 425's approach.

The CHERISH Act will bring benefits to communities and nature all over Maryland, but this legislation will be particularly beneficial for Maryland's coastal communities. In Maryland, our coastal communities, most climate vulnerable communities, and most polluted communities are often one and the same. For decades, communities of color and historically overburdened groups ~~within these communities~~ have experienced health and economic

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burdens resulting from discriminatory housing policies, and deliberate citing of pollution generating facilities in their neighborhoods. This is the lived reality for many communities on the Eastern Shore – the most low-lying and geographically vulnerable part of the state. Many of the state’s concentrated animal feeding operations (CAFO’s) that pollute the waterways of the Chesapeake Bay are also located on the Eastern Shore.

TNC’s commitment towards a resilient Maryland brings together the interests of both nature and people because people and nature are intrinsically connected. Passage of the CHERISH Act, creates the necessary enabling conditions in the state that will allow us to move towards creating resilient communities, and protecting our irreplaceable natural heritage. TNC commends Senator Lam for introducing this legislation.

Therefore, we urge a favorable report on SB 978.