

February 25, 2025

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)

Education, Energy, and the Environment Committee

Thank you for the opportunity to support SB 978 - The CHERISH Our Communities Act. United by a shared commitment to the health and well-being of all Marylanders, Healthy Climate Maryland is a coalition of dedicated public health and medical professionals that seeks to address climate change and environmental challenges by focusing on their impacts on public health. We are working to educate, advocate, and build strong partnerships towards a healthier, more sustainable future for Maryland.

The CHERISH Our Communities Act addresses the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. This bill takes an important step in embedding environmental justice in the state's regulatory process by enabling the Maryland Department of the Environment (MDE) to consider the results of an Existing Burden Report in its permitting decisions, when certain types of permits are proposed in communities that have an EJ score of 75 or above, or in the surrounding 1.5 miles. Resource-strained, Black, and other communities of color in Maryland face greater cancer risks and exposure to air toxics due to higher pollution burden.¹ Just last year, citizens of Baltimore launched a lawsuit against a waste-to-energy incinerator that residents claim increase air pollution to the Black and Latinx communities nearby.² Baltimore has a long history of redlining as well as which contributed significantly to the systemic nature of the most affected communities being those primarily Black, LatinX or low-SES. SB 978 intends to change this by addressing multiple facility types as well, including incinerators, as well as air, water and land permits.

The CHERISH Our Communities Act amends Maryland's environmental law to provide adequate environmental impact assessment and opportunities for public participation for new, renewed, and expanded environmental permits that are issued by the Maryland Department of the Environment (MDE). Currently, many environmental permit applications do not even include a public engagement process, and do not take into consideration the cumulative harms posed

¹ Apelberg, B. J., Buckley, T. J., & White, R. H. (2005). Socioeconomic and Racial Disparities in Cancer Risk from Air Toxics in Maryland. *Environmental Health Perspectives*, 113(6), 693–699. <https://doi.org/10.1289/ehp.7609>

² Wheeler, T. B. (2024, June 17). *Baltimore incinerator draws fire for air pollution*. Bay Journal. https://www.bayjournal.com/news/pollution/baltimore-incinerator-draws-fire-for-air-pollution/article_57463c0a-2c59-11ef-ac01-d377557b6a81.html

by multiple and historic sources of pollution. Environmental impact analyses have been instrumental tools in mitigating environmental risks and hazards. They can help to identify significant hazards and protect communities as well as businesses to avoid costly environmental hazards.³ Environmental impact assessments include a public participation step, where impacted communities are able to share their concerns and this bill will address the current gap in engagement with these communities. SB 978 also aligns with the state of Maryland's larger Climate Pollution Reduction Plan, which aims to achieve net-zero emissions by 2045.⁴ The CHERISH Act prioritizes Maryland residents' well-being and ensures that MDE's decision-making processes are transparent and inclusive.

Amidst the recent surge of attacks on programs promoting diversity, equity, and inclusion, bills like SB 978 are essential in safeguarding these vital communities. Now, more than ever, it is imperative that we stand firm in protecting the values that foster equality and justice.

Thank you for the opportunity to support SB 978 – The CHERISH Our Communities Act.

³ Bhatia R, Wernham A. Integrating human health into environmental impact assessment: an unrealized opportunity for environmental health and justice. *Environ Health Perspect.* 2008 Aug;116(8):991-1000. doi: 10.1289/ehp.11132. PMID: 18709140; PMCID: PMC2516559.

⁴ *Climate Pollution Reduction Plan.* (2024). Department of the Environment.
<https://mde.maryland.gov/programs/air/ClimateChange/CPRP/Pages/Overview.aspx>