

SB978 - CHERISH Act - Testimony.pdf

Uploaded by: Abigail Snyder

Position: FAV

OFFICERS

ELIZABETH GREEN
President

ROBIN WEIMAN
1st Vice President

AMALIA HONICK

BENJAMIN ROSENBERG

RABBI STEVEN SCHWARTZ

RABBI JONATHAN SEIDEMANN

MELANIE SHAPIRO

RABBI ANDREW BUSCH
Past President

HOWARD LIBIT
Executive Director

MEMBER ORGANIZATIONS

Adat Chaim Congregation
American Jewish Committee
Americans for Peace Now
Baltimore Chapter
American Israel Public Affairs Committee
American Red Magen David for Israel
American Zionist Movement
Amit Women
Association of Reform Zionists of America
Baltimore Board of Rabbis
Baltimore Hebrew Congregation
Baltimore Jewish Green and Just Alliance
Baltimore Men's ORT
Baltimore Zionist District
Beth Am Congregation
Beth El Congregation
Beth Israel Congregation
Beth Shalom Congregation of
Howard County
Beth Tfiloh Congregation
B'nai B'rith, Chesapeake Bay Region
B'nai Israel Congregation
B'nai Jacob Shaaarei Zion Congregation
Bolton Street Synagogue
Chevra Ahavas Chesed, Inc.
Chevrei Tzedek Congregation
Chizuk Amuno Congregation
Congregation Beit Tikvah
Congregation Tiferes Yisroel
Federation of Jewish Women's
Organizations of Maryland
Hadassah
Har Sinai - Oheb Shalom Congregation
J Street
Jewish Federation of Howard County
Jewish Labor Committee
Jewish War Veterans
Jewish War Veterans, Ladies Auxiliary
Jewish Women International
Jews For Judaism
Moses Montefiore Anshe Emunah
Hebrew Congregation
National Council of Jewish Women
Ner Tamid Congregation
Rabbinical Council of America
Religious Zionists of America
Shaaarei Tfiloh Congregation
Shomrei Emunah Congregation
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

Written Testimony

**Senate Bill 978 - Environmental Permits - Requirements for Public
Participation and Impact and Burden Analyses
(CHERISH Our Communities Act)**

**Education, Energy, and the Environment Committee – February 25, 2025
Support**

Background: Senate Bill 978 would address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. The bill identifies facility types that pose a risk to environmental and human health, and the permits that these facilities need to operate.

Written Comments: The Jewish concept of *tikkun olam* means to repair the world in which we live. As the advocacy arm of The Associated: Jewish Federation of Baltimore, we represent organizations that work to educate the community on sustainability and make strides towards repairing the world.

Maryland needs a law to tackle the cumulative impacts of pollution. Cumulative impacts occur when multiple pollution sources combine, amplifying harm to our health and environment. This is most often found in communities like those in Baltimore where overlapping threats like factory emissions, traffic pollution, and toxic landfills create a much greater risk.

Our support for this legislation is grounded in core values of the Jewish faith: actively pursuing justice, “tzedek, tzedek tirdof,” and repairing the world, “tikkun olam.” By establishing adequate permit reviews to ensure we are not overburdening communities with pollution sources, we are ensuring the health and safety of all those who reside in these areas across our State.

For these reasons, the Baltimore Jewish Councils asks for a favorable report on SB978.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

CHERISH Testimony Adriana Gonzalez .pdf

Uploaded by: Adriana Gonzalez

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Adriana Gonzalez Mendez
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Adriana Gonzalez Mendez, and I have been a proud resident of Prince George's District 25 County for the past 20 years. I am a mother of four, and my youngest child suffers from asthma. I am writing to you today in full support of SB978, the CHERISH Our Communities Act, because I have seen firsthand how pollution impacts the health of our children and families.

My son's struggle with asthma has been heartbreaking, and I know I am not alone. My two nephews also suffer from asthma, and there was a time when they spent more days in the hospital than at home. Families like mine bear the burden of poor air quality, and it is our children—especially those in vulnerable communities—who pay the highest price.

SB978 is very important because it will help protect the communities most impacted by pollution, ensuring that families like mine no longer have to live in fear of the air we breathe. I urge the committee to support this bill and take a stand for the health and well-being of Maryland's children and families.

Thank you for your time and consideration.

Sincerely,

Adriana Gonzalez Mendez

SB978 CHERISH Act EJ Table Written Testimony.pdf

Uploaded by: Ama Frimpong-Houser

Position: FAV

FAVORABLE Testimony for SB978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Senate - Education, Energy, and Environment Committee

Jose Coronado-Flores on Behalf of the MD Grassroots Environmental Justice Workgroup

February 28th, 2025

Dear Honorable Chair Feldman and Members of the Committee,

The MD Grassroots Environmental Justice Workgroup is pleased to offer **favorable testimony in support of Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)**. We, the undersigned, are a table of grassroots organizations that engage in power building to undertake environmental and social justice initiatives in our communities all across Maryland while dismantling all forms of structural racism. Our organizing is concentrated in low-income, Black and Brown communities disproportionately bearing the burden of environmental issues and we seek to uplift and protect these voices throughout our advocacy.

For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state doesn't consider how industry impacts a community's health when permits are issued. Local communities are often not consulted about where these projects get sited, and in many cases, have been left out entirely of this process.

In the transition to a net-zero state as imposed by the Climate Solutions Now Act, Maryland has the opportunity to accelerate emissions reductions in the cities and neighborhoods that deserve it the most - those most overburdened. No additional polluters should be permitted in any community with an EJ score in the upper 75th percentile.

The CHERISH Act does two critical things: allows MDE to reject or alter environmental permits based on an environmental justice (EJ) score, which is based on current pollution levels, community health, and the demographics of a community and requires facilities that are granted permits to pay into a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues the facility will cause. Here are 5 clear examples of communities that should not house anymore polluting facilities and should be remediated as quickly as possible:

Ex. Census Tract 8040.01 for example, where East Riverdale and Bladensburg meet in Prince George's County. This low-income immigrant community has an exposure score in the top 83% and overall score EJ score in the top 96%. The residents of this community are exposed to countless toxins and are in proximity to hazardous materials. Their homes lie in close proximity to the Bladensburg Industrial Park and a number of highly polluting industrial facilities, including Aggregate Industries' Bladensburg Asphalt Division, Aggregate Industries' Bladensburg ReadyMix Concrete & Hot Mix Asphalt Plant, DC Materials and the Recycle One Processing Facility & Transfer Station. Annapolis Road, which splits into

Route 450 and Landover Road as well as Edmonston Road and Kenilworth Avenue, also passes by these apartments, overburdening communities during peak traffic and commuter hours.

EX. Census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these 2 communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort. 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 facilities are all located within this strip of land. The communities here are overwhelmingly low-income and the majority of the inhabitants are residents of color. People living in this area are nearly guaranteed to have pollution-burden associated health outcomes.

EX. East Baltimore, specifically near the Pulaski Industrial Area, is overburdened with polluting facilities. Constellations operates its Philadelphia Road Constellation Power Station(61 megawatt facility¹) next to the Baltimore Recycling Center Processing Facility & Transfer Station. Both these facilities are just part of a network of polluting facilities less than a mile from each other. Schuster Concrete is a single metal linked fence from row homes. Among the many other toxic polluting facilities in the area is the Petroleum Fuels and Transfers Company(PF&T), which is equipped with fuel burners and millions of gallons of petroleum of storage². The traffic on 895 and Pulaski Highway also burdens the surrounding communities. This community does not need another polluting facility.

EX. Brandywine and the nearby communities have two permitted gas-fired power plants within 5 miles of each other. These two facilities - the KMC Thermo Mattawoman and Parkways Generating Keys Energy Center - are surrounded by an upper middle-class African-American community. The community is also full of materials distributors like sand, gravel, concrete, and other industrial products which run-off and guarantee daily heavy and medium duty truck transit.

EX. Lincoln Park, Rockville MD was an original place for African-American homeownership in Rockville³. It also became the adjacent neighborhood to the East Gude Landfill and industrial park. Today, this neighborhood is next to the Washington Gas Peak Shavings gas-fired power station, 4 active concrete and asphalt plants, and retired East Gude landfill-gas power plant(site of an underground landfill). Additionally, industrial traffic on East Gude Drive constantly pollutes the air.

People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, we urge a favorable report.

¹<https://www.constellationenergy.com/our-company/locations/location-sites/philadelphia-road-generating-station.html>

² <https://apexoil.com/location/baltimore-north-md/>

³https://www.washingtonpost.com/realestate/history-endures-as-change-comes-to-rockvilles-lincoln-park-neighborhood/2020/12/08/0e9956d0-292a-11eb-8fa2-06e7cbb145c0_story.html

The Maryland Just Power Alliance (Action In Montgomery (AIM), People Acting Together in Howard (PATH), Anne Arundel Connecting Together (ACT))

Baltimore Transit Equity Coalition

Black Girls Vote

CASA

Centro de Apoyo Familiar

Interfaith Power and Light (DC.MD.NoVA)

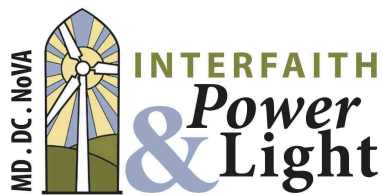
Out for Justice

Progressive Maryland

IPL-DMV FAV Testimony for SB 978.pdf

Uploaded by: Andrea Orozco

Position: FAV



**Testimony Supporting SB 978
Education, Energy, & the Environment Committee
February 25th, 2025**

Position: FAVORABLE

Chair Feldman and Members of the Committee,

My name is Andrea Orozco, I work as the Faithful Advocacy Lead at Interfaith Power & Light (DMV) and I am here today to request a **favorable report** on **SB 978**.

Interfaith Power & Light (DMV) is a grassroots organization working with over 1,200 congregations across the state and thousands more individuals. We work to support these communities and people of faith as they live in their values to care for our common home and our most vulnerable neighbors.

We believe that we all deserve to live and worship in healthy communities and SB 978 would ensure we have the tools necessary to protect our most impacted communities from new polluting facilities. Our processes should be working for and with people. By allowing the Maryland Department of the Environment (MDE) to reject or alter permit applications for polluting facilities based on an analysis triggered by a community's environmental justice score, Maryland can preserve the dignity and health of our communities while meeting our energy demands.

Our work with congregations has made one thing clear: faith leaders across the state are increasingly concerned for the health and access to clean air of their congregants and the communities they serve. The Second District of the African Methodist Episcopal (AME) Church has recently created an environmental justice ministry across their network aimed at caring for and restoring our common home. This includes over 120 congregations in Maryland alone.

In particular, Reid Temple AME in Prince George's County has implemented not only their EJ ministry but has become a beacon in our state for a more sustainable and green way of living. These churches care about protecting their members' health, and they should have a voice in decisions to impose polluting facilities on their communities.

This bill would give us the opportunity to prevent further harm and ensure we are working to redress the ways these facilities are making our neighbors sick. We urge a favorable report on SB 978.

SB0973_CHERISH Act Testimony.pdf

Uploaded by: Angie McCarthy

Position: FAV

Testimony for SB0973
Support for Environmental Permits — Requirements for Public
Participation and Impact and Burden Analyses (Cumulative Harms to
Environmental Restoration for Improving Shared Health — CHERISH Our
Communities Act)

Bill Senate Sponsor: Senator Lam
Committees: Education, Energy, and the Environment; House
Organization Submitting: Nature Forward
Person Submitting: Angie McCarthy, Maryland Conservation Advocate
Position: Favorable



I am submitting testimony on behalf of Nature Forward in strong support of Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health — CHERISH Our Communities Act).

Nature Forward (formerly Audubon Naturalist Society) is the oldest independent environmental organization protecting nature in the DC metro region, including Maryland's near counties of Montgomery and Prince Georges. Our mission is to inspire residents of Maryland and the Washington, DC, region to appreciate, understand, and protect their natural environment through outdoor experiences, education, and advocacy. We thank the Maryland legislators for the opportunity to provide testimony on the CHERISH Our Communities Act, SB0973.

Breathing clean air and drinking clean water should be a given for all people in Maryland, but it is well understood that some Maryland communities are exposed to a much heavier pollution burden than others, generally in minority and/or under resourced communities. One example of this heavy burden is found in South Baltimore where working-class communities are exposed to pollution from the BRESCO Trash Incinerator, CSX open air Coal Terminal (coal dust), Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other polluting facilities located in close proximity to each other.¹

The main purposes of the CHERISH Our Communities Act are to add requirements in the Maryland Department of Environment (MDE) permitting system to better protect communities that already have heavy pollution burdens and to provide public communications about polluting facilities so that the community can voice concerns.

The Maryland Department of Environment (MDE) calculates Environmental Justice Scores, or EJ scores, based on the average of four factors — pollution burden exposure, pollution burden environmental effects, sensitive populations and socioeconomic/ demographic indicators — converted to a percentile. The higher the score, the greater the considered environmental

¹ https://mde.maryland.gov/programs/permits/AirManagementPermits/Documents/FINAL_Full_CB%20Collab_%20Report.pdf



injustice burden. For previous permitting requirements, the scores have not been applied in practice. Under the CHERISH Our Communities Act, the EJ score will be used to identify the 25% most polluted communities in the state.

For specific polluting facilities applying for permits near or in those 25% most polluted communities, the Act will additionally require the following:

- The permit applicant will include an Environmental Impact Statement and Existing Burden Report with their application.
- MDE will conduct a public notice and review process for these permits.
- MDE will prepare a final Existing Burden Report based on public comment and input from stakeholders including the Maryland Department of Health and local elected officials.
- MDE will determine whether issuing a permit would cause an increased potential for adverse impacts on the community. If it will:
 - For new or expanded permits: MDE will deny the permit application unless it meets an essential need for the impacted community for which there is no alternative.
 - For renewal permits: if it issues the permit, MDE will require additional public conditions to protect public health, and the applicant will enter into a Cumulative Impacts Mitigation Fund Agreement with the impacted community.
- MDE will make information about enforcement actions against permitted facilities in covered areas easily available online, and direct 25% of penalties from enforcement actions to the impacted communities.

Given the above requirements that a polluting facility is no longer evaluated as a sole entity but in context with other polluting projects for estimating total pollution exposure in the community, transparency to the public of the permitting action and enforcement actions, and funds designated to the community for mitigation and other needs, Nature Forward recognizes the CHERISH Our Communities Act as a significant improvement over the current permitting process for highly pollution burdened populations and strongly urges your support for this bill. Thank you for your consideration of our views and our respectful request for a favorable report on this bill.

Angie McCarthy

Maryland Conservation Advocate
Nature Forward

CHERISH Testimony.pdf

Uploaded by: Carlos Sanchez

Position: FAV

Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Baltimore City and a member of the South Baltimore Community Land Trust, a grassroots nonprofit. We are writing to express my strong support of SB978, the CHERISH Our Communities Act. As a community member who has personally experienced the harmful effects of pollution, I have seen firsthand the urgent need for a bill like this.

For years, my community and communities across Maryland have been burdened with toxic air, water, and land pollution. These environmental hazards are not just numbers on a report; they translate to higher rates of asthma, cardiovascular disease, and other serious health issues—disproportionately affecting low-income communities and communities of color. The CHERISH Our Communities Act takes a necessary step toward addressing this environmental injustice by ensuring that polluters can no longer operate unchecked at the expense of public health.

By using the Maryland EJ Screening Tool to identify the 25% most polluted communities, this bill provides a targeted and data-driven approach to environmental justice. It mandates that when polluting entities seek permits, they must submit an Environmental Impact Statement and an Existing Burden Report. This requirement ensures that the true cost of pollution—on both people and the environment—is properly evaluated before any new or expanded operations are approved.

Additionally, the bill holds polluting companies accountable by allowing the Maryland Department of the Environment (MDE) to deny permits that would increase adverse impacts on vulnerable communities. For renewal permits, the requirement of additional permit conditions and a Cumulative Impacts Mitigation Fund Agreement ensures that ongoing pollution burdens are addressed rather than ignored.

Another critical component of this legislation is transparency and enforcement. Making enforcement actions easily accessible online and directing 25% of penalties from violations back into impacted communities ensures that those who suffer the most from pollution receive tangible support. For too long, our communities have been left to bear the consequences of environmental degradation without adequate protections. The CHERISH Our Communities Act fills a long-standing gap in MDE's permitting authority and provides a framework to safeguard public health where it is needed most.

I urge you to stand with community members like myself who need this protection and pass the CHERISH Our Communities Act. Thank you for your time and consideration.

Sincerely,

Carlos Sanchez-Gonzalez
The South Baltimore Community Land Trust

SB0978_CHERISH_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0978

Environmental Permits – Requirements for Public Participation and Impact and Burden Analysis (Cumulative Harms to Environmental Restoration for Improving Shared-Health – CHERISH Our Communities Act

Bill Sponsor: Senator Lam

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in strong support of SB0978 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

For decades, decisions made by the Maryland Department of the Environment (MDE) have been made without public participation, and made with the intent to facilitate the building of infrastructure rather than what was necessary for the public good. What those policies have left us with are areas of that state that are toxic to the residents who live there and never had a voice.

The CHERISH Act would realign the goals of MDE to ensure that the infrastructure we do build (and renew permits for) would have safeguards for the residents of the state. It would require –

- Any new permit applications to include an Environmental Impact Statement and Existing Burden Report
- MDE to conduct a public notice and review process for these permits
- MDE to prepare a final Existing Burden Report based on public comment and input from stakeholders including the Maryland Department of Health and local elected officials
- MDE to determine whether issuing a permit would cause an increased potential for adverse impacts on the community. If it will:
 - for new or expanded permits: MDE will deny the permit application unless it meets an essential need for the impacted community for which there is no alternative.
 - for renewal permits: if it issues the permit, MDE will require additional permit conditions to protect public health, and the applicant will enter into a Cumulative Impacts Mitigation Fund Agreement with the impacted community

- MDE to make information about enforcement actions against permitted facilities in covered areas easily available online, and direct 25% of penalties from enforcement actions to the impacted communities

Our members look forward to having our primary environmental watchdog support the public needs in this manner. We strongly support this bill and recommend a **FAVORABLE** report in committee.

Testimony Supporting SB0978.pdf

Uploaded by: David Jones

Position: FAV

Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

My name is David Jones, and I am a Curtis Bay resident. I live just 1,000 feet from the coal terminal, where I see dust accumulate on my home every single day. I also live with the constant pollution of 200 trucks per hour passing through my neighborhood. We have more pollution burden than any one community can take and we know we are not alone. We have learned from other communities on the fence line - like Bradeywine, Turner Station, Lothian and Cheverly. We are all in this together and simply asking for relief. I have also worked at many of these facilities and this is a worker safety bill as well. The air we breathe is thick with coal dust and other pollutants, and the health impacts on my family and neighbors are undeniable.

This has gone on for too long. The CHERISH Act is a necessary step to protect communities like mine that have been overburdened with pollution for generations. Maryland must start factoring in existing pollution when making permitting decisions. I urge you to support SB978 to bring fairness and accountability to this process.

Sincerely,
David Jones
Resident, Curtis Bay

CHERISH Testimony Katie Bautista .pdf

Uploaded by: Eliseo Magos Gonzalez

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Katie Bautista
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Katie Bautista, and I am a student at Hampstead Hill Academy. I live in Baltimore City, in District 41. I am writing today to express my support for SB 978 – the CHERISH Our Communities Act because this bill is crucial for protecting the health of families like mine.

I have suffered from asthma since birth, a condition that is unfortunately common in Latino communities. Many of us live in neighborhoods across Maryland that face serious health risks from multiple sources of pollution. Yet, these same communities often receive the least protections and resources to address air pollution and its harmful effects.

I also want to thank Senator Attar for meeting with us on February 17 and remind her of the commitment she made to support this important bill. This issue is personal to her as well, and I urge the rest of the Committee to stand with us and vote in favor of SB 978.

Sincerely,

Katie Bautista

Elizabeth Sharp Testimony Supporting SB0978.pdf

Uploaded by: Elizabeth Sharp

Position: FAV

Testimony Supporting SB0978

Senate Education, Energy, and the Environment Committee February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Baltimore City (zip code: 21231), a cancer epidemiology master's student at the Johns Hopkins Bloomberg School of Public Health, and a research volunteer at the National Cancer Institute for the Environmental and Epidemiology Branch, I am writing to express my strong support of SB978, the CHERISH Our Communities Act.

Both as a Baltimore resident and a scientist dedicated to understanding the health impacts of industrial pollution, I have seen firsthand how polluting factories, fossil fuel shipment facilities, trash incinerators, and landfills harm our communities. My research in cancer epidemiology and environmental justice has deepened my understanding of how hazardous air pollutants—like benzene, formaldehyde, and particulate matter—contribute to respiratory diseases, cardiovascular conditions, and cancer at disproportionate rates. But beyond the data, I know these are not just abstract risks. They are daily realities for families in neighborhoods like Curtis Bay, Cherry Hill, and my own community in Baltimore.

I spend my days analyzing how toxic emissions affect human health, mapping exposure risks, and studying how environmental injustices persist. My work also involves learning about chemical mixtures and cumulative risk assessment methods, which are essential tools in evaluating the combined effects of multiple environmental hazards. These approaches, along with community engagement, are critical in understanding the full cumulative burdens that disproportionately impact historically marginalized populations.

However, no amount of research will fix this problem unless we take action. That is why I strongly support SB978, the CHERISH Our Communities Act. Maryland's current environmental permitting system fails to account for the cumulative burden of pollution on environmental justice communities and often shuts residents out of the decision-making process. This bill would require a more just and transparent approach—one that considers the full impact of new and expanding industrial facilities and ensures that affected communities have a voice.

Environmental justice is not just a policy issue; it is a matter of public health, dignity, and human rights. No one should have to fight for clean air, but in Baltimore, that fight has been necessary for far too long. It is time for Maryland to take a stand and protect the health of its most vulnerable residents. I urge you to support SB978 and take a critical step toward environmental equity in our state.

Sincerely,
Elizabeth Sharp

CHERISH_EEE_FAV_Singer.pdf

Uploaded by: Elizabeth Singer

Position: FAV



Committee: Education, Energy and the Environment

Testimony: 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)

Organization: The Jewish Community Relations Council of Howard County, MD

Submitting: Betsy Singer

Position: FAVORABLE

Hearing Date: February 25, 2025

Dear Chair and Committee Members:

Our Jewish values compel us to act to repair the world (*tikkun olam*), which is a guiding principle of our Jewish faith. We act to prevent massive changes to Earth's climate as we face rising temperatures due to burning fossil fuels that trap greenhouse gases in the Earth's atmosphere. Floods, fires, and drought threaten the lives and livelihoods of Marylanders and people all over the U.S. and other nations of the world.

Today, extreme weather events are driving up costs for Marylanders and contributing to the state budget crisis. Nearly every jurisdiction across the state is affected by climate-related costs, all of which are currently borne by Maryland taxpayers. Insufficient oversight has led to polluting industries and facilities being clustered in specific areas that overexpose underserved populations and natural habitats to pollution.

This legislation will give the Maryland Department of the Environment (MDE) the authority to approve, alter, or deny a permit based on an Environmental Justice Score, and an assessment of other permits and the underlying socio-demographic characteristics of the community. This bill will apply new permitting requirements to a list of facilities and permit types of greatest concern to overburdened communities across Maryland. If a permit would increase the burden of pollution on an overburdened community, it would not be granted without meaningful conditions imposed and a meaningful Community Benefits Agreement. The CHERISH Act is in direct agreement with environmental justice goals set forth in Maryland's Climate Pollution Reduction plan and in MDE's recent Climate Implementation Pla

For these reasons, we strongly support SB 978 and urge a favorable report on in committee.

Arundel Rivers FAV SB978 CHERISH.pdf

Uploaded by: Elle Bassett

Position: FAV



PO Box 760 Edgewater, MD
21037

410-224-3802
www.arundelrivers.org

**Testimony in SUPPORT of Senate Bill 978 – Certificate of Public Convenience and
Necessity – Environmental Impact Analysis and Existing Burden Report**

Education, Energy, and the Environment
February 25, 2025

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT OF SB978** on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs.

Arundel Rivers strongly supports SB978, or the CHERISH Act, which will provide important, targeted environmental health protections for the communities in Maryland most overburdened by pollution. The CHERISH 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). Incorporating public feedback is a critical part of the permitting process that ensures that MDE's decision-making processes are transparent and inclusive.

As Maryland confronts an energy crisis, we can and must make sure we do not increase pollution on already-overburdened communities. SB978 is a necessary and timely bill to protect the most polluted communities in Maryland from more pollution and we respectfully request a **FAVORABLE REPORT on SB978.**

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett
South, West and Rhode Riverkeeper
Arundel Rivers Federation

ECA Testimony on SB0978 CHERISH.pdf

Uploaded by: Frances Stewart

Position: FAV



SB0978 - SUPPORT
Frances Stewart, MD
Elders Climate Action Maryland
frances.stewart6@gmail.com
301-718-0446

SB0978, CHERISH Our Communities Act

Meeting of the Education, Energy, and the Environment Committee

February 25, 2025

Dear Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee, on behalf of Elders Climate Action Maryland, I urge a favorable report on SB

Elders Climate Action is a nationwide organization devoted to ensuring that our children, grandchildren, and future generations have a world in which they can thrive. The Maryland Chapter has members across the state.

Climate change is the main focus of our work, but we recognize air pollution as one the greatest threats to our health. Also, climate change and air pollution share root causes.

Air pollution and its deadly effects are not evenly distributed. Many communities face much higher burdens. Those communities are disproportionately underserved and have more vulnerable populations. Currently the Maryland Department of the Environment lacks the legal authority to make permitting decisions based on environmental justice data and cumulative impacts.

The CHERISH Our Communities Act (Cumulative Harms to Environmental Restoration for Improving Our Shared Health) is well named. It will address a critical gap in Maryland's environmental protection system by requiring MDE to consider cumulative impacts on communities when they make decisions on new permits.

The CHERISH Act also requires meaningful community engagement for all major pollution permits. MDE may reject a permit because of the impacts or it may require strong conditions to reduce pollution and community benefits agreements.

New Jersey, New York and Minnesota have already made similar changes in their permitting system. Maryland should join these states as a leader for environmental justice and protect our vulnerable communities from further harm.

We strongly urge a favorable report on SB0978.

Thank you.

SB978Cherish.pdf

Uploaded by: Gwen DuBois

Position: FAV



Committee: Education, Energy and the Environment

Testimony on: SB978 Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Position: Favorable

Hearing: February 21, 2025

As president of Chesapeake Physicians for Social Responsibility, an organization of 900 supporters whose mission includes addressing the climate crisis, pollution related morbidity and mortality as well as health disparities in Maryland, we strongly support the Cherish Act, SB978 enabling MDE to take environmental justice scores, cumulative pollution burden and public input into decisions about whether to issue a permit to an industrial source of additional pollution.

In 2013, Baltimore City Health Department created a report on life expectancy at birth in Baltimore city and the Curtis Bay area was among the lowest in the City.¹ That same year, a group of high school students in Curtis Bay learned about an incinerator that a company in Albany, New York, was planning to be build a mile from their school. They organized petitions, then protests asking the Maryland Department of the Environment to pull a permit that had already been violated by this proposed largest trash-burning incinerator in the United States. After 2 years of actions, and legal help from an organization of environmental lawyers, they were successful and MDE finally pulled the permit.

Today that community is still home to 70 sources of industrial of air pollution. IN 2017, the city Board of Health reported that in Curtis Bay reported a higher incidence of respiratory illness, heart disease, all cancer than the city as a whole.²

¹ <https://health.baltimorecity.gov/sites/default/files/Life-expectancy-2013.pdf>

² <https://www.thebaltimorebanner.com/community/public-health/what-its-like-to-live-in-the-epicenter-of-toxic-pollution-QN7KNX5F3ZDH5KG3HE7YRDPPNQ/>

Bresco, Maryland's largest trash incinerator, is in south Baltimore. One year's monetized health costs from air pollution from just particulate matter PM2.5 cost Maryland over 22 million dollars according to a 2017 report.³ Now advocates from South Baltimore have filed a civil rights complaint with the Environmental Protection Agency (EPA) on behalf of people who are suffering.⁴

Curtis Bay Energy runs the largest medical waste to energy facility in the country, now called Curtis Bay Energy. It was fined \$1.75 million for in 2023 for improperly incinerating its waste. In 2024 they were sued again by the state. That incinerator in the very tip of south Baltimore, is receiving medical waste from as far away as Florida and Canada with Maryland supplying a minority of the waste and Baltimore only 7% and yet downwinders in the state are being subjected to pollution coming out of its smoke stack.⁵

A study published in a peer reviewed journal October 2024, demonstrated that dust collected in 2 residential sites in Curtis Bay, was from the CSX coal terminal as residents have been claiming.⁶ This is one of two Baltimore coal terminals supplying 30% of U.S. exports going to countries across the globe, worsening the global climate crisis while Curtis Bay residents suffer from the coal dust and Particulate Matter 2.5 pollution in their own neighborhood. Residents of Curtis Bay and the rest of Baltimore packed a public hearing with the Maryland Department of the Environment, asking that the CSX air pollution permit not be renewed.

Residents of Prince George's County, are fighting for their own right to breathe clean air. Brandywine in particular is exposed to inexcusable examples of environmental and racial injustice. It has 4 power plants and is 67% black.⁷ They have had to fight against another (gas fired) power plant coming to their area.

In addition, diesel trucks, groundwater pollution from a military toxic waste dump and PM2.5 from a coal ash.⁸ are some examples of why this bill is needed. The coal ash dump was recently rated the 7th worst such site in the nation.⁹

Why should citizens have to fight the Maryland Department of the Environment for environment justice and their right to be able to breathe healthy air in their own neighborhood? Why should they have to fight for their right for their children to have the same life expectancy as children in other neighborhoods. Why does it take suits from environmental legal experts

³ <https://www.cbf.org/document-library/cbf-reports/thurston-wheelabrator-health-impacts-2017.pdf>

⁴ <https://www.cbf.org/news-media/newsroom/2024/maryland/south-baltimore-advocates-file-civil-rights-complaint-on-incinerator-pollution>

⁵ <https://www.baltimorebrew.com/2024/08/09/baltimore-medical-waste-incinerator-still-pollutes-burning-trash-from-as-far-away-as-florida/>

⁶ <https://www.sciencedirect.com/science/article/pii/S0048969724069997>

⁷ <https://dbknews.com/2021/02/23/environmental-racism-brandywine-coronavirus-power-plants/>

⁸ <https://grist.org/justice/in-maryland-one-community-is-taking-a-stand-against-environmental-racism/>

⁹ https://phys.org/news/2022-11-maryland-sites-polluting-coal-ash.html#google_vignette

and public marches and rallies by citizens to get the attention of the Maryland Department of the Environment.

For all of these Chesapeake Physicians for Social Responsibility strongly supports SB978. Environmental and Racial Injustice are important causes of health disparities. SB978 is an attempt to address this and that is why we support this bill.

Gwen L. DuBois MD, MPH

President

Chesapeake Physicians for Social Responsibility

gdubois@jhsph.edu

SB978- Support- Healthy Climate Maryland 2025 Test

Uploaded by: Healthy Climate Maryland N/A

Position: FAV

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>

SB 978 CHERISH Act 2025 (The Nature Conservancy-Fa

Uploaded by: Humna Sharif

Position: FAV



The Nature Conservancy
Maryland/DC Chapter
425 Barlow Pl., Ste 100
Bethesda, MD 20814

tel (301) 897-8570
fax (301) 897-0858
nature.org

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

Commented [KA1]: Would this suggested addition still make sense in the context of the sentence? If so, would recommend we include to keep the focus on the climate vulnerable communities. If it does not make sense in context, okay to reject.

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.

SB0978_ProgressiveMaryland_FAV.pdf

Uploaded by: Iman Habib

Position: FAV

FAVORABLE Testimony for SB0978
Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses
(Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our
Communities Act)

Senate Education, Energy, and Environment Committee
Iman Habib, On Behalf of Progressive Maryland

February 21st, 2025

Dear Honorable Chair Feldman and Members of the Committee,

Progressive Maryland is pleased to offer **favorable testimony in support of [SB0978](#) Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act).**

Progressive Maryland is a nonprofit political organization made up of multiracial and multiethnic working class people aiming to address the climate crisis while eliminating all forms of structural oppression through grassroots organizing. With over 125,000 members and supporters spanning across Baltimore City, Prince George's, Montgomery, Frederick, Harford counties, and the Eastern Shore, Progressive Maryland works to protect and uplift working class Black and Brown communities which are often underserved and overburdened.

For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state does not consider how industry impacts influence community health when permits are issued. Local communities are often not consulted about where these projects are located, and in many cases, have been left out entirely of this process.

In the transition to a net-zero state, Maryland has the opportunity to accelerate emissions reductions in the community that deserve it the most - those most overburdened. No additional polluters should be permitted in any community with an EJ score in the upper 75th percentile.

The CHERISH Act does two critical things:

- 1) Allows the Maryland Department of the Environment (MDE) to reject or alter environmental permits based on an environmental justice (EJ) score, which is based on current pollution levels, community health, and the demographics of a community and
- 2) Requires facilities that are granted permits to pay into a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues that the facility will cause.

Census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these two communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort. WIN Waste's Wheelabrator Baltimore Refuse Energy

Systems Company (“BRESKO”) Incinerator, CSX Terminal, Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other facilities are all located within this strip of land. The communities here are overwhelmingly low-income and the majority of the inhabitants are residents of color. People living in this area are nearly guaranteed to have pollution-burden associated health outcomes.

People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, Progressive Maryland urges a favorable report.

Sincerely,

Iman Habib

Climate Policy Analyst | Progressive Maryland

iman@progressivemaryland.org

CHERISH Testimony Ingris Reyna .pdf

Uploaded by: Ingris Reyna

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Ingris Reyna
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Ingris Reyna, and I am a resident of Baltimore City in District 46 and a mother of three. I am writing today to support SB978, the CHERISH Our Communities Act because this bill is crucial for protecting the health of families like mine.

I have family members and close friends who suffer from asthma, and I live in a community deeply impacted by air pollution. Unfortunately, communities that already bear the burden of pollution continue to be subjected to even more harmful emissions, often without protection. These affected areas are disproportionately home to Latino and communities of color, making this an urgent environmental justice issue.

SB978 is critical because it will:

- Improve the process for safeguarding the health of vulnerable communities.
- Ensure that cumulative impacts of pollution are considered when reviewing permit applications.
- Help reduce air pollution and, in turn, lower the rates of respiratory illnesses affecting our families.

I urge you to support this bill so that we can have cleaner air and a healthier future for our children. Thank you for your time and consideration.

Sincerely,
Ingris Reyna

Estimado Presidente y Miembros del Comité,

Mi nombre es Ingris Reyna, soy residente de Baltimore y madre de tres hijos. Les escribo hoy para expresar mi total apoyo a **SB 978, la Ley CHERISH Our Communities**, porque esta legislación es crucial para proteger la salud de familias como la mía.

Tengo familiares y amigos cercanos que sufren de asma, y vivo en una comunidad profundamente afectada por la contaminación del aire. Lamentablemente, las comunidades que ya soportan esta carga continúan expuestas a una contaminación aún mayor, a menudo sin ninguna protección. Estas áreas afectadas son, en su mayoría, hogares de comunidades latinas y de color, lo que hace de este un problema urgente de justicia ambiental.

SB 978 es fundamental porque:

- **Mejorará el proceso para proteger la salud de las comunidades vulnerables.**
- **Garantizará que los impactos acumulativos de la contaminación sean considerados al evaluar solicitudes de permisos.**
- **Ayudará a reducir la contaminación del aire y, a su vez, disminuirá las tasas de enfermedades respiratorias que afectan a nuestras familias.**

Les insto a que apoyen este proyecto de ley para que podamos tener un aire más limpio y un futuro más saludable para nuestros hijos. Gracias por su tiempo y consideración.

Atentamente,

Ingris Reyna

2025.2.21 Jay Monteverde Testimony for SB978 CHERI

Uploaded by: Jay Monteverde

Position: FAV



Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Baltimore County, a Senior Advisor at Namati — which is a founding member of the Mid-Atlantic Justice Coalition, and someone deeply concerned about environmental justice and concentration of pollution in certain neighborhoods, I am writing to express my strong support of SB978, the CHERISH Our Communities Act.

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. For centuries, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland [face greater cancer risks and exposure to air toxics](#) due to higher pollution burden.

I live just a couple miles away from one of Baltimore County's residential trash collection points on Warren Rd., and when the wind blows in certain directions, the air is putrid throughout my area. Neighborhoods with the top 25% EJ scores — as this bill focuses on — are surrounded by multiple polluting facilities and have been forced to live with compounded pollution impacts for decades. When facilities apply for permits that would continue or increase pollution in communities already burdened with so much, there should absolutely be an analysis of the combined impacts.

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 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.

SB978 represents a targeted approach, based on priorities identified by environmental justice communities in Maryland. Residents and constituents across Maryland need the state to fill this critical gap in MDE's current permitting authority to protect public health in Maryland's most polluted communities.

Thank you,
Jay Monteverde

Cherish Act Testimony jvjohnson pdf.pdf

Uploaded by: Jeffrey Johnson

Position: FAV

My name is Dr. Jeffrey V. Johnson and I live in Reisterstown which is in Senate District 10. I am co-founder of the Chesapeake Earth Holders Community of Engaged Buddhism which is a member of the Interfaith Power and Light Network of faith based congregations in Maryland. I am presenting written testimony in support of the CHERISH Act SB978.

As an environmental health scientist and Professor Emeritus at the University of Maryland with a PhD in Public Health from the Johns Hopkins School of Public Health, I believe the CHERISH Act addresses a vitally important concern that has been the subject of my own research for many years: the impact of combined environmental exposures on the health of vulnerable populations.

The CHERISH Act will dramatically improve the State of Maryland's capacity to protect vulnerable communities from the adverse health impact of the total combined pollution produced by multiple sources in their environment.

The CHERISH Act will focus on protecting those communities that are already the most polluted and the most vulnerable with the fewest socioeconomic resources. The CHERISH Act proposes to use an already well developed measure of combined adverse environmental exposures to identify the 25% highest risk communities in our state.

The CHERISH Act will serve to protect individuals within communities that are already at risk from new additional exposures that are likely to add further to their environmental burden and health risk. By focusing on the most vulnerable 25% the CHERISH act will introduce a straight forward permitting mechanism that will serve to protect individuals and communities from greater harm from increased pollution from new sources. This is a powerful, practical and straight forward approach that will protect our fellow citizens who are already overburdened.

I would like to thank the Honorable Chair Brian J. Feldman, and the Honorable Co-Chair Cheryl C. Kagan, and the honorable members of the Senate Committee on Education, Energy, and the Environment for considering my sincere request to support the CHERISH Act, Senate Bill 978.

SB978 38 Organizations Favorable.pdf

Uploaded by: Jennifer Kunze

Position: FAV

Testimony Supporting SB0978

CHERISH Our Communities Act: Cumulative Harms to Environmental Restoration for Improving our Shared Health

**Senate Education, Energy, and the Environment Committee
February 25, 2025**

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

The undersigned 38 community, climate, and environmental organizations and elected officials urge you to support **SB0978 (from Cumulative Harms to Environmental Restoration for Improving Shared Health - the CHERISH Our Communities Act)**. This important public health legislation will fill a critical gap in Maryland's ability to protect communities overburdened by pollution.

SB0978 will provide the Maryland Department of the Environment with critical tools to ensure that polluting facilities aren't increasingly concentrated in communities in Maryland already overburdened by pollution. SB0978 specifically covers communities in and immediately around census tracts with an environmental justice score of 75 or above, according to the Maryland Department of the Environment's EJ Screening Tool. Having this score means that a community is in the top 25% most polluted and most underserved census tracts in the state. Accordingly the state should design its permitting process to consider the existing pollution in communities with a high EJ score before siting another facility there that may add to and worsen the disproportionate burden of pollution on the community. This is similar to a preventive care visit at a doctor's office. We need to assess what's currently going on before recommending the next course of action.

For proposed projects within these specific geographic areas, SB0978 calls for extra information from the permit applicant in the form of an Environmental Impact Statement and Existing Burden Report, and calls the Maryland Department of the Environment to consider whether the project will increase the pollution burden on the surrounding community as part of their review process. If it will, SB0978 outlines steps for the MDE to take to protect the community and for continuing community benefits to address the harm of pollution.

SB0978, together with its companion bill HB1406 addressing polluting energy-generating facilities, represents the culmination of years of community-led coordination in assessing cumulative impacts of pollution. As states like New Jersey, New York, Connecticut, and Minnesota have passed legislation to address cumulative impacts in the past five years, Maryland cannot afford for its protections for overburdened communities to fall farther behind.

Please pass the CHERISH Our Communities Act to ensure that frontline communities in Maryland gain these critical protections in 2025.

Sincerely,

Mid-Atlantic Justice Coalition

Walkiria Pool, Co-Anchor

Alliance of Nurses for Healthy Environments (ANHE)

Katie Huffling, DNP, RN, CNM, FAAN,
Executive Director

Concerned Citizens Against Industrial CAFOS (CCAIC)

Gabby Ross, Founder

Chesapeake Bay Foundation

Matt Stegman, Maryland Staff Attorney

Interfaith Power & Light (DC.MD.NoVa)

Andrea Orozco, Faithful Advocacy Lead

Greater Baybrook Alliance

Meredith Chaiken, CEO

Maryland League of Conservation Voters

Rebecca Rehr, Director, Climate Policy &
Justice

Community Development Network of Maryland

Claudia Wilson Randall, Executive Director

Namati

Jay Monteverde, Senior Advisor, US
Environmental and Economic Justice
Program

**Sussex Health & Environmental Network/
Sentinels of Eastern Shore Health**

Maria Payan, Executive Director

Baltimore City Council District 10

Phylicia Porter, Councilwoman

Clean Water Action

Jennifer Kunze, Maryland Organizing
Director

Baltimore Green Space

Katherine Lautar, Executive Director

Climate Communications Coalition

Sonia Demiray, Executive Director

Maryland Latinos Unidos

Carlos Orbe, Jr, Communications and
Public Affairs Specialist

Our Zero Waste Future

Dante Davidson-Swinton, Executive
Director

Young, Gifted & Green

LaTricea Adams, Founder CEO and
President

Maryland Legislative Coalition - Climate Justice Wing

Dave Arndt, CoChair

Green Dharma

Anjali Gulati, Green Dharma Organizer -
Interfaith Power & Light (DC.MD.NoVA)

Environmental Justice Maryland

Zack Buster, Founder & Executive Director

**Chesapeake Climate Action Network
(CCAN) Action Fund**

Brittany Baker, Maryland Director
Defensores de la Cuenca
Abel Olivo, Executive Director

Chesapeake Physicians for Social Responsibility
Gwen L. DuBois MD, MPH, President

Coal Kills Baltimore
John Scheinman, Terrel Askew, Olivia Yates, Evelyn Hoon, Co-Founders

350.org
Taylor Smith-Hams, US Senior Organizer

Gwynns Falls Community Association
Christopher Schulze, President

Baltimore Tree Trust
Shannon R Smith, Nursery Manager

Indivisible HoCoMD Environmental Action
Peter Alexander, Co-Facilitator

Northeast Catholic Community
Nancy Assero, Chair: Peace and Justice Committee

Beaverdam Creek Watershed Watch Group
Tom Taylor, Co-Chair

Whitelock Community Farm
Jennifer West, Executive Director

Maryland Catholics for Our Common Home
Bob Simon, Member, Organizing Committee

Coal Free Curtis Bay
Andrew Hinz, Volunteer

Panic Problem

Tom Gilhuley, President
ShoreRivers
Annie Richards, Chester Riverkeeper

Out For Justice
Trina Seldon, Executive Director

National Aquarium
Maggie Ostdahl, Senior Conservation Policy Manager

Earthjustice
Rachel Rintelmann, Managing Attorney, Community Partnerships Program

SB978 Clean Water Action Favorable.pdf

Uploaded by: Jennifer Kunze

Position: FAV



Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: FAVORABLE

Dear Chair Feldman and Members of the Committee,

Clean Water Action urges you to issue a favorable report on SB0978 (from Cumulative Harms to Environmental Restoration for Improving Shared Health - the CHERISH Our Communities Act). This important legislation will provide important, targeted environmental health protections for the communities in Maryland most overburdened by pollution.

SB978 is environmental justice legislation developed and driven by frontline communities in Maryland. This bill identifies polluting facilities of greatest concern to frontline communities in Maryland, and the permits relevant to their pollution. The bill applies specifically to covered permits for covered facilities proposed to be sited in or near communities in Maryland already overburdened by pollution according to MDE's EJ Screen. For such projects, a permit applicant will be required to include an initial Environmental Impact Analysis, detailing the potential impacts of the facility, and an initial Existing Burden Report, describing the current public health and environmental conditions in the surrounding communities. After public review, the Maryland Department of the Environment will finalize these reports and use them to determine whether issuing the proposed permit would add to the disproportionate pollution burden in already-overburdened communities. If it would, the Maryland Department of the Environment would ensure that the community is protected: either by denying the permit, or by ensuring that the community is better protected through additional conditions to protect public health and a Cumulative Impacts Mitigation Fund Agreement.

SB0978 is a commonsense, targeted bill that, together with HB1406 addressing Certificates of Public Convenience and Necessity for polluting energy-generating facilities, would enshrine essential protections to ensure that communities in Maryland already facing a disproportionate burden of pollution do not see that burden worsened and increased. This bill is both the result of years and decades of organizing and advocacy among communities in Maryland overburdened by pollution, and reflective of lessons learned from successful bills passed in states like New Jersey, Minnesota, Connecticut, and New York. Please issue a favorable report on SB0978 so that communities on the front lines of pollution in Maryland can gain these critical protections.

Thank you,

Jennifer Kunze
Maryland Organizing Director
Clean Water Action
jkunze@cleanwater.org

Testimony in favor of SB978.pdf

Uploaded by: Jerry Kickenson

Position: FAV

Testimony in favor of SB978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

To: Hon. Brian Feldman, Chair, Hon. Cheryl Kagan, Vice-chair and members of the Senate Education, Energy and the Environment Committee

From: Jerry Kickenson

Date: February 21, 2025

I am writing in **favor of Senate Bill 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 CHERISH Our Communities Act would finally require environmental impact analysis to ensure permitted activities do not make environmental conditions even worse, especially in communities already overburdened by cumulative adverse environmental impacts. It is only common sense to consider a holistic view of the newly proposed impact in concert with existing and other impacts. The requirement in this bill to include an environmental justice score will finally add some teeth to previous recommendations to do so.

In this time where the federal government is retreating from anything resembling environmental justice, or indeed environmental protection more generally, Maryland must act to protect its communities and residents.

I respectfully urge you to reach a **favorable** report for SB978.

Respectfully yours,

Jerry Kickenson

Silver Spring, MD 20902

Cherish Act Testimony - Margaretta McKay.pdf

Uploaded by: Jill McKay

Position: FAV

My name is Margaretta Jill McKay and I live in East Bethesda which is in District 16. I am a member of the Chesapeake Earth Holders Community of Engaged Buddhism. Our community is a member of Interfaith Partners for the Chesapeake, a network of faith based congregations in Maryland. I am presenting written testimony in support of the CHERISH Act SB978.

I believe the CHERISH Act addresses a vitally important concern: the impact of combined environmental exposures on the health of vulnerable populations in Maryland.

By limiting the number of permits for certain categories of business, the CHERISH Act will protect communities that have the fewest socioeconomic resources and already carry the greatest burden of environmental exposure to polluted air, soil, and water.

The CHERISH Act proposes to use an already well developed measure of combined adverse environmental exposures to identify the 25% highest risk communities in our state. By focusing on the most vulnerable 25% it will introduce a straight forward permitting mechanism that will serve to protect individuals and communities from greater harm from increased pollution from new sources. This is a powerful, practical and straight forward approach that will protect our fellow citizens who are already overburdened.

I would like to thank the Honorable Chair Brian J. Feldman, and the Honorable Co-Chair Cheryl C. Kagan, and the honorable members of the Senate Committee on Education, Energy, and the Environment for considering my sincere request to support the CHERISH Act, Senate Bill 978.

SB978CHERISH.Audubon.FAVdocx.pdf

Uploaded by: Jim Brown

Position: FAV



Maryland Office
2901 E. Baltimore St
Baltimore, MD 21214

February 21, 2025

To: Chairman Feldman, members of the Senate Committee on Education, Energy, and the Environment

From: Jim Brown, Policy Director, Audubon Mid-Atlantic

Subject: Favorable Testimony for Maryland SB 978, CHERISH our Communities Act

Audubon Mid-Atlantic submits this testimony in support of SB 978. Audubon Mid-Atlantic is the regional office of National Audubon Society, representing over 35,000 Marylanders who advocate for the protection of birds, bird habitat, and policies aiming to protect both birds and human communities in the face of increasing environmental challenges, habitat loss, pollution, and climate change. Audubon enthusiastically supports the CHERISH act because it will protect vulnerable communities from the negative impacts of polluters while supporting a cleaner environment for the people and birds of every community in Maryland.

Audubon works with communities in South Baltimore to restore habitat, improve parks, and create public gathering spaces. We see firsthand the negative environmental justice and public health impacts of pollution that these communities face at much higher rates than other communities. Audubon believes the CHERISH Act's proposed changes to 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) will improve the lives of residents in South Baltimore. The additional benefits to the broader environment will include cleaner water and air which positively impact bird habitat and the ecosystems which we all depend on.

Audubon supports the CHERISH act because Audubon believes in equitable environmental justice for every community in Maryland. Audubon believes everyone in Maryland deserves access to clean air and water, and healthy outdoor spaces. We believe the CHERISH act is a necessary step to protect Marylanders while keep our state a leader in environmental planning and environmental justice.

Audubon Mid-Atlantic respectfully urges a favorable review of this legislation.

Thank You,

Jim Brown
Policy Director
Audubon Mid-Atlantic

CHERISH Act Written Testimony SB978.pdf

Uploaded by: Jo Vonderhorst

Position: FAV

Written Testimony in Support of Senate Bill 978

CHERISH Our Communities Act

Before the Education, Energy, and the Environment Committee: February 25, 2025

To the Honorable Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee,

On behalf of the University of Maryland Carey School of Law Environmental Law Clinic, we write today in support of Senate Bill 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 CHERISH Act is community-driven and puts Maryland at the forefront of environmental justice reform—ensuring overburdened neighborhoods are not forced to accept more polluters without safeguards. The CHERISH Act would require the Maryland Department of the Environment (“MDE”) to consider all environmental and public health harms endured by overburdened and underserved communities in its analysis of whether to grant or condition new pollution permits—ensuring that no community suffers disproportionately from these impacts in perpetuity. This bill also requires MDE to take these considerations into account when existing permits are up for renewal. We support the state’s efforts to ensure a more transparent process that gives Maryland residents a voice in permitting decisions impacting their communities, thereby protecting public health and the environment.

Environmental justice (“EJ”) connects environmental issues with social justice.¹ Dr. Robert Bullard, the “father of environmental justice,” first documented the link between race and pollution exposure in a 1979 lawsuit,² highlighting the disproportionate environmental burdens on Black communities and laying the foundation for EJ research.³ The EJ movement stems from the Civil Rights Movement, as activists aimed to combat injustices of “toxic dumping, municipal waste facility siting, and land use decisions” in predominantly low-income and minority neighborhoods.⁴ Maryland law defines “environmental justice” as “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and

¹ ROBERT V. PERCIVAL ET AL., ENVIRONMENTAL REGULATION: LAW, SCIENCE, AND POLICY, 16 (10th ed. 2024).

² *Bean v. Sw. Waste Mgmt. Corp.*, 482 F. Supp. 673 (S.D. Tex. 1979).

³ Yessenia Funes, *The Father of Environmental Justice Exposes the Geography of Inequity*, SCI. AM. (Sept. 19, 2023), <https://www.scientificamerican.com/article/the-father-of-environmental-justice-exposes-the-geography-of-inequity/>.

⁴ *Environmental Justice*, EPA, <https://www.epa.gov/environmentaljustice> (Sept. 16, 2024)

[<https://perma.cc/KV9B-3SN5>]; History, CONG. BLACK CAUCUS FOUND.

<https://avoice.cbcfinc.org/exhibits/environmental-justice/history/> (last visited Oct. 20, 2024). See generally UNITED CHURCH OF CHRIST COMMISSION FOR RACIAL JUSTICE, TOXIC WASTES AND RACE IN THE UNITED STATES (1987), <https://www.nrc.gov/docs/ml1310/ml13109a339.pdf>. [<https://perma.cc/KV9B-3SN5>]; History, CONG. BLACK CAUCUS FOUND. <https://avoice.cbcfinc.org/exhibits/environmental-justice/history/> (last visited Oct. 20, 2024). See generally UNITED CHURCH OF CHRIST COMMISSION FOR RACIAL JUSTICE, TOXIC WASTES AND RACE IN THE UNITED STATES (1987), <https://www.nrc.gov/docs/ml1310/ml13109a339.pdf>.

social status.”⁵ Environmental justice seeks to protect communities from disproportionate environmental and health risks and hazards while ensuring equitable access to a safe, sustainable environment.⁶

SB978 advances the goals of environmental justice. We applaud this bill’s efforts to codify these ideals, especially in a time where the federal government continues to roll back its EJ policies and state action is more important than ever to protect our communities and environment. An in-depth understanding of the aggregated effects of prior governmental decisions on overburdened and underserved communities is critical for informed agency decision making, transparent governance, and public support in political processes. We believe this legislation is a significant step towards more equitable agency action and the creation of a comprehensive permitting system that engages all stakeholders, keeping in mind the long-term, cumulative impacts on communities that have disproportionately borne the brunt of environmental injustice.

Environment Article, § 1-701(a)(7) defines a community as “overburdened” when three or more of twenty-one specific factors are above the 75th percentile statewide within the census tract. These overburdened and underserved communities in Maryland experience significant, overlapping environmental injustices from the disproportionate concentration of harmful pollution sources in their environments due to decades of governmental decisions—especially concerning zoning and permitting.

Moreover, overburdened and underserved communities often are not aware of pending decisions that would affect their neighborhoods due to a current lack of transparency and public engagement, which SB978 aims to address. Additionally, these communities often have insufficient resources and political capital to effectively represent their best interests in the permitting processes of facilities within or near their borders.

Marylanders deserve consideration from state authorities during the permit application and renewal processes to ensure protection of their health and environment, especially if they reside in disadvantaged areas. Overburdened and underserved communities already experience disproportionate environmental and health risks compared to other citizens across the state—often due to actions taken or permitted by the state. Requiring the agency to consider these disproportionate harms from start to finish of the permitting process would result in more equitable results for disadvantaged communities that do not have the resources at their disposal to spend significant time to participate or secure adequate representation during the permitting process. It is within the principles of “environmental justice” as defined at § 1-701(a)(5) for the General Assembly to mandate consideration, mitigation, and/or prevention of any additional harms that will impact overburdened and underserved communities. This consideration does not mandate

⁵ MD. CODE ANN., ENV’T, § 1-701(a)(7)

⁶ *Environmental Justice*, EPA, <https://www.epa.gov/environmentaljustice> (Sept. 16, 2024) [<https://perma.cc/KV9B-3SN5>].

outright denial of a permit but includes provisions regarding conditional permits that have protections built in for these residents.

For years, our clinic has assisted numerous residents and communities wrestling with disproportionate environmental challenges:

- The communities near Curtis Bay face significant health and environmental challenges posed by the nearby CSX coal terminal. Persistent coal dust emissions have contaminated the community, contributing to severe air quality issues which are linked to respiratory diseases, cardiovascular issues, and premature mortality. Residents have complained for decades about the toxic coal dust, but MDE has yet to set stricter standards to protect their health and safety.
- The clinic is also working with several EJ community associations representing neighborhoods that would be adversely impacted by Amtrak's proposed Frederick Douglass Tunnel Program ("Project"). These historically Black communities continue to bear the consequences of local, state, and federal segregation and suppression. Such efforts include redlining, racial housing ordinances, restrictive covenants, highway construction and urban renewal practices that divide communities and isolate them from economic opportunities. The harm suffered by these neighborhoods due to these systemic, discriminatory policies would only be exacerbated by the Project's exclusionary communication practices, underestimation of noise and vibration impacts, and public health concerns.
- Another EJ community the clinic is currently working with deals with frequent blasting from a quarry sited in a residentially zoned area pursuant to a conditional use permit. Residents deal not only with the integrity of their homes deteriorating, but also their health. Air quality is significantly worse at their homes when compared to nearby areas further from the quarry. Some people have even moved into the neighborhoods without knowing of the quarry until they felt a blast.

Overburdened and underserved communities need government intervention to prevent them from being subjected to further harm. Each of the communities mentioned above would have benefitted from more a transparent permitting process with more opportunities for public participation and safeguards that ensure EJ communities do not continue to suffer disproportionately from the cumulative impacts of state permitting decisions. SB978 provides for such safeguards and transparency.

We strongly support the framework created by this bill. Last session, in our testimony in support of SB978's predecessor bill, SB96 - Environment - Impact of Environmental Permits and State Agency Actions, we advocated for two small but impactful amendments that have been incorporated into SB978.

First, the list of permits subject to the bill now includes Title V air quality control permits. These permits have a widespread effect on overburdened and underserved communities. Identifying these permits in SB978 is important because those sources account for some of the most harmful pollution impacting Maryland's overburdened and underserved communities. Title V of the federal Clean Air Act is an essential part of our nation's air pollution control framework, targeting major sources of hazardous air pollution—including nitrogen dioxide, sulfur dioxide, lead, carbon monoxide, ozone, and particulate matter. Particulate matter specifically has a disproportionate effect on EJ communities. Some of the health effects of particulate matter exposure include premature death in people with heart or lung disease, asthma, heart attacks, and decreased lung function. Moreover, Maryland must fill the void created by the federal government's recent abandonment of EJ principles and policies. *See* Executive Order, Ending Radical and Wasteful Government DEI Programs and Preferencing, January 20, 2025.

Second, the bill language now mandates that MDE either deny or condition permits for facilities that would compound adverse environmental and public health impacts on overburdened and underserved communities. This explicit requirement guarantees that Maryland's government will take steps to protect the most vulnerable of us from disproportionate harm. Maryland would not be the first state to adopt such requirements.⁷

Research on toxics, fugitive dust, and transparency that the Clinic conducted in 2023 for MDE's Air and Radiation Administration shows that other states understand the impact permitting can have on the health and well-being of residents—especially those exposed to multiple environmental stressors such as air and land pollution. Showing they understand the impact, states like New York, Minnesota, and New Jersey have all adopted more stringent public participation requirements for permitting decisions that will impact ⁸~~our~~ communities.

SB978 is an important step in protecting overburdened and underserved communities in Maryland, taking our state a step closer to realizing the goals of environmental justice. Too many Marylanders experience the ripple effects of decades of environmentally unjust permitting decisions and agency actions taken without regard to the existing disproportionate harms facing

⁷ New Jersey Stat. Ann. § 13:1D-157 requires the denial of permits for new facilities if the facility would disproportionately impact overburdened communities and requires that renewals whose disproportionate impact cannot be avoided must be modified to address the facility's impacts on certain environmental factors. A New York law, Environmental Conservation Law (ECL) Sec. 70-0118., provides that its Department of Environmental Conservation shall not issue an applicable permit for a new project if it determines that the project will cause or contribute more than a de minimis amount of pollution to the cumulative pollution burden on a disadvantaged community. The Connecticut Department of Energy and Environmental Protection or the Connecticut Siting Council can deny or impose specific conditions on permits for new construction and operation of proposed industrial facilities based on a determination that cumulative environmental or public health stressors on environmental justice communities close to the proposed facility are higher than other communities in the state. General Statutes of Connecticut § 20a-22a.

⁸ *See Commissioner Policy 29, Environmental Justice and Permitting*, New York State Department of Environmental Conservation (Mar. 19, 2003), <https://www.dec.ny.gov/regulations/36951.html>; Minn. Stat. § 116.065; N.J. Stat. §§ 13:1D-157–13:1D-161 (2018); N.J. Admin. Code. §§ 7:1C-2.1(a), 7:1C-2.2(a), 7:1C-4.1(a)(1)(i)–(vii), 7:1C-4.1(c), 7:1C-4.2(a)(2), 7:1C-5.2(a) (2025).

Emily Rudo and Johanna Vonderhorst
Environmental Law Clinic
University of Maryland Carey School of Law

500 W. Baltimore St.
Baltimore, MD 21301
jmueller@law.umaryland.edu

marginalized communities, and we are hopeful that this bill will help reduce additional burdens placed on them. We urge this committee to give the bill a favorable report.

Respectfully submitted on behalf of the University of Maryland Environmental Law Clinic,

Emily Rudo, JD '26

Johanna Vonderhorst, JD '25

Please feel free to direct any questions to our clinic director, Prof. Jon Mueller,

jmueller@law.umaryland.edu

This testimony is submitted on behalf of the Environmental 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.

2025 SB 978 Written Testimony for hearing - John G

Uploaded by: John Garofolo

Position: FAV

Senate Bill 978 – SUPPORT

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses

(CHERISH Our Communities Act)

Senate Education, Energy, and Environment Committee

My name is John Garofolo. I am a recently retired federal test and measurement scientist, a computer scientist, an Anne Arundel Watershed Steward, a citizen environmental advocate for my area, and I have previously been on the board of directors of my community association. I also created the volunteer Anne Arundel Patapsco Environmental Coalition because my area of northern Anne Arundel County along the tidal Patapsco River has been struggling with polluters for decades. I have lived in the community of Stoney Beach for 20 years – a beautiful 62-acre peninsula community in Curtis Bay in Northern Anne Arundel County. It would be an oasis if it wasn't surrounded by polluters.

My home and many others are within 1000 feet of the coal-powered Brandon Shores power generation station and even closer to the Wagner power-generation station which was recently converted from coal to other fossil fuels. Our community literally chokes on the fumes of these polluters. We have anecdotal evidence of higher respiratory, cardiac, cancer, and neurological disease in our community and unusual occurrences of these diseases. And I myself suffer from asthma, AFIB, and am a cancer survivor. When the winds from the power plants next to my home blow our direction, I have trouble breathing and my AFIB flares up. And sometimes I have trouble breathing.

But, the state continues to refuse to implement effective air quality monitoring in our area or conduct a health study for fear that it might uncover inconvenient truths. Moreover, our health is threatened by many polluters within just 5 miles of our community including the enormous expanding MPA Cox Creek Dredge Material Containment facility, a petroleum/asphalt processing plant, a chemical plant, multiple toxic material dumps, the horribly polluting Curtis Bay Energy medical incinerator - which is the largest in the country, the CSX coal terminal, and even a radioactive Superfund site. And, we are only two and a half miles directly across the Patapsco from Sparrows Point in which cleanup operations from the pollution from Bethlehem Steel have been ongoing for years. And there are countless other highly contaminated legacy pollution sites within our Zip Code. In addition to the smoke from the power plants, I often also smell the horrible odors of sewage from the waste water treatment plant near my community and the plasticky odor of the medical waste incinerator nearby. We have so many sources of air pollution that we can never escape them. And our soil is contaminated as is the tidal Patapsco and the sediment in it.

Our communities suffer from economic and home value burdens along with the health burdens from all of these sources of pollution. **Even real estate apps now grade communities on their pollution burden. And mine and homes for miles around have a low score.**

And we have no idea how much the pollution around us has impacted our ability to work because of illness or to the organizations which depend on us and the state and municipalities which have to pay for social services when we're unable to work and need uncovered medical care. The health effects of pollution have largely uncaptured impacts on our state's economy – from significant health costs for citizens, insurers, and the state, to sick days and unemployment that impact businesses, to strain on our medical system, and to depressed home values. We have suffered environmental injustice for decades. The last thing we need is more polluters near our homes. **The hidden costs of pollution have not been properly measured and assessed. They most certainly should figure into decisions about permitting polluters and recovering costs from known polluters in ways that support overburdened communities.**

While I completely understand the need for a thriving industry presence in Maryland, the weight of the economic and health burdens of that should not be born on the back of environmentally overburdened communities concentrated in particular areas such as the tidal Patapsco. The burden needs to be measured, understood, and fairly shared. Moreover, the negative impacts of pollution need to be reversed in overburdened communities like those in and near Curtis Bay and around the tidal Patapsco by removing polluters, more heavily monitoring known ones and ensuring their compliance, and constraining permits for modifications which would add to pollution burdens. More effective monitoring can largely be accomplished through automation as pollution sensing technology has improved and become much more economical. Communities need to be made aware of the impacts to their health and the state needs to create an analysis of health data to address the hidden costs of pollution. And communities need to be alerted when there are high-pollution days caused by coal and fossil fuel and waste burning. Part of these critical needs can be addressed by Senate Bill 978. **We've paid for polluting industries with our health for too long. It's time for environmental justice in our industrial permitting, comprehensive compliance monitoring, analysis, and enforcement, and addressing the economic burdens on community health and the cumulative and comprehensive impact of pollution on overburdened communities and the other stakeholders who are indirectly impacted by pollution. And a process is needed that that is more inclusive for impacted communities. Overburdened communities shouldn't have to play jump rope with the existing permitting process that is designed to work against them.**

Senate Bill 978 along with other synergistic bills proposed in this legislative session will create the necessary infrastructure to create a measured approach to balancing the burden of pollution on Maryland's most overburdened communities. I strongly support Senate Bill 978 and its commitment

John S. Garofolo | johngstoneybeach@gmail.com

to environmental justice for overburdened communities. This bill is a landmark for future bills that evaluate and regulate the permits for polluters based on quantitative cumulative measurement of pollution burdens to communities. Maryland can lead the way for environmental justice.

Sincerely,

John S. Garofolo

Stoney Beach, Curtis Bay, MD

John S. Garofolo | johngstoneybeach@gmail.com

SB978 -- CASA Written FAV Testimony.pdf

Uploaded by: Jose Coronado Flores

Position: FAV



FAVORABLE Testimony for SB978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Senate - Education, Energy, and Environment Committee

Jose Coronado-Flores on Behalf of the CASA

March 6th, 2025

Dear Honorable Chair Feldman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)**. CASA is the largest immigrant services and advocacy organization in Maryland, and in the Mid-Atlantic region, with a membership of over 60,000 Black and Latino immigrants and working families in Maryland. We would like to thank Sen. Lam for his leadership on this bill.

For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities of color and low-wealth communities. Our state doesn't consider how industry impacts a community's health when permits are issued. Local communities are often not consulted about where these projects get sited, and in many cases, have been left out entirely of this process.

In the transition to a net-zero state as imposed by the Climate Solutions Now Act, Maryland has the opportunity to accelerate emissions reductions in the cities and neighborhoods that deserve it the most - those most overburdened. No additional polluters should be permitted in any community with an EJ score in the upper 75th percentile.

The CHERISH Act does two critical things: allows MDE to reject or alter environmental permits based on an environmental justice (EJ) score, which is based on current pollution levels, community health, and the demographics of a community and requires facilities that are granted permits to pay into a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues the facility will cause. Here are 5 clear examples of communities that should not house anymore polluting facilities and should be remediated as quickly as possible:

Ex. Census Tract 8040.01 for example, where East Riverdale and Bladensburg meet in Prince George's County. This low-income immigrant community has an exposure score in the top 83% and overall score EJ score in the top 96%. The residents of this community are exposed to countless toxins and are in proximity to hazardous materials. Their homes lie in close proximity to the Bladensburg Industrial Park and a number of highly polluting industrial facilities, including Aggregate Industries' Bladensburg Asphalt Division, Aggregate Industries' Bladensburg ReadyMix Concrete & Hot Mix Asphalt Plant, DC



Materials and the Recycle One Processing Facility & Transfer Station. Annapolis Road, which splits into Route 450 and Landover Road as well as Edmonston Road and Kenilworth Avenue, also passes by these apartments, overburdening communities during peak traffic and commuter hours.

EX. Census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these 2 communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort. 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 facilities are all located within this strip of land. The communities here are overwhelmingly low-income and the majority of the inhabitants are residents of color. People living in this area are nearly guaranteed to have pollution-burden associated health outcomes.

EX. East Baltimore, specifically near the Pulaski Industrial Area, is overburdened with polluting facilities. Constellations operates its Philadelphia Road Constellation Power Station(61 megawatt facility¹) next to the Baltimore Recycling Center Processing Facility & Transfer Station. Both these facilities are just part of a network of polluting facilities less than a mile from each other. Schuster Concrete is a single metal linked fence from row homes. Among the many other toxic polluting facilities in the area is the Petroleum Fuels and Transfers Company(PF&T), which is equipped with fuel burners and millions of gallons of petroleum of storage². The traffic on 895 and Pulaski Highway also burdens the surrounding communities. This community does not need another polluting facility.

EX. Brandywine and the nearby communities have two permitted gas-fired power plants within 5 miles of each other. These two facilities - the KMC Thermo Mattawoman and Parkways Generating Keys Energy Center - are surrounded by an upper middle-class African-American community. The community is also full of materials distributors like sand, gravel, concrete, and other industrial products which run-off and guarantee daily heavy and medium duty truck transit.

EX. Lincoln Park, Rockville MD was an original place for African-American homeownership in Rockville³. It also became the adjacent neighborhood to the East Gude Landfill and industrial park. Today, this neighborhood is next to the Washington Gas Peak Shavings gas-fired power station, 4 active concrete and asphalt plants, and retired East Gude landfill-gas power plant(site of an underground landfill). Additionally, industrial traffic on East Gude Drive constantly pollutes the air.

¹<https://www.constellationenergy.com/our-company/locations/location-sites/philadelphia-road-generating-station.html>

² <https://apexoil.com/location/baltimore-north-md/>

³https://www.washingtonpost.com/realestate/history-endures-as-change-comes-to-rockvilles-lincoln-park-neighborhood/2020/12/08/0e9956d0-292a-11eb-8fa2-06e7cbb145c0_story.html



People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, we urge a favorable report.

Jose Coronado-Flores

Research and Policy Analyst

jcoronado@wearecasa.org, 240-393-7840



**Closed East Gude
Drive Homeless
Shelter**

**Retired East Gude
Landfill and Retired
East Gude Landfill-
Gas Power Plant**

**Cement and Asphalt
Plant Alley on
Southlawn Ln**

**Active Washington
Gas Westmore Dr
Peak Shavings
Facility**

**Rockville Housing
Enterprise Low-
Income Housing**

**Lincoln Park,
Rockville
Neighborhood**

Cherish Act Testimony 2025.pdf

Uploaded by: Joyce Cheng

Position: FAV



Committee: Education, Energy, and the Environment Committee

Testimony on: SB0978 – Environmental Permits – Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act)

Position: Favorable

Hearing Date: February 25, 2025

Submitted on behalf of Chesapeake Physicians for Social Responsibility (CPSR). CPSR is a statewide evidence-based organization of over 900 physicians and other health professionals and supporters that addresses existential public health threats: nuclear weapons, the climate crisis, and the issues of pollution and toxic effects on health, as seen through the intersectional lens of environmental, racial, and social justice.

CPSR strongly supports the CHERISH Act (SB0978). [As defined in the bill's text](#),¹ this legislation would allow the Maryland Department of the Environment (MDE) to factor in a community's environmental justice score² and existing pollution burden before approving new project permits. Without legal authority to use environmental justice scoring, MDE cannot adequately protect these communities from adverse environmental and public health impacts. As healthcare professionals dedicated to preventing harm and promoting public health, we see firsthand the devastating consequences of environmental injustice on our patients and their families. The CHERISH Act represents a critical opportunity to address these inequities.

Currently, when evaluating a permit application, the MDE only considers the environmental impact of the new project in isolation. It does not take into account the existing environmental burdens that many communities face. Environmental justice scoring,² which is a calculation of the pollution burden faced by underserved communities, is not currently used to make permitting decisions, as the MDE does not have the express legal authority to do so. The CHERISH Act requires consideration of a community's environmental justice score and its current pollution burden before the MDE can make a final determination on new permits. If the new permit would increase the pollution burden on an already overburdened community, the permit would not be granted without meaningful conditions imposed and a meaningful community benefits agreement. Other states such as New York³ and New Jersey⁴ have passed similar legislation.

Health impacts of environmental injustice. While in medical training at the Johns Hopkins School of Medicine, we have seen the harmful consequences of environmental pollution on our patients, who come from all over the city. In particular, patients who live near facilities such as the BRESCO incinerator⁵, Curtis Bay Energy incinerator⁶, and CSX coal export terminal⁶ are exposed to

disproportionate amounts of pollutants such as particulate matter (PM 2.5) and nitrogen oxides (NOx), that contribute to a variety of health conditions, such as respiratory issues, heart conditions, cancer, premature death, and more. The impact of PM 2.5 alone from the BRESKO incinerator is estimated to result in health consequences costing nearly 22 million dollars per year in Maryland.⁵ These facilities, among others, are also located in majority Black and low-income communities that already face increased systemic barriers to healthcare access. It is estimated that 20% of children in Baltimore, where these polluting facilities are prevalent, have asthma, which is more than twice the national rate of 9%.⁷ Children who were seen in the emergency department or hospitalized for asthma were more likely to be Black and lower income.⁷ Overall, Baltimore City has a rate of asthma-related hospitalizations that is almost 3 times higher than the national average and over 2 times higher than the Maryland average.⁸ Passing the CHERISH Act would play an important role in preventing these numbers from increasing, as these already overburdened communities would be more protected from new projects that could add to the pollution burden.

Curtis Bay is a key example of an area in Maryland that faces numerous environmental injustices and social inequities. It is home to an extensive list of industrial activities causing significant pollution, including the CSX open-air coal terminal, medical waste incinerator, BRESKO incinerator, Quarantine Road landfill, Patapsco Wastewater Treatment Plant, concrete crushing plants, asphalt manufacturing, chemical plants, oil and gas terminals, and heavy diesel truck traffic releasing black carbon.⁶ In addition to facing the chronic health impacts from constant pollution, members of vulnerable communities like Curtis Bay are also at higher risk of exposure to dangerous incidents related to these industrial facilities, such as the coal dust explosion at the CSX terminal in 2021, which resulted in property damage and left coal dust on nearby homes and schools.⁹ Curtis Bay is in the 99th percentile nationwide in terms of its high concentration of and proximity to facilities at enhanced risk of explosions, leaks, or spills of hazardous materials.⁶ In 2017, a fire in Curtis Bay destroyed 10 homes and displaced almost two dozen residents, and it was suspected that the nearby fire hydrants were dry.¹⁰ This community also has some of the worst water quality scores in the Baltimore region, largely due to sewage overflows.¹¹ It is critical for the MDE to account for the substantial, existing risks to health and wellbeing in neighborhoods like these through environmental justice scoring when considering any new permits.

The CHERISH Act aligns with our shared values of fairness, justice, and public health. It gives communities a seat at the table, ensuring that their voices are heard and their needs are met. It also provides a framework for balancing economic development with the imperative to protect those most vulnerable to environmental harm. By adopting the CHERISH Act, Maryland can set a powerful example of prioritizing equity and health in environmental decision-making. We urge you to **support the CHERISH Act (SB0978)** and take this essential step toward a healthier, more equitable Maryland.

Sincerely,
Chesapeake Physicians for Social Responsibility
P.O. Box 10445
Baltimore, Maryland 21209-0445
410-615-0717

Joyce Cheng, 4th Year Medical Student
Johns Hopkins University School of Medicine
jcheng63@jhmi.edu

Ursula Gately, 1st year Medical Student,
Johns Hopkins University School of Medicine
ugately1@jhmi.edu

Vennela Avula, 4th Year Medical Student
Johns Hopkins University School of Medicine
vavula1@jhmi.edu

References

1. <https://mgaleg.maryland.gov/2025RS/bills/sb/sb0978F.pdf>
2. https://mde.maryland.gov/Environmental_Justice/Pages/EJ-Screening-Tool.aspx<https://www.nysenate.gov/legislation/bills/2021/S8830>
3. <https://www.nysenate.gov/legislation/bills/2021/S8830>
4. https://www.njleg.state.nj.us/bill-search/2020/S232/bill-text?f=S0500&n=232_S3
5. <https://www.cbf.org/document-library/cbf-reports/thurston-wheelabrator-health-impacts-2017.pdf>
6. https://mde.maryland.gov/programs/permits/AirManagementPermits/Documents/FINAL_Full_CB%20Collab_%20Report.pdf
7. https://abell.org/wp-content/uploads/2022/02/2020_Abell_pediatric20asthma_FINAL-web20dr.pdf
8. <https://www.environmentalintegrity.org/wp-content/uploads/2017/12/Baltimore-Asthma.pdf>
9. <https://www.cbsnews.com/baltimore/news/curtis-bay-baltimore-coal-schools-csx/>
10. <https://www.wbalTV.com/article/nearly-2-dozen-residents-displaced-in-curtis-bay-fire/10255102>
11. <https://bluewaterbaltimore.org/2023reportcard/>

SB0978_CHERISH Act_Testimony_EEE_FAV.pdf

Uploaded by: Karl Held

Position: FAV

Testimony for SB0978: Support for Environmental Permits — Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Bill Senate Sponsor: Senator Lam

Committee: Senate Education, Energy, and the Environment;

Person Submitting: Karl Held

Position: Favorable

The CHERISH Our Communities Act (SB0973) is a significant improvement over the current permitting process for highly pollution burdened populations and I strongly urge your support for this bill. Thank you for your consideration of my request for a favorable report on this bill.

Karl Held
9008 Cherbourg Drive
Potomac, MD

SB0978_Little_FAV.pdf

Uploaded by: Kathryn Little

Position: FAV

Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Baltimore City and a person of faith concerned about public health, I am writing to express my strong support of SB0978, the CHERISH Our Communities Act.

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. For centuries, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland [face greater cancer risks and exposure to air toxins](#) due to higher pollution burden.

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 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.

I see the BRESCO incinerator smokestack from my bedroom window, and I know that just a couple of miles away the residents of Curtis Bay and other South Baltimore communities have been facing much worse air quality than I do from the CSX terminal and other industrial sites in their neighborhoods for decades. It is not sufficient to consider environmental and health impacts of each project individually; we must account for cumulative impacts that keep children home from school due to asthma, that cause elevated cancer and respiratory disease rates, and that reduce communities' quality and length of life.

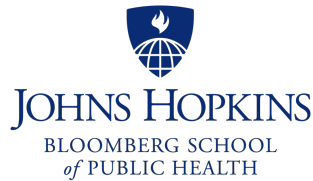
As Maryland confronts an energy crisis, we can and must make sure we do not increase pollution on already-overburdened communities. SB0978 is a necessary and timely bill to protect the most polluted communities in Maryland from more pollution. Please pass it in 2025, and you will save lives.

Regards,
Katie Little
881 W Lombard St Baltimore, MD 21201

SB0978_OccHealth.pdf

Uploaded by: Kirsten Koehler

Position: FAV



Testimony Supporting SB 978
Senate Education, Energy, and the Environment Committee
Written Testimony (submitted February 21, 2025)

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As Maryland residents and faculty who lead programs in occupational and environmental health at Johns Hopkins University, we write to express our strong support of SB978, the CHERISH Our Communities Act. Currently, Maryland's permitting system for polluting facilities does not consider the cumulative impact of multiple pollution sources in a single area. This oversight has led to a concentration of polluting facilities in historically marginalized and economically distressed communities, resulting in elevated cancer risks and increased exposure to harmful air toxicants for these vulnerable populations. Workers in these communities are often the most directly impacted by these environmental hazards, as they face daily exposures to harmful pollutants in their workplaces.

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution-generating facilities. The 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). Investing in community health directly enhances worker well-being by effectively addressing environmental hazards and workplace exposures. This proactive strategy not only improves individual health outcomes but also boosts productivity, stimulates economic growth, and reduces healthcare costs.

The CHERISH Act offers significant economic and social benefits that support worker well-being:

- (a) **Job Creation:** By encouraging cleaner industries and technologies, the act can stimulate green job growth in affected communities, potentially creating safer and healthier job opportunities;
- (b) **Healthcare Cost Reduction:** Improved air and water quality can lead to better public health outcomes, potentially reducing healthcare costs for workers, employers, and communities;
- (c) **Community Revitalization:** The act's provisions for community benefits agreements can lead to investments in local infrastructure and services, contributing to overall community improvement and potentially enhancing working conditions.

Some may argue that this legislation could hinder economic development. However, we believe that by promoting cleaner industries and technologies, the CHERISH Our Communities Act will drive innovation and create new economic opportunities. It will encourage businesses to adopt more sustainable practices, which can lead to long-term cost savings, improved competitiveness, and ultimately, safer and healthier workplaces and thriving communities.

We, the undersigned, lead the Johns Hopkins Education and Research Center, which is funded by the National Institute of Occupational Safety and Health (NIOSH) to provide education and training for the next generation of occupational health professionals and researchers. In addition, we each conduct research in exposure assessment, including environmental measurements of chemicals in occupational settings, in community air and water, and biological measurements of chemicals in workers and



residents. Many of us also contribute our expertise to epidemiologic studies investigating the health risks of exposure to chemical mixtures for workers and community members.

Workers face disproportionate risks from chemical exposures, with potential consequences extending beyond the workplace. Their exposure levels often far exceed those of the general public, and they may inadvertently carry hazardous substances home on their clothing, endangering family members. For those living near their workplaces, this creates a compounded threat of continuous exposure both at work and at home, amplifying health risks significantly.

Every year for the past 20+ years we have taught a class that introduces students to Baltimore's industrial past and present, and the occupational safety and health programs that workplaces implement to keep workers safe. As part of this class, we visit several workplaces in the Baltimore region, where it's impossible not to notice that some areas of the city are particularly impacted by a higher number of industrial sites than the rest of the city. We believe this bill represents an important path forward to limit additional burden on the same communities.

Drs. Koehler, Quirós-Alcalá, and Rule are also members of the JHU **Bridging Research, Lung Health & the Environment (BREATHE) Center**. As members of the JHU BREATHE Center, our extensive research conclusively demonstrates that air pollution, particularly PM2.5 and combustion-related pollutants like NO2, severely impacts vulnerable populations, especially children and older adults with respiratory conditions. In Baltimore, where industrial emissions are prevalent, childhood asthma rates are more than double the national average. This epidemic not only hinders children's education but also strains the healthcare system, with child asthma hospitalizations costing over \$3.5 million annually in Baltimore alone, primarily affecting Medicaid recipients. The stark disparities in asthma prevalence and severity within Baltimore and across Maryland underscore the critical role of environmental factors in chronic respiratory diseases. Our findings, aligned with global evidence, emphasize the urgent need for stringent environmental protections to safeguard public health and reduce healthcare burdens.

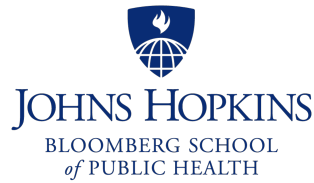
The CHERISH Our Communities Act aligns with Maryland's commitment to environmental stewardship, social equity, and worker protection. By supporting this bill, you will be taking a stand for the health and well-being of countless Marylanders who have long suffered from the cumulative effects of environmental pollution, both at home and in the workplace. We urge you to give SB978 a favorable vote. Thank you for your consideration.

A handwritten signature in blue ink that reads "Kirsten Koehler".

Kirsten Koehler, PhD
Professor and Director of the Occupational and
Environmental Hygiene Program
Education and Research Center
Department of Environmental Health and
Engineering
Johns Hopkins Bloomberg School of Public
Health

A handwritten signature in blue ink that reads "Gurumurthy Ramachandran".

Gurumurthy Ramachandran, Ph.D., CIH
Professor and Director, The Johns Hopkins
Education and Research Center for
Occupational Safety and Health
Department of Environmental Health and
Engineering
Johns Hopkins Bloomberg School of Public
Health



A handwritten signature in black ink, reading "Ana Ma. Rule".

Ana Maria Rule, PhD, MHS
Assistant Professor, Director of the Pilot
Research Program of the ERC Center
Department of Environmental Health and
Engineering
Johns Hopkins Bloomberg School of Public
Health

A handwritten signature in black ink, reading "Lesliam Quirós-Alcalá".

Lesliam Quirós-Alcalá, PhD, MS
Assistant Professor
Department of Environmental Health and
Engineering
Johns Hopkins Bloomberg School of Public
Health

A handwritten signature in black ink, reading "Christopher D. Heaney".

Christopher D. Heaney, PhD, MS
Associate Professor, Director of the
Occupational Epidemiology and Biomarkers
Program of the ERC Center
Department of Environmental Health and
Engineering
Johns Hopkins Bloomberg School of Public
Health

SB978 CHERISH Act - Maryland Climate Partners Writ

Uploaded by: Laura Bartock

Position: FAV



FAVORABLE Testimony for SB978

**Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses
(Cumulative Harms to Environmental Restoration for Improving Shared Health -
CHERISH Our Communities Act)**

Senate - Education, Energy, and Environment Committee
February 28th, 2025

Dear Honorable Chair Feldman and Members of the Committee,

Maryland Climate Partners is pleased to offer **favorable testimony in support of SB 978, Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act**. Maryland Climate Partners is a coalition of over one hundred environmental, faith, consumer advocacy and social justice organizations focused on ensuring equitable implementation of the Climate Solutions Now Act (CSNA).

The CHERISH Our Communities Act is a community-driven environmental justice initiative that seeks protections for the most overburdened and underserved communities in the state of Maryland. CSNA codified the definitions of “overburdened” and “underserved” communities, and this bill further activates and implements those definitions to prevent further harm in communities that are already hosting a concentration of polluting facilities.

In the transition to a net-zero state as imposed by CSNA, Maryland has the opportunity to accelerate emissions reductions in the cities and neighborhoods that deserve it the most – those most overburdened. SB 978 proposes reasonable and important considerations for permits in any community with an environmental justice (EJ) score in the upper 75th percentile in the state and the surrounding 1.5 miles.

The CHERISH Act does two critical things: 1) allows MDE to reject or alter environmental permits based on an analysis triggered by a high EJ score, which is based on current pollution levels, community health, and the demographics of a community; and 2) requires facilities that are granted permits to establish a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues the facility will cause.

People living in highly polluted areas should not have to worry about more polluting facilities opening and operating in their communities. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, Maryland Climate Partners urges a favorable report.

SB978_CHERISH Act_EEE_CJW FAV.pdf

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Education, Energy, and the Environment Committee
Testimony on: SB0978 – CHERISH Our Communities Act
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 25, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today on SB978. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations urges you to vote favorably on SB978.

The CHERISH Our Communities Act addresses the disproportionate environmental and public health harms that environmental justice communities in Maryland historically have and currently are facing from facilities like incinerators, fossil fuel power plants, manufacturing plants, and landfills. The bill 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).

SB0978 specifically covers communities in and immediately around census tracts with an environmental justice score of 75 or above, according to the MDE's EJ Screening Tool. A higher score indicates communities with higher exposure to pollutants combined with sensitive populations and underserved demographics. When a project requiring an MDE permit is proposed for these areas, extra information is required from the permit applicant in the form of an Environmental Impact Statement and Existing Burden Report. MDE must consider whether the project will increase the pollution burden on the surrounding community as part of their review process. If MDE determines the project would cause or contribute to an increased potential for adverse community environmental and public health impacts in an at-risk census tract, then it must deny the permit or include conditions under certain circumstances.

Maryland communities that have suffered from an undue and disproportionate burden of pollution should not have to endure further injury from new, expanded, or renewed permitted projects. SB978 provides a thoughtful process to avoid future harm. For these reasons, the MLC Climate Justice Wing respectfully urges a **FAVORABLE** report in Committee.

350MoCo
Adat Shalom Climate Action
Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Chesapeake Earth Holders
Climate Parents of Prince George's
Climate Reality Project
ClimateXChange – Rebuild Maryland Coalition
Coming Clean Network, Union of Concerned Scientists
DoTheMostGood Montgomery County
Echotopia
Elders Climate Action
Fix Maryland Rail
Glen Echo Heights Mobilization
Greenbelt Climate Action Network
HoCoClimateAction
IndivisibleHoCoMD
Maryland Legislative Coalition
Mobilize Frederick
Montgomery County Faith Alliance for Climate Solutions
Montgomery Countryside Alliance
Mountain Maryland Movement
Nuclear Information & Resource Service
Progressive Maryland
Safe & Healthy Playing Fields
Takoma Park Mobilization Environment Committee
The Climate Mobilization MoCo Chapter
Unitarian Universalist Legislative Ministry of Maryland
WISE

sb978- environmental impact and justice EEE 2-25-2

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Education, Energy, and the Environment Committee
on
Senate Bill 978
February 25, 2025
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify for a human right to attend to just stewardship of creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three judicatories in every part of our State.

Our community addressed concern for a safe, healthy environment that can sustain life in “Caring for Creation” (ELCA, 1993). Among perspectives articulated in that statement is stewardship of natural resources and processes as matters for human ethics.

Universality presents as consequences. Because communities of faith worship a Maker, they approach providence with reverence and gratitude, in solidarity with all living things. Created gifts are a glimpse of holiness in life, time, and human experience. We are not merely all in this together; we are all *of this*, together.

Maryland’s General Assembly adopted an Environmental Policy Act in 1973. Among its commitments is, *each person has a fundamental and inalienable right to a healthful environment*. Our understanding from the tradition of our faith says the same.

Senate Bill 978 would make consequences for a healthy environment a required consideration by certain public permitting procedures. Among its justice advances is a requirement that communities to which adverse effects are being assigned be included in the process. It has become something like public policy that communities already accommodating facilities and systems resulting in poor human health and safety should accept additional dangers and threats.

Injustice isn’t addressed by making it worse. We therefore support **Senate Bill 978** and implore the Committee’s favorable report.

Lee Hudson

SB0978_FAV_CHERISH_EEE_HoCoCA.pdf

Uploaded by: Liz Feighner

Position: FAV



HoCoClimateAction.org
Howard County, Maryland

**SB0978: Requirements for Public Participation and Impact and Burden Analyses
(Cumulative Harms to Environmental Restoration for Improving Shared Health -
CHERISH Our Communities Act)**

Hearing Date: February 25, 2025

Bill Sponsor: Senator Lam

Committee: Education, Energy, and the Environment

Submitting: Liz Feighner for **HoCo Climate Action**

Position: **Favorable**

[HoCo Climate Action](#) is a [350.org](#) local chapter and a grassroots organization representing approximately 1,400 subscribers. It is also a member of the [Climate Justice Wing](#) of the [Maryland Legislative Coalition](#).

Howard County Climate Action **supports SB0978, the CHERISH Our Communities Act** and we urge you to pass SB0978 which will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. Currently, when a new permit to pollute is considered, Maryland only evaluates how that permit will impact a community, instead of evaluating the cumulative impacts with other sources of pollution already allowed.

For centuries, these polluting facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland [face greater cancer risks and exposure to air toxics](#) due to higher pollution burden. Maryland lacks the legal authority to make permitting decisions based on environmental justice data. The bill 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).

SB0978 specifically covers communities in and immediately around census tracts with an environmental justice score of 75 or above, according to the MDE's EJ Screening Tool. A higher score indicates communities with higher exposure to pollutants combined with sensitive populations and underserved demographics. This bill requires MDE to consider whether the project will increase the pollution burden on the surrounding community as part of their review process and will give MDE the legal authority to deny the permit.

The permit reform provided by the CHERISH Act implements a fairer system where community voices are taken into account in decisions that affect their health and well-being. It will ensure that communities already dealing with pollution burdens aren't forced to accept more without safeguards and benefits.

We urge a **favorable report for SB0978**.

Howard County Climate Action
Submitted by Liz Feighner, Steering Advocacy Committee
www.HoCoClimateAction.org
HoCoClimateAction@gmail.com

SB 978 - National Aquarium - Support .pdf

Uploaded by: Maggie Ostdahl

Position: FAV



NATIONAL AQUARIUM®

Date: February 25, 2025

Bill: SB 978 - Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (CHERISH Our Communities Act)

Position: Support

Dear Chair Feldman and Members of the Committee:

The National Aquarium respectfully requests a favorable report for SB 978 – Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (CHERISH Our Communities Act). This legislation would change the way the Maryland Department of Environment (MDE) evaluates permits for facilities that emit pollution by requiring public notice, meaningful community engagement, community benefits agreements, and impact reduction measures for all major pollution permits. This bill would also allow MDE to consider environmental justice and cumulative impacts of pollution when making permitting decisions.

The National Aquarium connects people with nature to inspire compassion and care for our ocean planet. Our three overarching strategic goals to combat climate change, stop plastic pollution, and save wildlife and habitats are guided by principles of equity and environmental justice. For more than a decade, the National Aquarium has collaborated with neighbors from Baltimore's Brooklyn and Curtis Bay communities and other partners through the Masonville Cove Urban Wildlife Refuge Partnership, restoring access to and offering year-round educational programming on over 100 acres of remediated land and water. Masonville Cove is adjacent to several communities of Baltimore residents who historically and presently bear a disproportionate share of the impacts of industrial pollution.

In Baltimore and beyond, industrial facilities are often concentrated in or near communities of color and economically distressed areas, and people living there inequitably experience cumulative impacts of pollution from those facilities. For instance, residents of South Baltimore are harmed by pollution from a variety of concrete and asphalt plants, trash and medical waste incineration, petroleum and coal terminals, landfills, and other polluting facilities. This bill incorporates priorities and expertise from people living in affected communities and fills a gap in MDE's current permitting authority to protect public health. Including input from residents who live where permits are being considered is long overdue and this bill will enable adequate environmental impact assessment and opportunities for public participation for new, renewed, and expanded environmental permits.

The current process for evaluating polluting facilities is outdated and allows environmental harm to compound in already overburdened and underserved communities. This legislation, like bills enacted in New York, New Jersey, and Minnesota, will ensure sources of pollution are not evaluated in a vacuum. Accounting for cumulative impacts in permitting decisions and setting strict guidelines for community engagement for new sources of pollution deepens the state's commitment to environmental justice, public health, and the well-being of all Marylanders.

We urge the Committee to issue a favorable report on SB 978.

Contact:

Ryan Fredriksson

Vice President, Government Affairs

410-385-8276

rfredriksson@aqua.org

Maggie Ostdahl

Sr. Conservation Policy Manager

410-385-8275

mostdahl@aqua.org

SB0978_MDSierraClub_fav_25February2025.pdf

Uploaded by: Mariah Shriner

Position: FAV



SIERRA CLUB

MARYLAND CHAPTER

P.O. Box 278
Riverdale, MD 20738

Committee: Education, Energy, and the Environment

Testimony on: 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)

Position: Support

Hearing Date: February 25, 2025

The Maryland Chapter of the Sierra Club urges a favorable report on the CHERISH Our Communities Act, SB 978. This bill will require meaningful community engagement and public notice for all major pollution permits and help avoid or mitigate impacts on already overburdened communities. Importantly, Maryland Department of the Environment would have authority to consider cumulative impacts and environmental justice in permitting decisions and to take or require actions to address them where already overburdened communities would be impacted. Existing procedures have left overburdened communities across the state to have to endure an increasingly polluted environment and associated adverse health impacts. The measures outlined in the CHERISH Our Communities Act are needed to ensure that communities near polluting facilities or clusters of them are also able to experience clean air and water and a healthful environment.

Maryland's current system for issuing permits does not reflect the reality of how polluting facilities have been sited over decades. Polluting facilities have not been built in isolation, but rather they are often clustered and sited near vulnerable or already overburdened communities. As such, the CHERISH Act amends the permit process to align with actual conditions.

The Act also requires meaningful community engagement and public notice for all major pollution permits, giving Maryland residents the ability to be informed about the impacts that polluters have on the environment and become more engaged in the permitting process.

For those who don't know what it is like to live near a polluting facility, imagine living downwind of an incinerator and it smelling like burnt toast for hours whenever the incinerator is on most days of the week. That acrid smell permeates all the air outside and also the air inside the apartment. Imagine having health problems from it and not knowing why. Imagine your child having asthma from polluted air in your community but you can't afford to move. This is just a window into pollution's effects from actual personal experience. There are communities in Maryland that are near multiple sources of pollution, and their difficulties are magnified.

In recognition of how polluting facilities have and continue to be sited near already overburdened communities, states including New Jersey, New York, and Minnesota have already passed and are implementing legislation similar to the CHERISH Our Communities Act.

Given the critical importance of protecting residents of overburdened communities across the state, the Maryland Chapter of the Sierra Club urges a favorable report on SB 978, the CHERISH Our Communities Act.

Paula Posas
Deputy Director
Paula.Posas@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

SB0978-Wills-Karp Testimony.pdf

Uploaded by: Marsha Wills-Karp

Position: FAV

Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to provide testimony in support of SB0978, the CHERISH our Communities Act on behalf of Johns Hopkins University.

As a public health scientist and educator, and a Professor and Chair of the Department of Environmental Health and Engineering in the Johns Hopkins Bloomberg School of Public Health and Director of the NIH funded CHARMED Community Health Center, I write in strong support of SB0987. I have doctoral training in human physiology with a particular focus on respiratory immunology and environmental health. I have worked in the field of environmental health for 30 years focusing on understanding the health impact of a range of pollutants from industrial activity on vulnerable individuals (pregnant women, children) and disadvantaged communities.

Health Impacts of Environmental Pollutant Exposures

Throughout our lives, we are exposed to a complex mixture of environmental pollutants from a vast array of sources that affect our health in ways we don't often see. From the chemicals in the air we breathe, the water we drink, and the soil we touch, these environmental exposures result in a myriad of adverse health outcomes and lower quality of life.

A prime example is that exposure to a range of airborne pollutants such as PM2.5-PM10, CO, sulfur dioxide, and nitrogen dioxide from a variety of sources (polluting factories, fossil fuel shipment facilities, trash incinerators, landfills, and polluting factories) contribute to long-term health problems, economic costs, and years of diminished quality of life and productivity. Specifically, air pollution exposure is strongly linked to risk for all-cause mortality as well as specific diseases including stroke, heart disease, chronic obstructive pulmonary disease, lung cancer, and pneumonia. Not surprisingly, the top disease related causes of death in Maryland are stroke, heart disease, cancer, and respiratory disease.

In 2021 in Baltimore alone, the Maryland Department of Health found that asthma rates in Baltimore City are not only higher than the national average, but disproportionately affect children, African Americans, and low-income residents. A staggering 18.6% of children in Baltimore suffer from asthma, compared to just 5-8% nationally. Adults in the city also suffer at higher rates, with 13.7% of the population living with asthma—well above both state and national averages. More troubling still, emergency room visits for asthma-related conditions in Baltimore are the highest in the state, with African Americans experiencing asthma-related hospitalizations and mortality rates far higher than their white counterparts. The life expectancy in Maryland for all causes is lower in Baltimore than other parts of the State. Moreover, the life expectancy of Black men and women in MD are lower than their white counterparts.

My colleagues and I have also reported that exposure of pregnant women to even low levels of air pollution (PM2.5) during pregnancy is associated with inflammation of the placenta and a dose-related increased risk of preterm birth (PTB) and low birth weight (Nachman et al., 2016,). Being borne prematurely is associated with neonatal complications such as respiratory distress syndrome, sepsis, but also adverse psychological, behavioral, and educational outcomes in later life (Saigal and Doyle, 2008) In addition, preterm babies are at higher risk of developing hypertension, obesity, diabetes, stroke (Mao et al., 2017) and Attention Deficit Hyperactivity Disorder (ADHD) later in life (Ahmed, 2024; Forns J, 2018).

Cumulative Impacts

The science behind cumulative impacts shows that the health effects of these pollutants don't simply add up—they interact in complex ways, worsening outcomes over time. We observed that urban Baltimore ambient air contains a wide variety of harmful chemicals [PM2.5, polyaromatic hydrocarbons, and heavy metals (lead, mercury, cadmium)] (Walters et al., 2001) each of which have been individually associated with adverse health outcomes including neurodevelopmental impairment and respiratory disease (Agency for Toxic Substances and Disease Registry; Yang et al, 2024; Zhi, et al., 2025). An illustration of the cumulative burdens of toxic exposure in a community is the report by Hsieh et al (2024) that the increased density of gas stations (benzene) in a neighborhood is associated with increased cancer risks because of cumulative emissions from the individual gas stations. This data highlights the need to take cumulative impacts into consideration when making decisions regarding expansion or development of new pollutant sources in an overburdened community.

Economics Costs of Pollutant Exposures

Addressing the cumulative impacts of pollution is not just a matter of science—it's a matter of economic justice. The costs of unchecked pollution are staggering. In Baltimore, asthma alone results in thousands of emergency room visits every year, with the burden falling disproportionately on the public healthcare system. In 2019, an estimated \$23 million in emergency room costs were associated with asthma treatment, with nearly 71% of those costs covered by public funds. Added to these figures, are the high health care costs for treatment of PTB-associated comorbidities and the loss of economic productivity due to PTB-associated reductions in cognitive potential (11.9 IQ point decrements on average) (Trasande and Liu, 2011). These costs represent only a fraction of the broader economic impact of environmental pollution on healthcare, lost productivity, and education.

Environmental Justice Concerns

This cumulative impact of environmental stressors is a critical factor in public health, especially for communities already burdened by systemic inequality. From the Maryland EJ Screening tool we know that people in many Maryland communities are faced with more than their fair share of chemical stressors as well as challenging health disparities, social and economic circumstances. According to the U.S. Environmental Protection Agency (EPA) communities of color are exposed to higher-than-average levels of toxic air pollution. In fact, MDE reports that there are 70 regulated pollutant sources in the Curtis Bay area. These cumulative exposures over the lifespan of residents result in higher rates a variety of chronic health conditions that place an enormous burden on both individuals and the healthcare system.

Conclusion

As we move forward, it is crucial that we adopt policies that recognize the full complexity of environmental harm. To truly address the health disparities exacerbated by pollution, we must consider how multiple environmental stressors affect communities when approving permits. Only by taking a comprehensive approach to understanding and mitigating cumulative impacts can we protect public health and ensure a healthier future for all.

I respectfully submit that the CHERISH Act's requirement for an Existing Burden Report provides decision makers with a more complete understanding of this critical context so risk management decisions can be made that protect health in all communities.

- **I support SB0978 to ensure that permit decisions are made with a full understanding of the health impacts on affected communities.**
- **I look forward to working with community members and state and local decision makers to implement practical cumulative risk and impact assessment approaches for Maryland.**

References

Nachman et al., Intrauterine Inflammation and Maternal Exposure to Ambient PM2.5 during Preconception and Specific Periods of Pregnancy: The Boston Birth Cohort. *Environ Health Perspect.* 2016.PMID: 27120296

Pereira G, Belanger K, Ebisu K, Bell ML. Fine particulate matter and risk of preterm birth in Connecticut in 2000–2006: a longitudinal study. *Am J Epidemiol* 179: 1- 67-74, 2014.

Saigal S, Doyle LW, An overview of mortality and sequelae of preterm birth from infancy to adulthood. *Lancet* 371: 261-269, 2008.

Mao, et al., Individual and Joint Effects of Early-Life Ambient Exposure and Maternal Pre-pregnancy Obesity on Childhood Overweight or Obesity. *Environ Health Perspect.*, 2017.

Ahmad S, et al. Association Between Ambient Air Pollution and Attention-Deficit/Hyperactivity Disorder (ADHD) in Children: A Systematic Review and Meta-Analysis. *Cureus* 16: e71517, 2024.

Forns J, et al., Air pollution exposure during pregnancy and symptoms of attention deficit and hyperactivity disorder in Children in Europe. *Epidemiology.* 29(5):618-626. doi: 10.1097/EDE.0000000000000874, 2018.

Walters DM, et al., Ambient urban Baltimore particulate-induced airway hyperresponsiveness and inflammation in mice. *Am. J. Respir. Crit. Care Med.* 164: 1438-43. PMID: 11704592, 2001.

Hsieh Y, et al. Benzene emissions from gas station clusters: a new framework for estimating lifetime cancer risk. *J. Environ. Health Sci. Eng.*, 7;19(1):273-283, 2021.

Trasande L, et al. Particulate matter exposure and preterm birth: estimates of U.S. attributable burden and economic costs. *Environ. Health Perspect.* 124:1913-1918; 2016.

Yang Y, et al., The individual and combined effects of polycyclic aromatic hydrocarbons on asthma among US children: evidence from the NHANES Study. *Int. J. Environ. Health Res.* 20:1-12. doi: 10.1080/09603123.2024.2431246, 2024.

Zhi et al., Polycyclic aromatic hydrocarbons exposure in early pregnancy on child neurodevelopment. *Environ. Pollut.* 2025, doi: 10.1016

2025 CHERIS Testimony Marta Orellana .pdf

Uploaded by: Marta Orellana

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Marta Orellana
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Marta Orellana, and I have been a resident of Baltimore City District 46 for the past 16 years. As a mother of two children—one of whom battles both asthma and autism—I am deeply invested in advocating for environmental justice. That is why I am writing today in strong support of SB978, the CHERISH Our Communities Act.

This bill is deeply important to me because, as I mentioned, my youngest son suffers from asthma. For too long, our communities have been left behind, neglected, and forced to bear the burdens of pollution. Families like mine continue to live in areas where harmful environmental impacts accumulate, yet we have little protection from additional pollution.

SB 978 is a critical step toward ensuring that the Maryland Department of the Environment (MDE) fully considers the cumulative impacts of pollution when reviewing permit applications. By supporting this bill, you are taking action to protect the most vulnerable communities from further environmental harm. This bill ensures a more thorough and just permitting process that accounts for the existing pollution burden in communities like mine, safeguarding the health of families already living in vulnerable areas and preventing further negative health impacts on children, like my son.

I urge you to support SB978 and stand with families like mine who deserve clean air, a healthier future, and stronger protections for our communities.

Thank you for your time and consideration.

Sincerely,
Marta Orellana

SB978_Risk Institute_final.pdf

Uploaded by: Mary Fox

Position: FAV



JOHNS HOPKINS
BLOOMBERG SCHOOL
of PUBLIC HEALTH

**Risk Sciences and
Public Policy Institute**

**Testimony Supporting SB 978
Senate Education, Energy, and the Environment Committee
Written Testimony**

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

Thank you for the opportunity to provide testimony in support of SB 978, the CHERISH Our Communities Act: From Cumulative Harms to Environmental Restoration for Improving our Shared Health. As a resident of Maryland and expert in cumulative risk assessment and community environmental health, I am writing to express my strong support of SB 978, the CHERISH Our Communities Act.

I am Dr. Mary Fox, Associate Practice Professor in the Departments of Health Policy and Management and Environmental Health and Engineering in the Johns Hopkins Bloomberg School of Public Health. I am a risk assessor with doctoral training in toxicology, epidemiology and environmental health policy. I am faculty of the Johns Hopkins Risk Sciences and Public Policy Institute (Risk Institute) where I teach human health risk assessment including chemical mixture and cumulative risk assessment methods. I have worked in the field of cumulative risk assessment for 25 years developing and applying these methods to understand community health impacts in places where hazardous waste disposal and industrial activity expose people to toxic chemicals through air, food, water and soil.[1-3]

I provide the testimony below on behalf of myself and the undersigned colleagues of the Risk Institute. For 28 years, the Risk Institute has worked to apply human health risk assessment methods to develop policies that reduce the health impacts of chemical exposures. Our research and practice in the fields of exposure science, chemical risk assessment, risk policy and management have supported scientific assessments and policy making on a wide variety of environment and health issues. Through this work we have developed expertise in health risks of arsenic and other metals that leach from coal combustion waste (fly ash) disposal, use of antibiotics, biosolids and pesticides in food production, tobacco regulation, urban agriculture, and exposures to air toxics including benzene and other organic solvents.[4-6]

Main points covered: 1) why policy action to reduce cumulative exposure is needed; 2) the health impacts and risks that result from cumulative exposures; and 3) the readily available methods we have to prepare Existing Burden Reports.

- **An everyday reality: Cumulative exposures and impacts**

Most people do not realize that everyday activities, e.g., getting to work, the food we eat and products we use, expose us to complex mixtures of environmental chemicals and other non-chemical stressors (e.g., low income, nutritional status, psychosocial stress). We can do some things on our own to reduce these exposures but broader action and policy changes are also needed to protect public health. Each person's ability to respond to these stressors depends on their own health status and their ability to access other resources such as health care within their community. For example, good nutrition reduces the amount of lead (Pb) people absorb from environmental sources.[7] From the Maryland EJ Screening tool we know that people in many Maryland communities are faced with more than their fair share of chemical stressors as well as challenging health disparities, social and economic circumstances.[8] The CHERISH Act's requirement for an Existing Burden Report provides decision makers with a more complete understanding of this critical context so risk management decisions can be made that protect health in all communities.

- **Examples of cumulative risk and impact**

Research at the individual, community and state levels finds chemical mixtures and combined exposures of chemical and non-chemical stressors to be associated with outcomes such as mortality, increased cancer risk and child neurodevelopment. In my early research, I developed a method to pair a cumulative risk assessment with community health finding that exposures to large mixtures of toxic air pollutants (>100 chemicals) were associated with increased mortality at the neighborhood level in Philadelphia.[1] In Maryland, research showed that cancer risks estimated from exposures to mixtures of air toxics were higher in communities of color and low socio-economic position.[9] Our work finds that people are unique and may have different responses to certain exposures depending on health status or wealth measured as socio-economic status. For example, an analysis of data from the National Health and Nutrition Examination Survey found that women of reproductive age who had prior Hepatitis B infection were more likely to have higher levels of mercury in their blood, which would put their infants at greater risk of developmental delays.[10] Other research found that people with different socio-economic status had differing amounts of IQ loss due to lead (Pb) exposure from air, with those of lower socio-economic status having greater IQ loss.[11] Studies of air and other pollutant exposures in combination with race, ethnicity or stress show increased risks of adverse birth and neurodevelopmental outcomes.[12, 13]

- **Employ readily available methods for Existing Burden Reports**

Creating an Existing Burden Report can draw upon a strong foundation of well-recognized methods in a community-engaged approach. Methods such as health impact assessment and chemical mixtures risk assessment can provide the necessary context on health, social factors and the chemical exposures affecting community residents. The US EPA has applied health impact assessment to promote "sustainable and healthy communities." [14] The Maryland Department of Health offers a Health Impact Assessment Toolkit including the ability to "... map Maryland health, environmental, and social economic data at the county, ZIP code, and census tract level." [15] Data on environmental exposures can be evaluated with mixtures and

cumulative risk assessment methods that have been available for many years.[16, 17] These same cumulative risk assessment methods are being used as part of New Jersey's Environmental Justice Law implementation.[18] Leveraging these approaches to incorporate consideration of cumulative harms in environmental permitting decisions would be an important step forward for public health to reduce cumulative exposures and prevent harm in Maryland's communities.

- **We support SB 978 to ensure that permit decisions are made with a full understanding of the health impacts on affected communities.**
- **We look forward to working with community members and state and local decision makers to develop and implement practical cumulative risk and impact assessment approaches for Maryland.**

Mary A. Fox, PhD, MPH
Department of Health Policy and Management
Johns Hopkins Bloomberg School of Public Health

Susan Chemerynski, ScD, MPH
Department of Health Policy and Management
Johns Hopkins Bloomberg School of Public Health

Sara N. Lupolt, PhD, MPH
Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health

Keeve E. Nachman, PhD, MHS
Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health

References

1. Fox, M.A., *Evaluating cumulative risk assessment for environmental justice: a community case study*. Environ Health Perspect, 2002. **110 Suppl 2**(Suppl 2): p. 203-9.
2. Fox, M.A., M.C. Sheehan, and T.A. Burke, *A Risk Assessment Approach for Policy Evaluation: New Jersey Case Studies*. Human and Ecological Risk Assessment: An International Journal, 2015. **21**(8): p. 2258-2272.
3. Fox, M., et al., *Evaluating the community health legacy of WWI chemical weapons testing*. J Community Health, 2010. **35**(1): p. 93-103.
4. Lupolt Sara, N., et al., *The Safe Urban Harvests Study: A Community-Driven Cross-Sectional Assessment of Metals in Soil, Irrigation Water, and Produce from Urban Farms and Gardens in Baltimore, Maryland*. Environmental Health Perspectives. **129**(11): p. 117004.

5. Fox, M.A., *Written testimony to the U.S. House of Representatives Committee on National Resources Subcommittee on Energy and Mineral Resources Hearing on “How Should the Federal Government Address the Health and Environmental Risks of Coal Combustion Waste?”* 2008.
6. Robinson, E.S., et al., *Ethylene Oxide in Southeastern Louisiana’s Petrochemical Corridor: High Spatial Resolution Mobile Monitoring during HAP-MAP*. Environmental Science & Technology, 2024. **58**(25): p. 11084-11095.
7. USDA. *Fight Lead Poisoning with a Healthy Diet*. Available from: <https://wicworks.fns.usda.gov/resources/fight-lead-poisoning-healthy-diet>.
8. Williams, E., et al., *MD EJSCREEN v2.0: Visualizing Overburdening of Environmental Justice Issues Using the Updated Maryland Environmental Justice Screening Tool*. Environmental Justice, 2022. **15**(6): p. 385-401.
9. Apelberg, B.J., T.J. Buckley, and R.H. White, *Socioeconomic and racial disparities in cancer risk from air toxics in Maryland*. Environ Health Perspect, 2005. **113**(6): p. 693-9.
10. Sheehan, M.C., et al., *Association of markers of chronic viral hepatitis and blood mercury levels in US reproductive-age women from NHANES 2001-2008: a cross-sectional study*. Environ Health, 2012. **11**: p. 62.
11. Chari, R., et al., *Integrating susceptibility into environmental policy: an analysis of the national ambient air quality standard for lead*. Int J Environ Res Public Health, 2012. **9**(4): p. 1077-96.
12. Payne-Sturges, D.C., et al., *Disparities in Toxic Chemical Exposures and Associated Neurodevelopmental Outcomes: A Scoping Review and Systematic Evidence Map of the Epidemiological Literature*. Environ Health Perspect, 2023. **131**(9): p. 96001.
13. Padula, A.M., Z. Rivera-Nunez, and E.S. Barrett, *Combined Impacts of Prenatal Environmental Exposures and Psychosocial Stress on Offspring Health: Air Pollution and Metals*. Curr Environ Health Rep, 2020. **7**(2): p. 89-100.
14. EPA. *Health Impact Assessment*. January 6, 2025; Available from: <https://www.epa.gov/healthresearch/health-impact-assessments>.
15. Maryland Department of Health. *Health Impact Assessment Toolkit*. 2025 [cited 18 February 2025]; Available from: <https://health.maryland.gov/phpa/OEHFP/EH/tracking/Pages/HIA-MD.aspx>.
16. EPA. *Framework for Cumulative Risk Assessment*. 2003; [cited 18 February 2025] Available from: https://www.epa.gov/sites/production/files/2014-11/documents/frmwrk_cum_risk_assmnt.pdf.
17. EPA. *Supplementary Guidance for Conducting Health Risk Assessment of Chemical Mixtures*. 2000 [cited 18 February 2025] Available from: <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=20533>.
18. State of New Jersey, Department of Environmental Protection. In the matter of Passaic Valley Sewerage Commission, Environmental Justice Decision and Imposition of Special Conditions Pursuant to Administrative Order No. 2021-25 [cited 21 February 2025] Available from: <https://dep.nj.gov/wp-content/uploads/ej/ej-decision-pvsc-backup-power-facility-20240718.pdf>

SB 978 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 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)

Date: February 25, 2025
To: Education, Energy, & Environment Committee

Position: **FAVORABLE**
From: Gussie Maguire,
MD Staff Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 978, which requires permit applicants to the Department of the Environment to include an environmental impact analysis with their application if the project may have an increased potential for environmental and human health impacts. Applicants for projects located within 1.5 miles of at-risk census tracts at or above the 75th percentile EJ Score must also submit an existing burden report, detailing health and environmental stressors already affecting nearby communities.

Applications for permits that would worsen those stressors could only be approved if there were no reasonable alternative, and if more stringent permit conditions were applied and a mitigation fund agreement established with the impacted communities. Finally, the bill would strengthen public notice requirements by requiring the Department to post information about violations and enforcement actions on permitted facilities near at-risk census tracts.

This bill responds to historic inequities, where poor communities, often communities of color, have been forced to share space with disproportionate numbers of industrial facilities, landfills, incinerators, power plants, and other pollution sources. Overburdened communities face health impacts as well as damage and lack of safe access to natural spaces. Emissions and discharges from multiple facilities within a single watershed place undue stress on the waterway and its surroundings. Requiring an analysis of the environmental and health burdens already impacting an area will help the Department of the Environment make informed decisions about where it can responsibly allow for additional permitted discharges, emissions, and other industrial impacts.

CBF urges the Committee's FAVORABLE report on SB 978.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

SB978 - Hopkins - Support.pdf

Uploaded by: Michael Huber

Position: FAV



**Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025**

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As co-chairs of the **Environmental Justice and Community Partnerships (EJCP) Committee** of the Sustainability Leadership Council (SLC) at Johns Hopkins University (JHU), and as residents of Maryland, we write to express our strong support of SB978, the CHERISH Our Communities Act.

The EJCP Committee serves in a leadership, convening, and guidance capacity for university-wide academic, research, and operational activities that can positively impact environmental justice through the depth and breadth of JHU's capacities and partnerships. Communities of color and low-income communities bear a disproportionate and adverse environmental and health burden from pollution. The current regulatory framework in Maryland considers the emission of environmental pollutants one permit at a time, in isolation, whereas residents of overburdened, low-income communities and communities of color experience the adverse environmental and health impacts from the totality of pollutant emissions across numerous permitted facilities. Foundational to the efforts of the EJCP Committee is a goal to improve understanding and identify opportunities to mitigate these cumulative impacts and disproportionate and adverse burdens on the health and the environment, locally in Baltimore, across our state, and worldwide. *Herein, we provide:*

1. Information about the EJCP Committee's positionality and role within JHU and its community partnerships;
2. Steps JHU has taken to understand and meaningfully integrate principles and practices of environmental justice in the promulgation of its new Climate Action & Sustainability Plan;
3. An example of how JHU has integrated the 17 Principles of Environmental Justice¹ into institutional, university-wide decision-making and operational practices; and
4. Examples of the EJCP's partnership work with overburdened communities and how they would benefit from the CHERISH Our Communities Act.

1) EJCP Committee at JHU:

Our support of the CHERISH Our Communities Act is informed by the EJCP's academic, research, policy, and operations work at JHU. Dr. Chris Heaney, Associate Professor of Environmental Health and Engineering, co-leader of the Community Engagement Core of the Center for Community Health: Addressing Regional Maryland Environmental Determinants of Disease (CHARMED), and Director of the Community Science and Innovation for Environmental Justice (CSI EJ) Initiative, leads research addressing community identified environmental health and justice concerns in South Baltimore and Maryland's eastern shore related to the cumulative burdens of air, land, and water pollution. Dr. Nicole Labruto is the faculty director of JHU's Medicine, Science, and the Humanities Program, and has long worked



as an academic advocate for community organizations seeking environmental justice on their terms. She works and teaches on environmental racism, food and land justice, and zero waste efforts. As the Director of Baltimore City Government and Community Affairs, Jennifer Mielke's responsibilities include building and strengthening the relationships of Johns Hopkins with external stakeholders such as neighborhood residents, policymakers, and business and community leaders, whose interest and support are vital to the mission of Johns Hopkins. The EJCP Committee is comprised of leaders from across JHU, including the Provost's Office, University Administration, Student Affairs, Office of Climate and Sustainability, Krieger School of Arts and Sciences, School of Education, School of Medicine, Whiting School of Engineering, and Bloomberg School of Public Health. The EJCP Committee aims to elevate cross-university engagement and community partnerships to address critical environmental justice issues in Baltimore, across Maryland, and worldwide.

2) Environmental justice as a priority of the Climate Action & Sustainability Plan:

As JHU planned and implemented a new Climate Action & Sustainability Plan ², the importance of environmental justice and community engagement was evident at each step of the process. Throughout the planning process, community partners and stakeholders on the community advisory board (CAB) provided critical input on the priorities and perspectives of local residents and organizations and advocated for JHU to prioritize and meaningfully integrate the principles and practice of environmental justice into its academics, research, practice, and operations. EJ arose as a focal issue in terms of the JHU's impact in Baltimore – and led to a pledge of JHU's business support and organic wastes streams to support a local composting infrastructure in Baltimore with regional community partners that adheres to community and worker standards.

3) JHU Environmental Justice (EJ) Decision-Making Prompts:

The [JHU EJ Prompts](#)³ are a set of considerations and actions based on the 17 Principles of Environmental Justice¹, drafted and adopted in 1991 at the National People of Color Environmental Leadership Summit. These principles have guided the global environmental justice movement since they were released. The EJCP Committee used them as a template to create a set of EJ prompts that faculty and staff can use to guide research, operations, and community engagement decisions such that they take into consideration the political, economic and cultural involvement and wellbeing of all people potentially impacted by the university's projects and commitments. We encourage the State to consider these same principles of EJ as a foundational framework for its review of permits for environmental pollution emissions – by the totality of their impacts rather than individually – on overburdened communities.

4) Examples of EJCP Committee's partnerships that highlight the importance and benefits of adopting a cumulative impacts framework as outlined in the CHERISH Our Communities Act:

Cumulative Impacts in South Baltimore, Maryland



Dr. Heaney and members of the EJCP have partnered with the South Baltimore Community Land Trust (SBCLT), the Community of Curtis Bay Association (CCBA), and the South Baltimore 7 (SB7) Coalition to provide scientific and technical support that addresses their community-identified concerns with environmental pollution from roughly 70 facilities regulated by air pollutant permits from the Maryland Department of the Environment (MDE). These include a coal export terminal, solid waste incinerator, medical waste incinerator, wastewater treatment plant, municipal landfill, chemical manufacturing plant, oil and gas facilities, among others. The operating permits of these facilities are regulated individually rather than through a framework of their cumulative impacts that acknowledges the existing burden on community members. Our scientific and technical investigations with SBCLT have provided critical answers to community concerns about the presence of coal dust in their neighborhood, the frequency of visible black smoke emissions from the Curtis Bay medical waste incinerator, and overall community air pollution burden. Additionally, South Baltimore residents in partnership with members of the JHU community have documented several decades of industrial explosions, leaks, spills, and other disasters impacting quality of life and mental health in the area.⁴ However, our efforts address the tip of the iceberg among the 70 facilities permitted to emit air pollutants in the community. The adoption of the CHERISH Our Communities Act would account for the existing environmental burden in South Baltimore, including facilities regulated not just for pollutant emissions to air, but also water and land. The EJCP Committee will continue to partner with South Baltimore communities to provide scientific and technical responses to the reality of their daily lived experiences with cumulative, disproportionate, and adverse impacts.

Cumulative impacts on Maryland's Eastern Shore

Since the mid-20th century, food animal production has shifted from smaller farms to the confined animal feeding operation (CAFO) model that concentrates animals and their waste in small areas, threatening air and water quality. The Eastern Shore of Maryland, including Eastern Shore counties in Delaware (DE) and Virginia (VA), are host to a plethora of poultry CAFOs and related infrastructure such as poultry processing plants, biofuel transition stations, and other waste-to-energy projects, which release pollutants to air, water, and land in the communities situated near these facilities. Almost 300,000,000 chickens from this agriculturally dense area were sold in 2017⁵, generating large amounts of waste and other pollutants such as particulate matter (PM), ammonia and nitrogen that pollute the air, soil, and water of neighboring rural communities.⁶⁻⁹ The 600+ industrial poultry operations in Sussex County, Delaware, produce approximately 200,000,000 chickens each year. In more recent years, the CAFO biogas industry has been hailed in the region as a “green” solution to the waste problems of the livestock agricultural industry. However, manure is converted to energy through the production of biomethane from manure digesters, further polluting the air and affecting health and quality of life of communities who live proximal to these facilities.⁷ Health effects related to proximity to poultry CAFOs are one of the main concerns for the residents of the Eastern Shore of Maryland. Studies have found that proximity to more and larger poultry operations could increase the risk of community acquired pneumonia and is associated with reduced gestation time and birth weight.¹⁰⁻¹³ Air pollution from CAFOs has been recognized as an environmental and public health concern by the National Academy of Sciences¹⁴, the US-GAO¹⁵, and the Pew Commission



on Industrial Food Animal Production¹⁶. Although CAFO air pollution contributes to regional ammonia (NH₃) deposition and greenhouse gases emissions, fence-line neighbors in rural communities across the U.S. are most directly affected by harmful particles and gases emitted from storage and land application of animal waste and from confinement barns.¹⁴ CAFO air emissions result in episodic exposures that affect neighbors because of their malodorous and irritant properties. Concerns of dispersion and dissemination of antimicrobial resistance arise from the common use of antimicrobial and arsenical drugs in swine and poultry CAFOs.¹⁶ Further, there has been increased awareness of the cumulative impacts and adverse interactions between air pollution and respiratory infectious diseases, such as the COVID-19 pandemic's disproportionate and adverse impact on low income, vulnerable populations experiencing greater burden of air pollution.¹⁷ The critical importance of accounting for cumulative impacts, including infectious diseases is further exemplified by the disproportionate impact of COVID-19 on livestock industry workers¹⁸ as well as the ongoing rise in concern with the H5N1 influenza A virus outbreak affecting poultry and other livestock industry workers. Biosecurity concerns with epidemic and pandemic pathogen reassortment and spillover between poultry and humans living at the fence-line in rural areas of Maryland's Eastern Shore would benefit from risk mitigation approaches that account for the cumulative and interactive effects between environmental, infectious, and other agents and stressors.

The distribution of the poultry industry across MD and DE disproportionately impacts low-income communities and communities of color, as CAFOs are located in counties with some of the lowest wealth in the state. Increases in median household income are associated with a reduction in the number of CAFOs nearby.^{19,20} Recent permitting of poultry waste-to-energy sites in the Delmarva Peninsula has disproportionately impacted the Haitian Creole and Latinx populations who live in the communities most proximal to these facilities. In addition to CAFOs, residents of these communities now must contend with issues due to CAFO manure digesters and biogas. The process used in manure-to-energy conversion generates harmful air contaminants and perpetuates the expansion of legacy industrial livestock production practices and infrastructure that remains harmful to the environment and surrounding communities.⁷ Our community partners at the Sentinels of Eastern Shore Health (SESH) and Sussex Health and Environmental Network (SHEN) have been requesting changes in Maryland state permitting to account for the *existing burden* and *cumulative impacts* of high density industrial livestock production in any new environmental permits or permit renewals. The CHERISH Our Communities Act would take critical steps towards mitigating the cumulative environmental burdens of our community partners on Maryland's Eastern Shore.

Cumulative Impacts in Govans, Baltimore City, Maryland

When a human crematory was proposed to be built in the dense, lower-income residential neighborhood, of Govans, the York Road Partnership, a community association that spans over 20 Baltimore City neighborhoods, took action. We researched the known public health impacts of human crematoria, circulated the information, and enlisted community members to take public action through hearing attendance, letter writing, and calls to elected officials. Dozens of letters and several hearings against the issuing of the permit ended in frustration: in December 2024, the permit was granted despite vehement community desires for it to be denied. Residents now have no recourse to transparency for a facility that will emit lead, mercury, and other toxins. The



CHERISH Our Communities Act would make sure that information is easily available when it impacts our neighborhood and our health.

As demonstrated by the above examples and Johns Hopkins University's continued commitment to the 17 Principles of Environmental Justice¹, we support the CHERISH Our Communities Act and encourage passage of this bill. The benefits of meaningful integration of these principles into institutional practices via the CHERISH Our Communities Act would promote the environment, health and safety of Maryland's most overburdened residents, in alignment with EJ goals in Maryland's Climate Pollution Reduction Plan²¹ and MDE's Agency Climate Implementation Plan²². Building upon our longstanding partnerships with Maryland community-based organizations and state environmental regulatory agencies, we also commit to supporting—where possible—the implementation of the CHERISH Our Communities Act such as methodological recommendations for “Environmental Impact Statements” and “Existing Burden Reports.” Through the CHERISH Our Communities Act, Maryland is presented with a key opportunity to be a national leader in advancing environmental justice and ensure improved equity, health, and quality of life for its residents.

Christopher D. Heaney, PhD, MS

Environmental Health and Engineering

Nicole Labruto, PhD

Department of Anthropology

Jennifer J. Mielke

Government, Community & Economic Partnerships

Julian Goresko

Office of Climate and Sustainability

References

1. First National People of Color Environmental Leadership Summit. Principles of Environmental Justice. [tps://www.ejnet.org/ej/principles.pdf](https://www.ejnet.org/ej/principles.pdf) Accessed February 21, 2025.
2. JHUa. JHU Climate Action & Sustainability Plan. https://sustainability.jhu.edu/wp-content/uploads/2025/01/Final-Sustainability-Plan_1.27.25.pdf Accessed February 21, 2025.



3. JHUb. Environmental Justice and Equity Prompts. <https://sustainability.jhu.edu/wp-content/uploads/2023/10/SLC-EJ-Equity-Guidelines.pdf> Accessed February 21, 2025.
4. South Baltimore Community Land Trust. From Toxic Disasters to Displacement: 100 Years of Environmental Injustice in South Baltimore. https://www.youtube.com/watch?v=uWuid0Jr_9Y Accessed February 21, 2025.
5. Oglesby C. N.C. releases general biogas permit despite environmental justice concerns. <https://southerlymag.org/2022/07/12/nc-releases-biogas-permit/> Accessed October 4, 2023.
6. Align RNG. Benefits. <https://alignrng.com/benefits.aspx> Accessed October 4, 2023.
7. Gittleston P, Diamond D, Henning L, Payan M, Utesch L, Utesch N. The False Promises of Biogas: Why Biogas Is an Environmental Justice Issue. *Environmental Justice* 2022;**15**(6):352-361.
8. Socially Responsible Agriculture Project (SRAP). SRAP and Partners File Civil Rights Complaint in Delaware Over Factory Farm Gas Plant. <https://sraproject.org/press-release/srap-and-partners-file-civil-rights-complaint-in-delaware-over-factory-farm-gas-plant/> Accessed October 4, 2023.
9. Vasquez T. North Carolina's Department of Environmental Quality is facing its second complaint for permitting hog waste operations in poor communities of color. <https://thecounter.org/north-carolina-department-of-environmental-quality-hog-waste-poor-communities-of-color/> Accessed October 3, 2023.
10. Heederik D, Sigsgaard T, Thorne PS, Kline JN, Avery R, Bønløkke JH, Chrischilles EA, Dosman JA, Duchaine C, Kirkhorn SR, Kulhankova K, Merchant JA. Health effects of airborne exposures from concentrated animal feeding operations. *Environ Health Perspect* 2007;**115**(2):298-302.
11. Mendrinos A, Ramesh B, Ruktanonchai CW, Gohlke JM. Poultry Concentrated Animal-Feeding Operations on the Eastern Shore, Virginia, and Geospatial Associations with Adverse Birth Outcomes. *Healthcare (Basel)* 2022;**10**(10).
12. Poulsen MN, Pollak J, Sills DL, Casey JA, Nachman KE, Cosgrove SE, Stewart D, Schwartz BS. High-density poultry operations and community-acquired pneumonia in Pennsylvania. *Environmental Epidemiology* 2018;**2**(2):e013.
13. Younis F, Salem E, Salem E. Respiratory health disorders associated with occupational exposure to bioaerosols among workers in poultry breeding farms. *Environ Sci Pollut Res Int* 2020;**27**(16):19869-19876.
14. National Academy of Sciences. Air Emissions from Animal Feeding Operations: Current Knowledge, Future Needs <https://nap.nationalacademies.org/catalog/10586/air-emissions-from-animal-feeding-operations-current-knowledge-future-needs> Accessed October 3, 2023.
15. United States Government Accountability Office. Concentrated Animal Feeding Operations: EPA Needs More Information and a Clearly Defined Strategy to Protect Air and Water Quality from Pollutants of Concern. <https://www.gao.gov/products/gao-08-944> Accessed October 3, 2023.
16. Pew Commission on Industrial Farm Animal Production. Putting Meat on the Table: Industrial Farm Animal Production in America. <https://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/putting-meat-on-the-table> Accessed October 3, 2023.



17. Ranzani O, Alari A, Olmos S, Mila C, Rico A, Basagana X, Dadvand P, Duarte-Salles T, Forastiere F, Nieuwenhuijsen M, Vivanco-Hidalgo RM, Tonne C. Who is more vulnerable to effects of long-term exposure to air pollution on COVID-19 hospitalisation? *Environ Int* 2024;**185**:108530.
18. Gigot C, Pisanic N, Kruczynski K, Gregory Rivera M, Spicer K, Kurowski KM, Randad P, Koehler K, Clarke WA, Holmes P, Hall DJ, Jr., Hall DJ, Heaney CD. SARS-CoV-2 Antibody Prevalence among Industrial Livestock Operation Workers and Nearby Community Residents, North Carolina, 2021 to 2022. *mSphere* 2023;**8**(1):e0052222.
19. Galarraga J, Khanjar N, Berman I, Hall J, Edwards C, Bara-Garcia S, Bodenreider C, Khan S, White A, Kavi L, Wilson S. Environmental Injustice and Industrial Chicken Farming in Delaware. *New Solut* 2022;**31**(4):441-451.
20. Hall J, Galarraga J, Berman I, Edwards C, Khanjar N, Kavi L, Murray R, Burwell-Naney K, Jiang C, Wilson S. Environmental Injustice and Industrial Chicken Farming in Maryland. *Int J Environ Res Public Health* 2021;**18**(21).
21. Maryland Department of the Environment. Maryland's Climate Pollution Reduction Plan. <https://mde.maryland.gov/programs/air/ClimateChange/Maryland%20Climate%20Reduction%20Plan/Maryland%27s%20Climate%20Pollution%20Reduction%20Plan%20-%20Final%20-%20Dec%2028%202023.pdf>.
22. Maryland Department of the Environment. Maryland Department of the Environment's Climate Implementation Plan. <https://mde.maryland.gov/programs/air/ClimateChange/Documents/Agency%20Climate%20Implementation%20Plans/Environment%20-%20MDE%20-%20Agency%20Climate%20Implementation%20Plan%20FINAL.pdf> Accessed February 21, 2025.

Mike Middleton Favorable SB0978.pdf

Uploaded by: Michael Middleton

Position: FAV

Favorable Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: FAVORABLE

Dear Chair Feldman and Members of the Committee,

My name is Michael Middleton, and I serve as the Executive Director of the SB7 Coalition, representing the communities of Curtis Bay, Cherry Hill, Mt. Winans, Westport, Lakeland, Brooklyn, and the Baltimore Peninsula. I am writing to express my strong support for SB978, the CHERISH Our Communities Act.

For too long, the residents of South Baltimore have lived with the consequences of environmental injustice. Our communities have faced the compounding effects of pollution from industrial facilities that have been historically and disproportionately sited in our neighborhoods. The cumulative impact of these polluting sources has resulted in unacceptable health burdens, including elevated rates of respiratory disease, cardiovascular conditions, and cancer. Entire communities have been displaced because there has never been a law like the CHERISH Act—one that requires the Maryland Department of the Environment (MDE) to factor in the existing pollution burden before making permitting decisions. This legislation is essential to ensuring that the health and well-being of our communities are considered in the environmental decision-making process.

At SB7, we have demonstrated what is possible when communities have a seat at the table and are empowered to shape development in a way that reduces harm and shares benefits. The Baltimore Peninsula project is proof of this concept—it is a model of collaborative problem-solving where the success of a development is directly shared with its neighboring communities. These resources help address longstanding needs, including youth opportunities, public safety, food access, and education. This is not charity—it is a strategic approach to building a healthier and more sustainable future for families who live, work, and play in South Baltimore.

The CHERISH Act is about fairness, accountability, and ensuring that environmental justice communities have a voice in decisions that directly impact their health and future. Community governance and direct on-the-ground accountability are critical to making sure that promises made are promises kept. We cannot afford to continue the cycle of pollution and displacement—our communities deserve better, and this bill is a crucial step toward long-overdue protections.

I urge you to support SB978 and stand with the residents of South Baltimore in the fight for environmental justice. Thank you for your time and consideration.

Sincerely,
Michael Middleton
Executive Director, SB7 Coalition

Testimony Supporting SB0978.pdf

Uploaded by: Michael Middleton

Position: FAV

Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

My name is Michael Middleton, and I serve as the Executive Director of the SB7 Coalition, representing the communities of Curtis Bay, Cherry Hill, Mt. Winans, Westport, Lakeland, Brooklyn, and the Baltimore Peninsula. I am writing to express my strong support for SB978, the CHERISH Our Communities Act.

For too long, the residents of South Baltimore have lived with the consequences of environmental injustice. Our communities have faced the compounding effects of pollution from industrial facilities that have been historically and disproportionately sited in our neighborhoods. The cumulative impact of these polluting sources has resulted in unacceptable health burdens, including elevated rates of respiratory disease, cardiovascular conditions, and cancer. Entire communities have been displaced because there has never been a law like the CHERISH Act—one that requires the Maryland Department of the Environment (MDE) to factor in the existing pollution burden before making permitting decisions. This legislation is essential to ensuring that the health and well-being of our communities are considered in the environmental decision-making process.

At SB7, we have demonstrated what is possible when communities have a seat at the table and are empowered to shape development in a way that reduces harm and shares benefits. The Baltimore Peninsula project is proof of this concept—it is a model of collaborative problem-solving where the success of a development is directly shared with its neighboring communities. These resources help address longstanding needs, including youth opportunities, public safety, food access, and education. This is not charity—it is a strategic approach to building a healthier and more sustainable future for families who live, work, and play in South Baltimore.

The CHERISH Act is about fairness, accountability, and ensuring that environmental justice communities have a voice in decisions that directly impact their health and future. Community governance and direct on-the-ground accountability are critical to making sure that promises made are promises kept. We cannot afford to continue the cycle of pollution and displacement—our communities deserve better, and this bill is a crucial step toward long-overdue protections.

I urge you to support SB978 and stand with the residents of South Baltimore in the fight for environmental justice. Thank you for your time and consideration.

Sincerely,
Michael Middleton
Executive Director, SB7 Coalition

Maryland Catholic Conference_FAVSB978_.pdf

Uploaded by: Michelle Zelaya

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 25, 2025

SB978

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

Position: Favorable

The Maryland Catholic Conference offers this testimony in support of **Senate Bill 978**. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

The CHERISH Our Communities Act strengthens public participation requirements for environmental permits in areas facing significant environmental and public health burdens. This legislation mandates that permit applicants for projects with a high potential for adverse community impacts conduct environmental impact analyses and existing burden reports. The Department of the Environment will assess whether a proposed project may contribute to environmental harm and has the authority to deny permits when necessary. Additionally, enforcement information will be made publicly accessible, and a portion of revenues from enforcement actions will be allocated to a special fund aimed at addressing environmental disparities.

Pope Francis, in his encyclical "Laudato Si'," calls upon all people of goodwill to recognize the interconnectedness of ecological, social, and economic concerns and to work together towards the common good. **Senate Bill 978** upholds the principles of stewardship of creation, human dignity, and the common good. Communities disproportionately burdened by environmental pollution, particularly low-income and minority populations, suffer from unjust exposure to hazardous conditions. The CHERISH Act prioritizes environmental justice, ensuring that all individuals, regardless of socioeconomic status, have a right to clean air, water, and a healthy living environment.

By taking an analysis of projects with a high potential for adverse community impacts it has a profound implication for public health, economic opportunity, and environmental justice. By requiring public participation and impact assessments, the bill embodies the principle of subsidiarity, empowering local communities to have a say in decisions affecting their health and environment. This bill is an essential step toward ensuring environmental justice and human dignity, reinforcing Maryland's commitment to protecting both people and creation from the

long-term consequences of unchecked industrial development. Let's be a state that takes into consideration all communities, especially in areas of development and growth.

For these reasons, the Maryland Catholic Conference urges a favorable report on **Senate Bill 978**.

Exum Testimony Supporting SB0978.pdf

Uploaded by: Natalie Exum

Position: FAV



Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

I am an Assistant Professor in the Johns Hopkins Bloomberg School of Public Health working on clean water projects related to environmental justice for Maryland communities and I am writing to express my strong support of SB978, the CHERISH Our Communities Act. In my research I am partnering with the Potomac Riverkeeper Network and through this partnership I am seeing the disproportionate environmental and public health harms that environmental justice communities in Maryland face. The CHERISH Our Communities Act will address these harms to prioritize the health and well-being of all Marylanders and ensure that MDE's decision-making processes are transparent and inclusive.

Water is one of Maryland's most vital resources. The Chesapeake Bay, our rivers, and lakes are not only essential for the health of our ecosystems but also for the livelihoods of thousands of Marylanders who depend on these water bodies for fishing, tourism, and recreation. However, these resources have long been under threat from industrial pollution, and SB0978 presents a necessary step toward addressing this issue.

The Impact of Industrial Water Pollution

Industrial and military facilities in Maryland release significant quantities of pollutants into our waterways, including heavy metals, toxic chemicals, and untreated wastewater. These pollutants pose serious risks to human health, aquatic life, and overall environmental sustainability. Communities living near industrial sites are disproportionately affected by contaminated water, often leading to long-term health problems such as gastrointestinal issues, cancers, and developmental disorders in children.

Many of the toxic chemicals, include PFAS "forever chemicals", released into our waterways bioaccumulate in fish that many communities depend on for subsistence fishing. In fact, the Maryland Department of the Environment has recently warned that some of the fish from Maryland waterways may not be safe to eat due to contaminant levels in fish tissue, which can include mercury, PCBs (Polychlorinated Biphenyl) and PFAS. These same communities are often co-located near other industrial or pollution sources making the toxic exposures from this food source one of many other cumulative impacts on their health. Moreover, water pollution depletes aquatic biodiversity, harms fisheries, and diminishes the recreational and economic value of our natural waterways.

The Importance of SB0978

SB0978 is a crucial piece of legislation that strengthens oversight and enforcement regarding water pollution from industrial sources. It mandates stricter discharge limits, improves monitoring and reporting standards, and holds industries accountable for the contamination they cause. By ensuring that industrial facilities adopt best practices and utilize modern technologies to reduce pollution, SB0978 aims to protect the health of Maryland's water bodies and the people who rely on them.

This bill also emphasizes the importance of transparency. Requiring industries to provide regular, detailed reports on their emissions and effluents allows the public, as well as government agencies, to track pollution levels and respond to potential violations in a timely manner. Improved transparency not only helps enforce regulations but also promotes corporate responsibility.

Environmental Justice

SB0978 is also a significant step toward environmental justice. Low-income communities and communities of color are often the most affected by industrial pollution, living near these industrial facilities. The bill ensures that these vulnerable populations are protected by taking a holistic perspective when granting permits for industries to discharge pollutants into nearby water sources.

Economic and Environmental Balance

Some may argue that stricter regulations on industrial pollution may impose economic burdens on businesses. However, SB0978 strikes a balance between protecting our environment and allowing industries to thrive. Clean water is critical for economic development, and the long-term benefits of preserving our waterways far outweigh the short-term costs of compliance.

By passing SB0978, we are investing in the future of Maryland's environment, public health, and economy. Cleaner water means healthier communities, more sustainable fisheries, and increased opportunities for tourism and recreation, which are key economic drivers for our state.

Conclusion

In conclusion, I strongly urge the committee to support SB0978. The bill represents a comprehensive, fair, and forward-thinking approach to understanding the cumulative impacts of all environmental burdens, including water pollution from industrial sources. By incorporating all environmental burdens from air, water and food we will have a more comprehensive understanding of how the health of Marylanders' is affected by cumulative exposures.

Thank you for your time and consideration. I respectfully request a favorable report on SB0978.

Sincerely,

A handwritten signature in black ink, appearing to read "Natalie Exum". The signature is fluid and cursive, with the first name "Natalie" written in a larger, more prominent script than the last name "Exum".

Natalie Exum, PhD, MS
Assistant Professor
Department of Environmental Health and Engineering
Johns Hopkins Bloomberg School of Public Health

CHERISH Act Testimony.pdf

Uploaded by: Neka Duckett-Randolph

Position: FAV



FAVORABLE Testimony for SB978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Bill Title: SB978 CHERISH Act of 2025

Position: SUPPORT (FAV)

To: Honorable Chair Feldman, Vice Chair Kagan, and Members of the Committee

From: Trina Seldon of Out for Justice Inc

Date: 2/25/2025

My name is Trina Seldon, I am the Founder and Executive Director of Out for Justice. **Out for Justice, Inc. (OFJ)** is an organization led by individuals who are both directly and indirectly impacted by the criminal justice system. We advocate for the reform of policies and practices that adversely affect successful reintegration into society. We accomplish our mission through the three E's: 1) ENGAGE formerly incarcerated individuals, families, and friends through grassroots outreach and community events; 2) EDUCATE our member base and communities on the policies and practices impacting our communities and navigating the legislative process for reform; 3) EMPOWER those impacted by the criminal justice system to utilize their voices and experiences to enact tangible change. I am writing **in support of SB978 Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act).**

Over the past 2 years, our members have learned of the links between environmental racism and mass incarceration. Their direct experiences and outcomes from the fellowship highlight the intersection between environmental racism and mass incarceration. For far too long the systemic links between environmental racism and public safety have been ignored, unexplored, and unaddressed in modern policy solutions. Thanks to extensive research by organizations like the Prison Ecology Project and books like Lawrence T. Brown's *Black Butterfly: The Harmful Politics of Race and Space in America* and Harriet A. Washington's *A Terrible Thing to Waste: Environmental Racism and Its Assault on the American Mind*, we have an abundantly clear and concise picture of how environmental racism directly contributes to negative public safety outcomes. We have before us an opportunity to move Maryland forward and correct racist infrastructure that still to this day disproportionately impacts Black, Brown, and low-income Baltimoreans, especially those residing in Black Butterfly neighborhoods.



For generations, Maryland has made decisions about locating harmful, unhealthy, and dangerous facilities in ways that have overburdened many communities in the state, especially communities within the Black Butterfly in Baltimore, City. Our state doesn't consider how industry impacts a community's health when permits are issued. The carceral community, inside or returned, is often not consulted about where these projects are located, and in many cases, have been left out entirely of this process.

In the transition to a net-zero state as imposed by the Climate Solutions Now Act, Maryland has the opportunity to accelerate emissions reductions in the cities and neighborhoods that deserve it the most - those most overburdened. No additional polluters should be permitted in any community with an EJ score in the upper 75th percentile.

The CHERISH Act does two critical things: allows MDE to reject or alter environmental permits based on an environmental justice (EJ) score, which is based on current pollution levels, community health, and the demographics of a community and requires facilities that are granted permits to pay into a Cumulative Impacts Mitigation Fund Agreement aimed at addressing health issues the facility will cause. Here are 2 clear examples of communities that should not house anymore polluting facilities and should be remediated as quickly as possible:

Census tract 2504.02 in Baltimore City, which encompasses parts of Brooklyn Park and is adjacent to Cherry Hill, has a total EJ score in the 99.6% and a matching overburdened environmental subscore in the top 99%. The data from these 2 communities explicitly outlines how seriously overburdened some of our communities are. The effects of living in polluted communities can range from cancer, asthma, low birth weights in newborns, to daily discomfort. 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 facilities are all located within this strip of land. The communities here are overwhelmingly Black, low-income, and resemble the same maps from racist redlining. Our people living in this area have pollution-burden associated health outcomes, and it is time we explore holistically this impact on public safety.

East Baltimore, specifically near the Pulaski Industrial Area, is overburdened with polluting facilities. Constellations operates its Philadelphia Road Constellation Power Station(61 megawatt facility¹) next to the Baltimore Recycling Center Processing Facility & Transfer Station. Both these facilities are just part of a network of polluting facilities less than a mile

¹<https://www.constellationenergy.com/our-company/locations/location-sites/philadelphia-road-generating-station.html>



from each other. Schuster Concrete is a single metal linked fence from row homes. Among the many other toxic polluting facilities in the area is the Petroleum Fuels and Transfers Company(PF&T), which is equipped with fuel burners and millions of gallons of petroleum of storage². The traffic on 895 and Pulaski Highway also burdens the surrounding communities. This community does not need another polluting facility.

People living in highly-polluted areas should not have to worry about more polluting facilities opening up in their communities. We cannot continue to discard our communities at the front and back end of their lives. Therefore, the ability for a permit to be denied or altered based on the living history of pollution and who lives there is a critical next step to improving the quality of life for residents in Maryland's polluted communities. For these reasons, I urge a favorable report.

² <https://apexoil.com/location/baltimore-north-md/>

SB978CHERISHWrittenTestimony_Putcha.pdf

Uploaded by: Nirupama Putcha

Position: FAV

February 17, 2025

From: Nirupama Putcha, MD MHS

**Division of Pulmonary and
Critical Care Medicine**

5501 Hopkins Bayview Circle
Baltimore MD 21224
410-550-0545 / Fax 410-550-2612

RE: CHERISH Our Communities Act

Dear Chair Feldman and Members of the Committee,

As a resident of Maryland and a pulmonary physician at Johns Hopkins providing care to residents of Baltimore city and surrounding communities, I am writing to express my strong support of SB978, the CHERISH Our Communities Act.

The health effects of air pollution are well studied. Particulate matter air pollution has been established as a cause of acute and chronic respiratory disease worldwide. In addition, studies have established that indoor air pollution, caused by multiple factors including the presence of outdoor air pollution, leads to respiratory morbidity in people of all ages, particularly among those with chronic disease. Patients with common chronic respiratory diseases such as asthma and Chronic Obstructive Pulmonary Disease (COPD) are sensitive to the effects of air pollution- studies have shown that air pollution causes more symptoms and flare-ups that lead to emergency room and hospital visits. Accordingly, communities, individuals, and workers living near sources of pollutants, such as near major roadways and industrial sources of pollution, are disproportionately impacted.

These disproportionate impacts are evident to citizens of the community in Baltimore and are also evident to healthcare workers like me who treat people in the region. The Maryland Department of Health and Mental Hygiene has estimated that the prevalence of asthma in Baltimore city was 18.6% in 2009, higher than that estimated in the state of Maryland (13.9%) or in the broader US. Additionally, it is clear the morbidity from respiratory disease is higher in Baltimore than in the state of Maryland and beyond. The estimated incidence of asthma emergency room visits in adults was nearly three times higher in Baltimore than in the state of Maryland (144.1 vs 50.3 per 10,000) and over two times higher in Baltimore children compared to the state of Maryland as a whole (360.2 vs 136.1 per 10,000; source: https://health.maryland.gov/phpa/mch/documents/asthma_control/Profile_BaltimoreCity.pdf). These may seem like surprising numbers, but those who work in hospitals are not surprised- we see this every day in the patients who present in extremis, struggling to breathe, to our hospitals in the region. And least surprised of all are the residents of Baltimore, who feel this every day, because of the air they breathe.

The CHERISH Our Communities Act is an important step towards addressing the disproportionate impacts of pollution from industrial sources on communities in Baltimore and in Maryland. This act will ensure appropriate assessment of environmental impact and will empower communities and citizens to ask important questions and engage in the process to make MDE's decision-making processes are transparent and inclusive.

We still have a lot of work ahead of us to improve respiratory health in Maryland. However, this legislation is one step in the right direction. As a pulmonary physician and researcher, I am strongly in support of the CHERISH Our Communities Act.

Sincerely,



Nirupama Putcha, MD MHS
Associate Professor of Medicine
Division of Pulmonary and Critical Care Medicine
Johns Hopkins University School of Medicine

CEJSC LOI Senate Bill 978 (1).pdf

Uploaded by: Noble Smith

Position: FAV

Letter of Information - Senate Bill 978
Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses

Thank you for the opportunity to submit written testimony on behalf of the Commission on Environmental Justice and Sustainable Communities (CEJSC). I respectfully submit this Letter of Information on SB 978 Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (CHERISH Act) on behalf of the Commission. Senate Bill 978 or CHERISH would benefit EJ communities by requiring certain permit applicants to complete an Existing Burden Report and Environmental Impact Analysis.

This bill proposes additional public participation requirements to permits for projects that have a potential for adverse community environmental and public health impacts. SB 978 would allow for an analysis of cumulative impacts in permitting decisions. For environmental justice communities this bill would allow large projects to be viewed within the context of the total pollution burden within the community. These permits would be reviewed by MDE, MDH, CEJSC and elected officials from the surrounding community to understand the public health and environmental impacts of the proposed project. CEJSC is composed of volunteer members who are appointed from the general public. The Commission is staffed by MDE employees who have the CEJSC as part of their overall duties. CEJSC is concerned MDE staff preparing detailed analyses and reports relating to MDE permits might create a conflict of interest.

If CEJSC is to complete its duties under this bill it would be important to clarify the permit review process to avoid potential conflicts of interest. The Commission supports the intent of this bill because it would allow cumulative impact analysis to be developed that would benefit EJ communities. MDE has built the necessary tools to identify areas of environmental injustice, and now needs the express authority to address environmental justice through its permitting authority.

The Commission on Environmental Justice and Sustainable Communities (CEJSC) is charged with examining Environmental Justice (EJ) issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or other issues relating to EJ and sustainable communities. The commission supports the use of cumulative impact analysis in permits but would like to avoid potential conflicts of interest accordingly, CEJSC submits this **Letter of Information** for SB 978.

Contact: Camille Burke,
Chair, Maryland Commission on Environmental Justice and Sustainable Communities
Phone: 443-984-2486,
Email: Camille.burke@baltimorecity.gov

SB 978 CHERISH - Support - Phil Webster - UULM-MD.

Uploaded by: Phil Webster

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 978 - CHERISH Our Communities Act

TO: Chair Feldman and the members of the Education, Energy, and the Environment Committee
FROM: Phil Webster, PhD, Lead Advocate on Climate Change
Unitarian Universalist Legislative Ministry of Maryland.
DATE: February 25, 2025

The Unitarian Universalist Legislative Ministry of Maryland (UULM-MD) strongly supports **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 UULM-MD is a faith-based advocacy organization based on Unitarian Universalist (UU) Values, including Interdependence (honoring the interdependent web of all existence) and Justice (where all feel welcome and can thrive). Working to mitigate, adapt to, and build resilience for climate change is central to our beliefs.

The CHERISH our Communities Act has been around for ten years, in one form or another. Originally introduced in 2014, it is based on a simple premise: enough (pollution) is enough. The bill would *"require adequate environmental impact assessments for new, renewed, and expanded environmental permits to ensure that environmental justice (EJ) communities do not continue to disproportionately bear the harms of environmental and public health hazards."*

In 2022, "overburdened" and "underserved" communities were officially defined in Maryland law, targeting areas hit hardest by environmental and economic challenges. Also in 2022, "Justice 40 language" was included in the Joint Chairmen's Report (JCR) from the legislative budget committees to request information from Maryland Department of the Environment (MDE) on recommendations to identify and provide assistance to overburdened communities, legislative & regulatory changes to direct at least 40% of funding from critical programs to community needs. The Maryland EJ Screening tool has been developed to identify census tracts with high Environmental Justice scores.

The CHERISH Our Communities Act builds on this foundation by giving the MDE the *authority* to use the "EJ Score" when evaluating new, renewed, and expanded environmental permits.

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.twitter.com/uulmmd

While the current Federal Administration is abandoning overburdened and underserved communities, Maryland must not do the same. The Administration has rescinded two of President Biden's Executive Orders that "explicitly take environmental justice into account when spending funds from the Bipartisan Infrastructure Law or the Inflation Reduction Act."

Failure to pass this legislation would be unconscionable. Our neighbors in communities—such as Curtis Bay and Brandywine—are crying out for us to act. The time for action is NOW.

We urge a FAVORABLE report on **SB 978**.

Phil Webster, PhD

Lead Advocate, Climate Change UULM-MD

UULM-MD c/o UU Church of Annapolis 333 Dubois Road Annapolis, MD 21401 410-266-8044,

www.uulmmd.org info@uulmmd.org www.facebook.com/uulmmd www.Twitter.com/uulmmd

SB0978TestimonyAteto.pdf

Uploaded by: Philip Ateto

Position: FAV

Hello,

I am a lifelong Marylander and it is long overdue for environmental justice to be addressed in communities who have borne the brunt of pollution by industries that help make the rest of our lives better. I strongly urge you to support this bill and mark it as favorable. This is a first step in getting justice in communities overburdened with pollution who have been neglected and disregarded for far too long.

Thank you,

Phil Ateto
Annapolis, MD

SB0978 CHERISH Our Communities Act.pdf

Uploaded by: Phylicia Porter

Position: FAV

CITY OF BALTIMORE

Room 527, City Hall
100 N. Holliday Street, Baltimore, Maryland
21202
Telephone: (410) 396-4822
Email: Phylicia.Porter@baltimorecity.go



Councilwoman Phylicia R. L. Porter,
District 10

CHAIR:
Public Health and Environment
MEMBER:
Labor and Workforce
Public Safety
Transportation and Land Use

February 19, 2025

Bill Title: SB0978 Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Position: Favorable

To: Chair Feldman, Vice Chair Kagan, Education, Energy, and the Environment Committee

Dear Chair Feldman and Members of the Committee,

As a Councilwoman, representing Baltimore City's Tenth District I am writing to express my strong support of SB0978, which will provide important, targeted environmental health protections for the communities, like those in South Baltimore who have been overburdened by pollution for generations..

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. For centuries, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland face greater cancer risks and exposure to air toxics due to higher pollution burden.

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 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.

As a public health scientist and local elected official, I know the severe public health challenges and harms that my communities face daily. It is my hope written testimony reflects my commitment as a legislator to ensuring the well-being of our communities for future generations. The state must establish a clear, transparent, and accountable process that empowers community members to actively engage in discussions on toxicity, public health, environmental concerns, land use, and the impact of polluting industries in their neighborhoods.

Sincerely,

Councilwoman Phylicia Porter, MPH, MSL - District 10
Phylicia.Porter@baltimorecity.gov

CHERISH Act Testimony.pdf

Uploaded by: Rachel Rintelmann

Position: FAV



COMMUNITY PARTNERSHIPS PROGRAM

INFO@EARTHJUSTICE.ORG

EARTHJUSTICE.ORG

**Testimony Supporting SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025**

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Montgomery County and a representative of Earthjustice¹, I am writing to express our strong support for the passage of SB0978: Cumulative Harms to Environmental Restoration for Improving Shared Health – CHERISH Our Communities Act. This crucial public health legislation will address a significant gap in Maryland's ability to safeguard communities that are already disproportionately harmed by pollution.

For centuries, polluting facilities have been intentionally and disproportionately located in minority and economically disadvantaged communities in Maryland. Black, low-income, and other communities of color in the state experience a higher pollution burden, leading to greater health risks from exposure to air toxics. SB0978 marks a crucial advancement in addressing these environmental inequities, working toward ensuring that all Maryland residents have equitable access to clean air, clean water, and healthy outdoor spaces. Notably, this bill was developed and has been advocated for by residents of frontline communities, who have long borne the unfair and disproportionate health impacts of pollution.

SB 0978 amends Maryland's environmental laws to ensure comprehensive environmental impact assessments and meaningful public participation for new, renewed, and expanded environmental permits issued by the Maryland Department of the Environment (MDE). Under the current system, many environmental permit applications bypass public engagement processes and fail to account for the cumulative harms caused by both ongoing and historic pollution sources. This bill addresses those gaps, fostering greater transparency and accountability in the permitting process.

SB 0978 equips MDE with essential tools to prevent the further concentration of polluting facilities in communities already overburdened by environmental hazards. Specifically, the bill targets communities located near and within census tracts that have an environmental justice score of 75 or above, as identified by MDE's Environmental Justice Screening Tool. These communities are

¹Earthjustice is a non-profit public interest environmental law organization that represents other non-profits free of charge. Earthjustice uses the power of law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change.

among the top 25% most polluted and underserved in the state. SB0978 ensures that the permitting process takes into account the existing pollution burden before allowing additional polluting facilities that could exacerbate the already disproportionate environmental impacts on these areas.

For projects proposed in these high-burden areas, SB0978 mandates that permit applicants submit an Environmental Impact Statement and an Existing Burden Report. It also directs MDE to assess whether the project would increase pollution in the surrounding community as part of its review process. If the project would exacerbate pollution, the bill outlines specific steps MDE must take to protect the community and ensure economic benefits that help mitigate the harm caused by pollution.

SB 0978, along with its companion bill HB 1406 (which addresses polluting energy-generating facilities), is the product of years of community-led efforts to evaluate the cumulative impacts of pollution. As states like New Jersey, New York, Connecticut, and Minnesota have taken legislative action on this issue in recent years, Maryland must act now to ensure its protections for overburdened communities keep pace. Please support the CHERISH Our Communities Act to secure these vital protections for frontline communities in Maryland in 2025.

Earthjustice strongly urges a favorable report for SB0978.

Thank you in advance for your support. Should you have any questions, please contact me at rrintelmann@earthjustice.org.

Respectfully submitted,

A handwritten signature in dark ink, reading "Rachel A. Rintelmann", with a stylized flourish at the end.

Rachel A. Rintelmann
Managing Attorney
Community Partnerships Program
Earthjustice

SUPPORT - SB 978 - Maryland LCV - CHERISH Our Comm

Uploaded by: Rebecca Rehr

Position: FAV



MARYLAND
LEAGUE OF
CONSERVATION
VOTERS

Kim Coble
Executive Director

2025 Board of
Directors

Patrick Miller, Chair
The Hon. Nancy Kopp,
Treasurer
Kimberly Armstrong
Caroline Baker
Joe Gill
Lynn Heller
Charles Hernick
The Hon. Steve Lafferty
Bonnie L. Norman

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)

Mr. Chair and Members of the Committee:

Maryland LCV is submitting this testimony to strongly support SB 978 - CHERISH Our Communities Act. We thank Senator Lam for introducing this important bill and for his leadership on this issue. The CHERISH Our Communities Act is a priority bill for Maryland LCV, as well as a priority bill for the environmental community.

Environmental justice is rooted in the principles that all communities deserve a clean and healthy environment, and those most affected have a voice in the decisions shaping their future. These principles are reflected in SB 978, which builds on years of community-driven efforts to assess the cumulative impacts of pollution. This bill addresses gaps in the Maryland Department of the Environment's (MDE) permitting authority to protect the health and well-being of communities. SB 978 seeks protections for overburdened and underserved communities, authorizing additional scrutiny for certain permits when they are proposed in these communities. This effort builds on the momentum of similar legislation—HB 24—that passed in the House of Delegates last year, reinforcing the continued commitment to ensuring environmental justice for Maryland's most vulnerable communities.

SB 978 takes the commonsense step of requiring an Existing Burden Report (EBR) for certain polluting facilities proposed in a census tract with an environmental justice (EJ) score of 75 or above, or within a 1.5-mile radius of that tract. The results of the EBR would factor into the permit decision. A census tract with an EJ score above 75 is among the top 25% most polluted and underserved in the state, making it critical that permits in these communities undergo additional screening. This approach ensures that the health and well-being of residents are prioritized and that the state fulfills its commitment to environmental justice.

The first cumulative impacts bill was proposed in Maryland in 2014. Since that time, Maryland has made some progress, including the development of the state's EJ mapping tool and requiring that some environmental justice information be included in certain types of permit applications. But we have fallen behind other states including New Jersey, New York, Connecticut, and Minnesota in implementing comprehensive and meaningful cumulative impacts laws.

We have included, below, testimonials from 5 Environmental Justice and Action Promotores of Maryland LCV's Chispa Maryland program. Chispa's Promotores are community volunteers who work tirelessly with other families in their communities to advance environmental justice. They advocate for healthy communities and a clean environment where their families can thrive and their children can reach their full potential.

Maryland LCV strongly urges a favorable report on this important bill.

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Katie Bautista
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Katie Bautista, and I am a student at Hampstead Hill Academy. I live in Baltimore City, in District 41. I am writing today to express my support for SB 978 – the CHERISH Our Communities Act because this bill is crucial for protecting the health of families like mine.

I have suffered from asthma since birth, a condition that is unfortunately common in Latino communities. Many of us live in neighborhoods across Maryland that face serious health risks from multiple sources of pollution. Yet, these same communities often receive the least protections and resources to address air pollution and its harmful effects.

I also want to thank Senator Attar for meeting with us on February 17 and remind her of the commitment she made to support this important bill. This issue is personal to her as well, and I urge the rest of the Committee to stand with us and vote in favor of SB 978.

Sincerely,

Katie Bautista

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Ingris Reyna
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Ingris Reyna, and I am a resident of Baltimore City in District 46 and a mother of three. I am writing today to support SB978, the CHERISH Our Communities Act because this bill is crucial for protecting the health of families like mine.

I have family members and close friends who suffer from asthma, and I live in a community deeply impacted by air pollution. Unfortunately, communities that already bear the burden of pollution continue to be subjected to even more harmful emissions, often without protection. These affected areas are disproportionately home to Latinos and communities of color, making this an urgent environmental justice issue.

SB978 is critical because it will:

- Improve the process for safeguarding the health of vulnerable communities.
- Ensure that cumulative impacts of pollution are considered when reviewing permit applications.
- Help reduce air pollution and, in turn, lower the rates of respiratory illnesses affecting our families.

I urge you to support this bill so that we can have cleaner air and a healthier future for our children. Thank you for your time and consideration.

Sincerely,
Ingris Reyna

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Adriana Gonzalez Mendez
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Adriana Gonzalez Mendez, and I have been a proud resident of Prince George's District 25 County for the past 20 years. I am a mother of four, and my youngest child suffers from asthma. I am writing to you today in full support of SB978, the CHERISH Our Communities Act, because I have seen firsthand how pollution impacts the health of our children and families.

My son's struggle with asthma has been heartbreaking, and I know I am not alone. My two nephews also suffer from asthma, and there was a time when they spent more days in the hospital than at home. Families like mine bear the burden of poor air quality, and it is our children—especially those in vulnerable communities—who pay the highest price.

SB978 is very important because it will help protect the communities most impacted by pollution, ensuring that families like mine no longer have to live in fear of the air we breathe. I urge the committee to support this bill and take a stand for the health and well-being of Maryland's children and families.

Thank you for your time and consideration.

Sincerely,

Adriana Gonzalez Mendez

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Marta Orellana
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Committee Members,

My name is Marta Orellana, and I have been a resident of Baltimore City District 46 for the past 16 years. As a mother of two children—one of whom battles both asthma and autism—I am deeply invested in advocating for environmental justice. That is why I am writing today in strong support of SB978, the CHERISH Our Communities Act.

This bill is deeply important to me because, as I mentioned, my youngest son suffers from asthma. For too long, our communities have been left behind, neglected, and forced to bear the burdens of pollution. Families like mine continue to live in areas where harmful environmental impacts accumulate, yet we have little protection from additional pollution.

SB 978 is a critical step toward ensuring that the Maryland Department of the Environment (MDE) fully considers the cumulative impacts of pollution when reviewing permit applications. By supporting this bill, you are taking action to protect the most vulnerable communities from further environmental harm. This bill ensures a more thorough and just permitting process that accounts for the existing pollution burden in communities like mine, safeguarding the health of families already living in vulnerable areas and preventing further negative health impacts on children, like my son.

I urge you to support SB978 and stand with families like mine who deserve clean air, a healthier future, and stronger protections for our communities.

Thank you for your time and consideration.

Sincerely,
Marta Orellana

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Veronica Gasca
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Members of the Committee,

My name is Veronica Gasca, and I have lived in Baltimore County District 6 for the past 19 years. I am a mother of two daughters, ages 11 and 13, and I am writing today in full support of the CHERISH Our Communities Act (SB 978).

I consider myself fortunate that my daughters enjoy good health and do not suffer from respiratory illnesses. However, we live in a community with some of the highest levels of air pollution. The quality of the air we breathe is not just a personal concern—it is a public health issue that disproportionately affects low-income communities and communities of color.

Clean air is essential to protecting the well-being of current and future generations, particularly children who are most vulnerable to pollution-related illnesses like asthma. SB 978 is a much-needed step toward environmental justice, ensuring that cumulative impacts from all pollution sources are thoroughly analyzed when the Maryland Department of the Environment (MDE) reviews permit applications. This comprehensive approach will help prevent further harm to our communities and hold polluters accountable.

I urge you to support SB 978 and take decisive action to safeguard the health of Maryland's families. Thank you for your time and commitment to this important issue.

Sincerely,
Veronica Gasca

Testimony in support of SB0978 - Environmental Per

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/25/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0978- POSITION: FAVORABLE

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

TO: Chair Atterbeary, Vice Chair Wilkins, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0978, **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 will increase public input on projects being proposed and evaluated by the Department of the Environment to ensure that Environmental Racism negative intentions are known and Environmental Justice implementation are front and center for the communities affected by proposed projects. The Princeton Student Climate Initiative has studied these issues ¹

- Climate change disproportionately affects those who suffer from socioeconomic inequalities, including many people of color. As the United States becomes increasingly diverse, understanding how the current crisis impacts people of different racial and ethnic backgrounds is imperative. This article provides a brief overview of the climate challenges faced by communities of color and the steps taken to address the existing disparities.

Environmental Racism

- Environmental racism refers to the unequal access to a clean environment and basic environmental resources based on race. Communities of color are disproportionately victimized by environmental hazards and are far more likely to live in areas with heavy pollution. People of color are more likely to die of environmental causes, and [more than half of the people](#) who live close to hazardous waste are people of color. Some activists call environmental racism [the new Jim Crow](#) as it subjects communities of color to inequitable living conditions. This goes back to beliefs initially perpetuated by the institution of slavery when enslaved Africans were considered “disposable” because they were sent to work in conditions deemed too dangerous for white workers. The authorities in the United States, as well as the institutions in place, often treat areas that are home to minority residents as of

¹ <https://psci.princeton.edu/tips/2020/8/15/racial-disparities-and-climate-change>

less value than wealthy and predominantly white neighborhoods. The burdens of pollution, toxic waste, and poisoned resources are not distributed equally across society.

Environmental Justice

- [Environmental justice](#) is a social justice movement that seeks to dismantle the flawed environmental policies that have long harmed low-income communities and communities of color, and instead pursue policy and development that work to create a sustainable, cooperative, and equitable future for the environment. It rests on the principle that everyone has a right to a clean and healthy environment, and the environmental justice movement strives to attain that. It also seeks to remedy the ills of environmental racism and to give everyone a liveable future. This movement initially began in the late 1980s, when a report was published ([*Toxic Waste and Race*](#)) that proved communities of color were subject to environmental degradation and dangerous pollution.

How do we enforce making environmental justice to prevent environmental racism a part of any project analysis undertaken by our Department of the Environment and add public input as a crucial factor in the decision making?

This bill forces applying certain public participation requirements to permits for projects that have been identified by the Department of the Environment as having an increased potential for adverse community environmental and public health impacts. It mandates that a person applying for certain environmental permits for certain projects with an increased potential to cause adverse community environmental and public health impacts to include in the permit application an environmental impact analysis. Requiring that data be collected and made public will increase the public's ability to effectively advocate for change in projects that can have negative environmental effects on them and their neighborhoods.

I respectfully urge this committee to return a favorable report on SB#/0978.

SB 978_Maryland Catholics for Our Common Home_FAV.

Uploaded by: Robert Simon

Position: FAV



Hearing before the Senate Education, Energy, and the Environment Committee
Maryland General Assembly
February 25, 2025

**Statement of Support (FAVORABLE)
of Maryland Catholics for Our Common Home for
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)**

Maryland Catholics for Our Common Home (MCCH) is a lay-led organization of Catholics from parishes in the three Catholic dioceses in Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. It engages in education about, and advocacy based upon, the teachings of the Catholic Church relating to care for creation and respect for all life. MCCH is a grassroots voice for the understanding of Catholic social teaching held by a wide array of Maryland Catholics. In the 2024 Legislative Session, 570 Maryland Catholics from 22 different Catholic parishes and religious communities across the State joined together through MCCH to support several key environmental bills under consideration by the General Assembly. MCCH is independent, though, and should be distinguished as an organization from the Maryland Catholic Conference, which represents the public policy positions of the bishops who lead these three dioceses.

Because we are attuned both to the cry of a distressed Earth and the cry of the poor who suffer first and foremost from environmental pollution, including a warming planet, **MCCH would like to express our strong support for Senate Bill 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).**

From our faith perspective this is an important bill. In his 2015 encyclical, entitled *Laudato Si': On Care for Our Common Home*,¹ Pope Francis called for a comprehensive response to protecting God's creation—one that addresses, simultaneously, two related crises: (1) the widespread despoliation of our environment (our air, water, and soils that sustain all life) by human activities; and (2) the disproportionate impact on the poor of environmental and climate collapse. The CHERISH Our Communities Act addresses both crises in an integrated fashion. It does so by focusing attention and action on the excessive and unequal environmental and public health harms that environmental justice communities in Maryland face from pollution-generating facilities. Historically, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in

¹ The English text of the encyclical, to which the paragraph numbers in the following parentheses refer, can be found at: https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html.

Maryland. As a result, low-wealth, Black, and other communities of color in Maryland have faced (and continue to face) greater cancer risks and exposure to air toxics, due to the higher pollution burden imposed by these facilities.

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 harm posed by multiple, historical sources of pollution. The CHERISH Our Communities Act will give higher priority to the well-being of Maryland residents in environmental justice communities and will ensure that MDE's decision-making processes are transparent and inclusive.

To our mind, the CHERISH Our Communities Act speaks to the essence of how we treat and value one another—as human beings and as part of nature—with the respect and dignity that each deserves. Pope Francis has written in *Laudato Si'* that “everything is connected” and “concern for the environment thus needs to be joined in a sincere love for our fellow human beings and an unwavering commitment to resolving the problems of society. A sense of deep communion with the rest of nature cannot be real if our hearts lack tenderness, compassion, and concern for our fellow human beings” (no. 91).

For these reasons we strongly urge your support for this bill. Thank you for your consideration of our views and our respectful request for a **favorable** report on Senate Bill 978, the CHERISH Our Communities Act.

Gilden_CHERISH Act_support.pdf

Uploaded by: Robyn Gilden

Position: FAV



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

STEERING COMMITTEE

Azita Amiri, PhD, RN
Laura Anderko, PhD, RN
Suellen Breakey, PhD, RN
Adelita Cantu, PhD, RN
Lisa Campbell, DNP, RN, APHN-BC
Doriam Camacho Rodriguez, PhD, RN
Anabell Castro Thompson, MSN, APRN, ANP-C, FAAN, FAANP
Cara Cook, MS, RN, AHN-BC
Kathy Curtis, LPN
Tammy Davis, BS, RN
Karen G. Duderstadt, PhD, RN
Tom Engle, MN, RN
Robyn Gilden, PhD, RN
Katie Huffling, RN, MS, CNM, FAAN
Kelly K. Jones, PhD, RN
Jeanne Leffers, PhD, RN
Ruth McDermott-Levy, PhD, RN
Elizabeth Mizelle, PhD, RN-BC, CNE
Teddie M. Potter, PhD, RN, FAAN, FNAP
Aaron Salinas, DNP, APRN, FNP-BC, PMHNP-BC, NRP
Barbara Sattler, RN, DrPH, FAAN
Beth Schenk, PhD, MHI, RN
Daniel J. Smith, PhD, RN, CNE
Lisa M. Thompson, PhD, RN, FNP, FAAN
Nelson Tuazon, DNP, DBA, RN, NEA-BC, CENP, CPHQ, CPPS, FNAP, FACHE, FAAN
Tia Wackerhagen, RN, BSN
Mary Jane Williams, PhD, RN

Testimony Supporting SB0978

Senate Education, Energy, and the Environment Committee

February 25, 2025

Position: SUPPORT

Dear Chair Feldman and Members of the Committee,

As a resident of Carroll County, an Environmental Health Nurse researcher and advocate, and a steering committee member of the Alliance of Nurses for Healthy Environments, I am writing to express my strong support of SB978, the CHERISH Our Communities Act.

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. For decades, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland [face greater cancer risks and exposure to air toxics](#) due to higher pollution burden.

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 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.

Since 2002, I have worked with communities facing multiple health and environmental impacts from many permitted facilities in their neighborhoods but have no ability to address the cumulative risk because the current permitting process only considers one property at a time. As one example, we have worked closely with the community of Curtis Bay who have well over 50 air, water discharge and hazardous waste permitted facilities including the CSX coal terminal, landfills, chemical plants, and a medical waste incinerator that accepts trash from as far away as Canada. The cumulative, repetitive exposures to



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

this toxic soup causes and exacerbates respiratory issues like asthma, cardiovascular issues, and a variety of cancers.

Curtis Bay is not alone. There are many communities in the whole state of Maryland that would benefit from this simple, extra step, to verify cumulative impact before granting future permits.

I urge you to support SB0978 and protect the communities already overburdened by current environmental insults.

Robyn Gilden, PhD, RN

Steering Committee Member, Alliance of Nurses for Healthy Environments

CHERISH Maryland ANHE Support SB978 (2).pdf

Uploaded by: Sarah Bucic

Position: FAV



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

STEERING COMMITTEE

Azita Amiri, PhD, RN
Laura Anderko, PhD, RN
Suellen Breakey, PhD, RN
Adelita Cantu, PhD, RN
Lisa Campbell, DNP, RN, APHN-BC
Doriam Camacho Rodriguez, PhD, RN
Anabell Castro Thompson, MSN, APRN, ANP-C, FAAN, FAANP
Cara Cook, MS, RN, AHN-BC
Kathy Curtis, LPN
Tammy Davis, BS, RN
Karen G. Duderstadt, PhD, RN
Tom Engle, MN, RN
Robyn Gilden, PhD, RN
Katie Huffling, RN, MS, CNM, FAAN
Kelly K. Jones, PhD, RN
Jeanne Leffers, PhD, RN
Ruth McDermott-Levy, PhD, RN
Elizabeth Mizelle, PhD, RN-BC, CNE
Teddie M. Potter, PhD, RN, FAAN, FNAP
Aaron Salinas, DNP, APRN, FNP-BC, PMHNP-BC, NRP
Barbara Sattler, RN, DrPH, FAAN
Beth Schenk, PhD, MHI, RN
Daniel J. Smith, PhD, RN, CNE
Lisa M. Thompson, PhD, RN, FNP, FAAN
Nelson Tuazon, DNP, DBA, RN, NEA-BC, CENP, CPHQ, CPPS, FNAP, FACHE, FAAN
Tia Wackerhagen, RN, BSN
Mary Jane Williams, PhD, RN

February 21, 2025

Support: The CHERISH our Communities Act: from Cumulative Harms to Environmental Restoration for Improving Shared Health (SB 978)

The Alliance of Nurses for Healthy Environments (ANHE) supports the CHERISH our Communities Act in Maryland.

Nurses consistently see evidence of the health harms of toxic environmental exposures in our everyday work and are often the “eyes and ears” of the care teams in which we work.

As the only national nursing organization focused solely on the intersection of health and the environment, ANHE supports a cumulative impact analysis and approach. Using a cumulative impacts framework¹ makes regulating over 80,000 chemicals possible, and can potentially reduce disparities² in environmental exposure which is especially important for Black, Brown, and low-income communities who are exposed to higher levels of pollution. Cumulative impact assessment has been endorsed by governments, scientists, and communities as a process that can demonstrate a need for greater environmental protections through its examination of multiple environmental, social, and health burdens and stressors many of which occur at the same time and are concentrated in low-income and communities of color.³

As nurses and healthcare providers, we know that nobody is exposed to one pollutant at a time. Peoples’ actual lived experience includes exposure to multiple pollutants, from multiple sources, interacting with other stressors in real time. Environmental exposures continue to occur at every level of human development and can have a single effect or cumulative effects across the lifespan.

ANHE applauds steps taken in recent years at the federal level on

¹ Ellickson, K. (February 13, 2023). *When it comes to the cumulative impacts of pollution, the science is in.* Union of Concerned Scientists. <https://blog.ucsusa.org/kellickson/when-it-comes-to-the-cumulative-impacts-of-pollution-the-science-is-in/>

² National Environmental Justice Advisory Council (NEJAC). (October 4, 2024). *Reducing cumulative and disproportionate impacts and burdens in environmental justice communities.* <https://www.epa.gov/system/files/documents/2024-11/nejac-recommendations-for-reducing-cumulative-and-disproportionate-impacts-and-burdens-in-environmental-justice-communities.pdf>

³ See citation 2 [NEJAC]



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

cumulative impacts.^{4,5,6,7} However, many chemicals which have long been known to be dangerous such as lead, ethylene oxide and vinyl chloride remain in use harming our patients, communities and workers across the nation.

This is a moment in our country for states to take the lead. ANHE supports a cumulative impact approach in all levels of government from the federal, to state, local, and Sovereign Nation governments. States like New Jersey⁸ and Massachusetts,⁹ and local governments have been leading the way¹⁰ in cumulative impacts policies and method developments.

There is a history of cumulative impacts implementation or written protocols for implementation, including the State of New Jersey's rule,¹¹ the Massachusetts rule,¹² and the Minnesota law's process document.¹³ This is certainly not an exhaustive list, and demonstrates a large body of work that deserves continued attention and growth, and implementation in overburdened communities.

Maryland lags behind other states that have passed laws requiring assessment of the cumulative impacts of multiple polluters on the same community. As nurses, we are led by our professional obligations¹⁴ which make addressing health, environment and safety a professional focus. In Maryland, many communities face a barrage of pollution sources. In South Baltimore alone, residents are surrounded by nearly 100 EPA-regulated polluting facilities, including:

- A massive trash incinerator, the nation's largest medical waste incinerator, and multiple landfills.
- A wastewater treatment plant and an animal rendering plant. An open-air coal terminal, a coal ash landfill, and oil and gas tanks.

⁴ Biden, Joseph R., (January 20, 2021). *Executive Order 13985, Advancing racial equity and support for underserved communities throughout the federal government.* <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>

⁵ U.S. EPA. (April 2022). *Executive Order 13985 Equity Action Plan.* https://www.epa.gov/system/files/documents/2022-04/epa_equityactionplan_april2022_508.pdf

⁶ U.S. EPA, (February 14, 2024). *Equity Action Plan.* <https://www.epa.gov/system/files/documents/2024-02/epa-2023-equity-action-plan.pdf>

⁷ U.S. EPA. (2022). *Cumulative impacts research: Recommendations for EPA's Office of Research and Development.* https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=357832&Lab=ORD&simplesearch=0&showcriteria=2&sortby=pubDate&searchall=357832&timstype=&datebeginpublishedpresented=05/17/2021

⁸ New Jersey Administrative Code (N.J.A.C.) N.J.A.C. 7:1C *Environmental justice.* https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_1c.pdf

⁹ MassDEP. (March 29, 2024). *Cumulative impact analysis in air quality permitting.* <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting#regulations->

¹⁰ Tishman Center. (Sept 28, 2022). *Understanding the evolution of 'cumulative impacts' definitions and policies in the U.S.* <https://www.tishmancenter.org/blog/new-research-understanding-the-evolution-of-cumulative-impacts-definitions-and-policies-in-the-us>

¹¹ See citation 8 [N.J. A.C.]

¹² See citation 9 [MassDEP]

¹³ Minnesota Pollution Control Agency. Air permitting in south Minneapolis <https://www.pca.state.mn.us/business-with-us/air-permitting-in-south-minneapolis>

¹⁴ American Nurses Association. (2020). *Nursing: Scope and Standards of Practice (4th ed.)*. Standard 18: Environmental Health. ANA: Silver Spring, MD.



Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

- Asphalt production plants, chemical manufacturing, and heavy truck routes surround the community's rec center.

Pollution from all of these facilities combine with each other and compound with other inequalities to produce more and worse health impacts. In South Baltimore, failure to act has even led to the involuntary displacement of entire communities.

ANHE supports the work of local advocacy groups such as the South Baltimore Community Land Trust and their efforts to create healthier environments. Communities, which have been long overburdened with pollution and inadequate regulatory practices, need to have their concerns addressed and problems solved.

Maryland must amend its permitting process to incorporate decisions about cumulative impacts. Residents of overburdened and underserved communities deserve a permitting process that recognizes that multiple polluters can create more health harms than individual polluters. Maryland deserves a gold-standard permitting process that learns from the significant environmental justice gains other states have adopted in the past five years.

The Alliance of Nurses for Healthy Environments appreciates the opportunity to support The CHERISH our Communities Act for robust health protective standards for Maryland residents.

SB0978_CHERISH_FAV_ClimateCC.pdf

Uploaded by: Sonia Demiray

Position: FAV



SUPPORT- SB0978

Sonia Demiray

Climate Communications Coalition

sonia@demirayink.com

202-744-2948

**SB0978 Certificate of Public Convenience and Necessity - Environmental
Impact Analysis and Existing Burden Report
2025 CHERISH Act - Support**

Education, Energy, and the Environment Committee

February 25, 2025

Dear Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

My name is Sonia Demiray, I am the Executive Director of the Climate Communications Coalition, a member of the Mid-Atlantic Justice Coalition, and of the Maryland Climate Justice Wing. The Climate Communications Coalition urges a favorable report on SB0978.

The CHERISH Act puts the health and well-being of Marylanders first and ensures that the decision making process around the location of any new polluting facility is transparent and inclusive. The CHERISH Act will help all Marylanders and our environment by requiring common sense permits such as much needed expanded air quality control and refusal disposal. Currently, facilities that pose a risk to environmental and human health, including incinerators, biomass burning plants, pellet factories, biogas digesters, landfills, and fossil fuel burning plants, are frequently built amid economically stressed communities compounding the negative health effects caused by polluted air and water. Applying the CHERISH Act to tracts that have an EJ score of 75 or higher, would protect these communities from additional environmental and health burdens.

The CHERISH Act would also require an environmental impact statement and an existing burden report for permit applications of highly polluting facilities. It will reflect any enforcement actions on a publicly accessible website so that impacted communities can protect themselves, and it would direct 25% of any penalties back into the communities that have been harmed.

Maryland is falling behind New Jersey, New York and Minnesota in protecting its communities – let's reverse this trend by passing the CHERISH Act, which is also in line with our Climate Pollution Reduction Plan and the Climate Implementation Plan.

Please protect Marylanders. We urge a favorable report on SB0978.

###

Testimony SB 978 TTF.pdf

Uploaded by: Terrence Fitzgerald

Position: FAV

Terrence Fitzgerald, MD

1817 Sulgrave Avenue
Baltimore, MD 21209



Testimony on SB 978
CHERISH Our Communities Act
Senate Energy, Education, and Environment Committee

Date: February 25, 2025

Position: SUPPORT

I write as a physician in Baltimore City to urge you to bring a **Favorable** report on SB 978.

This bill addresses a critical gap in Maryland's environmental protection system. Currently, when considering new permits to pollute, Maryland does not evaluate how multiple pollution sources in one area combine to affect public health. This means new permits are reviewed in isolation, without considering the total (or cumulative) impact on local residents' health. Following the lead of states including New Jersey, New York, and Minnesota, the CHERISH Our Communities Act will reform Maryland's permitting system to better protect communities that already face heavy pollution burdens.

This is only fair. If nothing else, just considering the burden of asthma on some communities we are compelled to act. I urge you to take such action by giving a **Favorable** report on SB 978.

Terrence Fitzgerald, MD

Tiffany Thompson Prioritize SB0978.pdf

Uploaded by: Tiffany Thompson

Position: FAV

Testimony Urging Passage of SB0978
Senate Education, Energy, and the Environment Committee
February 25, 2025

Position: Strongly SUPPORT

Dear Chair Feldman and Members of the Committee,

My name is Tiffany Thompson, and I am a resident of Curtis Bay who has also lived in Cherry Hill. I am writing to express my strong support for SB978, the CHERISH Our Communities Act.

As a former school teacher at Curtis Bay Elementary, I saw firsthand how many students suffered from asthma and other respiratory illnesses. It was heartbreaking to witness young children struggling to breathe, knowing that this was largely due to the environmental conditions in our community. Now, as a resident, I have experienced the full extent of environmental injustices in Curtis Bay—living through a massive explosion at the CSX coal terminal, a deadly fire at Petroleum Management, the constant flow of hundreds of trucks through our neighborhood every hour, daily exposure to coal dust and fine particulate matter, and the ongoing pollution from the BRESCO incinerator, whose toxic ash is dumped right here in our community.

Curtis Bay is surrounded by over 100 pollution sources. This has never been right. The consequences of this reality are well known—residents suffer from health conditions that could have been avoided if policymakers took existing pollution burdens into account. Other states, like New York, New Jersey, and Minnesota, have adopted policies to address cumulative impacts in environmental permitting decisions. Maryland must do the same.

Right now, our community is facing an expansion request from Grace Chemical, the largest source of toxic releases in Baltimore City, and from PMI, the same company that caused a fatal fire and operated illegally without a permit for nearly a decade. This is what happens when pollution is concentrated in just a few communities—it fundamentally undermines the principle that every child has an equal opportunity to grow up healthy. It is simply false to claim that a child born in Curtis Bay has the same chance at a healthy life as a child born elsewhere in Maryland. That is a lie.

We have the power to change this over time and create better development opportunities, rather than continuing to sacrifice certain neighborhoods. And before anyone argues that these polluting industries are sited based on sound technical reasoning, I urge you to look at history. The BRESCO incinerator was originally planned for North Baltimore, but when residents there opposed it, the city ultimately chose to build it next to an existing incinerator in Cherry Hill—doubling the burden on a predominantly Black community while sparing a white one. This pattern of decision-making must end.

The CHERISH Act is a crucial step toward justice. It will help ensure that no community is forced to bear an unfair and unhealthy pollution burden simply because it has been overlooked in past decisions. I urge you to support SB978 and help create a fairer, healthier Maryland for all.

Sincerely,
Tiffany Thompson
Resident, Curtis Bay

CHERISH-Act-SB0978-Support Testimony.pdf

Uploaded by: Tom Taylor

Position: FAV

February 21, 2025

Subject: Testimony in **support of SB978** -- Environmental Permits — Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health — **CHERISH Our Communities Act**)

Position: **Favorable**

Dear Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

I am submitting testimony in support of SB978, the CHERISH Our Communities Act. This legislation will add requirements in the Maryland Department of Environment (MDE) permitting system to better protect communities that already have heavy pollution burdens.

The bill will require the Public Service Commission to consider whether any proposed project will increase the pollution burden on the surrounding community as part of the review process. Provisions in the bill for an Environmental Impact Statement and Existing Burden Report will help ensure transparency, opportunity for community input, and fair and just treatment for impacted communities.

Minority and underserved communities in Maryland are exposed to a much heavier pollution burden than other communities. Under the CHERISH Our Communities Act, the Environmental Justice (EJ) Scores calculated by the Maryland Department of Environment will be used to identify the most polluted communities in the state.

For specific polluting facilities applying for permits in or near these most polluted communities, the Act will put in place requirements in the permitting process that will significantly protect underserved neighborhoods that have endured far more than their fair share of negative environmental impacts, and that have experienced harm to their health and quality of life as a result.

This is an environmental justice action that is long overdue. I strongly urge your support of this legislation.

Please give a favorable report on SB978.

Sincerely,

Tom Taylor
11-G Laurel Hill Road
Greenbelt, MD 20770
301-513-9524

CHERISH testimony Veronica Gasca .pdf

Uploaded by: Veronica Gasca

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 978 - CHERISH Our Communities Act
Submitting: Veronica Gasca
Position: Favorable
Hearing Date: February 25, 2025

Dear Chair and Members of the Committee,

My name is Veronica Gasca, and I have lived in Baltimore County District 6 for the past 19 years. I am a mother of two daughters, ages 11 and 13, and I am writing today in full support of the CHERISH Our Communities Act (SB 978).

I consider myself fortunate that my daughters enjoy good health and do not suffer from respiratory illnesses. However, we live in a community with some of the highest levels of air pollution. The quality of the air we breathe is not just a personal concern—it is a public health issue that disproportionately affects low-income communities and communities of color.

Clean air is essential to protecting the well-being of current and future generations, particularly children who are most vulnerable to pollution-related illnesses like asthma. SB 978 is a much-needed step toward environmental justice, ensuring that cumulative impacts from all pollution sources are thoroughly analyzed when the Maryland Department of the Environment (MDE) reviews permit applications. This comprehensive approach will help prevent further harm to our communities and hold polluters accountable.

I urge you to support SB 978 and take decisive action to safeguard the health of Maryland's families. Thank you for your time and commitment to this important issue.

Sincerely,
Veronica Gasca

SB0978_IndivisibleHoCo_FAV.pdf

Uploaded by: Virginia Smith

Position: FAV



SB0978

**Cumulative Harms to Environmental Restoration for Improving Shared Health
(CHERISH Our Communities Act)**

Testimony before Education, Energy, and the Environment

Hearing February 25, 2025

Position: Favorable

Dear Chair Feldman and Co-Chair Kagan, and members of the committee, my name is Virginia Smith, and I represent the 900+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of SB0978**, which addresses the critical need for environmental justice in the state by creating new permitting requirements, requiring better community engagement and public notices, and ensuring permits are only given when there are strong conditions to reduce pollution impacts in overburdened communities and there are community benefits agreements that support local residents. We thank Senator Lam for sponsoring this bill.

Currently, when a new permit to pollute is considered, Maryland only evaluates how that permit will impact a community, instead of evaluating how it will work with other sources of pollution already allowed. This isolation means that overburdened communities are created where residents face multiple sources of pollution. It has also been found that many high-impact facilities are avoiding public health notice requirements and transparency measures. This leaves neighborhoods and communities ill-prepared to fight back when they may be impacted by new sources of pollution. Finally, Maryland does not currently have the legal authority to make permitting decisions based on environmental justice data, which means that over-burdened communities will continue to be over-burdened.

The CHERISH act will address these issues and put Maryland at the forefront of environmental justice reform by addressing the combined effects of multiple polluters on community health. It will ensure that communities already dealing with pollution burdens aren't forced to accept more without safeguards and benefits. And most important, it will give Maryland the power it needs to use environmental justice data when considering permits.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Virginia Smith
Columbia, MD 21044

CAF- Testimony CHERISH ACT.pdf

Uploaded by: walkiria pool

Position: FAV

Bill Title: SB978 CHERISH Our Communities Act

Position: SUPPORT

To: Senate Education, Energy, and the Environment Committee

From: Walkiria Pool, CEO on behalf of Centro de Apoyo Familiar

Dear Honorable Chair Feldman and Members of the Committee,

As a resident of Maryland and a representative of Centro de Apoyo Familiar, **I am writing to express my strong support for [SB978](#), the CHERISH Our Communities Act.**

The CHERISH Our Communities Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution-generating facilities. For centuries, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland [face greater cancer risks and exposure to air toxics](#) due to higher pollution burden.

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 issued by the Maryland Department of the Environment (MDE). Currently, many environmental permit applications do not include a public engagement process and 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.

Personal stories add depth to the importance of SB978:

- If your or someone in your family's health has been impacted by pollution in your community, I urge you to think about their well-being.
- If you have tried to protest the permit for a polluting facility and found that the state can't or won't take action, know that the CHERISH Act will give the state the specific legislative authority to take action.
- If you know of a facility near you that is polluting, and want more transparency about it, the CHERISH Act would make sure that information is easily available online when it impacts environmental justice areas.

Technical background on the health impacts:

Polluting factories, fossil fuel shipment facilities, trash incinerators, and landfills release harmful emissions that have severe health impacts, including respiratory issues, cardiovascular diseases, and higher cancer risks. Environmental justice communities bear this disproportionate burden due to the cumulative pollution from these facilities. There is an urgent need for targeted protections in Maryland's permitting system to safeguard these communities.

Details about what the bill does:

- The bill identifies the 25% most polluted communities in the state using the Maryland EJ Screening Tool.

- Companies and other entities that pollute the environment must apply for permits from MDE. When specific types of facilities apply for air, land, and water permits to pollute in or near an identified community, the applicant must include an Environmental Impact Statement and an Existing Burden Report.
- Based on the provided information, public comments, review from other government entities, and its own analysis, MDE will determine whether issuing the permit would cause increased potential for adverse impacts on the community. If it will, MDE will deny the permit (for new or expanding permits) or require additional permit conditions and a Cumulative Impacts Mitigation Fund Agreement (for renewal permits).
- MDE will make information about enforcement actions against permitted facilities easily available online and direct 25% of penalties from enforcement actions to the impacted communities.

This targeted approach, based on priorities identified by environmental justice communities in Maryland, fills a critical gap in MDE's current permitting authority to protect public health in Maryland's most polluted communities.

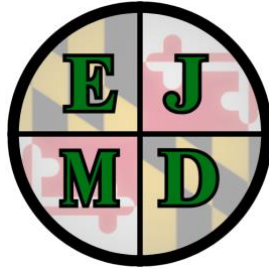
Centro de Apoyo Familiar wholeheartedly supports SB978. We believe this bill is essential for promoting environmental justice and safeguarding the well-being of Maryland's residents.

Walkiria Pool
CEO
wpool@mycaf.com
240-593-2042

SB 978

Uploaded by: Zack Buster

Position: FAV



Zack Buster

*Founder & Executive Director
Environmental Justice Maryland*

(410)-215-1403

contact.ejmd@gmail.com
zackbuster4md@gmail.com

Esteemed members of the Senate Education Energy & Environment Committee,

My name is Zack Buster, and I am writing on behalf of the community nonprofit initiative Environmental Justice Maryland to urgently request a **FAVORABLE** committee report for the **CHERISH Our Communities Act of 2025**. (SB-978/HB-1484) Across the state, corporations have been allowed to pollute our communities without tangible accountability to the people they harm. This bill would change that and ensure a future where Marylanders have a direct say in decisions that directly impact their health.

SB-978 would accomplish this by ensuring communities are consulted in the permitting process for most pollution-generating facilities. In these community hearings, residents can speak out and experts can evaluate the impact of these environmental hazards. With the voice of the people heard, this bill would also empower the Department of Environment to act on this information, allowing the state to deny a permit if a facility would significantly impact the health and wellbeing of these communities.

In many cases, the Department of Environment has their hands tied when protecting underserved communities overburdened by injustice. This bill would change that and allow the state to directly address these issues in a way we currently can't. We cannot prioritize our health and wellbeing without prioritizing environmental justice. We cannot prioritize environmental justice if we do not empower communities to fight against injustice. If this bill passes, we could truly say that we are putting profits before people. Until then, we will never make progress in ensuring environmental justice for every Marylander.

In conclusion, the CHERISH Our Communities Act would allow the state to begin correcting a long legacy of environmental injustice, help the state to enforce existing laws, and empower communities to have a say in the permitting process of new facilities that would impact public health and raise concerns around environmental injustice. It is for these reasons that Environmental Justice Maryland respectfully requests a favorable committee report on SB-978.

SB0978_CHERISH ACT_UNF.pdf

Uploaded by: Brian Benko

Position: UNF

February 25, 2025

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

RE: **OPPOSE** – Senate Bill 978 – Environmental Permits / CHERISH Our Communities Act

Smith Industries, Inc. is a part of the critical manufacturing sector as we are a manufacturer of steel, iron and aluminum products. We operate scrap metal recycling and processing facilities and employ over 650 employees. Nine of our facilities are located within the following Maryland Counties: Allegany, Baltimore, Caroline, Carroll, Frederick, Harford, Prince George's, and Wicomico.

We purchase scrap metal materials (recyclable materials) from the general public, local businesses, and government agencies. Our facilities support their local economies, employing local residents while providing a much-needed market for local businesses to sustainably dispose of their metal scrap. Recycling metals is one of the most effective ways to preserve our planet's finite resources. We utilize proprietary, cutting-edge technology to maximize the recovery of metals. By turning discarded metals into high-quality, reusable materials, we reduce the need for mining new raw materials, thereby reducing energy consumption and greenhouse gas emissions.

Metal recycling doesn't just conserve resources; it plays a critical role in reducing energy consumption and fighting climate change.

Smith Industries opposes Senate Bill 978 as it negatively affects the critical infrastructure sectors that sustain our State and its residents. The proposed permitting process fails to mention timelines or associated costs. Moreover, there is no definition for what constitutes a community-based organization.

Senate Bill 978 will create business uncertainty that will stifle willingness to expand business or invest in new innovative technologies.

Smith Industries, Inc. respectfully requests an **unfavorable report on Senate Bill 978.**

Brian Benko
Information Officer
Smith Industries, Inc.

SB0978_UNF_NWRA_Env. Permits - Req. Pub. Participa

Uploaded by: Drew Vetter

Position: UNF

Collect
Recycle
Innovate



**National Waste
& Recycling AssociationSM**

Senate Education, Energy, and the Environment Committee

February 25, 2025

Senate Bill 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)*

POSITION: OPPOSE

The Maryland chapter of the National Waste and Recycling Association (NWRA-MD) is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. NWRA-MD and its members oppose Senate Bill 978.

NWRA-MD appreciates the goal of this legislation, which is to bring increased scrutiny to the environmental and public health impacts of certain types of projects in high-risk areas. Senate Bill 978 defines an expansive list of facilities and projects to which the additional regulatory analysis and requirements would apply. Included among “covered projects” are landfills, materials recovery facilities, and solid waste transfer stations. The requirements of the bill apply to new, renewal, and expansion permits.

We are concerned because facilities such as landfills, recycling, and transfer stations are fulfilling an essential public service. While few, if any, new landfills or transfer stations are expected to be built, our existing facilities are an essential component of Maryland’s waste management infrastructure. We note that our industry is already required to comply with the Maryland Department of the Environment’s (MDE) Environmental Justice Screening Tool to develop an Environmental Justice Score.

The bill, as drafted, gives MDE broad discretion to impose additional permit conditions or require a permittee to enter into a cumulative impacts mitigation fund agreement if it is determined that even a renewal permit would “cause or contribute to an increased potential for adverse community environmental and public health impacts in an at-risk census tract.” We understand and appreciate that the bill allows approval of a “conditional new, expansion, or renewal permit” if the applicant can establish that the purpose of the permit would serve an essential environmental, health, or safety need of the community and that there is no reasonable alternative to the purpose of the permit. However, it is unclear whether existing waste management infrastructure would qualify on these grounds, despite the fact that they are essential for managing waste.

Our industry is committed to increasing recycling rates, diverting waste from the waste stream, and being good environmental stewards. However, managing waste is essential, and we are concerned that this bill could jeopardize existing infrastructure. We would encourage the committee to consider such impacts on permit types that serve essential public services, whether publicly or privately owned.

Unless there is clarification of the concerns raised herein, we respectfully request an unfavorable report on this legislation.

For more information:

Andrew G. Vetter

J. Steven Wise

Danna L. Kauffman

410-244-7000

Visit our website www.wasterecycling.org

SB 978 - CHERISH Our Communities Act - Oppose.pdf

Uploaded by: Grayson Middleton

Position: UNF



Educate. Advocate. Innovate.

Date: February 21, 2025
To: Members of the Senate Committee on Education, Energy, and the Environment
From: Grayson Middleton, Government Affairs Manager
Re: SB0978 – CHERISH Our Communities Act – **Oppose**

Delmarva Chicken Association (DCA), the 1,600-member trade association representing the meat-chicken growers, processing companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes SB 978.

SB 978 would require applicants of at least 22 different permits to submit an Environmental Impact Analysis if their project has “increased *potential* for adverse community environmental and public health impact.” This lengthy analysis would include potential public health impacts, any alternatives to the proposed permit, commitment of resources, and mitigation measures. If a project is located within 1.5 miles of an “at-risk” census tract (one with a Maryland EJ Score above the 75th percentile), the applicant would need to include an “Existing Burden Report” which requires an evaluation of existing pollution sources currently affecting the community. Under this bill, a pollutant would include “general noise and odor levels.” Finally, this bill would *require* MDE to deny a permit if they determine that it would even *potentially* contribute to increased adverse community environmental or public health impacts. Concentrated Animal Feeding Operation (CAFO) permits, which are required by every chicken farmer in the State, would be covered under this law.

As a matter of policy, DCA explicitly supports environmental justice initiatives in both our legislative policy document and our 2024 legislative priorities, both approved by the DCA Board of Directors. However, we believe these initiatives should be balanced with the economic interests of farmers and the communities that surround them. After all, Delmarva chicken growers are 23% minority, compared with 4.5% of all farmers nationally. This rate tends to be even higher in those areas on Maryland’s Eastern Shore where the Environmental Justice score would be above the 75th percentile statewide. Ironically, in rural communities reliant on agriculture, this bill will likely harm the economic well-being of the very citizens it is meant to protect.

We have many concerns about this legislation, particularly the lack of guidance for MDE in their evaluation of permits. We also believe that the consideration of noise and odor in an agricultural area for an agricultural permit is likely in direct conflict with Maryland’s Right to Farm law. However, our main concern is how this legislation would be applied to general permits, namely the Concentrated Animal Feeding Operation (CAFO) general permit.

Pursuant to Section 402 of the Clean Water Act, 33 USC § 1342, the Maryland Department of the Environment has delegated authority from the EPA to administer National Pollutant Discharge Elimination System (NPDES) permits. Under the Clean Water Act, MDE may issue general permits to regulate facilities that have similar discharges and are subject to the same conditions and limitations within a specified geographic area. MDE has determined that this is the best course of action for CAFOs, and therefore under Code of Maryland Regulations (COMAR) 26.08.03.09, one general permit covers



Educate. Advocate. Innovate.

nearly all chicken farms in the state, regardless of geographic location within the state or the socioeconomic status of the communities surrounding them.

We should also note that current regulations recognize that there is no discharge from chicken houses and is therefore informally known as a “non-discharge discharge permit.” This is because each applicant must adhere to the nine minimum standards to protect water quality that do not allow for discharge. These standards cannot be altered on a farm-by-farm basis.

Given that technically one general permit is issued to all chicken farms in Maryland, and that the EPA and other bodies have recognized that there is no discharge from these facilities, we believe that CAFO and perhaps all other general permits are unsuitable for evaluation by a state agency on an individual basis as outlined in this legislation. Not only is it incongruent with the current permitting structure, but it is also unfair to include them with other discharge permits in this legislation since there is no discharge from these facilities.

Aside from the dubious legality of requiring evaluations and stipulations outside of those previously established between MDE and EPA, we are seriously concerned about further prolonging the CAFO permitting process and requiring farmers to go through such a thorough and lengthy evaluation. Almost all of the approximately 500 CAFO permits in Maryland are held by family-owned chicken farms. These families are already required to submit innumerable forms and applications every year to continue their work under the law. Some of these are now so convoluted that an entire industry exists to help them complete the necessary paperwork. Mandating these families to conduct an environmental and socioeconomic analysis of the areas surrounding their land simply to get approval for what is already a dizzyingly complicated and thoroughly reviewed permitting process is unfair and unreasonable.

DCA recognizes that there are concerns about how agricultural activities can affect underserved and overburdened communities, and we want to continue being a part of that conversation with the sponsors and relevant agencies. However, we believe that the current language is not only unworkable under the current permitting structure administered by MDE and delegated by the EPA, but also excessively burdensome. For these reasons, we strongly urge an unfavorable report on SB 978.

Should you have any additional questions, please feel free to contact me at middleton@dcahicken.com or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager

SB 978

Uploaded by: Kamita Gray

Position: UNF



Environment, Social
Governance

E•S•G

Permitting
Requirements

**SB0978/HB1484
LEGISLATION**

FEBRUARY 25, 2025

**EDUCATION, ENERGY,
AND THE ENVIRONMENT
COMMITTEE**

**DARK MONEY
FUNDED NONPROFIT
ADVOCACY
GROUPS AND
MD LEGISLATURES**

**EQUALITY IN
INFRASTRUCTURE**

**PERMITTING AND
EVOLVING
STATE APPROACHES
TO ENVIRONMENTAL
POLICIES**

ENVIROMENTAL RESIDUALS

Heavy Industrial Facilities Effects on Human Health



Review Authors

Brandywine TB Southern Region Neighborhood Coalition



SB0978/HB1484 CHERISH ACT

EDUCATION, ENERGY, AND THE ENVIRONMENT

25 FEBRUARY 2025

FOR: Maryland Legislative Committee

TO: Chair, Senator Brian J. Feldman and Vice Chair, Senator Cheryl C. Kagan

FROM: Brandywine TB Southern Region Neighborhood Coalition (BTB Coalition)

POSITION: UNFAVORABLE

Thank you for the opportunity to submit this analysis of SB-0978/HB1484 (CHERISH Act) on behalf of the BTB Coalition—a community development nonprofit and neighborhood coalition representing over 10,000 Maryland residents, including those directly impacted by decades of environmental injustice. As an organization grounded in the lived experience of frontline communities, we offer this testimony as both a critique and a roadmap for equitable policymaking.

Our mission is to advance systemic change that protects the health, welfare, and civil rights of working-class families in Maryland. This review serves as an educational resource for legislators at all levels, highlighting gaps in the current bill while proposing actionable solutions rooted in community expertise.

We stand ready to collaborate on refining key provisions of this legislation, such as:

- Funding mechanisms that prioritize direct investments in affected communities,
- Community advisory structures ensuring resident-led decision-making,
- Enforcement frameworks aligning with Title VI civil rights mandates.

For further dialogue, please contact the Executive Community Citizen's Board (ECCB) via our Neighborhood Leadership Council at btb.eccb@gmail.com.

Thank you for your time and commitment to advancing environmental justice.

Respectfully submitted
Kamita Gray
Policy & Legislative Consultant
2Bridge CDX, Founder

BTB Coalition, President
ECCB– NLC Administrative Chair

In solidarity, Brandywine/TB Southern Region Neighborhood Coalition; and the
Executive Community Citizen's Board (ECCB) neighborhood Leadership Council (NCL)

TABLE OF CONTENTS

ENVIROMENTAL II

RESIDUALS II

Heavy Industrial Facilities Effects on Human Health II

SB0978/HB1484 III

CHERISH ACT III

Education, Energy, and the Environment iii

25 FEBRUARY 2025 iii

INTRODUCTION 5

Factual History 5

The Reality of the Bill & Our Community’s Burden 6

Exclusion as Policy 6

A Call for Authentic Leadership..... 6

Environmental Justice Screening Tool 7

Overview of New Jersey, New York, and Maryland Environmental Justice Laws..... 7

Cumulative Impacts & Local Governance 7

Critical Revisions Needed for Effective Legislation..... 8

Public Participation..... 8

STRATEGY 9

Implementation of a Community Involvement Collaborative Taskforce 9

Final Appeal..... 9

INTRODUCTION

Maryland stands at a pivotal moment to redefine environmental justice and civil rights leadership in America. By synthesizing the strongest elements of New Jersey’s groundbreaking cumulative impact assessments and New York’s equity-driven investment mandates, Maryland can craft the nation’s most robust Title VI and Environmental Framework—one that centers enforceable protections, systemic accountability, and meaningful community power, not symbolic gestures.

Such legislation would not only address historical harms but proactively dismantle disparities by integrating Title VI’s civil rights principles into every facet of environmental decision-making. Imagine a law that denies permits to polluters in overburdened neighborhoods, directs 40% of climate investments to frontline communities, and equips residents with legal and technical resources to challenge inequities. To achieve this, Maryland must partner with scientists, and impacted communities as led-authors of policy—not just stakeholders at a hearing. The result? A transformative model that bridges environmental protection and civil rights, ensuring no community’s health is sacrificed for another’s profit.

Though the BTB Coalition was asked to review a draft bill, we were systematically excluded from its drafting process. The legislation was crafted by the South Baltimore Community Land Trust in collaboration with industry advocates—stakeholders whose priorities often conflict with our community’s needs. Despite being asked to “review” the draft, we were denied a formal seat at the table. Worse, we received the finalized text on February 17, 2025—after the bill had already been filed and after numerous parachute-in organizations (self-styled “accomplices” with no enduring stake in Brandywine) had already shaped its content. With the hearing scheduled for February 25, 2025, this eight-day “review period” exemplifies the tokenistic engagement and superficial inclusion we’ve long condemned. True collaboration requires power-sharing, not last-minute performative gestures that prioritize outside voices over those of the affected community.

FACTUAL HISTORY

In 2016, the BTB Coalition filed a landmark Civil Rights Title VI Administrative Complaint (Civil Rights Act of 1964) against Prince George’s County, Maryland, challenging the approval and permitting of a third fossil fuel power plant within a 2.9-mile radius of Brandywine. This plant was greenlit by the Maryland Public Service Commission (PSC) and permitted by the Maryland Department of the Environment (MDE) (btbcoalition.org/titlevi.html).

This effort was monumental: Over 18 months of confidential in-house negotiations with Maryland agencies exposed entrenched systemic inequities, particularly in three areas:

- 1.) Local Zoning and Land-Use Approvals favoring industrial encroachment over community health.
- 2.) Mandatory Referrals bypassing meaningful community input.
- 3.) MDE Permitting Processes enabling disproportionate environmental burdens.

While MDE responded to our complaint by adding regulatory layers, such bureaucratic “solutions” risk becoming counterproductive. Bills like SB0978/HB1484 (CHERISH Act), which prioritize blanket regulations over targeted equity, exemplify this—overregulation without accountability fails frontline communities.

Crucially, the PSC’s adherence to our Title VI complaint led to Rulemaking Title 20, a groundbreaking precedent requiring the commission to address discriminatory environmental practices and disparate impacts. This framework now mandates community collaboration, ensuring residents have a formal voice in decisions that shape their environment.

The BTB Coalition, representing over 10,000 residents in a predominantly Black (72%) community governed by a nine-member Executive Community Citizen's Board, urges critical revisions to Maryland's environmental legislation, the CHERISH Act (SB0978/HB1484). As residents with firsthand "lived experience" of systemic environmental injustice, we reject the bill's symbolic title—cherish implies protection and care, yet we see no substantive commitment to addressing decades of harm. For over 50 years, our community has borne the disproportionate burden of hosting 15+ heavy industrial polluters, including one newly permitted facility in the past year and two additional projects underway. Within a 2.9-mile radius, we are surrounded by two of the largest fossil fuel power plants in the United States, an active coal ash landfill that has contaminated groundwater for half a century, and an ongoing DRMO Superfund site. This relentless industrial encroachment, coupled with institutional neglect, underscores why the CHERISH Act must prioritize tangible equity—not empty promises—for communities like ours.

As the affected community, the BTB Coalition through our Title VI negotiations we were promised a meaningful collaborative role in decision-making processes. These groups, part of what we term the ally industrial complex, prioritize career advancement over genuine solidarity, profiting from the systemic injustices they claim to address. Under the guise of "grassroots" or "community-based" advocacy, these nonprofit capitalists exploit our struggles, leveraging them for funding, visibility, and professional clout. Yet this agreement has been overshadowed by the persistent intrusion of parachute-in organizations—self-appointed "accomplices" (a term critiqued in *Accomplices Not Allies: Abolishing the Ally Industrial Complex*)—largely tied to the MDE CEJSC (<https://www.indigenouaction.org/accomplices-not-allies-abolishing-the-ally-industrial-complex/>).

Their work mirrors colonial practices: extracting narratives and resources while bypassing accountability to the communities they purport to serve (Indigenous Action, 2014). Let us be unequivocal: Our struggles are not theoretical. They are born of 50+ years of environmental racism, corporate predation, and institutional abandonment—realities these opportunists neither share nor substantively alleviate.

THE REALITY OF THE BILL & OUR COMMUNITY'S BURDEN

This legislation fails to meaningfully limit pollution, mitigate health harms, or address systemic inequities—it is merely a symbolic pause. For over 40, Brandywine has endured catastrophic environmental racism: we are a national poster child for toxic air quality, coal ash contamination (dubbed a "ticking time bomb" by experts (<https://thebaynet.com/ticking-time-bombs-nearly-100-coal-ash-dumps-pepper-the-chesapeake-bay-watershed/>), and industrial saturation. Yet, even with HB1193/SB1122, and SB0978/HB1484 CHERISH ACT policymakers continue to sideline our community's expertise.

Brandywine, Maryland: 19 miles southeast of Washington, D.C., at the Brandywine landfill in Prince George's County, ash from three NRG coal plants has contaminated groundwater with unsafe levels of at least eight pollutants, including lithium at more than 200 times above safe levels, and molybdenum (which can damage the kidney and liver) at more than 100 times higher than safe levels. The contaminated groundwater at this site is now feeding into and polluting local streams (<https://environmentalintegrity.org/news/first-comprehensive-national-study-of-coal-ash-pollution-finds-widespread-groundwater-contamination/>).

EXCLUSION AS POLICY

As a coalition with unparalleled insight into decades of systemic neglect, our exclusion from decision-making is not just demoralizing—it is institutional erasure. When will Maryland prioritize actual environmental justice over performative "environmentalism," hollow climate rhetoric, or advocacy groups that co-opt our struggles? Brandywine's suffering—four decades of poisoned air, water, and bodies—demands more than tokenism.

A CALL FOR AUTHENTIC LEADERSHIP

As President of the BTB Coalition, my expertise and proficiency compels me to advocate unflinchingly: We will not oppose progress, but we will only endorse legislation that centers lived experience. True solutions require

permitting processes led by—not merely “informed by”—residents who breathe this air, drink this water, and bear the scars of institutional betrayal. Put us at the table, and you’ll see what justice looks like.

ENVIRONMENTAL JUSTICE SCREENING TOOL

Maryland’s current Environmental Justice Screening Tool is fundamentally deficient. Brandywine—a community disproportionately burdened by industrial pollution—does not register within the state’s 72 percentile threshold for environmental harms, despite decades of documented health and ecological crises. This failure underscores the tool’s inability to capture ground truths.

During our Civil Rights Title VI negotiations (Civil Rights Act of 1964), the Maryland Department of the Environment (MDE) committed to adopting more equitable frameworks, such as California’s CalEnviroScreen as a stellar EJScreen model. These tools prioritize localized, cumulative impact assessments and community partnership, unlike Maryland’s reliance on the EPA’s EJ Screen—a third-party tool developed in collaboration with the University of Maryland, which lacks transparency and community input.

OVERVIEW OF NEW JERSEY, NEW YORK, AND MARYLAND ENVIRONMENTAL JUSTICE LAWS

State	Key EJ Law	Major Provisions	Title VI Protections	Enforcement Mechanisms
New Jersey	NJ S232 (2020)	Requires mandatory denial of permits if EJ communities face disproportionate impact. Strongest cumulative impact analysis (CIA) in the U.S.	Indirectly strengthens Title VI by requiring explicit denial of polluting projects in overburdened communities.	Gives NJDEP authority to reject permits outright based on cumulative impact. Allows lawsuits for enforcement.
New York	NY EJ Law (2022) & Climate Superfund Act (2023)	Environmental Justice mapping, community compensation, and Superfund-style polluter accountability. Requires EJ assessments in all permit decisions.	Strengthens Title VI protections by considering racial and economic disparities in environmental permitting.	Climate Superfund Act requires polluters to pay for historical harm. Agencies can deny permit based on community burden.
Maryland	SB 674 (2022) & SB 978 (2024)	Introduced cumulative impact analysis but lacks clear permit denial power and strong enforcement.	Weak compared to NY/NJ— no clear penalties for discriminatory environmental decisions.	Cumulative impact analysis is advisory, not mandatory. No robust legal mechanism to hold polluters accountable.

CUMULATIVE IMPACTS & LOCAL GOVERNANCE

While this bill claims to address cumulative impacts, it ignores the root cause: local zoning and land-use policies that prioritize industrial expansion over community health. Cumulative impacts—defined as the compounded harm from multiple pollution sources over time—are not theoretical for Brandywine. They are our lived reality. Yet this legislation fails to mandate health-based protections or reform the permitting processes that enable these harms. Without binding measures to disrupt the cycle of industrial encroachment, this bill risks perpetuating the same systemic neglect it claims to resolve.

One of the first three objects of the Cumulative Impacts Research Report:

- 1.) **Establish the decision context with partner engagement** – Focuses on identifying partners, policies, and decisions that can be informed by cumulative impact assessment, establishing trust, and engaging with partners throughout the research process.
- 2.) **Address scientific considerations for meeting partner needs** – Includes developing fit-for-purpose approaches to characterize assets, vulnerabilities, and overall cumulative impacts through holistic approaches that address exposures to the built, natural, and social environments and identifying potential intervention points.
- 3.) **Empower local decisions and actions through science** – Calls for providing training and technical support on documented methods and tools that support community solutions, and to develop best practices to use **community-level and community-generated data** in research and decision-making, consistent with community EPA efforts.

CRITICAL REVISIONS NEEDED FOR EFFECTIVE LEGISLATION

- 1.) **Expand the Impact Radius to 3.0 Miles**
Current regulations ignore the full scope of pollution's reach. Peer-reviewed studies confirm that toxins like arsenic, mercury, and lead migrate far beyond existing boundaries, poisoning air, soil, and groundwater. A 3.0-mile radius aligns with empirical data to protect all impacted residents—not just those arbitrarily deemed “proximate.”
- 2.) **Transfer Power to Communities, Not Intermediaries**
The bill must mandate that 90% of mitigation funds and community benefits through community control mechanisms that flow directly to residents, bypassing corporate middlemen or advocacy nonprofits. Let impacted communities control resource allocation through binding neighborhood-led councils. Token “input” perpetuates extraction; ownership drives justice.
- 3.) **Enforce “Health in All Policies” Beyond Rhetoric**
Maryland law already recognizes this framework, yet agencies like MDE sideline health assessments in permitting decisions. The bill must require mandatory health impact analyses for all projects in environmental justice communities, with veto power granted to residents when thresholds are exceeded.
- 4.) **Anchor Enforcement in Title VI Civil Rights Protections**
While the PSC's Rulemaking Title 20 set a precedent for addressing discriminatory practices, this bill lacks teeth. It must:
 - Codify **retroactive review** of permits in zones historically redlined for industrial use.
 - Suspend MDE's permitting authority until it complies with its 2016 Title VI commitments to equity.
 - Overhaul zoning and land-use policies that still funnel pollution into Black and minority communities.

*MDE's ongoing failure to address systemic racism—evident in its approval of 15+ industrial facilities in Brandywine since 2016—proves that equity cannot coexist with bureaucratic self-regulation. Without substantial modifications, SB0978/HB1484 CHERISH ACT risks becoming another empty gesture, sacrificing our health for **political expediency**.*

PUBLIC PARTICIPATION

By incorporating a **Community Development Structure** a program can significantly enhance community engagement, capacity building, and sustainable resource management. This structure ensures that impacted residents are central to the decision-making process, fostering trust, transparency, and resilience in communities affected the contamination.

- **Maryland:**
 - Enhances transparency by mandating publication of EJ Scores, environmental impact analyses, and burden reports.
 - Requires public comment integration into final decisions after the fact
- **New York:**
 - Includes robust community engagement, requiring **meaningful involvement** of disadvantaged communities in permitting decisions at the onset
 - Both laws emphasize transparency, but New York’s framework involves deeper community collaboration.

STRATEGY

IMPLEMENTATION OF A COMMUNITY INVOLVEMENT COLLABORATIVE TASKFORCE

A Legislative Process & Stakeholder Mobilization

- **Phase 1: Bill Drafting & Legal Review**
 - Work with environmental lawyers and legislators to draft bill language that will not legally be challenged, **especially by applicants**
 - Conduct comparative analysis with NY/NJ EJ bills for best practices.
 - Bring in Industry having a seat at the table
- **Phase 2: Public Hearings & Community Engagement**
 - Organize town halls in affected communities.
 - Secure testimonies from public health experts, affected communities, and scientists.
- **Phase 3: Committee Review & Amendments**
 - Work with the House and Senate Environmental Committees to refine legislation.
 - Strengthen provisions based on stakeholder feedback with community as led
- **Phase 4: Budget & Funding**
 - Negotiate with industry contributions and enforcement penalties
- **Phase 5: Legislative Passage & Implementation**
 - Secure votes for final bill passage.

FINAL APPEAL

Perpetuating symbolic gestures at the expense of tangible protections is not just ineffective—it is a moral failure. Elected leaders and taxpayer-funded agencies have a duty to prioritize lives over bureaucracy, yet Maryland risks enacting yet another environmental justice bill that substitutes red tape for real reform. Without substantive rewrite to address systemic harm, SB0978/HB1484 CHERISH ACT will deepen the very inequities it claims to resolve.

On behalf of Title VI communities like Brandywine—those bearing the brunt of industrial pollution and institutional neglect—we implore this committee to uphold Maryland’s commitments to civil rights, public health, and environmental justice. Do not repeat history. Issue an unfavorable report for HB0978 until it is revised to center frontline voices, mandate cumulative impact assessments, and dismantle the policies that sacrifice our communities for political convenience.

MAMWA Ltr SB 978 2.21.25.pdf

Uploaded by: Lisa Ochsenhirt

Position: UNF



Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7th Floor

Laurel, MD 20707

Tel: 301-206-7008

MEMBER AGENCIES

Allegany County
Anne Arundel County
City of Baltimore
Baltimore County
Town of Berlin
Cecil County
Charles County
City of Cumberland
D.C. Water
Frederick County
City of Hagerstown
Harford County
City of Havre de Grace
Howard County
Ocean City
Pocomoke City
Queen Anne's County
City of Salisbury
Somerset County Sanitary District
St. Mary's Metro. Comm.
Washington County
WSSC Water

CONSULTANT MEMBERS

Black & Veatch
GHD Inc.
Hazen & Sawyer
HDR Engineering, Inc.
Jacobs
Ramboll Americas
WRA

GENERAL COUNSEL

AquaLaw PLC

February 21, 2025

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

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

Dear Chairman Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to **OPPOSE SB 978**, which would apply extensive and burdensome requirements on certain entities applying for a permit from the Maryland Department of the Environment (MDE).

MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewer population. Many of MAMWA's members would be directly and negatively impacted by SB 978. MAMWA objects to the bill for the following reasons:

(1) The Bill is Unnecessary; MDE Already Reviews Impacts Associated with NPDES, Potable Reuse, and Sewage Sludge Permits

Current State law directs MDE to consider public and environmental health before it issues a NPDES permit (Md. Code ENV §9-302(b), (c)(1)), potable reuse permits (Md. Code §9-303.2), and sewage sludge utilization permits (COMAR 26.04.06.11).

In addition, for the installation, expansion, or modification of a sewerage system, MDE requires a construction permit which ensures "that infrastructure projects throughout the State are designed on sound engineering principles" and that they will "comply with State design guidelines to protect water quality and public health." For major sewerage systems, permit applications must include complete plans and specifications prepared by, signed by, and sealed by a professional engineer. MDE reviews these documents and regularly requests changes to address any identified concerns. COMAR 26.03.12.04.

(2) The Bill Inappropriately Applies to Renewal Permits

As noted above, SB 978 would directly impact MAMWA's publicly owned wastewater treatment plants by identifying them as "covered projects" (many wastewater plants have anaerobic digesters (p. 4, l. 26), energy-generating facilities (p. 5, l. 1-2), and/or sludge processing structures (p. 5, l. 22)). These are built-out systems that represent millions of

dollars, if not more, of investment by local citizens. In addition, all existing facilities have been through the public permitting process multiple times. If the bill moves forward, renewal permits must be stricken from the text.

(3) MDE Cannot Reasonably Deny a Permit for a Wastewater Treatment Plant (p. 9, l. 9-14)

Permits are required by law. A wastewater treatment plant must have a permit to discharge into a receiving waterbody. Similarly, potable reuse and sewage sludge permits are required by State law. Refusing to issue a wastewater treatment plant a needed permit is not an acceptable outcome from the permitting process.

(4) Having an NPDES, Reuse, or Sewage Sludge Permit Does Not Mean There Is an Increased Potential for Adverse Community Environmental and Public Health Impacts. (p. 3, l. 5-21)

Anaerobic digesters, energy-generating facilities, large wastewater treatment plants, and sludge processing facilities are environmentally beneficial. MAMWA is baffled by why they would be considered covered projects subject to additional requirements when they all have societal benefits. Anaerobic digesters break down waste and create renewable energy; they are far preferable to landfilling residuals, with associated increases in greenhouse gas emissions. Wastewater treatment plants with energy-generating facilities take residuals and create green energy that can be used to meet energy-needs at the plant and/or to provide energy to the transmission grid. Large wastewater treatment plants treat residential, commercial, institutional, and industrial waste and generate highly treated wastewater and biosolids.

Other publicly owned and managed covered projects are similarly beneficial and MAMWA is perplexed why these thoroughly regulated sites are included in this bill.

(5) The Requirements for an Environmental Impact Analysis (EIA) Are Highly Burdensome (p. 3, l. 5-21)

Many small facilities do not have the expertise to develop an EIA. Although a large, new project may be able to complete an EIA, a lot of small facilities would also be impacted by this bill (e.g., a small wastewater treatment plant, scrap metal yard, or sawmill). These small facilities would have to find and hire multiple consultants (environmental and public health experts), likely at a high cost, to complete this analysis, assuming there are an adequate number of technical experts in the marketplace who are able and willing to do this work.

Unfortunately, MAMWA members would be forced to pass along any increased costs associated with an EIA, a Proposed Existing Burden Report (PEBR), and with a cumulative impacts mitigation fund to local wastewater customers. This bill could increase wastewater rates significantly across the State.

On a related note, it is very difficult to assess the full impacts of the bill right now because MDE's Environmental Justice (EJ) screening tool is unavailable. We understand that MDE is currently working to get this tool back on-line and that this is related to the federal Administration pulling its EJ tools from the web. Nonetheless, we cannot currently use the tool.

(6) The PEBR Requirements Are Highly Burdensome (p. 6, l. 28 – p. 8, l. 6)

First, the PEBR would unfairly impact the first applicant in line. The first applicant near an at-risk census tract would have to do an extensive and expensive analysis of pollution that they are not even responsible

for in the community. Later nearby applicants would be able to use this documentation for free when they apply.

Second, the PEBR requires applicants to study completely unrelated issues. A wastewater treatment plant does not create any risk for lead exposure. It makes no sense to have a plant review that issue. The same can be said for traffic volume and contaminated drinking water supplies.

Third, the PEBR would require an applicant to gather information from private residents. A wastewater treatment plant does not know if there is lead-based paint in individual homes in the census tract. It is unclear, absent local citizens voluntarily providing that information, how a plant could even gather it.

Fourth, the PEBR would require an applicant to look far beyond the at-risk census tract. The PEBR must include a comprehensive list of each existing pollution source impacting the community. Assuming this includes air pollutants, these pollutants are often carried by wind from far away (including from areas out-of-state). Unless a wastewater treatment plant hires a consultant to model air deposition, it is unclear how it would be able to identify these sources.

Lastly, the PEBR would require an applicant to provide information on undefined “existing environmental and public health stressors.” Smoking, drinking alcohol, and not getting regular exercise are all stressors to public health and it is unreasonable to require applicants for environmental permits to assess them.

(7) Requiring Payments into a Cumulative Impacts Mitigation Fund Could Result in Fraud or Poor Use of the Funds (p. 10, l. 1-12)

First, it is bad public policy to establish a fund with no controls in place. There should be basic fund usage, accounting, and auditing rules in place. If rules are not in place, money can be used on items that are problematic. A good example is in today’s Baltimore Sun (*State accountability on grants, nonprofits has ‘fallen through the cracks,’ former audit chair says*). The article notes that in 2020, state auditors found that a nonprofit had spent \$750,000 meant to combat opioid addiction on the purchase of a former country club and golf course.

MDE does not even want to manage the money for supplemental environmental projects (SEPs). For example, in the recent Back River/Patapsco Consent Decree, MDE directs the money for SEPs to the Chesapeake Bay Trust (CBT), with funding reverting to MDE if it is not used. CBT is in a better position than MDE to ensure the funding is properly used.

Second, it is unclear how an agreement could benefit “all residents” in the at-risk census tract. This is too high a bar and would be unnecessary if funds were managed by CBT.

Third, the bill lacks any detail on how much the mitigation fund would be. What are the anticipated amounts a permittee would have to pay? If the impacted community is small, would the mitigation amount be scaled down? These are fundamental questions that are entirely unanswered by the bill.

(8) It May be Excessive to Require That 25% of Revenue from Enforcement to Be Sent Back to Affected Communities (p. 10, l. 19-22)

For example, if there are 10 residents near a concentrated animal feeding operation (CAFO), and the CAFO is fined \$4 Million, the community would receive \$1 Million (or \$100,000 per resident) from the enforcement action. Again, there are no details for how this money would be used to “assist” (undefined) these

communities (and in fact, the bill does not even require that the funding go to the CAFO impacted community, just to “affected communities.”)

(9) The 1.5 Mile Radius Makes No Sense in Many Situations (p. 6, l. 28 – p. 7, l. 2)

Many permit applicants are in rural areas. There could be CAFOs or landfills in rural parts of the state that are within 1.5 miles of an at-risk community. Those communities could have a small number of residents. It makes no sense to require the extensive level of study required by this bill for 10 people.

MAMWA urges the Committee to **Vote NO** on SB 978.

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt
MAMWA Deputy General Counsel

cc: Education, Energy, and the Environment Members, SB 978 Sponsor

MBIA Letter of Opposition SB 978.pdf

Uploaded by: Lori Graf

Position: UNF

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

SB 978_MTBMA_UNF.pdf

Uploaded by: Michael Sakata

Position: UNF



February 25th, 2025

Senator Brian Feldman, Chair
Education, Energy and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 978 – UNFAVORABLE – 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 Chair Feldman and Members of the Committee:

The Maryland Transportation Builders and Materials Association (“MTBMA”) has been and continues to serve as the voice for Maryland’s construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials. We proactively work with regulatory agencies and governing bodies to represent the interests of the transportation industry and advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

Senate Bill 978 would require additional public participation and impact analysis for projects with a high potential for adverse environmental and public health effects. It mandates that permit applicants for specified projects conduct environmental impact analyses and, in certain cases, submit burden reports detailing existing environmental stressors. The Department of Environment would assess the reports and deny permits if a project would increase environmental harm. The bill also establishes a cumulative impact mitigation fund.

While we all aim to be good stewards of the environment, there is no way our Association can support a bill like SB 978. It would create an administrative nightmare for all permit review at the Department of Environment, slowing down the process substantially. The bill is too vague and leaves much open to interpretation, resulting in possible legal challenges, project rejections or the imposition of costly mitigation measures. These additional processes would also result in substantial added costs to every transportation project Maryland, which our state cannot afford at this time.

For these reasons, we ask that you vote UNFAVORABLE on Senate Bill 978.

Thank you,

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association

SB 978_MAA_UNF.pdf

Uploaded by: Tim Smith

Position: UNF

CHAIRMAN:
David Slaughter
VICE CHAIRMAN
Paul Bramble



TREASURER:
Curtis Hall
SECRETARY:
Nathan Scrivener
PRESIDENT:
Tim Smith

February 25th, 2025

Senator Brian Feldman, Chair
Education, Energy and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 978 – UNFAVORABLE – 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 Chair Feldman and Members of the Committee:

The Maryland Asphalt Association (MAA) represents approximately 120 members, including 20 material producers and 100 contractors, engineering firms, and associate members, supporting a 7,000-person workforce. MAA actively collaborates with regulatory agencies to advocate for the asphalt industry, ensuring fair regulations at both the state and federal levels. Additionally, we support adequate funding for Maryland's multimodal transportation system.

Senate Bill 978 would require additional public participation and impact analysis for projects with a high potential for adverse environmental and public health effects. It mandates that permit applicants for specified projects conduct environmental impact analyses and, in certain cases, submit burden reports detailing existing environmental stressors. The Department of Environment would assess the reports and deny permits if a project would increase environmental harm. The bill also establishes a cumulative impact mitigation fund.

While we all aim to be good stewards of the environment, there is no way our Association can support a bill like SB 978. It would create an administrative nightmare for all permit review at the Department of Environment, slowing down the process substantially. The bill is too vague and leaves much open to interpretation, resulting in possible legal challenges, project rejections or the imposition of costly mitigation measures. These additional processes would also result in substantial added costs to every transportation project Maryland, which our state cannot afford at this time.

For these reasons, we ask that you vote UNFAVORABLE on Senate Bill 978.

Sincerely,

A handwritten signature in black ink that reads "Tim Smith". The signature is written in a cursive, flowing style.

Tim Smith, P.E.
President
Maryland Asphalt Association

SB 978 - Environmental Permits - Impact Burden Ana

Uploaded by: Tom Ballentine

Position: UNF



February 21, 2025

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

Unfavorable: SB 978 – Environmental Permits – Impact Burden Analysis

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, light-industrial, and mixed-use real estate, I am writing in opposition to SB 978.

This bill would require additional studies, review and mitigation for a wide range of air and water permit applications located within a 1.5-mile radius from the boundary of a census tract that scores at or above the 75th percentile in the Maryland EJ Screening Tool.

NAIOP has concerns with the broad scope of the bill which applies to minor air and water permits without regard to the intensity of permitted uses. The bill's reliance on the EJ Screening Tool raises concerns about the potential for inconsistencies between state and local land use plans and the EJ Screening Tool.

We further anticipate that the Maryland Department of Environment and permit applicants will encounter technical difficulties conducting the impact assessment and identifying appropriate mitigation for permit applications related to development and redevelopment projects. Because it applies to permits regardless of the intensity of use, SB 978 will serve as a disincentive to commercial and residential redevelopment projects in underserved and overburdened communities.

The rationale for NAIOP's opposition includes:

- The scope of permits covered by the bill is overly broad. Its provisions apply to almost all air emissions and water discharge permits. The bill covers intense activities like waste-water treatment plants and hazardous waste facilities as well as minor activities like stormwater management on development sites, and air permits for restaurant grills, heating boilers, and backup power generators.
- The land area indicated as scoring in 75th percentile or higher in the EJ Screening Tool coincides with designated Priority Funding Areas and Transit Oriented Development Areas. Areas mapped as being in the 75th to 100th percentile include most of the City of Baltimore, Odenton Town Center, Columbia Gateway Innovation District, Columbia Wilde Lake as well as important redevelopment sites such as the Lake Forest Mall near Gaithersburg. Designated Transit Oriented Development Areas at New Carrollton, Greenbelt, Naylor Road, Branch Avenue, Savage, Odenton, Westport, State Center, and Reisterstown Plaza are in locations where the EJ Screening Tool scores in the 75th percentile or higher. Purple Line stations at New Carrollton, Annapolis Road / Glenridge, Beacon Heights, Riverdale Park, U of M East Campus, U of M Campus Center, Riggs Road, Piney Branch Road, Silver Spring Library, Woodside / 16th Street are mapped in the 75th percentile by the EJ Screening Tool. These results indicate to us that the EJ Screening Tool should be utilized in conjunction with local land use plans to ensure coordination and reduce inconsistent decision making at the state and local levels.

- There is no methodology to accurately determine increased potential environmental or health impacts, or a clear standard of review to follow. The bill requires the Department and / or the applicant to assess incremental environmental and public health impacts. For stormwater discharge permits covered by the bill the Department determines whether the stormwater discharges from the final development will cause water quality standards to be violated and are consistent with any TMDL developed for a water body.
- For minor stormwater and air permits, it is unlikely the bill would result in greater environmental protections or pollutant reductions than would be achieved using the permit review and technology based environmental management practices currently employed by MDE when reviewing development and redevelopment permit applications.
- The conditions that MDE could put on a permit are open ended. Unlike other permits, this process does not include a clear standard of review, a performance requirement or technology-based standard that a permitted activity must meet. As a result, there is no limitation on what conditions MDE may put on a permit or clear standard upon which to approve, deny, or modify a permit.
- The EJ Scoring Tool is Currently Being Revised by MDE - The factors that determine the EJ score can change as health; socio-economic or environmental indicators change and for reasons unrelated to the permitted use. This creates another level of uncertainty about where the provisions of the bill might be applied in the future and how overlapping land use designations that may not be well aligned will be resolved.
- Intervention should happen earlier than at permit application. The bill does not address the role of local zoning and comprehensive plans in determining land use in underserved and overburdened communities. As the mapping examples above show, the mapping tool does not take all factors into account and should not be relied upon for decision making at the exclusion of other indicators and policy priorities. Evaluating the suitability of zoned land use should be done earlier in the land use planning process than is proposed in SB 978.

For these reasons, NAIOP respectfully requests your unfavorable report on SB 978.

Sincerely,



Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.

MDFB - Opposition - SB978 CHERISH Act.pdf

Uploaded by: Tyler Hough

Position: UNF



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

February 21, 2025

To: Senate Education, Energy, and the Environment Committee

From: Maryland Farm Bureau, Inc.

RE: Opposition to SB978 - Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

On behalf of the nearly 8,000 member families of the Maryland Farm Bureau, I submit written testimony respectfully opposing SB978 Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses (Cumulative Harms to Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act).

SB 978 would require applicants for at least 22 different permits to submit an extensive Environmental Impact Analysis if their project is deemed to have an “increased potential for adverse community environmental and public health impact.” This analysis must include a broad assessment of public health effects, alternatives to the permit, resource commitments, and mitigation measures. Furthermore, if a project is located within 1.5 miles of an “at-risk” census tract—defined as having a Maryland Environmental Justice (EJ) Score above the 75th percentile—the applicant must also submit an Existing Burden Report evaluating current pollution sources in the community.

A significant concern for our members is that SB 978 applies to CAFO permits, which every chicken farmer in the state must obtain. These permits fall under the National Pollutant Discharge Elimination System (NPDES) and are issued under a general permit system administered by the Maryland Department of the Environment (MDE). Under the current Code of Maryland Regulations (COMAR) 26.08.03.09, one general permit covers all chicken farms statewide, regardless of their geographic location or the socioeconomic status of surrounding communities. This general permit recognizes that chicken farms do not discharge pollutants, and the requirements for these permits already include strict environmental safeguards. Imposing additional environmental and socioeconomic evaluations on CAFO applicants contradicts the established permitting structure and the findings of the U.S. Environmental Protection Agency (EPA), which has determined that poultry farms do not discharge pollutants.

Furthermore, the increased permitting requirements would impose significant financial and administrative burdens on family-owned farms, which make up nearly all of Maryland’s 500 CAFO permit holders. The current permitting process is already complex, requiring farmers to submit extensive documentation annually. The additional reporting mandates in SB 978 would exacerbate these challenges, potentially delaying or preventing farm operations from securing necessary permits.

This bill is likely to harm the very communities it aims to protect. Maryland's Delmarva chicken growers are 23% minority, compared to 4.5% of all farmers nationally, and many operate in regions that would be classified as "at-risk" under the Environmental Justice Score system. By increasing regulatory burdens on these farmers, SB 978 could jeopardize the economic stability of minority farmers and rural communities that rely on agriculture.

In summary, while we appreciate the intent behind SB 978, we urge the General Assembly to recognize that CAFOs are already heavily regulated with no discharge of pollutants under existing regulations, that the additional permitting process will create unnecessary financial and administrative hardships for family farmers, and that rural communities, including minority farmers, will be disproportionately harmed by these regulations.

For these reasons, we respectfully request your opposition to SB 978. Maryland farmers are committed to environmental stewardship, but policies must balance environmental concerns with economic realities. We look forward to working with lawmakers to develop fair and effective policies that support both environmental protection and the viability of Maryland's farming community.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Hough", with a long horizontal line extending from the top of the signature.

Tyler Hough
Director of Government Relations

Please reach out to Tyler Hough, though@marylandfb.org, with any questions

Informational Written Testimony

Uploaded by: Jeremy Baker

Position: INFO



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 978

Environmental Permits - Requirements for Public Participation and Impact and Burden Analyses

Position: Informational
Committee: Education, Energy, and the Environment
Date: February 25, 2025
From: Jeremy D. Baker, Director of Government Relations

The Maryland Department of the Environment (MDE) is providing **INFORMATIONAL** testimony for SB 978.

Bill Summary

Senate Bill 978, would require MDE to conduct an environmental justice (EJ) evaluation through the review of an Existing Burden Report and Environmental Impact Analysis for certain new, renewal, or expansion permit applications. The EJ evaluation must be performed if the permitted facility is located in or within a 1.5-mile radius of the boundary of a census tract that scores in the top 75th statewide percentile using MDE's EJ Screening Tool. The Environmental Impact analysis and Existing Burden Report, if applicable, would functionally allow MDE to take into account the totality of specified environmental health stressors in the state's most overburdened and underserved communities. Based on the results of the analysis and report, MDE could put conditions on, or deny, the permit.

Position Rationale

The State is committed to decreasing the pollution burden on underserved and overburdened communities - a top priority for Secretary McIlwain. The Moore-Miller administration has incorporated environmental justice principles into the State Plan to guide the state's all-the-above strategy to advance Maryland as a leading state in environmental justice. Following the development of the EJ Screening Tool and identifying overburdened and underserved communities, Senate Bill 978 would take the critical step of establishing the basic framework to evaluate the pollution burden in a given census tract. Limiting the bill to individual new permits rather than including general permits would allow for the integration of special conditions into the permit using established processes and procedures not contemplated for general permits. Additionally, integrating the MDE EJ Screening tool into the permitting process would ease the burden on agency staff and streamline the process. MDE would like to 1) work with stakeholders to understand the implications of using the proposed 75th percentile designation; 2) evaluate the impact of this enhanced process on the spectrum of permits; and 3) explore alternate methods of engagement with the Maryland Department of Health (MDH), the Commission on Environmental Justice & Sustainable Communities (CEJSC), and local jurisdictions. As introduced, implementing SB 978 would require substantial additional resources for the Department. MDE remains committed to working with the bill's sponsors, community members, and all other stakeholders to address environmental justice issues in underserved and overburdened communities.

Accordingly, MDE respectfully requests the Committee consider this information during its deliberation.

Contact: Jeremy D. Baker, Director of Government Relations
Cell: 240-548-3321, Email: jeremy.baker@maryland.gov