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March 3, 2026

TO: The Honorable Brian J. Feldman
Chair, Senate Education, Energy, and the Environment Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 781 – Environmental Permits – Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (CHERISH Our Communities Act) (**Support in Concept**)

The Office of the Attorney General (OAG) writes in support of Senate Bill 781, the CHERISH Our Communities Act. This legislation represents a meaningful advance in Maryland's environmental justice framework, establishing a cumulative burden analysis requirement for permitting decisions affecting overburdened communities, strengthening public participation, and enhancing enforcement in at-risk areas.

These goals are consistent with the OAG's commitment to equal protection and environmental justice, and reflect the comprehensive, data-driven approaches to addressing disproportionate environmental burdens that are the forefront of the environmental justice movement.

Environmental justice communities that have borne the cumulative weight of multiple pollution sources for generations deserve a permitting process that accounts for that reality. SB 781 responds to this need by requiring applicants for covered individual permits to document existing environmental and public health burdens before the Department of the Environment acts, empowering MDE to deny or condition permits that would exacerbate those burdens and creating stronger mechanisms for public participation and judicial review. The bill's enhanced civil penalty provisions and supplemental environmental project requirements are meaningful tools that should strengthen accountability in at-risk areas.

While the OAG supports the bill in concept, we respectfully flag several drafting and implementation concerns for the Committee's consideration. The definition of "at-risk census

tract" as currently drafted may inadvertently exclude the overburdened communities the bill is most intended to protect, as the 1.5-mile buffer zone surrounds but does not expressly include the qualifying census tracts themselves. The geographic areas required across the burden report categories are inconsistent from one category to another, creating administrative uncertainty for both applicants and the Department. Finally, the general permit provisions in § 1-709 as drafted may exceed existing permitting authority by requiring individualized conditions through a general permit framework, raising workability concerns the Committee may wish to examine before the bill advances.

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective.

cc: The Honorable Benjamin Brooks
Education, Energy, and the Environment Committee Members