

Testimony for **SB0781** and HB1268

Support for CHERISH Our Communities Act

Bill Name: Environmental Permits - Requirements for Burden Analysis, Issuance and Renewal, and Public Participation (Cumulative Harms for Environmental Restoration for Improving Shared Health - CHERISH Our Communities Act)

Bill Sponsors: Brooks

Committee: Senate Education, Energy, and the Environment

Organization Submitting: Nature Forward

Submitted by: Angie McCarthy, MD Conservation Advocate

Position: Favorable



Dear Chair Feldman, Vice Chair Kagan, and the rest of EEE;

I am submitting testimony on behalf of Nature Forward in strong support of CHERISH. 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 George's. 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, SB0781 and HB1268.

We are submitting this testimony in conjunction with our written testimony in strong support of SB780/HB1267, Certificate of Public Convenience and Necessity - BURDEN Analysis (CHERISH Our Communities Act). Protecting the most vulnerable Marylanders must address all sources of pollution, whether under the purview of Department of the Environment permits or Public Service Commission CPCNs.

We believe that all Marylanders deserve access to clean air and drinking water, no matter their zipcode. Environmental hazards in air, water, and on the land that are a risk to living a healthy life need to be further addressed and not concentrated in the same neighborhoods, over and over again. It is well understood that some Maryland communities are exposed to much heavier pollution than others, and this is an example of environmental racism. One example of this heavy burden has been evaluated in South Baltimore. A 2023 report from the Maryland Department of the Environment (MDE) described the working-class communities exposed to multiple sources of pollution in this area as follows: "The open-air coal terminal is one of dozens



of sources of air pollution regulated by MDE in the Curtis Bay area, including the Curtis Bay Energy medical waste incinerator, the BRESKO municipal solid waste incinerator, the Quarantine Road Landfill, the Patapsco Wastewater Treatment Plant, concrete crushing plants, asphalt manufacturing, chemical plants, and oil and gas terminals. Heavy diesel truck traffic is a significant mobile source of pollution in Curtis Bay with levels of black carbon along Pennington and Curtis Ave. similar to levels on major Baltimore highways.”¹ MDE concluded this report by saying: “Reducing coal dust particulates and cumulative pollution burden in Curtis Bay could decrease overall morbidity and mortality risk and also provide larger relative benefits to those with the highest risk, thereby decreasing health disparities while promoting health for all.” Simply put, we need CHERISH. The main purpose of the bill is to add requirements in the Maryland Department of the Environment (MDE) permitting system to better protect communities that already face heavy pollution burdens and to provide public communications about polluting facilities so that the community can voice concerns about the siting of those facilities.

Major points about the bill include:

- It applies only to parts of the state that are burdened by disproportionate pollution. For example, any census tract for which the final Environmental Justice (EJ) score from the Maryland EJ Tool is above the 75th percentile for the state is one of several indicators of an at-risk census tract.²
- It incorporates consideration of cumulative impacts into Maryland’s process of issuing permits to pollute, based on laws already passed in New Jersey, Minnesota, and New York.
- It will apply to a specific list of types of permits, mostly air pollution permits, water pollution permits for a narrow list of types of industries, and waste disposal permits. It will not impact most businesses, and will not impact housing or other construction (unless it is the construction of a facility that would pollute).
- Currently, nearby communities have no opportunity to give public comment on several types of permits to pollute, including more than half of air pollution permits. The CHERISH Our Communities Act will ensure public participation in the process and fix this longstanding environmental injustice.
- This bill will prevent new polluters from being built in environmental justice communities if the Maryland Department of the Environment determines, through a deliberative public process with public input, that allowing it to be built would contribute to a disproportionate pollution and health burden on the nearby community.

1

https://mde.maryland.gov/programs/permits/AirManagementPermits/Documents/FINAL_Full_CB%20Coalab_%20Report.pdf (page 3)

² Environmental Justice” is defined in the bill as equal protection from environmental and public health hazards for all people regardless of race, income, culture and social status.



Given the above requirements, 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.

Sincerely,

Angie McCarthy

Maryland Conservation Advocate