
Written Testimony in Support of House Bills 1268 & 1287

CHERISH Our Communities Act
Environment and Transportation Committee
Hearing Date: March 13, 2026

March 11, 2026

To the Honorable Chair Marc Korman, Vice Chair Michele Guyton, and members of the Environment and Transportation Committee:

On behalf of the Access to Justice Clinic (Environmental Policy Division) within the Jacob Burns Community Legal Clinics of the George Washington University Law School, we write today in support of House Bills 1268 and 1287 Environmental Permits – Requirements for Burden Analysis, Issuance and Renewal, and Public Participation and Certificate of Public Convenience and Necessity – Burden Analysis (“CHERISH Our Communities Act” or “CHERISH Act”). As a law clinic we focus on addressing environmental justice issues that affect the health of low-income and marginalized communities. Maryland defines “environmental justice” as “equal protection from environmental and public health hazards for all people regardless of race, income, culture, and social status.”¹ The CHERISH Act is a great step towards environmental justice equity because it aims to reduce harmful cumulative impacts through establishing public participation processes and access to information.

Cumulative impacts occur “when multiple sources of pollution and other environmental stressors combine over time to cause adverse effects to human health and wellbeing.”² Exposures to harmful chemicals can come from products we use, discrete and disparate sources of pollution (such as factory emissions), and legacy pollution (such as mercury).³ These chemicals can accumulate in the water, soil, and air, where communities live and recreate.⁴ These accumulations oftentimes happen in overburdened areas, which are any census tracts with three or more specific environmental health indicators that are above Maryland’s 75th percentile.⁵ Cumulative impacts disproportionately affect communities’ health in overburdened areas because of “systemic racism and unjust public policies.”⁶ The CHERISH Act has the potential to disrupt these systemic issues by ensuring the affected communities are a part of the permitting process.

Multiple sources of pollution created by water pollution, air pollution, inadequate hazardous waste treatment, etc. produce harm to Maryland communities through cumulative impacts by exacerbating lung issues, carcinogenic impacts, low birth weight, and overall increased

¹ MD. CODE ANN., ENV’T, § 1-701(a)(5).

² NAT’L CAUCUS OF ENV’T LEGISLATORS, *Cumulative Impacts*, <http://ncel.net/issue/cumulative-impacts> (last visited Mar. 4, 2026).

³ UNION OF CONCERNED SCIENTISTS, *Cumulative Impacts Policies* (Oct. 16, 2024), <https://www.ucs.org/resources/cumulative-impacts-policies>.

⁴ *Id.*

⁵ MD. CODE ANN., ENV’T, § 1-701(a)(7).

⁶ See UNION OF CONCERNED SCIENTISTS, *supra* note 3.

hospitalizations.⁷ Asthma can be the product of cumulative impacts harm. In 2025, the American Lung Association released a “State of the Air” report, which showed that many people in Maryland were living in areas with dangerous levels of ozone and particle pollution.⁸ These harms directly impact Maryland’s overburdened communities. For instance, Johns Hopkins’ Baltimore BREATHE Center reports that 20% of children in Baltimore City suffer from asthma.⁹ This is over double the rate of national asthma numbers.¹⁰ Across Maryland asthma related emergencies disproportionately affect Black children by almost four times the rate of white children.¹¹

A majority of east Baltimore County has an MDEnviroScreen EJ Score in the 75th percentile or higher. “The MDEnviroScreen EJ score represents a combined measure of pollution and the potential vulnerability of a population to the effects of pollution.”¹² Baltimore County had the worst ozone smog in the metro area. This pollution has negative health impacts such as lower birth weights in babies and asthma attacks.¹³ Impacts from oil and gas air pollution contributes to people’s health issues.¹⁴ For instance, oil and gas pollution causes 90,000 premature deaths in the US each year.¹⁵ The highest number of impacts per-capita incidences are seen in New Jersey, DC, New York, California, and *Maryland*.¹⁶ The CHERISH Act incorporates the consideration of cumulative impacts into Maryland’s process of issuing permits to pollute and Certificates of Public Convenience and Necessity, similar to laws already passed in New Jersey, Minnesota, and New York. By doing so, the CHERISH Act aims to prevent the exacerbation of harmful impacts in overburdened areas.

The CHERISH Act would apply to specific overburdened areas – those within “at-risk” census tracts. The communities in at-risk census tracts currently do not have a meaningful opportunity to be a part of the process and the CHERISH Act aims to rectify that. The Acts describe at-risk census tracts as any geographic area within a 1.5-mile radius of the boundaries of overburdened, underserved, and specifically designated communities (e.g. populations with an EJ score at or above the 75th percentile). Through House Bills 1268 and 1287, the Maryland Department of the Environment and the Public Service Commission cannot make determinations on projects without deliberative public input. The CHERISH Act would require a baseline understanding of risk, disparities, and environmental needs (“BURDEN”) report when there is a new covered general permit, covered general permit renewal application, or a request for a Certificate of Public Convenience and Necessity. House Bills 1268 and 1287 would also require BURDEN reports to be made available to the public and include provisions for public comments. In allowing the public

⁷ See MD. DEP’T OF HEALTH, *Asthma*, <https://health.maryland.gov/phpa/OEHFP/EH/pages/asthma.aspx> (last visited Mar. 1, 2025); Dharna Noor, *Air Pollution from Oil and Gas Causes 90,000 Premature US Deaths Each Year, Says New Study*, GUARDIAN (Aug. 22, 2025), <https://www.theguardian.com/us-news/2025/aug/22/air-pollution-oil-gas-health-study>.

⁸ See AM. LUNG ASS’N, *New Report on Air Pollution in Maryland: For Ozone Smog, Thirteen of 15 Graded Counties Post Worse Results; All Graded Counties Post Worst Results for Both Daily & Year-Round Particle Pollution* (Apr. 23, 2025), <https://www.lung.org/media/press-releases/2025-md-sota>.

⁹ THE BREATHE CENTER, <https://lunghealthdashboard.breathecenter.org> (last visited Mar. 5, 2026).

¹⁰ *Id.*

¹¹ MD. DEP’T OF HEALTH, *supra* note 7.

¹² MDEnviroScreen, MD. DEP’T OF THE ENV’T, https://mde.maryland.gov/Environmental_Justice/Pages/MDEnviroScreen.aspx (last visited Mar. 1, 2026).

¹³ See AM. LUNG ASS’N, *supra* note 8.

¹⁴ Noor, *supra* note 7.

¹⁵ *Id.*

¹⁶ *Id.*

to access the BURDEN reports, the CHERISH Act would provide the opportunity for more meaningful conversations around siting and potential impacts. Individuals living in Maryland, especially those in at-risk census tracts, deserve to be made aware of potential harmful impacts that may be introduced into their environment and threaten their health. Thus, it is imperative for them to have the opportunity to be heard when those threats are evaluated by regulators.

In closing, the Access to Justice Clinic (Environmental Policy Division) within the Jacob Burns Community Legal Clinics of the George Washington University Law School, supports favorable reports of House Bills 1268 and 1287 because these Acts are necessary for the health and wellness of communities in Maryland. The CHERISH Act would prioritize the needs of communities by providing information through BURDEN reports and the public participation processes. In the 2025 regular legislation session, there was a wave of support in the written testimonies by environmental justice communities and organizations for the previous CHERISH Act. 2026 should be the year to listen to environmental justice communities, to help those communities, to support the citizens of Maryland to have their voices be heard. We urge this committee to give House Bills 1268 and 1287 favorable reports.

Respectfully submitted on behalf of the Access to Justice Clinic (Environmental Policy Division) within the Jacob Burns Community Legal Clinics of the George Washington University Law School,

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Please feel free to direct any questions to our clinic director, Prof. Taylor Lilley,
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This testimony is submitted on behalf of the Access to Justice Clinic (Environmental Policy Division) within the Jacob Burns Community Legal Clinics of the George Washington University Law School Law Clinic, and not by The George Washington University Law School or the George Washington University.