

**BILL:** House Bill 1268  
**COMMITTEE:** Environment and Transportation  
**DATE:** March 13, 2026  
**POSITION:** UNFAVORABLE

Chair and Members of the Committee:

We respectfully submit this testimony in opposition to HB 1268, the 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. Our company operates 12 facilities across Maryland and employs more than 550 Maryland residents in skilled, family-supporting jobs. Our facilities are in the following Counties: Allegany, Baltimore, Caroline, Carroll, Frederick, Harford, Prince George's, and Wicomico.

We share the goal that every Maryland community deserves clean air, clean water, and meaningful participation in environmental decision-making. However, this legislation introduces a permitting framework that is legally uncertain, operationally impractical, and economically disruptive for Maryland employers and infrastructure providers.

Below are ten key concerns with the bill as drafted.

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### **1. The bill creates a subjective permitting system**

Under current law, permits are approved when facilities meet clearly defined environmental standards.

HB 1268 replaces that system with a cumulative impact test that has no defined scientific threshold and no clear compliance pathway.

Even facilities that meet every environmental requirement could still face permit denial based on a subjective comparison to other areas of the State.

This creates a permitting system where the outcome becomes unpredictable, making it difficult for businesses, infrastructure providers, and regulators to know what projects can realistically be approved.

A permitting system without clear standards is not regulation—it is discretion.

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### **2. Facilities could be denied permits even when fully complying with environmental laws**

Industries affected by this bill already operate under extensive federal and State environmental regulations, including the Clean Air Act, the Clean Water Act, and Maryland Department of the Environment permitting programs.

Facilities that fully comply with existing emission and discharge limits could still face permit denial under the bill's cumulative impact framework.

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### **3. Jobs and economic benefits cannot legally be considered**

The legislation explicitly prohibits regulators from considering economic benefits when determining whether a permit should be approved.

This means that job creation, infrastructure investment, local tax revenue, and supply chain benefits cannot be considered when evaluating projects.

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### **4. Hundreds of Maryland employers would be affected**

The industries covered by this bill include hundreds of businesses operating throughout Maryland.

Many of these facilities employ more than 100 workers at a single location and provide stable, family-supporting jobs to local residents.

These sectors are especially important for workers who may not have access to higher education, offering career opportunities that pay well above minimum wage and provide long-term economic stability.

Policies that make it significantly more difficult to permit or modernize these facilities risk affecting thousands of Maryland jobs and the communities that depend on them.

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### **5. Essential infrastructure services could be impacted**

Many facilities subject to the bill may not meet the narrow “compelling public interest” standard, yet they provide essential services that every community depends on.

Many of the industries affected by this bill were classified as essential critical infrastructure during the COVID-19 emergency and remained open to serve the community.

Policies that make it significantly more difficult to permit or maintain these facilities risk undermining services such as recycling that are critical to the infrastructure.

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### **6. The bill conflicts with established land-use planning**

Most facilities affected by the bill operate in industrial zones that were deliberately designated for industrial use through local comprehensive planning and zoning processes.

These areas were established to concentrate industrial activity in appropriate locations while separating it from residential development.

By using census tract demographics as a permitting trigger, the bill introduces a new regulatory standard that could override long-standing local land-use decisions and create conflicts between State permitting policy and local zoning frameworks.

This bill effectively turns environmental permitting into land-use policy.

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### **7. The 1.5-mile “area of effect” significantly expands the bill’s reach**

The legislation applies not only to designated communities but also to areas within 1.5 miles of those communities.

Given Maryland’s population density and development patterns, this provision will extend the bill’s impact well beyond the designated communities and into large portions of existing industrial zones.

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### **8. The burden report requirement is costly and complex**

HB 1268 requires applicants to prepare extensive BURDEN reports analyzing environmental and public health conditions across multiple census tracts.

These reports require complex technical studies, specialized consultants, environmental modeling, and large datasets that are often maintained by government agencies rather than private applicants.

The result is a permitting requirement that will add substantial cost, complexity, and delay to the permitting process—often tens of thousands of dollars per permit action—making it significantly harder for businesses and infrastructure providers to modernize or expand their facilities.

This requirement forces applicants to recreate analyses using data that the State already collects.

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### **9. The bill may discourage environmental modernization**

Many environmental improvements involve upgrading equipment or modifying processes.

Under the bill, even small operational changes could trigger cumulative impact review and potential permit denial.

Companies may delay modernization projects rather than risk entering a costly and uncertain permitting process.

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### **10. The bill increases litigation and delays permitting**

HB 1268 dramatically expands the administrative record and judicial review provisions for environmental permits.

By requiring complex BURDEN reports and cumulative impact determinations, the bill creates multiple new points where permit decisions can be challenged in court.

The result will be predictable: increased litigation and significantly longer permitting timelines. Projects that currently take months to permit could take years, delaying environmental improvements, infrastructure projects, and economic investment throughout Maryland.

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Maryland already has a strong environmental regulatory framework that protects public health and the environment through enforceable standards, permitting programs, and oversight by the Maryland Department of the Environment.

HB 1268 replaces this clear regulatory structure with a costly and uncertain permitting process that lacks defined scientific standards and creates significant implementation challenges for both regulators and permit applicants.

Without clear evidence that the bill will improve environmental outcomes, this legislation risks introducing regulatory uncertainty while affecting essential industries, infrastructure projects, and employment across the State.

Good environmental policy should produce clear environmental results. HB 1268 creates uncertainty without guaranteeing those results.

For these reasons, we respectfully urge the Committee to issue an **unfavorable report on HB 1268**.