

OUR HEALTH IS NOT A PROP

RESIDUALS

BY-PRODUCTS AND EFFECTS ON HUMAN HEALTH

CHERISH Act cannot be environmental justice in branding and business-as-usual in operation. As the NAACP and Southern Environmental Law Center’s “Plants to Pollution” framing makes clear, Black communities have long borne a legacy pattern in which pollution is layered onto histories of racial exclusion and disinvestment rather than treated as isolated incidents. The health literature has likewise recognized that African American fence-line communities face disproportionate risks from cumulative exposure, including respiratory harm, asthma burden, toxic emissions, traffic impacts, and other overlapping health effects¹. In Brandywine, that legacy is not abstract. It reflects decades of state-permitted cumulative burden—coal ash, aggregate mining, material processing, concrete batching, truck traffic, and continuing development pressure—while the people living with the health consequences are too often invoked in narrative but not fully centered in governance.



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¹ See NAACP, *Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities* (documenting disproportionate air-pollution and health burdens in African American fence-line communities), Brandywine_HIAPresentation(WEB)

; see also Sacoby M. Wilson, *An Ecologic Framework to Study and Address Environmental Justice and Community Health Issues*, *Environmental Justice* (2009) (describing how segregation, zoning, planning, and development create cumulative community health burdens and environmental injustice), Wilson 2009_EJframework

; Sacoby M. Wilson, *Environmental Justice Movement: A Review of History, Research, and Public Health Issues* (2010) (tracing the relationship between environmental justice, public health, discriminatory siting, and community self-determination), Dr. Wilson EJ History (Brandywine, MD)

. See generally Southern Environmental Law Center, *Plants to Pollution: Black Communities, Legacy Pollution, and the Path Forward*.

CHAIR AND MEMBERS OF THE COMMITTEE:

Brandywine is not a hypothetical environmental justice community, and our burden is not new. For more than a decade, our community has lived with the cumulative effects of industrial activity permitted and overseen through State processes, including coal ash management, aggregate mining, material processing, concrete batching, and the truck traffic, dust, runoff, and land disturbance that accompany those uses. MDE's own records acknowledge public-health and biological concerns, groundwater and surface-water exceedances, leachate management, and a landscape shaped by historical sand and gravel mining and industrial activity.

CHERISH Act cannot be environmental justice in branding and business-as-usual in operation. The NAACP's environmental justice work and the broader "Plants to Pollution" framework make clear that Black communities are not facing one-off pollution events; they are living under a legacy system in which industrial burden, toxic exposure, and health harm are repeatedly concentrated in the same places. African American fence-line communities face disproportionate risks from polluted air, asthma triggers, toxic emissions, truck traffic, and other cumulative harms that compound over time. In Brandywine, that is exactly what decades of permitting have produced. So this bill cannot claim environmental justice while preserving a framework that can still undercount, downgrade, or delay recognition of the very health burden Black communities have been carrying for generations.

Coal combustion by-products can contain toxic constituents that, when released as dust or leachate, increase the risk of respiratory harm and other serious health impacts—especially for children, seniors, and people with existing conditions. In coal ash-burdened communities like ours, the issue isn't theoretical: it's long-term exposure, cumulative risk, and preventable harm that demands enforceable safeguards.

That is the context in which Brandywine filed its 2016 Title VI complaint², and that is the context in which this Committee must evaluate the CHERISH Act. Our concern is not with the bill's title or stated purpose. Our concern is whether the bill, as drafted, will actually protect communities like ours, or whether it will create a classification-based framework that can still miss, minimize, or delay recognition of the real burden on the ground. If the trigger for protection depends too heavily on percentile scoring, delayed updates, or administrative recalibration, then a community can continue living with worsening exposure while the model says otherwise. That is not durable environmental justice. That is a structural flaw. And this is why the governance issue matters. In October 2025, Ramón Palencia-Calvo of CHISPA Maryland, within the Maryland League of Conservation Voters structure, affirmatively sought a meeting with BTB in advance of renewed 2026 environmental justice discussions. But when BTB formally placed the real issue on the record—through its November 5 correspondence to Kim Coble—that the question was not testimony, but representation, authority, and compliance with the 2019 Informal Resolution Agreement requiring direct engagement and decision-making with affected residents, Maryland LCV still did not answer who controlled the CHERISH table, who decided who was included or excluded, who authorized the bill to be presented as "community-led," or how directly impacted communities would hold actual decision-making authority going forward. Instead, BTB documented for the record that Maryland LCV had declined to clarify where community authority existed within the framework required under the IRA. After that governance issue was squarely raised, the planned discussion was later cancelled and pushed away from informal engagement.

² See *Complaint Under Title VI of the Civil Rights Act of 1964* (May 11, 2016), submitted on behalf of the Brandywine TB Southern Region Neighborhood Coalition, alleging that PSC, MDE, and MDNR actions disproportionately burdened Brandywine's predominantly Black community through cumulative industrial siting, traffic, air pollution, and related impacts, and specifically requesting air-quality monitoring, health assessment, community needs assessment, and traffic assessment, [Final Complaint&Exhibits_05-11-...](#)

The complaint also describes Brandywine as a 72.2% Black community with multiple nearby fossil-fuel plants, coal ash disposal, sand and gravel mines, contaminated-soil processing, severe traffic congestion, and poor air quality

That sequence matters. It shows the problem in plain view: Brandywine is welcome when our history can be cited, when our suffering can be referenced, and when Black frontline credibility is useful. But when we insist on actual decision-making power, actual accountability, and actual compliance with the community-engagement obligations rooted in our Title VI record, the door closes.

Let's be honest about what keeps happening in these rooms. CHISPA Maryland and Maryland LCV are repeatedly positioned as central voices in environmental justice conversations, while Black legacy pollution communities like Brandywine are still treated as optional, secondary, or inconvenient when we speak for ourselves. The public narrative cycles through places like Chalk Point and Curtis Bay, but it still does not fully confront the longer arc of Black state-permitted cumulative burden—the reality described by others as the path from plantations to pollution. In Brandywine, that burden is not abstract. It is coal ash. It is mining. It is wash plants. It is concrete batching. It is truck traffic. It is groundwater concern. It is air exposure. It is development pressure layered on top of legacy industrial harm³. And yes—when institutions want to invoke Brandywine, they know exactly where to find us.

But our health is not a prop, and our community is not a talking point. Our health has been played with for over a decade. So if CHERISH is going to move, it cannot just be another bill someone wants under their belt for show. It cannot be environmental justice in branding and business-as-usual in operation. If this bill passes without substantial amendments, the State risks repeating the same pattern: using frontline Black communities for narrative legitimacy while preserving a permitting framework that can still undercount, downgrade, or disregard our actual cumulative health burden. That is why these amendments are not cosmetic. They are necessary. They are the difference between a bill that performs environmental justice and a bill that delivers it.

HERE WHY GOVERNANCE MATTERS:

And this is why the governance issue matters. In October 2025, Ramón Palencia-Calvo of CHISPA Maryland affirmatively confirmed a meeting with BTB in advance of renewed 2026 environmental justice discussions. BTB then put the real issue on the record in its November 5 correspondence to Kim Coble: not a request for testimony, but a demand for clarity on representation, authority, and the 2019 Informal Resolution Agreement's requirement of direct engagement and decision-making with affected residents. Maryland LCV did not answer who controlled the CHERISH table, who decided inclusion and exclusion, who authorized the bill to be presented as “community-led,” or how directly impacted communities would exercise actual decision-making authority. BTB documented that failure in its compliance record. After that governance issue was squarely raised, the planned discussion was later cancelled. That sequence is not incidental. It reflects the deeper problem this packet addresses: directly impacted Black communities are cited in narrative, but not consistently centered in governance.

³ See *Rapid Health Impact Assessment: The Potential Health Impacts of Incinerators and Power Plant Byproducts on Communities in Brandywine, MD* (2015) (identifying Brandywine as an overburdened community with heavy traffic, poor air quality concerns, medically vulnerable populations, and cumulative exposure from power plants, landfill, and incinerator-related activity), HIABrandywine; see also *Rapid Health Impact Assessment* presentation materials, Final Complaint&Exhibits_05-11-...

; *Revised Brandywine Corrective Measures Plan – March 2025* (acknowledging public-health and biological concerns, groundwater exceedances, surface-water exceedances, leachate management, and a site setting shaped by historical sand and gravel mining and industrial use),

BRANDYWINE ENVIRONMENTAL JUSTICE RECORD

Reference Timeline Supporting Historical Relevance

OVERVIEW

COMMUNITY: BRANDYWINE, MD

Brandywine, Maryland has experienced decades of cumulative industrial burden including fossil fuel generation, coal combustion residual storage, aggregate mining operations, and concrete batching facilities permitted by the Maryland Department of the Environment (MDE). The community's environmental justice record provides context for the guardrail amendments proposed for the CHERISH Act. Supporting materials are being transmitted with this packet for legislative reference⁴.

KEY ENVIRONMENTAL JUSTICE MILESTONES

EARLY 2000S – PRESENT

Expansion of industrial activity in the Brandywine region, including aggregate mining operations and related processing facilities. Community residents have documented concerns regarding dust exposure, truck traffic, groundwater impacts, and cumulative industrial burden.

2010S – COAL COMBUSTION RESIDUAL CONCERNS

Coal ash storage facilities located within the Chesapeake Bay watershed raise environmental and groundwater concerns affecting communities including Brandywine.

REFERENCE ARTICLE

“Ticking Time Bombs: Nearly 100 Coal Ash Dumps Pepper the Chesapeake Bay Watershed”

The BayNet @ <https://thebaynet.com/ticking-time-bombs-nearly-100-coal-ash-dumps-pepper-the-chesapeake-bay-watershed/>

2016 – TITLE VI CIVIL RIGHTS COMPLAINT FILED

Residents of Brandywine filed a Title VI civil-rights complaint with the U.S. Environmental Protection Agency alleging discriminatory environmental permitting practices and cumulative industrial burden in the community.

REFERENCE ARCHIVE

BTB Coalition – Title VI Record Materials

<https://www.btbcoalition.org/titlevi.html>

2019 – INFORMAL RESOLUTION AGREEMENT (IRA)

The Title VI complaint led to an Informal Resolution Agreement requiring structured engagement with directly impacted residents in environmental decision-making processes.

⁴ Supporting reference materials transmitted with or available in connection with this packet include: (1) *Complaint Under Title VI of the Civil Rights Act of 1964* (May 11, 2016), Final Complaint&Exhibits_05-11-...

; (2) *Rapid Health Impact Assessment: The Potential Health Impacts of Incinerators and Power Plant Byproducts on Communities in Brandywine, MD* (2015), HIABrandywine

; (3) Brandywine Health Impact Assessment presentation materials, Brandywine_HIAPresentation(WEB)

; (4) NAACP, *Fumes Across the Fence-Line*; and (5) background environmental justice scholarship regarding community health, zoning, discriminatory siting, and cumulative burden, including Wilson (2009) and Wilson (2010).

2020–PRESENT – CONTINUING INDUSTRIAL PRESSURE

Additional industrial activities including aggregate extraction, material processing, and concrete batching operations continue to contribute to cumulative environmental burden within the Brandywine area.

Community Environmental Justice Mapping

Environmental justice mapping and industrial burden analysis prepared by the Brandywine TB Southern Region Neighborhood Coalition identifies concentrated industrial activity affecting the Brandywine community.

REFERENCE MAP ENVIRONMENTAL JUSTICE

BTB Coalition Environmental Justice Mapping (see page 8)

[https://www.btbcoalition.org/index%20page%20images/EnvironmentalEjMap\(BTBWEB\)_01d.jpg](https://www.btbcoalition.org/index%20page%20images/EnvironmentalEjMap(BTBWEB)_01d.jpg)

CURRENT LEGISLATIVE CONTEXT

The 2026 CHERISH Act proposes a classification-based environmental justice permitting framework using percentile rankings within the Maryland Environmental Justice Screening Tool.

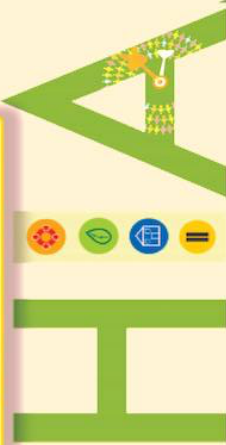
The guardrail amendments submitted by BTB Coalition are intended to ensure that environmental justice protections remain grounded in documented environmental burden rather than fluctuating statistical thresholds.

PURPOSE OF THIS TIMELINE

This timeline provides legislative context supporting the proposed CHERISH Act amendments and demonstrates the longstanding environmental justice record of the Brandywine community. Durable environmental justice requires durable statutory design.

BRANDYWINE ENVIRONMENTAL HEALTH HAZARD MAP

Brandywine Health Impact Assessment



Health impact assessment

Changes to decision & implementation

Changes to determinants of health

Changes to health outcomes

OUR COMMUNITY

Citizens' Science Public Forum

APRIL 15, 2019

OUR HEALTH

Healthier Air

FEB 2019

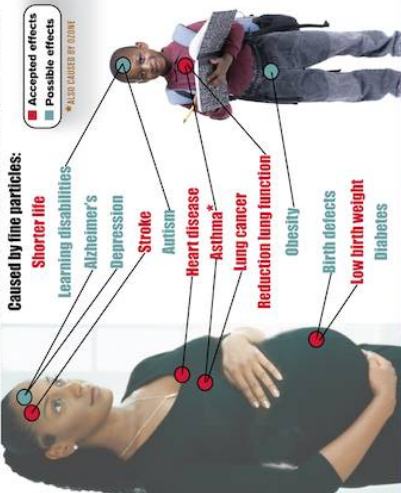
OUR RESILIENCY

Local Resiliency

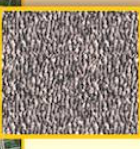
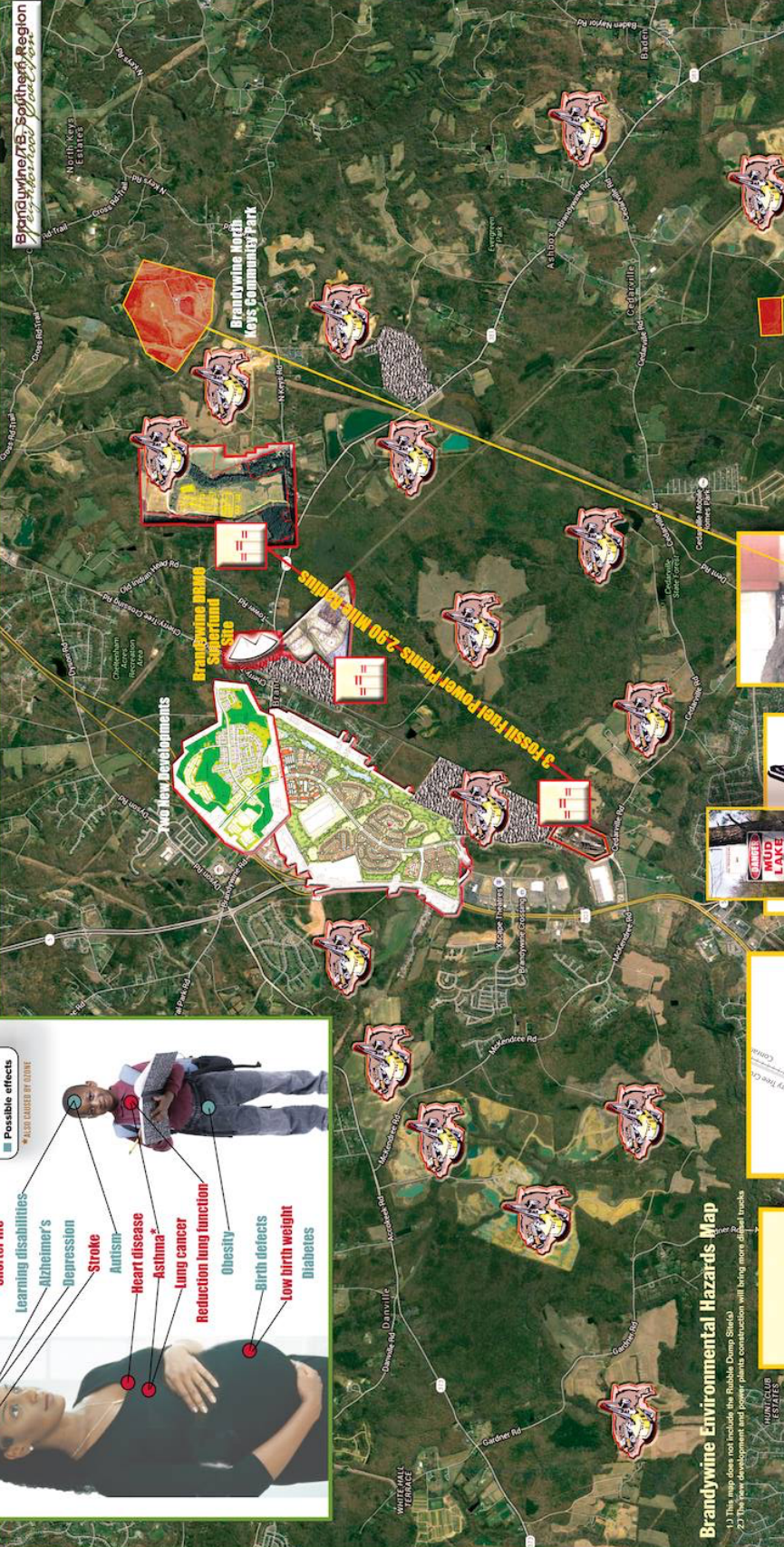
APRIL 2019

POLLUTION MATTERS

Thousands of studies have shown how air pollution can harm people, causing heart attacks, lung disease, and asthma. New research is finding a possible link between certain pollutants and autism, birth defects and childhood obesity, among other conditions.



Chronic Disease Prevention... environmental and zoning inequality and chronic diseases such as heart disease, cancer, diabetes and asthma are the leading causes of death and disability in disproportionately affect communities of color populations. Developing successful prevention strategies starts with recognizing the complex interplay of social factors that drive chronic diseases, and Brandywine's community Local Resiliency and Responsible Planning, adverse effects of development projects on human health, and on the promotion of healthy environments. Therefore, the development and promotion of instruments for the systematic evaluation and mitigation of health impacts of development is a primary concern. Prince George's County, Brandywine, Maryland has poorer health outcomes compared to the rest of the counties over 60% of deaths are related to chronic diseases.



13 Heavy Industrial Zone



3 Fossil Fuel Gas Power Plants



Brandywine DRMO Superfund



Aggregate Surface Mining Wash Plants • Mud Ponds



Coal Mine Fly Ash Site



Sludge Lagoon



Diesel Fumes & Carbon Emissions

Transportation, Carbon Emissions

