



Committee: Environment and Transportation

Testimony on: House Bills 1268/1287– CHERISH Our Communities Act

Organization: Mobilize Frederick

Submitting: Kathy Kinsey

Position: Favorable

Hearing Date: March 10, 2026

Dear Chair Korman, Vice Chair Guyton, and Members of the Committee,

Thank you for the opportunity to provide testimony in support of HB 1268 and 1287 – CHERISH Our Communities Act. Mobilize Frederick, a nonprofit community advocacy organization formed to assist with implementation of innovative local solutions to address climate change, strongly urges the Committee to issue **favorable** reports on HB 1268 and 1287.

These paired environmental justice bills would correct a widely acknowledged flaw in both the Maryland Department of Environment’s permitting program for key environmental permits and the Public Service Commission’s approval process for siting polluting electric generating stations – the failure to consider the total existing pollution load when deciding on the issuance of major permits for new or existing facilities in already overburdened communities.

In Maryland and across the United States, a decades long history of constructing major highways and siting landfills, hazardous waste facilities, incinerators, industrial plants, and other polluting facilities in or near communities of color and low-income communities have disproportionately exposed these communities to air, water, and soil pollution, and the resulting adverse health impacts.

This practice is well documented in the Curtis Bay area of Baltimore City and the Brandywine Community in Prince George’s County. Curtis Bay is home to some 70 different polluting industrial facilities that include the CSX coal terminal, medical waste and waste-to-energy incinerators, a chemical plant, a landfill, and heavy diesel truck traffic. The life expectancy of Curtis Bay residents at birth is among the lowest in the City. In 2017, the Baltimore City Board

of Health reported that the incidence of respiratory illness, heart disease, and all cancers in Curtis Bay was higher than in the entire City as a whole.¹

In Prince George's County, residents of the majority black Brandywine community live with the air pollution emitted by four fossil-fuel fired power plants located within a 13-mile radius of the community,² as well as a coal ash depository rated as the seventh worst such site in the Country,³ and a military disposal site for hazardous waste, which has contaminated the groundwater. These frontline communities and others like them would benefit from a cumulative impact analysis by regulatory authorities considering permits for new or existing facilities in overburdened communities.

MDE's current regulations do not, however, authorize it to take cumulative pollution impacts into account when considering applications for the issuance, renewal, or modification of key permits for industrial plants, landfills, incinerators, or other high-impact facilities. HB 1268 would impose new permitting requirements for facilities in "at risk" census tracts already overburdened with pollution – those census tracts with an environmental justice score at or above the 75th percentile in the State and within a 1.5-mile radius, or in close proximity to certain high-impact facilities. The bill would require:

- Enhanced notice and public participation requirements for several types of permits that are not now subject to public participation requirements.
- Applicants for first-time issuance or renewal of a covered permit to submit a BURDEN report, or "baseline understanding of risk, disparities, and environmental needs," to assess the existing pollution burden and any additional pollution burden that would occur from the applicant's site or facility.
- MDE to consider the BURDEN report and take cumulative and historic pollution into account in determining whether issuance of a permit would increase the pollution burden.
- Denial of a permit for a new or existing facility that MDE determines would increase the pollution burden or health stressors in an already overburdened census tract, unless it determines the facility meets an essential community need that cannot be reasonably met through other means, in which case it must impose permit conditions to mitigate the impacts.

¹ <https://www.thebaltimorebanner.comcommunity/public-health/what-its-like-to-live-in-the-epicenter-of-toxic-pollution-QN7KNX5F3ZDH5KG3HE7YRDPPNQ/>

² <https://dbknews.com/2021/02/23/environmental-racism-brandywine-coronavirus-power-plants/>

³ https://phys.org/news/2022-11-maryland-sites-polluting-coal-ash.html#google_vignette

- For a permit renewal that doesn't allow for an increase in pollution, but that MDE determines will cause or contribute to adverse environmental or public health stressors, either denial of the permit or issuance of the permit with the addition of conditions to mitigate the adverse environmental or public health stressors.

HB 1287 would embed similar requirements into the PSC's Certificate of Public Convenience and Necessity (CPCN) process for approval of polluting electric generating stations. The federal government's support for expanding fossil fuel power plants – especially coal plants -- and the Environmental Protection Agency's rollback of power plant emission standards for mercury, heavy metals, and particulate matter underscores the need for a robust cumulative pollution impact analysis for proposed power plants in at risk communities.

Together, HB 1268 and 1287 will bring Maryland's environmental permitting programs in line with other leadership states, including Colorado, Connecticut, Massachusetts, Minnesota, New Jersey, and New York that have adopted cumulative impact assessment requirements as part of their permitting processes to mitigate these impacts in environmental justice communities.

For the forgoing reasons, we respectfully request the Committee to issue **favorable** reports for HB 1268 and 1287.

Sincerely,
KATHY KINSEY
Chair, Government Affairs Committee

cc: Karen Cannon
Executive Director