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To Environmental and Transportation Committee in the MGA House of Delegates

Subject: HB 1287 -- Favorable without Amendments

Chair, Vice Chair, and Members of the Environmental and Transportation Committee,

My name is Michael Brown, and I appreciate the opportunity to testify in strong support of **HB1287/SB0780**, the “**Certificate of Public Convenience and Necessity – BURDEN Analysis (CHERISH Our Communities Act)**.” I am here because I believe Maryland has a responsibility to ensure that no community is treated as expendable when it comes to environmental risk and public health. HB1287 is a measured, data-driven step toward honoring that responsibility.

At its core, this bill does something very simple but very important: it asks us to look at the **whole** picture of what certain neighborhoods are already carrying before we decide whether to place yet **another high-impact facility** there. For decades, many communities—often lower-income communities and communities of color—have found themselves surrounded by power plants, landfills, industrial sites, and heavy traffic corridors. Each facility, **taken alone**, may have been deemed “acceptable,” but residents live with the sum of all of them at once. HB1287 recognizes that people experience cumulative burden, not isolated permits, and it brings our decision-making closer to that lived reality.

HB1287 **focuses on non-renewable generating stations and similar high-impact facilities in “at-risk” census tracts**. These are not arbitrary labels. The bill relies on Maryland’s own environmental justice screening tools and concrete indicators—**pollution levels, proximity to major emitting sources, and health-related stressors**—to identify communities that are already disproportionately burdened. That makes this legislation both fair and targeted: it does not stop development everywhere; it simply insists that, in the places where the deck is already stacked against residents, we slow down, gather the facts, and be more careful.

One of the most important features of HB1287 is the required **BURDEN report**. This is not mere paperwork. It is a structured way to answer basic, commonsense questions that residents ask every time a new plant is proposed: **How much pollution is already here?** What kinds of facilities surround us? What are the existing risks from air, water, and soil? How loud and disruptive is it already, and how much more will this project add? The BURDEN report gathers this information within a defined radius and presents it in one place, in a standardized way. That kind of **transparency** empowers both the Public Service Commission and the people who live in these neighborhoods to make informed judgments, instead of being forced to piece together information from scattered technical filings.

HB1287 also **rightly raises the bar** for approval in these at-risk communities. Under the bill, the Public Service Commission must look squarely at whether a proposed plant will cause or worsen environmental and health stressors in an already overburdened area. It must ask whether the project truly serves the public interest of that community, not just whether it fits into a statewide capacity plan or a company's business model. And when the Commission does approve a project in an at-risk tract, it must attach conditions designed to protect public health and the environment.

This change in default is crucial. **For too long, the burden of proof has effectively rested on residents to show why they should not be asked to absorb "one more" facility.** HB1287 begins to flip that script. It says to applicants: if you want to build in a community that is already carrying a heavy load, you must demonstrate clearly why this project is necessary and how it will be made as safe as possible. That is not anti-business; it is simply responsible governance.

I also want to emphasize that **HB1287 is consistent with Maryland's clean energy and climate goals.** The bill explicitly exempts solar, wind, and geothermal generation from the BURDEN analysis requirement. That means our fastest-growing, lowest-emission energy sources are not slowed by this new process. Instead, the bill focuses on the types of projects that are most likely to add air pollution, noise, and other health stressors. In other words, HB1287 is aligned with a just transition: it **protects vulnerable communities from additional fossil-fuel burdens while allowing clean energy projects to move forward more readily.**

Some may worry that this bill will deter investment or make it harder to maintain grid reliability. Those concerns deserve to be taken seriously, but they should not be exaggerated. HB1287 does not impose an absolute ban on non-renewable generation in at-risk tracts. It creates a more rigorous process that incorporates cumulative impact, requires fuller information, and demands real public-interest justification and protective conditions. If a project is truly vital for reliability, and if it can be designed and conditioned to minimize harm, the statute still allows it. What is no longer

acceptable is building by default, without fully accounting for who pays the price and how high that price already is.

In my view, HB1287 also **strengthens public trust** in our institutions. Communities that feel ignored or sacrificed are less likely to believe that government acts in their interest, and that mistrust has real consequences. When residents see that their lived experience—of asthma, noise, odors, and industrial encroachment—is reflected in law and in regulatory decisions, it sends a powerful signal that their **health and dignity matter**. That trust is a form of **civic infrastructure** just as vital as substations and transmission lines.

Finally, HB1287 reflects a **simple moral principle: no community should be asked, again and again, to accept environmental risks that others would never tolerate in their own backyards**. By grounding that principle in data, process, and clear standards, this bill offers a practical way to move toward environmental justice while maintaining a reliable energy system.

For all of these reasons, I respectfully urge a favorable report on HB1287. Thank you for your time and consideration, and for your commitment **to protecting the health and well-being of Maryland's communities**.