

MARYLAND COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES

March 3, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building Annapolis, MD 21401

The Honorable Marc Korman
Chair, Environment and Transportation Committee
251 Taylor House Office Building Annapolis, Maryland 21401

Thank you for the opportunity to provide testimony in support of SB 780/ HB 1287 Certificate of Public Convenience and Necessity - BURDEN Analysis (CHERISH Our Communities Act) on behalf of the Maryland Commission on Environmental Justice and Sustainable Communities (CEJSC). The CEJSC was established in 2001 by Executive Order on January 1, 2001 and is now statutorily codified under § 1-701 of the Environment Article of the Md. Ann. Code. The Commission is charged with:

- Advising the State government agencies on EJ.
- Analyzing the effectiveness of State and local government laws and policies to address issues of EJ and sustainable communities.
- Coordinating with the Children's Environmental Health and Protection Advisory Council (CEHPAC) on the issues of EJ and sustainable communities.
- Developing criteria to assess what communities in MD may be experiencing EJ issues.
- Recommending options for addressing EJ issues to the Governor and the General Assembly; including prioritized areas of the State that need immediate attention.

The CEJSC is committed to doing our part to ensure that environmental laws and programs protect the environment as well as the health and well-being of all Marylanders. Accordingly, we included the following recommendation in our 2025 annual report:

- CEJSC recommends passage of legislation that aligns state environmental permitting with people's lived experience by giving MDE the authority to condition, modify, or deny certain types of permits (including new, expansion, and renewal) in areas of the state where there is a concentration of pollution, thereby acknowledging the impact of existing burdens in overburdened communities across the state.

The Moore-Miller Administration's Transition report included this recommendation (2023, p. 27) and the CEJSC has included similar recommendations for at least the last two years in a row. The state's permitting process currently does not adequately consider existing pollution sources, health, or socioeconomic factors, even though the state of the science has demonstrated these indicators do influence community health and the community's ability to respond to the historical accumulation of pollution sources. Other states have passed and are passing sweeping environmental justice permitting legislation. The CEJSC received a thorough presentation from national expert and former Senior Policy Advisor in the Office of Environmental Justice at the Environmental Protection Agency, Charles Lee, on this topic in 2024.

SB 780/HB 1287 directly addresses our recommendation and would give the Public Service Commission (PSC) the authority to consider cumulative impacts in the issuance of certain permits relevant for energy generating stations in areas of the state most overburdened by pollution. Through a baseline understanding of risk, disparities, and environmental needs (BURDEN) report provided by the permit applicant, the PSC will have important information about existing pollution and environmental concerns in the area around the proposed permitted facility they can use to make a decision about the permit.

CEJSC is charged with examining EJ issues and sustainable community opportunities that may be associated with public health, safety, economy, government, or other issues relating to EJ and sustainable communities. By mandating rigorous, data-grounded requirements for generating stations in at risk areas, this bill moves the state toward a posture of active protection. This bill and its companion that applies to MDE permits represents an appropriate and necessary next step for environmental justice in Maryland, building on efforts that created the MDEnviroScreen mapping tool and providing some EJ information as part of the environmental permitting process. This shift is essential to ensure that Maryland's energy future is built on a foundation of clean air, land, and water for all.

Sincerely,

Camille Burke

Chair of the Maryland Commission on Environmental Justice and Sustainable Communities