



**The Maryland Department of the Environment  
Secretary Serena McIlwain**

***House Bill 1268***

***Environmental Permits - Requirements for Burden Analysis, Issuance and Renewal, and  
Public Participation***

**Position:** Support  
**Committee:** Environment and Transportation  
**Date:** March 13, 2026  
**From:** Aneca Atkinson, Assistant Secretary of Environmental Justice

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The Maryland Department of the Environment (MDE) **SUPPORTS** HB 1268.

**Bill Summary**

HB 1268 would require MDE to conduct an environmental justice (EJ) evaluation through the review of an Existing Burden Report for certain new, renewal, or expansion permit applications. A permit applicant must perform an EJ evaluation if a proposed facility activity would be located in a census tract designated as "at-risk" based on specific, data-driven thresholds linked to the State's EJ Screening Tool. These thresholds include: a final EJ Score at or above the 75th percentile statewide, any tract where six or more of the twenty-one defined environmental health stressors are at or above the 75th percentile, proximity to the 95th percentile for mining, emitting power plants, or hazardous waste landfills, or the 99th percentile for concentrated animal feeding operations (CAFOs). The Existing Burden Report, if applicable, would functionally allow MDE to take into account the totality of specified environmental health stressors in the State's most overburdened and underserved communities. Based on the results of the analysis and report, MDE could put conditions on, or deny, the permit.

**Position Rationale**

The State is committed to decreasing the pollution burden on underserved and overburdened communities - a top priority for the Moore-Miller Administration and Secretary McIlwain. The Administration is positioning Maryland as a national leader by incorporating environmental justice within its 'all-of-the-above' strategy in the State Plan, and the Valuing Opportunity, Inclusion, and Community Equity (VOICE) Executive Order signed by Governor Moore in 2025. In an era where federal protections are being rolled back and the basic right to a healthy environment is under threat, Maryland is focused on addressing environmental justice issues in our most vulnerable communities.

In June 2025 MDE relaunched the EJ Screening Tool, MDEnviroScreen, after the federal government eliminated their tool and its underlying data. HB 1268 represents a strategic paradigm shift in Maryland's regulatory philosophy—moving from the assessment of isolated pollution sources toward a modern, equity-centered framework. Additionally, integrating the MDE EJ Screening tool into the permitting process would ease the burden on agency staff and streamline the process for applicants. Throughout the drafting process MDE has worked with stakeholders to 1) refine the "at-risk area" census tract designation; 2) concentrate the scope of the bill to the permits that stakeholders observe as contributing to adverse conditions in overburdened areas; and 3) streamline the Burden Report process for applicants through refining

the necessary steps for a completed application.

MDE is committed to working with the bill sponsors, community members, and all other stakeholders on any future amendments needed to provide clarity and refine the scope of the bill. To ensure a successful rollout if the bill becomes law, Secretary Mellwain is prepared to internally reprioritize \$700,000 and five corresponding positions to support the enhanced environmental justice efforts under CHERISH. While this reallocation provides a strong foundation, to achieve full implementation and maintain operational integrity the Department would need approximately \$560,000 in additional expenditures to cover staffing and technical review costs. The Department looks forward to working with the General Assembly to address these important fiscal implications during the legislative process.

Accordingly, MDE asks for a **FAVORABLE** report for HB 1268.