

CHERISH ACT

Cumulative Harms to Environmental Restoration for Improving Shared Health

WHY DO WE NEED THE CHERISH ACT?

The CHERISH Act will address the disproportionate environmental and public health harms that environmental justice communities in Maryland face from pollution generating facilities. For centuries, these facilities have been disproportionately and deliberately sited in minority and economically distressed communities in Maryland. Low-wealth, Black, and other communities of color in Maryland **face greater cancer risks and exposure to air toxics** due to higher pollution burden.

The CHERISH Act amends Maryland's environmental law to provide adequate environmental impact assessment and opportunities for public participation for new, renewed, and expanded environmental permits that are issued by the Maryland Department of the Environment (MDE). Currently, many environmental permit applications do not even include a public engagement process, and do not take into consideration the cumulative harms posed by multiple and historic sources of pollution. The CHERISH Act prioritizes Maryland residents' well-being and ensures that MDE's decision-making processes are transparent and inclusive.

WHAT DOES THE CHERISH ACT DO?

The CHERISH Act identifies facility types that pose a risk to environmental and human health, and the permits that these facilities need to operate. For these facilities and permits in areas with high pollution burden, the CHERISH Act says:

- The permit applicant will include an Environmental Impact Statement and Existing Burden Report with their application.
- MDE will conduct a public notice and review process for these permits.
- MDE will prepare a final Existing Burden Report based on public comment and input from stakeholders including the Maryland Department of Health and local elected officials.
- MDE will determine whether issuing a permit would cause an increased potential for adverse impacts on the community. If it will:
 - for new or expanded permits: MDE will deny the permit application unless it meets an essential need for the impacted community for which there is no alternative.
 - for renewal permits: if it issues the permit, MDE will require additional permit conditions to protect public health, and the applicant will enter into a Cumulative Impacts Mitigation Fund Agreement with the impacted community.
- MDE will make information about enforcement actions against permitted facilities in covered areas easily available online, and direct 25% of penalties from enforcement actions to the impacted communities

WHERE WOULD THE CHERISH ACT APPLY?

The CHERISH Act covers census tracts with an Environmental Justice (EJ) score of 75 or higher on the **Maryland EJ Screening tool**, and communities within a 1.5 miles radius around these census tracts. A **high EJ score means** higher exposure to pollutants combined with sensitive populations and underserved demographics.

In South Baltimore for example, working-class communities are exposed to pollution from the BRESCO Trash Incinerator, CSX Terminal, Patapsco Wastewater Treatment, a variety of concrete and asphalt plants, Curtis Bay Energy Medical Waste Incinerator, petroleum terminals, landfills, and other polluting facilities located in close proximity to each other. The census tracts from Westport to Curtis Bay have some of the highest EJ scores in the state, often in the 99th percentile.

WHAT POLLUTERS WOULD THE CHERISH ACT COVER?

This legislation would apply to specific permits being considered for designated facility types:

Incinerators: Medical waste, municipal solid waste, animal waste, and woody biomass

Fossil Fuel energy-generating facilities: Fossil fuel shipment, handling, and processing facilities; refineries; carbon dioxide pipelines

Manufacturing facilities: Concrete batching facilities, including chemical manufacturing; sawmill; military testing and research sites

Landfills: Landfills that accept ash, construction or demolition debris, or solid waste; Solid waste transfer stations, materials recovery facilities, scrap metal yards, sewage treatment plant (more than 50 million gallons per day); sludge processing facilities

Polluted Sites: Active or inactive coal mines; Superfund sites

Air permits: Air quality control permits to construct; Title V / Part 70 permits to operate; MDE permits to operate for minor air pollution sources

Land permits: Refuse disposal permits; permits to own, operate, or maintain a hazardous material facility; permits to own, operate, establish, or maintain a low-level nuclear waste facility; sewage sludge permits

Water permits: NPDES permits; potable reuse permits



HOW DOES THE CHERISH ACT ADVANCE ENVIRONMENTAL JUSTICE?

Everyone in Maryland deserves access to clean air and water, and healthy outdoor spaces. When Maryland first considered environmental justice analysis in permit applications a decade ago, we were among the first states to start this work, but legislation to implement environmental justice priorities didn't pass. The CHERISH Act builds on the robust conversations from the 2024 Legislative Session on [HB 24/SB96](#), which passed ENT, ECM, and the House as whole but did not move in the Senate. The CHERISH Act is in direct alignment with environmental justice goals set forth in [Maryland's Climate Pollution Reduction plan](#) and in MDE's recent [Climate Implementation Plan](#).

Now, Maryland is falling behind states like [New Jersey](#), [New York](#), and [Minnesota](#) who have already passed similar legislation. It is time for Maryland to join these states and become a leader in delivering environmental justice to its residents.

We need your enthusiastic support to pass the CHERISH Act.

