

Thank you for the opportunity to testify:

The Notice of Violation letter sent July 20 by the Maryland Department of the Environment to CSX Transportation regarding the Dec. 30 coal tunnel explosion that rocked Curtis Bay and choked the community's residents on airborne toxins plays like part of a pantomime of what serious government environmental oversight should look like.

In fact, the entire response to the explosion by the MDE has shown the agency's intent to minimize the true nature of the CSX coal piers and as soon as possible bring the operator back into what passes for compliance. Let's be candid: The coal piers are an environmental plague on the community, which ranks among the worst in the country for toxic air pollution. The dirty coal export business is not only a primary source for the most destructive cause of global warming, but also continues to poison the air, water and living environment of every resident in Curtis Bay.

Since the explosion, the Maryland Department of the Environment, which holds the ultimate regulatory authority over activity at the coal piers and CSX's permit to operate, has not dealt in good faith with the Curtis Bay community. MDE deputized CSX to lead the investigation into its own explosion. It officially characterized the explosion as a workplace safety issue and not an environmental one, which allows it to minimize its responsibility for the degradation of air and water quality beyond the work site. MDE also declined to appear at the first hearing by the City Council, and, again, it has failed to conduct meaningful engagement with the community.

We want to be very clear about the word "community": It's not just associations operating within a neighborhood's boundaries; community includes anchor institutions and every person who lives and works within a neighborhood and calls it home. Sitting in on a monthly Zoom call with a neighborhood association does not qualify as engagement with a community.

Coal Kills Baltimore believes the state and city must develop a clear, transparent and accountable process for community members to actively engage around issues that relate to toxicity, personal health, environment, land-use and polluting industries where they live. In all city neighborhoods suffering from the presence of polluting industries, residents must be able to sit at the table and participate in the decision-making process when it affects their lives and communities.

In an Op Ed published in the Baltimore Sun, Coal Kills Baltimore asked the state to conduct an independent review of MDE's oversight of the coal piers to determine whether it is properly enforcing compliance with public safety and environmental requirements - not just workplace requirements. We also asked the state to take the lead on the explosion investigation away from CSX and concentrate on environmental impacts.

Subsequently, our team identified and have begun working on what we call four pillars, pathways to empowerment for city residents to command greater responsiveness to

their plights while strengthening city government's existing oversight and enforcement powers.

1. **Properly staffing and funding the Baltimore City Health Department** to allow it to realize and execute its already existing powers to participate in the oversight and regulation of industries such as the coal piers.

2. **Increasing and improving the public's access to information** that is rightly theirs by removing onerous pay walls and other obstacles. Obtaining copies of MDE coal pier inspection reports should not require a complex application process; they should be prepared and delivered directly to residents of the community and written in a manner free of jargon so laymen can understand them.

3. **Greater access to and responsiveness from the Environmental Crimes Unit in the Maryland Attorney General's Office.** This unit, independent of the Maryland Department of the Environment, is charged with the coordination, investigation and prosecution of criminal environmental violations and other associated criminal charges throughout the state. It has been hidden for too long from public view and could become a powerful tool in the quest for environmental justice.

4. **Passage of the Constitutional Amendment for Environmental Human Rights.**

The legislation that would bring a vote on the constitutional amendment to the people establishes "that every person has the fundamental and inalienable right to a healthful and sustainable environment; and requiring the State to serve as the trustee of the State's natural resources, including the air, land, water, wildlife, and ecosystems of the State, and to conserve, protect, and enhance the State's natural resources for the benefit of every person, including present and future generations."

We appreciate the opportunity to comment and we look forward to further engagement with you.

Sincerely,
Terrel Askew, Michelle Rockwell,
John Scheinman, Olivia Yates^[1]_[SEP]
Coal Kills Baltimore

Coal Kills Baltimore works to live in a world where impacted communities are empowered to reject the presence of polluting entities that fail to fully uphold the primacy and necessity of environmental human rights.

Coal Kills Baltimore accomplishes its vision by addressing and raising awareness of systemic failures within Baltimore city and Maryland state governments, as well as in polluting industries such as the CSX coal piers, when they fail to safeguard and prioritize the right of communities to a clean and healthful environment. Coal Kills Baltimore combines advocacy, outreach, education, coalition building, and political demand to push for greater accountability and transparency to create systemic change. Our work includes advocating for clean energy jobs for residents of impacted communities to replace polluting industries. The guide question in our work is: Does this project bring us closer to the empowerment of the community to say "no" to coal and

other industries toxic to their environment?

