NAACP CEEJH

THE PEOPLE'S REPORT

A Gap Analysis of Data Center Infrastructure in Prince George's County, Maryland

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Foreword

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This past year (2025), was one in which many communities facing environmental justice challenges found themselves confronted with a new threat, proposed AI data centers. These behemoth facilities began to pop up in our midst usually without the benefit of established local land use and zoning processes, or opportunities for public review, comment, or consent.

Many of these same communities have been fighting for years to have their local, county, and state government's take seriously their concerns about environmental quality and their call for equal protection under the law. Often their concerns went unheeded, or dismissed altogether. But with a nod to stepped-up organizing and public education efforts, communities have been expanding their mastery of information, knowledge, expertise, and grassroots power to better influence decisions that directly affect them, their families, and neighbors. Central to these local organizing efforts has been an acknowledgeable that most environmental injustices began as local land use and zoning issues that determined where any type of facility or land use would go. Be it manufacturing or industrial plant, a new highway or transportation corridor, energy plants, a park or ball field, schools, housing, hospitals, garbage or waste landfills, gas stations, or commercial businesses.

Historically locally unwanted land uses (LULU's) have been wedged into areas that housed a disproportionately high percentage of people of color, immigrant, and/or low wealth residents. In fact this was a feature of residential segregation. The very meaning of the phrase 'on the other side of the tracks' is an acknowledgment of how railroad tracks were often used to divide communities, and keep some people living on the 'wrong side' of those tracks near sources of pollution. Most of us thought those days were behind us, but we were wrong, especially when it comes to where AI data centers will be built, and their environmental impact on nearby populations.

This report produced by the NAACP's Center for Environmental and Climate Justice and Center for Engagement, Environmental Justice, and Health (CEEJH) is a timely and essential tool in helping people to push back against the threat posed by AI data centers to our collective well-being. This report is especially welcomed by those of us who live in Prince George's County, Maryland where the issue of possible siting, permitting, and construction of a new AI data center at the site of a former commercial shopping center known as the Landover Mall has erupted. For those of you not familiar with PG county, we are a majority Black and other people of color county, that is an adjacent suburb of Washington, District of Columbia.

We are the land base and home of the Piscataway Nation in Accokeek and the Anacostia, Patuxent, and Potomac Rivers flow through us. We are also home to the flagship campus of the University of Maryland and Bowie State University, the National Aeronautics and Space Administration (NASA) Goddard Space Flight Center, the Census Bureau, the National Security Administration, the Research Center of the United States Department of Agriculture (USDA), the storage archives of the Smithsonian Institution, Joint Base Andrews Air Force base, and several other military and federal facilities.

As a result thousands of federal workers call Prince George's County home. As such, PG County is often referred to as the county the Federal Government built as it transitioned from a rural landscape of former tobacco plantations, to a heavily segregated suburban county, to an integrated population, to the second most affluent majority people of color county in the nation. Driven largely by the college educated, home and business-owning federal workforce and their offspring. The history of PG County is a reflection of the march of educational and economic progress and opportunity that Black and Brown people have worked so hard to achieve over the last century.

But as we also host several highways including: I-95, 295, 395, and 495, as well as several state highways and roads. We house the truck distribution centers for both Whole Foods and Giant Supermarkets in the DMV (District of Columbia, Maryland, Virginia) metropolitan region. We contain many industrial corridors, and are within the flight paths for Ronald Reagan Washington National Airport (DCA), Baltimore/Washington International Thurgood Marshall Airport (BWI), and Joint Base Andrews airports. We face a mountain of environmental and public health threats and are therefore hyper sensitive to efforts by the County and State governments to clear the runway to bring a qualified AI data center into our midst.

As we are learning about an effort to bring an AI data center here, we also learned of the work the NAACP is doing with communities in Memphis, Tennessee and elsewhere to understand the full impact of having an AI data center nearby. AI data centers require enormous amounts of fresh water (also known as drinking water) to cool their giant data processors. They require an enormous amount of energy to power their nonstop operations. We in Maryland, and especially in Prince George's County, are experiencing huge increases in the cost of household energy prices as our utility companies scramble to expand the local grid to accommodate the energy needs of AI data centers while passing the cost along to individual ratepayers.

We welcome the publication of this 'People's Report' which is based on academic research regarding public health, environmental impacts, jobs and tax revenue concerns, quality of life, as well as community members' lived experiences near data centers. This report also looked at community engagement and surveys, legal, public policy, as well as civil rights implications of any next steps here in Prince George's County.

We strongly recommend that Prince George's County Qualified Data Center Task Force take this report and its recommendations to heart, significantly enhance its public engagement efforts and correct past missteps, fully investigate potential health and environmental impacts, as well as jobs, tax and revenue incentives. We strongly recommend that this report and its findings and recommendations be the driver of any final decisions and votes the County Council and other regulatory bodies make with respect to siting any AI data centers in our County. Our future quality of life is dependent on getting this issue right.

THE PEOPLE'S REPORT

Summary

The Prince George's County Qualified Data Center Task Force produced a report intended to summarize its findings, assess the impacts of AI-driven data centers across Prince George's County, hereinafter known as PG County, and recommended next steps. This *Report* offers an independent assessment evaluating gaps in the County's Report including environmental justice and civil rights, air quality, energy justice, and water infrastructure. This Report concludes with gap and policy recommendations that are equity, justice, and health focused.

This *People's Report* is grounded in research on environmental justice, environmental impacts, public health, job creation and tax revenue claims, and quality-of-life concerns. It also reflects community members' lived experiences near existing and proposed data centers, insights gathered through stakeholder engagement, and an analysis of the legal, policy, and civil rights implications of future PG County actions. It also offers the Data Center Frontline Framework, a unifying set of principles developed to stop the development of harmful data centers.

Overall, *The Peoples Report* documents significant shortcomings and unresolved concerns that remain should PG County proceed with the Task Force's recommendations. As PG County is positioned to set an important precedent for how data centers are evaluated and permitted across the state, the implications of these decisions extend well beyond county boundaries. Accordingly, this *Report* is intended for consideration by all Maryland policymakers especially those in Frederick County and Baltimore County, as they consider similar development and regulatory challenges.

Background

Data centers are large computing facilities, filled with servers, networking hardware, and computer cooling equipment. Data centers are used to support online services like cloud computing and data processing applications.

Although data centers have been around for decades, the recent rise of processing-intensive applications, like artificial intelligence and cryptocurrency mining, has led to a significant expansion in the size and complexity of modern data centers. The newest hyper-scale data centers can be as large as 13 full-size football pitches,[1] run 24 hours a day, and may require as much electricity as a mid-sized American city.[2] Leading the charge to build these "hyper-scale" data centers are some of the nation's richest technology giants: Amazon, Google, Microsoft, and Meta.[3] Although often pitched as beneficial to the communities they are built in, large data centers can impose new economic and environmental costs. Despite the negative costs that data centers can impose on community members, PG County and Maryland as a whole perversely offer tax breaks for data center development, minimizing the benefits that a community could reap.[4]

One such proposal is the Brightseat Tech Park, a hyper-scale data center project to be developed on the vacant Landover Mall site in PG County. Landover is a historically Black community with a population that is 66.8% Black and 21.8% Hispanic and where 18.3% of its residents live below the poverty line. The community faces overlapping environmental and social stressors that increase health risks for residents. For example, Landover is home to the Washington Commander's Northwest Stadium and several major highways run through the area. This results in high levels of traffic-related air pollution from daily commuters and crowds attending weekend football games.

The U.S. Centers for Disease Control and Prevention (CDC) Environmental Justice Index (EJI) is a nationwide tool designed to measure how environmental harms affect communities' health. It combines environmental exposures (like air pollution), social factors (such as income, housing, and access to transportation), and health indicators (such as asthma and heart disease rates) to produce a single environmental justice score for each census tract.[5] The CDC EJI gives the Landover-area census tracts a score of 0.86 with 1 being the highest score (See Figure 1).[6] This means that the community is ranked in its highest environmental justice burden category. Similarly, the tool by the Center for Engagement, Environmental Justice, and Health (CEEJH), MDEJSCREENv3.3, assigns Landover a high environmental justice score of 0.94 with 1 being the highest score again.[7]

Given these evaluations, the proposed development of hyper-scale data center in Landover raises serious environmental justice concerns. When a community is already overburdened, any new pollution-generating development (i.e. data centers) warrants heightened scrutiny. This includes evaluating cumulative impacts and making land-use decisions that prioritize public health and equity. Without such safeguards, data centers risk deepening existing inequities while delivering limited benefits to the communities asked to bear its costs.

1. Khalid Alaamer, World Econ. F., This Is the State of Play in the Global Data Centre Gold Rush (Apr. 22, 2025), weforum.org/stories/2025/04/data-centre-gold-rush-ai/.
2. Eliza Martin & Ari Peskoe, Harv. L. Sch. Env't & Energy L. Program, Extracting Profits from the Public: How Utility Ratepayers are Paying for Big Tech's Power 4 (Mar. 5, 2025), https://eelp.law.harvard.edu/extracting-profits-from-the-public-how-utility-ratepayers-are-paying-for-big-techs-power/.
3. Alaamer, supra note 1.
4. See Data Centers, Prince George's Cnty. Econ. Dev. Corp, pgcedc.com/datacenter (last visited Dec. 16, 2025); Data Center Maryland Sales and Use Tax Exemption Incentive Program, Md.
5. Center for Disease Control and Prevention. Environmental Justice Index Explorer. https://www.atsdr.cdc.gov/place-health/php/eji/eji-explorer.html
6. Id.
7. MDEJSCREENv3.3 https://experience.arcgis.com/experience/c0d79e65e9c84c5b8d0f6d03cd7db399

Figure 1. CDC EJI Index Landover, MD

CDC Overall Environmental Justice Index (EJI)

Census Tract: 24033804102

CDC EJI 2024 - Maryland

Overal Environmental Justice Index (EJI)

- No Data
- 0- 0.25
- 0.25-0.5
- 0.5-0.75
- 0.75-1

In Perspective

1

AI Data Center

can be as large as

13
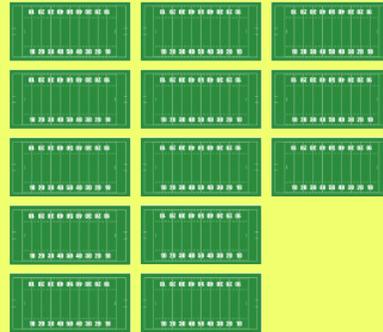
full-size football pitches

operates

24

hours a day

may require as much electricity as

1

mid-size American city

Data Center Frontline Framework

Guiding Principles for Community Engagement

In August 2025, the Data Center Frontline Framework was developed at the NAACP Frontline Framework Summit in Memphis, Tennessee with participants who attended in person and virtually from across the country. The Framework brings together community voices, environmental and climate justice framing, and the Jemez Principles for Democratic Organizing with the 17 Principles of Environmental Justice as a foundation. These they are intended to be a unifying guide for communities working to stop harmful data centers and build cleaner alternatives.[8]

These principles should undergird PG County's next steps. Before any data center project is approved for construction in PG County, both the County and the Big Tech companies funding these new data centers must confront the harms that data center construction threatens to impose on environmental justice communities and should use The Frontline Framework to meaningfully engage the community members most likely to be harmed by them.

The Framework

OUR HEALTH & ENVIRONMENT ARE SACRED

No community should be forced to sacrifice clean air, clean water, or safe homes. We demand that public health protections be explicit, with independent monitoring, healthcare access, and investment in preventing harm.

COMMUNITIES MOST AFFECTED MUST LEAD

Organizing must start from the ground up, with residents shaping decisions, monitoring, and enforcement. Those directly impacted by pollution, displacement, or job loss from data centers must be the primary voices at the table. Those directly impacted should not have to bear the brunt of subsidizing data center buildouts.

JOBS CANNOT JUSTIFY HARM

Temporary construction contracts or outsourced work do not replace stable, living-wage employment. Data centers accelerate worker displacement through automation and artificial intelligence, and without a just transition framework. Communities demand real economic justice through investments in housing, renewable energy, broadband, community ownership, and small business development.

ACCOUNTABILITY MUST BE ENFORCEABLE

Voluntary promises are not enough. We demand that any commitments made must be legally binding and publicly disclosed, with transparent data on water use, energy consumption, emissions, subsidies, and corporate ownership from the propsal of a project through its operation. There must be legally binding standards for water efficiency and energy use for data center operations to ensure that precious resources are not depleted. We demand corporate tax accountability for data center buildouts in communities. Corporations can no longer receive tax breaks for the harm they cause communities. We also demand that enforcement be led by communities with clear authority to halt harmful operations.

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8. NAACP, Frontline Framework Community Guiding Principles, naacp.org/resources/frontline-framework-community-guiding-principles (last visited Dec. 16, 2025).

The NAACP Frontline Framework Summit in Memphis, TN in August 2025 (NAACP)

WE REJECT FALSE SOLUTIONS & FOSSIL FUEL DEPENDENCY

Large-scale data centers are deepening reliance on fossil fuels and straining fragile energy grids. We demand community-owned renewable energy, decentralized projects, and planning that protects both today's neighborhoods and future generations.

INFRASTRUCTURE MUST BE COMMUNITY-LED

Instead of massive corporate hubs, we envision local, decentralized, and public-interest technology and energy projects, including microgrids, broadband expansion, and shared spaces that strengthen communities rather than exploit them. The community must own these projects so that they receive the full benefits of technology shifts.

INTERCONNECTED HARMS REQUIRE INTERCONNECTED SOLUTIONS

Data centers cannot be separated from the mining of rare earth minerals, fossil fuel expansion, surveillance systems, or displacement. Organizers must name these links as civil rights issues, connect struggles across topics, and resist efforts to divide or dilute our vision.

SOLIDARITY BUILDS POWER

We honor the Jemez Principles by committing to inclusivity, just relationships, and mutual support, including in rural and urban communities, unions, policy, housing, labor, and grassroots groups, environmental and climate justice spaces, digital equity advocates, and all other spaces that connect to this struggle. Together, we are stronger than any single campaign.

WE WALK OUR TALK

As we fight for justice, we also commit to embodying it. This means that we center empathy, care, and respect in our organizing and build movements that reflect the world we are trying to create.

Qualified Data Center Report Gap Analysis

Impacts on Water Quality and Infrastructure

Data centers depend on substantial and continuous cooling to maintain optimal performance and prevent overheating. The most commonly used cooling systems are water-intensive, drawing considerable amounts of water much of which can be lost through evaporation or discharged as blowdown.[9] Per day, medium-sized data centers can consume approximately 300,000 gallons of water, while large facilities may use as much as five million gallons.[10;11] Climate, water availability, facility size, and whether the center draws from local potable water resources rather than recycled or non-potable sources impact how much water is used in a local community. Data centers often rely on potable water to avoid corrosion, scaling, and microbial growth risks associated with reclaimed or lower-quality water.[12] In dry, drought-prone regions or where infrastructure is already constrained, a data center's continuous demand can exhaust drinking water supplies, increase wastewater treatment burdens, and heighten downstream impacts on water quality and local ecosystems. Much of the water used for cooling is lost through evaporation or discharged as blowdown. Blowdown water increase the treatment burden at local facilities.[13]

The proposed Brightseat Tech Park would likely be served by the Washington Suburban Sanitary Commission (WSSC Water) which provides water and wastewater services to approximately 1.9 million residents in PG and Montgomery Counties.[14] Because WSSC draws from the Potomac and Patuxent Rivers, both of which are subject to seasonal drought restrictions, any new large-scale industrial use could make the system less reliable during low-flow periods, elevate treatment costs, and ultimately shift expenses to ratepayers through infrastructure upgrades or higher utility rates.[15]

When compared to other large water users in PG County, such as golf courses or commercial irrigation facilities, a data center's continuous demand presents a different challenge. Whereas irrigation and recreation-related uses are seasonal and adjustable, data-center cooling systems operate year-round and cannot readily curtail withdrawals during drought. The result is a fixed, inflexible baseline draw that may make it harder for residential and municipal users to conserve water during water-supply emergencies.

In addition to direct water use, data centers also affect local water resources through increased surface runoff or excess water that cannot be absorbed by the ground. Impervious structures such as foundations, service roads, and parking areas prevent natural infiltration and can carry pollutants, including oils, metals, and sediment, into nearby waterways. Sustainable stormwater management practices, including bioretention areas, underground storage, and vegetated buffers, are critical to reducing runoff and protecting local water supply.[16] It is important to note many of PG County's waterways are already designated as impaired – that is, listed as impaired under the Clean Water Act for various uses, including aquatic life, swimming and boating, and shellfish consumption[17] with identified issues including PCBs, PFAS,[18] abnormal flow, bacteria and other microbes, degraded habitat, low oxygen, nitrogen and/or phosphorous, salts, and trash, depending on the water body.[19] Moreover, there are, and have been, a number of drinking water system violations in PG County, including health based violations.[20] Figure A in the Appendix displays waterways designated as impaired.[21]

The project site plan indicates that Brightseat will occupy roughly 87 acres within the Lower Beaverdam Creek sub-wa-

9. Env't & Energy Study Inst., supra note 2.

10. Miguel Yañez-Barnuevo, Data Centers and Water Consumption, Environmental and Energy Study Institute (Jun. 25, 2025) https://www.eesi.org/articles/view/data-centers-and-water-consumption

11. Michael Copley, Data centers, Backbone of the Digital Economy, Face Water Scarcity and Climate Risk, NPR (Aug. 30, 2022) www.npr.org/2022/08/30/1119938708/data-centers-backbone-of-the-digital-economy-face-water-scarcity-and-climate-ris (last visited Jan. 19, 2026).

12. Charlotte Jennings, The Cloud is Drying Our Rivers: Water Usage of AI Data Centers, EthicalGEO (July 23, 2025), https://ethicalgeo.org/the-cloud-is-drying-our-rivers-water-usage-of-ai-data-centers/.

13. Mariam Soliman et al., Treatment Technologies for Cooling Water Blowdown: A Critical Review, 14 Sustainability 376 (2022), https://doi.org/10.3390/su14010376 (Blowdown typically contains biocides, anti-corrosive agents, and elevated salts that, when routed to the public sewer system).

14. Prince George's Cnty. Planning Dep't, Brightseat Tech Park Conceptual Site Plan No. 22857-2023-0, Sheets 1, 3, 4, 6, 8-10 (2023), https://cms7files1.revize.com/glenarden/2024%20D.ocuments/Brightseat%20Tech%20Park%20Documents (see references to WSSC grid).

15. Interstate Commission on the Potomac River Basin, WATER SUPPLY OUTLOOK AND STATUS, www.potomacriver.org, https://www.potomacriver.org/focus-areas/water-resources-and-drinking-water/cooperative-water-supply-operations-on-the-potomac/drought-monitoring-and-operations/water-supply-outlook-status/ (2025); Neil Augenstein, New report shows vulnerability of DC area water supply: Shortages could lead to restrictions, taps running dry, www.wtop.com, https://wtop.com/dc/2025/12/new-report-shows-vulnerability-of-dc-area-water-supply-shortages-could-lead-to-restrictions-taps-running-dry/ (Dec. 5, 2025).

16. Melissa Denchak, Green Infrastructure: How to Manage Water in a Sustainable Way, Nat. Res. Def. Council (July 25, 2022), https://www.nrdc.org/stories/green-infrastructure-how-manage-water-sustainable-way#types; U.S. Env't Prot. Agency, Stormwater Management Practices at EPA Facilities (last updated Oct. 24, 2025), https://www.epa.gov/greeningepa/stormwater-management-practices-epa-facilities.

17. U.S. Env't Prot. Agency, How's My Waterway?, Overview, https://mywaterway.epa.gov/community/020700100203/overview (last visited Dec. 22, 2025) (analyzing zone "WATERSHED: Upper Anacostia River (020700100203)").

18. Id.; U.S. Env't Prot. Agency, Waterbody Report, https://mywaterway.epa.gov/waterbody-report/MDE_EASP/MD-02140205-Mainstem/2024 (last visited Dec. 22, 2025) (Anacostia River, used for fish and shellfish consumption, last reported on in 2024, currently listed as impaired, with identified issues of PCBs and PFAS).

19. U.S. Env't Prot. Agency, How's My Waterway?, Overview, https://mywaterway.epa.gov/community/020700100203/overview (last visited Dec. 22, 2025) (analyzing zone "WATERSHED: Upper Anacostia River (020700100203)"); see also U.S. Env't Prot. Agency, Waterbody Report, https://mywaterway.epa.gov/waterbody-report/MDE_EASP/MD-02140205/2024 (last visited Dec. 22, 2025) (Anacostia River, used for aquatic life and swimming and boating, is currently listed as impaired.).

20. U.S. Env't Prot. Agency, How's My Waterway?, Drinking Water, https://mywaterway.epa.gov/community/020700100203/drinking-water (providing information on the public water systems in Prince George's County, indicating the existence of health-based violations that have not been returned to compliance in the system); see also U.S. Env't Prot. Agency, Safe Drinking Water Information System (SDWIS) Federal Reporting Services, https://ordspub.epa.gov/ords/sfdw_rest/f?p=SDWIS_FED_REPORTS_PUBLIC:PWS_SEARCH:::::PWSID:MD1160004; U.S. Env't Prot. Agency, Safe Drinking Water Information System (SDWIS) Federal Reporting Services, https://ordspub.epa.gov/ords/sfdw_rest/f?p=SDWIS_FED_REPORTS_PUBLIC:PWS_SEARCH:::::PWSID:MD0160001. See generally Patuxent Riverkeeper, Patuxent River 20/20: The Need for Effective Action and Effective Solutions (Dec. 2007), https://dnr.maryland.gov/waters/cbnerr/documents/publications/patuxentriverkeeper_2007.pdf

21. U.S. Env't Prot. Agency, How's My Waterway?, Overview, https://mywaterway.epa.gov/community/prince%20george's%20county/overview (last visited Dec. 22, 2025).

The Potomac River under the Woodrow Wilson Bridge which spans Alexendria, VA and PG County, MD (© Gary Riegel/Adobe Stock)

tershed of the Anacostia River, an area that already contains regulated wetlands and a defined Primary Management Area (PMA).[22] The site plan further provides that stormwater will be managed through a combination of a surface pond and underground storage facilities designed to avoid direct impacts to regulated environmental features and to control the quantity and quality of runoff before it enters the PMA.[23] These measures, if implemented to state standards, would reduce sedimentation and nutrient loading into the Anacostia system. However, the scale of impervious coverage necessary for data-center development, including foundations, service roads, and ancillary infrastructure, will still increase stormwater volume relative to pre-development conditions. Additionally, given the proposed location of the center, even modest increases in impervious surface could have downstream effects if not carefully mitigated. Absent robust maintenance and compliance

with Maryland Department of the Environment (MDE) stormwater-management requirements, those increases could strain existing drainage capacity and accelerate localized flooding.

Taken together, the proposed Brightseat Tech Park calls for consideration of both water quality and infrastructure capacity. Given the project's scale, PG County should require disclosure of the facility's projected daily and annual water withdrawals, its selected cooling system and anticipated water-use efficiency, the chemical composition and discharge route of its blowdown, and any proposed use of potable water. These disclosures are critical to assessing whether the project aligns with WSSC Water's current infrastructure capacity and with Maryland's broader water-quality standards. Without such information, the full magnitude of the project's potential harms on PG County's water resources cannot be responsibly assessed.

In Perspective

A single large AI data center can use as much as five million gallons each day, equivalent to the water use of a town populated by 10,000 to 50,000 people.

5 💧 million gallons of water per day

= 🟦🟦🟦 ~7.6 Olympic-size swimming pools

= WELCOME TO YOUR CITY — EST. POPULATION 10,000 - 50,000

~10,000-50,000 Townpeople's daily water usuage

22. Dan Swinhoe, Lerner's Maryland Data Center Campus Could Total 820MW, Data Center Dynamics (Oct. 29, 2024), https://www.datacenterdynamics.com/en/news/lerners-maryland-data-center-campus-could-total-820mw/.
23. Brightseat Tech Park Conceptual Site Plan, supra note 15, Sheets 3-4.

Qualified Data Center Report Gap Analysis

Impacts on Air Quality

PG County has a well-documented history of inequitable air quality issues shaped by legacy land-use decisions, discriminatory zoning, and cumulative pollution burdens. The County hosts numerous stationary sources of pollution, including industrial facilities, concrete block plants, waste transfer and processing facilities, landfills, power generation infrastructure, and other permitted sources that emit pollutants such as particulate matter ($PM_{2.5}$), black carbon, nitrogen oxides (NO_x), sulfur dioxide (SO_2), ground-level ozone (O_3), volatile organic compounds (VOCs) (i.e. benzene, formaldehyde, toluene, ethylbenzene), and other hazardous air pollutants.[24] These stationary emissions are often concentrated in or near low-income communities of color. Traffic-related air pollution is another significant driver of localized $PM_{2.5}$, black carbon, and volatile organic compound exposure in PG County, with studies in Bladensburg, Cheverly, Fairmount Heights, and Seat Pleasant and subsequent community-based research confirming that these hyperlocal exposure gradients disproportionately burden nearby low-income and predominantly Black communities and are not captured by regional regulatory monitors.[25,26,27,28,]

PG County is also in nonattainment for ground-level ozone – that is, it fails to meet the National Primary or Secondary Ambient Air Quality Standard (NAAQS) under the Clean Air Act.[29] Indeed, the American Lung Association gave PG County an "F" for ozone pollution in its 2025 State of the Air Report.[30] According to PG County's Department of Environment (DOE), health effects of high concentrations of O_3 include "shortness of breath, coughing, wheezing, fatigue, headaches, nausea, chest pain, and eye and throat irritation."[31]

Maryland must carefully consider any new and large projects that add to O_3 and fine particulate matter pollution which are both of concern for new AI data centers. Many of these centers are powered by diesel generators that discharge nitrogen oxides (which contribute to O_3 pollution) and fine particulate matter ($PM_{2.5}$).[32,33] The National Institute of Environmental Health Sciences has linked increased levels of fine particulate matter to cardiovascular disease, heart disease, respiratory disease, bronchitis, and the worsening of asthma and chronic obstructive pulmonary disease (COPD).[34] Even when exposed at lower rates, there were more serious effects on the cognitive and emotional development of children.[35] Significantly, PG County is one of three Maryland Counties where the annual average air concentration of diesel particulate matter is in the highest category. See Figure B in the Appendix.[36]

Demographic information shows that communities in the north of PG County are already vulnerable to the effects of poor air quality. Currently, PG County comprises 21% of its population under the age of 18, which can be linked to compounded vulnerabilities for respiratory development.[37] Additionally, nearly 15% of PG County is over the age of 65, both of these age groups are more vulnerable to the health impacts of fine particulate matter than the average adult.[38] The American Lung Association concludes that there is no safe threshold for anyone to breathe in fine particles.[39] Research also demonstrates strong associations between concentration of fine particulate matter with overall increased mortality, cardiovascular disease, respiratory disease, and a higher risk of lung, colorectal, and prostate cancer for adults 65 or older.[40]

Meanwhile, O_3 exposure can immediately cause shortness of breath, asthma attacks, increased risk of respiratory infections, and increased susceptibility to pulmonary inflammation after short term exposure.[41] Some people also experienced increased respiratory illness, metabolic disorders, nervous system issues, and reproductive issues in the long term.[42] When combined with other factors, both $PM_{2.5}$ and O_3 exposure can also lead to premature death.[43] Residents of PG County will

24. EJ 2025 Plan: Center for Engagement, Environmental Justice, and Health (CEEJH) INC. (2018). Prince George's County Environmental Justice Plan 2025.
25. Maryland Department of the Environment. (2015). Cheverly community air quality study: Assessment of particulate matter and other ambient pollutants in Cheverly, Maryland (Air Quality Compliance Report). https://mde.maryland.gov/programs/air/AirQualityCompliance/Documents/CheverlyStudy.pdf
26. Ezeugoh, R. I., Puett, R., Payne-Sturges, D., Cruz-Cano, R., & Wilson, S. M. (2020). Air quality assessment of particulate matter near a concrete block plant and traffic in Bladensburg, Maryland. Environmental Justice, 13(3), 75-85.
27. Ezeugoh, R. I., Puett, R., Payne-Sturges, D., Cruz-Cano, R., & Wilson, S. M. (2019). Air quality assessment of volatile organic compounds near a concrete block plant and traffic in Bladensburg, Maryland. Environmental Justice, 12(6), 250-260.
28. Ravichandran, V. (2024). Exploring Environmental Injustice and Air Pollution Inequities in Prince George's County, Maryland (Doctoral dissertation, University of Maryland, College Park).
29. U.S. Env't Prot. Agency, 8-Hour Ozone (2015) Designated Areas by State/County/Area, https://www3.epa.gov/airquality/greenbook/jbcty.html (last updated Nov. 30, 2025).
30. See Am. Lung Ass'n, State of the Air 92 (2025), https://www.lung.org/getmedia/5d8035e5-4e86-4205-b408-865550860783/State-of-the-Air-2025.pdf.
31. Prince George's Cnty., Air Quality, https://www.princegeorgescountymd.gov/departments-offices/environment/sustainability/air-quality (last visited Dec. 22, 2025).
32. U.S. Env't Prot. Agency, What Is Ozone?, https://www.epa.gov/ozone-pollution-and-your-patients-health/what-ozone (last updated June 6, 2025); see also Warren H. White, Considerations in the Use of Ozone and PM2.5 for Exposure Assessment 1, 2 Air Quality, Atmosphere & Health 223, 223 (2009), https://link.springer.com/article/10.1007/s11869-009-0056-9.
33. Am. Lung Ass'n, Particle Pollution, https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/particle-pollution (last updated May 27, 2025).
34. Nat'l Inst. Env't Health & Scis., Air Pollution and Your Health, https://www.niehs.nih.gov/health/topics/agents/air-pollution (last updated Apr. 23, 2025).
35. Id.
36 Ctrs. for Disease Control & Prevention, CDC National Environmental Public Health Tracking Network, https://ephtracking.cdc.gov/DataExplorer/ (last visited Dec. 22, 2025) (mapping tool relying on air toxics screening assessment, calculated at the census track level); see also U.S. Env't Prot. Agency, National-Scale Air Toxics Assessments, Air Toxics.
37. Prince George's Cnty. Health Dept., PGC Health Zone, 2025 Demographics, https://www.pgchealthzone.org/demographicdata?id=1260&sectionId=942#sectionPiece_207 (last updated May 2025); Nat'l Inst. Of Env't Health Scis., Air Pollution and Your Health, https://www.niehs.nih.gov/health/topics/agents/air-pollution, (last reviewed Dec. 22, 2025).
38. Prince George's Cnty. Health Dept., supra note 27.
39. Am. Lung Ass'n, supra note 24.
40. Id.
41. Am. Lung Ass'n, Ozone, https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/ozone (last updated June 9, 2025).
42. Id.
43. Id.; Am. Lung Ass'n, supra note 24.

Traffic on the Woodrow Wilson Bridge which connects Alexendria, VA and PG County, MD (© Gary Riegel/Adobe Stock)

be more susceptible to the health risks related to $PM_{2.5}$ and O_3 emissions if data centers are allowed to increase the concentration of pollutants in the air.

Almost all counties in Maryland reported worsening air quality from 2021 to 2023, so any new hyperscale data center should be heavily scrutinized in this region that has only recently come within attainment of NAAQS standards.[44] Maryland reached attainment of ozone NAAQS emissions for the first time in state history in 2022.[45] Though NAAQS under the Clean Air Act set firm limits on certain air pollutants to protect the public health, the reported average outputs of ozone and $PM_{2.5}$ in Maryland have hovered around their capacity under current regulations.[46;47] This information was reported in MDE's 2024 seasonal reports for $PM_{2.5}$ and O_3. $PM_{2.5}$ exceedance days were reduced from 20 in 2005 to 1 in 2024, and O_3 exceedance days went from 60 to 13 during the same period.[48] These reductions could possibly be undone if another pollution source is added.

PG County's air quality is already impacted by cross-state wind patterns that push air from the West and Southwest toward the Northeast.[49] In fact, MDE found that the area east of D.C. is particularly susceptible to air pollution from northern Virginia, where "Data Center Alley" is located reflecting a typical surface flow of air.[50] Opening a new AI data center as proposed by the Task Force would likely further diminish the air quality and undo state efforts to mitigate air pollution.

The Environmental Protection Agency (EPA) reported that nitrogen oxide can travel hundreds of miles to form fine particulate pollution or react in the atmosphere to create ground-level ozone, they have also mapped the way air pollution travels, which reflects a downwind transfer of air pollutants from Virginia and West Virginia travel north toward Maryland.[51; 52]

Further, MDE found that the PG County region is particularly susceptible to air pollution from Data Center Alley located in Loudon County, Virginia.[53] The national annual average limit of $PM_{2.5}$ emissions is set at 9µg/m3. In Loudon County, monitors found that the output was 7.3µg/m3, only 1.7µg/m3 under the regulated level.[54] With only 30 miles between the two counties, there is a high likelihood that the pollutants from Data Center Alley regularly travel to PG County and reduce the air quality, but the MDE is already aware of this, they sued the EPA to reduce pollution of this type in 2017.[55]

As a solution, Maryland also passed the Maryland Healthy Air Act, which mitigated O_3 pollution from coal and oil-fired plants by reducing emissions from other pollutants like sulfur dioxide, nitrogen oxides, and mercury.[56] Maryland's efforts to mitigate the risk of air pollution from other areas will be undone by opening another pollution source to the problem area. Northern PG county is highlighted here as having many areas associated with a higher vulnerability score which begs the question, why choose this area? In July, MDE projected that PG County would avoid the most cases of asthma by 2050 because of reductions in $PM_{2.5}$ and ozone emissions.[57] The development of another data center could undo past reductions of air pollution in Maryland and put PG County's air quality at risk.

In conclusion, establishing the proposal by the PG's County Qualified Data Center Task Force would worsen air quality in a region already near its pollution limits. The resulting increase in fine particulate matter and O_3 poses serious health risks, particularly for children and vulnerable populations. Maryland has only recently met federal air quality standards, and adding new emission sources threaten to reverse that progress.

44. Matthew Schumer, SUN: Maryland Air Pollution Continues to Worsen, Report Finds, Fox 5 News (Apr. 25, 2025), https://foxbaltimore.com/news/local/maryland-air-pollution-continues-to-worsen-report-finds

45. Md. Dept. of the Env't, 2022 Air Quality Progress, Slide 8 (June 12, 2023), https://mde.maryland.gov/programs/workwithmde/Documents/AQCAC/2023MeetingMaterials/AQCAC%20AQ%20Progress%202022%20FINAL.pdf.

46. See 42 U.S.C. § 7409(b).

47. U.S. Env't Prot. Agency, NAAQS Table, https://www.epa.gov/criteria-air-pollutants/naaqs-table (last updated Nov. 4, 2025).

48. Md. Dept. of the Env't, Seasonal Report: 2024 Ozone 1, mde.maryland.gov/programs/air/AirQualityMonitoring/Documents/SeasonalReports/SeasonalReport_2024Ozone.pdf.

49. Md. Dept. of the Env't, Air Quality Forecast, https://mde.maryland.gov/programs/air/airqualitymonitoring/pages/aqforecast.aspx (last visited Dec. 16, 2025) (noting that the Suburban DC Region is "susceptible to air pollution from the greater DC and northern Virginia area.").

50 Id.

51 U.S. Env't Prot. Agency, Interconnected Nature of Cross-State Air Pollution, www.epa.gov/Cross-State-Air-Pollution/interconnected-nature-cross-state-air-pollution (last updated Aug. 4, 2025).

52 U.S. Env't Prot. Agency, What is Cross-State Air Pollution?, https://www.epa.gov/Cross-State-Air-Pollution/what-cross-state-air-pollution#:~:text=Emissions%20of%20sulfur%20dioxide%20(SO,for%20PM2.5%20and%20ozone) (last updated Aug. 4, 2025).

53 Md. Dept. of the Env't, Air Quality Forecast, https://mde.maryland.gov/programs/air/airqualitymonitoring/pages/aqforecast.aspx (last visited Dec. 16, 2025) (noting that the Suburban DC Region is "susceptible to air pollution from the greater DC and northern Virginia area.").

54 Va. Dep't of Env't Quality, 2024 Annual PM2.5 Data (2024), available at https://www.deq.virginia.gov/air-energy/reports; Va. Dep't of Env't Quality, Virginia Ambient Air Monitoring 2024 Annual Report (2024), available at https://www.deq.virginia.gov/air-energy/reports.

55 Md. Dept. of the Env't, Interstate Transport of Air Pollution, https://mde.maryland.gov/programs/air/pages/interstatetransportofairpollution.aspx (last visited Dec. 29, 2025).

56 Md. Code Ann., Environment §§ 2-1002, 2-1003 (West 2024).

57 Md. Dept. of the Env't, State of Maryland: Comprehensive Climate Action Plan (July 2025), at 83, https://mde.maryland.gov/programs/air/ClimateChange/CLIMATE%20POLLUTION%20GRANTS/CCAP_State%20of%20Maryland%202025.pdf.

Qualified Data Center Report Gap Analysis

Impacts on Energy and Climate

A single data center is capable of consuming as much electricity as fifty thousand homes.[58] Combined, data centers across the nation use about 4.4% of total U.S. electricity and are expected to increase usage to approximately 6.7 to 12% of total electricity by 2028.[59]

When large-scale data centers are sited near residential communities, the resulting surge in demand for electricity drives up local utility prices or rates. This happens because utilities frequently pass a significant share of the associated costs of increased energy procurement and/or infrastructure upgrades onto residential ratepayers (i.e. homeowners, renters), even as commercial and industrial ratepayers continue to benefit from preferential arrangements.[60] Figure 2 compares the percent increase of electricity rates among the different ratepayers categories in Maryland over the past decade.[61] As mentioned, one reason is the rising cost of energy procurement -the process utilities use to purchase electricity when they cannot generate enough themselves. Many utilities buy power through interstate wholesale markets. When demand in these markets outpaces supply, market prices go up for everyone.[62] The regional transmission organization that manages the electricity grid across Pennsylvania, New Jersey, and Maryland (PJM) has identified data center growth as a primary driver of recent and projected increases in market prices.[63] In addition to higher energy costs, infrastructure upgrades also contribute to rising rates. Between 2024 and 2025, PJM advanced almost $12 billion in new transmission infrastructure for regional upgrades primarily driven by data center growth and more than $1.3 billion of that will be paid by Maryland customers.[64]

At the same time, technology companies who own these data centers are not required to publicly disclose the energy sources powering their data centers, nor do they report emissions and resource use in a clear or standardized manner.[65] This often prevents communities from tracing rising electricity costs and environmental burdens back to the energy-intensive data center facilities driving them.

Next, the significant amount of energy required to power data centers is inconsistent with the climate goals of PG County, which include reducing county-wide greenhouse gas (GHG) emissions and achieving carbon neutrality by 2050.[66] In contrast, utilities are proposing to build new fossil gas power plants over the next 15 years to meet the increased demand by data centers.[67] Beyond conflicting with emission reduction goals, any increase in fossil fuel production has significant climate and public health impacts. At the same time, emerging industry trends indicate that data center growth may also drive demand for dangerous energy sources, including nuclear power, particularly small modular reactors.[68] Even when developers claim to offset demand through renewable energy sources such as solar, data centers typically depend on large-scale battery systems, most commonly lithium-ion batteries, for backup power.[69] These installations carry their own risks, including thermal runaway, toxic gas releases, and environmental harms associated with fire suppression systems.[70] It is important to note that all of this surge in energy demand is also unfolding amid broader political rollbacks and delays in clean energy deployment.

It is well understood that GHG emissions are fueling the climate crisis, increasing the severity and rate of extreme heat and destructive storms.[71] Communities of color and low-income communities are on the frontlines of these climate impacts. As discussed, the addition of energy intensive data centers can lead to more expensive utility bills. This combined with more extreme temperatures events that cause an overall increase in residential electricity consumption comes at a time when one in four low-income households already spend over 15% of their income on energy bills;[72] as many as half of low-income households have sacrificed groceries in order to pay energy bills;[73] and one in six skipped medical care or prescriptions to pay for energy costs in the past year.[74]

Energy unaffordability creates negative feedback loops for public health as energy touches all aspects of modern life. For example, residents may be subjected to negative health im-

58. Monserrate, Steven Gonzalez, The Cloud Is Material: On the Environmental Impacts of Computation and Data Storage, MIT Case Stud. in soc. and Ethical Resps. of Computing, Jan. 27, 2022, at 6, https://doi.org/10.21428/2c646de5.031d4553.

59. Arman Shehabi et al., Lawrence Berkeley Nat'l Lab'y, 2024 United States Data Center Energy Usage Report 6 (2024), https://escholarship.org/uc/item/32d6m0d1.

60. Evan Halper and Caroline O'Donavan, As data centers for AI strain the power grid, bills rise for everyday customers, The Washington Post, Nov. 1, 2024, https://www.washingtonpost.com/business/2024/11/01/ai-data-centers-electricity-bills-google-amazon.

61 Energy Equity Project, Energy Equity Project State Factsheet: Maryland, 2025. https://drive.google.com/file/d/1-G0OyN3WkI88iwbosVDZUUQnVUphpyuX/view?usp=drive_link

62. Interview by Geoff Bennett with Ari Peskoe, Dir., Elec. L. Initiative, Harv. L. Sch. (Sept. 5, 2025), pbs.org/newshour/show/how-ai-infrastructure-is-driving-a-sharp-rise-in-electricity-bills.

63. Office of People's Counsel. Maryland State Government. Data Centers (https://opc.maryland.gov/Consumer-Learning/Data-Centers)

64. Id.

65. United Nations Environment Programme (2024). Artificial Intelligence (AI) end-to-end: The environmental impact of the full AI lifecycle needs to be comprehensively assessed. Nairobi.

66. Sustainable Energy, Prince George's Cnty, www.princegeorgescountymd.gov/departments-offices/environment/sustainability/sustainable-energy (last visited Dec. 17, 2025)..

67. Brad Plumer & Nadja Popovich, A New Surge in Power Use Is Threatening U.S. Climate Goals, N.Y. Times (Mar. 14, 2024), https://www.nytimes.com/interactive/2024/03/13/climate/electric-power-climate-change.html?lgrp=c-bar&unlocked_article_code=1.3E0.nLyi.jtkB1ZQiOQFE&smid=url-share.

68. Kate Hardin, Jaya Nagedo, Patricia Tuite, Martin Stansbury, "Nuclear energy's role in powering data center growth," Deloitte (Apr. 9, 2025), https://www.deloitte.com/us/en/insights/industry/power-and-utilities/nuclear-energy-powering-data-centers.html

69 Peter A. Panfil, The Power of Lithium Ion Batteries in the Modern Data Center, Vertiv, (Nov. 25, 2016) www.vertiv.com/en-cn/about/news-and-insights/articles/blog-posts/power-lithium-ion-batteries-modern-data-center/

70 EPA. Battery Energy Storage Systems: Main Considerations for Safe Installation and Incident Response, (2025) https://www.epa.gov/electronics-batteries-management/battery-energy-storage-systems-main-considerations-safe#:~:text=Fire%20Suppression:%20Lithium%20battery%20fires,damaged%20batteries%20requires%20specialized%20procedures

71. William J. Ripple et al., The 2025 State of the Climate Report: A Planet on the Brink, 75 BioScience 1016, 1020 (2025), https://academic.oup.com/bioscience/advance-article/doi/10.1093/biosci/biaf149/8303627.

72. Study: One in Four Low-Income Households Spend Over 15% of Income on Energy Bills, Am. Council for an Energy-Efficient Econ. (Sept. 11, 2024), https://www.aceee.org/press-release/2024/09/study-one-four-low-income-households-spend-over-15-income-energy-bills.

73. Groceries or Electricity: Half of Low-Income Families Now Forced to Choose, StudyFinds (Oct.1, 2025), https://studyfinds.org/groceries-electricity-low-income-families-forced-to-choose/.

74. Mark Huffman, Consumer Affs., Rising Utility Costs Are Increasing Financial Pressure on Consumers (Mar. 6, 2025), https://www.consumeraffairs.com/news/rising-utility-costs-are-increasing-financial-pressure-on-consumers-030625.html.

Cooling towers and infrastructure at an AI data center. (© Southport Images/Adobe Stock)

pacts through exposure to extreme heat or cold within their homes if they cannot afford their energy costs. The effect is deadly with 45% of heat-related deaths in the past twenty years happening within someone's own home.[75] In Maryland, 15% of all households have an unaffordable energy burden or the percentage of a household's income that is used to pay its energy bills, including electric, gas, and any other heating fuels. According to the US Department of Housing and Urban Development, an affordable energy burden is considered to be no more than 6% of household income.[76]

Figure 2. Energy Rate Difference Across Rate Payer Categories in MD from 2010 to 2023 (cents/kWh)
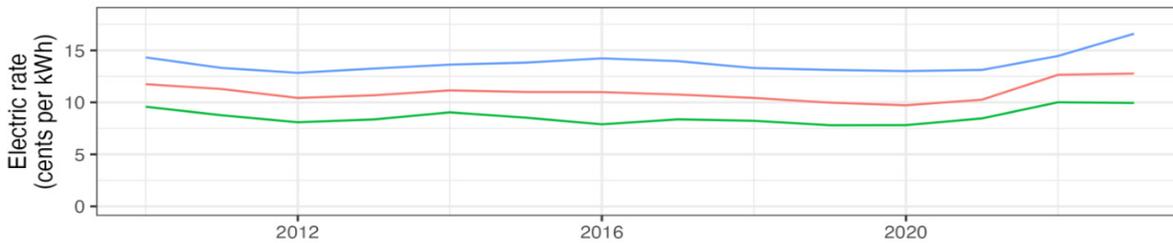

	Avg Electric Rate (2010)	Avg Electric Rate (2023)	Percent difference in rates (%)
Residential	14.3	16.6	15.9
Commercial	11.8	12.8	8.7
Industrial	9.6	9.9	3.8

Source: Energy Equity Project. EIA form 861, Annual Sales (consumption), revenue, prices & customers, for total electric industry, averaged across all reporting utilities, 2010-2023

Figure 3. 75th Percentile Energy Burden in MD Each Census Tract in 2022
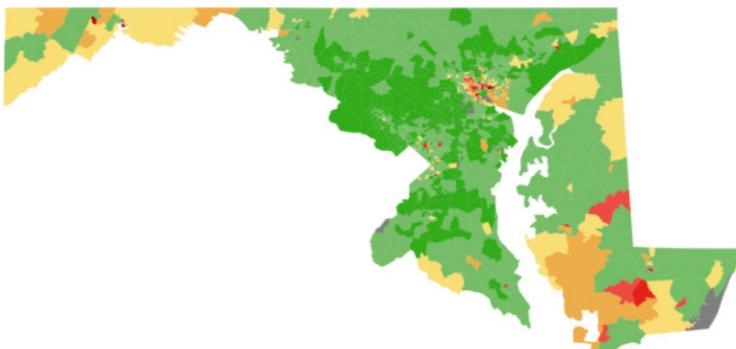
Top 25% Energy Burdens in Census Tracts

- 0-3%
- 3-6%
- 6-9%
- 9-12%
- 12-15%
- 15-20%
- 20+%
- NA

Source: Energy Equity Project
Note: Cities have large populations and household counts, their census tracts are typically smaller, and therefore cities appear as smaller pockets in this map.

In Perspective

1¢ per Kwh

A one cent per kWh increase exclusively in commercial and industrial (C&I) electric rates would solve the affordability gap in Maryland, and C&I rates would still be cheaper than residential rates.[70]

75. Anna Kutz, Changing Am., Nearly Half of Heat-Related Deaths Happen at Home: Data (June 25, 2024), https://thehill.com/changing-america/sustainability/environment/4739861-nearly-half-of-heat-related-deaths-happen-at-home-data/.
76. Energy Equity Project supra note 53

Qualified Data Center Report Gap Analysis
Impacts on Environmental Justice and Civil Rights

The development and siting of data centers in PG County raises significant environmental justice and civil rights concerns. In July 2025, Governor Wes Moore signed Maryland Executive Order 01.01.2025.17, better known as "Valuing Opportunity, Inclusion, and Community Equity (VOICE)." The order directs state agencies to "embed explicit analysis of equity considerations in policies and practices, including by analyzing demographic and geographic gaps in outcomes and access to funding and services." PG County must, therefore, consider potential impacts of data centers including examining where these facilities would be located and how they might affect communities that are already environmentally overburdened. PG County must do this to avoid exacerbating longstanding inequalities on the basis of race, national origin, and income and to protect public health and the environment for all the people in PG County.

History:

PG County policies related to data centers should be guided by its legal obligations both constitutional and statutory. This includes the Constitutional mandate to provide all people equal protection of the laws, which is applicable to governmental action at the county level.[77] In addition, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin by recipients of federal funds such as county government.[78] Even if a policy does not explicitly mention race, it can still violate the law if it disproportionately harms certain racial or ethnic groups. Courts and regulators may look at patterns of past decision-making, historical discrimination, and whether current actions continue to place heavier burdens on one group over others.[79] The principles matter and should guide government action today because history still shapes present-day conditions in PG County.

It is an unfortunate reality that the legacy of racial segregation and other overtly discriminatory practices from years gone by continues to have a significant impact on economic opportunity and land use today.[80] Research by sociologist Angela Simms found that PG County's economic disadvantage and inequality "is striking" compared with its neighboring jurisdictions, continuing an uneven pattern of racial and ethnic groups.[81] Simms attributed differences to the fact other jurisdictions like that of Montgomery and Fairfax Counties "do not manage the same long-standing, cumulative, concentrated consequences of anti-Black racism and racialized capitalism at the household and local government levels as does Prince George's."[82]

County Demographics, Health Status, and Exposure to Pollution:

When compared with Maryland as a whole, PG County has higher index of social vulnerability, a measure of demographic and socioeconomic factors. See Figure C in the Appendix for these factors. According to the 2020 Census, the racial composition of PG County is 58% Black or African American, 23% Hispanic or Latino, 11% White, 4% Asian, 4% two or more races, 1% other, and less than 1% American Indian and Alaska Native (See Figure 5).[83] By comparison, the percentage Black or African American in the state of Maryland is 29% — half the percentage in PG County — and the population of the state is approximately 46% White.[84] Notably, a significantly higher percentage of PG County's population speak languages other than English at home (30.3%) as compared to the state (21.5%).[85] Indeed, nearly a quarter of PG County's population were born outside of the United States.[86] 14.2% of county residents speak English "less than very well" as compared to 7.8% for the state.[87]

PG County has a higher percentage of people living in poverty, a disproportionately high percentage of residents without health care coverage and a high number of Medicare beneficiaries relying on electricity-dependent

77. U.S. Const. amend. XIV, § 1.

78. 42 U.S.C. § 2000(d).

79. See Village of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 266-68 (1977); see also Sylvia Dev. Corp. v. Calvert Cnty., 48 F.3d 810, 819 (4th Cir. 1995).

80. See, e.g., DW Rowlands, Here's the Primer You Need to Understand Prince George's Extraordinary Diversity, Greater Greater Washington (May 17, 2018), https://ggwash.org/view/67566/prince-georges-county-demographics-vary-a-lot-by-region; Justin Mohammadi, Mapping Racially Restrictive Housing Covenants in Prince George's County (2021), https://pgplanning.org/wp-content/uploads/2023/10/Racially-Restrictive-Covenants.pdf (discussing racially restrictive covenants requiring the "exclusion of all except whites" in the County); Md. Heritage Area, et al., Prince George's County Civil Rights Trail, History, https://www.pgcivilrightstrail.org/history/ (last visited Dec. 22, 2025) (discussing history of Jim Crow in the County); Mount Hope Comm'n, Slavery to Freedom: Prince George's County, https://www.mounthopecommission.org/slavery-to-freedom-prince-georges-county (last visited Dec. 22, 2025); see also Md. Dep't of Hous. and Cmty. Dev., Separate and Unequal Neighborhoods: A Baseline Report 6-10 (Oct. 2024) (discussing the relationship between historic harms and local distress across the state of Maryland).

81. Angela Simms, Fiscal Fragility in Black Middle-Class Suburbia and Consequences for K-12 Schools and Other Public Services, 9 RSF: The Russell Sage Found. J. of the Soc. Scis. 204, 204-25 (2023), https://www.jstor.org/stable/48717724?seq=6.

82. Id. at 209.

83. Prince George's County, MD, Census Reporter, censusreporter.org/profiles/05000US24033-prince-georges-county-md/ (last visited Dec. 22, 2025) (2023 American Community Survey data).

84. Maryland, Census Reporter, https://censusreporter.org/profiles/04000US24-maryland/ (2023 American Community Survey data).

85. Prince George's County, MD, supra note 66.

86. See Prince George's Cnty., Language Access Compliance Program: Annual Report Fiscal Year 2023 3 (Mar. 2024), https://www.princegeorgescountymd.gov/sites/default/files/media-document/Language%20Access%20Compliance%20Report%20Fiscal%20Year%202023.pdf; see also Prince George's Cnty. Health Dept., Community Health Assessment 2025 9 (2025), https://www.princegeorgescountymd.gov/sites/default/files/media-document/2025%20Community%20Health%20Assessment.pdf.

87. Id. at 22.

Statue of Civil Rights Activist, Thurgood Marshall, in front of MD General Assembly and the Supreme Court (© Grandbrothers/Adobe Stock)

medical equipment and devices compared to Maryland as a whole.[88] Approximately 11% of PG County's population lives below the poverty line, which is approximately 20% higher than the rate in Maryland.[89] Approximately 11% of county residents are uninsured[90] – a percentage that has been increasing, as compared with 6.3% across the state.[91]

A 2025 Community Health Assessment released by the PG County Health Department recognized a number of key drivers of poor health outcomes in PG County:

- "Social determinants of health remain significant barriers to health-seeking behaviors and contribute to poor health outcomes at both individual and community levels."[92]

- "[A]ccess to healthcare is still a leading health priority in Prince George's County."

Indeed, the Assessment found that 40% of community residents responding to a community survey reported that the health of their County community was "fair" or "poor."[93]

In addition to the existing pollution of the waterways and air as discussed in prior sections, PG County is also home to multiple facilities listed on the Toxic Release Inventory (TRI), three superfund sites, and a numerous brownfields. According to EPA's Risk-Screening Environmental Indicators (RSEI), a screening tool that provides information about the potential health-related impacts of reported releases from facilities within the County include nickel and nickel compounds, lead and lead compounds, and chromium and chromium compounds, among other hazards. See Figures E and F in Appendix for maps of TRI facilities and brownfields in the County.

Figure 4. Demographics of PG County according to the 2020 Census

Given this context, decisions about data center development must take into account the health, equity, and civil rights implications for communities that are already facing significant environmental and social burdens. For example, any potential increases in electricity costs or destabilization of the electricity grid poses particular risks to these communities who already struggle with energy unaffordability or who rely on electricity-dependent medical equipment and devices. Likewise, residents who are uninsured or reliant on Medicare are especially vulnerable to health impacts of new polluting facilities.

88 See Ctrs. for Disease Control & Prevention, CDC National Environmental Public Health Tracking Network, https://ephtracking.cdc.gov/DataExplorer/ (results for Percent of Residents Living in Poverty; Percent of Population Without Health Insurance; Total Medicare Beneficiaries Relying on Electricity-dependent Equipment and Devices, by Maryland County in November 2025 in Prince George's County) (last visited Dec. 24, 2025); Ctrs. for Disease Control & Prevention, Indicators and Data, https://ephtracking.cdc.gov/indicatorPages?selectedContentAreaAbbreviation=43&selectedIndicatorId=208 (last updated Feb. 25, 2025) (explaining the indicator and measurement).
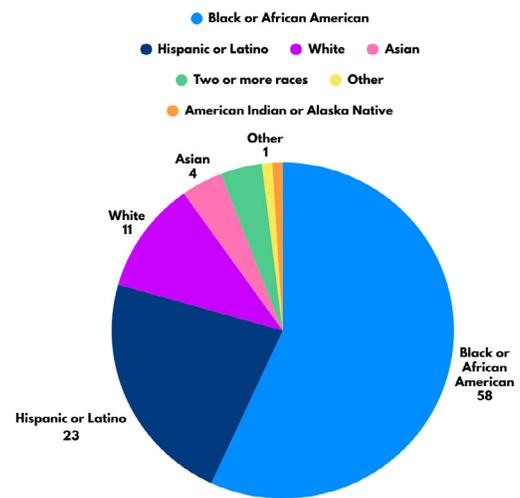89 See Prince George's County, MD, supra note 66.
90 See Community Health Assessment, supra note 69, at 42. Notably, the Community Health Assessment reports that the percentage of uninsured individuals "is nearly 2 times higher in Hispanic/Latino residents (62.1%) compared with Black/African American, non-Hispanic residents (31.1%) and nearly 20 times higher than White, non-Hispanic residents (2.5%). Id.
91 See U.S. Census Bureau, Prince George's County, Maryland, https://data.census.gov/profile?q=Prince+George%27s+County,+Maryland+Coos,+Lower+Umpqua,+and+Siuslaw&g=060XX00US2403391440 (last visited Dec. 22, 2025) (percentage of people without health care coverage, relying on 2024 American Community Survey 1-year estimates, Prince George's County); U.S. Census Bureau, "Maryland Health", 1 result (Dec. 22, 2025), https://data.census.gov/all?q=Maryland+Health (percentage of people without health care coverage, relying on 2024 American Community Survey 1-year estimates, Maryland).
92 See Community Health Assessment, supra note 69, at 10.
93 Id.

Qualified Data Center Report Gap Analysis

Impacts on Environmental Justice and Civil Rights

Siting Issues Within the County:

PG County's past experience with the siting of facilities with

potential adverse impacts on health and the environment demonstrate troubling patterns: the tendency to cluster such facilities in historically marginalized low-income communities and communities of color and to exacerbate racial and ethnic inequalities. For example, residents of PG County's Brandywine raised these concerns in a 2016 civil rights complaint. The complaint was filed against state agencies to challenge approval for the construction of a fossil gas-fired power plant in Brandywine, a predominantly Black community already overburdened by local pollution sources, including major roads, a 289 megawatt fossil gas-fired power plant, a 2563 megawatt coal, oil, and fossil gas-fired power plant, open pit sand and gravel mines, a coal ash disposal facility, and a superfund site, among other things.[94] Already, local pollution levels were high and, in some cases, exceeded regulatory standards, and rates of asthma hospitalization and other adverse health indicators were disproportionately high.[95] In a story that repeats itself with each new decision to site yet additional polluting facilities in already overburdened communities, the complaint stated, "Many Brandywine residents feel they [have] been forced to bear an unfair and disproportionate share of the cost of development while receiving little benefit, economically or in terms of quality of life."[96] Echoing environmental justice and civil rights concerns raised by so many efforts to locate polluting sources in environmentally overburdened communities, the complaint challenged not only the decision to site the facility in Brandywine, but failure to consider the cumulative impacts of other polluting sources, failure to take community input into account in a meaningful way, and failure to require that the facility take reasonable steps to mitigate impacts.[97]

The state agencies entered into agreements with the EPA and the U.S. Department of Transportation to improve public engagement procedures, among other things, consistent with civil rights law,[98] and yet the experience of the Brandywine community reflects the tendency of new polluting facilities, whether power plants or data centers, to be concentrated in historically marginalized low-income communities and communities of color and to exacerbate racial and ethnic inequalities in exposure to pollution and health status.

Disparities in Socioeconomic Status, Exposure to Pollution, and Health Status Within the County:

Within PG County, the area to the west of the Capital Beltway, which shares a border with D.C., is generally characterized by higher poverty, higher social vulnerability, lower education attainment, higher exposure to diesel pollution, higher health inequity, higher food insecurity, higher environmental burden, when compared to the area outside the Capital Beltway and, also, when compared to all Maryland census tracts and counties.

Figure 5 is a map of percentage of residents living in poverty by zip code across the county reflects these patterns.[99] Notably, PG County is home to communities that are in highest quartile in the state for number of people living below the poverty level.

Figure 5.

Percentage of PG County Residents Living in Poverty by Zip Code (2018-2022)

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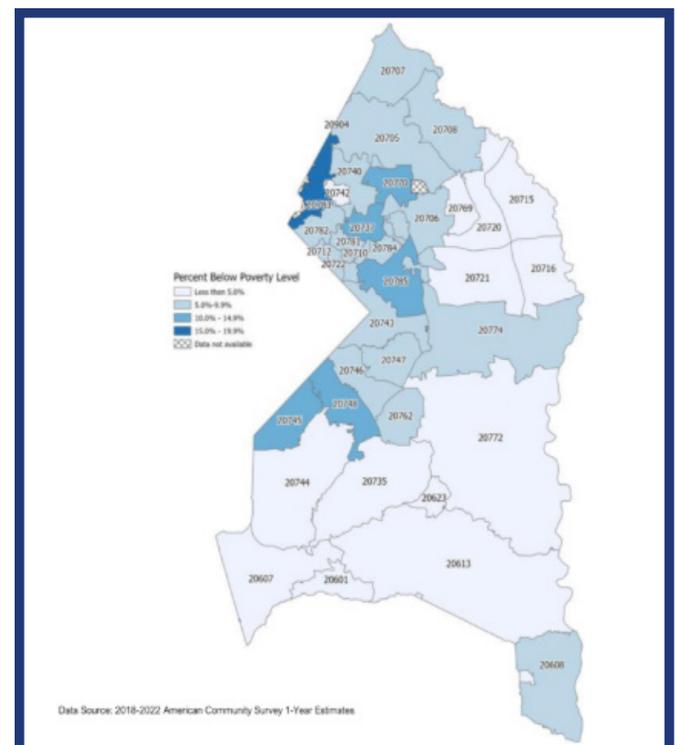
94. EarthJustice, Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, at 7-9 (May 11, 2016), https://www.epa.gov/system/files/documents/2025-04/29r-16-r3-complaint-mfr_redacted.pdf.
95 Id. at 22-25.
96 Id. at 9.
97 Id. at 9-11, 14-15, 26.
98 See Letter from Rosanne Goodwill, Dir., Off. of C.R., U.S. Dep't of Transp., and Lilian S. Dorka, Dir., External C.R. Compliance Off., U.S. Env't Prot. Agency, to Jason M. Stanek, et al. (Jan. 30, 2019), https://www.epa.gov/system/files/documents/2025-03/29r-16-r3-rec-ira-resolution-ltr-and-agreement.pdf.
99. Community Health Assessment, supra note 72, at 32.

MDE's mapping tool, MDEnviroScreen, shows how environmental and social conditions vary across PG County. See Figure 6. The tool assigns each census tract an Environmental Justice (EJ) Score. The term "EJ Score" is defined by MDE as "an overall evaluation of an area's environment and environmental justice indicators" which include:

1. Pollution burden exposure

2. Pollution burden environmental effects;

3. Sensitive populations, including socioeconomic factors.[100]

The tool also indicates whether a census tract is overburdened or underserved.[101] Under state law, an overburdened community is defined as "any census tract where three or more environmental or health indicators are higher than 75% of other tracts statewide."[102] These environmental and health indicators include "levels of fine particulate matter in the air, ozone, proximity to industrial facilities or hazardous waste sites, traffic levels, rates of asthma-related emergency room visits, and other health and environmental conditions."[103] State law defines underserved communities as any census tract in which at least 25% of the residents qualify as low-income, at least 50% of the residents identify as nonwhite, and at least 15% of the residents have limited English proficiency.[104] Under these definitions, the entire County is underserved, while significant portions -but not all- of PG County are designated both underserved and overburdened. See Figure 7. See Figure D in the Appendix for PG County's EJ Score Report Card.

It is important to note, however, that MDEnviroScreen does not include race, ethnicity, and linguistic isolation as indicators. This means that the EJ Score is not as accurate or robust because these sociodemographic groups are excluded in the scoring process. See Figure E in the Appendix for EJ scores of Landover by the CDC Overall EJ Index and MDEJSCREENv3.3. by CEEJH which are both supplemental screening tools that do consider these factors.

Cumulative Impacts:

Within the framework of environmental justice, cumulative impacts refer to the combined and interacting effects of multiple chemical (i.e. $PM_{2.5}$, SO_x, NO_2, VOCs, black carbon) and non-chemical stressors (i.e. noise, heat islands, poverty, racism, extreme temperatures, flooding, stormwater runoff).[105,106,107,108] These effects are disproportionately experienced by low-wealth communities of color who for decades have faced legacy pollutogens, structural racism and discrimination, and historical disinvestment. The EPA factors in vulnerability, sensitivity, resilience, and adaptability of communities, and goes on to assert that exposures over a person's lifetime or throughout a community's history can result in environmental injustices.[109] The National Environmental Justice Advisory Council (NEJAC), a federal advisory committee that advises the EPA on environmental justice issues recommended in 2004 that the agency integrate cumulative impacts into permitting, enforcement, and planning decisions, emphasizing the need to account for overlapping chemical stressors, while addressing structural drivers of environmental racism and discrimination.[110] Previous reports have mentioned that the cumulative impacts of environmental hazards and locally unwanted land uses (LULUs) are evident in PG County including food insecurity, air pollution hazards, water quality issues, healthcare inequities, civil rights violations, and institutionalized discrimination as it relates to zoning decisions, as discussed earlier.[111,112] PG County's Climate Action Plan similarly recognizes the intersection of climate vulnerabilities, public health, and inequitable burdens across neighborhoods, and sets goals for GHG mitigation, climate adaptation, and resilience that must be pursued through equitable, community-informed strategies that reduce cumulative risks.[113] This approach is increasingly urgent as emerging threats such as the proposed data center in Landover, a community with high EJ score of 0.86, will introduce new environmental burdens and cumulative impacts—including high energy demand, diesel

100. Id.; see also Md. Dep't of the Env't, Maryland Department of the Environment: MDEnviroScreen Documentation, https://mde.maryland.gov/Environmental_Justice/Documents/Environmental%20Justice/EnviroScreen/FINAL_6.20.25_Maryland%20Department%20of%20the%20Environment%20MDEnviroScreen%20Tool%20Documentation%20V3.pdf (last visited Dec. 22, 2024) (a printer-friendly version of MDEnviroScreen's detailed methodology).

101. Md. Dep't of the Env't, MDEnviroScreen, https://mde.maryland.gov/Environmental_Justice/Pages/MDEnviroScreen.aspx (last updated Dec. 2025).

102. Md. Dep't of the Env't, MDEnviroScreen, https://mde.maryland.gov/Environmental_Justice/Pages/MDEnviroScreen.aspx (last updated Dec. 2025).

103. Id.

104. Id.

105. Center for Engagement, Environmental Justice, and Health (CEEJH) INC. (2018). Prince George's County Environmental Justice Plan 2025.

106. Center for Engagement, Environmental Justice, and Health (CEEJH) INC. (2023). Cumulative Impacts Bill: Potential in the State of Maryland to Address Environmental Injustice (White paper).

107. National Academies of Sciences, Engineering, and Medicine. (2025). State of the science and the future of cumulative impact assessment: Proceedings of a Workshop-in-Brief. The National Academies Press. https://doi.org/10.17226/29058

108. Environmental Protection Agency. (2026, January 29). Cumulative impacts research. EPA.gov. (February 5, 2026). www.epa.gov/healthresearch/cumulative-impacts-research

109. Id.

110. National Environmental Justice Advisory Council. (2004). Ensuring risk reduction in communities with multiple stressors: Environmental justice and cumulative risks/impacts. U.S. Environmental Protection Agency. www.epa.gov/sites/default/files/2015-02/documents/cumulative-risk.pdf

111. Center for Engagement, Environmental Justice, and Health (CEEJH) INC., supra note 112

112. Prince George's County. (2021). Prince George's County Climate Action Plan (Final Report). princegeorgescountymd.gov/sites/default/files/PGC-draft-Climate-Action-Plan--2021.pdf

113. Id.

Qualified Data Center Report Gap Analysis

Impacts on Environmental Justice and Civil Rights

backup generators, traffic, more air pollution, heat emissions, water contamination and withdrawals, and land-use conflicts. This will lead to more negative health outcomes and drive health inequities. County leadership must act proactively and equitably. Grassroots organizations, via the Maryland state table of the Mid-Atlantic Justice Coalition (MAJC), have fought for over a decade for cumulative impacts legislation in MDE permitting. Maryland's proposed CHERISH Act, modeled after similar laws in states like New Jersey and California, offers a framework.[114] The County Council, Executives and agencies should implement a county-level CHERISH Act to operationalize environmental justice by strengthening community planning, addressing disinvestment, and protecting overburdened communities from added harms like data centers. By prioritizing health-protective investments, transparency, and accountability, and using tools like MDEnviroScreen, the CHERISH Act can move the County beyond "business as usual" toward preventative, justice-centered governance. This safeguards health, environment, and resilience while fostering new green industries, aligning with the County's Climate Action Plan and the 2018 EJ Commission report.

Lack of Just Transition:

Proponents of data centers are selling a fake bill of goods, and thus falsely promising the creation of numerous jobs and exaggerating the tax revenue they will generate for localities. Concessions made by municipalities, whether via tax breaks or giveaways to companies,[115] have been repaid with scant employment opportunities[116] and a loss of budgetary control.

The idea of data centers leading to local job creation has largely proven to be a myth. The case of Abilene, Texas, is illustrative. OpenAI picked the city to host its Stargate data center, dangling in front of city officials the creation of an initial 1,500 jobs for locals in building the center itself.[117] In a blog post, the company claimed the project would "create hundreds of thousands of American jobs."[118] However, it is projected that the facility will have only about 100 full-time employees on site once construction is completed.[119] This is the trap that cities and counties fall into—the data centers appear to require much local labor at the onset during construction, while ultimately not being as labor-intensive to operate.[120] See Figure 8 for a sample comparison.

Additionally, these data centers are massive, making it difficult for cities to justify so much land being taken up on a site that brings with it very minimal labor needs. As John Johnson, Chief Executive of data-center operator Patmos Hosting, told the Wall Street Journal, "[d]ata centers have rightly earned a dismal reputation of creating the lowest number of jobs per square foot in their facilities."[121] A data center might mistakenly be analogized to a traditional factory that brings with it a variety of job openings for the local population, but really a data center will end up being "more like a warehouse for computers running on really expensive chips."[122]

One consideration not highlighted in the Qualified Data Center Report, but must be considered before any next step, is the false solidification of job creation by conditioning tax breaks on staffing requirements. A ProPublica report exposed how such a scheme established by Washington state lawmakers ended up backfiring due to the loopholes companies found to exploit and the dubious ways they were able to interpret statutory language.[123] Because of the difficulty in precisely ascertaining actual job numbers linked to data centers, and the lack of transparency around tax breaks, Washingtonians were left feeling cheated by both their lawmakers and the tech companies. Microsoft appears to have been the biggest culprit of taking advantage of such loopholes in the state's policies. As of July 2023, the company employed 417 people in all of its data centers throughout the state, enough to receive a nearly $68.4 million tax break that year, amounting to about $164,000 of tax savings per job.[124] Adding to this

114. Prism Reports. (2025, March 12). Baltimore residents take on environmental injustice in their neighborhood. prismreports.org/2025/03/12/baltimore-incinerator-pollution-composting/

115. In addition to tax breaks and subsidies, giveaways to companies have included the fast-tracking of projects and approving construction of gas turbines. See, e.g., Roshan Abraham, Louisiana Hands Meta a Tax Break and Power for Its Biggest Data Center, Wired (Sept. 22, 2025), www.wired.com/story/louisiana-hands-meta-a-tax-break-and-power-for-its-biggest-data-center.

116. A leaked internal Meta message reportedly told workers to increase their output by 5x with AI, illustrating how the proliferation of these technologies ultimately serves to automate and trim the workforce. Joseph Cox, Meta Tells Workers to 'Go 5x Faster' with AI, 404Media (Oct. 19, 2025), https://www.404media.co/email/0165de2c-a5a0-4e89-9472-380292671381/?ref=daily-stories-newsletter. See also Stephan Bisaha, Data Centers Bring Money to Small Towns. But Do They Also Bring Jobs?, NPR (Apr. 10, 2025), www.npr.org/2025/04/10/nx-s1-5355017/data-centers-bring-money-to-small-towns-but-do-they-also-bring-jobs (highlighting that "unlike a factory that might need thousands of people to build their product, data centers don't create anything. It's more like a warehouse for computers running on really expensive chips.")

117. Tom Dotan, The AI Data-Center Boom Is a Job-Creation Bust, Wall St. J. (Feb. 25, 2025), www.wsj.com/tech/ai-data-center-job-creation-48038b67?gaa_at=eafs&gaa_n=AWEtsqf1QHaeuFtHRuln2YMH2e7DerNeV8ZzkCaeGKn9iG9jrlnClunQEdT1h6aCheM%3D&gaa_ts=68fa770d&gaa_sig=dhp69o7taEi7rcFriq3QY1AawG11wlVFSGCAZKp9GB6iYqwzm034yqrGBjjsDx6TQHSnvUFd6hQ4fKCuzlP_pA%3D%3D.

118. Announcing the Stargate Project, OpenAI (Jan. 21, 2025), https://openai.com/index/announcing-the-stargate-project.

119. Dotan, supra note 104.

120. Andrew Leahey, Tax Breaks for Data Centers Bring Few Jobs, Forbes (Aug. 13, 2024), www.forbes.com/sites/andrewleahey/2024/08/13/tax-breaks-for-data-centers-bring-few-jobs; Karen Weise, A.I., the Electricians and the Boom Towns of Central Washington, N.Y. Times (Dec. 25, 2024), www.nytimes.com/2024/12/25/technology/ai-data-centers-electricians.html.

121. Dotan, supra note 104.

122. Bisaha, supra note 104.

123. Lulu Ramadan & Sydney Brownstone, How a Washington Tax Break for Data Centers Snowballed Into One of the State's Biggest Corporate Giveaways, ProPublica (Aug. 4, 2024), www.propublica.org/article/washington-data-centers-tech-jobs-tax-break.

124. Id.

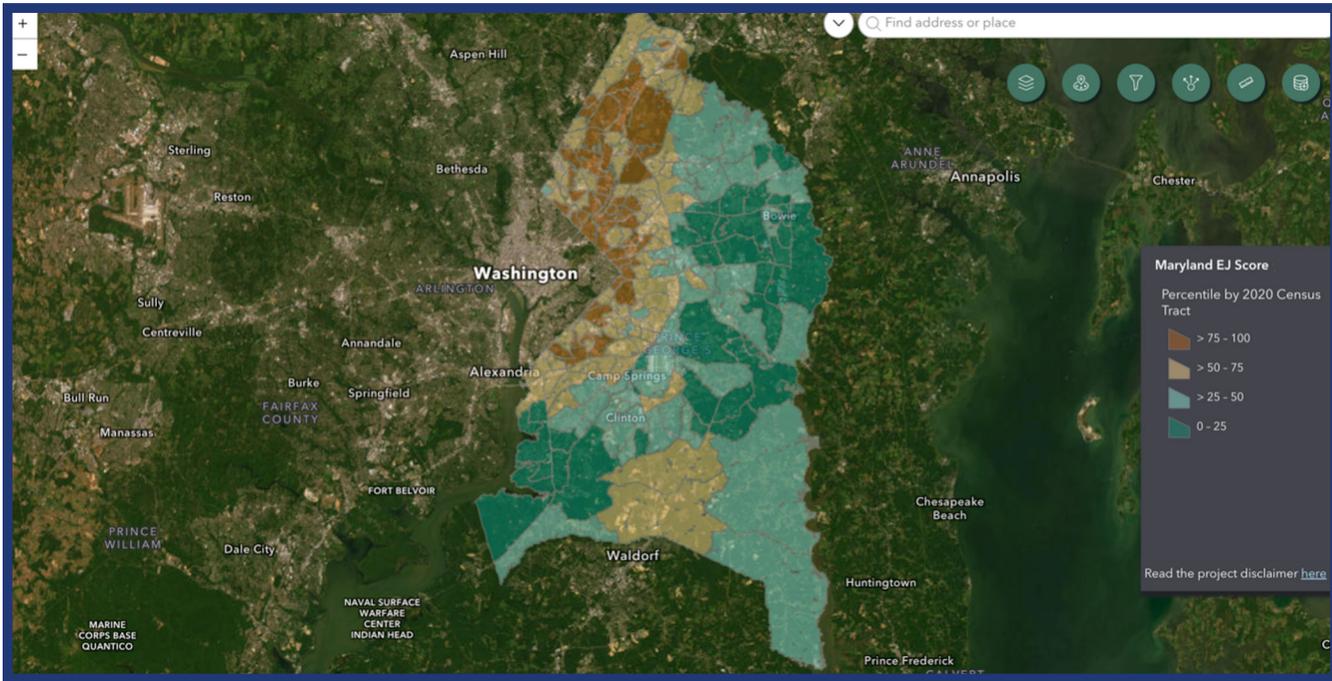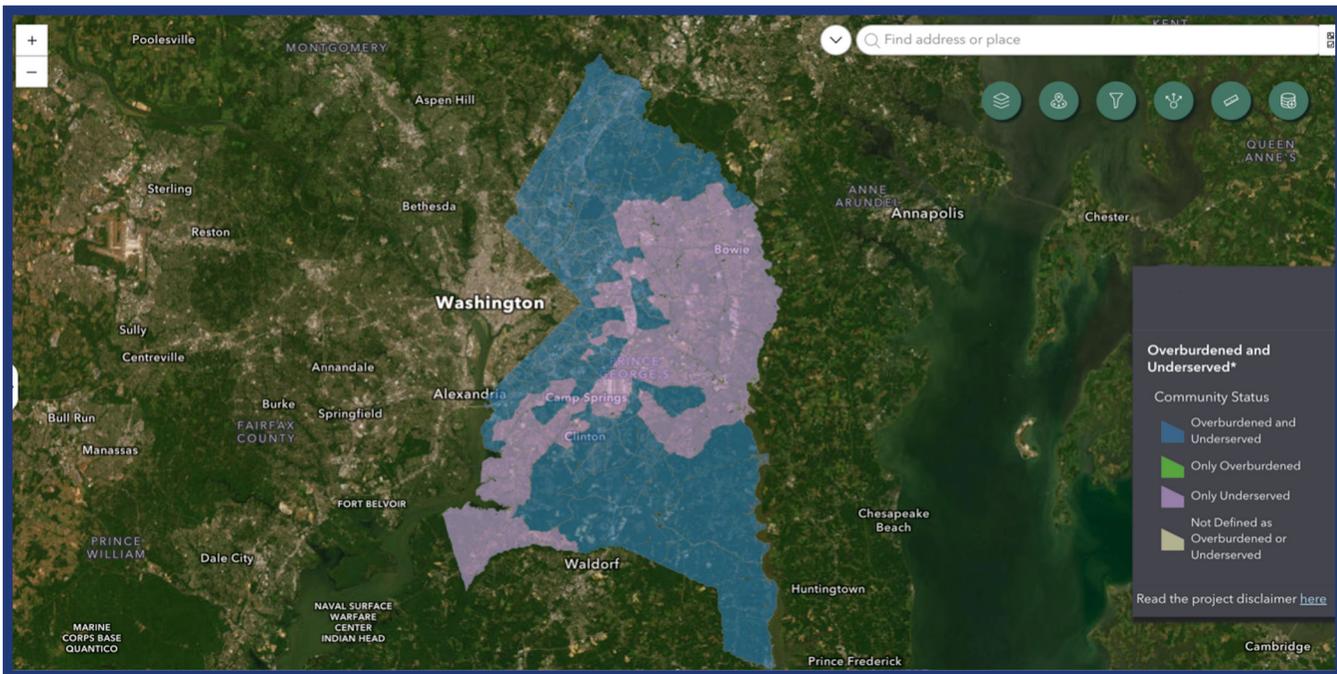**Figure 6.** Percentile EJ Score by Census Tract Across PG County (MDEnviroScreen)

Figure 7. Overburdened and Underserved by Census Tract Across PG County (MDEnviroScreen)

concern in Maryland specifically is the already existing sales and use tax exemption the state grants to companies for data center equipment.[125]

With such generous subsidies and tax breaks being doled out to companies for data centers, municipalities would hope to see at least some revenue generation in return. But what has played out more often is that states bend over backwards to draw the industry to them, even by ceding their typical budgetary control of the projects, only to ultimately suffer financial losses.[126] Good Jobs First, a nonpartisan nonprofit, found in a report from April of this year that "[a]t least 10 states already lose more than $100 million per year in tax revenue to data centers."[127] The organization's Executive Director has warned that Maryland specifically should be skeptical of promises of tax revenue, telling the Baltimore Banner: "If Maryland were to exempt sales taxes, but let local governments tax on property taxes, there'd be a net loss and kind of a shell game within the state."[128] This raises what should be a central concern for PG County, which is that Maryland state law will preempt local sales tax authority on data centers.[129] Residents and local officials should expect little transparency in assessing such numbers too—as Maryland is one of twelve states that require no disclosure of tax revenue losses.[130] These examples clearly illustrate why the touted economic benefits of data centers, whether in the form of promised tax revenue or new job creation, should be viewed skeptically. Any such potential economic benefit is likely to be far outweighed by the detrimental costs to local environments and surrounding communities.

125. Md. Dep't of Com., Data Center Maryland Sales and Use Tax Exemption Incentive Program, https://commerce.maryland.gov/fund/data-center-maryland-sales-and-use-tax-exemption-incentive-program#:~:text=Data%20Center%20Maryland%20Sales%20and%20Use%20Tax%20Exemption%20Incentive%20Program,-Page%20Content&text=Data%20centers%20that%20locate%20or,qualified%20data%20center%20personal%20property (last visited Dec. 18, 2025).

126. Kasia Tarczynska, Cloudy with a Loss of Spending Control: How Data Centers Are Endangering State Budgets, Good Jobs First (Apr. 2025), https://goodjobsfirst.org/cloudy-with-a-loss-of-spending-control-how-data-centers-are-endangering-state-budgets at 4.

127. Id.

128 Bria Overs, Massive Data Centers Invaded Virginia — and Maryland Wants to Be Next, Balt. Banner (Oct. 16, 2025), https://www.thebanner.com/economy/data-centers-maryland-virginia-ON7A6KKWVVBYHCCPHPNECOCWBE.

129 Tarczynska, supra note 113 at 5.

130 Tarczynska, supra note 113 at 8.

118 Laura Rodríguez Salamanca, Microsoft, Google Say Their Data Centers Create Thousands of Jobs. Their Permit Filings Say Otherwise, Rest of World (Nov. 5, 2025), https://restofworld.org/2025/data-centers-jobs-microsoft-google-chile.

Qualified Data Center Report Gap Analysis

Case Study: Impacts of Data Centers in Memphis, TN

The experience of communities in Memphis, Tennessee offers a cautionary case study for PG County as it considers additional large-scale data center development. In 2024, xAI began the construction of Colossus 1, the world's largest AI data center, in South Memphis.[131] The facility was sited near predominately Black communities, like Boxtown, already burdened industrial pollution from dozens of industrial facilities, including an oil refinery, a steel mill, and a TVA gas plant.[132] Built rapidly with a lack of transparency, the facility generated its own power using approximately 35 unpermitted methane gas turbines on site.[133] To As such, the xAI effectively utilized unregulated power for at least a year to meet its massive energy demand. Rather than pursuing full air permitting prior to operation, xAI utilized the turbines under the assumption that these turbines could be treated as temporary or portable infrastructure, or otherwise exempt from standard permitting requirements—effectively attempting to take advantage of what it perceived to be a regulatory loophole.[134]

During operation, methane gas turbines emit harmful pollutants, including nitrogen oxides and formaldehyde, which are linked to asthma, cardiovascular disease, and cancer.[135] Researchers at the University of Tennessee, Knoxville, found that average concentrations of nitrogen dioxide increased by 3% after its development. Moreover, peak nitrogen dioxide concentration levels increased by 79% from pre-xAI levels in areas immediately surrounding the data center, and by 9% in nearby Boxtown.[136] These peak levels are particularly dangerous because high concentrations of air pollutants pose greater health risks than lower concentrations.[137] Public health indicators in South Memphis already reflected disproportionate rates of asthma and other pollution-related illnesses prior to the arrival of the data center, leaving residents particularly vulnerable to any additional emissions.[138]

Residents reportedly had little meaningful opportunity to weigh in before operations began, and regulatory gaps allowed the project to proceed until legal action was required.

Community members learned of the project only after pollution impacts were evident, reinforcing long-standing patterns in which environmentally burdensome facilities are introduced into Black communities without consent or meaningful participation. The projected increase in energy bills caused by the facility will further exacerbate these public health risks by straining the financial stability and quality of life of residents. Community groups like Protect Our Aquifer, Young, Gifted, and Green, and Memphis Community against Pollution sounded the alarm on many of the community concerns. The NAACP filed a notice of intent to sue the company for violating the Clean Air Act.[139] Additionally, Southern Environmental Law Center represented the NAACP and Young, Gifted, and Green in a appeal to the Shelby County Health Department's decision to issue xAI a minor source permit for its activity and air pollution in the community.[140]

When the NAACP surveyed residents in 2025, hundreds of residents highlighted that air quality, environmental concerns, transparency issues, and increased utility bills were some of their top concerns since xAI came to their community.[141] These concerns have underscored the consequences of approving data center projects without robust cumulative impact analysis, enforceable environmental safeguards, or meaningful community participation. While data centers may symbolize technological progress for developers, for the residents of Memphis, they represent a burden that worsens environmental conditions and undermines day-to-day quality of life. PG County and Maryland policymakers must act proactively, requiring cumulative impact analysis, closing permitting loopholes, and centering environmental justice considerations before approvals are granted, not after harms have occurred.

131. Andrew R. Chow, 'We Are the Last of the Forgotten:' Inside the Memphis Community Battling Elon Musk's xAI, Time (Aug. 13, 2025), https://time.com/7308925/elon-musk-memphis-ai-data-center/.

132. See Press Statement, NAACP, Elon Musk's xAi threatened with lawsuit over air pollution from Memphis Data Center, filed on behalf of NAACP, Jun. 17, 2025, available at https://naacp.org/articles/elon-musks-xai-threatened-lawsuit-over-air-pollution-memphis-data-center-filed-behalf#:~:text=June%2017%2C%202025-,Elon%20Musk's%20xAI%20threatened%20with%20lawsuit%20over%20air%20pollution%20from,center%20in%20June%20of%202024.

133. See Press Release, Southern Env't. Law Center, Groups appeal permit for xAi's South Memphis data center, decisions around unpermitted methane gas turbines, Jul, 16, 2025, available online at https://www.selc.org/press-release/groups-appeal-permit-for-xais-south-memphis-data-center-decisions-around-unpermitted-methane-gas-turbines/

134. Dara Kerr, "Elon Musk's xAI datacenter generating extra electricity illegally, regulator rules," The Guardian (Jan. 15, 2026), https://www.theguardian.com/technology/2026/jan/15/elon-musk-xai-datacenter-memphis

135. Id.

136. Chow, supra note 118.

137. Id.

138. Asthma and Allergy Foundation of America, (2024). 2024 Asthma Capitals. https://aafa.org/wp-content/uploads/2024/09/aafa-2024-asthma-capitals-report.pdf

139. See Press Statement, NAACP, Elon Musk's xAi threatened with lawsuit over air pollution from Memphis Data Center, filed on behalf of NAACP, Jun. 17, 2025, available at https://naacp.org/articles/elon-musks-xai-threatened-lawsuit-over-air-pollution-memphis-data-center-filed-behalf#:~:text=June%2017%2C%202025-,Elon%20Musk's%20xAI%20threatened%20with%20lawsuit%20over%20air%20pollution%20from,center%20in%20June%20of%202024.

140. Southern Env't. Law Center. Supra note 119.

141. Memphis Cmty. Impact Survey, NAACP (2025) (survey formerly publicly available).

THE PEOPLE'S RESPONSE

The NAACP with support from numerous environmental organizations, environmental justice advocates, and academic researchers collected survey responses from over 85 residents across PG County, assessing community awareness of, perceptions towards, and concerns regarding the siting and operation of qualified AI data centers. The survey also evaluated the response to PG County's Qualified Data Center Taskforce and whether it reflected their needs for a data center buildout. The findings give insight into community views on anticipated economic and environmental impacts, the conduct and responsiveness of local officials and project leadership, and expectations for mitigation and community benefits.

Response to Understanding the Impacts of AI Data Centers

Sixty percent of respondents agreed or strongly agreed that they were informed about the specific potential effects of having AI data centers in their community, as distinct from the general effects associated with other commercial operations. Twenty-seven percent disagreed or strongly disagreed, while fourteen percent reported neutral views. On average, respondents rated their level of information at 3.42 on a five-point scale.

By contrast, respondents expressed unfavorable views regarding the data center's anticipated economic impact. When asked whether the proposed data center would have long-term positive effects on the local economy, the community reported an average rating of 1.84 on a five-point scale, with a score of five meaning they strongly agree. Seventy-six percent of respondents disagreed or strongly disagreed with the proposition that the data center would have long-term positive effects on the local economy. Notably, of the eight respondents who agreed or strongly agreed that the data center would have long-term positive economic effects (rating the question a four or higher), a majority of those respondents also reported being neutral or uninformed regarding the specific potential effects of AI data centers in their area, assigning a score of three or below on the information question.

Response to County's Qualified Data Center Task Force, Community Engagement, and Report

Respondents expressed consistently negative views regarding the conduct and responsiveness of local officials and project leadership in connection with qualified data centers in PG County. Across multiple measures, respondents reported a lack of transparency, limited responsiveness to community preferences, and inadequate spaces for public input.

An overwhelming majority of respondents reported that local officials and project leaders had not been transparent regarding the impacts of qualified data centers in PG County. Eighty-six percent disagreed or strongly disagreed that local officials and project leaders had acted transparently, while ten percent reported neutral views and fewer than four percent agreed or strongly agreed. On average, respondents rated transparency

at 1.49 on a five-point scale, with a score of five meaning local officials and project leaders have been fully transparent.

Respondents likewise indicated that local officials and task force leaders did not appear responsive to the community's position on the siting of qualified data centers. The community reported an average rating of 1.78 on this measure, with seventy-six percent of respondents disagreeing or strongly disagreeing that local officials and task force leaders appeared to care whether the community supported such siting. Fifteen percent reported neutral views, and nine percent agreed. Notably, no respondents strongly agreed that local officials and task force leaders appeared to care whether the community actually wants qualified data centers in PG County. Respondents also expressed dissatisfaction with opportunities for public engagement. When asked whether local officials and task force leaders had created a welcoming space for community members to share input regarding qualified data centers, respondents reported an average rating of 2.15 on a five-point scale with a five being assigned to a fully welcoming space. Sixty percent disagreed or strongly disagreed that local officials and task force leaders had created such a space; thirty percent reported neutral views, and ten percent agreed or strongly agreed.

Local officials and project leaders have been transparent about the impact of the qualified data centers in PG County.

| 86% | 10% | <4% |

Local officials and task force leaders seem to care whether the community actually wants qualified data centers in PG County.

| 76% | 15% | 9% |

- ● Strongly Disagree or Disagree
- ● Neutral   ● Agree or Strongly Agree

Response to Environmental Concerns

Respondents expressed high levels of concern regarding the environmental impacts of qualified data centers in PG County, particularly with respect to air quality, noise pollution, and energy usage.

Ninety percent of respondents strongly agreed, and an additional six percent agreed, that they were concerned about the potential environmental impact of qualified data centers on local air quality. Two percent reported neutral views, and one percent expressed little or no concern. On average, respondents rated their concern regarding impacts on air quality at 4.84 on a five-point scale, with five being the highest level of concern. When asked to identify the basis for these concerns, respondents most frequently cited potential health impacts, specifically referencing asthma and other respiratory illnesses.

Respondents also reported significant concern regarding the noise pollution associated with qualified data centers. Eighty-eight percent of respondents strongly agreed that they were concerned about noise pollution, with an additional six percent agreeing. Four percent reported neutral views, and two percent disagreed or strongly disagreed. The community reported an average concern at 4.77 on a five-point scale.

In addition, respondents expressed concern about the effect of qualified data centers on local energy usage and costs. Forty-nine percent of respondents specifically cited concern about anticipated increases in energy costs, with many expressing concern that such increases would be passed on to community members through higher utility bills.

Concerns from Virginia Residents

Despite the Qualified Data Task Force report highlighting data center buildouts across Virginia as a potential model for PG County's AI Qualified Data Centers, the NAACP, environmental justice organizations, and academic institutions surveyed 101 residents who responded to a community survey that inquired about whether there was Virginia public engagement prior to Prince George's County Qualified Data Center Task Force's report regarding spotlighting Virginia AI data centers. The survey also aimed to better understand whether the models in the Qualified Data Center Task Force report reflected the current demands of Virginia residents.

The Virginia survey highlighted that 90% of respondents either strongly disagreed, disagreed, or were neutral regarding whether the Prince George's County Qualified Data Center Task Force surveyed them as Virginia residents regarding the impact of AI data centers for them as community members.

Despite the Qualified Data Center Task Force's lack of public engagement from Virginia residents to see whether the model of data center buildouts benefited their communities, the Virginia community survey found that only 22% of respondents believed that having a data center in their community would have long term positive impacts on their local economies. 83% of all respondents strongly agreed or agreed and expressed concerned

about the environmental impact of AI data centers for their air quality. These numbers also similarly trended highly for Virginians regarding noise pollution at 82% of respondents strongly agreeing or agreeing with noise pollution being a concern for their local communities.

Only 27% of respondents believed that AI data centers could be a leader in innovation if they support sustainability and workforce initiatives. Similarly in Virginia, 69% of people shared that they would still be concerned about the impact of data centers or were unsure if they would be any less concerned about AI data centers, even if all of their demands were met.

The demands for what AI data centers must bring to Virginia residents trended similarly to Prince George's County's respondents. These surveys highlight that meaningful community engagement and understanding community needs are key components of AI data center buildouts.

For next steps, nearly every Virginia respondent believed that supporting environmental monitoring for air, water, and soil are obvious first steps to reduce harm. Next, transparency from the beginning and use of renewable energy for any project is necessary. Regardless of any demands, Virginians remained concerned regarding their utility costs, water infrastructure and contamination, and air quality when asked to name their biggest concerns regarding the impact of AI data centers.

In sum, the Qualified Data Center Task Force Report did not reflect these important considerations when spotlighting Virginia AI data center buildouts for its next steps. Indeed, true community engagement, including with the communities who are already in places with AI data centers is an important step to assist in an authentic community engagement process.

PG County Community Demands

When asked to identify measures necessary to reduce harm to communities neighboring a data center facility, respondents articulated a clear set of priorities. Similar to Virginia residents, the most frequently cited need was for data centers to support ongoing environmental monitoring of local air, soil, and water quality. Respondents also frequently cited the need to reduce electricity usage on demand during peak demand periods in order to limit strain on the electric grid. Other high-priority needs included transparency from the outset regarding current and future data center operations, as well as the use of renewable energy (e.g., solar, wind) to power operations in lieu of reliance on gas-burning generators. Beyond these top priorities, respondents commonly cited a range of measures to reduce harm, including the implementation of pollution reduction mechanisms to address both emissions and noise pollution associated with data center operations.

Respondents were also asked to identify the community benefits they would expect from any qualified data center project in PG County. Sixty percent cited direct investment in clean, renewable energy to power the supercomputer. Other commonly identified benefits included the creation of local jobs and training opportunities; investments in community-wide energy efficiency

Rally in September outside The Wayne K. Curry Administration Building (Source: Party for Socialism and Liberation)

improvements; and requirements that contracted companies contribute to an emergency public health trust or similar fund to remedy any pollution-related illnesses or other associated health risks.

In addition to the survey results, the Maryland General Assembly's override of the Governor's veto of the Maryland Data Center Study Bill (SB116/HB270) to review the impacts of data centers in communities is a critical acknowledgment that the rapid proliferation of data centers presents unresolved risks to ratepayers, public health, and the environment. By advancing this study, lawmakers have recognized that Maryland lacks a comprehensive understanding of how large, energy-intensive data centers impact electricity rates, grid reliability, water use, air quality, and cumulative burdens on already overburdened communities. The study is intended to provide the data needed to inform sound, evidence-based regulation rather than speculative decision-making driven by developers' promises. However, the override also exposes a troubling gap. While funding has been approved to conduct this research, there has been no parallel discussion of implementing a case-by-case review process or a temporary moratorium on data center approvals while the study is underway. As a result, local governments and regulators continue to approve projects under the same flawed assumptions the study is meant to examine. This disconnect risks rendering the study reactive rather than preventative. Meaningful protections for ratepayers and communities require not only rigorous analysis, but also the prudence to pause approvals until the findings are complete and can be incorporated into policy, regulatory, and permitting decisions.

Response to Whether PG County is Ready for a New AI Data Center

Despite identifying specific mitigation measures and potential benefits, respondents expressed persistent concern regarding the presence of qualified data centers in their communities regardless on the mitigation efforts or benefits. Forty-six percent

reported that even if a qualified data center met their stated demands, they would not be any less concerned about its impacts. Thirty percent reported uncertainty, and nine percent selected "other," including statements such as, "No data centers as currently designed would meet my demands." Additionally, seventy-five percent of respondents indicated that, regardless of what a qualified data center does, they did not want a new AI data center in their community. Sixteen percent of respondents reported neutral views, and fewer than nine percent indicated that their views might be responsive to changes in data center practices or operations.

Forty-eight percent of respondents disagreed or strongly disagreed that a qualified data center could be a leader in innovation if it agreed to support sustainability and workforce initiatives in PG County. Thirty percent reported neutral views, and twenty-two percent agreed or strongly agreed.

Taken together, the survey results indicate that while respondents articulated specific community benefits, they would expect from qualified data center projects, these measures were largely insufficient to overcome broader concerns related to environmental impacts and the community's role in decisions about data center siting and operation. Moreover, it demonstrates that the Task Force lacked a meaningful public engagement and participation model to develop its recommendations and should consider utilizing these recommendations and developing next steps with the community. However, based on the survey results, the Task Force should strongly consider halting plans and recommendations to rezone or develop AI data centers without a more comprehensive process.

Rally Against The Landover Mall Proposed Data Center Site (Source: Party for Socialism and Liberation)

COMMUNITY VOICES

Quotes from surveyed residents of PG County:

"We are already at an air quality deficit. We need more green spaces not more capitalist enterprises."

"If there is an AI bubble burst in 2-3 years and we are then paying for decades.."

"The transparency by our Council has been terrible and comments by some members are untruthful and/or deceitful so I do not trust most of our Councilmembers; the Task Force Team had no environmental organizaton represented - 1 council member stated that it did... a lie."

"The data center industry is derailing the transition away from fossil fuels for energy generation. High demand for energy results in more greenhouse gas production, accelerating climate change, negating recent progress with improving energy efficiency. People will suffer and even die because of power outages resulting from the "need" for 24-7 energy supply for machines to run AI and bitcoin operations that do not improve our quality of life."

"The county is already seeing exorbitant increases in energy/electricity costs to accomodate the growing need for industrial energy. A way must be found to not pass the costs along to rate payers, but instead be borne by the data centers themselves"

"All of the above. Go talk to Loudon VA residents"

"The impact on health and finances. As tax payers end up footing the electric bill for these

Rally Against The Landover Mall Proposed Data Center Site (Source: Party for Socialism and Liberation)

The People's Recommendations

This *People's Report* provides an independent assessment of the PG's County Qualified Data Center Task Force Report. Drawing on peer-reviewed research, public health and environmental impact analysis, legal and civil rights review, and community input, this report identifies significant shortcomings in the Task Force process.

The People's Report reaches several overarching conclusions:

- Current regulatory frameworks are inadequate to address the scale and intensity of modern data centers. As documented throughout this report, state and county agencies, including MDE, continue to rely on permit categories and thresholds that predate the explosive growth of hyper-scale and AI-driven data centers, without accounting for their cumulative and localized impacts.

- Data center siting in PG County is inherently an environmental justice issue. It is majority–Black, with large Hispanic, immigrant, and low-income populations, and includes many communities already overburdened by pollution from highways, industrial facilities, and energy infrastructure. Adding clusters of data centers compound these burdens for communities already overexposed to environmental hazards.

- Cumulative impacts are being systematically overlooked. MDE's and the PG County Task Force's reliance on individual facility permitting and "major source" thresholds fails to capture the real-world impacts of multiple data centers operating in close proximity—particularly generator emissions that elevate NO_x, $PM_{2.5}$, and ground-level ozone in already vulnerable communities.

- Promises of job creation and tax revenue associated with data centers are frequently exaggerated, while generous tax exemptions and subsidies limit public benefit.

- Existing regulatory frameworks are ill-suited to address the scale, intensity, and clustering of hyper-scale data centers. A facility-by-facility, compliance-based approach fails to account for cumulative impacts, water withdrawals, energy demand, noise, and public health effects.

Accordingly, *The People's Report* calls on PG County and Maryland to take into consideration the following PG County Qualified Data Center Taskforce Report gap and policy recommendations.

Gap Recommendations

The gap recommendations that follow identify where current planning, zoning, enforcement, transparency, and community engagement frameworks fall short of protecting overburdened neighborhoods. These gaps highlight the missing tools, standards, and governance structures needed to consistently evaluate cumulative impacts, meaningfully engage residents, and ensure County decisions align with EJ principles and health equity goals.

EJ and Civil Rights Gap Recommendations

- Treat data center development as a civil rights and environmental justice issue, not merely a land-use or economic development decision.

- Establish a Maryland Data Center Oversight Commission, a multi-agency oversight body [Maryland Department of the Environment (MDE), Maryland Energy Administration (MEA), Maryland Public Service Commission (PSC), and Maryland Department of Natural Resources (DNR)], to review all large-scale data center proposals for compliance with state climate and EJ goals. Coordinate permitting

across jurisdictions and develop statewide enforcement mechanisms for emissions, water use, and grid reliability.

• Adopt a county-level version of Governor Wes Moore's Environmental Justice Executive Order (VOICE). This should use tools like MDEnviroScreen and MDEJSCREEN v3.3 to map and understand EJ burdens, then identify and prioritize high-burden communities for stronger civil rights protections, tougher environmental enforcement, meaningful stakeholder engagement, and targeted investments in safe, low-pollution emerging industries.

• Implement a VOICE-style interagency environmental justice council, and reinstate the County EJ Commission to advise leaders and agencies, ensuring environmental justice is embedded across all decisions—especially economic development actions like proposed data centers—so they do not worsen existing environmental burdens or health inequities.

• Adopt local ordinances—mirroring the Maryland CHERISH Act—that require environmental, health, environmental justice, and cumulative-impact assessments for all proposed data center developments and approvals, explicitly codifying the use of MDEnviroScreen. These measures should mandate EJ impact statements and cumulative-burden analyses, set public transparency standards, prohibit facility clustering in census tracts already identified as overburdened, and condition zoning recommendations and project approvals on enforceable community-benefit agreements (CBAs) or mitigation plan agreements.

Air Quality Recommendations

• Attain a countywide $PM_{2.5}$ annual mean of 5.0 μg/m3 over three years, and bring up the county ozone score to a passing grade, specifically in EJ communities identified by environmental justice screening and mapping (EJSM) tools such as MD EJSCREENv3.3 or MDEnviroScreen and proposed data center sites.

• Demonstrate continuous improvement in other criteria air pollutant (CAP) (i.e., SO_2, NO_x) levels over three years and develop a cumulative impact monitoring plan for overburdened communities such as Brandywine, Bladensburg, and the Sheriff Road community to measure marked improvements in hazardous air pollutants (HAPs) (i.e., black carbon, VOCs). These specific pollutants are noted due to the environmental burden of industrial and mobile sources in these communities, as well as the potentially toxic environmental profiles of data centers.

• Use cumulative impact assessment to monitor and control environmental contamination, and evaluate mitigation options.

Energy and Climate Justice Recommendations

• Require environmental impact and cumulative-emissions modeling before citing approvals. Mandate the public disclosure of energy use, water consumption, and backup generator testing data. If passed, adopt and enforce the Maryland CHERISH Act to create statewide data-center-specific standards.

• Condition all data center permits and Special Use Exceptions on binding commitments to renewable-energy sourcing and enforceable community benefits, rather than voluntary or aspirational measures. They should require a renewable-energy compliance plan as part of the permit application, including load projections, source type and location, timeline to full renewable operation, and annual third-party verification. Emergency generator use must be strictly limited, logged, and publicly disclosed. We have seen abuse of emergency generator use in communities such as Memphis, TN. Permits should be denied, conditioned, or revoked if renewable sourcing commitments are not met or maintained.

Policy Recommendations

Building on these identified gaps, the policy recommendations below provide concrete, actionable steps the County Council, County Executives, and relevant agencies can implement through ordinances, regulatory updates, and administrative practices. The recommendations are designed to operationalize environmental justice in daily decision-making, strengthening oversight, codifying cumulative impact and related health impact assessment requirements, preventing harmful industrial clustering, and ensuring enforceable community mitigation agreements and accountability mechanisms. Together, these policies provide a clear roadmap to manage data center infrastructure responsibly, while advancing health equity, climate resilience, and community-led governance.

Policy Recommendation 1: Tighten Data Centers Use Restrictions in Non-industrial Zones

We recommend developing and implementing a comprehensive, inclusive climate resiliency stakeholder engagement plan that educates residents on climate impacts and resilience solutions.[142] The plan should coordinate dialogue between county agencies and municipalities, create a streamlined online platform to share resources and track progress, and assign dedicated county staff to deliver outreach and practical guidance for homeowners and businesses on energy efficiency and resilience (e.g., extreme heat, GHG emissions and co-pollutants, and extreme precipitation).

Policy Recommendation 2: Protect Environmentally Sensitive Areas by Restricting Data Center Development

To regulate data center growth and protect environmental justice communities, county-level action is necessary. We recommend the following:

1. Implement community-led monitoring (low-cost air sensors for GHGs and co-pollutants) and mapping (e.g., MD

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142. Prince George's County. (2021). Prince George's County Climate Action Plan (Final Report). www.princegeorgescountymd.gov/sites/default/files/PGC-draft-Climate-Action-Plan--2021.pdf

Rally Against The Landover Mall Proposed Data Center Site (Source: Party for Socialism and Liberation)

EJSCREENv3.3) and governance models across municipalities, based on the PG County EJ 2025 plan.[143]

2. Develop climate-resilient green infrastructure and invest in climate solutions in overburdened areas (e.g., Landover, Langley Park, Cheverly, Brandywine, Adelphi, Bladensburg, Colmar Manor, Eagle Harbor).

3. Update the 2016 Maryland Climate and Health Profile Report by conducting vulnerability assessments for historical extreme event exposure (heat, precipitation) for 2030, 2040, and 2050, linking health outcomes (e.g., asthma, stroke, mortality, ED visits), and including projected health burden increases. The County must also analyze disproportionately burdened sub-populations and share information publicly.

4. Establish a health-centered early warning system with detailed hazard-health risk maps offering eight, three, and one-week lead times (Ready, Set, Go preparedness stages). A persistent 1-week hazard should initiate a "Go" response, triggering coordinated agency action to save lives, minimize health burden, and reduce disparities. Furthermore, enact and enforce "No Net Loss" tree conservation regulations, as suggested in the County Climate Action Plan, to maintain and expand street tree canopy and forest cover, especially in overburdened areas potential for data center development.[144]

Policy Recommendation 3: Require a sustainable operations plan with every special use exception or planned development zoning map amendment

We recommend the County enhance transparency by requiring annual public reporting of facility-specific emissions, water use,

and energy consumption. The County should also establish community-based monitoring partnerships with non-governmental organizations (NGOs), EJ groups, and experts, and create a public dashboard for statewide data center environmental performance tracking. Furthermore, we request the County align climate actions with health equity goals, coordinating across planning, health, and environment agencies, per the County's Climate Action Plan. We ask the state to integrate data center planning into the Maryland Climate Solutions Now Act, enforce renewable offset and diesel-generator phase-out schedules, and incentivize clean technologies like battery storage and microgrids. Finally, we request the County establish a RENEW commission and implement a RENEW Act study to examine the full Renewable Energy, Environmental, and Workforce (RENEW) impacts of large-scale energy-consuming industries, including data centers.

Policy Recommendation 4: Adopt Flexible Green Design Standards for Data Centers

The community should have the final say if a data center should be built at all. If there is any development of data centers, the County should mandate codes and practices for climate-ready green buildings, encouraging data centers to adopt advanced filtration for zero emissions to align with the County Climate Action Plan. This includes strict caps and public reporting on emergency runtime. High-efficiency filtration must capture ultrafine particles (UFPs/PM1). Zero-emission backup power is essential to eliminate air pollution (CAPs, HAPs), mitigate noise and heat issues, while boosting grid resilience. While the County's original recommendation for developer flexibility addresses community concerns (water, air, soil), greater tracking is needed to ensure environmental justice and equity concerns are fully met.

Policy Recommendation 5: Discourage speculative

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143. Prince George's County Government. (2018). Environmental justice commission final report (Report No. DCV27132). https://www.princegeorgescountymd.gov/sites/default/files/media-document/dcv27132_environmental-justice-commission-report-final-pdf.pdf
144. Prince George's County. Supra note 152.

data center development by incentivizing projects to pursue planned developments

We would like the County to develop a more detailed and progressive fine structure for data centers that are not in compliance with the codes and standards. Those fines should be used to create an EJ fund, in line with prior Maryland State Legislation that has been introduced (not passed) for climate mitigation.

Policy Recommendation 6: Increase Setbacks and Screening Requirements for Data Centers Near Residential Areas

Siting data centers near residential areas, churches, and schools—where vulnerable populations reside—is unacceptable and conflicts with environmental justice and equity principles. Research shows that inadequate planning and zoning often place industrial uses in politically marginalized communities. Setbacks have been proven to be ineffective at reducing emissions' localized impacts, particularly air pollution. Air pollution studies consistently show that while concentrations decrease with distance (distance-decay curves), elevated levels of $PM_{2.5}$, ultrafine particles, and NO_x persist well into residential areas, often 500–1,000 meters or more, especially when combined with roadway and generator emissions.[145,146] Factors like meteorology, topography, and cumulative land use determine impact distance, making minimal, fixed setbacks unreliable. Best practice recommends minimum setbacks for sensitive receptors (schools, daycares, churches, senior facilities) of ≥1,000 meters (≈0.6 miles) without vegetative buffers, or ≥750 meters with dense, engineered vegetative buffers designed for particulate interception.[147]

Policy Recommendation 7: Amend the Noise Ordinance to Regulate Data Center Generator Testing

Community opposition to industrial operations like the Bladensburg concrete plant and Joseph Smith & Sons in Cheverly highlights how industrial noise, including low-frequency noise and early-morning activity, severely impacts sleep and health. MDE's Cheverly report also noted limitations in current enforcement. To improve, the County should: limit routine generator testing to daytime hours; prohibit nighttime/early-morning testing near homes; set maximum low-frequency decibel levels; mandate site-specific and cumulative noise modeling (e.g., using MD EJSCREENv3.3); require continuous third-party noise monitoring near residential areas; transition to proactive compliance; and publicly post all monitoring data.

Policy Recommendation 8: Require All Data Centers to Undertake the Special Use Exception Process

Prince George's County must require all proposed data centers, regardless of zoning or framing (e.g., "by-right," "accessory"), to obtain Special Use Exception approval. This is justified by county precedent showing that inconsistent use of special exceptions has led to compounded harms and civil rights issues in overburdened communities (e.g., Bladensburg, Brandywine). Given the multiple stressors data centers impose (generators, traffic, heat, water, land-use conflict), applicants must submit a Cumulative Impacts & EJ Impact Statement. This statement should evaluate additive impacts (noise, dust, air emissions, traffic, stormwater/flood, heat island) and identify sensitive receptors (homes, schools, etc.). It must also include a progressive fine structure for non-compliance and an individualized, community-driven mitigation plan.

Policy Recommendation 9: Amend Planned Development Requirements in the Zoning Ordinance to Require Detailed Site Plan Review for all Data Centers

Formally integrate MDEnviroScreen and similar environmental justice mapping tools into County planning, zoning, and permitting to identify and prevent the clustering of industrial data centers in overburdened or high-exposure communities.

Policy Recommendation 10: Establish a Community Advisory Group and Verify Compliance Mechanisms to Recommend and Monitor Community Benefits Associated with Data Center Efforts

We recommend to the County Council work with community-led organizations to establish a Data Center Oversight Board modeled after the proposed state-level oversight commission, composed of representatives from the Department of Permitting, Inspections, and Enforcement (DPIE), the Department of the Environment (DoE), community-based organizations, health agencies, and local universities. This goal of this group should reflect the lived experiences of communities who will likely bear the most impact of data center development and center their perspectives. This body would review applications, monitor compliance, and ensure that county-level decisions align with climate goals of the Climate Action Plan and EJ goals of the PG County EJ Commission. While we recognize the County created the Taskforce to gather community experiences, this Group has an opportunity to amplify environmental justice guiding principles and the Frontline Framework in setting the tone of discussion and solutions.

In conclusion, policymakers should fully consider the findings of this Report before advancing any data center development. It is crucial to get it right in PG County, as the decisions made here will set a precedent across Maryland and beyond. By heeding these recommendations, PG County has a chance to lead with a model of responsible, equitable oversight that protects public health.

145. Banerjee, S., et al. (2021). Characterizing diesel generator emissions in urban environments: Implications for exposure and policy. Environmental Science & Technology, 55(12), 7890–7901. https://doi.org/10.1021/acs.est.1c00723

146. Long, T. C., et al. (2010). Air pollution and health: The role of ambient ultrafine particles. Journal of Exposure Science & Environmental Epidemiology, 20, 256–260. https://doi.org/10.1038/jes.2009.18

147. Nowak, D. J., et al. (2013). Carbon storage and sequestration by urban trees in the United States. Environmental Pollution, 178, 229–236.

Appendix

## Figure A. Impaired Water Bodies in Prince George's County[163]

163. U.S. ENV'T PROT. AGENCY, How's My Waterway?, Overview,
https://mywaterway.epa.gov/community/prince%20george's%20county/overview (last visited Dec. 22, 2025).

Appendix

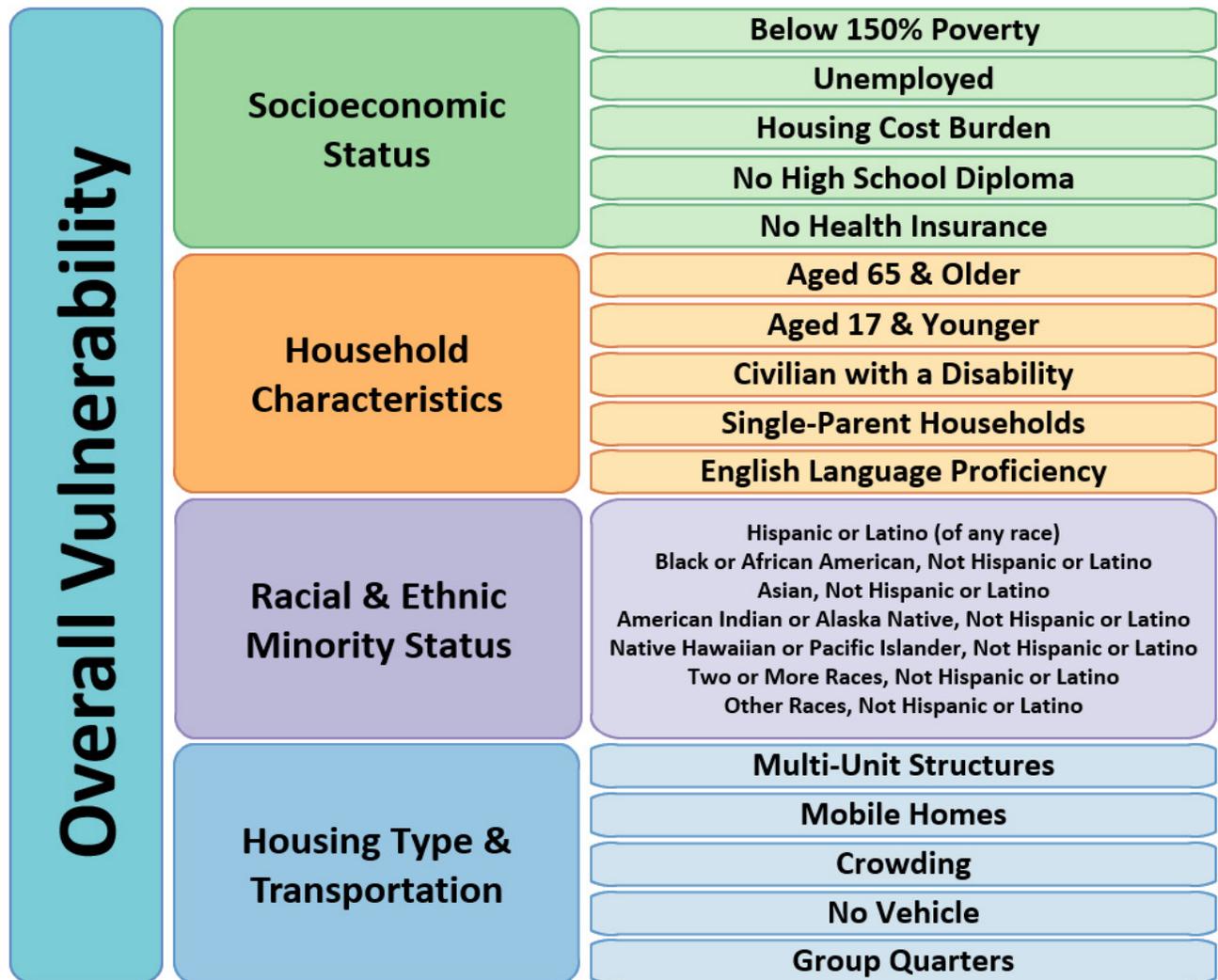## Figure B. Annual Average Air Concentration of Diesel Particulate Matter[162]

162. See Md. Dep't of the Env't, MDEnviroScreen EJ Score Indicator Maps, https://experience.arcgis.com/experience/324aa8ed73df41cc8b6333cbb12e0ab4/page/Indicators?views=Proximity-to-Brownfields#data_s=id%3Awidget_664_output_0%3A0 (last visited Dec. 22, 2025) (Proximity to Brownfields).
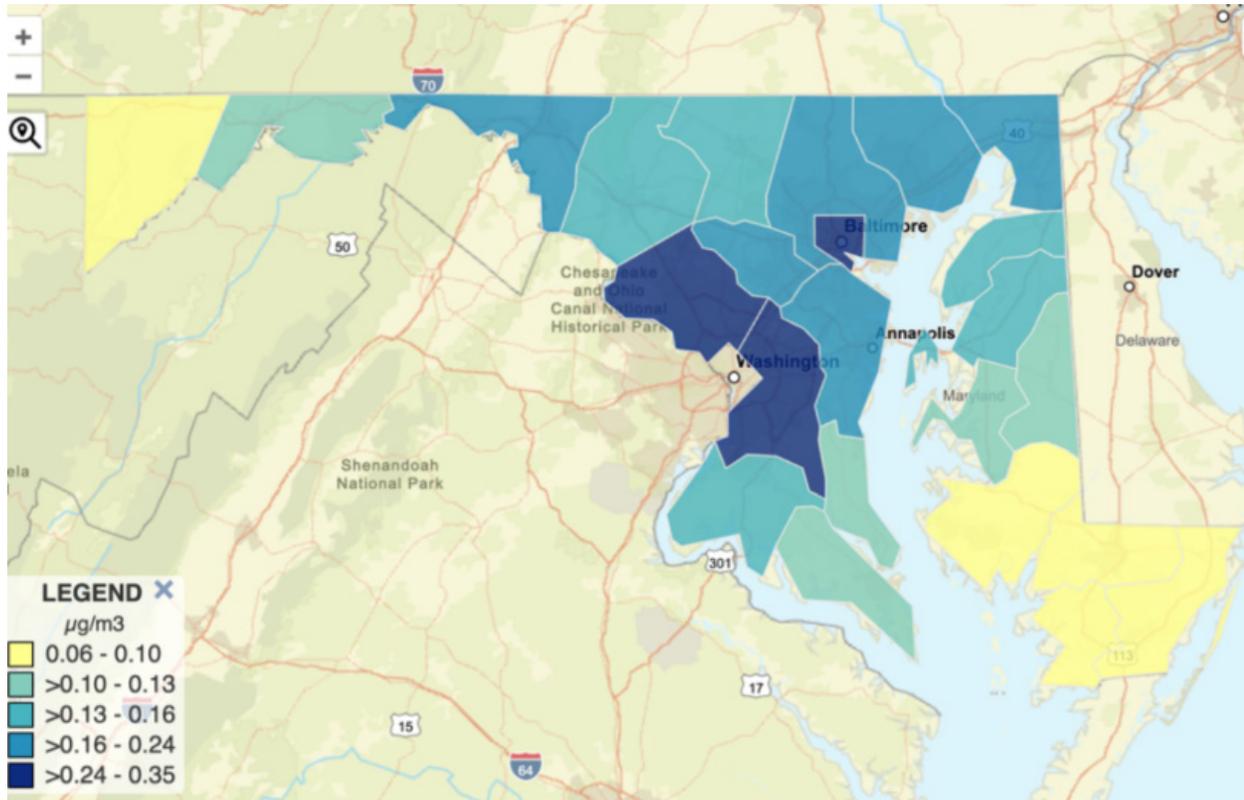
Appendix

Figure C. Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry Social Vulnerability Index [163]

163. U.S. Center for Disease Control and Prevention and Agency for Toxic Substances and Disease. https://www.atsdr.cdc.gov/place-health/php/svi/index.html

Overall Vulnerability

Socioeconomic Status
- Below 150% Poverty
- Unemployed
- Housing Cost Burden
- No High School Diploma
- No Health Insurance

Household Characteristics
- Aged 65 & Older
- Aged 17 & Younger
- Civilian with a Disability
- Single-Parent Households
- English Language Proficiency

Racial & Ethnic Minority Status
- Hispanic or Latino (of any race)
- Black or African American, Not Hispanic or Latino
- Asian, Not Hispanic or Latino
- American Indian or Alaska Native, Not Hispanic or Latino
- Native Hawaiian or Pacific Islander, Not Hispanic or Latino
- Two or More Races, Not Hispanic or Latino
- Other Races, Not Hispanic or Latino

Housing Type & Transportation
- Multi-Unit Structures
- Mobile Homes
- Crowding
- No Vehicle
- Group Quarters

Appendix

## Figure D. MDEnviroScreen Indicators for Census Tract 24033806000[164]

164. See Md. Dep't of the Env't, MDEnviroScreen – EJ Score, "24033806000", Dec. 22, 2025, https://experience.arcgis.com/experience/e4148f01acf743bf8ac1d2aa2dc0947f/page/MarylandEJ3_0#data_s=id%3AdataSource_7-19634ad3408-layer-4%3A686.

MDEnviroScreen Report

Census Tract ID: 24033806000

County: Prince George's
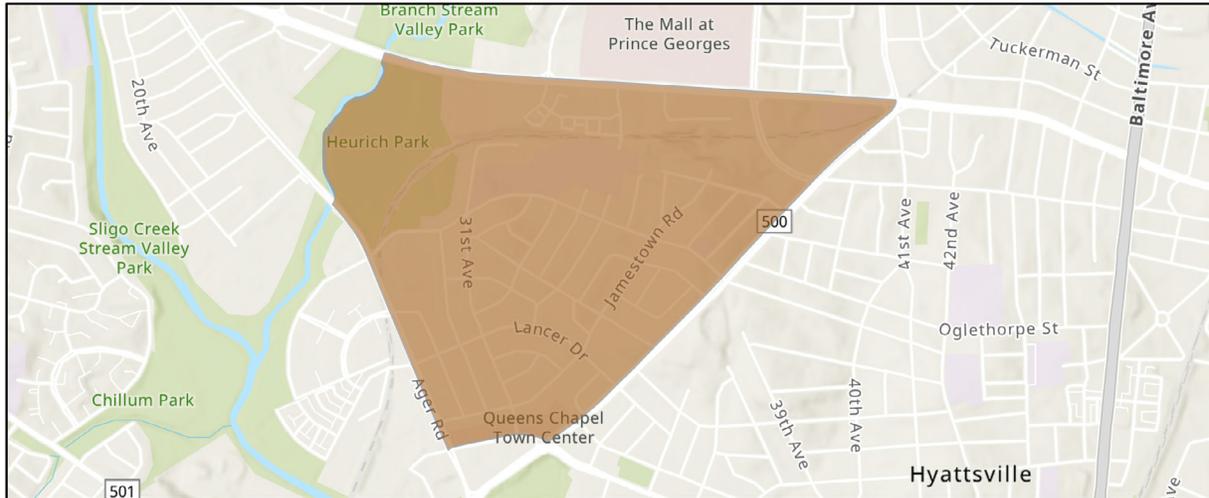
MDEnviroScreen Summary

EJ Score: 82

Overburdened Community: Yes

Underserved Community: Yes

MDEnviroScreen EJ Score Indicators

Pollution Burden Exposure

Indicator	Percentile
PM 2.5	53.6
Ozone	40.2
Diesel PM	82.5
Cancer Risk	9.5
Respiratory Hazard	32.4
Traffic	91
Toxic Release	75.3
Hazardous Landfill	81.9

Pollution Environmental Effect

Indicator	Percentile
Lead Paint	76.3
RMP Facility	61.8
Superfund	73.8
Hazardous Waste	90.3
Wastewater	38.1
Brownfield	72.5
Power Plant	81.7
CAFO	0
Mining	0

Sensitive Population

Indicator	Percentile
Low Birth Weight	56
Asthma Discharge	43.8
Myocardial Infarction	47.6
Lack of Broadband	27.4
Low Income*	80.2

*Low Income is included in Underserved but grouped into Sensitive Population for EJ Score Calculation

*The MDEnviroScreen EJ score represents a combined measure of pollution and the potential vulnerability of a population to the effects of pollution. The EJ score in MDEnviroScreen does not include data from every available map layer. For example, it does not include race/ethnicity or age, however, MDE has made that information available for informational purposes only. Collecting and displaying this data allows users to evaluate the relationships between demographics and pollution burden, and can be used to better understand issues related to environmental justice and racial equity in Maryland. MDE cautions users against using the "Underserved" map layer, or its subcategories, in any manner that would be considered discriminatory under applicable law.

Date Exported: 7/23/2025

Appendix

## Figure E. Toxics Release Inventory Sites in PG County[165]

165. U.S. Env't Prot. Agency, TRI Toxics Tracker, "Prince George's County", Dec. 22, 2025 (Displaying TRI facilities in Prince George's, MD), https://edap.epa.gov/public/extensions/TRIToxicsTracker_embedded/TRIToxicsTracker_embedded.html# (dot size represents release amount by pound).
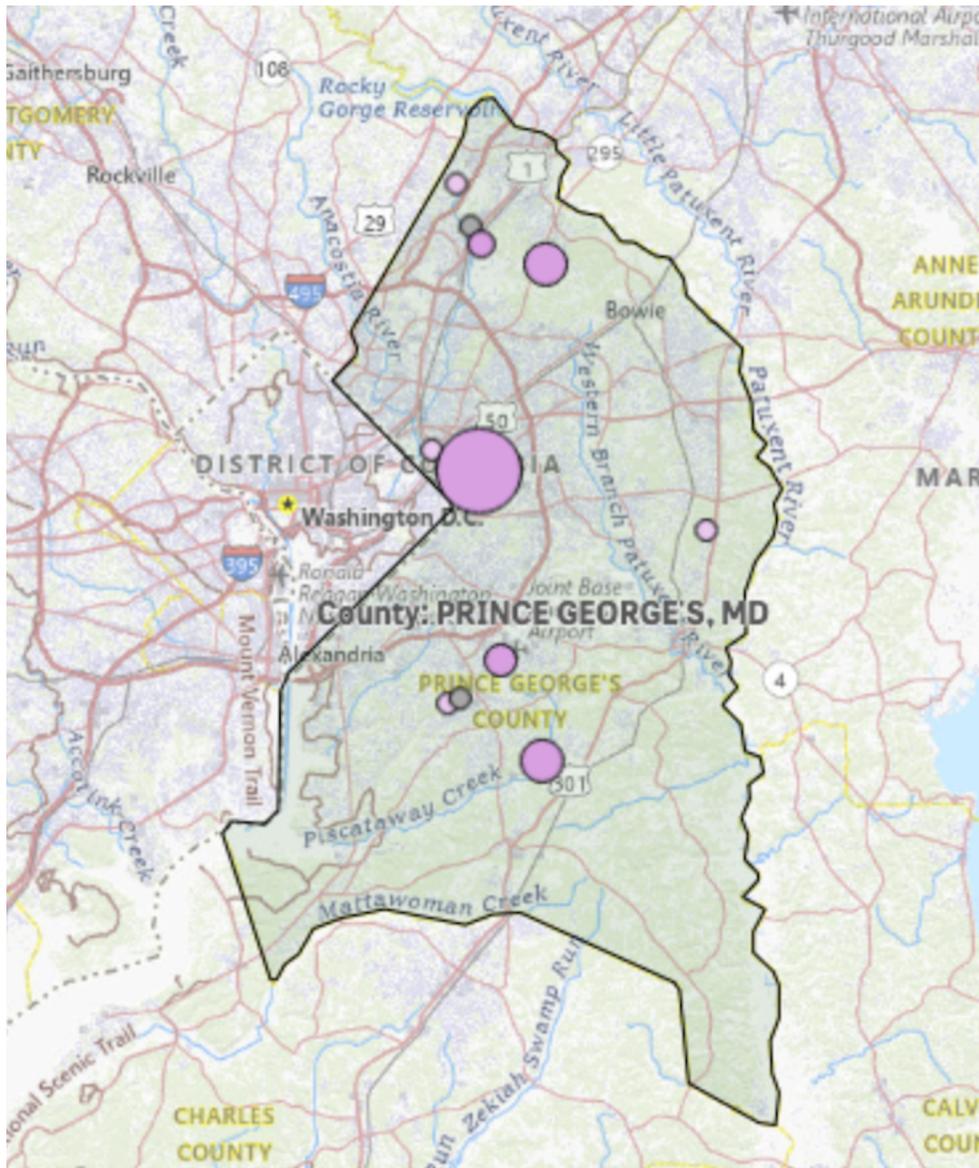
Appendix

Figure F. Proximity to Brownfields Site in Prince George's County[166]

166. See Md. Dep't of the Env't, MDEnviroScreen EJ Score Indicator Maps, https://experience.arcgis.com/experience/324aa8ed73df41cc8b6333cbb12e0ab4/page/Indicators?views=Proximity-to-Brownfields#data_s=id%3Awidget_664_output_0%3A0 (last visited Dec. 22, 2025) (Proximity to Brownfields).
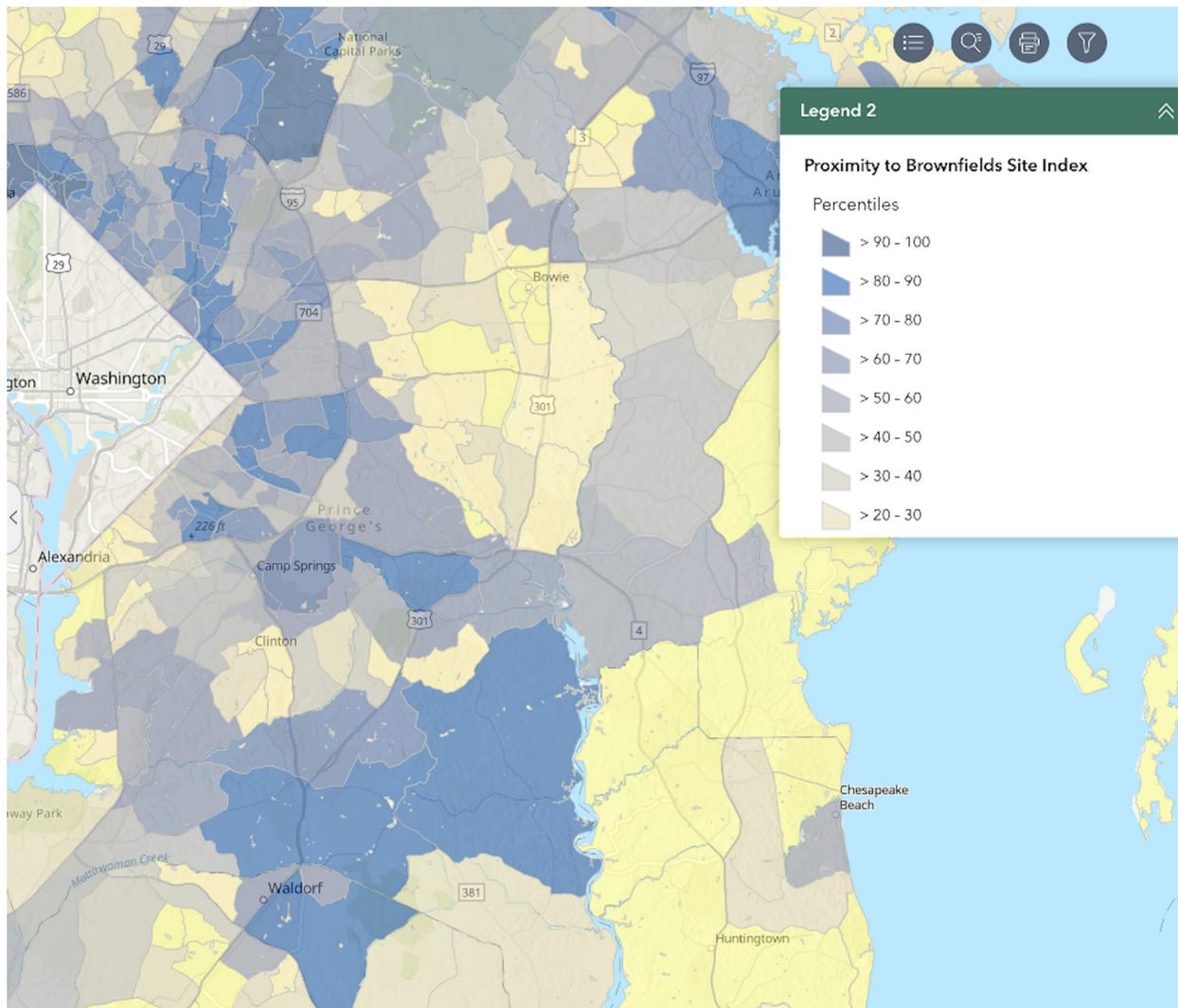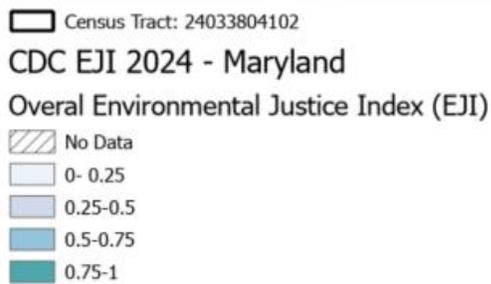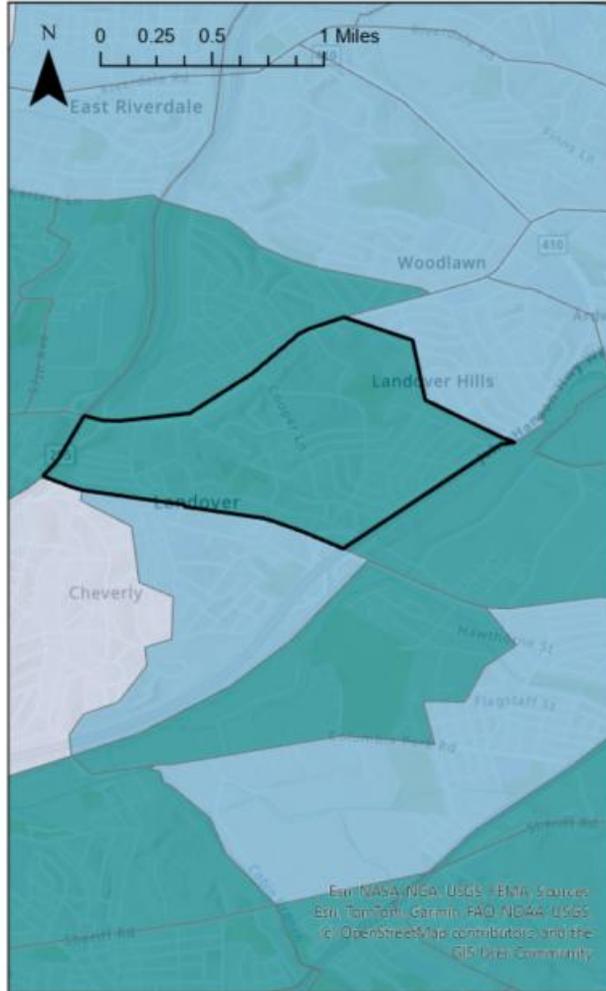
Appendix

Figure G. CDC Overall EJ Index and MDEJSCREENv3.3 Environmental Justice Score Map of Landover, MD in PG County[167,168]

167. Agency for Toxic Substances and Disease Registry (ATSDR). (2024). Environmental Justice Index (EJI): Prince George's County, Maryland (Geospatial Research, Analysis & Services Program report). Centers for Disease Control and Prevention. https://eji.cdc.gov
168. MDEJSCREENv3.3 https://experience.arcgis.com/experience/c0d79e65e9c84c5b8d0f6d03cd7db399

Landover, Maryland

CDC Overall Environmental Justice Index (EJI)

MDEJSCREENV3.3 EJ Score

Census Tract: 24033804102

CDC EJI 2024 - Maryland

Overal Environmental Justice Index (EJI)

- No Data
- 0- 0.25
- 0.25-0.5
- 0.5-0.75
- 0.75-1

Census Tract: 24033804102

MDEJSCREENV3.3

EJScore

- 0.00 - 20.00
- 21.00 - 40.00
- 41.00 - 60.00
- 61.00 - 80.00
- 81.00 - 100.00
- Others
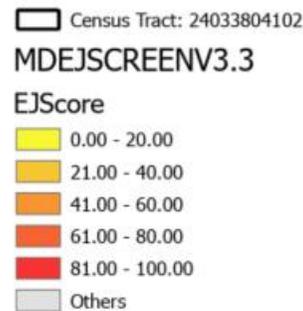
Table 1: EJ Score and EJI value

	Landover, Maryland	
Geographic Coverage	EJ Score	EJI
Census Tract 24033804102	73.54	0.86

Acknowledgements

NAACP

The NAACP Center for Environmental and Climate Justice advocates to transform or eliminate unjust systems and policies to build a cleaner and healthier environment and climate for communities of color. The Center supports community-driven work to ensure a right to a toxic free environment, energy democracy, promote ecological restoration that centers zero emissions, and build community resilience.

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Dyotha Sweat, *Maryland State Conference, 7016-B Charles County*

Willie Flowers, *Maryland State Conference, 7020-B Howard County*

Linda Plummer, *Maryland State Conference, 7022-B Montgomery County*

Center for Engagement, Environmental Justice, and Health INpowering Communities

Based in the Mid-Atlantic, CEEJH INC is a national organization in confronting environmental injustices and health inequities rooted in environmental racism, structural inequality, and neoliberal policies. They INpower underserved and overburdened communities through community science, collaborative problem-solving, and partnerships with grassroots organizations.

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Nam Pham, M.S, *Director of Outreach and Engagement*

Krys White, *Associate Executive Director*

Lois Chang, M.P.H., *GIS Specialist*

Howard University School of Law, Environmental Justice Center

The Country's oldest environmental justice center at a law school, the center conducts environmental justice research and advocacy that supports local communities confronting environmental injustices and provides policy interventions that promote environmental justice in local, national, and global arenas.

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Summer Ford, *Report Contributor, Environmental Justice Fellow*

Atia Bailey, *Environmental Justice Fellow, Report Contributor*

New York University School of Law, Environmental and Climate Justice Initiative

ECJ is dedicated to advancing environmental and climate justice in partnership with community-based groups in New York and across the United States. The ECJ Initiative uses a range of tools, including litigation, policy advocacy, research, and public education, to protect the rights of all people to clean air, clean water, and a safe place for children to play. The ECJ Initiative is affiliated with the Center on Race, Inequality, and the Law and the Guarini Center on Environmental, Energy & Land Use.

Marianne Engelman-Lado, Esq., *Research Scholar & Director*

Sophia L. Stimac, *Research Assistant*

New York University School of Law, Center on Race, Inequality, and the Law

The Center confronts and upends the array of American laws, policies, and practices that lead to racial oppression and injustice. By illuminating the history and impact of racism on law and society, are able to find solutions to the injustice it causes and take action to advance freedom and fairness, for everyone.

Nina Loshkajian, Esq., *Technology and Racial Justice Collaborative Fellow*

Djuna Schamus, *Legal Fellow*

Public Health Law Center (PHLC) at Michell Hamline School of Law

PHLC collaborates with others to reduce and eliminate commercial tobacco, promote healthy food, support physical activity, pursue climate justice, and address other causes of chronic disease. They partner with Tribal health leaders, federal agencies, national health advocacy organizations, state and local governments, planners, researchers, attorneys, community coalitions, and individuals working on public health issues to create healthier communities around the country. Founded in 2000, PHLC is a nonprofit affiliate of Mitchell Hamline School of Law in Saint Paul, MN.

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Joey Vossen, J.D., M.U.R.P., *Senior Staff Attorney*

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South County Environmental Justice Coalition (SCEJC)

A community-based organization committed to climate and environmental equity, with an emphasis on diversity and inclusion. Their mission is to educate and protect residents by advocating for equitable environmental considerations in infrastructure and other developmental projects to ensure constituents' health, safety, and overall well-being.

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No Landover Data Center Coaltion

The No Landover Data Center Movement is a coalition of organizations and residents in Prince George's County and surrounding areas working together to stop hyperscale data center expansion in our communities

Taylor Frazier McCollum, Community Advocate, No Landover Data Center Movement

Rutgers Law School

Rutgers Law School expands access to legal education, fosters academic excellence, and empowers students to practice with integrity, lead with purpose, and champion justice in New Jersey and beyond.

Rachel D. Godsil, Esq., *Distinguished Professor of Law a Chancellor's Social Justice Scholar*

Energy Equity Project

The Energy Equity Project (EEP) was originally created and launched by University of Michigan's School for Environment and Sustainability. EEP and SEAS continue to work in close partnership. To bolster a just transition to cleaner, more resilient energy systems, the EEP developed the first standardized national framework for comprehensively measuring and advancing energy equity.

Tyler LaBerge, M.S., *Strategic Projects Coordinator*

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