

February 19, 2020

Testimony on SB 460
State Government - Office of the Environmental and Natural Resources Ombudsman - Establishment
(Environmental Accountability and Transparency Act)
Education, Health, and Environmental Affairs

Position: Favorable

Common Cause Maryland supports SB 460 which would establish the Office of the Environmental and Natural Resource Ombudsman within the Office of the Attorney General where the Ombudsman would be responsible for the dispute resolution process for complaints that involve suspected environmental and natural resource violations.

In 2015, Common Cause Maryland led the Marylanders for Open Government coalition in a push to expand and strengthen our Public Information Act (PIA) – a law that allows Marylanders to gain access to massive amounts of government data and communications. This reform created a new office, the Ombudsman, to assist with conflict resolution and ease the caseload of the PIA Compliance Board. The PIA Ombudsman was appointed by the Attorney General who also provides office space and staff.

The PIA Ombudsman, while taking steps to ensure autonomy and neutrality, attempts to mediate and resolve PIA disputes between requesters and custodians. This includes disputes that deal with exemptions, redactions of information, failure of custodian to produce public records, and fees.

While this is still a fairly new office and role, the PIA Ombudsman has already amassed an incredible amount of experience in the time since the position was created. Recent reports on the PIA's overall performance and our interactions with the PIA Ombudsman indicate that this position has largely been a success, doing an admirable job of keeping up with the mediation requests of Marylanders as well as tracking best-practices and noting ways to improve the process along the way.

When establishing the role of the PIA Ombudsman, the law also included a mandate that the Attorney General study the effectiveness of the law and recommend changes to it. The recommendations provided through this study have been introduced as multiple bills being considered by the General Assembly this session with a primary focus on strengthening the PIA Ombudsman role.

Outside of the Ombudsman's work with requesters and custodians, our ability to work with the office has been the greatest value. Over the years we have worked with the PIA Ombudsman to gather data on ongoing issues that continue to crop up in mediation. We also were able to issue public comments on reports and have worked with their office and sponsors to draft legislation aimed at building on the success of the Ombudsman role and making the overall PIA process more equitable.

Establishing the PIA Ombudsman role has helped to greatly improve the overall PIA process for Marylanders. We believe establishing the Office of the Environmental and Natural Resource Ombudsman will produce the same results with the right individual in the role.

We urge a favorable report on SB 460.

