

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
House Judiciary Committee

FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523

RE: House Bill 879
Baltimore City – Civil Actions – Liability of Toxic Substance
Manufacturers

DATE: February 12, 2020
(3/10)

POSITION: Oppose

The Maryland Judiciary opposes House Bill 879. The offered legislation creates a new subtitle in the Courts and Judicial Proceedings Article and allows for an action against a manufacturer for property damage or economic damage caused by the presence of paint or other surface contain toxic substances.

The Judiciary is concerned that this bill allows for damages to include expenses by the City of Baltimore to "raise awareness" about toxic substances in housing and to "conduct outreach and screening efforts" concerning toxic substances in homes, both of which will be difficult for courts to quantify properly. In addition, it prohibits cross-claims and counterclaims, and requires claims of contribution and indemnification to be brought separately. These provisions are contrary to the Maryland Rules and impede judicial economy by potentially requiring multiple cases on the same factual matters.

cc. Hon. Nick Mosby
Judicial Council
Legislative Committee
Kelley O'Connor