



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 11, 2020

The Honorable Shane E. Pendergrass, Chair  
Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

### **Re: House Bill 42 – Public Information Act – Applications for Inspection – Responses and Time Limits**

Dear Chair Pendergrass and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 42, entitled “Public Information Act – Applications for Inspection – Responses and Time Limits” and would like to offer a letter of concern. MDE takes seriously our commitment to being open, transparent, and collaborative with the public and communities we serve. Allowing the public to request and inspect documents under the Public Information Act (PIA) is a vital element of the public’s trust in our governmental institutions. MDE is committed to safeguarding, archiving, and maintaining public records as well as individual Personally Identifiable Information (PII), in accordance with all laws and regulations. MDE works in good faith to provide timely and cost-efficient responses, while also balancing the legal and ethical obligations to protect personal and proprietary information. We are entrusted with millions of public records dispersed throughout the State and have established a robust records management program to maintain records while also ensuring transparency.

The bill significantly shortens several time limits under Maryland’s Public Information Act (PIA) for MDE to respond to applications to inspect public records. Specifically, the bill shortens the time period from 30 calendar days to 7 calendar days after receipt of an application.

MDE estimates that it receives among the most PIA requests of any state agency in Maryland, having about 4,000 – 5,000 requests annually. MDE has reported completing PIA requests on time (within the 30 calendar day mandate) on 73% of requests in 2016, 88% in 2017, 90% in 2018 and 91% in 2019. MDE strives to provide good customer service by meeting turn-around times. MDE measures a request “complete” by formally notifying the requester in writing: (1) whether MDE does or does not have records, (2) if the records require a review by the Office of the Attorney General and (3) a cost estimate based on the estimated number of staff hours required to search for and review responsive records. Communicating difficulties with processing requests, may lead the requester to: (1) never follow up to obtain the documents for a series of reasons, (2) narrow their request down to a more manageable fee, or (3) they find that after submitting their request to all 30 technical programs they only needed records from one or two programs.

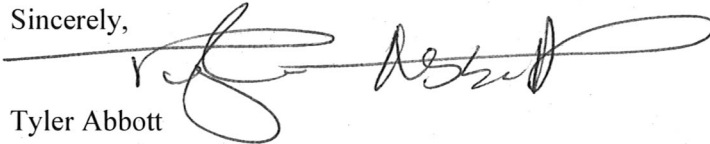
The majority of MDE’s requests are from environmental consulting firms conducting environmental screenings on behalf of their clients. Often times, the department receives requests from multiple environmental consulting firms for the same property(s) in anticipations of being awarded a contract. For example, the PIA request will be to ask the PIA personnel to research an undeveloped lot to determine if there are any environmental concerns such as reported asbestos, permitted piers or even licensed x-ray machines.

The department currently has five people who work full time on PIA requests and another about 30 staff who

work part of their shifts on the requests. MDE would have to create a new PIA program and hire about 20 new full-time staff. Even with the full-time dedicated staff, meeting the deadline would likely be extremely difficult. A database would need to be developed to better track requests and responses which would be about \$100,000. Adobe Acrobat DC would need to be installed on all the computers to enable digitizing records approximately \$5,500.

Thank you for your consideration. We will continue to monitor House Bill 42 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Michele Guyton