

Testimony - SB 958 -RENEW-Support-Phil Webster-UUL

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Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 958 - The Responding to Emergency Needs from Extreme Weather (RENEW) Act

TO: Chair Feldman and members of the Education, Energy and the Environment Committee and Chair Beidle and members of the Finance Committee
FROM: Phil Webster, PhD, Lead Advocate, Climate Change
Unitarian Universalist Legislative Ministry of Maryland.
DATE: February 20, 2024

Heavier rains, higher tides, and record heat are damaging lives and infrastructure across Maryland today. **SB 958 - The Responding to Emergency Needs from Extreme Weather (RENEW) Act** will make the necessary investments to prepare for—and recover from—worsening extreme weather events. This is why the Unitarian Universalist Legislative Ministry of Maryland (UULM-MD) strongly supports this legislation.

Right now, taxpayers across Maryland are paying the costs of climate change—which are adding up and contributing to the state’s projected budget shortfall—while large, out-of-state fossil fuel companies are reaping all the benefits. The RENEW Act will bring new revenue into the state—without making a single Marylander pay an additional cent—by charging these companies a one time penalty for their historical emissions.

We can’t afford NOT to support this bill.

The UULM-MD is a faith-based advocacy organization based on the Principles of Unitarian Universalism. Two Principles are particularly relevant: The Second Principle, *Justice, equity and compassion in human relations* and the Seventh Principle, *Respect for the interdependent web of all existence of which we are a part*.

Unitarian Universalists believe in *justice, equity and compassion in human relations*. We know that Global Climate Change impacts marginalized communities first and worst, AND investments in those communities for climate resilience and adaptation will be last. Forty percent of all the investments made by the Climate Change Adaptation and Mitigation Fund are required to go to overburdened, underserved communities, as defined by the Climate Solutions Now Act of 2022. This is in keeping with President Biden’s Justice 40 initiative to ensure 40% of all climate spending goes to disadvantaged communities. The combustion of fossil fuels is causing climate change, and the same communities who have benefited the least from—and have been harmed the most by—fossil fuels are now being hit *first and worst* by the impacts of climate change.

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Unitarian Universalists believe that we should all have *Respect for the interdependent web of all existence of which we are a part*. To protect the people and places that Marylanders hold dear, the state must make necessary infrastructure investments to adapt to these new extremes. These investments will make Maryland a cleaner, more resilient, and more affordable place to live. They will create jobs and help prevent disasters from ruining homes and workspaces. The RENEW Act will provide the funds to make these necessary investments. It would raise \$900 million a year for 10 years and provide the dollars the state needs to build new drainage systems, upgrade HVACs in public buildings, recover when disaster strikes, and much more. The funds would go to the comprehensive flood management program, the zero-emission school bus transition fund, the State Disaster Recovery Fund, the Strategic Energy Investment Fund, the Office of Minority Health and Health Disparities, shoreline protection projects, the Resilient Maryland Revolving Loan Fund, the Whole Home Program, and other programs that are already doing the work of preparing Maryland for more extreme weather.

To survive climate change, Maryland needs new revenue. The RENEW Act can provide these necessary funds without making Marylanders bear the financial burden. Maryland should waste no time in passing the RENEW Act and collecting funds from out of state energy companies and investing those funds in building a better Maryland.

Phil Webster, PhD

Lead Advocate, Climate Change UULM-MD

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SB0958_RENEW_Act_MLC_FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0958
RESPONDING TO EMERGENCY NEEDS FROM EXTREME WEATHER (RENEW) Act of
2024)**

Bill Sponsor: Senator Hester

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0958 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

One of the biggest impediments to achieving our state greenhouse gas reduction goals and getting rid of fossil fuels is the price tag. No one wants to raise taxes and there are a lot of environmental and transportation projects that are already draining the funding we currently have.

Our members salute this bill, which takes revenue from the companies that caused the very problem that we are now desperate to solve. They have made, and continue to make, billions of dollars by selling fossil fuels and *REFUSING* to lead the way in transitioning off of them - hoping that by leaving funding for the transition to taxpayers, we will lose the will to transition. These big, international companies, none of whom are based in Maryland, would be precluded by this legislation from passing the costs of this program along to Marylanders. The funding mechanism specified in this bill would raise an estimated \$900 million a year for 10 years.

Funds received from fossil fuel companies would be used to support the purchase of grid scale batteries, low-income energy efficiency, flood mitigation, retrofitting homes with electric technology, funding for minority health disparities and other programs. We could not think of a better way to fund our clean energy future than by having the dirty energy companies pay for it.

We support this bill and recommend a **FAVORABLE** report in committee.

Van Hollen Testimony on RENEW Act 2.20.24.pdf

Uploaded by: Chris Van Hollen

Position: FAV

Senator Chris Van Hollen Testimony on the Responding to Emergency Needs from Extreme Weather (RENEW) Act

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee, thank you for the opportunity to submit testimony on the Responding to Emergency Needs from Extreme Weather (RENEW) Act. I also want to thank Senator Katie Fry Hester for introducing this bill, along with cosponsors of the bill: Senators Brooks, Gile, Muse, Elfreth, Waldstreicher, Watson, Washington, Lewis Young, Kagan, Ellis, Benson, Kramer, Lam, Hettleman, and Rosapepe — and applaud them for their work on this important legislation.

The RENEW Act is a state-based approach to a proposal I have put forward at the federal level, the Polluters Pay Climate Fund Act. Both bills are based on a simple principle also used in national superfund legislation – that companies that have caused harm should bear the costs of repairing that harm, not taxpayers.

Using peer-reviewed “carbon attribution” research, it is possible to definitively attribute carbon and methane in the atmosphere to specific companies like ExxonMobil, Chevron, and Shell. The RENEW Act uses this methodology to establish a Climate Change Adaptation and Mitigation Payment Program that assesses payments due from the highest-polluting companies based on their contribution to global emissions and uses those funds to invest in clean energy and energy efficiency programs, build-out resilient infrastructure, protect our coasts, and invest in more sustainable communities – particularly those communities most impacted by pollution and climate risk.

There are no Maryland companies among the major polluters covered by the RENEW Act, and, under economic principles accepted across the ideological spectrum, the cost would not be passed on to consumers. The recovery payments are based on past, not current, activity, so they do not impact the ongoing costs of production. They are charged to those with the highest past production, leaving some companies who are not subject to recovery payments as price competitors and rivals for market share. And any attempts to collude to set a higher price would be illegal – and unlikely to attract companies who aren’t covered by the bill or have a lower pro-rata payment and a market-based incentive to undercut those who raise prices.

Importantly, the RENEW Act does not pre-empt any communities that are justly seeking damages from the fossil fuel industry. They remain entitled to their day in court.

The Center for Climate Integrity estimates that it would cost Maryland \$27.4 billion by 2040 just to build seawalls to protect our coastal communities from sea level rise. It will take more to ensure a just transition to a clean energy economy, build resilient infrastructure across the state, and respond to more severe natural disasters.

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The RENEW Act presents an opportunity to protect our communities, address environmental injustice, and transition to a clean energy future and have the biggest polluters – not Maryland taxpayers – pay the cost. I support this legislation and request that the Committee give it full consideration.

GHHI Written Testimony - SB958.pdf

Uploaded by: Cynthia Herrera

Position: FAV



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February 19, 2024

Senator Brian J. Feldman, Chair
Senate Education, Energy and Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Senator Pamela Beidle, Chair
Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: **FAVORABLE** – SB958 – Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024

Dear Chairmen Feldman and Beidle and Members of the Committee:

On behalf of the Green & Healthy Homes Initiative (GHHI), I submit our testimony in support of the RENEW Act of 2024 (SB958). GHHI is a 501(c)(3) national nonprofit headquartered in Baltimore, MD. Our mission is to address the social determinants of health, opportunity and racial and health equity through the creation of healthy, safe and climate resilient homes. SB958 will generate resources to mitigate climate change and its impact at scale in Maryland and provide immediate benefits to disadvantaged communities served through this initiative.

GHHI is the nation's lead authority on the benefits of a whole-house approach that aligns, braids and coordinates energy efficiency, health and safety to create an integrated home repair and retrofit delivery model to improve health, economic and social outcomes in line with the state's climate goals. The GHHI model has been supported by the US Department of Energy and the US Department of Housing and Urban Development as well as numerous states, cities and counties throughout the US. By delivering a standard of excellence, GHHI's work aims to eradicate the negative impact of historic disinvestment, the legacy of ill-conceived and unjust housing by creating holistically healthy housing for children, seniors and families in Maryland's low wealth communities. As GHHI's President and CEO, I serve on the Maryland Clean Energy Center Board, NESCAUM's Advisory Board and the EPA Children's Health Protection Advisory Committee among others. I oversee a number of related GHHI DOE, HUD and EPA funded programs and our organization's work has been recognized through national best practice awards from the EPA and HUD. In 2023, GHHI was awarded the Buildings Upgrade Prize award from the U.S. Department of Energy in recognition of its proposed initiative to complete electrification of low-income households in East Baltimore through a community-driven, whole home initiative with health and safety, workforce and efficiency benefits.

The Need for Increased Program Funding To Mitigate Further Climate Change and Address the Impacts of Extreme Weather in Maryland

To achieve the goals of the Climate Solutions Now Act and the Maryland Climate Pollution Reduction Plan, the state must generate new revenue sources to more aggressively increase the pace and the scale of programs that reduce carbon emissions. Fossil fuel businesses need to contribute their fair share for the consequences that fossil fuel consumption has on climate change and not place the responsibility for rebuilding our infrastructure solely on the state and our taxpayers. GHHI supports the legislation’s creation of the Climate Change Adaption and Mitigation Fund to fund increased electrification and decarbonization programs at scale while improving the resiliency of Maryland’s housing stock and its local communities to endure more frequent, extreme weather conditions. SB958’s generation of billions of dollars in additional funding for climate change mitigation, housing resiliency initiatives, reductions in energy demand and infrastructure improvements is the type of bold action needed in Maryland.

Concentrating Resources on Under-resourced Communities and Those Disproportionately Affected by Climate Impacts

To ensure that vulnerable families and communities in Maryland have the tools and resources to improve their home’s resiliency, prevent negative health outcomes and undertake energy efficiency, electrification and decarbonization measures, the Climate Change Adaption and Mitigation Fund must support the significant expansion of critical programs such as: MEA Energy Efficiency Equity and Solar Energy Equity Grant Programs, the Maryland DHCD Whole Home Program, MDDHCD weatherization and energy efficiency programs, and MDH Regional Partnership Catalytic (Asthma) Grant Programs among others. A whole house approach and increased resources for these programs are needed to address underlying hazards and structural defects and prevent deferrals of otherwise eligible low income families from receiving housing intervention services. Substantial increased funding is needed to meet the demand in overburdened communities for clean energy options for those who face high energy burdens, health disparities and a lack of access to new energy technologies. Roofing repair and replacement, proper gutters, downspouts and drainage, adequate ventilation, and functioning heating and cooling systems are necessary to make homes more resilient to the frequency of extreme weather and heat that Maryland is encountering. By setting a minimum allocation of 40% of the Fund’s resources being dedicated to low income communities that are often most impacted by climate change, SB958 ensures that the state will pursue an equitable strategy.

Impact of Climate Change and Extreme Weather - Unhealthy and Energy Inefficient Housing

Determinants of health related to air quality and indoor and outdoor environments are known to be significant contributing causes of asthma morbidity and exacerbations and disproportionately burden populations, especially children and minorities. Extreme heat and cold and poor outdoor and indoor air quality contribute to asthma episodes for Maryland residents. Extreme weather can cause flooding and water infiltration in homes that are poorly weatherized that leads to unhealthy housing conditions such as mold, pests and other allergens. Extreme heat also creates higher energy burdens on low income housing that have significant energy loss from the lack of

weatherization and higher energy consumption from energy inefficient appliances that are forced to operate constantly to combat the higher temperatures.

Minority populations in Maryland are disproportionately impacted by unhealthy air and hazardous conditions that exist in their homes and communities that are most vulnerable to the impacts of climate change. The burden of asthma greatly contributes to inequities in health outcomes and health disparities especially for children in Maryland. Over 500,000 adults and children in Maryland have diagnosed asthma. Research has shown that race, ethnicity and income are common risk factors in asthma diagnoses and asthma episodes. African American asthmatics in Maryland visit the emergency room 5 times more often than White asthmatics and are hospitalized 2.7 times more often than White asthmatics. Many asthma episodes are preventable, yet high rates of asthma related emergency department visits and hospitalizations result in substantial medical costs for the state – including \$42.1 million annually for asthma related hospitalizations and \$93.3 million for asthma related ED visits. Recent analysis has also shown the significant contributions of fossil-fuel burning appliances on NOx emissions, which contribute to ozone and asthma hazards at a greater level than power plants in the state. Compared to white residents, people of color are exposed to 60% more pollution from residential gas appliances in Maryland.

Many homeowners in low income communities lack the financial resources to decarbonize and replace their gas burning appliances with safer and more energy efficient electric heat pumps, hot water heaters, stoves or dryers. Maryland needs to advance holistic, comprehensive solutions to improving air and water quality, increasing electrification and creating healthy, energy efficient and stable housing that improves health outcomes while reducing the effects of climate change. As Maryland works to reduce greenhouse gas emissions by 60% from the 2006 baseline over the next eight years under Maryland's Climate Pollution Reduction Plan, this Bill ensures that historically overburdened communities disproportionately impacted by climate change are at the forefront in receiving the maximum benefits available in this clean energy transition.

Benefits of providing resources in historical overburdened communities for clean energy, energy efficiency and sustainable housing

Maryland's state weatherization programs, and their energy efficiency and decarbonization interventions, provide direct energy benefits related to reductions in energy usage and utility bill costs. The programs also produce non-energy benefits as well such as greater financial and housing stability. Non-energy benefits are "the wider socio-economic outcomes that arise from energy efficiency improvement, aside from energy savings." Studies have shown that energy efficiency and weatherization can improve housing conditions relating to thermal comfort, indoor air quality, pest management, and fire safety among other benefits for low income households. Furthermore, household energy efficiency upgrades can help mitigate climate change, spur community benefits such as economic growth, neighborhood revitalization, and resilience. These investments can also support and stimulate the local economy in overburdened

communities by generating local green jobs that provide families and individuals with greater disposable income and purchasing power and help alleviate poverty (Bell 2014; IEA 2014).

Efforts to slow the pace of climate change and improve housing resiliency benefit the health, safety, and economy of the entire population. A healthy and energy efficient home yields a multitude of energy and non-energy benefits for Maryland residents, particularly low-income residents who can benefit the most from energy efficiency improvements in terms of economic mobility, housing stability and wealth attainment over the long-term.

By increasing the amount of state resources for climate mitigation and concentrating program services on historically underserved communities, this legislation will improve outcomes for climate, energy and health equity and housing stability. SB958 will improve housing conditions, advance energy efficiency and reduce climate impacts on Maryland's most vulnerable households - meeting the critical needs of Maryland families and seniors. I urge the Committee to support the passage of SB958.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ruth Ann Norton', with a long, sweeping horizontal stroke extending to the right.

Ruth Ann Norton
President and CEO

SB0958 RENEW Act Testimony Favorable .pdf

Uploaded by: Dave Arndt

Position: FAV

Committee: Energy, Education, and Environment Committee

Testimony on: SB0958 - The Responding to Emergency Needs from Extreme Weather (RENEW) Act

Submitting: Dave Arndt

Position: Favorable

Hearing Date: February 20, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0958. My name is Dave Arndt, a resident of Baltimore MD, a Climate, Environmental and Social Justice advocate, a chemical engineer, a former Product and Marketing Director for BP Solar in Frederick MD, a retiree of The National Institutes of Health. I urge you to vote favorably on SB0958

The climate crisis is making extreme weather events more common and more costly. From 2010 to 2020, Maryland experienced 31 extreme weather events, costing the state up to \$10 billion in damages.¹ The last time CO2 levels were this high, the sea level was 60 feet higher. It is a good thing that sea level rise lags CO2 levels, otherwise the whole eastern shore of Maryland would be gone. Recurring floods in Annapolis, salt water intrusion on farmland on the Eastern Shore, and punishing heat waves in Baltimore are some examples of how the climate crisis is damaging lives and infrastructure. Maryland State and county governments have no choice but to make expensive investments to adapt to more frequent extreme weather events.

The RENEW Act will take the burden of these investments off the backs of Maryland taxpayers and put it squarely on the shoulders of the largest international fossil fuels companies who knew and lied about the climate crisis for nearly half a century.² It will bring new revenue into the state without making a single Marylander pay an additional cent, by charging large, out-of-state fossil fuel companies a one-time penalty for their historical emissions. It will require any company that has emitted more than a billion tons of greenhouse gas emissions between 2000 and 2018 and sells its products in Maryland to collectively pay a one-time fee of \$9 billion. This would apply to roughly 40 companies. In 2022, those companies collectively made over \$500 billion in profits. A recent poll conducted by Gonzales Research & Media Services shows most Marylanders believe that the energy companies responsible for the climate crisis should pay for infrastructure upgrades and adaptation, not the taxpayer.³

The RENEW Act will raise \$900 million a year for 10 years and provide the dollars the state needs to build new stormwater management systems, upgrade HVACs in public buildings, recover when disaster strikes, and much more. The funds would go to the comprehensive flood

¹<https://www.whitehouse.gov/wp-content/uploads/2021/04/AJP-State-Fact-Sheet-MD.pdf>

² <https://news.harvard.edu/gazette/story/2023/01/harvard-led-analysis-finds-exxonmobil-internal-research-accurately-predicted-climate-change/>

³ <https://www.marylandmatters.org/2024/02/02/poll-shows-wide-support-in-md-for-making-polluters-pay-for-climate-change/>

management program, the zero-emission school bus transition fund, the State Disaster Recovery Fund, the Strategic Energy Investment Fund, the Office of Minority Health and Health Disparities, shoreline protection projects, the Resilient Maryland Revolving Loan Fund, the Whole Home Program, and other programs that are already doing the work of preparing Maryland for more extreme weather. In addition, 40% of all the investments made by the Climate Change Adaptation and Mitigation Fund are required to go to overburdened, underserved communities, as defined by the Climate Solutions Now Act of 2022. These investments will make Maryland a cleaner, more resilient, and more affordable place to live. They will create jobs and help prevent disasters from ruining homes and workspaces.

To survive climate change, Maryland needs new revenue. The RENEW Act can provide these necessary funds without making Marylanders bear the financial burden.

Therefore, I recommend a FAVORABLE report for SB0958 in committee.

Gonzales Poll - CCAN - Infrastructure Investments.

Uploaded by: Jamie DeMarco

Position: FAV

January 2024

Gonzales Poll –Infrastructure Investments



Gonzales CCAN Poll

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Background and Methodology

Patrick E. Gonzales graduated magna cum laude from the University of Baltimore with a degree in political science.

His career in the field of public opinion research began in the mid-1980s as an analyst with *Mason-Dixon Opinion Research*. During this time, Mr. Gonzales helped develop, craft and implement election surveys and exit polls for television and radio in the Baltimore-Washington D.C. metro area.

Mr. Gonzales has polled and analyzed well over a thousand elections in Maryland and across the country since that time. Furthermore, he and his associates have conducted numerous market research projects, crafting message development plans and generating strategy blueprints for businesses and organizations throughout the state.

Over his 35 years conducting public opinion polls, Patrick Gonzales has been widely recognized by his peers for his ability to conduct unbiased surveys, and analyze the results in an impartial, evenhanded manner.

Mr. Gonzales appears frequently on radio and television in the Baltimore-D.C. region as a guest commentator.

These polls were conducted by ***Gonzales Research & Media Services*** from December 12th through December 20th, 2023. A total of 307 registered voters in Maryland who vote regularly, and a total of 312 registered voters in Legislative District 29 who vote regularly, were queried by live telephone interviews, utilizing both landline and cell phone numbers.

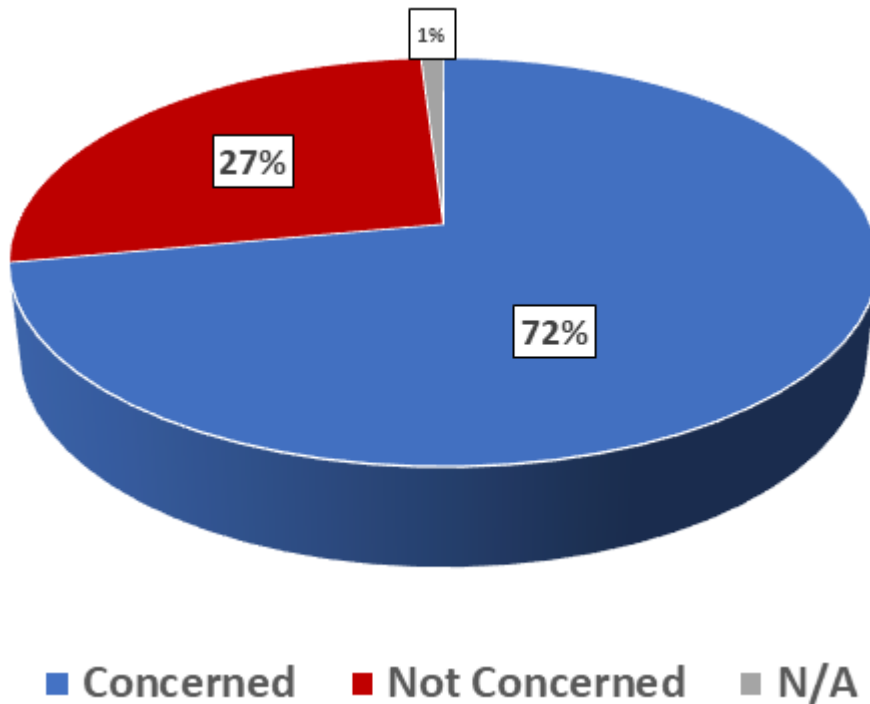
The margin of error (MOE) for both polls, per accepted statistical standards, is a range of plus or minus 5.7 percentage points. If the entire population was surveyed, there is a 95% probability that the true numbers would fall within this range.

Appendix A: Results and Charts

QUESTION: Climate Change – Level of Concern *Scientists say climate change is getting worse due to fossil fuel use. Flooding, storms, and wildfires are more severe, and in Maryland heatwaves and extreme rain events are more damaging.*

How concerned are you personally about climate change: very concerned, somewhat concerned, not too concerned, or not at all concerned?

CLIMATE CHANGE - INTENSITY	Number	Percent
Very concerned	149	48.5 %
Somewhat concerned	71	23.1 %
Not Too concerned	20	6.5 %
Not At All concerned	63	20.5 %
No answer	4	1.3 %
Total	307	100.0 %



By Party

N=307

CLIMATE CHANGE - INTENSITY

	Very concerned	Somewhat concerned	Not Too concerned	Not At All concerned	No answer
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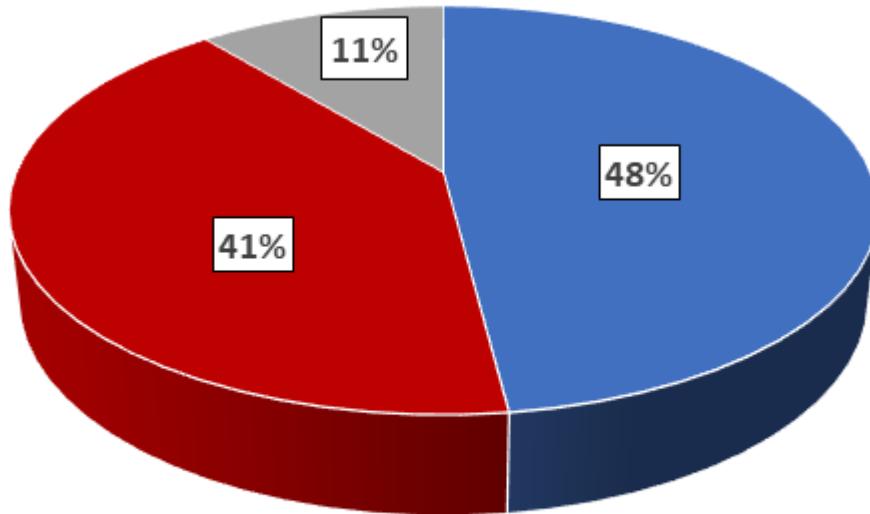
PARTY REGISTRATION

Democrat	121 70.8%	31 18.1%	8 4.7%	10 5.8%	1 0.6%
Republican	12 14.8%	20 24.7%	9 11.1%	38 46.9%	2 2.5%
Independent/ Other	16 29.1%	20 36.4%	3 5.5%	15 27.3%	1 1.8%

QUESTION: Climate Change – Financially Impacted *A recent study from the federal government shows that climate change is costing the United States 150 billion dollars a year.*

Would you agree or disagree that you have been financially impacted in the last three years by climate change in Maryland?

<u>FINANCIALLY IMPACTED</u>	<u>Number</u>	<u>Percent</u>
Agree	148	48.2 %
Disagree	126	41.0 %
No answer	33	10.7 %
Total	307	100.0 %



■ Agree ■ Disagree ■ N/A

By Party

N=307

FINANCIALLY IMPACTED

	Agree	Disagree	No answer
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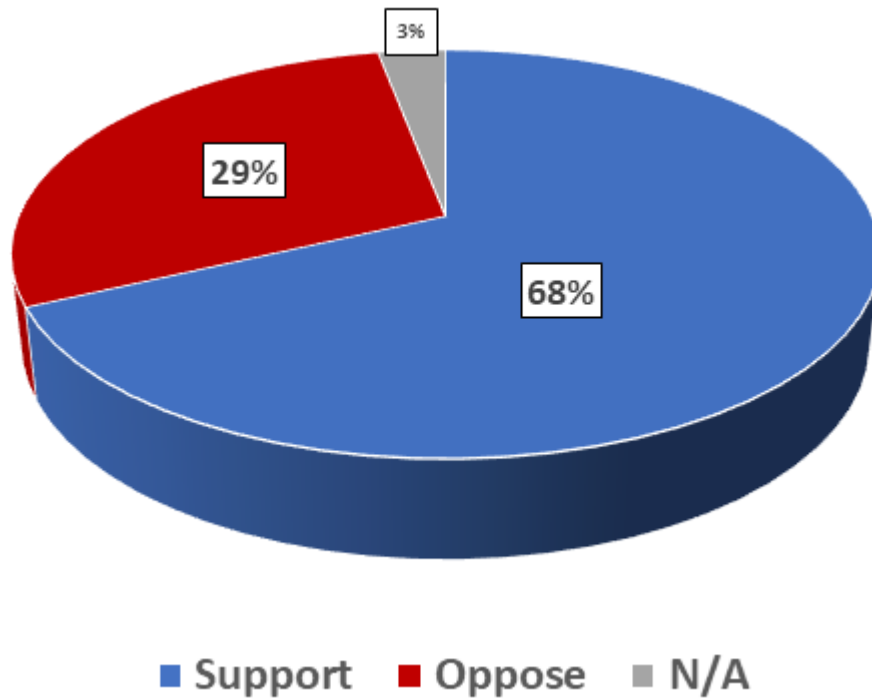
PARTY REGISTRATION

Democrat	111 64.9%	42 24.6%	18 10.5%
Republican	16 19.8%	60 74.1%	5 6.2%
Independent/ Other	21 38.2%	24 43.6%	10 18.2%

QUESTION: Overall Infrastructure Bill Proposal *Some state lawmakers in Maryland have proposed a bill to make Maryland’s roads, bridges, electrical grid, and other infrastructure more able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs.*

Would you support or oppose this bill?

<u>WITHSTAND IMPACT OF CLIMATE CHANGE</u>	<u>Number</u>	<u>Percent</u>
Support	210	68.4 %
Oppose	88	28.7 %
No answer	9	2.9 %
Total	307	100.0 %



By Party

N=307

WITHSTAND IMPACT OF CLIMATE CHANGE

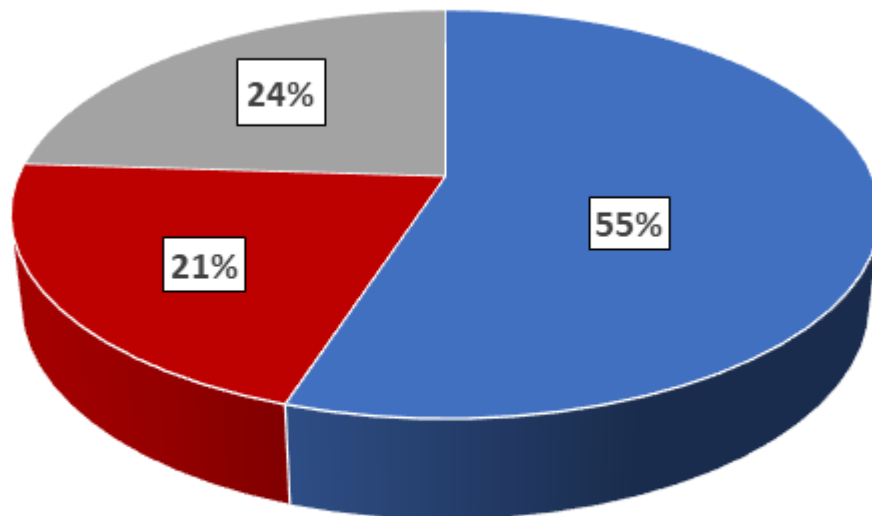
	Support	Oppose	No answer
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PARTY REGISTRATION

Democrat	141 82.5%	24 14.0%	6 3.5%
Republican	35 43.2%	45 55.6%	1 1.2%
Independent/ Other	34 61.8%	19 34.5%	2 3.6%

QUESTION: Infrastructure Bill – Impact on Opinion of Lawmaker *If a lawmaker were to support a bill to make Maryland’s infrastructure better able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs, would this enhance your opinion of that lawmaker, diminish your opinion of that lawmaker, or would it have no impact on your opinion?*

<u>LAWMAKER BILL: INFRASTRUCTURE</u>	<u>Number</u>	<u>Percent</u>
Enhance opinion	169	55.0 %
Diminish opinion	65	21.2 %
No impact	73	23.8 %
Total	307	100.0 %



■ Enhance ■ Diminish ■ No Impact

By Party

N=307

LAWMAKER BILL: INFRASTRUCTURE

	Enhance opinion	Diminish opinion	No impact
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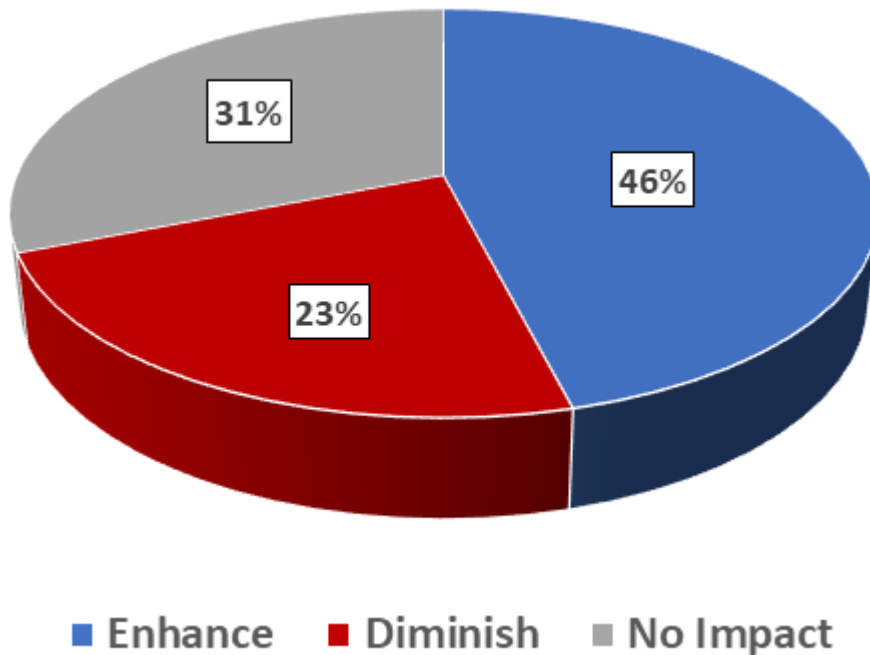
PARTY REGISTRATION

Democrat	125 73.1%	12 7.0%	34 19.9%
Republican	17 21.0%	37 45.7%	27 33.3%
Independent/ Other	27 49.1%	16 29.1%	12 21.8%

Legislative District 29: Infrastructure Bill – Impact on Opinion *If a lawmaker were to support a bill to make Maryland’s infrastructure better able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs, would this enhance your opinion of that lawmaker, diminish your opinion of that lawmaker, or would it have no impact on your opinion?*

<u>LAWMAKER BILL: INFRASTRUCTURE</u>	<u>Number</u>	<u>Percent</u>
Enhance opinion	143	45.8 %
Diminish opinion	73	23.4 %
No impact	96	30.8 %
Total	312	100.0 %

Legislative District 29



By Party

N=312

LAWMAKER BILL: INFRASTRUCTURE

	Enhance opinion	Diminish opinion	No impact
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PARTY REGISTRATION

Democrat	90 79.6%	5 4.4%	18 15.9%
Republican	24 17.5%	57 41.6%	56 40.9%
Independent/ Other	29 46.8%	11 17.7%	22 35.5%

Appendix B: Maryland Poll Sample Demographics

<u>RESULTS</u>	<u>Number</u>	<u>Percent</u>
Statewide	307	100.0 %
Total	307	100.0 %

<u>PARTY REGISTRATION</u>	<u>Number</u>	<u>Percent</u>
Democrat	171	55.7 %
Republican	81	26.4 %
Independent/Other	55	17.9 %
Total	307	100.0 %

<u>RACE/ETHNICITY</u>	<u>Number</u>	<u>Percent</u>
White	173	56.4 %
African American	94	30.6 %
Other/No answer	40	13.0 %
Total	307	100.0 %

<u>GENDER</u>	<u>Number</u>	<u>Percent</u>
Female	160	52.1 %
Male	147	47.9 %
Total	307	100.0 %

<u>AGE</u>	<u>Number</u>	<u>Percent</u>
18 to 34	56	18.2 %
35 to 49	71	23.1 %
50 to 64	87	28.3 %
65 and older	93	30.3 %
Total	307	100.0 %

<u>REGION</u>	<u>Number</u>	<u>Percent</u>
Baltimore Metro	132	43.0 %
Washington Metro	105	34.2 %
Rural Maryland	70	22.8 %
Total	307	100.0 %

Regional Groupings

Metro Baltimore – includes Anne Arundel, Baltimore, Harford, Howard counties, and Baltimore City.

Metro Washington – includes Charles, Montgomery, and Prince George’s counties.

Rural Maryland – includes Allegany, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Kent, Queen Anne’s, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester counties.

Appendix C: District 29 Poll Sample Demographics

<u>RESULTS</u>	<u>Number</u>	<u>Percent</u>
Districtwide	312	100.0 %
Total	312	100.0 %

<u>PARTY REGISTRATION</u>	<u>Number</u>	<u>Percent</u>
Democrat	113	36.2 %
Republican	137	43.9 %
Independent/Other	62	19.9 %
Total	312	100.0 %

<u>RACE/ETHNICITY</u>	<u>Number</u>	<u>Percent</u>
White	232	74.4 %
African American	48	15.4 %
Other/No answer	32	10.3 %
Total	312	100.0 %

<u>GENDER</u>	<u>Number</u>	<u>Percent</u>
Female	159	51.0 %
Male	153	49.0 %
Total	312	100.0 %

<u>AGE</u>	<u>Number</u>	<u>Percent</u>
18 to 34	55	17.6 %
35 to 49	70	22.4 %
50 to 64	95	30.4 %
65 and older	92	29.5 %
Total	312	100.0 %

<u>REGION</u>	<u>Number</u>	<u>Percent</u>
Sub-District 29A	113	36.2 %
Sub-District 29B	87	27.9 %
Sub-District 29C	112	35.9 %
Total	312	100.0 %

RENEW Act sign on testimony .pdf

Uploaded by: Jamie DeMarco

Position: FAV

Testimony in Support The Responding to Emergency Needs from Extreme Weather (RENEW) Act
SB0958
Senate Energy, Education, and Environment Committee
2/20/2024



On behalf of the organizations listed above, we urge a favorable report on SB0958.

Heavier rains, higher tides, and record heat are damaging lives and infrastructure across Maryland today. The Responding to Emergency Needs from Extreme Weather (RENEW) Act will make the necessary investments to prepare for and recover from worsening extreme weather events. Right now, taxpayers across Maryland are paying for the cost of climate change, which are adding up and contributing to the state's projected budget shortfall. The RENEW Act will bring new revenue into the state without making a single Marylander pay an additional cent, by charging large, out of state fossil fuel companies a one time penalty for their historical emissions.

40 years ago, 9 inches of rain was a once in a hundred year rain event. Today, 9 inches of rain is a once in 10 year rain event, and few of the storm water management systems across the state are equipped to handle this increased precipitation. Upgrading these systems to handle heavier rain events is coming at a staggering cost. Howard County is spending \$228 million to bore an 18 foot diameter drainage tunnel through granite bedrock to reduce flooding in downtown Ellicott City. This is the biggest capital expenditure project in the history of the county, and was prompted by two once-in-a-thousand-year rain events that pummeled the city within the span of two years. The small businesses in Ellicott City had only just rebuilt after the first storm when the second hit. Not every storefront was able to bounce back a second time. The same story is playing out all across the state as water management systems are regularly overwhelmed by record-breaking rainfall.

Even as Maryland experiences record rainfall from the skies, the state is also experiencing record high tides, even on sunny days. The Annapolis dock now floods 50-60 days a year. In the 1970s it would flood, at most, four days a year.¹ As a result, Annapolis is spending over \$50 million to make improvements to the dock. All along Maryland's 3,000 miles of tidal shoreline, farmers are losing land to sea level rise. Betty Schulz has lived in Crisfield for 35 years. She used to lease part of her property to be farmed, but rising water levels have caused so much salt to enter the field that now nothing will grow there. Her story is far from unique, as rising seas are causing farmers to lose valuable arable land, without any compensation.

The hotter temperatures caused by climate change also come with costs. Since 1970, the number of days that are 90 degrees or higher have roughly doubled in Maryland.² As a result, public buildings that never previously needed air conditioning are finding themselves unable to operate for parts of the year. In June and September of 2023 public schools in Maryland closed for heat days because the AC systems in the schools could not handle the heat waves the state was experiencing. Ensuring every public school in Maryland has an adequate AC system will cost Maryland over \$700 million.³ Installing air conditioning in public prisons, where temperatures can reach a dangerous 110 degrees⁴, will cost even more.

1

https://www.bayjournal.com/news/climate_change/can-makeover-save-annapolis-city-dock-from-sea-level-rise/article_5b14ee3c-d827-11eb-ac82-4772366f7e6a.html

² <https://www.nytimes.com/interactive/2018/08/30/climate/how-much-hotter-is-your-hometown.html>

³ <https://coolingcrisis.org/states/maryland>

⁴ <https://www.baltimoresun.com/2005/07/27/many-state-inmates-improvise-to-stay-cool/>

To protect the people and places that Marylanders hold dear, the state must make necessary infrastructure investments to adapt to these new extremes. These investments will make Maryland a cleaner, more resilient, and more affordable place to live. They will create jobs and help prevent disasters from ruining homes and workspaces. The RENEW Act will provide the funds to make these necessary investments. It would raise \$900 million a year for 10 years and provide the dollars the state needs to build new drainage systems, upgrade HVACs in public buildings, recover when disaster strikes, and much more. The funds would go to the comprehensive flood management program, the zero-emission school bus transition fund, the State Disaster Recovery Fund, the Strategic Energy Investment Fund, the Office of Minority Health and Health Disparities, shoreline protection projects, the Resilient Maryland Revolving Loan Fund, the Whole Home Program, and other programs that are already doing the work of preparing Maryland for more extreme weather.

40% of all the investments made by the Climate Change Adaptation and Mitigation Fund are required to go to overburdened, underserved communities, as defined by the Climate Solutions Now Act of 2022. This is in keeping with President Biden's Justice 40 initiative to ensure 40% of all climate spending goes to disadvantaged communities. The combustion of fossil fuels is causing climate change, and the same communities who have benefited the least from, and have been harmed the most by, fossil fuels are now being hit first and worst by the impacts of climate change. The same companies that caused the climate crisis have sited fossil fuel infrastructure and other polluting facilities disproportionately in communities of color. As a result, today people of color are exposed to higher levels of air pollution than white communities.⁵ Despite bearing a disproportionate burden, those same communities are too often passed over when it comes to distributing state investments. The RENEW Act's commitment to investing 40% of revenues into overburdened underserved communities is a step toward undoing those historical and ongoing harms.

All of these investments would be made without making any Marylanders pay for the costs. The bill says that any company that has emitted more than 1 billion tons of Carbon Dioxide equivalent between 2000 and 2020 must pay into a new Climate Change Adaptation and Mitigation Fund. There are about 40 companies that will be affected by this policy. None of them are based in Maryland, and all of them do business in Maryland.

[Senator Van Hollen first introduced this in Congress](#), and it was almost included in the Build Back Better Act. When it didn't pass nationally, states picked it up. Last year, similar legislation was introduced in Vermont, Massachusetts, and New York. It even passed the Senate in New York.

Here is a list of the companies that will be affected: Saudi Aramco, ExxonMobil, Royal Dutch Shell, Petroleos Mexicanos (Pemex), BP, Peabody Energy, Chevron, Petroleos de Venezuela (PDVSA), TotalEnergies, ConocoPhillips, Petronas, Glencore, Equinor, Contura Energy / ANR, ENI, Arch Coal, Rio Tinto, Anglo American, Occidental, Sinopec, Repsol, Libya National Oil Corp., Oil & Gas Corp., CNOOC (China National Offshore Oil Co.), RWE, CONSOL

⁵ <https://www.nytimes.com/2021/04/28/climate/air-pollution-minorities.html>

Energy, Sasol, Suncor, Devon Energy, EnCana/Onvativ, Ecopetrol, Apache, Murray Coal, Cloud Peak Energy, Alliance, Chesapeake Energy, Marathon, EOG Resources, Westmoreland, Hess, HeidelbergCement, Teck Resources.

Collectively, these companies will be required to pay Maryland \$900 million a year for ten years. The percentage of that total that each company pays is proportional to the emissions from that company over the covered time period. This penalty will cost these companies roughly one fifth of one percent of their annual profits.

Market pressures and competition will ensure that these companies will not be able to pass this cost along to consumers. There are other oil and gas companies who are not subject to this one time penalty who will still be competing in the marketplace. Companies who will not be subject to this penalty include Wintershall, Inpex, YPF, Husky, Bahrain Petroleum Corp., OMV Group, Syrian Petroleum, PTTEP, Noble Energy, Woodside, Vistra, Polish Oil & Gas Co., and Southwestern.

If the companies who pay this penalty try to include this cost in the cost of their product, then they will make themselves uncompetitive with the many companies who are not paying this one time penalty. There are over 1,000 companies who are licensed to transport oil into the state of Maryland, and they will buy from whichever producer offers the lowest cost option. Through this market competition, the companies paying the penalty will not be able to pass the cost on to Maryland consumers.

To survive climate change, Maryland needs new revenue. The RENEW Act can provide these necessary funds without making Marylanders bear the financial burden. Maryland should waste no time in passing the RENEW Act and collecting funds from out of state energy companies and investing those funds in building a better Maryland.

Attorney General's Office views on RENEW Fraser-Hi

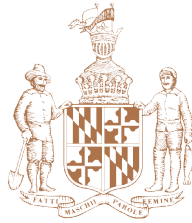
Uploaded by: Jennifer Mizrahi

Position: FAV

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THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

August 9, 2023

The Honorable David Fraser-Hidalgo
Maryland General Assembly
350 Taylor House Office Bldg.
Annapolis, MD 21401
Via email

Re: House Bill 915 (2023), "Climate Change Adaptation and Mitigation Payment Program and Climate Impact Health Coverage Program – Establishment"

Dear Delegate Fraser-Hidalgo:

You asked for advice about House Bill 915, which you introduced during the 2023 session; the bill was not enacted. You asked, "whether the state of Maryland would be able to force these multinational companies to pay what this bill requires of them."

The Attorney General has previously explained:

The Full Faith and Credit Clause of the United States Constitution states:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

United States Constitution, Article IV, §1; *see also* 28 U.S.C. §1738 (full faith and credit for legislative acts and judicial proceedings). The Full Faith and Credit Clause clearly requires one state to respect a judgment rendered by a court of another state. *Nevada v. Hall*, 440 U.S. 410, 421 (1979). However, the constitutional provision does not require a state to

recognize or apply another state's laws if doing so would run contrary to its own "legitimate public policy." *Id.* at 422.

95 *Opinions of the Attorney General* 3, 13 (2010).

Thus, if Maryland secured a judgment against a company for the compensatory payment owed under HB 915, there are mechanisms available to enforce the judgment in another state.

[T]he clear purpose of the full faith and credit clause [is] to establish throughout the federal system the salutary principle of the common law that a *litigation* once pursued to judgment shall be as conclusive of the rights of the parties in every other court as in that where the judgment was rendered.

Magnolia Petroleum Co. v. Hunt, 320 U.S. 430, 439-40 (1943) (emphasis added).

At the same time, the full faith and credit principle has limitations.

Chief among those limitations [of the full faith and credit doctrine] is the caveat, consistently recognized by this Court, that "a judgment of a court in one State is conclusive upon the merits in a court in another State only if the court in the first State had power to pass on the merits—had jurisdiction, that is, to render the judgment."... [B]efore a court is bound by the judgment rendered in another State, it may inquire into the jurisdictional basis of the foreign court's decree. If that court did not have jurisdiction over the subject matter or the relevant parties, full faith and credit need not be given.

Underwriters National Assurance Co. v. North Carolina Life and Accident and Health Insurance Guaranty Ass'n, 455 U.S. 691, 704-05 (1982) (citation omitted).

The court in the state in which Maryland would try to enforce the judgment would likely apply a similar analysis used by Maryland courts to determine whether a sister state court properly exercised jurisdiction. First, the court would determine whether the sister state asserted personal jurisdiction consistent with the full limits allowed by constitutional due process. Second, the court must determine whether the exercise of jurisdiction violates the Due Process Clause of the Fourteenth Amendment. *See Superior Court v. Ricketts*, 153 Md. App. 281, 332 (2003). Most states have adopted the Uniform Enforcement of Foreign Judgments Act, which provides an expedited procedure for enforcement of a judgment in a sister state. Maryland adopted the Act in Courts & Judicial Proceedings Article, §§ 11-801 – 807.

The Honorable David Fraser-Hidalgo

August 9, 2023

Page 3

If Maryland sought to bring an action against an out-of-state company directly in another state's court, that court would use a choice of law analysis. *See Franchise Tax Bd. of California v. Hyatt*, 538 U.S. 488 (2003) (upholding the decision of the Nevada Supreme Court, in a case brought against a California agency, to apply Nevada law as consistent with the Full Faith and Credit Clause because (1) the Clause does not require one state to apply another state's law that violates its own legitimate public policy and (2) Nevada's choice of law did not exhibit hostility to the public Acts' of a sister State, rather Nevada had evinced a healthy regard for California's sovereign status by relying on the contours of Nevada's own sovereign immunity from suit "as a benchmark for its analysis").

In summary, there are mechanisms, based on the Full Faith and Credit Clause of the U.S. Constitution, available to the State to enforce satisfaction of a compensation payment owed by an out-of-state company. The mechanism to be used would depend on the circumstances surrounding the company owing the payment, and whether the State is seeking to enforce a judgment imposed by a Maryland court or whether the State is bringing a direct action against the company based on Maryland law in another state court.

Sincerely,



Sandra Benson Brantley
Counsel to the General Assembly

Gonzales Poll - CCAN - Infrastructure Investments.

Uploaded by: Jennifer Mizrahi

Position: FAV

January 2024

Gonzales Poll – Infrastructure Investments



Gonzales Research & Media Services

Gonzales CCAN Poll

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Background and Methodology

Patrick E. Gonzales graduated magna cum laude from the University of Baltimore with a degree in political science.

His career in the field of public opinion research began in the mid-1980s as an analyst with *Mason-Dixon Opinion Research*. During this time, Mr. Gonzales helped develop, craft and implement election surveys and exit polls for television and radio in the Baltimore-Washington D.C. metro area.

Mr. Gonzales has polled and analyzed well over a thousand elections in Maryland and across the country since that time. Furthermore, he and his associates have conducted numerous market research projects, crafting message development plans and generating strategy blueprints for businesses and organizations throughout the state.

Over his 35 years conducting public opinion polls, Patrick Gonzales has been widely recognized by his peers for his ability to conduct unbiased surveys, and analyze the results in an impartial, evenhanded manner.

Mr. Gonzales appears frequently on radio and television in the Baltimore-D.C. region as a guest commentator.

These polls were conducted by ***Gonzales Research & Media Services*** from December 12th through December 20th, 2023. A total of 307 registered voters in Maryland who vote regularly, and a total of 312 registered voters in Legislative District 29 who vote regularly, were queried by live telephone interviews, utilizing both landline and cell phone numbers.

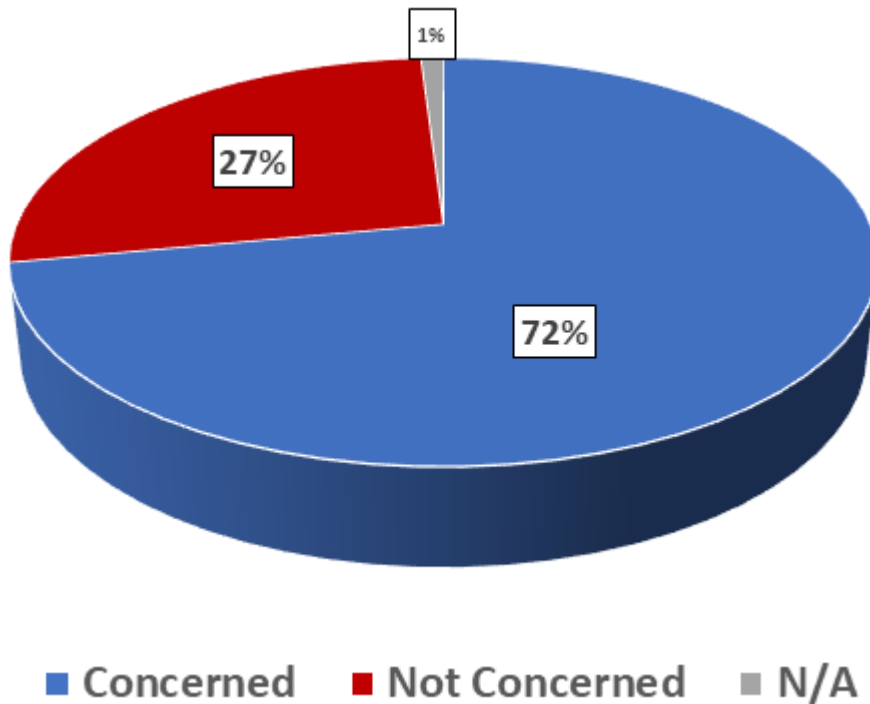
The margin of error (MOE) for both polls, per accepted statistical standards, is a range of plus or minus 5.7 percentage points. If the entire population was surveyed, there is a 95% probability that the true numbers would fall within this range.

Appendix A: Results and Charts

QUESTION: Climate Change – Level of Concern *Scientists say climate change is getting worse due to fossil fuel use. Flooding, storms, and wildfires are more severe, and in Maryland heatwaves and extreme rain events are more damaging.*

How concerned are you personally about climate change: very concerned, somewhat concerned, not too concerned, or not at all concerned?

CLIMATE CHANGE - INTENSITY	Number	Percent
Very concerned	149	48.5 %
Somewhat concerned	71	23.1 %
Not Too concerned	20	6.5 %
Not At All concerned	63	20.5 %
No answer	4	1.3 %
Total	307	100.0 %



By Party

N=307

CLIMATE CHANGE - INTENSITY

	Very concerned	Somewhat concerned	Not Too concerned	Not At All concerned	No answer
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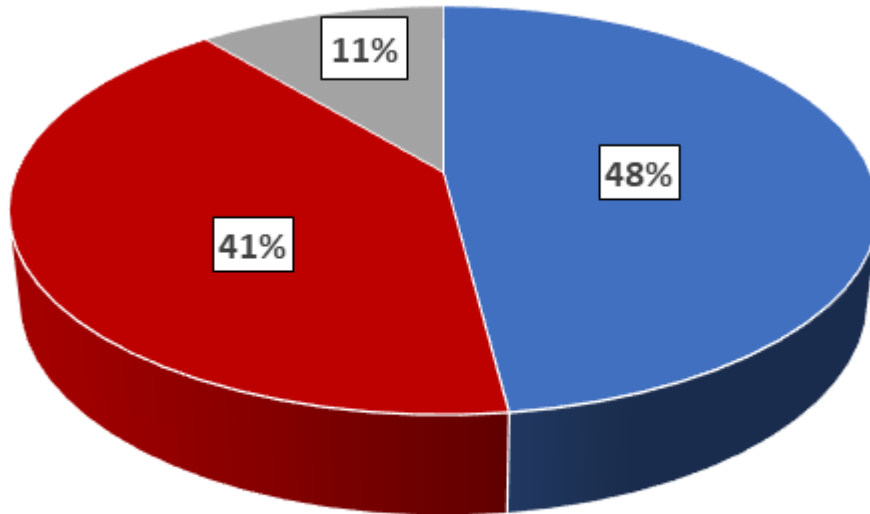
PARTY REGISTRATION

Democrat	121 70.8%	31 18.1%	8 4.7%	10 5.8%	1 0.6%
Republican	12 14.8%	20 24.7%	9 11.1%	38 46.9%	2 2.5%
Independent/ Other	16 29.1%	20 36.4%	3 5.5%	15 27.3%	1 1.8%

QUESTION: Climate Change – Financially Impacted *A recent study from the federal government shows that climate change is costing the United States 150 billion dollars a year.*

Would you agree or disagree that you have been financially impacted in the last three years by climate change in Maryland?

<u>FINANCIALLY IMPACTED</u>	<u>Number</u>	<u>Percent</u>
Agree	148	48.2 %
Disagree	126	41.0 %
No answer	33	10.7 %
Total	307	100.0 %



■ Agree ■ Disagree ■ N/A

By Party

N=307

FINANCIALLY IMPACTED

	Agree	Disagree	No answer
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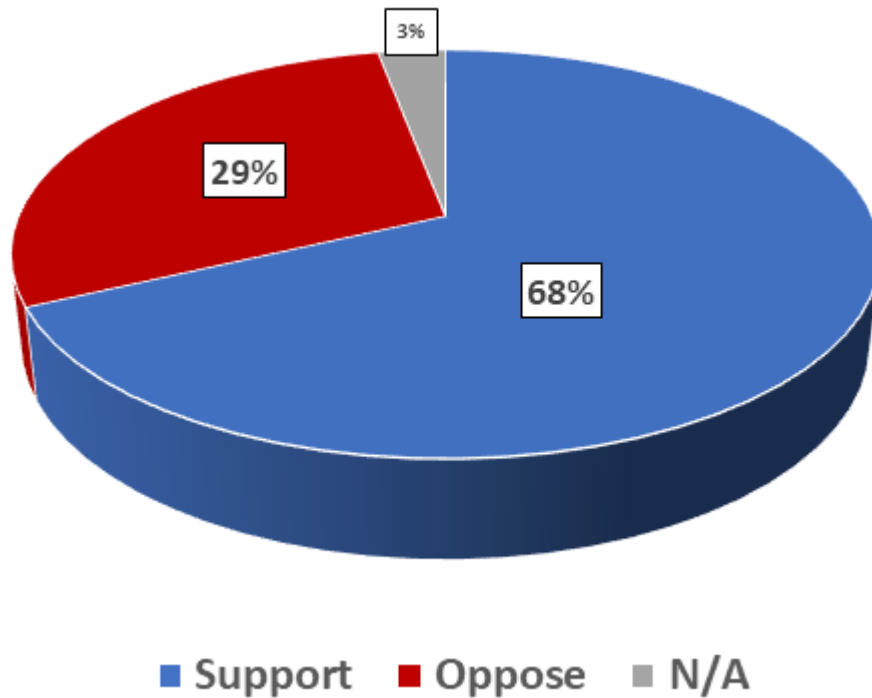
PARTY REGISTRATION

Democrat	111 64.9%	42 24.6%	18 10.5%
Republican	16 19.8%	60 74.1%	5 6.2%
Independent/ Other	21 38.2%	24 43.6%	10 18.2%

QUESTION: Overall Infrastructure Bill Proposal *Some state lawmakers in Maryland have proposed a bill to make Maryland’s roads, bridges, electrical grid, and other infrastructure more able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs.*

Would you support or oppose this bill?

<u>WITHSTAND IMPACT OF CLIMATE CHANGE</u>	<u>Number</u>	<u>Percent</u>
Support	210	68.4 %
Oppose	88	28.7 %
No answer	9	2.9 %
Total	307	100.0 %



By Party

N=307

WITHSTAND IMPACT OF CLIMATE CHANGE

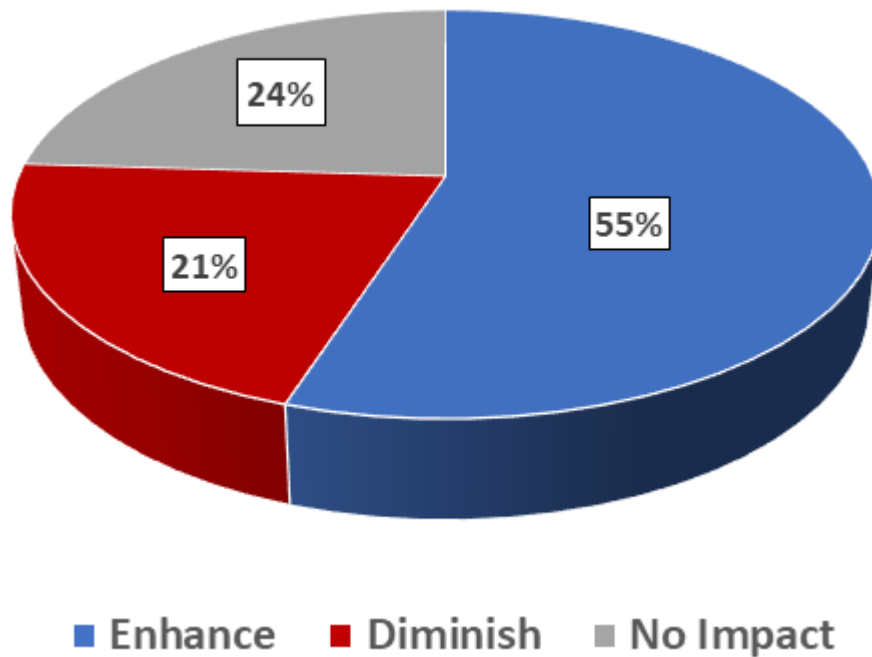
	Support	Oppose	No answer
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PARTY REGISTRATION

Democrat	141 82.5%	24 14.0%	6 3.5%
Republican	35 43.2%	45 55.6%	1 1.2%
Independent/ Other	34 61.8%	19 34.5%	2 3.6%

QUESTION: Infrastructure Bill – Impact on Opinion of Lawmaker *If a lawmaker were to support a bill to make Maryland’s infrastructure better able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs, would this enhance your opinion of that lawmaker, diminish your opinion of that lawmaker, or would it have no impact on your opinion?*

<u>LAWMAKER BILL: INFRASTRUCTURE</u>	<u>Number</u>	<u>Percent</u>
Enhance opinion	169	55.0 %
Diminish opinion	65	21.2 %
No impact	73	23.8 %
Total	307	100.0 %



By Party

N=307

LAWMAKER BILL: INFRASTRUCTURE

	Enhance opinion	Diminish opinion	No impact
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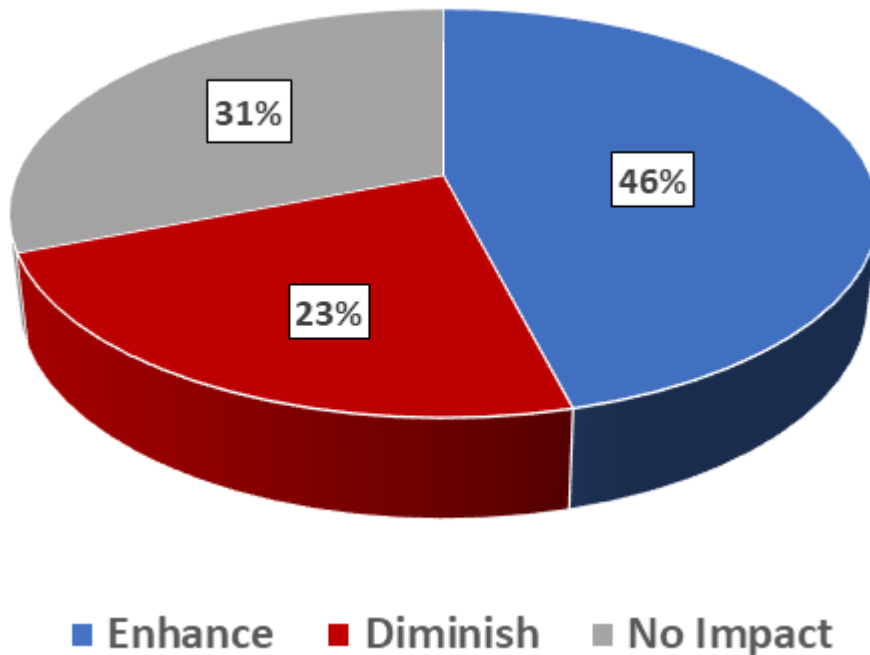
PARTY REGISTRATION

Democrat	125 73.1%	12 7.0%	34 19.9%
Republican	17 21.0%	37 45.7%	27 33.3%
Independent/ Other	27 49.1%	16 29.1%	12 21.8%

Legislative District 29: Infrastructure Bill – Impact on Opinion *If a lawmaker were to support a bill to make Maryland’s infrastructure better able to withstand the impacts of climate change and ensure the big oil and gas companies pay a share of the costs, would this enhance your opinion of that lawmaker, diminish your opinion of that lawmaker, or would it have no impact on your opinion?*

<u>LAWMAKER BILL: INFRASTRUCTURE</u>	<u>Number</u>	<u>Percent</u>
Enhance opinion	143	45.8 %
Diminish opinion	73	23.4 %
No impact	96	30.8 %
Total	312	100.0 %

Legislative District 29



By Party

N=312

LAWMAKER BILL: INFRASTRUCTURE

	Enhance opinion	Diminish opinion	No impact
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PARTY REGISTRATION

Democrat	90 79.6%	5 4.4%	18 15.9%
Republican	24 17.5%	57 41.6%	56 40.9%
Independent/ Other	29 46.8%	11 17.7%	22 35.5%

Appendix B: Maryland Poll Sample Demographics

<u>RESULTS</u>	<u>Number</u>	<u>Percent</u>
Statewide	307	100.0 %
Total	307	100.0 %

<u>PARTY REGISTRATION</u>	<u>Number</u>	<u>Percent</u>
Democrat	171	55.7 %
Republican	81	26.4 %
Independent/Other	55	17.9 %
Total	307	100.0 %

<u>RACE/ETHNICITY</u>	<u>Number</u>	<u>Percent</u>
White	173	56.4 %
African American	94	30.6 %
Other/No answer	40	13.0 %
Total	307	100.0 %

<u>GENDER</u>	<u>Number</u>	<u>Percent</u>
Female	160	52.1 %
Male	147	47.9 %
Total	307	100.0 %

<u>AGE</u>	<u>Number</u>	<u>Percent</u>
18 to 34	56	18.2 %
35 to 49	71	23.1 %
50 to 64	87	28.3 %
65 and older	93	30.3 %
Total	307	100.0 %

<u>REGION</u>	<u>Number</u>	<u>Percent</u>
Baltimore Metro	132	43.0 %
Washington Metro	105	34.2 %
Rural Maryland	70	22.8 %
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Regional Groupings

Metro Baltimore – includes Anne Arundel, Baltimore, Harford, Howard counties, and Baltimore City.

Metro Washington – includes Charles, Montgomery, and Prince George’s counties.

Rural Maryland – includes Allegany, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Kent, Queen Anne’s, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester counties.

Appendix C: District 29 Poll Sample Demographics

<u>RESULTS</u>	<u>Number</u>	<u>Percent</u>
Districtwide	312	100.0 %
Total	312	100.0 %

<u>PARTY REGISTRATION</u>	<u>Number</u>	<u>Percent</u>
Democrat	113	36.2 %
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White	232	74.4 %
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<u>AGE</u>	<u>Number</u>	<u>Percent</u>
18 to 34	55	17.6 %
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Total	312	100.0 %

<u>REGION</u>	<u>Number</u>	<u>Percent</u>
Sub-District 29A	113	36.2 %
Sub-District 29B	87	27.9 %
Sub-District 29C	112	35.9 %
Total	312	100.0 %

HB1438 SB0958 - The Responding to Emergency Needs

Uploaded by: Jennifer Mizrahi

Position: FAV



Committee: Energy, Education, and Environment Committee
Testimony on: [\(HB1438/SB0958\)](#) - The Responding to Emergency Needs from Extreme Weather ([RENEW](#)) Act
Organization: Mizrahi Family Charitable Fund
Submitting: Jennifer Laszlo Mizrahi, co-founder
Position: Favorable
Hearing Date: February 20, 2024

Honorable Chairman and Esteemed Committee –

Thank you for letting me speak with you today in support of **the Responding to Emergency Needs from Extreme Weather or RENEW Act (HB1438/SB0958)** which will hold fossil fuel companies accountable for the harm they have done to the good people of our state.

My name is Jennifer Laszlo Mizrahi and I serve as a Maryland Climate Commissioner. Soon I will turn 60 years old. And yet, when I was just one year old, President Johnson's Science Advisory Committee, headed by scientist Roger Revelle, submitted a [report](#) highlighting the possibility that human activities, particularly the burning of fossil fuels, contributed to climate change.

Fossil fuel companies then did their own research and knew that their own products would undermine our health and safety as well as the world we all live in. Then they deliberately spent huge sums of money to mislead the public – putting profits over people and our shared planet.

For example:

- ExxonMobil conducted internal research on climate change as early as the 1970s. Multiple [reports](#), including in the [Wall Street Journal](#), showed that, despite their knowledge of the harm they were doing, the company funded campaigns and organizations that spread doubt about climate science and downplayed the risks of global warming.
- Shell's own [internal documents](#) from the 1980s indicated that Shell was aware of the potential dangers of climate change and rising carbon dioxide levels. However, the company downplayed the risks publicly and even lobbied against strong climate action.
- The Union of Concerned Scientists (UCS) has published numerous [reports](#) showing that the American Petroleum Institute, a trade association representing the oil and gas industry, has known about the science of climate change for decades and yet engaged in campaigns to cast doubt on climate science and influence public opinion.

They knew! Like big tobacco and the Sackler family with their opioids, they all knew and yet went on to deceive the public at great costs to lives and livelihoods.

You can read all about the climate lies in the book [Merchant of Doubt](#) by Naomi Oreskes and Erik M. Conway or in [The New Climate War](#) by Dr. Michael E. Mann.

It's worth noting that climate deniers said that scientist Dr. Mann was lying – but they just lost \$1 million in a [libel suit](#).

We now know that some of the biggest and more profitable companies – the fossil fuel companies and big polluters -- knowingly pushed products that help cause extreme weather and climate change here in Maryland.

And now we are all paying the price. People have drowned in Ellicott City and Rockville. We have 100,000+ acres of land at risk. Our food supply and health has been harmed. They are playing us for suckers.

The Responding to Emergency Needs from Extreme Weather or RENEW Act (HB1438/SB0958) will hold the polluters and liars accountable for their actions. It will invest in disaster relief and preparedness for Maryland.

Our state has an [outstanding climate plan](#). However, it will cost \$1 billion a year to implement it. That should not be done on our backs.

Big tobacco was held accountable for their lies and the deaths they caused.

So too was the Sackler family for their wrongful practices that led to opioid deaths.

Today Maryland has the opportunity to do the right thing – and get the polluters to pay – and not Maryland taxpayers – for the damage that they caused.

It's like the old saying: “If you break it, you've bought it.”

The fossil fuel industry broke it. Now we need your help to get them to pay.

I urge you to review the [poll data](#) that shows that people in Maryland support this work. I also urge you to read the analysis from the Attorney General's office which shows that this effort has legal standing.

I urge you to strongly support the RENEW Act today.

Thank you for your consideration.

Jennifer Laszlo Mizrahi

Email: JLM@LaszloStrategies.com

SB0958 - RENEW ACT - Climate Parents of Prince Geo

Uploaded by: Joseph Jakuta

Position: FAV

Committee: Education, Energy, and the Environment
Testimony on: SB 958 - "RENEW Act"
Organization: Climate Parents of Prince George's
Person Submitting: Joseph Jakuta, Lead Volunteer
Position: Favorable
Hearing Date: February 20, 2024



Dear Mr. Chairman and Committee Members:

Thank you for considering our testimony to SB 958, "Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024." Climate Parents is a campaign to reduce climate change-causing pollution in our schools, and our group is active in Prince George's County. In particular, we recently worked directly with Prince George's County Public Schools (PGCPS) technical staff and other advocates to develop a first in the national School Climate Change Action Plan.

The RENEW ACT establishes a Climate Change Adaptation and Mitigation Payment Program that will be paid for by a charge to companies that extract fossil fuels or refine petroleum products. The payments will then feed into the Climate Change Adaptation and Mitigation Fund, which will provide important funds to both adapt to the harm faced by Marylanders from already occurring climate change and to help mitigate emissions to lessen the impact Maryland will have on the climate going forward.

The general concept of the RENEW ACT should be applauded, and we are particularly supportive of the efforts in the bill to make sure the Climate Change Adaptation and Mitigation Fund, in part, addresses the negative health impacts of climate change on vulnerable populations. However, we do wish to focus on one particular provision of the RENEW ACT that is the focus of our campaign, § 2-1701 (2)(VI), that allows some funds to go towards retrofitting schools and other buildings with efficient heat pumps.

Retrofitting existing buildings with sustainable heating solutions has quite high upfront costs, especially for our school systems that are facing the increased, but important, financial pressure from the Blueprint. By providing explicit funding for school systems to install heat pumps in § 2-1701 (2)(VI), this legislation will help to overcome a key barrier that school systems face when it comes to holistic heating system retrofits. Additionally, the more schools that replace older inefficient heating systems with heat pumps, the more cost savings will accrue to the school system that can offset some of the increased educational costs from Blueprint implementation.¹² There is even the possibility of school systems being able to apply for tax credits under the Inflation Reduction Act to help even more financially.

We would ask the committee to also expand the allowable use to charging infrastructure for medium and heavy-duty vehicles, including school buses, which would be another major upfront cost burden faced by school systems that will lead to long-term operating cost savings.

The RENEW Act is an important step forward in shoring up Maryland to the impacts of climate change and mitigating our impact in the future, all while holding the companies that got us here to account.

We encourage a FAVORABLE report for this important legislation.

¹ <https://www.achrnews.com/articles/153542-heat-pumps-a-popular-alternative-for-k-12-schools>

² <https://rmi.org/four-reasons-why-k-12-schools-are-warming-up-to-heat-pumps/>

RENEW Act Testimony.docx-2.pdf

Uploaded by: Kathy Kinsey

Position: FAV



Committee: Energy, Education, and Environment

Testimony on: SB 958, The Responding to Emergency Needs from Extreme Weather (RENEW) Act

Organization: Mobilize Frederick

Submitting: Karen Cannon, Executive Director

Position: Favorable

Hearing Date: February 20, 2024

Dear Chair and Committee Members:

Thank you for the opportunity to comment on Senate Bill 958, the Responding to Emergency Needs from Extreme Weather (RENEW) Act. Mobilize Frederick urges the Committee to issue a **favorable** report on this important bill.

Mobilize Frederick is an organization of Frederick City and County residents formed in 2022 to assist with implementing the recommendations of a comprehensive 2021 climate report that will put Frederick on the path to a safer, healthier, more resilient community through innovative and effective local solutions.

Like many other communities across Maryland, the City and County of Frederick are experiencing first-hand the impacts of climate change – higher temperatures, periods of extreme heat, extended drought, and high intensity storms that have caused repeated flooding and severe wind damage. Two recent extreme weather events in 2015 and 2018 caused severe flooding, stormwater and sewer system backups, and millions of dollars of damage in the City of Frederick. Flood levels in one residential area rose as high as 2.7 feet and made primary roads inaccessible to emergency responders. Costly upgrades to the City's stormwater management system are needed to reduce the risk of flood damage from future extreme weather events.

The RENEW Act is a vitally important revenue-raising bill that, through a one-time fee on international out-of-state fossil-fuel companies with the largest historical greenhouse gas emissions of more than 1 billion tons between 2000 and 2018, will fund a Climate Change Adaptation and Mitigation Fund, thereby shifting the cost of climate mitigation and adaptation projects currently being shouldered by taxpayers to companies responsible for causing the pollution.

The RENEW Act would raise \$9 billion dollars for investment in critical Maryland infrastructure and programs needed to prepare for and recover from a warming climate and increasingly more extreme weather events. Collectively, these companies will be required to pay Maryland \$900 million a year over a ten-year period. Each company would pay a percentage of the total that is proportional to that company's emissions over the covered period. Approximately 40 out-of-state companies that do business in Maryland would be subject to the one-time penalty.¹ The penalty will cost these companies roughly one fifth of one percent of their annual profits.

The funds raised by this bill would go to a wide range of climate change programs, including those that: fund local government flood management projects; disaster recovery; shoreline protection; clean energy resources; energy efficiency projects for low- and moderate-income households; resiliency hubs; zero-emission school buses, trucks and buses; electric vehicle charging infrastructure; and many more that are already doing the work of preparing Maryland for more extreme weather.

Low-income communities and communities of color located near highway corridors, trucking hubs, and industrial facilities have been disproportionately harmed by emissions from fossil fuels that degrade air quality. These frontline communities are also experiencing the worst impacts of climate change. Under the RENEW Act, 40 percent of all investments made by the Climate Change Adaptation and Mitigation Fund must benefit overburdened, underserved communities (as defined by the Climate Solutions Now Act of 2022). This is an important step toward addressing those historical and ongoing harms.

Marylanders overwhelmingly support the public policies embodied in the RENEW Act. In a December statewide poll of registered voters conducted by Gonzales Research & Media Services for the Chesapeake Climate Action Network, 68 percent of those surveyed expressed support for the policies contained in the RENEW Act. The full results of the poll are available [here](#).

¹ The companies are: Saudi Aramco, ExxonMobil, Royal Dutch Shell, Petroleos Mexicanos (Pemex), BP, Peabody Energy, Chevron, Petroleos de Venezuela (PDVSA), TotalEnergies, ConocoPhillips, Petronas, Glencore, Equinor, Contura Energy / ANR, ENI, Arch Coal, Rio Tinto, Anglo American, Occidental, Sinopec, Repsol, Libya National Oil Corp., Oil & Gas Corp., CNOOC (China National Offshore Oil Co.), RWE, CONSOL Energy, Sasol, Suncor, Devon Energy, EnCana/Onvativ, Ecopetrol, Apache, Murray Coal, Cloud Peak Energy, Alliance, Chesapeake Energy, Marathon, EOG Resources, Westmoreland, Hess, HeidelbergCement, and Teck Resources.

The RENEW Act will provide a significant and sustained source of funding that is needed to build Maryland's resiliency to the impacts of climate change. For all the foregoing reasons, we urge the Committee to issue a **favorable** report on SB 958.

Karen Cannon

Karen Cannon
Executive Director

Cc: Kathy Kinsey
Chair, Government Affairs & Policy Committee

Final_RENEW Act Testimony .docx.pdf

Uploaded by: Katie Fry Hester

Position: FAV

KATIE FRY HESTER
Legislative District 9
Carroll and Howard Counties

Education, Health, and
Environmental Affairs Committee

Chair, Joint Committee on
Cybersecurity, Information Technology
and Biotechnology



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB 958 - Responding to Emergency Needs from Extreme Weather (RENEW) Act of 2024

February 19, 2024

Chairman Feldman, Vice-Chair Kagan, and members of the Education, Energy, and Environment Committee:

Thank you for your consideration of Senate Bill 958, the Responding to Emergency Needs from Extreme Weather (RENEW) Act. The RENEW Act is an essential piece of legislation that will generate hundreds of millions of dollars year-in to forge a cleaner, more robust and resilient future for Maryland.

The production and consumption of fossil fuels and the resulting GHG emissions poses a serious and immediate threat to the health and safety of Maryland's communities, environment, and economy. These fossil fuels and the resulting GHG emissions have trapped increased amounts of heat in the atmosphere, resulting in extreme weather events and a warmer climate. Fossil fuel industries have known the dangers associated with their use long before it became common knowledge. Exxonmobil knew as early as 1977 and spent decades refusing to publicly acknowledge climate change and instead promoted climate misinformation.

As a result of these climate denial campaigns and refusal to take action. Maryland is experiencing the consequences of rising sea levels, warming temperatures, and increased frequency and intensity of storms and flooding. In less than a 2-year window, Ellicott City experienced two catastrophic 1,000 year floods. These floods destroyed dozens of buildings, cars, small businesses, and resulted in the deaths of Marylanders.¹ Now, local, state, and federal partners are working together to implement the Safe and Sound Plan. This plan outlines seven major infrastructure projects designed to reduce flooding in Historic Ellicott City, including two water conveyance projects and five water detention projects throughout the watershed. When complete, these projects will work together to reduce the quantity and velocity of water on Main Street during major storm events.

¹[As Ellicott City flood mitigation efforts progress, some say they have yet to recover 5 years later](#)

Unfortunately, it has become the responsibility of the Maryland taxpayer to foot the bill for the costs of climate mitigation, adaptation, and recovery measures. Not anymore. It's time to ensure that the polluters pay. We need to ensure a fully financed, equitable, and just construction of climate mitigation and adaptation measures that does not burden the Maryland taxpayer.

Senate Bill 958, the Responding to Emergency Needs from Extreme Weather (RENEW) Act is the answer to this call. Specifically SB 958:

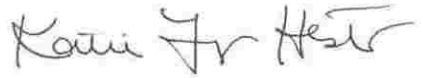
1. Requires companies that have emitted more than 1 billion tons of Carbon Dioxide equivalent between 2000 and 2020 to pay \$900 million a year for ten years into a new Climate Change Adaptation and Mitigation Fund.
 - a. Forty companies, none of which are based in Maryland will be required to pay into this fund. This penalty will cost these companies roughly one fifth of one percent of their annual profits. For the record, I have provided a list of the companies that will be required to pay into the fund.
 - b. These 40 companies will not be able to pass these costs on to consumers because their competitors will not have to pay the one time penalty and thus will not raise their prices
2. Empowers the Department of Environment to use the Climate Change Adaptation and Mitigation Fund to fund cross-agency, local and state projects that address the impacts of climate change, such as clean energy projects, green transportation projects, emergency management and disaster relief initiatives, and much more.
 - a. At least 40% of the qualified expenditures from the fund will go directly to projects that directly benefit communities disproportionately affected by climate impacts.
 - b. Please see the list of funds that will be eligible to receive funding that I have submitted for the record. Some of the eligible funds include the Comprehensive Flood Mitigation Fund, the Whole Homes Program, the Statewide Transit Innovation Grant, and the Office of Resilience.

This legislation is not unprecedented. In fact, it is modeled after legislation that Senator Van Hollen first introduced in Congress. Additionally, similar legislation designed to bolster individuals and communities reeling from the impacts of climate change and hold intentional contributors accountable have a long history in the United States. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) passed by Congress in 1980 is one example, where polluters paid \$1.6 billion over a five-year period to clean up abandoned or uncontrolled hazardous waste sites.

Maryland taxpayers will no longer have to bear the undue burden of costs stemming from issues they did not create. Instead, the RENEW Act will mandate that the large corporations that took

part in worsening climate change foot the bill for remediation, mitigation, and adaptation. **For these reasons I am requesting a favorable report on SB 958.**

Sincerely,

A handwritten signature in black ink that reads "Katie Fry Hester". The signature is written in a cursive, flowing style.

Senator Katie Fry Hester
Howard and Montgomery Counties

List of Qualifying Companies Under RENEW Act (2000)

Uploaded by: Katie Fry Hester

Position: FAV

Name	MtCO2e emitted between 2000 and 2020
Saudi Aramco, Saudi Arabia	35,150
ExxonMobil, USA	13,517
Royal Dutch Shell, The Netherlands	12,324
Petroleos Mexicanos (Pemex)	11,434
BP, UK	11,242
Chevron, USA	9,807
Peabody Energy, USA	9,663
Petroleos de Venezuela (PDVSA)	8,073
TotalEnergies, France	7,737
ConocoPhillips, USA	6,075
Petronas, Malaysia	5,771
Glencore, Switzerland	5,472
Equinor, Norway	5,357
ENI, Italy	5,126
Contura Energy / ANR, USA	4,817
Arch Coal, USA	4,606
Anglo American, UK	4,309
Rio Tinto, UK	4,185
Occidental, USA	3,950
Repsol, Spain	3,492
Sinopec, China	3,365
Libya National Oil Corp., Libya	3,141
CNOOC (China National Offshore Oil Co.)	3,010
Oil & Gas Corp., India	2,799
RWE, Germany	2,580
Suncor, Canada	2,509
CONSOL Energy, USA	2,496
Sasol, South Africa	2,493
Devon Energy, USA	1,936
Ecopetrol, Colombia	1,861
Murray Coal, USA	1,750
Ovintiv (frmly EnCana), SA	1,698
Apache, USA	1,659
Cloud Peak	1,593
Alliance, USA	1,495
EOG Resources, USA	1,348
Chesapeake Energy, USA	1,327
Marathon, USA	1,284
Hess, USA	1,141
Westmoreland, USA	1,126

Teck Resources, Canada	1,126
HeidelbergCement, Germany	1,019

RENEW Act Funds Beneficiaries - Sheet1.pdf

Uploaded by: Katie Fry Hester

Position: FAV

Department/Agency	Fund	Purpose
Environment	Comprehensive Flood Mitigation	Implement capital projects included within the comprehensive flood management plans; infrastructure repairs, watershed restoration, and emergency protection work associated with a flood event
Emergency Management	State Disaster Relief	Provide immediate support to MD communities after disasters
Health	Office of Minority Health and Health Disparities	Address the health impacts of climate change on minority adults, children, and infants
Natural Resources	Chesapeake and Atlantic Bays	Prevent sea level rise damages through living shorelines
Natural Resources	Resilience and Restoration	Manage flooding
Natural Resources	Planning Grant	Help local governments plan for extreme flooding
Energy Administration	Strategic Energy Investment Fund	Energy efficiency programs for LMI households and other clean energy investments
Energy Administration	Resiliency Hub Grants	Build resiliency hubs that can have power during an emergency power outage
Emergency Management	Building Resilient Infrastructure and Communities	Provide an opportunity to implement mitigation prior to a disaster
Emergency Management	Resilient Maryland Revolving Loan Fund	State match for the STORM act
The Maryland Clean Energy Center	State Green Bank	Force multiplier for building clean energy, building solar on impervious surfaces
Environment and Public Service Commission	Hiring Additional Staff	Hire more staff to work on air and radiation management administration, climate program, POWER Act implementation
Housing and Community Development	Whole Homes Program	Upgrade to energy efficient appliances, repair or replace heating and cooling systems, replace insulation, add accessibility features for seniors or those with special needs, remove lead paint, upgrade plumbing, and address structural and maintenance issues
Energy Administration	Decarbonizing Buildings	New fund dedicated to helping LMI residents transition their homes off of gas
Energy Administration	Maryland Energy Storage Income Tax Credit	Currently a tax credit for batteries, but is becoming a grant program for grid batteries
Commerce	Bringing Businesses to Maryland	Clean manufacturing, remanufacturing, and RND
Emergency Management	Office of Resilience	Hire more engineers to work on flooding
Counties	Counties	Funds for each county to be used to hire staff to apply for resiliency and decarbonization funding
Environment	Dam Safety Program	Ensure that dams in Maryland can handle record breaking rainfall
Environment	Commission on Environmental Justice and Sustainable Communities	This commission is currently unfunded
Transportation	Statewide Transit Innovation Grant	Support local efforts to improve transit reliability, improve access and connections to activity centers, and improve transit mobility options
Transportation	Zero-Emission Vehicle School Bus transition Fund	Help school systems purchase all electric school buses
Transportation	Medium-Duty and Heavy-Duty Zero-Emission Vehicle Grant Program	Incentivize deployment of medium and heavy duty electric vehicles
Transportation	Electric Vehicle Supply Equipment (EVSE) Rebate Program	Reduce the financial burden of acquiring and installing charging stations
Transportation	Kim Lamphier Bikeways Network Program	Provide grant support for a wide range of bicycle network development activities

Transporation	Transit-Oriented Development Capital Grant and Revolving Loan Fund	Increase transit-oriented development
Environment	Protection of Underserved and Overburdened Communities	Hire someone to focus on efforts to protect overburdend and underserved communities through outreach, initiatives, and work on the permitting process for

SB0958_RENEW Act_EEE_CJW FAV.pdf

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Energy, Education, and the Environment Committee

Testimony on: SB0958 - The Responding to Emergency Needs from Extreme Weather (RENEW) Act

Organization: Maryland Legislative Coalition Climate Justice Wing

Submitting: Monica O'Connor, Co-Chair

Position: Favorable

Hearing Date: February 20, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0958 The Responding to Emergency Needs from Extreme Weather (RENEW) Act. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably on SB0958.

The climate crisis is making extreme weather events more common and more costly. From 2010 to 2020, Maryland experienced 31 extreme weather events, costing the state up to \$10 billion in damages.¹ Two 1,000-year floods in Ellicott City in less than 2 years, recurring floods in Annapolis, salt water intrusion on farmland on the Eastern Shore, and punishing heat waves in Baltimore are some examples of how the climate crisis is damaging lives and infrastructure. Maryland State and county governments have no choice but to make expensive investments to adapt to more frequent extreme weather events.

The RENEW Act will take the burden of these investments off the backs of Maryland taxpayers and put it squarely on the shoulders of the largest international fossil fuels companies who knew and lied about the climate crisis for nearly half a century.² It will bring new revenue into the state without making a single Marylander pay an additional cent, by charging large, out-of-state fossil fuel companies a one-time penalty for their historical emissions. It will require any company that has emitted more than a billion tons of greenhouse gas emissions between 2000 and 2018 and sells its products in Maryland to collectively pay a one-time fee of \$9 billion. This would apply to roughly 40 companies. In 2022, those companies collectively made over \$500 billion in profits. A recent poll conducted by Gonzales Research & Media Services shows most Marylanders believe that the energy companies responsible for the climate crisis should pay for infrastructure upgrades and adaptation, not the taxpayer.³

¹<https://www.whitehouse.gov/wp-content/uploads/2021/04/AJP-State-Fact-Sheet-MD.pdf>

² <https://news.harvard.edu/gazette/story/2023/01/harvard-led-analysis-finds-exxonmobil-internal-research-accurately-predicted-climate-change/>

³ <https://www.marylandmatters.org/2024/02/02/poll-shows-wide-support-in-md-for-making-polluters-pay-for-climate-change/>

The RENEW Act will raise \$900 million a year for 10 years and provide the dollars the state needs to build new stormwater management systems, upgrade HVACs in public buildings, recover when disaster strikes, and much more. The funds would go to the comprehensive flood management program, the zero-emission school bus transition fund, the State Disaster Recovery Fund, the Strategic Energy Investment Fund, the Office of Minority Health and Health Disparities, shoreline protection projects, the Resilient Maryland Revolving Loan Fund, the Whole Home Program, and other programs that are already doing the work of preparing Maryland for more extreme weather. In addition, 40% of all the investments made by the Climate Change Adaptation and Mitigation Fund are required to go to overburdened, underserved communities, as defined by the Climate Solutions Now Act of 2022. These investments will make Maryland a cleaner, more resilient, and more affordable place to live. They will create jobs and help prevent disasters from ruining homes and workspaces.

To survive climate change, Maryland needs new revenue. The RENEW Act can provide these necessary funds without making Marylanders bear the financial burden. The MLC Climate Justice Wings agrees that Maryland should collect funds from out of state energy companies and invest those funds in building a better Maryland.

Therefore, we recommend a FAVORABLE report for SB0958 in committee.

350MoCo

Adat Shalom Climate Action

Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Chesapeake Earth Holders

Chesapeake Physicians for Social Responsibility

Climate Parents of Prince George's

Climate Reality Project

ClimateXChange – Rebuild Maryland Coalition

Coming Clean Network, Union of Concerned Scientists

DoTheMostGood Montgomery County

Echotopia

Elders Climate Action

Fix Maryland Rail

Glen Echo Heights Mobilization

Greenbelt Climate Action Network

HoCoClimateAction

IndivisibleHoCoMD

Maryland Legislative Coalition

Mobilize Frederick

Montgomery County Faith Alliance for Climate Solutions

Montgomery Countryside Alliance

Mountain Maryland Movement

Nuclear Information & Resource Service

Progressive Maryland
Safe & Healthy Playing Fields
Takoma Park Mobilization Environment Committee
The Climate Mobilization MoCo Chapter
Unitarian Universalist Legislative Ministry of Maryland
WISE

SB 958 Responding to Emergency Needs from Extreme

Uploaded by: Mariana Rosales

Position: FAV

Tuesday, February 20, 2024

TO: Brian Feldman, Chair of the Senate Education, Energy, and the Environment Committee; Pamela Beidle, Chair of the Senate Finance Committee; and Committee Members

FROM: Mariana Rosales, The Nature Conservancy, Director of Climate; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support SB 958 Responding to Emergency Needs from Extreme Weather (RENEW) Act of 2024

The Nature Conservancy (TNC) supports SB 958, offered by Senator Hester. This bill will allocate necessary funds to prepare for and recover from worsening extreme weather events by establishing the Climate Change Adaptation and Mitigation Payment Program. SB 958 is consistent with Maryland's commitments to address climate change established in the Climate Solutions Now Act of 2022. These goals include reducing GHG emissions by 60% from 2006 levels by 2031 and achieving net-zero statewide GHG emissions by 2045.

Furthermore, the bill aligns with the recommendations of the Maryland Commission on Climate Change and the Maryland Department of the Environment. In particular, Maryland's Climate Pollution Reduction Plan includes this proposal as a potential new source of funding in the chapter on economy-wide policies. It is only fair to require polluters to pay for their pollution; the state would redirect those funds for clean economy investments to reduce the impacts on our communities and ecosystems.

Maryland is experiencing more frequent extreme weather events with increasing intensity, including heavy rainfall, high tides, and record heat, causing significant damage to infrastructure, homes, and natural habitats. Our existing infrastructure is not equipped to handle today's challenges and certainly not the expected challenges in the future. The RENEW Act will provide critical funding to upgrade stormwater management systems, improve shoreline protection, and enhance public buildings' resiliency. This bill will protect lives and property and promote a more sustainable and resilient future for our state.

The bill also seeks to address the needs of overburdened and underserved communities, as defined by the Climate Solutions Now Act of 2022. The RENEW Act allocates 40% of the Climate Change Adaptation and Mitigation Fund to support these communities, in line with President Biden's Justice40 initiative. These communities have been harmed the most by siting decisions for fossil fuel infrastructure and other polluting facilities, and are now being hit first and worst by climate change impacts. SB 958 aims to ensure that climate resilience investment benefits are equitably distributed across our state.

Governor Moore has called for investing \$1 billion annually to fight climate change. SB 958 will generate new revenue estimated at \$900 million per year for ten years without imposing additional costs on Maryland residents. As it currently stands, taxpayers across Maryland are paying for the cost of climate change, which are adding up and contributing to the state's projected budget shortfall. Under the RENEW Act, large out-of-state fossil fuel companies, which have historically contributed the most to climate change, will be required to pay a one-time penalty for their emissions. It is estimated that this penalty will cost these companies roughly one-fifth of one percent of their annual profits. These funds will be invested in critical infrastructure projects and climate resilience initiatives, which will create new jobs and benefit all Marylanders by creating more resilient, disaster-resistant communities and speeding up recovery when disasters do strike.

TNC commends Senator Hester for bringing forward a groundbreaking proposal to generate much-needed revenue for addressing climate change and promoting resilience in Maryland. Passing SB 958 is a crucial step in protecting our communities, ecosystems, and economy from the impacts of extreme weather events.

Therefore, we urge a favorable report on SB 958.

SB 958 CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

Senate Bill 958

Responding to Emergency Needs from Extreme Weather (RENEW) Act of 2024

Date: February 20, 2024

To: Education, Energy, & Environment Committee
Finance Committee

Position: **Favorable**

From: Gussie Maguire
MD Staff Scientist

Chesapeake Bay Foundation (CBF) **SUPPORTS** SB 958, which establishes a state fund to adapt to or mitigate impacts of climate change by requiring payments from fossil fuel companies proportional to the volume of greenhouse gas emissions produced. These funds would be used to pay for climate resiliency projects throughout the state.

Taxpayers across Maryland are paying the price for climate change: crucial infrastructure adjustments exacerbate the state's projected budget shortfall, as legislators must address increased temperatures, flooding, and impacts on the state's crops, livestock, and wildlife. Fossil fuel companies can afford to pay for their pollution: Maryland taxpayers should not have to subsidize the protection of themselves, their neighbors, and economically crucial ecosystems for multi-billion-dollar corporations.

40 years ago, 9 inches of rain was considered a hundred-year rainfall event. Today, that amount is predicted to occur once in a decade. But these are just statistical probabilities: "hundred-year" storms are now commonplace and few storm water management systems across the state have been engineered to handle this increased precipitation. The state is also experiencing record high tides, even on sunny days, along its 3,000+ miles of tidal coastland. These tides meet inadequate stormwater drainage systems and cause persistent and worsening flooding in low-lying residential areas—home to many of the state's underserved and overburdened communities. To address this impact on some of Maryland's most vulnerable, 40% of all the investments made should go to overburdened, underserved communities, as defined by the Climate Solutions Now Act of 2022 and in keeping with President Biden's Justice 40 initiative.

Hotter temperatures impact people by way of increased air conditioning bills in homes, schools, and public spaces, not to mention increased instances of heat-induced illnesses and deaths. They also stress sensitive fish and invertebrate species in all of Maryland's waters. These species hold critical roles in Maryland's recreational opportunities, in the seafood industry, and in the heart of the Chesapeake Bay and other natural spaces that make this state special. To protect the people and places that Marylanders hold dear, the state must make necessary infrastructure investments to adapt to these new extremes. These investments will make Maryland a cleaner, safer, and more affordable place to live. They will create jobs and help prevent disasters from ruining homes and workspaces. Holding fossil fuel companies financially responsible for their impacts on the state will provide a significant contribution to the funding required to move Maryland to a climate-resilient future.

CBF urges the Committee's FAVORABLE report on SB 958.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

Testimony of Michael DeLong in Support of SB 958-t

Uploaded by: Michael DeLong

Position: FAV

Testimony of Michael DeLong in Support of SB 958-the RENEW Act—Before the Senate Education, Energy, and the Environment Committee

February 20th, 2024

Chair Feldman, Vice Chair Kagan, members of the Committee:

My name is Michael DeLong and I am a resident of Silver Spring, a local political organizer and advocate, Secretary of the District 18 Democratic Caucus, and a proud Montgomery County Young Democrat. I urge the Committee to support SB 958, the Responding to Extreme Needs from Emergency Weather (RENEW) Act. The RENEW Act will invest in our state's infrastructure to prepare for escalating natural disasters resulting from climate change and help Marylanders recover from these catastrophes.

Climate change is resulting in stronger and more frequent natural disasters and extreme weather conditions, including hurricanes, wildfires, tornadoes, rainstorms, hail, drought, and floods. Maryland, with its lengthy coastline along the Chesapeake Bay, is especially vulnerable to these issues—and the effects are already being felt around our state.

To give a few examples: Annapolis is spending \$54 million to upgrade its dock which is being flooded more and more often by higher tides. Howard County is spending \$228 million to bore a tunnel under a road to alleviate flooding. Montgomery County is also seeing increased flooding and heavy rainstorms, which sadly have resulted in some injuries and deaths. And across Maryland costs for dealing with and recovering from these natural disasters are rising.

The RENEW Act would invest in disaster preparedness. This bill would invest \$9 billion to prepare for and recover from extreme weather conditions and disasters. The investments would include upgrading infrastructure to prevent or mitigate flooding and storm impacts, recovering after disasters, installing air conditioning in schools and other public buildings, and building resiliency centers to offer shelter.

As someone who works in the field of consumer protection, I have analyzed the rising insurance costs and impact on consumers that are resulting from climate change. In many places, consumers are suffering because of skyrocketing insurance premiums; the RENEW Act's investments will help reduce risk and help stop rising premiums, which will be an added benefit for Marylanders.

Where will this money for these investments come from? The RENEW Act answers that question by levying a fee on the largest fossil fuel companies, which have polluted our planet and known about climate change for decades, while denying that it was a problem. Ordinary people should not pay for the problems caused by these companies. The RENEW Act requires any company that has emitted more than a billion tons of greenhouse gas emissions between 2000 and 2018, and that sells its product in Maryland, to collectively pay a one-time fee of \$9 billion. The fossil fuel companies collectively made profits of over \$500 billion in 2022, so they can easily afford this.

The state of Maryland has the legal power to require fossil fuel companies to pay this fee, because they operate and sell their products in the state. Attorney General Anthony Brown has written a letter laying this out.

It is time for Maryland legislators to put people over profit and invest in our state's infrastructure, to help hardworking Marylanders prepare for and recover from natural disasters, and to hold polluting fossil fuel companies accountable for their misbehavior.

I urge you to support SB 958, the RENEW Act. Please contact me with any questions.

Michael DeLong
2210 Washington Ave, Apt 201
Silver Spring, MD 20910

SB958_IndivisibleHoCo_FAV_Peter Alexander.pdf

Uploaded by: Peter Alexander

Position: FAV



SB958

**Responding to Emergency Needs from Extreme Weather
(RENEW Act)**

Testimony before the Education, Energy, and the Environment

Hearing February 20, 2024

Position: Favorable

Dear Chair Feldman and Vice-Chair Kagan, and members of the committee, my name is Peter Alexander, and I represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of SB958.** We appreciate the leadership of Senator Hester and many of her colleagues in sponsoring this legislation.

Every day in the news we hear about the effects of extreme weather in Maryland and across the county. Heavy rains bring 1000-year flooding ever few years, while few of Maryland's storm water management systems are equipped to handle it. Sea level rise and tidal flooding are claiming increasing amounts of farm and other land all along Maryland's 3,000 miles of tidal shoreline. Repairing flood damage and mitigating the effects of future floods is costing Maryland taxpayers 100s of millions of dollars. A flood mitigation tunnel in Ellicott City is costing Howard County residents \$228 million, alone.

Heat waves are affecting our health and wellbeing and occur twice as frequently as in 1970. Public buildings that never previously needed air conditioning, are now at times, unable to operate. AC systems in the schools cannot handle these heat waves, forcing them to close for "heat days". Ensuring every public school in Maryland has an adequate AC system will cost Maryland over \$700 million. And that is just the schools.

The RENEW Act will bring new revenue into the state by charging large, out of state fossil fuel companies a one-time penalty for their historical emissions without burdening Maryland taxpayers. Forty petrochemical companies will be required to pay Maryland \$900 million a year for ten years, with 40% of revenues going to overburdened, underserved communities.

It is time that oil and gas companies start paying the costs we incur because of fossil fuel use.

Thank you for your consideration of this important legislation.

We respectfully urge a favorable report.

Peter Alexander, PhD
District 9A
Woodbine, MD 21797

Testimony in support of SB0958.pdf

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0958_RichardKaplowitz_FAV
2/20//2024

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0958 – FAVORABLE
Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0958, Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024

Maryland has an ambitious program to reduce the use of fossil fuels to ameliorate the effects of climate change in our state. Fossil fuel extraction and refinement are exacerbating the problems we are facing. This bill is an attempt to put a financial cost on the continued use of those fuel sources while we transition away from them to provide the state revenue for adaptation and mitigation of health harms from these fuels.

This bill facilitates addressing health impacts of climate change and can provide environmental justice to vulnerable populations already facing extreme effects from climate change caused by fossil fuels sited within or near those communities.

Fixing the problem and moving towards Maryland clean energy goals requires a plan to do so and the funding to make it happen. This bill moves the costs of fixing problems to those who are major contributors to those problems. It is a common sense solution to move Maryland forward.

I respectfully urge this committee to return a favorable report on SB#0958.

RENEW Act Testimony-Senate - Third Act.pdf

Uploaded by: Robert Wald

Position: FAV



This testimony in support of The Responding to Emergency Needs from Extreme Weather (RENEW) Act, SB0958B, is submitted by Third Act Maryland. We have more than 1,300 members and are part of a nationwide climate justice organization of more than 70,000 experienced Americans over age 60 who are determined to change the world for the better.

Around the world, climate change is causing tremendous, and costly, damage. In Maryland, we are not immune to that damage and associated costs. The Center for Climate Integrity estimates that **by 2040 the state will have to spend at least \$27.4 billion just to address rising seas**¹. Ensuring every public school in Maryland has an adequate air conditioning system will cost Maryland over \$700 million². Howard County is spending \$228 million to bore an 18-foot diameter drainage tunnel through granite bedrock to reduce flooding in downtown Ellicott City. These are just some of the climate-related costs facing Maryland.

Right now, taxpayers across Maryland are paying for the cost of climate change, and those costs are adding up and contributing to the state's projected budget shortfall. Meanwhile, **oil and gas companies have known for 40 years that they were causing climate change** and did nothing to address it. It's time for them to pay for the damage they are causing and for the climate resiliency measures that are needed in Maryland.

The RENEW Act will require the largest fossil fuel companies doing business in Maryland to pay into a \$9 billion fund for climate-related infrastructure upgrades, including strategic energy investment, electric school buses, air conditioning in schools, flood mitigation, and disaster relief, among other things. **This bill will cost taxpayers nothing** and force companies profiting from climate change to make a downpayment for the destruction they cause.

We urge you to pass the RENEW Act without weakening amendments.

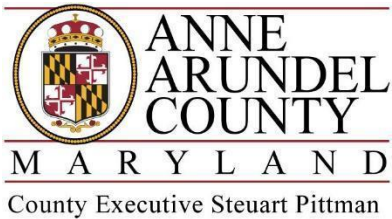
¹ Center for Climate Integrity, "Climate Costs in 2040: Maryland," <https://climatecosts2040.org/files/state/MD.pdf>.

² Center for Climate Integrity, "Hotter Days, Higher Costs: The Cooling Crisis in America's Classrooms," <https://coolingcrisis.org/states/maryland>

Anne Arundel County _FAV_SB958.pdf

Uploaded by: Steuart Pittman

Position: FAV



February 20, 2024

Senate Bill 958

**Responding to Emergency Needs From Extreme Weather
(RENEW) Act of 2024**

Senate Education, Energy, and the Environment Committee

Position: FAVORABLE

Anne Arundel County **SUPPORTS** Senate Bill 958 – Education, Energy, and the Environment. This Bill establishes the Climate Change Adaptation and Mitigation Payment Program and the Climate Change Adaptation and Mitigation Fund within the Maryland Department of the Environment (MDE) and would provide a source of revenue for State efforts to (1) adapt to and mitigate the effects of climate change and (2) address the health impacts of climate change on vulnerable populations.

Costly and often devastating effects of flooding, storms, and extreme heat are already being felt with growing intensity across our region. This is especially true of areas like Annapolis, having experienced the largest increase of nuisance flooding in any U.S. city in nuisance flooding days over the last 50 years. The challenges facing coastal communities like Anne Arundel County are significant and imminent. With more than 500 miles of coastline, what makes the County such a unique and wonderful place is what makes it uniquely vulnerable. Responding to these threats requires substantive policy approaches that have the wellbeing of current and future generations in mind.

That is why our local, city, county, and state elected officials created the Resilience Authority of Annapolis and Anne Arundel County (Resilience Authority), the first multi-jurisdictional resilience authority in the nation. By creating the Resilience Authority, our goal was not only to accelerate the pace and scale of climate action, but to ensure that we are prepared to compete for substantial public and private funding, taking some of the burden off of local taxpayers while investing in the future of our County. Over the past 12 months our Resilience Authority has secured nearly \$23 million in federal, state, and local funding and are actively pursuing an additional \$52 million to protect city and county shorelines, communities, and residents from climate threats. Funding is slated towards infrastructure projects that will address coastal flooding, beach restoration, shoreline erosion, developing green spaces and supporting the conversion of the county fleet to electric vehicles. Projects are made possible through a combination of sources that include local grants as well as funding from federal, state and private funding.

We are in a historic moment for resilience building efforts. At the same time we are in an era in which the pace, scale and impact of change is greater than anything we have previously confronted. To ensure that the pace of intensifying change does not outstrip our efforts, now is the time to double down and is why we are supportive of this Bill as well as Governor's strategic investments that will allow us to take more ambitious action and show that, if we act now, we can still secure a live able sustainable future for all.

Accordingly, Anne Arundel County respectfully requests a **FAVORABLE** report on Senate Bill 958.

Takoma Park 2024 - SB 958 FAV - RENEW Act - Senate

Uploaded by: Talisha Searcy

Position: FAV



CITY TAKOMA OF PARK MARYLAND

**Support Senate Bill 958 - Responding to Emergency Needs From Extreme Weather –
RENEW Act of 2024
**Senate Education, Energy and the Environment Committee
February 20, 2024****

The City of Takoma Park supports and urges favorable consideration of this bill, which establishes a Climate Change Adaptation and Mitigation Fund. This fund will support state and local efforts to adapt to or mitigate the effects of climate change and to address the health impacts of climate change on vulnerable populations. The need for significant additional resources at the state and local levels to make our communities more resilient and to address the impacts of climate change is real, and it is urgent.

The City of Takoma Park is a densely developed, largely residential municipality of almost 18,000 people living within 2.4 square miles in Montgomery County. About half our residents are homeowners and half renters, with a wide range of incomes. In Takoma Park, as across the state, climate change has brought us heavy rains, strong winds, heat waves and storms which are becoming more frequent, more intense, more damaging, and more costly for both residents and for local governments.

Our city is not alone in this. Older stormwater systems can no longer keep up with the heaviest rains, creating dangerous flooding conditions along city and State owned roads and public spaces. Temporary streams now form rapidly on a regular basis, causing road and property damage and creating safety hazards. Overturned trees can have devastating results for roads, businesses, homes and vehicles, and leaving communities without electricity for hours and sometimes days at a time. Our most vulnerable city residents, like residents across the state, also bear the brunt of climate change impacts with health impacts and higher energy cost burdens.

The City, along with the State and other communities statewide, does not have the resources to design and install the additional infrastructure and protections we need to stay safe, or to address damage of this magnitude, or to assist residents, especially lower income residents, to recover from or help prevent such impacts. Despite all our efforts to mitigate the impacts of climate change, it is already here, and we need to adapt.

(over)

More resources are needed to address this pressing situation. The funds must come from somewhere, and so the City also supports exploring the concept of a one-time payment by large fossil fuel companies, to raise revenue for this infrastructure.

This bill will help us meet our city, county and state greenhouse gas emissions goals. It also addresses City climate, housing, and equity goals and priorities. Our City climate action framework specifically addresses increased resiliency measures and moving to a fossil fuel free economy, as well as doing our part to reduce greenhouse gasses.

In sum, the City of Takoma Park supports SB 958 and encourages a favorable committee vote.

City Contact: Talisha Searcy, Mayor
talishas@takomaparkmd.gov

Testimony in Support of SB 958 RENEW ACT.pdf

Uploaded by: Vincent DeMarco

Position: FAV



**Testimony Before the Senate Education, Environment and Energy Committee
In Support of Senate Bill 958 – The RENEW Act
By Vincent DeMarco, Maryland Citizens’ Health Initiative**

February 20, 2024

Mr. Chairman and Members of the Senate Education, Environment and Energy Committee, on behalf of the Maryland Citizens’ Health Initiative, I am here to support, SB 958, the Responding to Emergency Needs from Extreme Weather (RENEW) Act. We commend Senator Katie Fry Hester for sponsoring this legislation. Thanks to the Affordable Care Act and to the leadership of the Maryland General Assembly, our state has made great strides in expanding health care coverage, reducing the percentage of our people without health insurance from 13% to 6% in the last few years. We have also worked hard to reduce unconscionable health disparities in our state, including by enacting the Health Equity Resource Communities Act of 2021. But, as Governor Wes Moore said in his Inaugural address, we must do all we can to expand coverage to the hundreds of thousands of our fellow Marylanders still without health care coverage and achieve health equity. We can only accomplish these goals with a new revenue source which would fund our goal of health equity for all Marylanders. Because SB 958 allocates a portion of the proceeds from this program to reduce climate and health disparities, we strongly urge you to pass this life saving measure. I am submitting this testimony on behalf of our individual organization, Maryland Citizens’ Health Initiative, Inc., because we have not reviewed this legislation with our entire Maryland Health Care For All! Coalition.

2024-02-20 SB 958 (SWA).pdf

Uploaded by: Tiffany Clark

Position: FWA

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Chief Deputy Attorney General



CHRISTIAN E. BARRERA
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February 20, 2024

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment

The Honorable Pamela Beidle
Chair, Finance

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 958 – Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024– **Support**

The Office of Attorney General urges the Senate Education, Energy, and the Environment and Finance Committees to report favorably on Senate Bill 958 – Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024. Senate Bill 958 establishes the Climate Change Adaptation and Mitigation Payment Program whose primary purpose is to secure compensatory payments from fossil fuel businesses based on a standard of strict liability to provide a source of revenue for State efforts to (1) adapt to and mitigate the effects of climate change and (2) address the health impacts of climate change on vulnerable populations.

Senate Bill 958 establishes a system whereby each fossil fuel company emitting more than 1 billion metric tons of greenhouse gases (GHG) will be required to pay a proportionate share of \$9 billion to the State in a proportionate ratio with the entity's GHG emissions that are part of the total amount of GHGs emitted from 2000 to 2020. Monies paid under the bill will go to a dedicated

fund used for mitigation and adaptation projects, with a significant portion to be directed toward communities disproportionately affected by climate change.

Senate Bill 958 aligns with the Attorney General's interest in holding fossil fuel companies accountable for climate change impacts, however, the bill does pose some minor concerns. First, the bill should be applicable only to an entity that actually sells its product in the State, mines raw materials in the State, or its product is consumed in the State, even if all their emissions don't occur in Maryland to ensure there is sufficient nexus to the State to allow MDE to regulate emitters of GHGs. Second, the payment figure should correlate to the costs in MDE's Climate Pollution Reduction Plan published December 2023. To the extent these minor issues are addressed with amendments, Senate Bill 958 would provide much needed funds to address climate change problems caused by polluters who have thus far avoided accountability and paying their fair share.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 958 with amendments.

cc: Committee Members

SB 958 UNF.pdf

Uploaded by: Bernie Marczyk

Position: UNF



February 20, 2024

Senate Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Dear Senator Feldman, Chair; Senator Kagan, Vice Chair; and Members of the Senate Education, Energy and Environment Committee

IN RE: SB 958 “Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024”

Thank you for this opportunity to provide comments related to the above-referenced legislation. The American Petroleum Institute (API)¹ **opposes SB 958**. While API appreciates the goal of funding environmental programs, this legislation is not the way to effectuate this objective. API believes it is bad public policy and may be unconstitutional. Among other things, as discussed below, API is extremely concerned that the bill: retroactively imposes costs and liability on prior activities that were legal, violates equal protection and due process rights by holding companies responsible for the actions of society at large; and is preempted by federal law.

Retroactive Law Making

Generally speaking, legislation should apply prospectively to ensure notice to the regulated community and protect due process rights and interests. SB 958 imposes strict liability on actions that occurred almost a quarter century ago. While retroactive *ex post facto* laws may be justifiable under certain circumstances, there is reason to believe that a court would view this legislation as unconstitutional given the harsh and oppressive nature of the bill.² Stated another way, there is a persuasive argument that the bill’s extreme retroactivity (reaching back 24 years to 2000) and amount of potential liability (up to \$9 billion) makes the law “harsh and oppressive” considering that the targeted companies’ actions were lawful during the relevant period and the emissions were actually produced by others farther down the supply chain.

Law May Be Contrary to Excessive Fines and Takings Clauses

The U.S. Constitution includes both an “Excessive Fines” Clause, which prohibits disproportionate fines like those proposed in SB 958, and a “Takings” Clause, which prevents the government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole. The legislation at issue may effectively result in a taking, as it will impose a considerable financial burden for conduct that legally occurred decades earlier in a way that singles out the refining industry for others’ use of fossil fuels. Singling out energy production for exorbitant and disproportionate penalties while ignoring the economy-sustaining use of that energy is misguided.

Arbitrary Penalties and Estimated Fines Create Due Process and Fairness Issues

The bill incorrectly suggests that emissions by companies over the past 70 years can be determined with great accuracy. That is simply not true. At best the state can only estimate emissions; and these estimates are imprecise and not accurate enough to base a

¹ The American Petroleum Institute represents all segments of America’s natural gas and oil industry, which supports more than 11 million U.S. jobs. Our nearly 600 members produce, process, and distribute the majority of the nation’s energy. API members participate in API Energy Excellence, through which they commit to a systematic approach to safeguard our employees, environment and the communities in which they operate. Formed in 1919 as a standards-setting organization, API has developed more than 700 standards to enhance operational and environmental safety, efficiency, and sustainability.

² *McKesson Corp. v. Div. of Alcoholic Beverages & Tobacco*, 496 U.S. 18, 41 n.23 (1990) (internal quotation marks omitted); see, e.g., *E. Enters. v. Apfel*, 524 U.S. 498, 549-550 (Kennedy, J., concurring in the judgment) (opining that a law that “create[d] liability for events which occurred 35 years ago” violated due process); *James Square Assocs. LP v. Mullen*, 21 N.Y.3d 233, 249 (N.Y. 2013) (holding that a tax law with a 16-month retroactivity period was unconstitutional because the sole state purpose offered—“raising money for the state budget”—was “insufficient to warrant [such] retroactivity”).



prorated share of a \$9-billion-dollar penalty. Additionally, this bill all but mirrors legislation being considered in other states. SB 958 is similar to pending bills in New York and Massachusetts where the total penalty is neither justified or explained; rather in all three bills (Maryland, Massachusetts, and New York) the total penalty appears arbitrary.³

No Nexus Between Fine and Actual Responsibility

The bill as introduced imposes liability without regard to the extent of a particular business's actual responsibility. Given the magnitude of the fines at play, API believes that the state must offer more than an asserted causal connection between a company's greenhouse gas emissions and negative impacts or injuries to the environment or public health and welfare. Liability should not attach simply because a company extracted or refined fossil fuels that were placed into commerce and combusted by a third party.

Improper Use of Strict Liability Standard

The goal of the bill is to effectively impose strict liability for purported present and future damages caused by alleged past emissions from extracted or refined fuels no matter where in the world those emissions were released, or who released them. It is patently unfair to charge a group of large companies that did not combust fossil fuels but simply extracted or refined them in order to meet the needs and demands of the people. The bill is arguably discriminatory because it singles out certain companies. With respect to impact attribution from source emissions, it seems obvious that those who drafted this legislation are aware of the difficulties of establishing a conclusive link between anthropogenic climate change and alleged injuries to Maryland. The legislation also neglects to even consider that companies responded with a supply of product to meet the demand for them in the marketplace. Through their use of the strict liability standard, proponents of this legislation concluded that only one segment of the economy should pay the state for excessive costs.

Disproportionate Penalties

The bill as written places an unfair burden on domestic companies. The bill envisions the total liability will be proportionately divided by so-called "responsible parties." As written, "responsible party" excludes "any person who lacks sufficient connection with the state to satisfy the nexus requirements of the United States Constitution." There will be situations where certain companies, including foreign companies, can suggest they have an insufficient connection with Maryland, which would mean that other domestic companies may shoulder greater financial responsibility than their otherwise applicable share.

Preemption

The payments required by the bill may be preempted by federal law. Greenhouse gas emissions are global in nature and subject to numerous federal statutory regimes, including the Clean Air Act. They are also a matter of federal and international law, not state law. The U.S. Court of Appeals for the Second Circuit recently noted this fact in *City of New York v. Chevron Corp.*,⁴ where the court rejected state-law nuisance claims based on global emissions because "a federal rule of decision is necessary to protect uniquely federal interests." As this bill seeks compensation for alleged harms to the environment based on global emissions, it is preempted by federal law.

Conclusion

For all the reasons articulated above, API strongly opposes this bill and recommends SB 958 not be advanced.

³ New York's climate superfund bills with total cost of \$75 billion include S.2129 (see <https://www.nysenate.gov/legislation/bills/2023/S2129/amendment/A>) and A.3351 (see <https://www.nysenate.gov/legislation/bills/2023/A3351/amendment/A>). Massachusetts' climate superfund bills with a total cost of \$75 billion include S.481 (see <https://malegislature.gov/Bills/193/S481>) and H.872 (see <https://malegislature.gov/Bills/193/H872>).

⁴ See 993 F.3d 81, 90 (2d Cir. 2021).

SB 958_MDCC_Responding to Emergency Needs From Ext

Uploaded by: Hannah Allen

Position: UNF



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 958 - Responding to Emergency Needs From Extreme Weather (RENEW) Act of 2024

Senate Education, Energy, and the Environment Committee

Tuesday, February 20, 2024

Dear Chairman Feldman and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 958 establishes the Climate Change Adaptation and Mitigation Program (the Program) in the Department of the Environment, which would serve to secure payments from businesses that derive revenue from fossil fuels or petroleum products. The Program would be used to fund climate change mitigation infrastructure projects, address health impacts of climate change, and impose and collect cost recovery payments on responsible parties. The bill also outlines the total liability will be proportionately divided by “responsible parties.”

The Maryland Chamber has serious concerns over the strict liability outlined in this legislation, among many other factors. SB 958 is retroactive and will apply to businesses engaged in the trade or business of extracting fossil fuel or refining crude oil beginning Jan. 1, 2000. Reaching back 24 years is extremely harsh and excessive, along with imposing potential liability of up to \$9 billion on prior activities that were legal. Additionally, businesses should not be held liable because fossil fuels they extracted or refined were placed into the marketplace and used by a third party. The Chamber would urge the committee to consider removing the strict liability and apply this legislation only prospectively to ensure the affected business community has proper notice.

Further, the Chamber is concerned that domestic companies will take on greater costs as companies not completely connected to the state, like foreign entities, may argue that they have insufficient connections to Maryland and do not satisfy the nexus requirement of the U.S. Constitution, as outlined in the legislation.

This legislation concludes that one segment of the economy should bear these large and excessive costs. Singling out the refining industry, placing a sizeable financial burden on them, and even specific companies for other’s use of fossil fuels is inappropriate and tremendously

unfair. The Maryland Chamber of Commerce urges the committee to not consider passing legislation that retroactively imposes costs and liability during a period when the target companies' actions were lawful.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **Unfavorable Report on SB 958**.

