



**The Maryland Department of the Environment
Secretary Serena McIlwain**

House Bill 922

State Government - Public Welfare Actions - Determinations and Settlements

Position: Support
Committee: Judiciary
Date: February 21, 2024
From: Leslie Knapp, Jr.

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 922. The bill is important to MDE as it allows certain claims brought by the State to protect the public to not be subject to the Uniform Contribution Among Tortfeasors Act (UCATA).

Bill Summary

House Bill 922 provides that a “public welfare claim” (those involving consumer protection, or injuries to the health, safety, environment, or welfare to the residents of Maryland) brought by the Attorney General or the State is not subject to the UCATA with respect to comparative responsibility for multiple defendants..

The bill is narrowly focused on public welfare claims and expressly states that the bill’s provisions do not impair any express contractual rights or grant authority to the State or the Attorney General to bring actions or claims not otherwise authorized by law. The bill’s application is prospective only and would not apply to any public welfare action finalized before July 1, 2024.

Position Rationale

The bill would facilitate settlements and increase the overall potential recovery to the State in certain claims where there are multiple defendants that have varying levels of culpability to the underlying claims and damages. Specifically for MDE, HB 922 would impact several pending claims, including: (1) the “forever chemicals” per- and polyfluorinated substances (PFAS); (2) the firefighting aqueous film forming foam (AFFF); and (3) the gasoline additive methyl tert-Butyl Ether (MTBE). The bill would also cover future environmental claims, including claims for emerging contaminants.

At this time, these cases are difficult to settle resulting in the use of a tremendous amount of State resources. If the State was able to settle some of these claims with at least some of the responsible persons, MDE would anticipate faster and more efficient settlements. This funding and reallocation of staff resources would help MDE focus on the important environmental work being done in the State, while holding defendants responsible for their equitable share of the harm they caused.

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Maryland is one of only two jurisdictions that apply this restrictive interpretation of UCATA. This bill would put Maryland on equal footing with the vast majority of other states and allow the Attorney General and the State to resolve claims that would fund the investigation and remediation of the harms that impact all Marylanders, including communities already underserved and overburdened.

For the reasons detailed above, MDE urges a **FAVORABLE** report for HB 922.