Testimony in Support of House Bill 614 – State Government – Office of the Environmental and Natural Resources Ombudsman – Establishment (Environmental Accountability and Transparency Act) – (Del. Lierman)

February 19, 2020

Dear Chairman Barve and members of the committee:

Thank you for this opportunity to submit testimony in support of House Bill 614 – the Environmental Accountability and Transparency Act– on behalf of Waterkeepers Chesapeake. Waterkeepers Chesapeake is a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. Maryland Waterkeepers have an interest ensuring healthy and thriving aquatic habitats across the state.

In the last twenty years, the Maryland Department of Agriculture has lost more than 20% of their staff. Maryland Department of the Environment has lost over 13% of their positions. Maryland Department of Natural Resources has lost 17.5% of their positions. These reductions in environmental staffing at state agencies have limited their ability to complete enforcement actions. In fiscal year 2018 alone, the Maryland Department of Environment saw a 3.3% decrease in inspections and 6% decrease in penalties collected.[1]

HB 614 creates an Ombudsman in the Attorney General's office to receive, process, and keep a record of each complaint that involves environmental or natural resources violations. The Ombudsman will publish and maintain a website with information regarding pollution complaints, facility inspections, and enforcement actions by MDE, DNR, and MDA. An Ombudsman dedicated to environmental enforcement would reduce the administrative burden on agencies; support the legal right of public participation in environmental enforcement; and promote public access to pollution information and enforcement.

Marylanders have a right to enforce many of our environmental laws. Access to environmental enforcement data is an important tool in protecting this right. Currently, MDE is overwhelmed by Public Information Act requests. HB 614 would save taxpayers money and MDE valuable time and staff resources by making any and all public records in the agency's possession easily

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[1] Maryland Department of the Environment, *Annual Enforcement & Compliance Report: Fiscal Year 2018*, available at: https://mde.maryland.gov/Documents/AECR_FY18_Final.pdf.

Anacostia Riverkeeper   Lower Susquehanna Riverkeeper   Shenandoah Riverkeeper
Assateague Coastkeeper   Middle Susquehanna Riverkeeper   South Riverkeeper
Baltimore Harbor Waterkeeper   Miles-Wye Riverkeeper   Upper James Riverkeeper
Chester Riverkeeper   Potomac Riverkeeper   Upper Potomac Riverkeeper
Choptank Riverkeeper   Sassafras Riverkeeper   Virginia Eastern Shorekeeper
Gunpowder Riverkeeper   Severn Riverkeeper   West Rhode Riverkeeper
Lower James Riverkeeper

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accessible on MDE's website. The Ombudsman would also be required to keep an up-to-date list on open complaints, with details on required actions that have been taken, and a public list of all settlement agreements related to environmental or natural resources. Additionally, the Ombudsman would provide an avenue of communication between agencies and the public by encouraging agencies to expeditiously handle complaints and reporting progress to the complaint maker.

Enforcement of our environmental laws is critical. When overburdened state agencies are unwilling or unable to effectively enforce the laws, it is imperative that Marylanders be equipped with the necessary information so that they may fully protect their rights. With the creation of an Ombudsman, HB 614 puts an advocate for environmental enforcement in the Attorney General's office that is accessible to all Marylanders.

Waterkeepers Chesapeake is a strong proponent of measures that safeguard our waterways, ensure aquatic habitat health, and provide a path for the resurgence of the Chesapeake Bay. For these reasons, the undersigned Waterkeepers, Riverkeepers and Coastkeepers urge the Committee to adopt a favorable report on House Bill 614.

Sincerely,

Betsy Nicholas
Executive Director
Waterkeepers Chesapeake