



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Climate Counsel Act (HB 30)

Testimony of Delegate Marc Korman--Favorable with Amendments

Thank you Mr. Chairman, Madame Vice Chair, and members of the Economic Matters Committee. I come before you today to discuss the Climate Counsel Act. 100 years ago, Maryland pioneered the protection of ratepayer interests before utilities commissions by creating the first Office of People's Counsel (OPC). The bill before you would have Maryland lead the way again by creating the Office of Climate Counsel. Just as OPC protects ratepayer interests, the Office of Climate Counsel would advocate on behalf the of Maryland's environmental interests before the PSC, the Maryland General Assembly, federal regulators, and the courts.

The Maryland Commission on Climate Change estimates that Maryland is the fourth most vulnerable state in terms of sea-level rise.<sup>1</sup> Additionally, The Maryland Department of Environment estimates that electricity use accounts for 31% of the state's Greenhouse Gas emissions.<sup>2</sup> Given the integral role the PSC plays in regulating electricity use and the electric industry in Maryland, Marylanders deserve to have an advocate with the PSC who is looking out for the state's environmental interests.

The Office of Climate Counsel would function similarly to that of the existing OPC, but would have a specific emphasis on reviewing consequential impacts on the environment. The Office of Climate Counsel would be a vital component of addressing Maryland's pressing environmental issues at hand.

The legislation empowers the Office of Climate Counsel to represent and advocate for the environmental interests of Maryland and it's residents on all matters before the PSC. The accompanying fact sheet details several instances in which the OPC's public comments on PSC rulings focused primarily on ratepayer impacts in terms of cost and did not analyze the

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<sup>1</sup> "Sea-Level Rise Projections for Maryland 2018," Maryland Department of Environment (Maryland Commission on Climate Change, n.d.), <https://mde.maryland.gov/programs/Air/ClimateChange/MCCC/Pages/index.aspx>.

<sup>2</sup> "State of Maryland 2017 Greenhouse Gas Emission Inventory Documentation," Maryland Department of Environment, n.d., <https://mde.maryland.gov/programs/Air/ClimateChange/Documents/MD%202017%20Periodic%20GHG%20Emissions%20Inventory%20Documentation.pdf>.

proposal's environmental impacts. The Climate Counsel would be empowered to analyze all PSC proceedings to ensure Maryland's environmental interests are being properly evaluated.

As the Office of Climate Counsel deems necessary, they will be able to conduct investigations and advocate to the PSC to make decisions which will protect the environmental interests of the state.

The Office of Climate Counsel will also be able to recommend legislation to the General Assembly on any matter related to the PSC's jurisdiction. Additionally, the Office of Climate Counsel is entitled to appear before any federal or state jurisdiction to protect Maryland's environmental interests. The Climate Counsel would also be added to the Maryland Commission on Climate Change which is charged with developing an action plan to combat the negative impacts of climate change.

The legislation requires the Attorney General to appoint the Climate Counsel with the advice and consent on the Senate to a five-year term. To help with funding, the Office of Climate Counsel will receive 0.025% of the PSC's gross operating revenues derived from intrastate utility and electricity supplier operations in the preceding calendar year, half of the amount currently used to fund OPC. The Climate Counsel will receive an annual salary of \$120,000 and the State Budget is required to provide sufficient funds to the Office of Climate Counsel to hire staff.

We have submitted two technical amendments to the committee. The first clarifies that the Office of Climate Counsel would be an independent standalone agency like the OPC. The second strikes the provision that the Office of Climate Counsel would be able to use PSC staff. That language also exists in the OPC statute, but is not usually invoked and is, therefore, not necessary here.

The Climate Counsel Act would ensure that the environmental interests of the state are not only addressed and evaluated, but also advocated for. We must give Marylanders the security they deserve by carefully considering the environmental matters that will directly or indirectly affect them. I urge the committee to give a favorable report to the Climate Counsel Act so that Maryland can continue to combat the negative impacts of climate change and reach our 2030 emissions goals as efficiently as possible.