

January 26, 2021

The Honorable William C. Smith Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building,
2 East Wing 11 Bladen St.,
Annapolis, MD, 21401

RE: Support of SB 334 (Water Pollution Control – Intervention in Civil Actions – Rights and Authority) with Amendment

Dear Chairman Smith:

The Maryland Building Industry Association, representing 1,100 member firms statewide, appreciates the opportunity to participate in the discussion surrounding Water Pollution Control – Intervention in Civil Actions – Rights and Authority. MBIA supports this legislation with Amendments.

This bill, as currently written, establishes that a person who meets the threshold standing requirements under the Clean Water Act has the right to, unconditionally; intervene in a civil action brought by the State. As currently written this bill is very broad and could have unintended consequences.

Giving single persons the right to unconditionally intervene in civil actions in state courts undermines not only the legal judgments of the court but opens itself to biasing the results of individual cases based on the political agendas of the ruling political party that makes determinations as to the standing requirements under the Federal Clean water Act. The clean water act is already established law and is represented in court proceedings by virtue of a judge being present. There is no need for additional advocates disrupting legal proceedings and injecting political opinions into a court case.

However, with the proposed amendments clarify that intervention must comply with all the requirements that exist in Federal law. This bill should not provide greater rights than would be afforded in Federal cases.

For these reasons, MBIA respectfully requests the Committee adopt the proposed amendments and give the bill a favorable report.

Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Judicial Proceedings Committee