



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 10, 2021

To: The Honorable Shane Pendergrass
Chair, Health and Government Operations Committee

From: Delegate Jen Terrasa
District 13, Howard County

Re: Sponsor Testimony in Support of HB1078 Attorney General - Climate
Change Actions - Authorization

Dear Chairman Pendergrass, Vice Chair Peña-Melnyk and members of the Health and Government Operations Committee,

Thank you for the opportunity to present HB1078. This urgent bill grants authority to the Attorney General to prosecute and sue those major producers of carbon emissions who engaged in tortious or unlawful conduct by deceiving the public after having learned the impact of their products on the global climate. This bill is necessary to uphold the rule of law and protect the rights of Maryland residents while also insulating taxpayers from the future costs of climate change mitigation.

This legislation follows other nations, states, and jurisdictions in an emerging field of law which will help define our future. With more than 3,000 miles of shoreline and delicate intertidal wildlife, Maryland will be one of the states most affected by climate change.

The climate emergency we find ourselves in was created by decades of denial, deception, and disinformation by the fossil fuel industry. Internal industry documents show that fossil fuel companies predicted as far back as the 1960s that their products would cause “catastrophic” climate impacts. Instead of disclosing what they knew, the industry deliberately misled the public, policymakers, and the media about the dangers of climate change in order to protect their profits. These companies didn’t play fair, they violated state law, and now our communities are paying the price.

In the coming decades, thousands of Marylanders will likely be displaced from their homes, see their property destroyed, and lose their livelihoods as sea level rise and warmer, more acidic waters will spell catastrophe for Maryland’s coastal and estuarine ecosystems vital to watermen, tourism, and wildlife. This makes the Attorney General’s

ability to defend the lives and property of Marylanders against these corporations paramount.

Much of downtown Baltimore, Worcester, Somerset, Dorchester, Talbot, Queen Anne's, and Kent counties may be under water within a century if action is not taken. This will threaten homes, agriculture, aquaculture, fishing, hunting, and the very character of our state. Why should we deny our grandchildren these opportunities while oil corporations make off like bandits, even though they knew the possible effects of their products on the environment?

HB1078 is necessary as statewide authorization because local jurisdictions lack the resources for the initial up-front costs of lengthy and involved litigation even if the resulting settlement more than covers the court costs. Additionally, when companies engage in fraud and deception this violates state statute and therefore, the Attorney General is in the correct jurisdiction to prosecute these cases. The most common way that petroleum producers have been able to escape justice is by attacking the cases on jurisdictional grounds rather than the actual merits and truths of the charges. For the success and proper application of our state's laws it is essential that our Attorney General be granted the authority and resources to carry out climate accountability cases, thereby eliminating the favorite avenue of fossil fuel corporations to escape responsibility.

The Attorney General's office has a long history of holding bad actors accountable for the damage they cause to Maryland residents, especially when taxpayers are forced to foot the bill. When the tobacco and opioid industries engaged in fraudulent and deceptive practices resulting in public health crises, the Attorney General held them accountable for the resulting harms these actions caused to our communities.

Now, HB1078 will give the Attorney General the necessary tools to hold the fossil fuel industry accountable for its role in the climate change crisis. They must not be allowed to escape legal liability and pass off the extraordinary costs of its business with impunity.

I respectfully urge a favorable report.