



Maryland Farm Bureau, Inc.

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February 26, 2021

To: Senate Judicial Proceedings Committee

From: Maryland Farm Bureau, Inc.

Re: Opposition of SB524 - Environment - Multidefendant Oil and Hazardous Substance Pollution Cases - Effect of Settlement

On behalf of our member families, I submit this written testimony opposing SB 524. This bill exempts pollution cases related to the discharge of oil and release of a hazardous substance from the Maryland Uniform Contribution Among Joint Tort-Feasors Act (MUCATA). The bill (1) requires a factfinder to make a determination of liability and assign comparative responsibility to all parties joined in the legal action; (2) authorizes the State to continue to pursue or begin new legal action if a settlement does not provide complete relief; (3) establishes that a settlement with the State for claims does not release other persons from liability but does reduce the remaining responsible persons' "proportionate share of liability,"; and (4) authorizes a person who satisfies claims with the State to seek contribution from other responsible persons.

Why is Maryland Farm Bureau opposing a MTBE bill?

- The bill is not limited to the MTBE case. In the House bill hearing last week, the Attorney General said he could use this bill to assist him in bringing other suits and used an example of one involving RoundUp, a crop protectant used by Maryland Farmers. We do not want to make it easier for the Attorney General to hire private attorneys on a contingent fee basis to sue farmers.

The Attorney General says this will allow defendants to settle faster. Wouldn't farmers like that?

- We can only settle faster if he sues us and then only if we give up all the protections we would get if we went to trial – such as the ability to claim contributory negligence. This bill is meant to make it easier for small companies and farmers to be sued in the first place.

Maryland law gives defendants, including farmers, a lot of what are called "affirmative defenses" like contributory negligence. This bill says that the jury will decide a farmer's or small companies' "comparative responsibility" without giving the farmer a right to assert those defenses in a full trial. Farmers in these cases should have all the rights that defendants have in other cases.

The Attorney General apparently intends to use private lawyers hired on a contingency fee to bring additional cases like he has in the MTBE case. We believe the reason why they want to collect money faster is so to help the private lawyers with cash flow. Those private lawyers drafted this bill, none of the defendants or future defendants asked for it.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES SB 524

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