



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Sponsor Testimony in Support of HB363 Attorney General - Climate Change Actions - Authorization Delegate Sheila Ruth

February 15, 2022

The climate crisis is not some distant future. It's right here, right now, and we are already suffering the consequences and they will only get more severe as time goes on unless we intervene now.

Annapolis

Right here in Annapolis, flooding is causing damage to businesses and loss of revenue, most recently on October 29, 2021. (Photos from the Capital Gazette)



The rise in sea levels have caused average water levels to rise a foot since 1950. While serious floods like the one in October 2021 cause damage to businesses and public areas, even more common nuisance flooding leads to lost business in the downtown area. Parts of the city dock are underwater 50-60 days a year now, compared to 3-4 days 50 years ago. A 2019 study in the journal Science Advances found that in 2017, Annapolis businesses lost between \$86,000 and \$172,000 in revenue from fewer visitors due to flooding. A planned flood protection project is estimated to cost \$50 million.

Ellicott City

Ellicott City has also suffered major damage due to flooding in recent years, with two “thousand year floods” just two years apart, in 2016 and 2018. [According to FEMA](#), the 2016 flood “affected 104 businesses and 90 homes, wrecking the economic heart of the city. The area suffered \$67.2 million in reduced economic activity, \$1.3 million in reduced revenues for Howard County, and between 151 and 550 jobs lost.”

According to the Jacob France institute, the 2016 flood incurred costs of \$9.4 million to the county for restoration, with an economic impact of \$42 to \$67 million. One person died in each of the floods, and a third person was killed falling from a scaffold during the rebuild.

All the repairs made in 2016 were washed away in 2018.

Howard County has developed a “Safe and Sound” flood mitigation plan with \$60 million of secured funding, including \$30 million from county sources and \$20 million from the state.



(Baltimore Sun)

Eastern Shore

The Eastern Shore is already experiencing both more frequent nuisance flooding and major floods, as water levels in the Chesapeake Bay rise. [Dorchester County is facing difficult choices](#), with some of the highest sea level rise on the East Coast, causing road closures, septic system overflows, skyrocketing

flood insurance prices, and loss of homes and businesses. Residents who have lived in the same place for generations are facing the difficult decision of whether to keep rebuilding or move away. An [April 2021 study from Climate Central](#) found that sixteen historic sites along the Harriet Tubman Underground Railroad Byway will experience chronic flooding by 2050, and ten are having chronic flooding now.

Local

A county in Maryland's lower Eastern Shore is washing away, leaving its residents with hard choices



Gary McQuitty steers his boat out into the Honga River near his hunting and fishing resort, Riverside Lodge, on Hoopers Island, Md. (Jerry Jackson/Baltimore Sun)

By Scott Dance
August 24, 2020



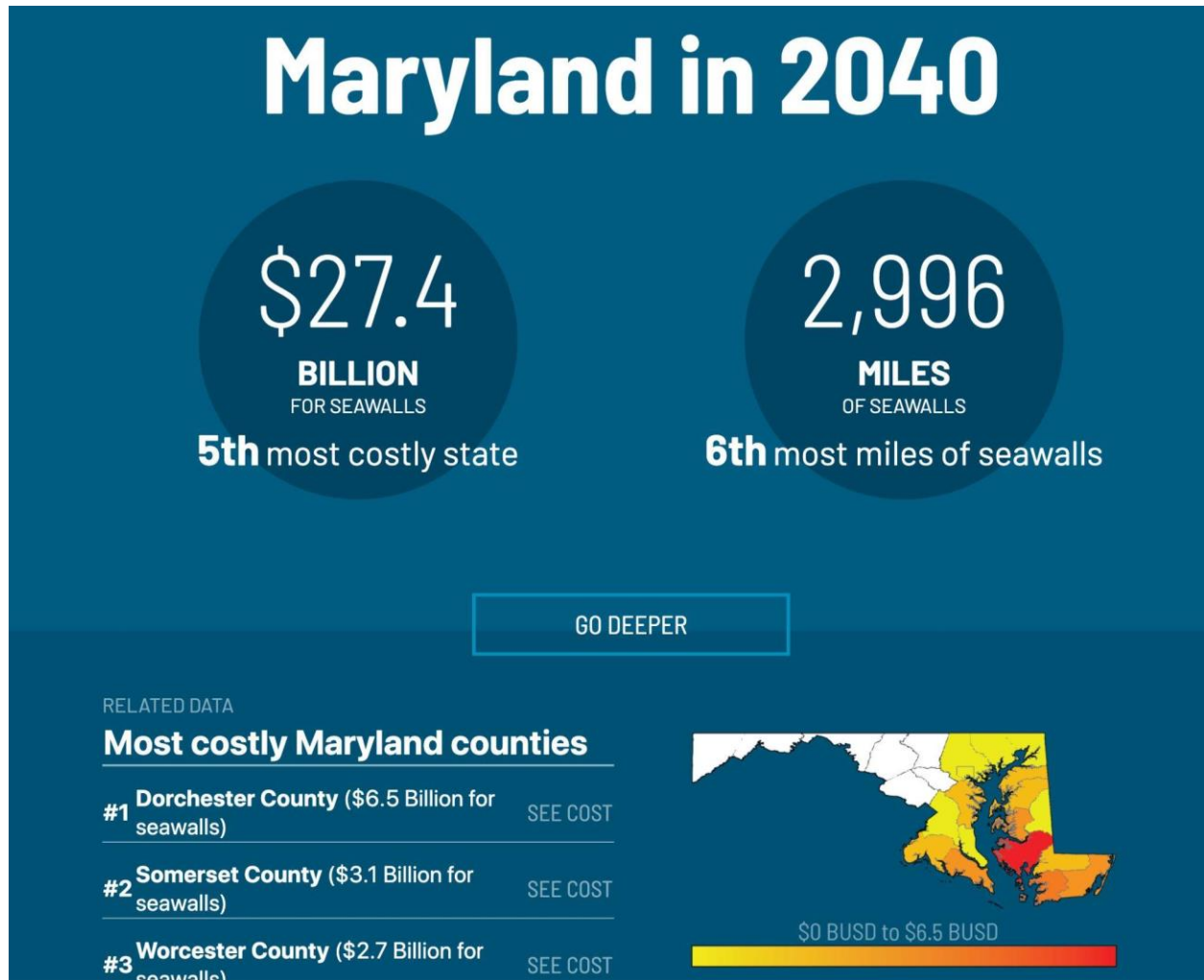
(Washington Post)



(Dorchester Star)

Seawalls

[A study by the Center for Climate Integrity](#) found that Maryland is facing a cost of \$27 **billion** for seawalls by 2040 - just 18 years from now. The county with the greatest impact is anticipated to be Dorchester County, with the cost of seawalls estimated to be \$6.5 **billion** by 2040. By comparison, the annual Dorchester County operating budget is approximately \$66 million and the capital budget just over \$5 million, meaning that the cost of seawalls alone will be many times the budget of Dorchester County and other impacted jurisdictions.



(Center for Climate Integrity)

Who should pay?

These are just a few of the astronomical costs that the state and its counties and municipalities are already facing, which will increase in the coming years.

This raises the question: who should pay? **Should the taxpayers be on the hook for these costs?** Will it even be possible for the state and local jurisdictions to fund them?

As early as 1968, scientists with the American Petroleum Institute warned that rises in CO₂ - likely due to burning fossil fuels - could cause melting of the Antarctic Ice Cap, rising sea levels, warming oceans, and changes in plant and animal life. The report states that “[s]ignificant temperature changes are almost certain to occur by the year 2000 and these could bring about climatic changes.”

In 1978, an Exxon scientist named James Black wrote a paper called “The Greenhouse Effect,” which warned that human-caused emissions could bring about serious consequences.

[For decades, the petroleum industry and fossil fuel companies had ample evidence](#) that burning fossil fuels was going to cause major climate changes with devastating consequences. Yet they’ve spent those decades engaging in advertising campaigns and lobbying to deceive the public and government officials and hide the true impact of their actions, all while earning billions of dollars in profit.

These deceptive and fraudulent actions have led us to where we are now and almost certainly have contributed to the major consequences we are already seeing, and which will only accelerate in the coming years.

The actions of these companies should be examined through the judicial process, and if they are found to have been a contributor to the climate crisis through deceptive and fraudulent actions, should be required to pay for their share of the consequences of those actions.

Maryland’s Attorney General must be able to take action to hold these companies accountable, as has been done with tobacco and the opioid crisis. HB363 will authorize the Attorney General to investigate, commence, and prosecute or defend a civil or criminal suit against any publicly traded entity with a market capitalization greater than \$1 billion whose unlawful conduct contributed to climate change, and to hire outside counsel on a contingency basis if needed. This year we altered the language of the bill to limit the authorization to only those publicly traded entities with market capitalization greater than \$1 billion in order to avoid the unintended consequence of drawing in companies or industries whose business may have contributed to climate change but who didn’t engage in those large scale fraudulent and deceptive actions.

Very simply, this is about holding bad actors accountable for unlawful conduct and the damage caused by their actions.

I ask for a favorable report for HB363.