

# **WKC SB611 Favorable Testimony.pdf**

Uploaded by: Alexander Villazon

Position: FAV



March 8, 2023

## **FAVORABLE Report – SENATE BILL 0611: Environment and Natural Resources Monitoring Unit - Establishment**

Dear Chairman Feldman and Members of the Committee,

We are writing in strong support of **SB0611** on behalf of Waterkeepers Chesapeake – a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to protect and maintain the ability of the public to safely enjoy the waters of our State – and allied organizations listed below. Waterkeepers Chesapeake supports the establishment of a permanent Environment and Natural Resources Monitoring Unit within the Office of the Attorney General of Maryland (the Monitoring Unit) in order to more effectively hold bad actors accountable for polluting our waterways and endangering the health of our communities.

### **What this bill does:**

**SB0611** will establish the Monitoring Unit to (1) investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws; (2) assist the Department of the Environment and Department of Natural Resources in investigating or bringing a civil action regarding a violation of State civil environmental and natural resources laws; and (3) require the Monitoring Unit to report to certain entities in the State on all its activities, findings, and recommendations. **SB0611** notes that the staff that would be part of the Monitoring Unit would consist of environment and natural resources justice monitors as well as attorneys specializing in environmental and natural resources law, effectively coordinating efforts between environmental experts from different areas. Importantly, due to the nature of investigations into environmental crimes, **SB0611** also provides for assistance to victims of pollution crimes as well as the professionals supporting them instead of waiting for the bad actors to be charged.

### **What this bill means:**

**SB0611** will add much needed support as well as accountability to Maryland state agencies that have enforcement authority of environmental laws. MDE's declining rate of

enforcement is evidence that state agencies alone can't address the number of current and ongoing violations around the state. As an example, in Dorchester County, it took the action of ShoreRivers, a local Waterkeeper group, to uncover significant pollution violations at the Valley Proteins rendering plant. The Clean Water Act discharge permit for Valley Proteins was administratively extended by MDE since it expired in 2006, and the facility was in and out of compliance for several years following the continuation of the permit. Lack of inspections and monitoring led to continued violations at the facility with no clear obligation from MDE about when the permit would be updated or if enforcement actions were to be taken. The pollution from the facility's non-compliance will have lasting impacts to the downstream water quality in the Transquaking River and Higgins Mill Pond.

This bill will provide more enforcement resources to investigate violations, while also holding MDE accountable to enforce the laws they're obligated to enforce. In the event that MDE fails to do its job, as was the case with the Valley Proteins, the Attorney General's Environmental Monitoring Unit can step in and assist MDE while holding them accountable. Having a robust criminal enforcement capacity in Maryland will have dramatic ripple effects on rates of compliance by establishing a highly deterrent threat for the most serious violations.

For these reasons stated above, we urge the Committee to adopt a **FAVORABLE** report on **SB0611**.

Contact: Alex Villazon, Climate & Justice Legal Fellow, [alex@waterkeeperschesapeake.org](mailto:alex@waterkeeperschesapeake.org)

Waterkeepers Chesapeake  
Anacostia Riverkeeper  
Arundel Rivers Federation  
Gunpowder Riverkeeper  
Blue Water Baltimore  
ShoreRivers  
Sierra Club - Maryland Chapter

**SB 611\_CBF\_FAV.pdf**

Uploaded by: Allison Colden

Position: FAV



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## Senate Bill 611

Office of the Attorney General – Environment and Natural Resources Monitoring Unit - Establishment

Date: March 8, 2023	Position: Support
To: Education, Energy & Environment Committee	From: Allison Colden, Sr. Fisheries Scientist

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Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 611 which would create a special unit within the Attorney General's office to prosecute environmental and natural resources crimes and provide support to Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) in investigating civil suits. This bill follows a long history of lack of enforcement of environmental and natural resources laws, and could significantly improve the outcomes of natural resources cases by providing MDE and DNR with additional expertise and resources needed for proper enforcement.

In a 2022 study, the [Chesapeake Accountability Project](#) found that between 2017 and 2020, nearly three quarters of Maryland's industrial facilities were not in compliance with their stormwater permits, yet formal enforcement actions were taken against less than 1 percent of sites found out of compliance. The lack of follow-up enforcement action after a finding of noncompliance was attributed to the lack of available resources and capacity at MDE. Lack of enforcement of MDE permit terms places the fragile recovery of the Chesapeake Bay at risk and sends a message to permittees that noncompliance is an acceptable outcomes to permit violations.

Similarly, Maryland's natural resources laws have suffered from a lack of enforcement. Though there are strong laws on the books, lack of enforcement has led to repeat offenses which damage Maryland's natural resources and economy. For example, in a 2018 review of oyster poaching violations dating back to 2013, CBF found that enforcement of laws is uneven across counties, with Somerset County declining to prosecute in one-third of cases while Talbot County dropped poaching charges in only five percent of cases. District Courts also frequently assessed fines on offenders at a fraction of what state laws permit or for court costs only. Dedicated prosecutors for natural resources violations has been a long-standing recommendation of the Oyster Advisory Commission, who noted in their 2008 and 2013 reports that a lack of legal support has results in lack of prosecution for many arrests and citations issued by Natural Resources Police.

Establishing an Environment and Natural Resources Monitoring Unit within the Office of the Attorney General to assist agencies with prosecution of criminal cases and mitigation of damages through civil suits would help increase the capacity of the agencies to carry out meaningful enforcement.

### CBF urges the Committee's FAVORABLE report on SB 611.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

# Testimony Enforcement Unit 2023.pdf

Uploaded by: Elisabeth Curtz

Position: FAV

To: Senate Committee on Education, Energy and the Environment  
House Committee on Environment and Transportation

Re: In Support of SB 611 and HB 874  
Office of the Attorney General - Environment and Natural Resources Monitoring  
Unit – Establishment

From: Friends of St Clements Bay and St Mary's River Watershed Association

Date: March 6, 2023

Friends of St Clements Bay (FSCB) and St Mary's River Watershed Association (SMRWA) are longstanding community watershed associations working to protect and preserve water quality in the lower Potomac watershed of St. Mary's County Maryland.

We strongly urge you to support the passage of SB611/H874 this session. Maryland has a relatively robust set of water quality regulations in place; enforcement of these provisions is often sadly lacking due to staffing shortages and the absence of a dedicated enforcement unit.

Our local watermen suffer damage from poaching of aquaculture leases to poisoning of their product by sewage spills. Our water clarity in many areas is dismal, a victim of sedimentation often stemming from non-compliant construction sites that operate without effective enforcement of permit requirements.

The health of our communities and economies are tied to healthy waterways. Establishment and funding of a Monitoring Unit will be an important step toward making good on the promise of clean water for future generations.

**SB611\_fav\_HSUS.pdf**

Uploaded by: Jennifer Bevan-Dangel

Position: FAV





**THE HUMANE SOCIETY  
OF THE UNITED STATES**

**March 8, 2023**

**Education, Energy, and the Environment Committee**

**SB 611**

***Office of the Attorney General -  
Environment and Natural Resources Monitoring Unit – Establishment***

**FAVORABLE**

The Humane Society of the United States, on behalf of our members and supporters in Maryland, urges a favorable report on SB611. This bill creates a special unit within the Attorney General’s office to prosecute environmental and natural resources crimes and provides support to Maryland Department of the Environment (MDE) and the Maryland Department of Natural Resources (DNR) in investigating civil suits. The creation of this special unit will dramatically increase the state’s ability to enforce our critical laws related to wildlife management.

This committee should be proud of the strong framework of wildlife laws it has passed over the past few years, from banning wildlife killing contests to ending wildlife trafficking within the state. Maryland has also created a robust framework of hunting and trapping regulations. When those laws are not enforced, animals suffer.

Too often, cases involving natural resources crime are technical, complex, and outside the regular jurisdiction of the lawyers tasked with prosecuting them. As a result, these cases are less likely to be brought, less likely to be rigorously prosecuted, and less likely to result in a victory in court. Creating a special unit that will be tasked with building expertise in this area and assisting with the legal enforcement of our laws will have a tremendous impact on the ability to prosecute these crimes successfully and vigorously.

SB611 will improve our ability as a state to implement, oversee, and enforce violations of our wildlife laws, and we urge a favorable report.

# **FAV - SB611 Natural Resources Monitoring Unit (1).**

Uploaded by: Kristen Harbeson

Position: FAV



Kim Coble  
Executive Director

March 7, 2023

2023 Board of  
Directors

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The Hon. Nancy Kopp,  
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The Hon. Steve Lafferty  
Patrick Miller  
Bonnie L. Norman  
Katherine (Kitty)  
Thomas

**Support SB611 - Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment**

Chair Feldman and Members of the Committee:

Maryland LCV supports SB611, and we thank Senator Bailey for his leadership, and his commitment to environmental enforcement.

This bill creates a special unit within the Attorney General's office to prosecute environmental and natural resources crimes and provide support to Maryland Department of the Environment (MDE) and Maryland Department of Natural Resources (DNR) in investigating civil suits.

As outlined by our partners at the Chesapeake Accountability Project, between 2017 and 2020, nearly three quarters of Maryland's industrial facilities were not in compliance with their stormwater permits, yet formal enforcement actions were taken against less than 1 percent of sites found out of compliance. The lack of follow-up enforcement action after a finding of noncompliance was attributed to the lack of available resources and capacity at MDE. Lack of enforcement of MDE permit terms places the fragile recovery of the Chesapeake Bay at risk and sends a message to permittees that noncompliance is an acceptable outcome to permit violations.

Lack of enforcement capacity for non-compliance is especially damaging to communities already overburdened by pollution. Providing additional resources will assist agencies with prosecution of criminal cases and mitigation of damages through civil suits would help increase the capacity of the agencies to carry out meaningful enforcement.

Maryland LCV urges a favorable report on this important bill.

**TEST SB 611AttyGen 23 Document (27)\_pdf.pdf**

Uploaded by: Lani Hummel

Position: FAV

TO: Senate Education, Energy, and Environment Committee Testimony on: SB 611 Office of the  
Attorney General – Environment and Natural Resources Monitoring Unit –

Establishment Position: Favorable Date: March 7, 2023 I have been a proactive advocate for environmental conservation for more than 50 years. I am happy to live in a state that has enacted a number of laws to protect and preserve our natural resources. Unfortunately, these laws have been less effective than intended because of a lack of enforcement of their provisions. Whether it's oyster poaching in the Bay or animal waste pollution on the Eastern Shore, there are many examples of a failure to enforce our environmental laws and hold violators accountable. It is well past time for the General Assembly to remedy this situation. SB 611 is just what the doctor ordered. The Office of the Attorney General can bring additional resources to the task and is more focused on the legal, rather than the commercial, aspects of a case and will, therefore not hesitate to pursue criminal and civil penalties necessary to hold violators accountable. And, whereas state agencies can become captive to industry, Attorneys General usually maintain a more neutral and objective approach. For these reasons, I enthusiastically urge you to support SB 611, for our children and grandchildren. Thank you for your consideration. Lani Hummel Annapolis

# **Office of the Attorney General - Environment and N**

Uploaded by: Lisa Radov

Position: FAV



## MARYLAND VOTES FOR ANIMALS

PO Box 10411  
BALTIMORE, MD 21209

March 8, 2023

To: Senate Education, Energy, and the Environment Committee  
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.  
Re: Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment - SB 611- Support

Chair Feldman, Vice Chair Kagan, members of the Education, Energy, and the Environment Committee, thank you for the opportunity to testify before you today. My name is Lisa Radov. I am the President and Chair of Maryland Votes for Animals. We champion humane legislation to improve the lives of animals in Maryland. Speaking for Maryland Votes for Animals, our Board of Directors, and our members across Maryland, I respectfully request that the Education, Energy, and the Environment Committee vote favorably for Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment - SB 611.

This bill would establish the Environment and Natural Resources Monitoring Unit of the Office of the Attorney General to investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws and to assist the Department of the Environment and the Department of Natural Resources in investigating or bringing a civil action regarding a violation of State civil environmental and natural resources laws relating to the Environment and Natural Resources Monitoring Unit.

To ensure that our environment and natural resources are safe for Maryland residents, we must have the ability by the Attorney General's office to investigate and potentially take legal action if there is a violation of State laws in these areas. By establishing the Environment and Natural Resources Monitoring Unit to Assist the Department of Natural Resources, we would strengthen our commitment to protecting and preserving Maryland's environment and natural resources for future generations.

In closing, I would like to thank Senator Bailey for his sponsorship of SB 611 and ask the committee to give this bill a favorable report.

**SB 611\_mgoldstein\_fav 2023.pdf**

Uploaded by: Mathew Goldstein

Position: FAV





Secular Maryland

secularmaryland@tutanota.com

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March 08, 2023

**SB 611 - SUPPORT**

Office of the Attorney General - Environment and Natural Resources Monitoring Unit -  
Establishment

Dear Chair Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the  
Environment Committee,

Secular Maryland supports this bill in particular, and supports government assuming  
responsibility for preserving and protecting the environment and natural resources more  
generally. Recruiting the Attorney General Office to assist with prosecuting both criminal  
and civil environmental and natural resources law violations, as proposed by this bill, is  
a common sense step. We alone are collectively the guardians of our planet. All living  
things are dependent on a healthful environment. The full expression of human dignity  
is incompatible with a degraded environment. A sustainable, regenerative ecosystem  
and stable climate are essential to support a vibrant society and economy.

Respectfully,  
Mathew Goldstein  
3838 Early Glow Ln  
Bowie, MD

# **SB611\_ShoreRivers\_Favorable.pdf**

Uploaded by: Matt Pluta

Position: FAV



**Testimony in SUPPORT of Senate Bill 611 – Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment**

March 6, 2023

Dear Chairman Feldman and Committee Members,

Thank you for this opportunity to submit testimony in **SUPPORT** of **SB611**—*Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment*—on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland’s Eastern Shore with more than 2,000 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

This bill will add much needed support, as well as accountability, to Maryland state agencies that have enforcement authority of environmental laws. The Maryland Department of the Environment (MDE)'s declining rate of enforcement is evidence that state agencies alone can't address the current and ongoing violations around the state. In Dorchester County, it took years of persistence from ShoreRivers to expose significant pollution violations at the Valley Proteins rendering plant, whose Clean Water Act discharge permit had been administratively extended by MDE for 16 years after its 2006 expiration. While operating on an already expired permit, the facility was also reported to be in and out of compliance for several years following its continuation. However, lack of inspections and monitoring led to continued violations at the facility with no transparency from MDE about when the permit would be updated or if enforcement actions were to be taken. The pollution from the facility’s non-compliance will have lasting impacts to the downstream water quality in the Transquaking River and Higgins Mill Pond.

Aside from point source discharges like Valley Proteins, the Eastern Shore is scattered with groundwater discharge permits that allow the spraying of wastewater as irrigation on farm fields. However, MDE compliance and inspection data show that these facilities are commonly in violation of their permits. In the first half of fiscal year 2020, 23 of 41 (56%) inspections of groundwater permits resulted in a finding of “noncompliance” or “corrective action,” whereas only 29% of inspections resulted in a finding of full compliance. Examination of data from the past four fiscal years reveals similar findings, with only 80 of 317 inspections (25%) finding full compliance. And on the Eastern Shore, the rate of noncompliance was similar, with 58 out of 108 (54%) inspections showing in noncompliance.<sup>1</sup>

If the state is ever to meet its Chesapeake cleanup goals, enforcement for pollution violations needs to be a priority. ShoreRivers is optimistic about the changes to be brought and commitments made by the leadership of a new MDE administration. However, in the event that MDE fails to do their job, the Attorney General’s Environmental Monitoring Unit should assist MDE to hold polluters accountable.

Sincerely,  
**Matt Pluta, Choptank Riverkeeper** on behalf of ShoreRivers

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<sup>1</sup> <https://www.chesapeakelegal.org/guides-resources/groundwater-permit-and-spray-field-advocacy-opportunities-in-maryland/>

**ShoreRivers**

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper | Zack Kelleher Sassafra Riverkeeper

# **Earthjustice SB 611 Support Letter.pdf**

Uploaded by: Susan Miller

Position: FAV



March 7, 2023

Chair Brian J. Feldman  
Members of the Education, Energy, and Environment Committee

Re: Earthjustice **support** of SB 611: Office of the Attorney General –  
Environment and Natural Resources Monitoring Unit - Establishment

Earthjustice<sup>1</sup> strongly supports the passage of SB 611. SB 611 would establish the Environment and Natural Resources Monitoring Unit in the Office of the Attorney General. This unit would investigate and prosecute cases against persons that violate State criminal environmental and natural resources laws and to assist the Department of the Environment and the Department of Natural Resources in investigating or bringing a civil action regarding a violation of State civil environmental and natural resources laws.

For many decades, the Maryland General Assembly has passed strong environmental and natural resources laws designed to protect the health of Marylanders and Maryland's unique environmental treasures. These laws provide the vision, scope, and authority for environmental protection and restoration. Unfortunately, no law is self-implementing. Experience with environmental protections and programs demonstrates that enforcement is essential to compliance because many people, businesses and institutions will not comply with the laws unless there are clear consequences for noncompliance. Environmental enforcement is the vital set of actions that Maryland must take to achieve full implementation of environmental requirements (compliance) and to correct or halt situations or activities that endanger the environment or public health.

The first step in any enforcement regime is monitoring and investigation to determine the compliance status of the regulated community and to detect violations. Without a well-run investigation program, many violations of environmental and natural resources laws will go undetected and the environment and Marylanders will suffer the very consequences the laws were enacted to prevent.

Creating a unit within the Office of the Attorney General will ensure that environmental and natural resource law compliance receives the attention these vital protections deserve. The unit also would provide Maryland residents and businesses with a clear avenue to report suspected violations of either the environment or natural resources laws.

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<sup>1</sup> Earthjustice is a non-profit public interest environmental law organization that represents other non-profits free of charge. Earthjustice uses the power of law and the strength of partnerships to advance clean energy, combat climate change, protect people's health and preserve magnificent places and wildlife.

Earthjustice strongly urges a favorable report for SB 611.

Thank you in advance for your support. Should you have any questions, please contact me at [smiller@earthjustice.org](mailto:smiller@earthjustice.org).

Respectfully submitted,



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Susan Stevens Miller  
Senior Attorney, Clean Energy Program  
Earthjustice

**Pagano - Written Testimony, SB0611 (Favorable with**

Uploaded by: Ashleigh Pagano

Position: FWA

## **Written Testimony in Support of SB0611**

Office of the Attorney General - Environment and Natural Resources Monitoring Unit –  
Establishment

*Before the Education, Energy, and the Environment Committee: March 8, 2023*

### **Introduction**

Senate Bill 611 establishes the Environment and Natural Resources Monitoring Unit (Unit) within the Maryland Office of the Attorney General. The Unit will investigate and prosecute violations of state criminal environmental and natural resources laws. It will also investigate and bring civil action for violations of Maryland’s environmental and natural resources laws at the request of the Department of the Environment (MDE) or the Department of Natural Resources (DNR). The Unit’s Director will serve as the Attorney General’s Representative on task forces and commissions related to environment and natural resources policy.

While I strongly support this bill, I recommend that the bill be amended to require the Unit to consider and apply the principles of environmental justice when carrying out its duties and functions. I recommend this amendment be made for two reasons: (1) the exclusion of environmental justice from this bill is contrary to agency and administration goals in Maryland; and (2) the exclusion of environmental justice from this bill raises questions about whether the Unit can recognize and correct racial and social injustices when carrying out its duties and functions. The suggested amendment is attached to this testimony.

### **The exclusion of environmental justice from this bill is contrary to agency and administration goals in Maryland.**

The U.S. Environmental Protection Agency defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”<sup>1</sup> The environmental justice movement began in the 1960s and gained national recognition when President Clinton issued Executive Order 12,898 in 1994. This Executive Order required federal agencies to incorporate environmental justice into decision-making processes in order to evaluate the “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities” on low-income and minority communities.<sup>2</sup>

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<sup>1</sup> *Environmental Justice*, U.S. Env’t Prot. Agency (last updated Jan. 10, 2023), <https://www.epa.gov/environmentaljustice#:~:text=Environmental%20justice%20is%20the%20fair,laws%2C%20regulations%2C%20and%20policies.>

<sup>2</sup> Exec. Order No. 12,898, 59 FR 7629 (Feb. 11, 1994).



Since 1994, many state and local jurisdictions have also committed to uphold the principles of environmental justice.<sup>3</sup> At the state level, Maryland's then-Governor Parris Glendening issued an executive order in 2001 mandating the establishment of the Commission on Environmental Justice and Sustainable Communities (CEJSC).<sup>4</sup> Governor Wes Moore has also made clear his commitment to environmental justice by pledging to “prioritize environmental justice for the low-income communities and communities of color facing the worst effects of climate change”<sup>5</sup> during his campaign. In January 2023, Governor Moore began following through on his commitment by joining the United States Climate Alliance to include environmental justice in state climate change decisions.<sup>6</sup> At least one local jurisdiction in Maryland has also created a governing body to implement environmental justice.<sup>7</sup>

Both MDE and DNR have plans in place to better implement environmental justice within their agencies. MDE strives to integrate environmental justice into its operations and decision-making by educating state regulators on environmental justice<sup>8</sup> while providing public access to permit application information, web tools, and grant information.<sup>9</sup> DNR aims to strengthen relationships with underrepresented groups, as well as increase community input in agency decisions and prioritize environmental justice through partnership decisions and agency-led events.<sup>10</sup>

The bill's failure to even mention environmental justice undermines MDE, DNR, and Governor Moore's commitment to protecting low-income and minority communities from environmental harm in Maryland. The Unit is not required to consider the short and long-term disparate impact that environmental harm has on low-income and minority communities. This

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<sup>3</sup> *Ethics in the News 2022: State and Federal Environmental Justice Efforts*, Nat'l Conf. State Legis. (Apr. 30, 2022), <https://www.ncsl.org/environment-and-natural-resources/state-and-federal-environmental-justice-efforts>. See also *Environmental Justice*, N.Y.C. Mayor's Off. & Env't Just. (last visited Mar. 6, 2023), <https://climate.cityofnewyork.us/topic/environmental-justice/>; Equity Framework, D.C. Dep't Energy & Env't (Oct. 13, 2021), [https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service\\_content/attachments/DOEE%20Equity%20Framework\\_Oct%202021.pdf](https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/DOEE%20Equity%20Framework_Oct%202021.pdf).

<sup>4</sup> Exec. Ord. 01.01.2001.01, *Executive Orders State of Maryland*, 1 (2001), <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/004000/004778/unrestricted/20071675e.pdf>.

<sup>5</sup> *Maryland's Climate, Our Economic Future*, Wes Moore for Maryland (last visited Mar. 6, 2023), <https://wesmoore.com/issues/climate/>.

<sup>6</sup> *Maryland Joins U.S. Alliance, Governor Wes Moore Affirms Support to Combating Climate Change*, maryland.gov (Jan. 30, 2023), <https://governor.maryland.gov/press/pages/Maryland-Joins-U.S.-Climate-Alliance-Governor-Wes-Moore-Affirms-Support-to-Combating-Climate-Change.aspx>.

<sup>7</sup> *Office of Equity and Environmental Justice*, Balt. Dep't Pub. Works (last visited Mar. 6, 2023), <https://publicworks.baltimorecity.gov/office-equity-environmental-justice>.

<sup>8</sup> *Environmental Justice Implementation at the Maryland Department of the Environment (MDE)*, Md. Dep't Env't (last visited Mar. 6, 2023), <https://mde.maryland.gov/programs/crossmedia/environmentaljustice/Pages/index.aspx>.

<sup>9</sup> *Environmental Justice Resources*, Md. Dep't Env't (last visited Mar. 6, 2023), <https://mde.maryland.gov/programs/crossmedia/EnvironmentalJustice/Pages/resources.aspx>.

<sup>10</sup> *Advancing DEIJ Through Mission Related Work*, Md. Dep't Nat. Res. (last visited Mar. 6, 2023), <https://dnr.maryland.gov/education/Pages/DEIJ-Mission-Related-Work.aspx>.

means that the Unit is not obligated to consider environmental justice when prosecuting environmental crimes, nor is the Unit obligated to reinforce MDE and DNR's commitment to environmental justice when asked to help bring civil actions.

The Unit's duties will go beyond enforcement actions, offering legal advice to MDE, DNR, and the Office of the Attorney General on environmental legal and policy questions. The Unit will also represent the Office of the Attorney General at task force and commission meetings relating to environment and natural resources policy. The failure for the Unit to consider environmental justice when performing these duties will be contrary to Governor Moore's express dedication to promoting environmental justice within Maryland, perpetuating a held belief that governments do not care about low-income and minority communities' exposure to environmental harm nor want to properly engage these communities about mitigating this harm.<sup>11</sup>

**The exclusion of environmental justice from this bill raises questions about whether the Unit can recognize and correct racial and social injustices when carrying out its duties and functions.**

Many low-income and minority communities disparately endure various environmental harm. Cities across the United States have suffered from water crises because of aging water treatment system infrastructure.<sup>12</sup> Baltimore City is not unique in this regard, as failing infrastructure resulted in West Baltimore residents in September 2022 to go without water for several days because of an E. coli contamination.<sup>13</sup> Despite being provided drinking water by the city and the water no longer being contaminated, many West Baltimore residents remain distrustful of their water supply and some still boil their water.<sup>14</sup>

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<sup>11</sup> Jeremy Cox, *Progress on Environmental Justice Draws Criticism in Maryland*, Bay Journal (Oct. 12, 2021), [https://www.bayjournal.com/news/people/progress-on-environmental-justice-draws-criticism-in-maryland/article\\_92a86904-2148-11ec-913b-a30436a05f91.html](https://www.bayjournal.com/news/people/progress-on-environmental-justice-draws-criticism-in-maryland/article_92a86904-2148-11ec-913b-a30436a05f91.html). See also Julia Hananel, *A Look at Environmental Justice Issues in Maryland*, Climate Xchange (Jan. 14, 2022), <https://climate-xchange.org/2022/01/14/a-look-at-environmental-justice-issues-in-maryland/>; and *Environmental and Climate Justice*, NAACP (last visited Mar. 6, 2023), <https://naacp.org/know-issues/environmental-climate-justice>.

<sup>12</sup> Geoff Bennett, *Jackson Water Crisis Exposes Consequences of Aging Infrastructure*, PBS (Sept. 17, 2022), <https://www.pbs.org/newshour/show/jackson-water-crisis-exposes-consequences-of-aging-infrastructure>. See also *Flooding and Aging Infrastructure Makes It Harder to Keep Water Clean*, WV Public Broadcasting (June 12, 2019), <https://wvpublic.org/flooding-and-aging-infrastructure-makes-it-harder-to-keep-water-clean/>.

<sup>13</sup> Jenna Portnoy, *Aging Infrastructure to Blame for E. coli Bacteria in Baltimore Water*, Washington Post (Sept. 30, 2022), <https://www.washingtonpost.com/dc-md-va/2022/09/30/baltimore-water-ecoli-infrastructure/>.

<sup>14</sup> Howard Wicker, *Baltimore Community Distrustful After E. coli Water Outbreak*, Greyhound (Sept. 23, 2022), <https://thegreyhound.org/site/baltimore-community-distrustful-after-e-coli-water-outbreak/>. See also Darreonna Davis, *West Baltimore Residents, Students Have Mixed Feelings About Water Quality After E. Coli Contamination*, Inside Climate News (Jan. 4, 2023), <https://insideclimatenews.org/news/04012023/west-baltimore-residents-students-have-mixed-feelings-about-water-quality-after-e-coli-contamination/>.

Studies have also found that low-income and minority communities in Maryland live near Toxic Release Inventory (TRI) facilities<sup>15</sup> which emit harmful chemicals linked to increased risk of cancer, asthma, and other health issues.<sup>16</sup> Baltimore City has twenty-five TRI facilities which disposed a combined 368.6 thousand pounds on site into air, water, and land resources in 2020.<sup>17</sup>

Other instances of disparate impact on minority and low-income communities exist throughout Maryland.<sup>18</sup> For these communities who health has been affected by environmental harm, equal enforcement of criminal and civil environmental law is critical. Yet the express exclusion of environmental justice from the bill signals to these communities, as well as to the environmental organizations who work and help these communities, that the Unit may perpetuate a state trend of ignoring environmental harm.

### Conclusion

For these reasons, I urge the Committee to issue a favorable report with amendments for this bill. It is critical to impose upon the Unit the responsibility to incorporate environmental justice into its enforcement and advisory responsibilities.

*This testimony is submitted on behalf of the Public Health Law Clinic at the University of Maryland Francis King Carey School of Law and not by the School of Law, the University of Maryland, Baltimore, or the University of Maryland System.*

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<sup>15</sup> Sacoby Wilson, et al., *Being Overburdened and Medically Underserved: Assessment of this Double Disparity for Populations in the State of Maryland*, ENVTL. HEALTH 13:26, 9 (2014).

<sup>16</sup> *Id.* at 2.

<sup>17</sup> TRI Explorer, *2020 TRI Factsheet: County – Baltimore City, MD*, U.S. Env't Prot. Agency (last visited Mar. 6, 2023),

[https://enviro.epa.gov/triexplorer/tri\\_factsheet.factsheet?pParent=TRIQ1&pDataset=TRIQ1&pstate=MD&pcounty=Baltimore%20city&pFips=24510&pyear=2020](https://enviro.epa.gov/triexplorer/tri_factsheet.factsheet?pParent=TRIQ1&pDataset=TRIQ1&pstate=MD&pcounty=Baltimore%20city&pFips=24510&pyear=2020).

<sup>18</sup> Timothy B. Wheeler, *Mining, Waste Disposal in Rural Maryland Enclave Draw Legal Challenges*, Bay Journal (Jul. 27, 2022), [https://www.bayjournal.com/news/pollution/mining-waste-disposal-in-rural-maryland-enclave-draw-legal-challenges/article\\_a4a32a2a-0dd0-11ed-9b42-433e12c4a360.html](https://www.bayjournal.com/news/pollution/mining-waste-disposal-in-rural-maryland-enclave-draw-legal-challenges/article_a4a32a2a-0dd0-11ed-9b42-433e12c4a360.html). See also Elizabeth Shwe, *Environmental Justice Advocates Sound Alarm Over Eastern Shore Pipeline*, Maryland Matters (Oct. 30, 2022), <https://www.marylandmatters.org/2020/10/30/environmental-justice-advocates-sound-alarm-over-eastern-shore-pipeline/>; and Editor, *Health Impact of CAFOs on Residents*, Maryland Campaign for Environmental Human Rights (Jul. 15, 2021), <https://mdehr.org/health-impact-of-cafos-on-residents/>.

SB611

BY: Senators Bailey, Elfreth, Rosapepe, and West

(To be offered in the Education, Energy, and the Environment Committee)

AMENDMENTS TO SENATE BILL 611

AMENDMENT NO. 1

On page 2, in line 3, strike “C” and substitute “D.”

On page 2, in line 3, insert:

**“(C) “ENVIRONMENTAL JUSTICE” MEANS EQUAL PROTECTION FROM ENVIRONMENTAL AND PUBLIC HEALTH HAZARDS FOR ALL PEOPLES REGARDLESS OF RACE, INCOME, CULTURE, AND SOCIAL STATUS.”**

AMENDMENT NO. 2

On page 3, in line 24, insert:

**“(E) WHEN CARRYING OUT ITS DUTIES AND FUNCTIONS (as defined in §§ 6-702(A) - (D)), THE UNIT SHALL CONSIDER AND APPLY PRINCIPLES OF ENVIRONMENTAL JUSTICE.”**

On page 3, in line 24, after amendment, insert:

**“THE COMMISSION OF ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES”** between “THE GOVERNOR,” and “AND, IN ACCORDANCE.”

**2023-03-08 SB 611 (Support with Amendments).pdf**

Uploaded by: Hannibal Kemerer

Position: FWA

**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE McLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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March 8, 2023

**TO:** The Honorable Brian Feldman  
Chair, Education, Energy, and the Environment Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0611: Office of the Attorney General – Environment and Natural  
Resources Monitoring Unit – Establishment (Support with Amendments)

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The Office of Attorney General (“OAG”) urges the Education, Energy, and the Environment Committee to adopt our proposed amendments and favorably report Senate Bill 611, bipartisan legislation introduced by Senators Bailey, Elfreth, Rosapepe, and West. We are working with the Sponsors to modify the bill so that it: (1) creates a new Environmental and Natural Resources Crimes unit; (2) codifies within that unit the OAG’s ability to prosecute environmental and natural resources crimes; and (3) requires an annual report on trends and recommendations based upon the actions the new unit brings.

We continue to draft proposed amendments, but pledge to work with the Senate and House Sponsors to produce legislation to fill the gaps they’ve identified in natural resource crime prosecutions.

We urge a favorable with amendments report on SB 611.

cc: Senators Bailey, Elfreth, Rosapepe, and West and Committee Members

**SenatorBailey\_FWA\_SB611.pdf**

Uploaded by: Jack Bailey

Position: FWA

JACK BAILEY  
Legislative District 29  
Calvert and St. Mary's Counties

Budget & Taxation Committee



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

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March 8, 2023

**Senate Bill 611 – Office of the Attorney General – Environment and Natural Resources Monitoring Unit – Establishment**

Dear Chairman Feldman and Members of the Committee:

I am writing to introduce Senate Bill 611, which would establish the Environment and Natural Resources Monitoring Unit in the Office of the Attorney General. This unit would prosecute the state's criminal environmental and natural resources laws, including bringing and defending cases under wildlife laws and laws associated with the management of public lands and natural and cultural resources in the state. The bill also provides that, on request of the Department of the Environment or the Department of Natural Resources, the unit may assist that Department in investigating or bringing a civil action regarding a violation of the civil environmental or natural resources laws of the state.

This unit is modeled after the Environment and Natural Resources Division of the United States Department of Justice, which has jurisdiction over the enforcement of federal criminal and civil laws. It has been modified from this model in response to concerns that transferring civil jurisdiction at the State level would be extremely disruptive to Maryland's current method of enforcing environmental and natural resources laws by their respective Department to allow the unit to assist with the current enforcement mechanism at the request of either Department.

Police who enforce conservation, environmental, and natural resources laws make up less than 1% of the police force in Maryland. In my experience, there is little to no importance placed on prosecuting environmental crimes by local State's Attorney's offices; these cases usually are assigned the most inexperienced prosecutor if they are pursued at all. This bill is intended to ensure that our State is better able not only to pursue those who violate these laws, but also to compensate those who were negatively impacted, such as the watermen who were restricted from working due to a sewage spill.

Senate Bill 611 is not intended to create any new environmental or natural resources laws or causes of action; it is simply about ensuring that the laws we already have in place are enforced by investigators and prosecutors who are experts in this very complex and specialized part of the law. This legislation recognizes the importance of the State's natural resources as well as the Chesapeake Bay and the thousands of people and families who rely on it.

I have been in discussions with the Attorney General regarding this legislation and support his proposed amendments to this bill. For that reason, I respectfully request a favorable report with amendments on Senate Bill 611. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bailey', written over a horizontal line.

Senator Jack Bailey



**MBIA Letter of Opposition SB 611.pdf**

Uploaded by: Lori Graf

Position: UNF

March 8, 2023

The Honorable Brian J. Feldman  
Senate Education, Health & Environmental Affairs Committee  
Miller Senate Office Building,  
2 West Wing 11 Bladen St.,  
Annapolis, MD, 21401

**RE: MBIA Letter of Opposition SB 611 Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment**

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 611 Office of the Attorney General - Environment and Natural Resources Monitoring Unit - Establishment**. MBIA **Opposes** the Act in its current version.

This bill would add an Environmental and Natural Resources Unit in the Attorney General's office. MBIA respectfully opposes this measure. This bill is unnecessary and muddies the regulatory waters for the both regulators and the regulated parties. The office of the Attorney General already has an environmental monitoring unit called the "Environmental Crimes Unit" the responsibilities of which are "the investigation and prosecution of criminal environmental violations and other associated criminal charges throughout the State of Maryland." It is unnecessary and may lead to confusion to establish another environmental enforcement office with essentially the same function. There is no reason to establish a new office and use additional resources for this duplication of effort.

For these reasons, MBIA respectfully requests the committee give this measure an unfavorable report. Thank you for your consideration. For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Education, Health & Environmental Affairs Committee

**SB0611\_DNR\_LOI\_EEE\_3-8-23.pdf**

Uploaded by: Emily Wilson

Position: INFO



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
Allan Fisher, Deputy Secretary

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March 8, 2023

**BILL NUMBER: Senate Bill 611 – First Reader**

**SHORT TITLE: Office of the Attorney General – Environment and Natural Resources  
Monitoring Unit – Establishment**

**DEPARTMENT’S POSITION: LETTER OF INFORMATION**

**EXPLANATION OF DEPARTMENT’S POSITION:**

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The Department provides the following information on Senate Bill 611.

The Department is supportive of this general concept. The Department currently works with the Environmental Crimes Unit of the Office of the Attorney General on some complex and multi-jurisdictional criminal natural resources cases. Having additional attorney support to expand the capacity to assist with such cases would be helpful. The Department also recognizes the potential benefit of staff attorneys who could assist the Department in the initial development, investigation and overall support for important wildlife and fisheries crimes. A team of in-house attorneys with expertise on hunting and fishing violations and underlying ecological or social purposes could be beneficial to the Department. The bill discusses this new unit as assisting with policy and legal advice generally. The Department relies on current Attorney General staff which are assigned to the agency to provide legal advice, but policy is determined by the agency. Eliminating the reference to the new unit providing policy advice, or specifying that the advice provided by this new unit would be confined to enforcement policy linked to improving prosecution is preferred.

**BACKGROUND INFORMATION:**

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The Office of the Attorney General currently has an Environmental Crimes unit that assists with some criminal prosecutions.

**BILL EXPLANATION:**

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The bill would create an Environmental and Natural Resources Monitoring Unit in the Office of the Attorney General.