

February 6, 2023

**Written testimony for HB06 - Department of General Services -
Energy-Conserving Standards (Maryland Sustainable Buildings Act
of 2023)¹**

Position: Favorable

Submitted by: Denisse Guitarra, MD Conservation Advocate, Nature Forward



Dear House Health and Government Operations & Appropriations Committees,

Nature Forward (formerly Audubon Naturalist Society) is the oldest independent environmental organization in the DC metropolitan region. For 126 years, we have inspired residents of the greater Washington, DC, area to appreciate, understand, and protect their natural environment through outdoor experiences and environmental education and advocacy. Nature Forward’s conservation priorities include promoting human health and access to nature, protecting biodiversity and habitat, fighting the climate crisis, and supporting sustainable land use. We strongly support passage of HB06 - Department of General Services - Energy-Conserving Standards (Maryland Sustainable Buildings Act of 2023), and we appreciate the opportunity to testify on this bill.

HB06 would require implementation of building standards to conserve energy, make State buildings more sustainable, and also minimize adverse impacts on birds. The bill would require the Maryland Green Building Council to include building standards as a condition of participation in a higher performance building program. The bill applies to “State buildings” as defined in the legislation and includes exclusions for certain public work contracts (Sec. 4-

¹ HB06 available at: <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0006>



410.1(B).) If enacted, HR06 would further the energy-saving goals of last year's Climate Solutions Now bill.²

The sponsors of HR06 recognize that the increased use of glass in State buildings undermines energy conservation efforts, contributes to climate change and biodiversity loss (through fatal bird collisions with glass windows), and costs the State money. (HR06, Preamble.) Enactment of HR06 would better protect birds against building collision mortality by requiring certain window treatments in State buildings and by requiring adjustments to building lighting during certain times of year. Existing building lighting would be shielded and minimized from midnight to dawn from March 1-May 31, and from August 1-October 31 (spring and fall bird migration season) except where full building lighting is found to be necessary, e.g., for public safety. This can be readily accomplished by use of automatic control technologies such as timers, photosensors, infrared detectors, and motion detectors. (Sec. 4-410.1(E)(2).)

Experts tell us that birds see building glass differently than humans and do not perceive the glass as a barrier.³ The American Bird Conservancy estimates that one billion birds die every year in the US in collisions with building and house windows. In the District of Columbia alone (for which we have statistics), volunteers with the organization "Lights Out DC" have counted more than 4500 bird strikes since 2010, most in the small downtown area that they monitor; 85% of these strikes are fatal. Bird fatalities are growing, as more glass buildings are being built.⁴

Migratory species may be lost prior to reproduction by hitting buildings during nighttime spring migration. Fledglings may also be lost while attempting their first migration in the fall. Populations of neotropical migrating birds cannot sustain these losses indefinitely. This bill and

² Climate Solutions Now Act of 2022. Available at:

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0528?ys=2022RS>

³ American Bird Conservancy website (abcbirds.org/glass-collisions/).

⁴ See Oct. 21, 2022, testimony of Nature Forward to the DC Council on the Migratory Wildlife Protection Act of 2022. In 2011, 212 birds were found by Lights Out volunteers in downtown Washington DC. In 2021, 738 dead birds were found. Available at: <https://natureforward.org/nature-forward-supports-bird-safe-buildings/>



others like it can help enormously. Please see Safe Skies Maryland’s fact sheet for additional information about the need for this legislation.⁵

We believe that birds are valuable not only in and of themselves, but also because they enrich our environment, maintaining the biodiversity upon which we all depend. If bird populations decline, the entire wildlife chain is disrupted and weakened, and humans lose the ecological services birds provide as key pollinators of our crops, fields, and forests. Additionally, bird collisions will not go away over time. Birds do not “learn” to avoid glass. If yet another rationale is needed for this legislation, we understand that nationwide, birdwatching, bird feeding, and bird equipment purchases account for \$41 billion dollars in annual revenue. There are many avid birders in Maryland and elsewhere in the mid-Atlantic states. Finally, we believe that passing HR06 is simply the right thing to do.

On behalf of Nature Forward and our 28,000 members and supporters, we recommend that the House Health and Government Operations & Appropriations Committees, passes and approves HR06. Thank you for your time and consideration.

Sincerely,

Denisse Guitarra, MD Conservation Advocate, Nature Forward

Anne Cottingham, Conservation Volunteer, Nature Forward

⁵ Safe Skies Maryland HB06 fact sheet. Available at: <https://mdbirds.org/wp-content/uploads/Sustainable-Buidlings-2023-fact-sheet-HB6-SB92.pdf>