

TESTIMONY PRESENTED TO THE
EDUCATION, ENERGY, AND ENVIRONMENT COMMITTEE

SB 871

DEPARTMENT OF THE ENVIRONMENT - COMMUNITY WATER AND SEWERAGE
SYSTEMS - CYBERSECURITY PLANNING AND ASSESSMENTS

DR. GREG VON LEHMEN

February 27, 2025

Mr. Chair, Madam Vice Chair, and members of the committee, good afternoon and thank you for the opportunity to testify favorable with amendments. I am Dr. Greg von Lehmen, special assistant for cybersecurity at UMGC and staff to the Maryland Cybersecurity Council. My comments today in support of the bill are my own and are not intended to represent the views of these organizations.

Not affected by the amendments are the bill's core purposes both of which I support:

- First, to set in motion a process of cybersecurity continuous improvement for the community water sector serving Maryland. A program of continuous improvement works by setting goals, measuring progress against those goals, and undertaking steps to close the gaps.
- Second, to provide MDE and OSM with an awareness of the risk to the State without revealing sensitive information

Not affected by the amendments are core elements of the bill which I also support. These elements include:

- Allowing MDE to set minimum cybersecurity standards with DoIT's involvement for covered water operators serving the State that meet or exceed CISA's Cross Sector Cybersecurity Performance goals
- Requiring water operators to undergo third-party audits at some interval
- Requiring water operators to report cyber incidents to the State SOC consistent with OSM guidelines
- Allowing operators to join the State Information and Analysis Center so they can benefit from threat intelligence, and
- Requiring operators to have business continuity and recovery plans for disruptive cyber attack

With respect to the amendments, I support those that bring the bill into closer alignment with the MDE's 2024 *State of Maryland Cybersecurity Action Plan for Water and Wastewater Systems* and that address many of the other concerns expressed about the original bill by various stakeholders. The following are the most important amendments I would endorse and that I understand, as an observer of the discussions, are likely to be incorporated into the final bill:

- That third-party assessments required by the bill would be conducted by MDE, removing a budget consideration on the part of water operators who otherwise would have to contract with private companies to comply.

FAVORABLE WITH AMENDMENTS

- That the assessments would **not** focus on the device level, would **not** involve pen testing, but instead would entail onsite interviews and inspections of organizational processes against the performance goals to gauge the maturity of the cybersecurity program. Consistent with a maturity model, the goal would **not** be to identify particular vulnerabilities but on how the organization conducts its cybersecurity program. That is, the maturity assessment does not ask the question does software X or device Y have vulnerabilities. It asks, for example, whether an organization has procurement processes that insist on security by design, or whether the organization has a routine of vulnerability scanning and patching.
- That the sector report based on the assessments would be developed by MDE rather than OSM and would be provided to OSM.
- That to support MDE's expanded mission, the operational technology staff position that the bill provides for DoIT be moved to MDE.
- That incident response and recovery exercises by MDEM would include cybersecurity disruptions consistent with their normal exercise planning for various hazards.

Finally, not an amendment but a clarification. The bill's requirement that operators adopt a zero trust approach to their systems is intended to be a journey, not tomorrow's destination. As an architectural concept, it is an approach for *networks* and may well not be applicable to operators that have mostly manual systems and few, if any, connected devices.

SB 871 would give MDE the tools that it needs to do the critical job that it wants to do. I urge a favorable report on the bill with these amendments.

Thank you.