

**Committee:** Health and Government Operations  
**Testimony on:** HB0340 - Climate Change - Attorney General Actions, Climate Change Restitution Fund, and Climate Change Restitution Fund Advisory Council  
**Submitting:** Deborah A. Cohn  
**Position:** Favorable  
**Hearing Date:** February 11, 2025

Dear Chair Pena-Melnyk, Vice Chair Cullison and Committee Members:

Thank you for allowing my testimony today in support of HB340. I have lived in Montgomery County for over 40 years and have children and grandchildren who live here also. Our state resources are limited. We need the means to hold fossil fuel polluters accountable to protect our natural resources, our businesses and our families. I urge you to vote favorably on HB340.

**Bill Summary** HB0340 authorizes the Attorney General to investigate, prosecute or defend any suit or action to hold a publicly traded entity, with market capitalization greater than \$1,000,000,000, or its subsidiaries, accountable for unlawful conduct that has contributed to climate change. The bill also authorizes the Attorney General to hire outside counsel, on a contingency fee basis, to assist with an action as needed. Finally, the bill establishes the Climate Change Restitution Fund as a special, non-lapsing fund and requires interest earnings to be credited to the Fund. HB0340 would establish a Climate Change Restitution Fund Advisory Council is established to inform the Governor, Attorney General, and the General Assembly on climate change and the distribution of the Fund.

**Climate Change Costs and Threats to Maryland:** Climate change is a world-wide existential threat. Maryland is not immune. We have already spent \$228 million for flood prevention in Ellicott City, \$84 million for tidal protection in Annapolis, and \$950,000 annually for stormwater infrastructure in St. Mary's County. Our natural resources and industries dependent on them are more stressed. In different parts of the state residents and businesses are experiencing saltwater intrusion, submergence of land, increased heat, droughts and resulting increases in wildfire risks, more intense storms, and increasing insurance costs.

**Industry Research and Knowledge of Impact of Fossil Fuels on Global Warming.** The public did not become aware until the 1980's of the connection between combustion of fossil fuels and the greenhouse gas effect that warms the planet and leads to climate change. But oil executives appreciated the wide range of negative impacts of their products much earlier. A 1954 American Petroleum Institute article<sup>1</sup> suggested that the ground level ozone created through reaction involving sunlight, volatile organic compounds and nitrogen oxides that evaporate from cracked gasoline from oil refineries played a significant role in the formation of smog in Los Angeles. Indeed the fossil fuel companies conducted sophisticated climate science research, appreciating that carbon dioxide emissions were accumulating in the atmosphere faster

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<sup>1</sup> Jenkins, V.N. (1954). The Petroleum Industry Sponsors Air Pollution Research. Air Repair, 3(3), 144-149. <https://dx.doi.org/10.1080/00966665.1954.10467615>.

than natural processes were removing them, likely as a result of fossil fuel emissions.<sup>2</sup> A report commissioned by the American Petroleum Institute in 1968 “warned that the rising carbon dioxide levels would result in increases in temperature at the Earth’s surface and that significant increases in temperature could have numerous consequences, including causing ice caps to melt, sea levels to rise and oceans to warm.”<sup>3</sup> That report also projected that based on then current trends, atmospheric carbon dioxide levels could reach 400 parts per million (ppm) by 2000 and tapping *all of the then-known recoverable fossil fuel* could cause atmospheric concentrations of 830ppm.<sup>4</sup> In 2024 atmospheric carbon dioxide measured at NOAA’s Mauna Loa Atmospheric Baseline Observatory surged to a seasonal peak of just under 427 ppm, the fifth largest annual growth in NOAA’s 50-year record.<sup>5</sup>

**Industry Obfuscation; Need to Empower Attorney General:** Rather than disclose some of its own research, oil industry executives for years engaged in obfuscation, casting doubt on the science they internally acknowledged was troublesome. To safeguard the interest of Marylanders, the State’s Attorney General should be empowered to investigate and consider appropriate action against the largest publically traded entities responsible for climate change.

**Maryland Would Not Be Alone:** Other state’s Attorneys General have used their authority to sue major oil and gas companies that spent millions to mislead consumers and discredit climate science in pursuit of profits. According the Columbia University Law School Sabin Center for Climate Change Law, eighty-six climate lawsuits have been filed against the world’s largest oil, gas, and coal producing corporations. These lawsuits seek or allege: (1) compensation for climate damages (38 percent of cases), (2) misleading advertising claims (16 percent), and 3) emissions reduction (12 percent).

**Need for Bill:** HB0340 would enable the Maryland Attorney General to bring such lawsuits against major corporations for unlawful conduct and would provide a powerful tool for Maryland to hold corporations accountable for their role in contributing to climate change.

For these reasons, I urge this Committee to issue a FAVORABLE report for HB03470.

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<sup>2</sup> “New Evidence Reveals Fossil Fuel Industry Funded Cutting-Edge Climate Science Research Dating Back to the 1950s”, Union of Concerned Scientists (April 13, 2016) <https://www.ucsusa.org/about/news/new-evidence-reveals-fossil-fuel-industry-funded-cutting-edge-climate-science-research>

<sup>3</sup> <https://www.ucsusa.org/about/news/new-evidence-reveals-fossil-fuel-industry-funded-cutting-edge-climate-science-research>; <https://insideclimatenews.org/news/13042016/climate-change-global-warming-oil-industry-radar-1960s-exxon-api-co2-fossil-fuels/>

<sup>4</sup> <https://www.ucsusa.org/about/news/new-evidence-reveals-fossil-fuel-industry-funded-cutting-edge-climate-science-research>;

<sup>5</sup> <https://www.noaa.gov/news-release/during-year-of-extremes-carbon-dioxide-levels-surge-faster-than-ever>