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**Testimony of Bryan Dunning
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**Before the Maryland House of Representatives' Health and Government Operations
Committee**

**Regarding House Bill 0340: Climate Change - Attorney General Actions, Climate Change
Restitution Fund, and Climate Change Restitution Fund Advisory Council**

Dear Chair Pena-Melnyk, Vice Chair Cullison, and Members of the Health and Government Operations Committee:

Thank you for the opportunity to testify today on behalf of the Center for Progressive Reform (the Center) in support of HB0340 (HB 340). The Center is a nonprofit research and advocacy organization that is focused on addressing our most pressing societal challenges, including advancing the concerns of historically marginalized communities by centering racial and economic justice in climate policy. For the reasons discussed in the testimony below, the Center requests that this committee issue a **favorable** report on HB 340.

Maryland faces significant risk from anthropogenic climate change, including increased storm intensity, flooding, draught, urban heat, saltwater intrusion, and geographically-novel pathogens. These impacts of climate change represent significant harms to Marylanders' health and well-being. Rising to the challenge of adapting to and abating these conditions will require *significant* investment by the state. Currently, the cost of that investment is set to be borne by Marylanders who pay state and local taxes. This is fundamentally unjust.

The cause of anthropogenic Climate Change is heavily attributable to the fossil fuel industry, who have known of the risks of their products to the climate [since at least the 1950s](#), and have taken deliberate action to hide the dangers from the public, and [engage in outright deception](#), to continue sales and ensure profitability. Their success in this has led to the largest 350 fossil fuel companies having a market capitalization of greater than seven *trillion*. It is fundamentally unfair to ask Marylanders to pay for the costs of adaptation to a crisis caused by companies that have so enriched themselves through causing the harm.

There is a strong precedent for states, including Maryland, to utilize the civil justice system to seek legal remedy from the harms caused by fraud, deception, and other tortious offenses. This includes the 1990s tobacco cases, suit brought over the opioid epidemic, and PFAS lawsuits, all based, at least in part on the deceptive and fraudulent practices of industry resulting in grave

harm to the public. In these instances, the state of Maryland was able to hold corporate bad-actors accountable for their misconduct, and secure legal remedy to ensure that the public did not have to pay for the damage caused to them. HB 340 provides a pathway for Maryland to this in addressing the harms of climate change.

In addition to providing a pathway for the state to secure a pathway to justice through the civil courts, this bill is also laudable for reducing the upfront-cost burden for litigation through the possibility of retaining outside counsel through a contingency fee agreement and ensuring that any monies recovered are specifically directed to addressing the harms caused by the fossil fuel industry. The climate change restitution fund ensures that any monies secured by litigation are specifically directed to climate change mitigation and adaptation efforts and does not revert to the general fund. This is an important guarantee for Marylanders to ensure that litigation to address the very real harms suffered by the state and its residents results in those harms being addressed.

This authorization bill represents a significant step towards addressing the costs Maryland must face in adapting to the current and incipient harms of climate change, and critically, ensures that these costs are paid for in a just manner. For these reasons, the Center respectfully requests that this committee issue a **favorable** report on HB 340.