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February 11, 2025

TO: The Honorable Joseline Pena-Melnyk
Chair, Health and Government Operations Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: House Bill 340 – Climate Change - Attorney General Actions, Climate Change Restitution Fund, and Climate Change Restitution Fund Advisory Council -
Support in Concept

The Office of Attorney General (OAG) supports the spirit of **House Bill 340** - Climate Change - Attorney General Actions, Climate Change Restitution Fund, and Climate Change Restitution Fund Advisory Council, sponsored by Delegates Sheila Ruth and Jen Terrasa.

House Bill 340 (1) provides the Attorney General with the authority to independently investigate, commence, and prosecute/defend legal actions involving large companies meeting certain profitability criteria for unlawful conduct which contributes to climate change, (2) establishes a Climate Change Restitution Fund to receive and invest the monies from those actions, and (3) establishes a Fund Advisory Council to create and annual update a report on climate change impacts and cases brought in accordance with the bill.

Climate change is one of the most pressing and destructive challenges facing our planet today. Climate change is an existential threat to our health and safety and poses a very real challenge for Maryland. Rising global temperatures, extreme weather events, and disruptions to ecosystems are already having devastating consequences for our communities (particularly overburdened communities), economy, and public health. Attorneys General in states like Massachusetts and the District of Columbia 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. It is essential that the Maryland Attorney General is empowered to take legal action against companies whose activities continue to endanger public health and the environment in a similar way.

Please note that a change to the Uniform Contribution Among Joint Tortfeasors Act (“UCATA”), similar to what was proposed in the first reader version of [Senate Bill 680 of 2024](#), is necessary to provide a viable pathway to settlement of claims in large, multi-defendant lawsuits like the climate change actions contemplated under **House Bill 340**. Most other states provide for the recovery of damages in multi-defendant actions based on degree of fault of each defendant, but Maryland’s law has been interpreted differently. Currently, if the Attorney General settles a claim against one of several defendants, the State’s ability to collect against the remaining, non-settling defendants is reduced by an equivalent share based on the total number of defendants in the case, regardless of fault. Thus, it is practically impossible to settle with smaller, less culpable defendants in multi-defendant actions without the state giving up a large percentage of the State’s total potential recovery. The practical impact of this has been to foreclose the possibility of settlements, leading to complex litigation on multiple fronts with high litigation costs and significant resource drain.

OAG believes that companies that continuously damage our planet by contributing to climate change should be held accountable. However, the intended goals of **House Bill 340** will not be achieved without an amendment to Maryland’s UCATA statute. For the foregoing reasons, the Office of the Attorney General supports the spirit of **House Bill 340**.

cc: Health & Government Operations Committee Members