

Testimony on: SB432 – Attorney General Actions and Climate Crimes Accountability Fund (Climate Crimes Accountability Act)

Committee: Judicial Proceedings

Submitting: Deborah A. Cohn

Position: Favorable

Hearing Date: February 10, 2026

Dear Chair Smith, Vice Chair Waldstreicher and Committee Members:

I have lived in Bethesda for over 40 years and have adult children and pre-school aged grandchildren who also live in Maryland. The impacts of climate change on Maryland were already widely experienced before my grandchildren were even born. I am concerned about the impact of climate change on their lives. I am concerned about the costs they will have to shoulder as a result of actions by certain large fossil fuel companies. SB432 creates the possibility that to the extent these companies have contributed to climate change in a manner that violates Maryland tort law, Maryland can hold them financially liable for the damages they have caused Maryland residents, businesses and government entities in the state. The Climate Crimes Accountability Act addresses this concern. Accordingly, I urge you to vote favorably on SB432.

Now that the RENEW Act study is going forward to quantify the costs to Maryland resulting from climate change, Maryland will be prepared to consider holding fossil fuel companies responsible for any violations of Maryland tort law. The Attorney General also has the advantage of learning from similar lawsuits brought in other states and local jurisdictions. In that vein, this Committee may want to consider defenses alleged by major fossil fuel companies in those other cases, including the litigation brought by the City of Annapolis, and consult with the Attorney General to determine whether MD Code, State Government §6-106.2(d)(2) is sufficient to allow the Attorney General to expand the parties that could be sued, beyond those specified in SB432 to include, for example, industry trade or research associations.

The Climate Crimes Accountability Act authorizes the Attorney General to investigate, commence, prosecute or defend any action by large fossil fuel companies (market capitalization above \$1 billion) for any unlawful conduct by them that has contributed to climate change. Importantly, SB432 waives Maryland's Uniform Contribution Among Joint Tortfeasors Act (UCATA) for actions brought under this bill.¹ Waiving UCATA, which is a minority approach among the states, facilitates settlements with one or more of the parties held responsible for climate damages since the waiver allows for allocation of the recovery among the liable defendants based on each particular defendant's judicially determined share of responsibility. As a result, it facilitates the state's ability to engage in settlement proceedings without risk that [a settlement with less culpable party could limit the amount Maryland could recover from the more culpable parties](#), leaving money on the table. For parties that do not settle and are found culpable, the waiver avoids derivative suits in which the culpable parties determine their relative contribution.

Importantly, SB432 also allows the Attorney General to hire outside counsel, which creates the flexibility of using contingency or hourly fees or a different fee structure and enables the Attorney General to hire attorneys with significant experience in this type of cause of action. With these provisions, SB432 now has the Attorney General's wholehearted support and is one of his high priorities.

¹ See proposed Section 1-307(e) in the bill.

SB432 also creates a separate Climate Crimes Accountability Fund for any recovery from litigation to ensure that the funds are used only to supplement state programs that prevent, mitigate or repair harms caused by climate change. Creating a separate fund mitigates against the temptation by the state to use the recovery funds for unrelated state budget needs. SB432 includes a broad list of adverse climate change effects that the fund could address through different programs. Importantly, these are separate applications of funds than those that might be obtained under the RENEW Act should that act be introduced and enacted in a subsequent session.

To enable Maryland businesses, residents and governmental bodies at all levels potentially to undertake what will likely be extremely expensive actions to prevent, mitigate or repair the harms caused by climate change, we need to ensure that the Attorney General can effectively bring this type of lawsuit. Otherwise, Marylanders will continue to bear these costs alone. Accordingly, I urge this Committee to issue a favorable report on SB432, the Climate Crimes Accountability Act.