MARYLAND COALITION FOR INCLUSIVE ENERGY SOLUTIONS

Bill: HB 572 Attorney General Actions and Climate Crimes Accountability Fund

Position: Opposition

Dear Chair, Vice Chair, and Members of the Committee:

On behalf of the Maryland Coalition for Inclusive Energy Solutions, we respectfully submit this letter in opposition to the Attorney General Actions and Climate Crimes Accountability Fund (Climate Crimes Accountability Act).

There are several important reasons for opposing the bill:
(1) affordability and impacts on Maryland consumers;
(2) fundamental unfairness;
(3) improper delegation of state authority to unaccountable plaintiffs' lawyers;
(4) the negative message the bill sends to the business community; and
(5) constitutional infirmities that will lead to years of costly litigation.

1. **Impact on Maryland Consumers**

   Marylanders are already managing tight household budgets, and this bill encourages broad, high-stakes climate litigation with a near impossible evidentiary burden requiring the Attorney General prove that climate change was specifically caused by a certain act or omission of an entity in the fossil fuel industry. It creates a risk that legal costs, settlement uncertainty, and market volatility will be passed through to consumers, potentially increasing rates and raising costs. The possibility of sweeping lawsuits may also chill investment in the infrastructure and innovations Maryland needs to keep the lights on while lowering emissions.

2. **Fundamental Unfairness**

   It is fundamentally unfair to enact legislation that specifically targets a subset of companies that provide a legal and vital product consumed by Marylanders, including the State of

Maryland itself. It remains true that fossil fuels are necessary for national security, the health of the state's economy, and to accommodate a modern lifestyle that includes electricity , air conditioning, heat and connection to the internet.. This bill and the proceedings it authorizes would harm the U.S. energy industry to the benefit of foreign companies who are outside the jurisdiction of the state and may effectively drive the fossil fuel industry out of Maryland, causing significant harm to key Maryland industries.

3. **Improper Delegation of State Authority**
   The bill creates poor public policy by expressly permitting the Attorney General to hire plaintiffs' contingency-fee lawyers, representing an inappropriate and wasteful abdication of state authority. The Maryland Constitution empowers the Attorney General and not private attorneys to pursue lawsuits on behalf of the State. By authorizing the retention of private plaintiffs' firms, the law would violate the Maryland Constitution by improperly delegating significant authority to private law firms that are singularly focused on collecting a substantial portion of any recovery as attorneys' fees. (This authorization also would be in contravention of open and transparent bidding processes designed to ensure the propriety of state contracting.)

4. **Negative Signal to the Business Community**
   Legislation of this nature sends the wrong message to the business community and does nothing to address climate change. It signals to any business considering selling lawful products in Maryland that it too could become a litigation target simply by choosing to do so. The threat of sweeping lawsuits may further deter investment in infrastructure and innovation needed to maintain reliable energy supply while reducing emissions.

5. **Legal and Constitutional Concerns**
   As demonstrated by multiple federal court challenges to climate superfund laws enacted in Vermont and New York, state efforts to circumvent federal authority over climate issues and greenhouse gas emissions raise substantial legal concerns. If enacted, this bill is likely to become the subject of extensive litigation, requiring the Maryland Attorney General's Office to expend significant public resources defending the law.

For these reasons, the Maryland Coalition for Inclusive Energy Solutions respectfully opposes this legislation.

Sincerely,

Maryland Coalition for Inclusive Energy Solutions, Inc.