

TESTIMONY IN SUPPORT OF HOUSE BILL 572
Attorney General Actions and Climate Crimes Accountability Fund

Judiciary Committee

February 13, 2026

Submitted by Professor William Piermattei¹

I am writing in support of House Bill 572, Attorney General Actions and Climate Crimes Accountability Fund (cross-filed with SB 432, collectively “Bill 572/432”) to address the need and importance of this bill and objections raised to the proposed legislation. This bill will provide the Maryland Attorney General the authority to: (1) investigate publicly traded fossil fuel companies to determine if they violated Maryland law; and (2) if so, provide the authority to file civil or criminal suit against any violators of Maryland law. The bill also establishes a fund for any money received as the result of the Attorney General’s investigations and/or legal action to be used to prevent, mitigate or repair harms caused by climate change.

Given the magnitude of climate change harms, it is necessary to bring the full investigative and prosecutorial authority of the state of Maryland to bear on the conduct of corporations doing business in Maryland to determine if these corporations violated Maryland law and if so, whether those violations contributed to the climate change crisis that is estimated to cost Maryland billions of dollars in damages. The Attorney General’s Office supports Bill 572/432. I urge the Committee to report favorably on House Bill 572 because: (1) it is the quickest and most effective way to get to the truth; (2) if the truth shows corporations have violated Maryland law, it provides for effective enforcement; and (3) any funds collected can be invested in resiliency and disaster preparedness with an outstanding return on such investments for Maryland tax payers.

In testifying before the Senate in favor of Senate Bill 432, I heard and subsequently read objections from the Maryland Chamber of Commerce. These objections make little or no sense and seem to apply to different proposed legislation which I will address below. Put simply, the Maryland Chamber of Commerce seems to object to investigating whether corporations violated Maryland law but offer no coherent reasons why Maryland would not want to know the truth about corporation business practices, their legality and whether any illegal conduct has harmed Maryland, its citizens and its businesses.

1. Maryland taxpayers deserve the truth

The most important feature of Bill 572/432 is that it brings Maryland’s full police power authority to bear on fossil fuel corporations’ conduct in bringing about the climate change crisis. This power begins with the legal authority to compel the production of documents and witnesses to obtain information that isn’t in the public domain about business

¹ This testimony may not represent the position of the University of Maryland Carey School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

practices, such as: what the corporations knew about climate change, what information did they provide about climate change, was it deceptive, whether they underwrote climate denialism knowing climate change presented real risks to people, whether they colluded with other companies to suppress the truth, and whether they violated anti-trust laws in suppressing competition.

Unfortunately, we do know *some* of this information through investigative journalism such as [ExxonKnew](#), but fragments of information cannot tell the full story, only enough to indicate that a full investigation is warranted. Maryland taxpayers who have contributed their hard earned dollars to massive fossil fuel industry profits deserve to know the full truth about fossil fuel corporations' business conduct.

2. The full police powers of Maryland are needed

Maryland's Office of the Attorney General enforces the law. The Office does so through protecting consumers, promoting fair business practices, and ensuring good stewardship of our public and natural resources. The Attorney General is the chief legal officer of Maryland with the responsibility to uphold the rule of law to protect Marylanders and promote the public good. There is no better office in Maryland to investigate the fossil fuel industry's lack of candor about their products' connection to climate change and whether that lack of candor violated Maryland law.

What is puzzling is the Maryland Chamber of Commerce's opposition to empowering the Attorney General to investigate corporations to ensure that the thousands of their members were dealing with and competing against corporations fairly or whether those publicly traded fossil fuel companies purposely endangered the very infrastructure their members as well as workers and consumers rely upon. Purportedly the Chamber raises "significant constitutional and legal concerns" with such investigatory power such as "federal preemption and the clean air act," "takings and excessive fines concerns," "ongoing litigation and pending Maryland study." None of these concerns are implicated by the exercise of Maryland traditional police powers to investigate corporations doing business in the state, determine if they violated Maryland law, and, if so, did those violators damage Maryland and its citizens.

3. Climate change damages and the polluter pays principle

The fact that the legislature is investigating the costs Maryland will have to shoulder to deal with the climate crisis *supports* the passage of this bill rather than countenances against it. The Maryland Comptroller's initial climate change study (["Climate Change Costs" April 2025](#)) determined that climate change will cost Maryland billions of dollars. With so much at stake, it is only prudent to investigate those corporations that promoted the very products that caused climate change and its attendant harms to determine if they should have to help pay for the damage those products caused.

Moreover, the Comptroller also found that every one dollar invested in resiliency and disaster preparedness returns \$13 in avoided harm. An amazing return on investment that cannot be fully realized under current budget constraints. While we study how many billions of dollars climate change will cost Maryland, the Attorney General should be investigating whether companies most responsible for climate change, the fossil fuel industry, violated Maryland law and if so, should contribute to paying for the resiliency, disaster preparedness, hardening infrastructure, upgrading emergency services, improving our healthcare infrastructure to deal with increased heat and air quality related illnesses, protect our agricultural sector, provide cooling centers and ensure essential services are provided among many other projects that will be needed to deal with the climate crisis.

Put simply, *if* the Attorney General seeks compensation for climate change damages from publicly traded fossil fuel companies because one or more of them violated Maryland law, such actions would uphold the rule of law, protect the health and welfare of Maryland citizens, and advance the “polluter pays principle” that undergirds our environmental laws. The cost of climate change should not fall solely on Maryland taxpayers in this scenario, the corporations that profited the most from climate change should have to chip in, particularly if the Attorney General finds that they violated Maryland law.

Conclusion – thoughts on the opposition to Bill 572/432

Below are responses to some of the objections raised by the Maryland Chamber of Commerce in written testimony (italicized). None of the objections address the ability of the Attorney General to investigate business practices, the focus of Bill 572/432.

“Assigning strict liability for the independent actions of countless third parties is legally unsound and unprecedented.” This bill empowers the Attorney General to prosecute violations of Maryland law, either criminally or civilly, so by definition it is not strict liability. A law must be violated to impose any liability.

“(T)he application of Maryland law to worldwide emissions and alleged global harms is in direct conflict with federal authority.” Maryland law would be applied to business practices, not emissions, and therefore do not conflict with federal law governing emissions. Only harms in Maryland, not global harms, are at issue.

“Given the emerging legal challenges to similar state laws, Maryland should not advance comparable climate liability frameworks at this time ... that would expose the State to substantial legal and economic risk.” The current legal challenges are in New York and Vermont to completely different statutes establishing strict liability. As noted above, this statute does not impose strict liability. There are no legal challenges to statutes authorizing state Attorney Generals to conduct investigations that the Constitution’s Tenth Amendment reserves to state police powers. Further, there is no explanation as to the “legal and economic risks” for conducting such investigations. Whatever risk there may be is offset by uncovering the truth and informing Maryland citizens.