

February 19, 2020

SUPPORT HB614: Environmental Accountability and Transparency Act

Dear Mr. Chairman and members of the Committee:

The below co-signed organizations strongly support HB614: Environmental Accountability and Transparency Act to assist the Departments of Natural Resources, Agriculture and Environment with more efficiently responding to citizen reports of violations to our environmental health, and provide important accountability for their enforcement actions.

Since 2002, state agencies staffing has been cut by 6500 positions, which has led to dramatic decreases in environmental agencies ability to provide the public accountability and transparency of their enforcement activities. The Environmental Accountability and Transparency Act creates an autonomous Office of Environmental and Natural Resources Ombudsman housed within the State Office of the Attorney General to assist with communication between the public and the agencies on their activities. The office would maintain a website with information regarding pollution complaints for the Maryland Departments of Environment, Natural Resources, and Agriculture.

What does the bill do?

- 1) Creates an autonomous Office of Environmental and Natural Resources Ombudsman (“Ombudsman”) housed within the State Office of the Attorney General and appointed by the MD Attorney General.
- 2) The Ombudsman will receive and process complaints from concerned Marylanders of suspected environmental or natural resource violations and will refer to the appropriate state or local enforcement agency.
- 3) Ombudsman will consult with Maryland Department of Environment (MDE), Department of Natural Resources (DNR), and the Maryland Department of Agriculture (MDA) and will maintain and update a list of complaints that have been received by the departments with relevant information including the location of suspected pollution violation, nature of the environmental impact, and status of the complaint.
- 4) Ombudsman will publish and maintain a website with information regarding pollution complaints, inspections of facilities, and enforcement actions that have been initiated by MDE, DNR, and MDA as well as information on the status of permit process for facilities, including whether the permit is deemed to be expired or administratively extended.
- 5) The information posted on the website will: be updated at least monthly; maintained in a database format to ensure that the information is searchable; kept online for at least three years.

Why is this bill important?

- ***Dramatic Reduction in Environmental Staffing since 2002***
According to the recent Administration reports, the Maryland Department of Agriculture has lost more than 20% of their positions, and acknowledges that Nutrient Management Plan audits show no change in the number of farms in compliance, “which could be symptomatic of insufficient enforcement.” The Department of the Environment has lost 13.1% of their positions and has been identified by the Department of Legislative Services as the third most urgent agency shortfall, after the State Police and Public Safety and Corrections. The Department of Natural Resource has lost 17.5% of their positions. Beyond the reduction of enforcement actions, this dramatic reduction in agency staffing also has limited the agencies ability to adequately

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communicate enforcement actions or reporting to the public, or to process and respond to public complaints of environmental violations.

- ***Promotes Public Access to Pollution Information and Enforcement***

Access to environmental information is a fundamental right found in state, federal, and even international law. The Maryland Environmental Policy Act (MEPA) requires of state agencies “the fullest practicable provision of timely public information” and Maryland’s Public Information Act establishes that “all persons are entitled to have access to information about the affairs of government.” The very first section of the federal Clean Water Act states that “public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States.”

- ***Reduces Administrative Burden on Agencies***

Not only is access to environmental enforcement data an important right of Marylanders, it is also an issue of good government and common sense. The Maryland Department of the Environment (MDE) is overwhelmed by Public Information Act requests and receives more requests than any other state agency. The lack of adequate staffing at MDE is well documented and a significant hindrance to its mission. The agency would save extremely valuable time, money, and staff resources by ensuring that any public records in its possession are clearly provided to the public via its website.

- ***Supports the Legal Right of Public Participation in Environmental Enforcement***

The Clean Water Act, like many of our foundational environmental laws, was designed to allow the public to step in and enforce the laws when needed, thereby alleviating state and federal agencies of the overwhelming burden of taking on this role alone. However, Marylanders cannot provide this desperately needed assistance effectively or efficiently without access to the relevant information for which they have a fundamental right.

- ***Ensures Transparency and Accountability in our Effort to Protect Clean Water***

Finally, the need for greater access to environmental enforcement data could not be more clear. Not only has the level of enforcement of our environmental laws declined at the federal Environmental Protection Agency, the number of actions taken by MDE to enforce the Clean Water Act and state water pollution control laws has declined substantially in recent years, exacerbating the challenges we have of meeting our clean water goals. The need for public enforcement is greatest when the state proves unwilling or incapable of doing the job itself.

This bill and its Senate cross-file is a priority of the Maryland League of Conservation Voters. For the sake of our environment, our communities, and our public health, we strongly urge your favorable report on this legislation.

Annapolis Green
Arundel Rivers Federation
Blue Water Baltimore
Central Maryland Beekeepers Association
Chesapeake Climate Action Network
Chesapeake Legal Alliance
Clean Water Action
Common Cause Maryland
Humane Society of Maryland
Maryland Conservation Council
Maryland League of Conservation Voters

Maryland Legislative Coalition
Maryland Pesticide Education Network
Maryland Votes for Animals
MOM’s Organic Market
NARAL Pro-Choice Maryland
Shore Rivers
Sierra Club – Maryland Chapter
Smart Growth Maryland
Smart on Pesticides Coalition
Waterkeepers Chesapeake

