



Center for
Progressive
Reform

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**Testimony of Bryan Dunning
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Center for Progressive Reform**

**Before the Maryland Senate Judicial Proceedings Committee
Requesting a Favorable Report on SB0432: Attorney General Actions and Climate
Crimes Accountability Fund (Climate Crimes Accountability Act)**

Dear Chair Smith, Vice-Chair Waldstreicher, and the members of the Judicial Proceedings Committee,

The Center for Progressive Reform is a nonprofit research and advocacy organization that prioritizes equity and justice for communities impacted by climate and environmental harms. The Center is strongly supportive of the civil justice system being utilized to ensure that individuals or organizations that inflict harms upon communities through criminal and tortious actions are held responsible for remedying the harm. As such, and for the following reasons, the Center respectfully requests a *favorable* reading on SB0432.

Scope and Purpose

This bill directs the Maryland Attorney General to pursue litigation against polluters who have, through their actions and *conduct*, contributed to the climate crisis and inflicted substantial injury to Maryland communities to date.¹ As the state moves forward with the study authorized by the RENEW Act, this number will grow. This bill directs the Attorney General to ensure that these damages are allocated to the responsible parties – specifically publicly traded entities with a market capitalization greater than one trillion dollars, which is engaged in extracting, refining, or processing of coal, oil, gas who have engaged in tortious or otherwise unlawful behavior. Notably, this bill is distinct from a climate superfund bill (such as RENEW if passed into an enforceable action following the

¹ The Maryland Office of the Comptroller estimates this cost to be between ten and twenty billion dollars just from 85 identified severe weather events between 1980 and 2024.

results of the study), which would be based in strict-liability for the cleanup/mitigation of the harm, as it looks to the *conduct* of the polluting entities – including fraud and deception.

Litigation brought under the direction of this bill has [numerous successful antecedents](#), including the 1990s tobacco cases, PFAS litigation in the 2000s through present, and opioid litigation. In these instances, as in the instance of the litigation contemplated under SB0432, at root was not merely the direct harm caused by the defendants' products, but the intentional deception as to the safety of their products. Holding polluters responsible for their conduct is critical to ensure they are accountable for the direct harms of climate change Marylanders are now facing, and liable for the damages so that the financial burden of adapting and recovering from those harms must not be borne by Marylanders. Such litigation also bears the benefits of allowing the state to engage in robust discovery to shine a light on the conduct of polluters over past century.

Climate Crimes Accountability Fund

This bill creates a climate crimes accountability fund that will exist as a repository for damages collected by the state from polluters who either settle with the state or are found culpable through trial. Such a fund ensures that the state will responsibly utilize any monies recovered through suit to directly address the harms borne by residents of the state by the conduct of polluters. Such a fund ensures that this bill delivers justice to Maryland communities.²

Processes

This bill removes concerns related to the ability of the Attorney General's office to navigate potential settlements implicated by the Maryland Uniform Contribution Among Joint Tortfeasors Act (UCATA).³ The bill exempts litigation arising from this bill from being subject to the UCATA based on the exemption created by 2024's legislation tied to litigation related to the Francis Scott Key Bridge collision and collapse on March 24, 2024.⁴ The rationale here is the same as in the 2024 bill (especially insofar as the initial iteration of that bill would have been a broader exemption from the UCATA for "public welfare actions" including suits against polluters such as PFAS manufacturers), it removes barriers to the state to engage in settlement proceedings by ensuring apportionment in settlements, and limiting concerns related to contribution suits. This maximizes flexibility and settlement negotiation capacity for the Attorney General's office and will broadly reduce costs for suit

² As opposed, for example, to utilization of funds secured by certain states in the 1990 tobacco settlements on expenditures unrelated to the harms suffered by smokers, or smoking cessation activities.

³ MD Code ann. Courts and Judicial Proceedings § 3-1401, et. seq.

⁴ Codified at MD Code Ann. State Gov. § 6-106.2

and ensure more equitable outcomes.

In addition to reducing costs to the state, the bill authorizes the State Attorney General's office to hire third-party counsel to support in litigation brought under the bill. The use of private counsel has the benefit of reducing the direct workload placed upon the state attorney's office – reducing costs to the state, as well as flexibility in retaining attorneys who specialize in causes of action brought.

For these reasons, the Center respectfully requests a **favorable** report on SB0432.

Sincerely,

Bryan Dunning
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