

February 22, 2020

Re: HB 899 - Illegal Dumping and Litter Control - Criminal Penalties and Fund

Hon. Chair Kumar Barve
6 Bladen Street, House Room 251
Annapolis, MD 21401

Mr. Chair,

HB 899 reduces the criminal penalties for dumping and littering, fixes civil penalties for dumping and littering, codifies and makes funding allocations to the “Clean Up and Green Up Maryland” Fund and clarifies that any person has standing on a crime of dumping and littering.

Dumping and littering is a huge problem in the Baltimore region. The Baltimore watershed dumps into many of the waterways in my district. Local volunteer groups operate booms to catch the trash. On any given week, volunteers will collect twenty to thirty tons of trash from these booms.

Laws regarding dumping are ineffectual and this bill attempts to reform these laws, based on experiences from my district.

House Bill 899 first amends current law to clarify that any person has standing to press charges when they can provide evidence that a person or party has dumped illegally. The current experience is that volunteer’s efforts to have laws enforced are thwarted as law enforcement declines to take action as sporadically volunteers are told that they have no standing on the issue. This bill fixes this problem by clarifying that any person with evidence has standing on these actions.

House Bill 899 decreases criminal penalties but puts in place small mandatory minimum civil penalties. The current penalty structure for dumping doesn’t work.

In one incident in my district, volunteer's video recorded cleanup efforts in historic Bread and Cheese Creek. A video recorded as a man walked across a field and tossed bags of refuse into the creek while volunteers were in the creek cleaning out trash. Charges were pressed by volunteers who saw the case through in court until the end. The defendant was found guilty and was subject to imprisonment and a civil penalty up to \$1,500. He received no criminal or civil penalty.

I use this example to illustrate that even in a flagrant violation, with concrete evidence and a finding of guilt, our laws offer no deterrent to dumping. In most situations, our cases of dumping are chronic and involve hundreds of pounds of construction materials. Frequently, we can identify the offender and provide evidence proving the offense. Despite this, our penalties give us no recourse. This problem will not be fixed without community engagement. If our penalties result in the frustration and demoralization of concerned citizens, do you think those citizens will continue to execute volunteer cleanup efforts or identify offenders?

Finally, House Bill 899 codifies and makes funding allocations to the "Clean Up and Green Up Maryland" Fund. The Clean Up and Green Up Maryland Small Grants Program was started in the Maryland Environmental Trust in 2017. The intent of the program is to help community groups and nonprofit organizations with neighborhood beautification activities such as litter removal, greening activities, community education, and citizen stewardship. The grants are capped at \$5,000 per award. The bill codifies and makes the fund non-lapsing, and appropriates 50% of all funds collected under this section to the fund. This allocation recognizes that in addition to penalties to deter and municipal services to remediate, that volunteerism and education through volunteerism is part of the solution to dumping and littering.

Thank you for the hearing for House Bill 899. I am happy to take questions and I ask for a favorable report.

Sincerely,

Delegate Robin Grammer