

January 27, 2021

The Honorable Kumar P. Barve  
Environment & Transportation Committee  
House Office Building, Room 251,  
6 Bladen St., Annapolis, MD, 21401

**RE: Opposition of House Bill 204 Environment and Natural Resources – Complaints, Inspections, and Enforcement – Information Maintenance and Reporting**

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, opposes House Bill 204 Environment and Natural Resources – Complaints, Inspections, and Enforcement – Information Maintenance and Reporting.

This bill requires the state to keep records of suspected violations or the environmental protections in outlined in this bill. Suspected violations are, in essence, a hearsay argument based on no evidence that any violation or unsafe practice has occurred. This measure will allow the records of developers and projects to gain a permanent blemish on mere suspicion without any evidence of a violation. Furthermore, these records of instances in which nobody has been shown to have done anything wrong will be permanently held against the business and people accused because there is no limit to how long the state will retain the records.

The term, suspected violation itself is ill defined and may refer from anything from third party complaints with little basis in reality to ongoing legal procedures that are already being adjudicated by the courts. This leaves the courts with less capacity to rule on the matter as they cannot rule that the state must not be officially suspicious, regardless of the outcome of the case. This measure opens the door to everyday citizens to contact the Office of Environmental and Natural Resources for anything they think may be in violation of environmental regulations. These laws are complex, and the parties involved are already heavily regulated, which insures against violations. At best, well-intentioned citizens will tie up valuable State resources with unfounded complaints. At worst, malicious actors will use this opportunity to slow down valuable and legal projects.

Furthermore, that these “suspected violations” are required to be made public lends them an air of legitimacy that they do not merit and can serve no purpose other than to tarnish the reputations of developers that have committed no illegal act and followed, as far as anyone can show, the law. This is tantamount to punishing businesses for hearsay to no constructive purpose.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: House Environment & Transportation Committee Members