

March 26, 2024

The Honorable Brian Feldman  
Chairman, Senate Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MBIA Letter of Opposition HB1101 Standing – Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB1101 Standing – Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**. MBIA **opposes** the Act in its current version.

HB1101 introduces a new standing provision, granting individuals and associations the right to independently sue various entities based on perceived negative impacts to their interests. Prevailing plaintiffs may seek injunctive relief, civil penalties, and litigation costs. They can also intervene in environmental enforcement actions. MBIA is concerned that these provisions could disrupt routine government functions, as opponents could use the broad language of the bill to initiate litigation against legitimate activities under permits. The bill's definition of "Injury in Fact" allows for claims without demonstrating harm to the environment. Instead, they only must show past injury or fear of future injury to the plaintiffs' aesthetic, recreational, conservational, health or economic interests, undermining the balance of environmental appeals.

It is important to note the ever-changing landscape of wetlands laws, with the federal government frequently reversing standards. Additionally, water pollution encompasses sediment and stormwater runoff, leading to significant ambiguity regarding allowable runoff levels during storms. In fact, Maryland law doesn't mandate actual runoff occurrence. Instead, it is a violation if sediments end in a place where runoff is likely to be discharged. The Maryland Department of the Environment already has regulatory authority over many environmental concerns and there is ample process for individuals to issue complaints with in the Department.

At a time when the State of Maryland is facing a housing crisis, this legislation is a step in the wrong direction and will create further ways to impede the creation of new housing. For these reasons, MBIA respectfully urges the Committee to 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: Members of the Senate Education, Energy, and the Environment Committee