

Tuesday, March 26, 2024

TO: Brian Feldman, Senate Education, Energy, and the Environment Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support HB 1101 Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

The Nature Conservancy (TNC) supports HB 1101 offered by Delegates Love, Charkoudian, Foley, Fraser-Hidalgo, J. Long, Ruth, and Stewart. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

If water is the lifeblood of the planet, rivers, lakes and wetlands are the hard-working systems that keep it pumping. These systems—which also include springs, deltas and intricate underground networks—feed communities, shape cultures and sustain the diversity of life on Earth. Freshwater ecosystems provide value for protecting animal and plant species and their health is inextricably tied to the health of adjacent communities who rely on them for drinking water, and recreational and aesthetic value.

In Maryland, we have an opportunity to create strong and sustained protections for these freshwater systems by passing HB 1101. This legislation is urgently needed in our state to protect vulnerable communities from water pollution impacts and to enforce the Clean Water Act's core tenets. The federal Clean Water Act is among the strongest pieces of legislation in the country. Since its passage more than 40 years ago, water health in many impaired freshwater rivers, streams, and wetlands has been restored, making them drinkable and swimmable again. This incredible legacy of environmental protection is now under threat. The recent Supreme Court decision in the Sackett v. EPA case removed more than half of streams and wetlands in the country from federal Clean Water Act protections. While these systems are still protected under Maryland law, current enforcement mechanisms are insufficient to maintain their long-term health.

The Clean Water Justice Act will provide a new right for impacted community members to enforce water protection laws in state court the same way that they were previously able to do in federal court under the Clean Water Act. This legislation gives Marylanders the same degree of access to state courts as they have in federal courts, and it repairs the threat to Maryland's critical water resources.

Our state is facing three intertwined crises of biodiversity loss, climate change, and disproportionate environmental pollution burdens being borne by underserved and over-burdened communities. In the wake of Sackett, Maryland must continue to build on our state's strong record of environmental and climate protections for its residents and prevent illegal pollution from entering our waterways. To truly succeed in protecting and restoring the natural resources of the state's natural resources, creating and sustaining vibrant communities, and delivering equitable and just outcomes for communities, we need to equip Maryland's residents with the ability to hold polluters accountable.

We commend Delegates Love, Charkoudian, Foley, Fraser-Hidalgo, J. Long, Ruth, and Stewart for introducing this legislation. HB 1101 is a step in the right direction and continues to build upon Maryland's legacy of taking bold and proactive action for creating equitable climate solutions for its residents and natural resources.

For these reasons, we urge a favorable report on HB 1101.