MARYLAND LEAGUE OF CONSERVATION VOTERS

Governor's Report Card

LARRY HOGAN 2015–2016

Keeping Score for the Environment Since 1979
Grading Maryland’s Governor

OVERALL MARK: NEEDS IMPROVEMENT

For nearly 40 years, the Maryland League of Conservation Voters (Maryland LCV) has proudly acted as the political voice of the environment, working with elected leaders to pass strong conservation legislation while holding them accountable to voters. Through education and advocacy, we build relationships with public servants from across the state to put Maryland at the forefront of national environmental policy. With our annual Environmental Scorecard we showcase and celebrate our champions, and encourage improvement for those whose priorities diverge from the conservation vote.

After consultation with conservation leaders from across the State, the Maryland LCV Board of Directors and staff present this Governor’s Report Card on the first two years of the administration of Governor Larry Hogan. We offer this report to highlight leadership and to encourage improvement on issues facing our environment. For this reason, we chose to offer evaluative marks, rather than a letter grade, on both overall performance and in individual categories that provide substantive review of the Hogan Administration’s commitments and actions on environmental issues. The methodology for this and previous reports includes a thorough examination of departmental and agency actions, policy positions, and funding priorities, as well as public statements from both the Governor’s office and executive appointees. Maryland LCV sincerely thanks the organizations and individuals who provided input and review of this document, and who are stalwart partners in our environmental agenda.

Today, Maryland LCV assigns an overall “Needs Improvement” mark to Governor Hogan on the first Governor’s Report Card of his term.

This mark reflects actions that do not support the strong pro-environment statements Governor Hogan has made since the beginning of his term. Lofty aspirational goals of bipartisan cooperation and promoting a healthy Chesapeake Bay as “key to a strong economy and high quality of life—for all Marylanders” as a top priority is admirable, but requires an equal commitment to maintaining strong regulatory protection and enforcement against bad actors. Setting significant goals to address climate change is vital to our success of reducing greenhouse gases, but these ambitions can only be fulfilled if we use the power of economic viability to encourage industries that can help us to achieve those goals. Governor Hogan’s words speak of a Marylander dedicated to preserving the natural wonder and beauty of a State he loves, but his actions don’t always prioritize environmental and public health.

The issues addressed in this Report Card reflect actions by the Governor or his Administration, and so there are a number of environmental successes that are not discussed. In 2015 the Maryland General Assembly passed a 2½ year moratorium on hydraulic fracturing (or “Fracking”) in the State after several years of attempts at similar legislation. In 2016 Maryland was the first state in the nation to pass a ban on neonicotinoid pesticides, forging the path for other States to take similar action to protect pollinators. Both of these bills represented significant environmental victories that were passed by a largely Democratic legislative majority and allowed to go into law under a Republican executive branch. In both cases, these bills were loudly opposed by some industry groups, as well as members of the Republican Legislative Caucus. By allowing these bills to go into law and resisting pressure from the opposition, Governor Hogan fulfilled that part of his promise for bipartisan
cooperation, and we honor this. At the same time, these landmark bills were allowed to go into law without the Governor’s signature, which signals passive acceptance and not leadership. Maryland LCV does not consider silence an action, and thus is not considered in the overall marks.

Conversely, we have not scored the Governor on statements that signal the possibility of environmentally damaging or counterproductive policies, but that have not yet been manifested in actions. Chief amongst these are statements relating to the Regional Greenhouse Gas Initiative (RGGI), a regional cooperative agreement to address climate change through a cap-and-trade program. Since 2008, RGGI has spurred more than $500 million in investment, which has been reinvested back into Maryland communities to help low-income families with their energy bills and rollout energy efficiency and clean energy programs. Despite this, in August, 2016, the Secretary of the Maryland Department of the Environment threatened to pull out of the regional program if Maryland were forced to follow other states in creating a stronger cap. While the Administration later walked back from these statements, the comment was alarming. We will continue to watch closely as this and other similar clean energy issues are hammered out in the months to come. We hope that, when we next issue a Governor’s Report Card, we will be able to praise the Governor for positive actions that demonstrate his understanding and appreciation of these issues, and how these programs protect Maryland’s most vulnerable communities.

We have included a section on the Governor’s actions relating to democracy and good government to reflect a policy of Maryland LCV, recognizing that inclusive democracy and transparency are necessary to ensure solid environmental legislation.

In sum, Governor Hogan’s first report card demonstrates that he is not living up to the standards that he has set through his public statements. Maryland LCV looks forward to working with him to achieve his goals and live up to the promise to be an environmental champion that uses Maryland’s extraordinary natural resources to further promote a healthy economy and improved lives for all Marylanders, regardless of income, demographic profile, or zip code.

At the dawn of the administration of a new President of the United States, who has promised to rollback federal protections, regulations, and who has introduced an environmental cabinet shaped by a shocking denial of climate-change, we look to our Governor to become a leader of his party on a national level. We also look to the Governor to show decisively that conservation is not a partisan concern; supporting public health and protecting natural treasures is good for business. Maryland LCV looks forward to working with Governor Hogan and his Administration to make this happen—for everyone’s sake.
With more than 3,000 miles of coastline, and approximately 265,000 acres less than 5 feet above sea level, Maryland is one of the most vulnerable states in the nation to the effects of sea-level rise and climate change. We are also a state with a geography appealing to renewable energy industries that can advance the expansion of a clean energy economy and help combat the state’s reliance on greenhouse gas emitting fossil fuels which contribute to a global climate crisis. Despite his professed concern for both Maryland’s economy and its environment, Governor Hogan has demonstrated that, with few exceptions, under his administration Maryland is not open to the business of renewable energy.

**NOx regulations**

**MARK: POOR**

Despite recent improvements in air quality, Maryland continues to have some of the highest smog levels in the Eastern United States. Five million residents live in areas that have been designated as having unhealthy levels of smog. (The total population of Maryland is estimated to be just over six million). Although by many estimates, we are the wealthiest state in the country, Maryland’s power plant emissions control technologically lags behind even traditional coal states such as West Virginia, Alabama, and Kentucky—some of the poorest states in the nation. In January 2015, after more than fifteen months of stakeholder meetings, compromise and collaboration, the Maryland Department of the Environment finalized the plan to reduce Mono-Nitrogen Oxide (NOx) emissions from Maryland’s coal plants and submitted them for publication in the Maryland Register.

Immediately upon taking office, Governor Hogan blocked the publication of these regulations in order to propose a less protective and more flexible alternative that enables plant owners to avoid upgrading NOx emission controls. While Governor Hogan made strong statements on his commitment to reducing smog, improving air quality, and making Maryland the gold standard of both environmental protection and business development, the actions of his Administration clearly prioritize business over environment and public health. In a letter dated May 1, 2015, the Chairmen of the Joint Committee on Administrative, Executive, and Legislative Review (the Committee charged with approving regulations) stated: “To protect public health and meet the requirements of the Clean Air Act, Maryland must ensure that all of its coal-fired power plants have modern pollution controls by 2020, if not earlier. We are already overdue in setting this important process in motion. The most efficient and most effective response to this public health crisis is to publish and implement the original regulations. The solution is literally on your desk.”

Rather than allowing a strong pollution reduction plan with broad support from both business and environmental quarters to go into effect, Governor Hogan has weakened the proposed regulations and delayed implementation. This has caused harm to both our environment and the health of our State’s most vulnerable populations.

**Public Service Commission appointments**

**MARK: NEEDS IMPROVEMENT**

The Public Service Commission was established by the Maryland General Assembly to regulate public utilities and passenger transportation companies doing business in Maryland. Commissioners are appointed to serve staggered five-year terms. Since a Governor can appoint Commissioners to serve beyond the life of a four-year term, these appointments are some of the most enduring decisions of an administration. During his first two years, Governor Hogan has had the opportunity to appoint three Commissioners to rule on significant environmental concerns such as the approval of off-shore wind and utility-scale wind and solar projects.

Commissioner Jeannette Mills has impeccable credentials and has proven to be a fair and reasonable member of the panel. The appointments of Commissioners Michael T. Richard and Anthony J. O’Donnell, however, are deeply worrying to proponents for renewable energy. While both have significant subject-matter expertise, both have expressed strong public opposition to renewable energy projects and programs in the past, raising concerns as to their ability to remain impartial when considering projects that come before the Commission for approval. Commissioner Richard’s inappropriate communication with the Governor’s office about policy and strategy for blocking renewable energy bills after leaving his post as Deputy Chief-of-Staff to the Governor and after accepting a seat on the Commission reinforced these concerns, as well as those related to his judgement. Commission O’Donnell’s voting record, as a delegate, is marked by opposition to Off-Shore Wind, the EmPOWER program, the original Greenhouse Gas Reduction Act (although he did vote for the 2016 legislation), and the Renewable Portfolio Standard.


**MARK: EXCELLENT**

Both the original Greenhouse Gas Reduction Act (GGRA) and the 2016 renewal and expansion legislation represented bipartisan support for confronting climate change. In Governor Martin O’Malley’s 2009 Maryland LCV energy bills after leaving his post as Deputy Chief-of-Staff to the Governor and after accepting a seat on the Commission reinforced these concerns, as well as those related to his judgement. Commission O’Donnell’s voting record, as a delegate, is marked by opposition to Off-Shore Wind, the EmPOWER program, the original Greenhouse Gas Reduction Act (although he did vote for the 2016 legislation), and the Renewable Portfolio Standard.
report card, the bill was described as a "priority for the environmental community" which "made Maryland a national leader in addressing climate change," by requiring a reduction of global warming pollution by 25% below 2006 levels by the year 2020. In 2016, when the bill came up for renewal, the initiative was once again a priority of the environmental community, aiming to reclaim our State's place as a national leader by requiring a 40% reduction by the year 2030. The bill, which was strongly supported by Democratic leadership in both the House and Senate, received wide Republican support as well, in part because of the accrued economic benefits and the potential for additional growth. During the hearing, Department of the Environment Secretary Ben Grumbles testified in favor of the legislation and on behalf of the Maryland Climate Change Commission, saying the bill "embodies that spirit of common ground working for the common good." On April 4, 2016, the Greenhouse Gas Reduction Act was one of the first bills to be signed by Governor Hogan before the end of the 2016 90-day legislative session.

The signing of the GGRA would have been a mark in favor of Governor Hogan in any political context, however it is even more significant in the face of growing hostility by Republican leadership nationally against the evidence of man-made contributions to climate change. We applaud the Governor for his strong statements at the bill signing, saying that the "Greenhouse Gas Emission Reduction Act … is expected to help create and maintain tens of thousands of jobs and represents a balanced, science-based approach to reduce carbon pollution."

MARK: POOR

Despite the Governor's strong statements of support for the goals laid out by the GGRA, he chose to veto one of the most essential components to achieve those goals. The Renewable Portfolio Standard (RPS) was first signed into law by Republican Governor Robert Ehrlich in 2004, mandating that 20% of Maryland's energy be derived from renewable sources by the year 2022. In 2016, the General Assembly passed an expansion of the program to 25% renewable energy by the year 2020. This legislation provided the mechanism for the solar and wind energy industries to expand their footprint in Maryland, potentially generating the thousands of jobs Governor Hogan praised in the signing of the GGRA.

Given his support for the GGRA, and his commitment to improving the business development climate in Maryland, his veto of the Clean Energy Jobs Act caught many—both activists and legislators—off guard. The bill had passed as a result of careful and close negotiations by legislators, advocates, and the administration. The rejection of the legislation demonstrates a break in faith between the Governor's office and clean energy advocates and industry, as well as the majority of Marylanders who want Maryland to expand its commitment to renewable energy, to do its part to combat climate change, and to reap the economic benefits of a clean energy economy.
In early January, 2017, Governor Hogan announced his own policy initiative to address growing the clean energy economy and reduce greenhouse gases. We applaud the Governor's commitment and the degree to which he has received the message from environmental activists following his veto of the 2016 bill.

At the same time, it is of concern that he crafted this proposal without consulting with or including many of the environmental advocates or legislators who have been front and center of the issue since long before the Governor assumed office in 2015. Partnership and transparency requires open and early communication. We are committed to communicating and working with the administration in advancing our agenda, and are distressed by the level to which this Administration governs through surprise.

Energy Agencies
MARK: NEEDS IMPROVEMENT

The Maryland Energy Administration (MEA) was a priority of the O’Malley Administration to promote affordable, reliable, and cleaner energy for the benefit of all Marylanders. Under the Hogan Administration the office moved from its own location to co-locate with the Maryland Department of the Environment. While this was not worrisome on its own, the move followed a significant reduction of staff, with many positions left vacant. The Maryland Clean Energy Center (MCEC), with a mission to advance clean energy and energy efficiency products, services, and technologies as part of an economic development, has also had its funding cut (although the 2017 budget shows promise in this regard.) These actions reinforce the concerns expressed elsewhere on Governor Hogan’s commitment to renewable energy. The Governor’s office has communicated their intention to make the changes to rebuilding the MEA and MCEC and making them stronger. We will be watching closely, and believe we will be able to report an improved mark in this category in the next report card.

Transportation
CATEGORY MARK: NEEDS IMPROVEMENT

As is discussed in more depth elsewhere in this report, Maryland is both among the most vulnerable states in the country for the negative effects of climate change, and also has some of the worst air quality in the country. With more than 60% of the population living in the five contiguous counties between the two beltways, there is a pressing need for increasing public transportation to relieve traffic congestion, reduce air pollution from automobiles, and reach our goal for reducing greenhouse gas emissions. Yet, rather than putting more resources into the problem, Governor Hogan has blocked efforts to improve and expand public transit and public accountability on transportation project decisions and instead funneled funds to rural road projects.

Red Line
MARK: POOR

After more than ten years of stakeholder meetings, planning documents, feasibility studies, mapping, legislative muscle to secure funding, and more stakeholder meetings, Governor Hogan unilaterally cancelled the Baltimore Red Line in June 2015. While the planned public transit project was not without controversy even within Baltimore City, especially in the East-side neighborhood of Canton, the East-West light rail was of primary importance to help connect lower-income communities to the region’s job centers. In a statement following the decision, Mayor Stephanie Rawlings-Blake said: “Although the governor has promised to support economic growth in Baltimore, he canceled a project that would have expanded economic development, created thousands of jobs, increased access to thousands more, and offered residents better health care, childcare, and educational opportunities.” The announcement was a heavy blow to many Baltimore residents, who saw it as furthering the disinvestment that had at least partially fueled unrest throughout the city just weeks earlier. As a result of the decision, nearly a billion dollars in federal funding was permanently lost to the City.

Purple Line
MARK: MIXED

At the same time Governor Hogan cancelled the Baltimore City Red Line project, he gave approval for the Montgomery/Prince George’s County Purple Line—in a limited fashion. County investment would have to be increased from the already committed $300 million investment towards the project. To bring down the total $2.45 billion, the project was significantly reduced, including less frequent trains and the elimination of one of two planned staging areas. While he reduced the State's commitment to
the Purple Line, and dismissed the Red Line as a “wasteful boondoggle.” Governor Hogan pledged $845 million for new highway and bridge construction projects. Although we support even a limited commitment to the Purple Line, (and there is certainly a pressing need for the $200 million investment in upgrading structurally deficient bridges), re-directing funding from important public transit projects in densely populated areas mired in gridlock to new highway projects in less-traveled rural areas represents regressive environmental priorities.

Transparency and Oversight (2016: HB1013/SB908 and HB1010) MARK: POOR

In addition to the detrimental effect to an already underserved population, the decision to cancel the Red Line raised significant concerns as to Governor Hogan’s respect for community input, transparency in transit decisions, and his commitment to improving Maryland’s public transportation infrastructure. A suite of bills championed by legislators from across Maryland and supported by 1000 Friends of Maryland and other transit advocates sought to improve transparency and public input in the process. These bills were universally opposed by the Governor, with two passed bills falling under the veto pen.

Of special concern, the Maryland Open Transportation Investment Decision Act of 2016 sought to rationalize and improve transparency on the funding priorities of the Maryland Department of Transportation by creating a ranking system for projects. Lower-ranked projects could still be funded first, but would require an explanation for why it was prioritized over the higher-ranked projects. The bill was passed, vetoed, and the veto was overridden within the 2016 Session. During the summer, statements from the Governor’s office and from his Administration misrepresented the requirements of the legislation, forcing an expedited process that would cause hardship on the already overtaxed jurisdictional agencies, and threatened the demise of favorite projects across the State.

Secretarial appointments
MARK: GOOD

If “personnel is policy,” Governor Hogan demonstrated good judgment and moderation in many of his Cabinet appointments. First and foremost, Maryland Department of the Environment (MDE) Secretary Ben Grumbles is highly qualified for his position and has a strong commitment to hearing from all sides of complicated issues. He has been present and attentive during long public hearings, and gracious in the face of strident opposition to policies and draft regulations. Unlike many other Departments, MDE’s staff remained consistent and stable during the transition to the Hogan Administration. Maryland Department of Agriculture (MDAG) Secretary Joseph Bartenfelder and Maryland Department of Natural Resources (DNR) Secretary Mark Belton similarly are well regarded as thoughtful and knowledgeable, with a long background in the issue area. While all three agencies have at different times stood in opposition to environmental priorities during the first two years of the Hogan Administration, all three appointments are commendable.

We also are watching the appointments of Secretary of Transportation Pete Rahn and Secretary of Planning Wendi Peters. In selecting Secretary Rahn, Governor Hogan made his priorities of highways over public transit clear. Rahn is qualified to implement the Governor’s vision, but the vision is not one we support. Secretary Peters was promoted from Deputy Director in summer 2016. While she has not had sufficient time to establish a direction distinct from her predecessor, her tenure has been marked by poor morale and lack of communication with staff. Secretarial appointments cannot be separated from Departmental...
decision-making, some of which are discussed elsewhere, and which somewhat dampen the overall appraisal of the choices. Additionally, the homogeneous nature of the Cabinet is worth noting. Of the 24-member executive council, there are only six women and four people of color, including the Lieutenant Governor. This limited diversity is a matter of concern.

**Agency Attrition**

**MARK: NEEDS IMPROVEMENT**

At his inauguration, Governor Hogan promised to “improve our state government’s ability to be more responsive to, and to better serve and represent all of our citizens.” While it is not unexpected to have significant changes among senior staff and special appointment staff when there is a party change in Government House, the public is best served when dedicated career agency employees who work outside of political operations are allowed to continue to lend their experience to the people of Maryland. By contrast under Governor Hogan’s direction, several environmental agencies have seen the layoffs of many career professionals possessing significant subject-matter expertise in areas that require regulation and enforcement. As examples, senior experts in fisheries and water quality monitoring at DNR were forced out, as were senior planners within the Maryland Department of Planning, and expert employees of the Maryland Energy Administration (MEA).

While some uncertainty of this kind is to be expected in a new administration, across the agencies, communication has been lacking to keep staff apprised of decisions and their potential effects before staffing changes are made—or informing remaining staff afterwards. With many of the most knowledgeable public servants moved out of their positions, often with no plans to replace them, the cuts undermine the ability for the agencies to provide the kind of responsiveness that Governor Hogan has set as a goal for state government.

Since its inception in 1969, Program Open Space has preserved approximately 1.6 million acres of land across the State as a common treasury for all Marylanders, funded from a .5% state tax on real estate transactions. This program is unique among Bay states, and puts Maryland at the forefront of land preservation efforts nation-wide. Over the past forty years, however, Governors from both parties have “borrowed” from the fund to balance State budgets. More than $1 billion has been raided from the program and not been repaid. During the 2016 Session, both leaders from the General Assembly and Governor Hogan introduced legislation to halt the drain from Program Open Space and to set up a payment plan to restore the fund to full strength. The final bill, which consolidated both bills in a show of bipartisan cooperation, passed both chambers with unanimous support and was one of the first bills signed into law by Governor Hogan in 2016.

The Governor has demonstrated a clear commitment to the value of protecting and enhancing open space. During his first two years in office, he has approved projects in Washington, Wicomico, Anne Arundel, Frederick, Montgomery, Prince George’s, and Queen Anne’s Counties, and has pledged $60 million over two years for land acquisition and preservation programs. We look forward to seeing the Governor’s 2017 budget for evidence of his continued commitment to this important program.
In Governor Hogan’s first State of the State, he said that “a healthy Bay is key to a strong economy and a high quality of life—for all Marylanders,” and pledged that it would be a top priority for his administration. We applaud the high-level commitment that these words represent, and the budget investment in the Chesapeake and Atlantic Coastal Bays Trust Fund. It is important, however, to continue to move forward with the environmental protections already in place and established with scientific evidence of their necessity, rather than rolling back regulations that benefit developers and industry at the cost of the health of our waters.

**Phosphorous Management Plan**

MARK: MIXED

In 2010 after a series of reports and scientific studies conclusively demonstrated widespread phosphorous pollution in the Chesapeake Bay and Maryland rivers, the environmental community began in earnest to support the adoption of a science-based Phosphorous Management Tool (PMT) to help farmers better manage the risk of phosphorous run-off. After a series of false-starts and delays during the second term of the O’Malley Administration, the Hogan Administration’s 2015 compromise creating a Phosphorous Management Tool demonstrates cooperation and good-faith negotiation between legislative champions and the Governor’s office; between industry representatives and environmental advocates. The result is a tool to reduce pollution by halting the excessive use of manure on farm fields already contaminated with too much phosphorous. The rules gave farmers the support and flexibility to determine how best to manage waste on their property and an extended timeline to implement needed changes in farm management. Both the Governor and the Legislature deserve credit in tackling this challenging issue, which had been repeatedly stalled during the previous Administration.

As with everything, the devil will be in the details of implementation and enforcement. We give strong marks for the 2015 compromise, but at this time, PMT implementation appears to be moving at a sluggish pace, with the Administration yet to collect and report all of the necessary data on how many fields are oversaturated with phosphorous. Agency and Administrative opposition to 2016 legislation that sought to more fairly assign responsibility for the burden of managing excess manure prevented additional progress, and proposed regulatory roll-backs discussed elsewhere tarnish a compromise that Gov. Hogan called in his 2016 State of the State Address “the greatest environmental achievement to clean up the Bay in a generation.”

**Oyster sanctuaries**

MARK: NEEDS IMPROVEMENT

One of the highest profile environmental decisions of Governor Hogan’s first two years in office concerned oyster restoration. Under pressure from watermen who showed interest in opening oyster sanctuaries to commercial harvest, the Hogan Administration halted oyster restoration work in a portion of the Tred Avon River—an ecologically sensitive tributary and one of five targeted for restoration under a federal executive order. While a recommendation of the Oyster Advisory Commission (OAC) later prompted the planned restoration work to resume, the delay resulted in a temporary loss of promised funds from the U.S. Army Corps of Engineers who sent the money to a project in Virginia instead. The controversy around these decisions illustrates a significant weakness in the Administration’s policies and actions relating to programs aiming to measurably improve the water quality and wildlife habitat in the Chesapeake Bay, and by extension the environmental and economic health of the region; notably the Governor’s willingness to prioritize, with questionable supporting data, the short-term benefits to a single industry over the long-term benefits of sustainability and clean water.

The initial decision to put a hold on the Tred Avon Restoration Tributary came from pressure from a small group of watermen who presented data at odds with the information provided by other organizations and agencies that did not have a vested interest in increased harvesting. The Governor put a hold on the project until the five-year progress report on the sanctuary program was completed. In anticipation of the report, DNR Secretary Belton reconvened and

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Regulatory Rollbacks

MARK: POOR

In 2012, MDE adopted two regulations that would significantly improve the health of Maryland’s waterways and public health: the first limited the spreading of manure on fields during the coldest part of the year when the ground could not absorb the nutrients, which can lead to increased runoff of nitrogen and phosphorus into the Chesapeake Bay and local waterways; the second required the use of Best Available Technology for all new and replaced septic systems statewide. In recent months, the Administration has sought to roll-back both of these regulatory safeguards on public health and safety.

The first proposed roll-back affects regulations that were approved in 2012 and went into effect in 2014 to give farmers ample time to comply with the changes to the law while meeting the objective of improving water quality. In 2016, the Hogan Administration sought to roll-back the protective regulations without presenting any reasonable justification or scientific explanation for weakening of standards for the spreading of manure or bio-solids during the winter months. Additionally, the proposed changes would offer seemingly unlimited exemptions for the “Emergency Spreading Provision,” which provides little incentive for compliance for those that have not made the necessary adjustments and creates a competitive disadvantage for those that have acted according to the law and in good faith. The changes benefit the solid waste industry, seeking a larger market for their product, but do so at the expense of public health, environmental stewardship, and farmers who have gone to considerable effort to do their part for both.26

In the second case, Governor Hogan is rolling back septic regulations to the minimum required by statute. In 2012, the General Assembly passed comprehensive septic legislation that required any new or replacement septic system in the State’s designated “Critical Area” within 1,000 feet of tidal water to use the Best Available Technology for treatment to protect Maryland’s most fragile ecosystems. The Maryland Department of the Environment, under instructions from the O’Malley Administration, expanded that regulation to include all new septic systems statewide, in order to protect the entire watershed and the health of Marylanders in every jurisdiction equally. In his announcement, Governor Hogan stated that he wanted to keep “environmental safeguards in place while reducing an unnecessary regulatory burden.”27 The result is interpreted as a give-away to developers encouraging residential development on farms and forests where sometimes complex and costly centralized sewage treatment does not exist, and prompting increased sprawl, exacerbating transportation problems and threatening public health. It is startling that this policy was put into place after the devastating floods in Ellicott City in 2016, caused in part by rapid development in the area above the historic core.

To pass strong environmental legislation that protects the needs of all Marylanders, Maryland needs strong environmental legislators elected by voters from across the spectrum of race, ethnicity, and socio-economic status willing to fight the status quo. Democracy—and voter access—are environmental concerns, since without a strong Democracy nothing else can be accomplished.
the door to nearly 40,000 former inmates to register to vote, half of whom are estimated to live in Baltimore City, one of the most environmentally compromized jurisdictions in Maryland. When Governor Hogan vetoed HB980/SB340 in 2015, he argued that it “improperly restored rights to people who had not yet paid their debt to society.” Hogan’s action not only runs counter to evidence that indicates that restoring voting rights sooner helps to reduce recidivism among former inmates, it would have ensured that a statistically significant percentage of voting age residents of Marylanders—especially from Baltimore City—would be unable to participate in the election of the officials who would make decisions on their welfare, including on public health and safety, water and air quality protection, and environmental justice.

### Open Government and Redistricting

**MARK: GOOD**

While Governor Hogan used the power of his office to prevent some election reform, in other instances he used his bully pulpit to promote good government, as well. In 2015 he signed into law three Public Information Act (PIA) reform bills aimed at improving the responsiveness of agencies and creating both a State Public Information Act Compliance Board to hear complaints relating to excessive fees, and a Public Access Ombudsman to mediate PIA disputes more generally. As he promised in his campaign and in his first State of the State, the Governor created a bipartisan Maryland Redistricting Reform Commission by executive order, and introduced legislation in 2016 to reinforce the charge of the group.

Governor Hogan won his race using public funding, and has pushed to replenish the Statewide fund. He passed legislation in 2015 that re-instated the funding source for the program and restored diverted funding in the FY17 budget. However, the Governor missed an important opportunity to excel in this category, when he stayed silent on a Howard County ballot initiative that established public funding for county elections.

### Notes

22. https://www.washingtonpost.com/local/2015/06/25/a25f68c-1bad-11e5-93b7-5edcc056ad8a_story.html?utm_term=.5ad683af797a

### Photo credits

For nearly 40 years, the non-partisan Maryland League of Conservation Voters has served as the political voice for the environment. We advocate for sound conservation policies, promote environmentally responsible candidates, and hold individual elected officials accountable through our scorecards and reports. Join us today at www.mdlcv.org.

**ENERGY AND CLIMATE CHANGE:**
- Needs Improvement
  - NOx regulations: Poor
  - Public Service Commission appointments: Needs Improvement
  - Greenhouse Gas Reduction Act: Excellent
  - Clean Energy Jobs Act: Poor
  - Energy Agencies: Needs Improvement

**TRANSPORTATION:**
- Needs Improvement
  - Red Line: Poor
  - Purple Line: Mixed
  - Transparency and Oversight: Poor

**ADMINISTRATION AND APPOINTMENTS:**
- Mixed
  - Secretarial appointments: Good
  - Agency attrition: Needs Improvement

**LAND PRESERVATION AND OPEN SPACE:**
- Excellent

**WATER QUALITY:**
- Needs Improvement
  - Phosphorous Management Pan: Mixed
  - Oyster sanctuaries: Needs Improvement
  - Regulatory Rollbacks: Poor

**DEMOCRACY:**
- Mixed
  - Election Law – Voting Rights: Poor
  - Open Government and Redistricting: Good

**LARRY HOGAN’S OVERALL GRADE:** Needs Improvement