Maryland League of Conservation Voters

2020 ENVIRONMENTAL SCORECARD

You care about Maryland's environmental legacy.

Find out how your elected officials voted, and see how well their votes align with your conservation values. Then call or write to your legislators and let them know that you're paying attention to their environmental scores!

scorecard.mdlcv.org • #MDLCVScore

The Environmental Scorecard is a signature endeavor of Maryland League of Conservation Voters. Over the past four decades, we have held our elected officials accountable for their votes by individually scoring hundreds of legislators and bills. The 2020 Scorecard is different — as, unfortunately, is almost everything else about the year. What has not changed is our commitment to work with our members and partners to fight for and hold our elected leaders accountable for passing strong environmental legislation. Like all our scorecards, the 2020 Environmental Scorecard reflects the priorities of a broad community of environmental advocates, including Maryland LCV's priorities.

What has **NOT CHANGED IS OUR COMMITMENT** to work with our members and partners to fight for and hold our elected leaders accountable for passing **strong environmental legislation.**

2020 SESSION CUT SHORT

In 2020, for the first time since the Civil War, the Maryland General Assembly adjourned early. The last three weeks of Session were compressed to three days of working at a breakneck pace so that all 188 members could return home to address family and community needs in the face of a once-in-a-century pandemic. Delegates, Senators, and their staffs showed remarkable leadership in helping Maryland respond to the two national public health emergencies of COVID-19 and racial injustice. Both disproportionately affect communities of color that also suffer the most from environmental degradation.

In the Session's last days, as the General Assembly worked long hours, decisions had to be made on which bills to prioritize. Modifications to the public health system and protections for businesses and individuals were prioritized. Almost everything else was deferred.

ENVIRONMENTAL EMERGENCIES IGNORED

Despite a strong start, almost none of the bills prioritized by the environmental community made the cut in the Session's last three days. On the surface, this is understandable given the public health concerns due to COVID-19. But, what was underappreciated is that the bills prioritized by the environmental community mandated changes that also would have protected the public health of Marylanders. These bills would have resulted in cleaner air and water, and would have made Maryland more resilient to future calamities and to climate change impacts that we are already experiencing. Additionally, many of these bills would have helped to ease the extra burden to communities of color, taking steps ever forward in the essential work of advancing equity.

CLIMATE POLICY is the most significant area of **failure** for the 2020 General Assembly.

ENSURING ACCOUNTABILITY

Past Environmental Scorecards have focused on individual legislator's votes, abstentions, and absences and provided in-depth, quantitative analyses of the voting patterns and outcomes of our priority legislation. As we reflected on the abbreviated session, we realized that the traditional system for holding the General Assembly accountable would not work this year. Individual scores would not show the reality of the 2020 Session. Our champions voted on bills when they had the opportunity, and we honor them for that, but we still faced the stark reality that almost no legislation prioritized by the environmental community passed.

We decided the most accurate representation of what happened during the 2020 Session would be to apply a pass-fail grading system to the General Assembly, as a body and by chamber.

When bills passed, the body passed. When bills failed, so did the chamber. Each section of our scorecard explains the bills that were evaluated and a grade was given based on the outcome of each bill.

RAISE YOUR POLITICAL VOICE

This adapted scorecard will provide Marylanders the knowledge and data needed to make informed voting decisions for the conservation of the environment, as our traditional scorecard has in the past. **Additionally, our goal is to inspire our elected officials to advance legislation that improves the environment and our communities.** As always, we encourage you to keep in touch with us. Your voice, passion, dedication, and work has never been more important. We are honored to be your voice in Annapolis, partnering with you to represent our shared conservation values.

The failure to pass any significant transportation bill is a step back at exactly the moment when we should have been **BOLDLY ADVANCING.**

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2020
ENVIRONMENTAL SCORECARD

	House Bill#	Senate Bill#	House action	Senate action	Maryland General Assembly
AGRICULTURE					**(1/1) A***
Chlorpyrifos Ban	HB0229	SB0300	Pass	Pass*	Pass*
RESILIENCY					**(2/3) B**
Local Government Resilience Authority	HB0539	SB0457	Pass	Pass	Pass
BRF Funding Resilience Authority	HB0078	SB0172	Pass	Pass	Pass
Environmental Transparency	HB0614	SB0460	Fail	Pass	Fail
WATER					**(2/4) C**
Oyster Advisory Override (2019 bill)	HB0720-19	SB0830-19	Pass	Pass	Pass
Oyster Advisory - Correcting Dates	HB0911	SB0808	Pass	Pass	Pass
Plastic Bag Ban	HB0209	SB0313	Pass	Fail	Fail
Conowingo	HB1465	SB955	Fail	Fail	Fail
TRANSPORTATION					**(0/2) F**
Transit Funding	HB0368	SB0424	Pass	Fail	Fail
State Bus Electrification	HB0432	SB0423	Pass	Fail	Fail
CLIMATE					**(0/3) F**
Removing Incineration from the RPS	HB1425	SB0926	Fail	Fail	Fail
Coal Transition	HB1545	SB0887	Fail	Fail	Fail
Considering Climate in the PSC	HB0531	SB0656	Fail	Pass	Fail

* *Although this bill passed, it was in a weakened form, with problematic amendments. We give the General Assembly an "A" in this category, with significant caveats as explained in the narrative below.*

Explanation of Bills:

AGRICULTURE

Overall: The Maryland General Assembly considered only one environmentally significant agriculture bill in the 2020 Session. This inaction is disappointing, given the importance of agriculture to Maryland's economy and its impact to the health of our waterways, including the Chesapeake Bay. Even the success of a passed chlorpyrifos bill was diminished by the Governor's veto of the substantially weakened bill.

Chlorpyrifos: Chlorpyrifos is a toxic chemical in pesticides used by the agricultural industry that has been determined to be harmful to human brain development and to pollinators and other sensitive wildlife. It has been restricted from home use for nearly 20 years. SB300/HB229 sought to prohibit all use of chlorpyrifos within the state, including agricultural use. Environmental leaders in the House fought relentlessly to pass the chlorpyrifos ban in their chamber. While some Senators did their best to consider the environment and public health, the Senate opted to include an unnecessary and weakening four-year "sunset" to the ban. Subsequently, Governor Hogan vetoed even this weakened bill.

WATER

Overall: Maryland water policy changed very little in 2020 except for the passage of a bill that was primarily a technical change to the 2019 oyster legislation.

Oysters: The preservation of oyster sanctuaries is a crucial component in restoring and conserving our state's most valued natural resource, the Chesapeake Bay. The environmental community prioritized oyster legislation for the 2020 Session after the Governor's veto of a vital oyster fishery management bill (HB720-19/SB830-19) in 2019. The General Assembly sustained its support for oyster policy by voting to override the veto almost exclusively along party lines. They corrected the dates in the original bill to reflect the new timeline required by the delay caused by the veto, passing HB911/SB808. As an emergency bill, this legislation required a supermajority to pass and go into immediate effect. In the end, it passed unanimously through both the House and Senate. This year's success on oyster policy is largely an extension of last year's labor. Effective fisheries management for the oyster population is vital to the health of the Bay and waterways, and we are eager for more ambitious actions by our state's leaders.

Plastic Bag Ban: In addition to being a water issue, banning plastic bags would diminish Maryland's reliance on petroleum and fossil fuels while also cleaning up both our air and waterways – making the state more resilient and sustainable. The House of Delegates passed this bill (HB209/SB313), but removed several key provisions, including the price floor of paper bags, which were considered necessary to reduce litter and prevent negative fiscal impacts on small businesses. However, removing the price floor for paper bags also quelled opposition from anti-poverty groups and legislators concerned with sticker-shock on low income and senior citizens. The House of Delegates deserves recognition for balancing conflicting interests and passing a revolutionary bill that would have made Maryland one of the handful of states that have banned plastic bags.

Conowingo Dam: The polluted silt buildup that escapes Conowingo Dam has long been recognized as a major contributor to pollution in the Chesapeake Bay. Exelon Generation's relicensing application provided the best opportunity to require a shared cost of the silt cleanup between the state and Exelon, the operator of the dam. During the relicensing negotiations, the state waived its rights to impose the requirements of the "Section 401 Clean Water Act" certification to determine potential water quality impacts from the dam and required a number of conditions to remediate those impacts. HB1465/SB955 would have prohibited the state from entering into an agreement that would waive its Clean Water Act rights and drawn a harder line on the state's relicensing authority. Unfortunately, committees in both chambers delayed hearings for a month, and the bills failed to move in either the House or the Senate.

RESILIENCY

Overall: Maryland had the opportunity to significantly advance the state's resiliency policy with a robust package of bills in the 2020 Session. Taken together, these bills would have helped to ensure that the State of Maryland would have adequate capacity to address major environmental events, increased government transparency, and ensure efficient enforcement. Maryland LCV believes that our state's resiliency to both climate and health emergencies should be prioritized, especially given the vulnerabilities exposed by the COVID-19 pandemic.

Resiliency Authorities: Two bills (HB539 and SB457) made it to the Governor's desk and became law. Both address "Resilience Authority" funding. The first authorizes county officials to create an authority to finance projects that improve the county's resilience infrastructure. The second clarifies that the Bay Restoration Fund may, in limited circumstances, be used to fund similar projects. The cumulative effect of the two bills give Maryland jurisdictions the ability to match federal funds available for resilience infrastructure. One of the many benefits of the federal fund matching capacity is the increased potential

for major projects that address "sunny day" flooding and destruction from increasingly frequent rain events.

Environmental Accountability and Transparency: Maryland LCV prioritized this bill (HB614/SB460) because of its potential to provide greater transparency in Maryland's environmental enforcement program. The ability for Marylanders to find information on agency enforcement actions is significantly weaker than that of citizens in all other Bay states. This impedes the monitoring and enforcement work by non-profits to effectively protect the health of our environments. The bill would have increased data transparency, opened access to environmental enforcement by Maryland agencies, and created a position within the Office of the Attorney General to coordinate Public Information Act requests and citizen reports. The Senate's ability to pass this bill with a bipartisan majority was squandered by the House of Delegates' inaction under pressure from Maryland agencies.

TRANSPORTATION

Overall: Despite gaining some traction, all of the environmentally significant transportation bills ran out of fuel before reaching their final destination. In early March, we confronted three undeniable facts: there is an increased impact of COVID-19 in areas of high air pollution, the transportation sector is the single greatest contributor to climate pollution, and a significant number of essential workers and particularly frontline community members rely on public transit. Given these facts, ensuring adequate funding for safe and effective public transit and getting the state to convert to electric buses should have been prioritized by both chambers. The failure to pass all significant transportation bills, including three prioritized by Maryland LCV, is a step backwards at exactly the moment when we should have been boldly advancing.

Transit Funding: In 2019, the Maryland Transit Authority conducted and released a "Critical Needs Assessment" of Maryland transportation infrastructure. The assessment identified a nearly $2 billion funding shortage for maintenance of the state's current fleet of busses, light rail, trains, and subways, and the infrastructure that each Maryland jurisdiction depends on. The House of Delegates recognized the need to close the funding gap and deserves recognition for passing the bill (HB368/SB424). The Senate, however, ignored our transit system's urgent funding needs and stalled the passage of this critical legislation in the final days of the Session.

Bus Electrification: HB432/SB423 would have moved the state's fleet systematically towards full electrification by requiring that all replacement contracts be for electric buses. The House of Delegates passed this bill with a broad, bipartisan majority. Unfortunately, a single abstention in the primary Senate Committee was enough to undo all progress on the legislation, despite a favorable vote by the secondary Senate Committee.

CLIMATE

Overall: Climate policy is the most significant area of failure for the 2020 General Assembly. With the exception of two bills — each passing in a single chamber — none of the climate-related bills gained traction during the 2020 Session. Our state leaders need to recognize the urgency of climate change and take action to mitigate negative impacts and prevent further degradation of our climate. However, the Maryland General Assembly failed to act on even the most incremental climate policy proposals in the 2020 Session.

Clean Energy: There was bipartisan support and sponsorship in both chambers, and the Administration, for removing subsidies for energy production through waste incineration. Nevertheless, a bill to remove incineration (HB438/SB560) failed to receive a vote in either chamber's committee. The state should not subsidize dirty energy sources, which cause significant environmental, health, and economic injustices to the surrounding communities.

Coal Transition: Neither chamber took any action on the priority legislation (HB1545/SB887) that would have provided worker protections while setting a definite date for the closing of the last remaining coal-fired power plants in Maryland. This inaction ignored broad acknowledgement from industry, organized labor, and the environmental community that coal facility closures are inevitable within the next ten years are inevitable. In fact, shortly after the end of the 2020 session, the Dickerson generation facility in Montgomery County was abruptly closed, resulting in the layoffs of more than 100 workers, as well as an additional 25 workers at another Covanta Holding Corporation-run plant. While closure of the Dickerson facility was inevitable, the lack of just transition for the workers and community was not. The General Assembly had the opportunity to pass coal transition policy — or at least establish a workgroup to guide future legislation — but chose not to.

Considering Climate: The Public Service Commission is charged with approving energy projects in the state, including the building or expansion of fossil fuel infrastructure. While the Commission leadership sees climate change as an existential threat and the expansion of clean energy as a top priority, the Commission's process for approving energy projects does not include an examination of climate- impacts. HB531/SB656 sought to change this. The bill passed through the Senate, but the House of Delegates failed to vote on this straightforward policy.

Maryland League
of Conservation Voters

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Tell your legislators that you value Maryland's air, land, water, and people — and urge them to prioritize protecting our environment and communities. **Check our website to learn more about how to get involved: MDLCV.org.**

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Maryland League of Conservation Voters (Maryland LCV) is a state-wide, nonpartisan organization that uses political action and education to protect our air, land, water, and communities. Maryland LCV endorses and elects pro-conservation candidates and holds elected officials accountable through legislative scorecards.

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