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**Plan to Advance Climate
and Environmental Justice,
Strengthen Environmental
Enforcement, and
Combat Pollution**

Executive Summary

Marylanders are seeing the real cost of climate change. This includes storm damage on the Eastern Shore, historic flooding in Ellicott City and other parts of the state, and increasing pollution in the Chesapeake Bay. Maryland has 3,100 miles of shoreline, making it one of the most vulnerable states in the nation to sea level rise and its many and growing impacts. Without immediate action, Marylanders will only experience more intense effects of climate change.

This is an unacceptable burden to leave our children and grandchildren. Some of my fondest memories as a girl and happiest days as a mom have been enjoying the Chesapeake Bay and our state's natural beauty with my family. My hope is that my kids will be able to enjoy Maryland with their children the way I did with them.

In the 2022 Maryland General Assembly, we saw major advancements in the State's commitments to Chesapeake Bay water quality environmental enforcement, environmental justice, and climate change, including the Climate Solutions Now Act. At the same time, an international energy crisis and conservative Supreme Court rulings threaten to accelerate environmental degradation. This policy plan reflects my highest commitment to these three interconnected challenges for all Marylanders. I applaud those legislators who sponsored these bills, and the League of Conservation Voters, the Chesapeake Climate Action Network (CCAN), many other advocacy nonprofits for working with the sponsors to draft these bills and lobby for their enactment.

As Attorney General, along with partners in government and advocacy groups like the League of Conservation Voters and CCAN, I will fight tooth and nail to protect Marylanders' right to clean air, clean water, and clean land. The Office of Attorney General is equipped with expansive powers to investigate and prosecute criminal environmental violations. I will ensure that environmental protection and corporate accountability are advanced. This agenda lays out my vision for protecting Maryland's environment built around aggressive enforcement, transparency, advocacy, and smart growth planning.

As Attorney General, I will:

- **Ensure that Maryland Reduces Carbon Emissions and Adapts to the Consequences of Climate Change**
- **Ensure Environmental Justice for Historically Disadvantaged Communities**
- **Create an Attorney General's Report Card to Monitor Progress on Climate Action and the Chesapeake Clean Water Blueprint**
- **Protect Marylanders Against Contamination of Air, Water and Land from Toxic Chemicals and Agribusiness**
- **Protecting Maryland Drinking Water Supplies**
- **Protect Maryland's Public Lands and Natural Resources for the Benefit of Marylanders**
- **Fight to Advance Maryland's Oyster Aquaculture and the Restoration of the Oyster Population Across the Chesapeake Bay**
- **Support Program Open Space, Farm Preservation, and Smart Growth Development Policies**

Ensure that Maryland Reduces Carbon Emissions and Adapts to the Consequences of Climate Change

In 2022, the Maryland General Assembly passed the Climate Solutions Now Act, a landmark law that requires Maryland to reduce greenhouse gases (“GHGs”) by 60% by 2031 (compared to a 2006 baseline) and for the Maryland economy to reach net-zero emissions by 2045. This goal makes Maryland a national leader in climate advocacy. The law sets a new Building Energy Performance Standard, establishes a broad definition of “overburdened” and “underserved” communities to qualify for targeted benefits from climate-related funding, mitigation, and adaptation efforts, and has expansive investments in decarbonization.

With the Supreme Court grossly impeding the ability of the Environmental Protection Agency to regulate power plant emissions in its recent decision in *West Virginia v. E.P.A.*, now, just as during the Trump Administration, states must use every bit of their legal authority to reduce carbon emissions and promote renewable energy. I applaud Maryland for its ambitious national leadership already, working with 11 other states in the Northeast and Mid-Atlantic in the Regional Greenhouse Gas Initiative (RGGI) established in 2006 to regulate carbon emissions from power plants through its cap-and-trade program. Maryland’s regulations under RGGI have generated nearly \$1 billion since 2008 for Maryland’s Strategic Energy Investment Fund to finance energy efficiency and renewable energy projects. I will work with the Department of the Environment to ensure that we continue to push for further carbon emissions reduction through RGGI and other means available. Without strong federal government to protect our land, air, and water, it is up to the states to reduce emissions from our power plants, cars and trucks, building heating and cooling systems and all other sources.

As Attorney General, I will use my expanded authority granted under the Maryland Defense Act of 2017 to “investigate, commence, and prosecute or defend any civil or criminal suit or action that is based on the federal government’s action or inaction that threatens the public interest and welfare of the State’s residents.” I will provide the best possible legal support to ensure that Maryland meets or exceeds its requirements for reducing carbon emissions, adapting to the impacts of climate change, and controlling other forms of air, water, or land pollution. I will establish and empower a Deputy Attorney General for Environmental Enforcement to ensure that this is a top area of priority in my office. Climate denialism and other environmental pollution has no place in Maryland. And I will join coalitions of regional and national Attorneys General to lobby Congress to restore aggressive federal climate action and other pollution control measures.

As the transportation sector is Maryland’s number one source of greenhouse gas emissions and air pollution from cars and trucks in our cities is a major cause of environmental justice concerns, I strongly support expanded public transportation opportunities across the state. This includes restoring Baltimore’s Red Line construction and supporting expanded bus routes with the cleanest possible technology. On this point, I will support the reintroduction S.B. 0687, which would require the Maryland Department of the Environment to establish requirements for the sale of new zero emission medium and heavy-duty vehicles in the state.

Finally, the Attorney General needs broad discretion to file ambitious high impact claims. I would bring claims like the one filed by the Delaware Attorney General against 31 fossil fuel companies, to hold them accountable for decades of deception about their role in fueling climate change.

Ensuring Environmental Justice for Historically Disadvantaged Communities

Environmental justice is the principle that no population, race, or income level, should be subject to a disproportionate share of the environmental consequences of climate change and pollution. Too often, the pollution by powerful business interests and poor local land use decisions result in low-income and historically disenfranchised communities suffering.

I will advocate in the 2023 Maryland General Assembly to add an Environmental Human Rights Amendment to the Maryland Constitution. Following the model of New York and Pennsylvania, an Environmental Human Rights Amendment would state that, every person has a “fundamental and inalienable right to a healthful, sustainable environment” and ensures the state shall

“(1) serve as the trustee of the state’s natural resources, including the air, land, water, wildlife, and ecosystems of the state; and (2) conserve, protect, and enhance the state’s natural resources for the benefit of every person,” including present and future generations. The Amendment will offer state agencies the ability to block actions that would cause future environmental harm and give the Attorney General greater latitude to protect the public’s interest in a healthy environment for all Marylanders. To support this amendment, I will consult with local officials about how they might take actions to avoid future land use and planning decisions going forward that have had the effect of siting polluting industries in high-impacted communities.

Additionally, I support President Biden’s Justice40 Initiative to ensure that 40% of the overall benefits of federal investments in climate and clean energy are directed towards historically disadvantaged communities. I will work closely with the federal government and local agencies to achieve this goal in Maryland.

Finally, as Attorney General, I will direct my office to investigate and prosecute cases where polluters acted to harm historically discriminated against communities. I will direct my attorneys to identify and minimize potential environmental harms to our Black and Brown communities as well as other low-income populations suffering from environmental harms.

Create an Attorney General’s Report Card to Monitor Progress on Climate Action and the Chesapeake Clean Water Blueprint

Since 2010, the six Bay States and Washington D.C. have been committed to the Chesapeake Clean Water Blueprint, in which each state developed a plan to achieve a Clean Chesapeake Bay by 2025. However, these states are not meeting their Bay restoration goals. A recent scientific assessment concluded that Bay cleanup efforts are so behind schedule that it will take 180 years to meet water quality standards. As Attorney General of Maryland, I will not let this continue. The Attorney General’s office filed a series of lawsuits against the EPA during the Trump Administration, and I will continue these litigation efforts with the other Bay State Attorneys General to ensure that every relevant agency of the federal government is providing the necessary resources to ensure the health of the Chesapeake

Additionally, I will create the Attorney General’s Report Cards for updating the public on Compliance with Climate, Chesapeake Bay, and General Environmental laws and regulations. These will allow all Marylanders to track progress on meeting these laws and regulations.

Protect Marylanders Against Contamination of Air, Water and Land from Toxic Chemicals and Agribusiness

Environmental violations have been rampant under the Hogan Administration. 84 percent of the 182 Maryland poultry operations inspected by the state between 2017 and 2020 had one or more violations of their state water pollution control permits. Run-off and pollutant levels in the Bay remain unsustainably high and permanent damage will result if pollution continues at this rate.

The Attorney General’s office environmental enforcement is often limited under current law because it shares authority with the Department of the Environment. If the Administrative Branch does not act appropriately, Marylanders may receive inadequate legal protection from pollution. I support House Bill 649 passed in 2022 to require MDE to increase staff, clear chronic permitting backlogs, increase inspections, strengthen penalties that may be filed against polluters, and report on those actions to the Governor and the General Assembly.

Whether the pollution comes from smokestacks, wastewater pipes, underground storage, runoff, or improper handling of waste, I will take action to stop pollution and, when necessary, aggressively prosecute environmental polluters. I will continue Attorney General Brian Frosh’s prosecutions of corporations like Monsanto that have polluted the environment with carcinogenic chemicals like polychlorinated biphenyls and support a permanent ban on forever chemicals.

Additionally, one of the main polluters in Maryland is the massive poultry industry. Chicken grower runoff continues to lead to high rates of ammonia, phosphorus, and nitrogen in the Bay. Over the last eight years, enforcement staff has been depleted and regulatory standards have been diminished.

As Attorney General, I will hold the chicken industry and agribusiness interests accountable for their run-off and lobby the General Assembly to require MDE to adopt stringent regulations. We must hold polluters accountable to finance recovery and clean-up efforts required to correct the damage they caused. We need real accountability for polluters, including levying heavy fines and considering criminal prosecutions for those who refuse to cease unlawful polluting.

Protecting Maryland Drinking Water Supplies

A report from the EPA in December 2021 revealed a serious shortcoming in the MDE's Water Supply Program's staffing and regulatory enforcement efforts. Deficiencies in the Water Supply Program means that Marylanders are being denied protection from public health tragedies such as lead poisoning. Despite this critical role, the report found that the Water Supply Program had only a third of the staff and half of the funding it needed to carry out its mission. This is a major health threat to Marylanders, and it puts our state in real danger of a public health crisis that future generations would bear.

As Attorney General, I promise to advocate in the General Assembly for full funding of MDE's Compliance Program and Water Supply Program and work with the newly empowered MDE to bring legal action against whoever causes water contamination due to malfeasance, neglect, or other perpetuation of poorly maintained and failing water or wastewater treatment systems.

Protect Maryland's Public Lands and Natural Resources for the Benefit of Marylanders

Maryland needs a clear agenda for its farmlands, wetlands, and woodlands. An analysis by the Chesapeake Bay Foundation suggests that our failure to comply with the Chesapeake Clean Water Blueprint deprives the state of \$22 billion in annual economic value per year. This loss of value, to say nothing of the cost to our health and the natural beauty of our state, will only compound over time.

To protect Maryland, we need return to the principles of Smart Growth. Smart growth is an urban planning and transportation strategy that prioritizes growth in compact walkable urban centers to avoid sprawl and sustainable development. I support clearer protections of public lands and natural resources to secure their benefit and enjoyment for all present and future Marylanders, as the General Assembly passed in H.B. 0727. Following the Biden Administration's commitment to conserve 30 percent of U.S. lands, waters, and ocean by 2030, I encourage the General Assembly to try again next session to pass legislation requiring the protection of 30 percent of Maryland lands by 2030 and 40 percent by 2040. I also support expanding legal support for private land trusts that would create green spaces in areas currently without them.

Fight to Advance Maryland's Oyster Aquaculture and the Restoration of the Oyster Population Across the Chesapeake Bay

Since 2010, Maryland has made it a state priority to rebuild oyster populations. As an economic effort, Maryland's aquaculture program has been a success, with the oyster aquaculture industry growing by nearly 25 percent in the following decade and generating nearly \$10 million a year in economic revenue. As a conservation effort, however, the results are not showing. The population of wild oysters has continued to decline -- it is now only $\frac{2}{3}$ of what it was in 1999 and continuing to drop.

I believe we need to redouble our efforts to preserve the oyster population on the Chesapeake Bay. First, we need to make sure that aquaculture efforts survive the pandemic by offering tax credits and operating incentives to help them compensate for the business they have lost due to COVID-19. Second, I will advocate in the General Assembly to eliminate the current \$1,500 annual cap on the Oyster Shell Recycling Tax Credit.

Support Program Open Space, Farm Preservation, and Smart Growth Development Policies

Environmental protection, environmental justice, climate achievements, and environmental restoration are ambitious goals. As a state, we will only reach these goals if we act with intention and a set plan in mind. Smarter development patterns, scientifically informed zoning, and targeted interventions to prevent pollution in certain areas of the state are all pillars of a clearer, more sustainable, and ultimately more fruitful, environmental policy. To that end, I support increasing the resiliency of our infrastructure.