



MARYLAND LEAGUE
OF CONSERVATION VOTERS
EDUCATION FUND

2009 ENVIRONMENTAL LEGISLATIVE WRAP-UP

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April 13, 2009

Dear Conservation Voter:

This session Governor O'Malley and the Maryland legislature showed that the environment remains a high priority. Legislators adopted one of the strongest bills to address global warming in the country, a bill championed by Governor O'Malley. Lawmakers also passed one of the strongest bills in the nation to clean up septic systems and restore the health of the Bay – requiring the removal of nitrogen from septic systems installed on properties along tidal waterways. More and more, our elected leaders realize that protecting the environment is a good investment in our economy and in our future. They know that Marylanders consider the health of the Bay to be a first-order priority alongside education and health care.

Overall, the state budget approved by the legislature is a mixed bag for the environment, key programs for the Bay and energy efficiency had their funding reduced while others like Program Open Space remained largely intact for FY 2010. Legislators had to make tough decisions, but at the end of the day the cuts were less severe than they could have been thanks to the many calls and letters sent in by activists like you.

Unfortunately, there is one area where the Governor and lawmakers distinctly failed to show leadership, and that is on the issue of growth. The growth bills that passed don't address the root causes of traffic, sprawl, and pollution in the Bay. The Harrington/Lafferty legislation backed by the environmental community was a reasonable approach to ensure at least incremental progress. County governments mounted an aggressive fight against the accountability measures and unfortunately they prevailed.

Enclosed you will find more details on these and other important environmental initiatives during the 2009 legislative session. Thank you for all of your work to help Maryland League of Conservation Voter (LCV) Education Fund speak up for the environment in Maryland. Your emails, phone calls, visits and attendance at environmental rallies helped us make our presence known.

Sincerely,

Cindy Schwartz
Executive Director

2009 GENERAL ASSEMBLY WINNERS & LOSERS

Greenhouse Gas Reduction Act 👍	Budget 👍/👎
Smart Growth 👍/👎	Standing 👍
Intercounty Connector 👎	Toxics 👍/👎
Program Open Space 👍	Other Important Bills 👍/👎

At midnight on April 13, the 2009 session of the Maryland General Assembly adjourned. With your help, the Maryland LCV Education Fund worked to keep the environment front and center for lawmakers. Here are some highlights and lowlights of the 2009 legislative session:

Greenhouse Gas Reduction Act

This bill is a huge win for the environment. This critical bill cements Maryland's role as a national leader and will produce tangible benefits for our state – creating new industries in the emerging clean energy economy, reducing long-term costs to consumers and businesses through energy efficiency upgrades, and by creating the programs we need to reduce global warming pollution.

HB 315/ SB 278 will reduce global warming pollution by 25% below 2006 levels by the year 2020. To pass this bill, our staff and others from the environmental community spent the latter part of 2008 working with stakeholders from labor and industry to craft a solution that will save Maryland jobs and address global warming.



Smart Growth

The O'Malley Administration introduced several bills that addressed Smart Growth. Two of them, the authorization of a special financing mechanism for Transit-Oriented Development, and the statutory fix to the adverse "Terrapin Run" court decision all passed and deserve praise. However, the Governor and the Senate missed an opportunity to truly strengthen our growth laws and to finally hold our officials accountable for poor growth decisions by failing to support strengthening amendments.

If we are serious about these problems, we have to attach consequences to poorly planned development. Most Marylanders say they want stronger state oversight on growth issues, the Governor's growth bills don't get us there. Instead, they simply measure how bad the problem has become. We look forward to working with the Administration to craft a way to retain local control of planning decisions while ensuring that scarce state resources go where good growth should occur.



Standing

Maryland is one of only a handful of states that severely restricts a citizens' rights in court to challenge bad environmental decisions. HB 1569/ SB 1065 addresses this problem by granting citizens and nonprofit associations the right to proceed in court where flagrant violations of our basic environmental protections occur.

This idea has for years percolated in and around the committee rooms in Annapolis, never coming even close to the Governor's desk. This year, Maryland LCV Education Fund chose to make this issue a priority and pushed for its passage. Like the global warming bill, this piece of legislation was carefully negotiated with a series of diverse stakeholders who arrived at a win-win solution that grants us our right to a day in court.

Budget

The severe fiscal downturn has affected every sector of the economy and cast a pall on the legislative session in Annapolis. The Governor's initial budget preserved a great deal of the funding for environmental programs with one notable exception - the two year diversion of \$70 million in energy efficiency program funds from the Strategic Energy Investment Fund. But at the end of the day the environment remained a high priority and the cuts were less severe than they could have been.

- Chesapeake Bay Trust Fund - \$10 million
- Energy Efficiency – two year diversion of \$70 million
- Program Open Space – some of the existing funds were held harmless but FY 2010 funds were converted to Revenue Bonds which, if exercised, could cost the program millions of dollars in principle and interest in the future.
- Cover crops - \$12 million
- Historic Rehabilitation Tax Credit - \$7 million



Toxics

The House of Delegates overwhelmingly passed two bills, HB 14 and HB 15 on toxics. The first banned the use of DECA, a toxic flame retardant found in the plastic casings of televisions; the other banned BPA, a toxic chemical found in baby bottles. Unfortunately, both bills died in their respective Senate committees.

Intercounty Connector

The Intercounty Connector is the most environmentally damaging and fiscally irresponsible transportation project in Maryland history. The Maryland LCV Education Fund has repeatedly supported attempts to defund this \$4 billion road. While we successfully raised the profile of the economic impact of this project, this year's bill, HB 27, to defund this terrible project died in committee.















Program Open Space

Program Open Space has long been a top priority for the Governor and the environmental community. After the Senate proposed drastic cuts to the program, the Governor, buoyed by a strong last-minute grassroots outpouring of support, lobbied hard to keep the funding. As a result, most of the funds were converted into bonds with approximately \$5-7 million of future real estate transfer revenue needed to service them. Ultimately, this is a good result for the Governor, the environmental community, and land preservation efforts.

Septics

Failed septic systems cause about 4% of the nutrient pollution in the Bay and are a contributing cause to dead zones. SB 554/ HB 176 requires that nitrogen removing technology be installed on new septic systems within the Critical Areas. Maryland, by approving this measure with the narrowest of margins (24-23) in the Senate, will now be a national leader in this endeavor. The Chesapeake Bay Trust Fund will be used to help finance these important upgrades.

Other Important Bills /

-  **Environmental Justice:** SB 4, SB 47/ HB 1057, HB 1078 requires industry provide notice to affected communities before receiving a permit. The notice bills passed but the companion bills, which would have required an MDE review before issuing a permit in certain blighted communities, died in the House and Senate committees.
-  **Phosphorous Reduction:** SB 553/ HB 609 requires labeling of fertilizer containing phosphorous and prohibits the sale of phosphorous fertilizer in 2010.
-  **Energy Efficient Buildings:** SB 625 requires a strengthening of building codes to make them more energy efficient.
-  **Maryland Organic Farming Pilot Program:** SB 516/ HB 449 creates a pilot program using federal funds to encourage farmers to transition toward organic farming practices.
-  **State Recycling:** HB 595 and SB 473/ HB 1290 require that all public schools and state facilities recycle paper, aluminum, glass, and plastic.
-  **Stormwater Management Surcharge:** SB 672/ HB 1457 would have required counties to assess their own fee to pay for retrofits. This bill died on the Senate floor.
-  **Mercury Switch Removal:** HB 1263 compensates and trains automobile recyclers to remove and recycle the mercury switches from cars.
-  **Lead Paint:** HB 1156 would have allowed Baltimore residents who suffered from the effects of lead poisoning to hold the manufacturers accountable. This bill died in the House Judiciary Committee.
-  **No Net Loss of Forests:** SB 666/ HB 1291 attempts to maintain the amount of forest cover in Maryland.
-  **Green Buildings:** SB 212/ HB 154 expands the scope and responsibilities of the Green Buildings Council.
-  **Green Jobs/ Welfare to Work:** SB 992/ HB 268 creates a pathway for people on welfare to get a job in the emerging clean energy economy.
-  **Pesticides:** SB 917/ HB 929 would have required reporting of some pesticides uses to MDA. This bill died in the House committee.

What can you do to help?

Visit our website at www.marylandconservation.org to:

- ⇒ **Sign up for email news updates and information on how you can speak up to protect Maryland's air, water, and land.**
- ⇒ **Learn about upcoming events in your area.**
- ⇒ **Find out how you can make a greater difference by volunteering with the Maryland League of Conservation Voters Education Fund.**

Who We Are:

The Maryland League of Conservation Voters Education Fund is a 501 (c)(3) nonprofit, nonpartisan organization incorporated in 2000 to build the effectiveness and power of Maryland's environmental movement.

We are dedicated to maximizing the participation of conservation-minded voters in public policy decisions made at the state and local levels regarding Maryland's environment and natural resources.

Our programs strengthen and build the power of the environmental community, and they expand, deepen, and activate a base of conservation-minded voters around the state.



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