



February 19, 2021

The Honorable Paul G. Pinsky, Chair  
The Honorable Cheryl C. Kagan, Vice Chair  
Maryland Senate Education, Health, and Environmental Affairs Committee  
Miller Senate Office Building, 2 West Wing  
11 Bladen St.  
Annapolis, Maryland 21401 – 1991

Re: SB0737 The Comprehensive Conservation Finance Act of 2021

Dear Chairman Pinsky, Vice Chairwoman Kagan, and Members of the Committee:

The Environmental Policy Innovation Center (EPIC) is a 4-year-old conservation organization I co-founded after serving as Associate Director for Conservation at the White House Council on Environmental Quality from 2014-2017. At the White House CEQ, I led work on innovative conservation finance, water infrastructure investment, and a diversity of conservation issues.

I am also a former, 3-term city councilmember from Takoma Park.

The mission of EPIC is to support policy ideas that would allow the speed and scale of conservation to be dramatically increased. Half of our staff and consultants are women, forty percent are people of color, and our largest program is focused on improving equity outcomes in drinking and wastewater services and investment.

We enthusiastically support SB0737, the Comprehensive Conservation Finance Act, and hope that your committee and the legislature pass this bill this year.

The expansion of private investment into conservation is one of the most exciting shifts I have seen in 25 years of conservation work. That investment allows more rapid expansion of conservation and water infrastructure initiatives and the growth of private companies focused on ecological restoration is already delivering national benefits for water resources and habitat restoration. We believe this legislation does not increase the state budget (or local ones) and is likely to bring significantly greater private investment to Maryland and lower taxpayer costs for improvements to the water quality of the Chesapeake Bay.

We want to identify the following parts of the bill that are particularly important:

**Climate**

We are aware the legislature is considering other important climate legislation, especially SB414. The proposals in SB0737 are more modest by comparison, but we believe will support the Climate Solutions Now Act and those other legislative efforts. The bill makes carbon outcomes easier to procure (as we mention below) – the state would be able to use much simpler supply contracts to purchase sequestered carbon from actions like tree planting much more simply than is currently possible. In the Chesapeake and Coastal Bays Trust Fund, the legislation prioritizes projects that deliver carbon

sequestration or climate resilience co-benefits alongside water quality benefits. It also creates more opportunity for DNR and the Department of Agriculture to support initiatives to help private forest landowners and farmers aggregate carbon credits from land conservation, forest protection, and healthy soils management to sell to voluntary carbon buyers.

### **Procurement**

USDA is talking about defining carbon sequestration outcomes as a 'commodity' allowing new USDA funding for conservation practices that store carbon. This legislation would make Maryland the first state to adopt a definition of carbon, water quality and other environmental outcomes as a commodity. It would also make Maryland the second state in the country (after Louisiana) to adopt Pay for Success as a contracting method for environmental outcomes, although many states have done so for social programs.

These changes are an important opportunity to potential increase access to future federal funding, but it is also important because of the shift it represents in how the state purchases units of environmental progress. Instead of putting taxpayer dollars at risk by paying for projects before they are completed, this approach shifts risk, and the state would only pay for successful work. We have carried out reviews of all similar initiatives and programs we are aware of (at the state level in Louisiana and California and the county level here in Maryland) and the evidence we have seen shows that this approach significantly lowers the cost of contracted work and incentivizes a high rate of success. We have seen how effective Anne Arundel County's outcome procurement and Prince George's County's water quality partnership approach have been, as well as the Department of Transportation's, compared to many in the region. This legislation will make it easier to replicate the success of initiatives across state programs.

### **Environmental Justice**

Maryland Department of Environment's Revolving Loan Funds for water infrastructure are some of the most important financing programs in the state. The legislation makes installation of green infrastructure in burdened communities, replacement of toxic lead water pipes, and support for environmental impact bonds for green infrastructure (like Baltimore's impact bond) easier to finance with these programs. The bill also allows a small amount of these program's funding to be used for technical assistance grants to help burdened communities develop loan proposals for water infrastructure projects. And it asks the Environmental Justice Commission to identify steps the state would need to take to establish a human right to water. This idea of a right to water is already established in law in California and is advancing through legislation in Virginia and referendum proposals in New York.

### **Conclusion**

On SB0737, we were pleased to be able to work with a diversity of conservation, finance, and restoration organizations and foundations over the last year in developing high priority ideas for policies that would attract private finance to Chesapeake Bay conservation efforts. Those principles are well-reflected in Senator Rosapepe and cosponsors' Comprehensive Conservation Finance Act.

Passage of this legislation would make Maryland the first state in the country to pass legislation on conservation finance and lead to far more attention from outside funders to Maryland's conservation initiatives, programs, and goals. We participated in meetings with many career staff from Department of Transportation, Natural Resources, Agriculture, Environment, Maryland Environmental Trust, and the

University of Maryland and met with the Bay Cabinet multiple times as they discussed the bill. We feel strongly that it is a budget-neutral bill that will expand private investment and jobs in Maryland while delivering carbon, green infrastructure, climate resilience, environmental justice and water quality benefits throughout the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Male', with a stylized flourish at the end.

Timothy Male, Executive Director  
Environmental Policy Innovation Center