



Committee: Environment and Transportation
Testimony on: HB0082 - “Constitutional Amendment-Environmental Rights”
Organization: MLC Climate Justice Wing
Person
Submitting: Diana Younts, co-chair
Position: Favorable
Hearing Date: January 20, 2021

Dear Mr. Chairman and Committee Members,

Thank you for allowing our testimony today in support of HB0082. MLC’s Climate Justice Wing is a statewide coalition of over 50 grassroots and grasstops organizations focused on getting State level climate justice legislation passed. Each bill for which we advocate is evaluated through an equity lens, with a particular focus on how disadvantaged communities are affected by the bill and the bill’s climate impact.

The Constitutional Amendment would require the government to consider the right to a healthful environment on par with all other civil rights, ensuring that this right would be enforceable, and that environmental health - upon which the health of all Marylanders depends - would remain top priorities now and for future generations, regardless of administrative and political changes.

In 1973, the Maryland General Assembly passed the Maryland Environmental Policy Act which recognized that “each person has the fundamental and inalienable right to a healthful environment.” It further stated that this policy rises to the level of highest priority. Yet, without enforcement power, over these past 48 years, MEPA has largely been under-utilized and forgotten.

Despite the significant progress we have made, Marylanders across the state continue to suffer from unclean air, water, soil and an increasingly unstable climate.

This amendment would become the legal foundation and rationale for the legislature to pass and enforce robust environmental legislation and policies to protect current and future generations from harm due to environmental degradation and pollution.

It is a backstop for better decision-making requiring decision-makers to (a) consider the full extent of harm resulting from any given proposal and (b) consider whether a proposed project increases existing degradation - considering both individual and cumulative impacts of harm.

It would support both the government's and the local communities' ability to pursue actions that are beneficial for environmental protection.

HB82 would help address environmental inequities. Environmental pollution and degradation are often concentrated in communities of color and low-income neighborhoods across Maryland. Such clustering has led to disproportionate health disparities, including increased rates of asthma hospitalization, heart disease, and cancer. These inequities demand that we protect the right for all to a healthful environment in our state constitution. Requiring the state to protect Maryland's natural resources and our right to live in a healthful environment resets the priority of the government to make the health of the public among our highest priorities.

This is not a novel idea. Five states in the United States have environmental rights provisions in their constitutions for over 40 years. Not a single one of these states experienced a floodgate of litigation. Development was not arrested. Now, there is a second round of interest in passing environmental rights amendments. New York is in the midst of passing one now. Indeed at least six other states are exploring how they might do this. We are in an emerging second wave of environmental constitutionalism.

For these reasons we urge you to vote favorably for HB0082.