

Professor Barry E. Hill

Maryland Campaign For Environmental Human Rights

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HB 82: Constitutional Amendment-Environmental Rights

Testimony: Favorable

TESTIMONY OF PROFESSOR BARRY E. HILL
BEFORE THE
HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE
(January 20, 2021)

GOOD AFTERNOON CHAIRMAN BARVE, VICE CHAIR STEIN AND MEMBERS OF THE COMMITTEE.

MY NAME IS BARRY HILL AND I HAVE BEEN A LONG-TIME RESIDENT OF PRINCE GEORGE'S COUNTY AND OF MONTGOMERY COUNTY.

THE MESSAGE THAT I WOULD LIKE TO LEAVE WITH THE COMMITTEE TODAY IS THAT HB 82 CAN BE A POWERFUL TOOL FOR THE STATE AS WELL AS COUNTIES AND MUNICIPALITIES TO MORE EFFECTIVELY PROTECT THE NATURAL RESOURCES, AND THE ENVIRONMENT AND HEALTH OF ALL MARYLANDERS.

I APPEAR BEFORE THIS COMMITTEE TO SUPPORT HB 82, WHICH DECLARES THAT "EACH PERSON HAS THE FUNDAMENTAL AND INALIENABLE RIGHT TO A HEALTHFUL ENVIRONMENT," WHICH INCLUDES THE RIGHT TO CLEAN AIR, CLEAN WATER AND CLEAN LAND, AND A STABLE CLIMATE. THIS IS EXACTLY WHAT ENVIRONMENTAL JUSTICE COMMUNITY-BASED ORGANIZATIONS THROUGHOUT THIS COUNTRY, AS WELL AS IN MARYLAND, HAVE BEEN SEEKING FOR DECADES SINCE NUMEROUS INDEPENDENT RESEARCH STUDIES HAVE DEMONSTRATED CONCLUSIVELY THAT BLACK AND BROWN COMMUNITIES, AND POOR COMMUNITIES HAVE BEEN DISPROPORTIONATELY EXPOSED TO ENVIRONMENTAL HARMS AND RISKS AS COMPARED TO OTHER COMMUNITIES. NO ONE CAN ARGUE WITH THAT UNDENIABLE FACT. HB 82, AS

THE PREEMINENT ENVIRONMENTAL LAW AND POLICY OF THE STATE, COULD BEGIN TO ADDRESS THIS ENVIRONMENTAL AND PUBLIC HEALTH ISSUE.

HB 82 ALSO PROVIDES “TOOLS IN THE TOOLBOX” FOR THE STATE, COUNTIES, AND MUNICIPALITIES TO BETTER PROTECT THE NATURAL RESOURCES, AND THE ENVIRONMENT AND PUBLIC HEALTH OF ALL MARYLANDERS.

FOR EXAMPLE, IN THE MUCH TALKED ABOUT PENNSYLVANIA CASE, **ROBINSON TOWNSHIP V. COMMONWEALTH OF PENNSYLVANIA**, IT WAS 9 MUNICIPALITIES THAT SUED THE STATE SINCE THE NEW STATE FRACKING LAW INFRINGED ON THEIR ABILITY TO PROTECT THE ENVIRONMENT AND ABIDE BY THE ENVIRONMENTAL RIGHTS AMENDMENT IN THE STATE CONSTITUTION. MOREOVER, IN **RHODE ISLAND V. CHEVRON**, THE STATE IS USING ITS ENVIRONMENTAL RIGHTS AMENDMENT IN CLIMATE LIABILITY LITIGATION AGAINST 21 OIL AND GAS COMPANIES. THIS IS WHAT I DISCUSSED IN MY LETTER OF SUPPORT THAT WAS SENT TO ALL MEMBERS OF THIS COMMITTEE. IN SHORT, HB 82 COULD BE A POWERFUL LITIGATION TOOL FOR MARYLAND AND ITS POLITICAL SUBDIVISIONS.

IN CONCLUSION, IN LIGHT OF THE FACT THAT ENVIRONMENTAL INJUSTICE CONTINUES TO EXIST IN THE STATE, A RHETORICAL QUESTION MAY BE POSED: “WHO CAN BE **AGAINST** ENVIRONMENTAL JUSTICE, AND THE NOTION THAT EVERY MARYLANDER HAS A RIGHT TO CLEAN AIR, CLEAN WATER, AND CLEAN LAND, AS WELL AS A STABLE CLIMATE? PUT ANOTHER WAY: “WHO CAN BE **FOR** ENVIRONMENTAL INJUSTICE, AND THE CURRENT SITUATION OF POLLUTED AIR, CONTAMINATED WATER, AND DIRTY LAND, AND AN UNSTABLE CLIMATE TO CONTINUE UNABATED IN SOME COMMUNITIES IN THIS GREAT STATE?

TODAY, ON BEHALF OF THE MARYLAND CAMPAIGN FOR ENVIRONMENTAL HUMAN RIGHTS, I AM IMPLORING THIS HONORABLE COMMITTEE TO EXERCIZE ITS LEADERSHIP SINCE IT IS ESSENTIAL AT THIS TIME TO ADDRESS THESE MAJOR ENVIRONMENTAL AND PUBLIC HEALTH ISSUES IN ALL COMMUNITIES BY MOVING HB 82 FORWARD IN THE LEGISLATIVE PROCESS.

THANK YOU VERY MUCH FOR YOUR CONSIDERATION OF OUR REQUEST AND YOUR ATTENTION.