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Committee: Environment and Transportation

Testimony on: HB 82 “Constitutional Amendment – Environmental Rights”

Position: Support

Hearing Date: January 20, 2021

The Maryland Chapter of the Sierra Club submits this testimony in support of HB 82, the Maryland Constitutional Amendment for Environmental Rights. This amendment has the potential to help address the growing climate emergency and longstanding degradation of our air, water, and natural places.

Environmental degradation negatively and profoundly impacts public health and well-being. It is important, therefore, that protections for our environment be established as a fundamental right of all Marylanders. The linkages between air quality and public health are strong and well documented.¹² Yet, almost 90% of Marylanders live in counties with unhealthy air as designated by the EPA.³ Communities of color and low income are particularly overburdened from ill effects of pollution because of their proximity to toxic facilities and lack of resources and legal means to hold polluters accountable.⁴ Baltimore, for instance, has one of the highest rates of childhood asthma in the country (20 percent) – more than double the national average.⁵ Abuse of our natural resources threatens our children's health and the future of our coastlines. It is time for this situation to stop. **This amendment will provide widespread benefits to our state in codifying the fundamental principle of environmental human rights.**

A constitutional amendment that enshrines environmental rights into law would be effective and legally prudent. The New York State Bar Association's Environmental and Energy Law Section published a detailed analysis and recommended the adoption of a constitutional environmental right.⁶ A 2013 study found that nearly all the world's nations recognize this right through constitutional or other forms, as do a growing number of states and cities.⁷ We urge Maryland to join as leaders across the country and beyond codify the right to a healthful environment.

¹ “Asthma Hospitalizations Drop After Power Plants Reduce Emissions.”

<https://www.publichealth.columbia.edu/public-health-now/news/asthma-hospitalizations-drop-after-power-plants-reduce-emissions>

² “LA Environmental Success Story: Cleaner Air, Healthier Kids” News USC.edu

³ <https://www.sierraclub.org/maryland/beyond-coal>

⁴ L. Cushing, et al. “Racial/Ethnic Disparities in Cumulative Environmental Health Impacts in California: Evidence from a Statewide Environmental Justice Screening Tool (CalEnviroScreen 1.1).” *American Journal of Public Health*, 2015.

⁵ Asthma, Baltimore City Health Department <https://health.baltimorecity.gov/node/454>

⁶ New York State Bar Association Environmental and Energy Law Section, Report and Recommendations Concerning Environmental Aspects of the New York State Constitution, 38 *Pace L. Rev.* 182 (2017)

⁷ D. Boyd, “The Effectiveness of Constitutional Environmental Rights,” Yale UNITAR Workshop April 2013

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. The Maryland Chapter has over 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

The Maryland Chapter of the Sierra Club submits this testimony in support of the Maryland Constitutional Amendment for Environmental Rights. The amendment will protect the fundamental right of all Marylanders to live in a healthful environment with clean air, water, land, and a stable climate. It will also recognize the state as trustee of Maryland's natural resources. It is time for our state constitution to protect and prioritize all Marylanders' right to live in a healthy environment.

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