



**Testimony for HB 82:** Constitutional Amendment -- Environmental Rights

**Bill Sponsors:** Delegates W. Fisher, Baron, and Stewart

**Committee:** Environment and Transportation

**Organization Submitting:** Greater Baltimore Democratic Socialists of America

**Person Submitting:** Matthew Lewis

**Position: FAVORABLE**

The Greater Baltimore Democratic Socialists of America support radical reforms to improve the air Marylanders breathe, the water we drink, and other environmental conditions that promote prosperity for all. We believe an Environmental Rights Amendment to the Maryland Constitution is a necessary precondition to achieving those goals.

We support HB82 for two main reasons.

The first reason is that Black, Latinx, Indigenous, and other people of color (BIPOC) who have struggled under other systems of racist oppression suffer from environmental injustices in Maryland that could be addressed with the Environmental Rights Amendment. A picture is worth a thousand words, so consider this map of hazardous waste facilities in Central Maryland, overlaid with demographic data showing the Black population living below the poverty line by census tract (see Fig.1 below). It is clear that current Maryland law and implementation by state agencies including the Maryland Department of the Environment and Public Service Commission is insufficient to protect BIPOC residents from concentrated environmental hazards. Residents of Brandywine (where 72 percent of residents are Black) had to resort to a federal civil rights complaint in an effort to stop yet another proposed fossil-fueled power plant in their neighborhood.<sup>1</sup> A 2017 report by the Center for Progressive Reform and the Environmental Integrity Project found that “many of the industrial facilities covered under the [Maryland industrial stormwater] permit are clustered in and around low-income neighborhoods such as eastern and south Baltimore, northern Anne Arundel County, Prince George’s County bordering the District of Columbia, and Salisbury on the Eastern Shore. These same

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<sup>1</sup> Arelis R. Hernandez, “Maryland power plant location would violate civil rights, rural Pr. George’s residents say” *Washington Post*, May 12, 2016.

communities are also plagued by some of the highest concentrations of all types of air and water pollution and hazardous waste sites, according to U.S. Environmental Protection Agency (EPA) data.”<sup>2</sup>



**Fig. 1** Map of hazardous waste facilities in Central Maryland overlaid with demographic data showing the African American population living below the poverty line. Census tracts with larger numbers of Black citizens living below the poverty line are represented by bolder purple shades, while census tracts with fewer Black citizens living below the poverty line are represented with paler colors. Hazardous waste sites are shown as green squares. Source: US EPA EJ SCREEN, <https://ejscreen.epa.gov/mapper/> (accessed Jan. 17, 2021)

<sup>2</sup> Center for Progressive Reform and Environmental Integrity Project, *Toxic Runoff from Maryland Industry: Inadequate Stormwater Discharge Protections Threaten Marylanders’ Health and the Environment* (Nov. 2017), available at <http://progressivereform.org/our-work/energy-environment/toxic-runoff-maryland-industry/> (accessed Jan. 13, 2021).

Among Maryland's majority-White locations, we note that capitalists take advantage of the same lax implementation and enforcement of our state's environmental laws to shunt the adverse impacts of their wealth extraction on poorer residents. Poultry integrators on the Lower Eastern Shore, for instance, effectively dump millions of pounds of nitrogen-laden manure on Lower Shore land every year, much of which invariably runs off into the Chesapeake Bay and its tributaries. A recent report from the Center for Progressive Reform uncovered evidence of nitrate contamination in municipal water supplies and residents' wells in the area. We doubt it is mere coincidence.

The second reason GBDSA supports HB82 is that the Maryland judiciary has put up barriers to civil society organizations that want to challenge deficiencies in how state laws are implemented, and the bill would create a pathway to removing those barriers. We believe in a democratic society in which all branches of government can be effective venues for public participation. But as Maryland judges have interpreted the law of standing to exclude civil society organizations from having heard their complaints about administration of our environmental laws, the judiciary has become a more anti-democratic institution. Our water and air are cleaner today than they were 50 years ago thanks in large part to lawsuits filed by environmental NGOs. And while those groups may not share our ecosocialist ideals, GBDSA stands in solidarity with them in support of HB82 and an Environmental Rights Amendment that would improve Maryland residents' chance to have their day in court.

***For these reasons, we urge you to vote FOR HB82.***