

January 20, 2021

Written Testimony on HB 82
Maryland Amendment for Environmental Human Rights
Environment and Transportation

Position: FAVORABLE

I, Ethan McNary, on behalf of Sunrise Movement Baltimore, support HB 82, the Maryland Amendment for Environmental Human Rights.

Maryland's environmental regulations are an interwoven collection of bills, ranging from granular substance bans to far-reaching climate initiatives. Most of these bills are the product of tireless grassroots organizers and receptive legislators in Annapolis. There is however tremendous vulnerability in this approach to environmental regulation. Organizers are stretched thin and state legislators are overworked and face an avalanche of bills each session. Any progressive legislation that manages to get through can be overturned by future legislatures, or sometimes simply ignored. The result is: we are fighting an uphill battle while the ground shifts underneath our feet, often benefiting the polluters and private interests. What is the solution? We need an unwavering foundation to stand on: a constitutional amendment. We need a Maryland Amendment for Environmental Human Rights (EHR).

When you think of an inalienable right, most likely you think of the freedom of speech, religion, or press; the right to due process; or something similar. Codified in the Constitution, these are the most powerful legal protections we have. In this state, our Declaration of Rights in the Maryland Constitution is the highest law of the land. However, there is no constitutional guarantee for a healthful environment.

As a young person, my world is one of uncertainty. I am a freshman in college. Many of my friends and peers, including myself, are deeply concerned about our collective future. We have seen worsening storms like Hurricane Sandy devastate frontline communities. Sea-level rise continues to threaten coastal areas on the Eastern Shore. And due to systemic racial inequalities, communities of color are more likely to contract and die from COVID-19. In this moment of climate and ecological crisis, environmental and racial injustice, it is more essential than ever to constitutionally commit to health, equity, and morality. That is exactly why the [Maryland Campaign for Environmental Human Rights](#) (MDEHR) is working to pass the EHR.

If the Amendment is added to our Constitution, the right to a healthful environment, clean air, water, land, and a stable climate would be guaranteed to every Marylander, including future generations. Despite the progress made in environmental legislation, Marylanders still face a vast number of environmental problems. Unsafe drinking water; sea-level rise;

contaminating facilities, sites, and industries; as well as high levels of air and water pollution, poison our local communities. Without a constitutional right to a healthful environment, communities of color and low income suffer disproportionate concentrations of pollution and environmental degradation. And the environmental protections that do exist are often watered-down and ignored.

One example of ignored policy is the Maryland Environmental Policy Act (MEPA). Passed in 1973, the Act recognized that “each person has the fundamental and inalienable right to a healthful environment.” Because the MEPA only applies to state agencies and has no procedures for enforcement or accountability, it has been dormant for the past 47 years. Almost half of a century later, organizations like [Sunrise Movement Baltimore](#) have endorsed and supported the EHR to ensure the promises of the past are kept.

The EHR emboldens the language and lessons from the MEPA and assures the right to a healthful environment while holding the state government accountable. It would reprioritize environmental protection as one of the state government’s highest obligations. Moreover, the Amendment would codify that the government is a trustee of Maryland’s natural resources, meaning the state would be constitutionally required to protect our natural resources for current and future generations.

Having the right to a healthful environment would empower local communities (especially ones already overburdened by environmental degradation) to protect themselves against potentially harmful new projects like incinerators, pipelines, highway expansions, and much more. In the courts, the EHR would give Marylanders greater standing in legal battles whenever there is a claim that the government infringed on an individual’s constitutional right to a healthful environment.

For me, this Amendment represents whether Maryland is ready to get serious about environmental and racial justice. It also represents whether Maryland is willing to ensure the survival of my generation and those to come. That is why the work of the [MDEHR](#) and [Sunrise Movement Baltimore](#) is vital. These grassroots organizations represent the voices of the affected, recognize the immediacy of the moment, and are committed to derailing the catastrophic path we are currently on.

We urge a FAVORABLE report for this crucial Amendment.