

Testimony in Favor HB0082/SB0151

House Committee on Environment and Transportation

Kendra McAbee, Undergraduate at University of Maryland at College Park/Walkersville Resident

Wednesday, January 20, 2021

Position: In Favor

My name is Kendra McAbee, I am a senior undergraduate student at the University of Maryland at College Park, a Frederick County resident, and a concerned citizen. I am testifying to urge the committee to support HB 0082/SB0151: **environmental rights, like other civil rights, should be recognized as an inalienable in our state's constitution.**

Legislation passed by the General Assembly protects Maryland's natural and historical resources in policy alone and can be repudiated. The Maryland Environmental Policy Act passed by the General Assembly in 1973 (Chapter 702, Acts of 1973) asserts the inalienable right of each person to a healthful environment. Further, the act proclaims the protection, preservation, and enhancement of the State's diverse environment is necessary for the maintenance of the public health and welfare and the continued viability of the economy of the State. The groundbreaking legislation is a part of a myriad of policy standards set in the latter half of the twentieth century responsible for contemporary protections. While these protections are codified by law and overseen by a number of state agencies, their resources may be diminished by counter-policy in the present or future if not substantiated in our state constitution.

Research indicates environmental rights amendments are advantageous to both communities and governments. Dissidents of HB0082 claim a constitutional amendment will overwhelm our judicial system with litigation actions, increasing expenditure and diminishing resources. This concern is inconsistent with evidence of similar amendments adopted in the states of: Montana, Hawaii, Illinois, and Pennsylvania. In a study conducted by students in the Environmental Law Clinic of the University of Maryland, not only were litigation actions minimal, but local governments used the legislation to implement more environmentally friendly development within their municipalities. Further, over a span of 40 years in all of the aforementioned states, no suit was brought solely upon an environmental rights provision. HB0082 may even reduce legal action if used in a preventative manner-it will encourage developers to conduct project proposals mindful of our resources and our communities.

Low-income communities and communities of color are affected disproportionately by environmental pollution. The term environmental justice propagates the fair treatment of all people irrespective of race, religion, color or socioeconomic background, and the right to enjoy equally high levels of environmental protection (MD Dept. of the Environment). The Maryland Department of the Environment recognizes both low-income and minority communities are the most vulnerable to environmental injustice. The agency calls for increased awareness of environmental justice issues and expanded opportunity for those affected by injustices to participate in the policy-making process. Increasing the enforceability of inalienable environmental rights via amendment will not only increase awareness of existing policies, but encourage communities to participate in future actions.

This bill is a compulsory extension of progress made in previous legislation. A vote of 'yes' will allow Maryland residents to to participate in the democratic process and vote by ballot. Elected representatives are obliged to let constituents decide. **For these reasons, I urge you to vote YES on HB0082/SB0151**

Thank you for your time and consideration,

Kendra McAbee

The University of Maryland at College Park, College of Arts and Humanities 21'