

Committee: Environment and Transportation
Testimony on: HB0082 Constitutional Amendment - Environmental Rights
Submitted by: Donald M. Goldberg, Executive Director
Position: Favorable
Hearing Date: January 20, 2021

Dear Chairman and Members of the Committee:

CLPP's mission is to develop and promote sound and safe policies to slow, stop, and ultimately reverse the buildup of greenhouse gases in the atmosphere and ensure that vulnerable communities are protected from climate impacts that cannot be avoided. HB0082 is entirely consonant with our mission, and we vigorously support it.

If HB0082 did nothing more than confer the right to a stable climate, the other rights conferred by HB0082 — the right to clean air, water, and land, and the preservation, protection, and enhancement of ecological, scenic, and historic values of the environment — would follow. Climate change is caused by the same activities that harm our natural resources: reliance on fossil fuels for electricity and transportation, unsound agricultural practices, and highly emissive industrial processes, to name a few. Conversely, if only those other rights conferred by HB0082 were respected, the problem of climate change would largely be solved.

In 1973, the Maryland General Assembly passed the Maryland Environmental Policy Act which recognized that “each person has the fundamental and inalienable right to a healthful environment.” It further stated that this policy rises to the level of highest priority. Yet, without enforcement power, over these past 48 years, MEPA has largely been under-utilized and forgotten.

HB0082 authorizes the State, a political subdivision of the State, and any person to enforce the rights it confers against any public party through appropriate legal proceedings. It would give every person the right to intervene in an action brought by the State or a political subdivision of the State to protect the rights established by the bill. The right to initiate and participate in legal proceedings is essential to enforce environmental protections conferred by the General Assembly and Congress.

HB0082 also (1) establishes that the State's natural resources are the common property of every person and (2) establishes standards of treatment for the State's natural resources. It is a fundamental, undeniable truth that the environment, indeed, the planet belongs to all its inhabitants.

The right to a clean, healthy environment means much more than it did in 1973, when it was not commonly understood that environmental pollution is literally bringing our world to the brink of destruction. As the wealthiest state in the wealthiest country in the world, it is incumbent on Maryland to lead the way to restoring our planet's health. HB0082 would stand as our promise to be such a leader. The strongest argument we can muster in favor of HB0082 is that it is a referendum. Ultimately, it leaves the decision whether to incorporate environmental rights into the Maryland Constitution to the citizens of the State. If the citizens of Maryland seek to ensure these rights by means of a constitutional amendment, they should be given the opportunity to do so.

For these reasons, we urge the General Assembly to adopt HB0082.