



Committee: Environment and Transportation

Testimony on: HB596 – Constitutional Amendment – Environmental Rights

Organization: Climate Justice Wing of the Maryland Legislative Coalition

Submitting: Laurie McGilvray, Co-Chair

Position: Favorable

Hearing Date: February 23, 2022

Dear Chair and Committee Members:

Thank you for allowing our testimony in support of HB596 – Constitutional Amendment – Environmental Rights. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations. We urge you in the strongest terms possible to vote favorably on HB596.

HB596, if passed and approved by voters in November, would enshrine in Maryland’s Constitution:

“(A) That each person has a fundamental and inalienable right to a healthful and sustainable environment, and said right shall not be infringed.

(B) That the State, as trustee, shall protect, conserve, and enhance Maryland’s natural resources, including its air, lands, waters, wildlife, and ecosystems, for the benefit of both present and future generations.”

It would add this right to the preamble, along with other rights like freedom of speech. The Amendment would give regular people the ability to hold state and local governments accountable for ensuring a healthy environment, which is particularly important for communities long burdened with environmental injustices.

Why the Amendment is Needed

First, although the Maryland General Assembly has and can pass strong environmental legislation it is not guaranteed. Sometimes it takes years or a bill is vetoed by the Governor, or a veto override fails. Second, even though Maryland has strong environmental laws, they may not be adequately implemented or enforced. A case in point is “zombie permits.” HB649 - Environment - Discharge Permits - Inspections and Administrative Continuations is designed to remedy a lack of enforcement by the Maryland Department of Environment, who is not doing their job to address noncompliance by permit holders. Maryland’s water quality suffers as do people whose livelihoods depend on clean waters. The legislature should not have to pass a law every time a State environmental agency fails to enforce environmental laws. Having a Constitutional right to a healthy environment would give Marylander’s most impacted another tool for redress - a safety net when other avenues fail or take too long.

Maryland is Not Breaking New Ground

Pennsylvania and Montana have had similar language in their constitutions since the 1970's and voters in New York approved environmental rights language last November. Experience has shown that number of environmental lawsuits don't explode in states with environmental rights in their Constitutions. Bringing a lawsuit and winning is hard and expensive, as clearly described in *Amity and Prosperity*, a true story about families in Southeastern Pennsylvania being poisoned by fracking. The cases aimed to protect citizens from environmental harm when state environmental agencies have failed to do so. Marylanders deserve similar rights and protections that other states provide in their constitutions.

Let the Voters Decide

Passing HB596 is not the final step; Constitutional amendments must be approved by the voters. A recent poll found that 76% of Marylanders surveyed would support the Constitutional Amendment on Environmental Human Rights and 69% said they would vote in favor of it if the election were held today. We urge a **FAVORABLE** vote on HB596 so Maryland voters can decide if they want to add environmental human rights to their Constitution.