



Olivia Bartlett, DoTheMostGood Maryland Team

Committee: Environment and Transportation

Testimony on: HB0596 – Constitutional Amendment – Environmental Rights

Position: Favorable

Hearing Date: February 23, 2022

Bill Contact: Delegate Wanika Fisher

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members across all districts in Montgomery County as well as a number of nearby jurisdictions. DTMG supports legislation and activities that keep residents healthy and safe in a clean environment and which promote equity across all our diverse communities.

DTMG strongly supports HB0596 because every person has a fundamental right to a healthful and sustainable environment with clean air, water, and land. HB0596, if passed and approved by voters in November, will protect this right and make sure that the state will protect, conserve, and enhance Maryland's natural resources, including its air, lands, waters, wildlife, and ecosystems, for the benefit of us, our kids, our grandkids, and their kids. HB0596 will add our right to a clean environment to the preamble of Maryland's Constitution, along with other rights like freedom of speech.

A Constitutional Amendment is necessary because although the Maryland General Assembly can pass strong environmental legislation, and has done so in the past, it is not guaranteed and sometimes it takes years. Even if a bill passes, it can be vetoed by the Governor and only becomes law if the veto can be overridden.

In addition, the state should be making good decisions about sustaining our environment – but that doesn't always happen. Maryland's environmental laws are not always adequately implemented or enforced by the Maryland Department of the Environment. "Zombie" water permits are a good example. The legislature should not have to pass a law every time a State environmental agency fails to enforce the laws. HB0596 will codify what we expected would already be happening.

The proposed Amendment will 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. 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.

The Constitutional Amendment proposed in HB0596 will not break 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 there is not a flood of litigation 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. Furthermore, if State and local governments do their jobs to protect the environment, then litigation will be unnecessary.

Let the Voters Decide! Passing HB0596 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.

Therefore, DTMG strongly supports HB1171 and urges a **FAVORABLE** report on this bill so Maryland voters can decide if they want to add environmental human rights to their Constitution.

Respectfully submitted,

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