

March 8, 2022

Legislation | SB 783 Maryland Environmental Human Rights Amendment

Committee | Judicial Proceedings

Position | Favorable

Testimony

Dear Chairman Smith and Committee Members,

To begin, here are some important statistics from a recent poll conducted on the Maryland Environmental Human Rights Amendment. These independent, professional poll results¹ are based on feedback from a representative sample of Maryland voters. The poll yielded the following:

- More than 75% of Maryland voters support this Amendment. In full disclosure 10% oppose it and 15% weren't sure.
- If the election were held today, the majority of Maryland voters would vote for protecting this right in the state constitution.
- Marylanders went on to share, that if this issue were on the ballot, more than half, approximately 52%, of our voters said it would make them more likely to come out and vote.

These results demonstrate, this amendment is a unifier – it speaks to the majority of our voters. The clear takeaway here is... this Amendment is not red; it is not blue; it is clearly purple.

This Amendment formally recognizes environmental rights as civil rights, with defined protections which enables communities, impacted by environmental justice, to seek support and intervention. If ever there was a cry for environmental support, from our constituents, it would be for this Amendment, as it aligns and dovetails with the mission of the climate and environmental movement and the best interests of our residents.

Unfortunately, in this country, race is still the number one indicator of where toxic and polluting facilities are located. This is not an “alternate fact”. Pollution and other environmental hazards are concentrated in BIPOC, communities of color, regardless of economic status. Maryland, unfortunately, is no exception. The State is supposed to protect, preserve, and enhance our natural resources and therefore, they are to be held responsible to ensure our well-being, as stewards of these natural resources -- not for the interests of corporations, shareholders, but to *us*, “we, the people”.

Over 100 Constitutions around the globe, seven in the United States, have adopted a human right to a healthy environment. It is time Maryland takes the lead on this Amendment. It's time we step up, be accountable, and assume the leadership position once again.

We are not only talking about protecting the environment, but we are also referring to tangential impacts and consequences of a contaminated environment, e.g., property values. The most valuable asset the average family has is their home. The value of homes impacts legacy wealth – how a family builds wealth and how they can leverage that wealth as the foundation for long-term financial well-being and a healthy financial legacy for generations to follow.

WUSA Channel 9 recently aired an exposé on communities in Brandywine seeking to understand why real estate values for their property is less than that of similar communities in Montgomery, Howard, and other predominantly white communities. But ask yourself, could one of the contributing factors be because Brandywine, Prince George's County, along with Baltimore City/Curtis Bay; Lothian, Anne Arundel County; Hebron, Wicomico County; and the like, bear the brunt of the polluting services that make this state function? Maryland, as have many other states, has used predominantly BIPOC communities as dumping grounds for all the polluting services needed to help run this state and have

given them absolutely no consideration for the sacrifices they've made to keep this state functioning. To add insult to injury, they continue to pile on more devastating infrastructure in this over-burdened communities.

Brandywine has more fossil fuel capacity than 99.9% of the country and it is 67% Black. And, as if, having the state's ONLY sewage sludge incinerator, multiple landfills, sitting at the convergence of three major trucking routes, two of which, dubbed "Diesel death zones", as well as not one, not two, not three but FOUR coal/gas powered plants within a 13-mile radius, wastewater dumping into the waterways, and sunny day flooding, as if all of this isn't enough, they are now supporting MagLev...the gas pipeline on the Eastern Shore... and the National Harbor/Livingston Road Battery Energy Storage Station. Are they really going to allow permitting for this to be constructed in communities where people live? Those battery facilities are notoriously unstable. The residents in the Rosecroft area are being treated like guinea pigs! All this to save .02 cents on their monthly electric bill. These communities have the highest rates of deaths related to air quality in the COUNTRY; the highest levels of ozone in the state, 2nd in the nation, and yet these agencies persist in their devastation of these communities.

We cannot continue to undermine these communities and still expect them to thrive. This legislation serves as an "equalizer". It empowers organizations with the leverage they need to help make fair and equitable decisions concerning the environment. It is the "tide that lifts all ships". Vice President, Kamala Harris said, "we cannot achieve health justice, economic justice, racial justice, or educational justice without environmental justice." This amendment is the common thread that uplifts and helps remedy other civil rights issues. These issues are inexorably linked and its time we acknowledge and act upon it.

We are grateful to you, Senator Smith, for your vision and leadership on this legislation. We have the environmental justice community unanimously supporting this amendment. We need our legislators to stand behind and support this amendment. The time for the Environmental Human Rights Amendment is now!

We encourage a favorable report. Thank you.

Respectfully submitted,

/s/ SRHartwell

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¹ The margin of sampling error on this poll is not greater than +- 3% and that puts it at the 95% confidence level. In other words, these results are credible.