

To: Maryland State Senate Committee on Judicial Proceedings
From: Luca Grifo-Hahn
Date: Wednesday, March 9, 2022
Re: Strong support for SB0783 – The Environmental Rights Constitutional Amendment

Dear Chairman Will Smith and Respected Committee Members,

I am writing you in support of Senate Bill 0783, The Environmental Rights Constitutional Amendment, and in support of democracy. While I work with and am associated with a number of environmental, social justice, and advocacy organizations throughout Maryland, I am submitting this testimony simply as a concerned youth in Maryland. Simply put, it is the youngest generations that will be dealing with the impacts of climate change the longest and will be seeing its most intense fallout. We will need tools like this amendment to help deal with these ramifications.

The implications of the Environmental Rights Amendment are simple and clear. They will establish that all Marylanders, regardless of class, ethnicity or background, will have a fundamental right to clean air, clean water, a healthy environment and a stable climate. It would also establish the state as trustee of Maryland's natural resources and commit them to conserve, protect, and enhance them for current and future generations. It will elevate the right to a clean environment to be on par with other fundamental rights that are crucial to a flourishing democracy such as freedom of religion, speech, and assembly and act as a tool to give people legal standing and guide future agency and government action¹.

We know that pollution and environmental degradation have adverse effects on human populations. There are ample studies demonstrating the dizzying diversity of ways that climate change affects and disenfranchises the youth². As an example, higher levels of air pollution have been demonstrated to be associated with preterm birth, low birth weight and stillbirth³. When we allow others to degrade our environment, we are affecting the success of generations that have no way to defend or advocate for themselves.

While the legislators of Maryland have often been at the forefront of the environmental movement, we are unfortunately lacking in the area of a Constitutional right to environmental security. Seven states have already passed an amendment codifying the right to a healthful environment⁴. Fortunately, we can use the experiences of these other states to demonstrate how the amendment will play out in Maryland, and what it could specifically mean for my generation. For instance, in the 1960s, Pennsylvania passed their own Environmental Bill of Rights. Almost fifty years after its passage, it was used in the *Robinson Township vs. Common Wealth of Pennsylvania* court case⁵. In this case, a community was able to turn a fracking operation away, as they were able to prove it would infringe upon their healthy environment.

Thanks to our enterprising and proactive legislature, we do not have to worry about fracking specifically here in the State of Maryland. However, the Robinson Township case is significant

¹<https://mdehr.org/>

²<https://www.mdpi.com/1660-4601/9/9/3298>

³<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260>

⁴<https://mdehr.org/>

⁵<https://delawarelaw.widener.edu/files/resources/robinsontownship2013editedmay1.pdf>

because, when it was passed in the 1960s, nobody had ever heard of fracking. Yet, fifty years later, it was able to be used proactively by concerned residents to protect themselves from the environmental ills of fracking. We do not know what environmental threats my generation or the generations that follow will be facing in the next fifty years, but it is without a doubt that new threats and problems will emerge as climate change continues, environmental racism exacerbates, biodiversity withers, and pollution increases. My generation does not view these things as potential issues in the future, but as certainties that we or our children will be left to deal with. At this point, we have come to expect and accept this as reality, but we have also accepted the reality that we will need tools, such as the Environmental Human Rights Amendment, in order to properly address, defend, and thwart these unknown threats as they arise. The Robinson Township case represents an example from the past few decades of exactly how this might play out in Maryland.

Although the merits of the amendment itself are boundless, at the end of the day, this amendment is about more than just environmentalism or civil rights. It's about democracy. As you are aware, a constitutional amendment requires a favorable vote from 3/5ths of both houses of the legislature before going directly to referendum in the next general election. So, the final say in a matter like this comes from the people⁶. Therefore, the role of the legislature is to determine whether or not this amendment should be put on the ballots in front of the people of Maryland to decide in November. For this reason, not passing this bill through your committee and the Senate would not only be a disservice to the environment, our civil rights, and the anti-racism movement, but would also be a clear affront on the democratic process.

As a Maryland resident and voter, I urge every member of this committee to vote favorably on this amendment. All concerns and reservations that have been brought up on this amendment have been addressed by constitutional lawyers, activists, politicians and other experts⁷. It is now that we are ready to vote on it. Give the people of Maryland, like myself, the opportunity to take our environmental future into our hands come November by giving it a favorable review.

Thank you for considering this legislation and for taking the environmental health of Marylanders seriously. I am happy to follow up and discuss any concerns or questions you may have about the finer points and implications of this legislation. I look forward to watching this amendment progress and to seeing it on the ballot in November.

Sincerely,


Luca Grifo-Hahn

⁶ <https://mdehr.org/amendment/how-to-pass-a-constitutional-amendment/#:~:text=The%20amendment%20is%20introduced%20as,in%20just%20one%20legislative%20session.>

⁷ https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=ent&clip=ENV_2_23_2022_meeting_1&ys=2022rs