

March 8, 2022

Senator William C. Smith, Jr., Chair
Judicial Proceedings Committee
Senator Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
Miller Senate Office Building
Annapolis, Maryland 21401

Re: **SUPPORT** -- SB0783 -- CONSTITUTIONAL AMENDMENT - ENVIRONMENTAL RIGHTS

Dear Chairman Smith, Chairman Pinsky, and Members of the Committees:

On behalf of the Planetary Health Alliance student group at the Johns Hopkins School of Medicine, we offer this testimony in support of SB0783. **We strongly support SB0783**, which aims to add two new protections in the Declaration of Rights section of our constitution. First, that each person has the fundamental and unalienable right to a healthful and sustainable environment. Second, that the state, as trustee, shall protect, enhance, and conserve Maryland's natural resources on behalf of present and future generations.

Background. Currently, 75% of the countries in the world and 182 out of 193 countries part of the United Nations have adopted a Constitutional right to a clean environment.¹ The United States, as one of the largest and most influential countries, ought to do so as well. Within the United States, 7 states currently have environmental protections as part of their constitutions.² We believe that Maryland, a state deeply affected by environmental justice issues, would benefit from adopting similar environmental protections to serve its most vulnerable populations.

Environmental justice and human health. As future doctors, we believe that this amendment will result in improved population health outcomes and decreased healthcare expenditures. The burdens of environmental degradation have historically fallen on communities of color and low-income communities in our country. Countless studies have shown that these populations are exposed to higher environmental risk, characterized by proximity to hazardous waste sites, exposure to air and water pollution, poor and crowded housing quality, and dangerous work environments.³ Thus, these same populations subsequently experience higher incidences of cardiovascular disease, asthma, cancer risk, and mortality.³

When I, Joyce Cheng, was an undergraduate student at the University of Virginia, I visited a former West Virginia coal town for an environmental summit. A young man, whose family had lived in Appalachia for generations, explained to me how black lung killed his father and grandfather. His family's story drove me to research advanced lung disease the next summer and later investigate the biological mechanisms and epidemiology of black lung for a biology class. I learned how changes in mining techniques have increased the presence of silica in coal dust, exacerbating lung inflammation and fibrosis. I also read about the history of coal towns and learned how fossil fuel companies dominated the economies of mining communities, trapping them in cycles of poverty and poor health, leaving them powerless. This experience led me to

realize the intrinsic connections between human health and our environment and how certain populations endure disproportionate negative consequences.

As the world's climate changes, vulnerable communities will be exposed to even higher risks of health harm. Ecological changes will result in increased temperature extremes, natural disasters, wildfires, vector-borne disease, sea level rise, food insecurity, and more.⁴ Baltimore is particularly susceptible to climate change, being barely above sea level; the University of Maryland's Center for Environmental Sciences estimates that sea level will rise up to 1.6 feet in Maryland by 2050.⁵ This is already causing flooding, waterlogged soil, and backed up sewage, disproportionately affecting Baltimore's residents of color. Infrastructure projects also unjustly impact Maryland's Black citizens; for example, the BRESKO Incinerator, a major source of air pollution, is located in a majority Black neighborhood.⁵ The Environmental Integrity Project reports that this incinerator emits more nitrogen oxides, the primary pollutant in smog, per unit of energy than any power plant in Maryland.⁶ Nitrogen oxides are associated with premature death from heart and lung disease.⁶ However, the contract to keep the BRESKO incinerator running was recently extended to 2030, despite pushback from community members. We need the Environmental Human Rights Amendment to prevent further harm to marginalized peoples.

Decreased healthcare costs. Healthcare costs can be directly tied to the health of our environment. Climate change and environmental pollutants lead to increased hospitalizations and emergency room visits, which are especially expensive and resource-consuming. This amendment could reduce healthcare costs by improving the health of our community. Air pollution in Baltimore provides a key example of how this amendment would lead to lessened healthcare costs. Baltimore City's rate of asthma-related hospitalizations are almost 3 times higher than the U.S average and 2 times higher than the average rate for Maryland. Furthermore, emergency room visits due to asthma are exceptionally high, 2.5 times the Maryland average. The estimated hospital costs for asthma have been reported to total up to \$33 million in Baltimore.⁸ Studies from multiple organizations have shown that the Baltimore zip codes with the highest asthma hospitalization rates include areas with high exposure to toxic air pollution. This also coincides with zip codes with the highest percentages of Black and minority populations. Residents of these areas live without the benefits of trees and green spaces, and with the burden of excess pavement and concrete, which creates urban heat islands. Past studies have shown that asthma hospitalizations can be decreased with intervention. In 2009, there was a sharp decline in asthma hospitalization rates (57%) in two Baltimore zip codes where there was a large reduction in pollution from nearby coal-fired power plants.⁷

Impact. The Environmental Human Rights Amendment has the potential to substantially reduce the healthcare costs cited above, among other costs, as it will lead to more proactive prevention of environmental hazards such as air pollution by promoting conservation and regulations. Evidence from states where environmental rights are constitutional suggest that state agencies will make decisions with this amendment in mind, and the amendment will help provide legal support for environmental legislation. Constitutional environmental rights have led to the strengthening of environmental laws in countries around the world, including those in Europe, Africa, and South America.⁹ For example, in Argentina, enacting a constitutional right to a healthy environment stimulated new minimum standard laws on industrial waste and clean water, and provincial laws were amended to incorporate environmental health as a fundamental guiding

principle.⁹ This amendment may also prevent the future weakening or rollback of existing environmental policies and improve accountability and enforcement of current laws.^{9,11} In Pennsylvania, a constitutional provision naming the state a trustee of its natural resources, similar to the proposed language for Maryland's amendment, provided a basis for the Supreme Court to strike down legislation overriding local prohibitions on hydraulic fracturing in *Robinson Township v. Commonwealth*.^{10,11} The Environmental Human Rights Amendment is necessary to empower Maryland's citizens to take legal action to protect their health, and it will give the state the authority to care for its people.

Conclusion. As medical students studying and living in Baltimore, we are concerned for the health of our surrounding communities, some of which face the highest rates of air and water pollution in the state. We believe that adopting the Environmental Human Rights Act is a crucial step in protecting the health and wellbeing of our state's most vulnerable populations.

Respectfully,
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