



Policy Foundation of Maryland

Committee: Education, Health, & Environmental Affairs & Judicial Proceedings

Testimony on: SB0783-- [Constitutional Amendment - Environmental Rights](#)

SPONSOR: Senators Smith, Jackson, Guzzone, Beidle, Carter, Elfreth, Feldman, Kelley, Watson, Waldstreicher, Young, Washington, Lee, Lam, Kramer, and Hettleman

Organization: Policy Foundation of Maryland, Rebuild Maryland Coalition, MD Legislative Coalition

Person Submitting: Sarahia Benn (Executive Dir.)

Position: Favorable

Hearing Date: March 9, 2022 1PM

Mr. Chairman and Members of the Committee,

Thank you for allowing testimony today in support of SB0783. Policy Foundation of Maryland is a grassroots organization focused on State and County level legislation and policies that impacts Black, Brown, marginalized, low income communities and veterans affairs. Environmental legislation is of massive importance to these communities particularly due to how impacted these communities have been historically and currently. The Rebuild Coalition consists of over 41 organizations and businesses are a diverse group of stakeholders working together to pass strong climate legislation. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Simply put Marylanders have a constitutional right to a healthy environment. Preserving the right to clean air, clean water, healthy soil, and a stable environment which will impact Marylanders health in a good way in our Constitution is necessary.

Much like our Federal Constitution has a series of rights that we hold true this would be a part of our Maryland preamble that would hold true along with other rights like the right

to self incrimination or freedom of speech. Communities struggling with environmental injustices for centuries who have been distressed would finally have an Amendment that has measures in it that would hold state and local governments accountable for ensuring a healthy environment be maintained in their communities. This Amendment gives voice to those who have been marginalized. This is important and vital.

Locally, a few years ago, Harford County was proposing to build a tire pyrolysis recycling factory to be located within 5 miles of 6 schools in Black, Brown, and marginalized communities and schools. It was defeated through grassroots advocacy but imagine if there had been an Environmental Rights amendment in place, the fight against such a harmful business development in a vulnerable community in Harford may not have been so overwhelming and costly to local activists who are normally under-resourced and undermanned. And this was just one struggle. Multiple environmental injustice attacks have happened in the same area since similar to what happened to [Chester, PA](#).

What will an Environmental Human Rights Amendment do?

- The proposed Environmental Human Rights Amendment is a legal and accountability tool that can be used by Marylanders, NGO's, local governments, and state agencies to ensure that our rights to a healthful environment are protected and enforced.
- Create an enforceable right to a healthful environment
- Strengthen state and local governments' ability to protect natural resources
- Strengthen the passage and enforcement of environmental laws
- Promote stronger environmental regulations
- Close the gaps in environmental laws
- Act as a guardrail to prevent the most egregious forms of harm
- Promote the creation of stronger environmental regulations
- Promote environmental justice and remedy past injustices
- Establish environmental health and environmental equity as fundamental values of our society

The unfortunate reality is that there has been strong environmental legislation passed in Maryland but it takes years to pass and does not guarantee to protect the health of ALL Marylanders. Historically, environmentally speaking, Maryland has had issues with adequately implementing and enforcing their environmental laws to protect "ALL Marylanders." From generation to generation, our state has created systems that reinforce inequity particularly on the most vulnerable Marylanders. When one part of our Community is hurting then we must heal it and do no more harm. This Amendment will

provide an inalienable right that “All Marylanders” will be able to enjoy.

Finally, Seven US states have language in their constitutions which speak to the right to a healthy environment; three of these states have language in their Declaration of Rights so Maryland would not be setting new precedence. Experience has shown that a number of environmental lawsuits don't explode in states with environmental rights in their Constitutions. In fact, evidence shows that only those who need to utilize this as a last resort because they have been harmed have. When existing laws are insufficient or flawed or state environmental agencies fail, Marylanders deserve to have similar rights and protections that other states provide in their constitutions to have measures of accountability. We are asking that you pass this bill so the People of Maryland have the opportunity to approve the Constitutional Amendment.

For these reasons and more, I urge a **FAVORABLE REPORT** on **SB0783**.

Respectfully submitted,



Sarahia Benn
(Policy Foundation of Maryland, Rebuild Maryland Coalition, MD Legislative Coalition)

(Dedicated to Women's History month)

““When my brothers try to draw a circle to exclude me, I shall draw a larger circle to include them. Where they speak out for the privileges of a puny group, I shall shout for the rights of all mankind.” –[Pauli Murray](#)