



Environmental Human Rights  
Rules and Executive Nominations Committee  
SJ0004  
Favorable  
March 8, 2023

Chairman Feldman, Vice Chair Kagan and Honorable Members of the Committee,

There are many legal, equity and environmental reasons to pass this resolution urging the full enforcement of the Maryland Environmental Policy Act of 1973. Some of those reasons are discussed in companion written testimony and addressed below.

But there is one other reason that passing this resolution is critical, not merely symbolic and should rise to be a matter of highest public policy— our children’s trust and their mental well-being.

Recent world-wide studies<sup>i</sup> looking at children's beliefs about how their government is responding to the critical environmental issues of the day, especially climate change, is damning and heartbreaking. 58% of our children world-wide feel betrayed government. Children in the US are no different.

60% of children world-wide feel “very” or “extremely” worried about climate change, with 45% saying such worries negatively affect their *daily* lives. 75% of youth are frightened, not just occasionally but constantly, with 44% reporting feeling despair – a powerful emotion that dampens ambition and the desire to exert oneself today in the hopes of creating a better tomorrow. **These negative thoughts and feelings “showed correlations with feelings of betrayal and negative beliefs about government response.”**<sup>ii</sup>

This sense of betrayal is likely to impact children’s resiliency and ability to plan for and cope with the changes that are coming. “Such high levels of distress, functional impact, and feelings of betrayal will negatively affect the mental health of children and young people.”<sup>iii</sup>

Individual laws and regulations are essential for protecting our children from the worst of climate change and environmental degradation. But a **statement of commitment that environmental health is a human right and that their government is committed to pursuing this right across the board, with the greatest energy and vigor possible, would begin to offer a significant measure of reassurance.** That is why so many young people, from middle schoolers to graduate school, support the call for environmental human rights as expressed in Maryland in 1973 in the Maryland Environmental Policy Act: “each person has a fundamental and inalienable right to a healthful environment.”

MEPA is one of those rare laws that has impacts that are both grand and granular.

Grand, because it articulates and establishes the moral and legal foundation upon which all State environmental decision-making should rest.

Granular because it requires that all actions of the State in their details should, by design and practice, advance this right. To that end, it directs all State agencies to establish “methods and procedures” that would implement this right as “a matter of the highest priority” as they pursue their mandated work.

Regrettably, MEPA has been largely ignored over its 50-year history. Maryland has thus missed many opportunities to set standards that could more successfully protect our air, soil and water quality; more successfully protect our forests and woods; better respond to the urgency to promote environmental justice and prevent cumulative harm; more successfully notify and involve the public in decision-making concerning environmental activities that directly impact them; better assess appropriateness of permits and their enforcement; better promote intergenerational equity by considering today’s actions on future generations; more nimbly respond to concerns about climate; and more.

Maryland was one of sixteen states in the 1970s to establish a state version of the National Environmental Policy Act. In a review of their then-30+ year-old environmental policy act, the Legislative Environmental Policy Office of Montana wrote of its MEPA (Montana Environmental Policy Act) that it created “a process whereby Montana can anticipate and prevent unexamined, unintended, and unwanted consequences rather than continuing to stumble into circumstances or cumulative crises that the state can only react to and mitigate.”

In addition, Rep. George Darrow, Republican, the sponsor of the 1971 Montana Environmental Policy Act, writes, “MEPA has undoubtedly saved the State of Montana from proceeding with hasty, ill-considered, and costly actions that may have foreclosed future opportunities or cost tens of millions of dollars to mitigate, restore, or repair.” Similar acts in other states, such as Washington, have likewise been responsible for substantial environmental protection and benefits while advancing the state’s economic health.<sup>iv</sup>

The Maryland Environmental Policy Act can do the same here. If MEPA had been fully and well-utilized these past 50 years, we likely could have avoided some issues we are now seeking to rectify.

- MEPA could have helped prevent “a net statewide forest loss of more than 19,000 acres from 2013 through 2018” (as reported by The Hughes Center).
- MEPA could have protected the biosystems of Maryland’s state butterfly, the Baltimore Checkerspot, which was designated the state butterfly the same year MEPA was passed, yet is now on the Threatened list. “While it inhabits wetlands in the western and central regions of the State, its numbers have diminished. Formerly found in fifteen counties, now it only appears in seven. Most are in western Maryland, particularly Garrett County.”<sup>v</sup>
- It could have worked to reduce particulate matter from certain neighborhoods, thereby reducing the high incidence of asthma (33%) in Baltimore City’s children,<sup>vi</sup> many times more than the national average, and whose illness causes these children to miss countless school days and affect their academic achievement.
- It could help anticipate and prevent harmful practices such as chemical recycling, which produces a health risk 250,000 greater than other chemicals the EPA permits.<sup>vii</sup>
- It could help prevent coal ash from poisoning the ground and water of Baltimore City and Brandywine.
- It could have stemmed PFAS contamination more quickly.
- It could more quickly help make our waters fishable and swimmable.
- It could create coordinated, consistent guidance for decision-making across State agencies, establishing a unified state policy pertaining to the development and preservation of the environment of our State.
- It can provide guidance in assessing and limiting climate impacts of proposed environmental actions.

MEPA would, in short, ensure that state entities provide coherent, coordinated, and consistent environmental policies that the public, businesses and local governments can rely on. Even more, guided by MEPA, the act of creating appropriate regulations would bring all stakeholders to the table to work toward a common, well-articulated goal, ensuring that everyone’s interest is represented while all pulling in the same direction.

Time is short and we need to act with urgency. This winter brought massive winter storms to the west while the temperature here was 78 degrees Thursday, February 23. It snowed two days later. Microplastics are in the bodies of newborns. Toxins are leaching into our soil, air, land, us. The climate is threatening.

SJ0004 reaffirms the General Assembly's resolve to promote and pursue environmental health and human rights as articulated in MEPA, urges the Administration to direct its agencies to craft methods and procedures that will protect the environment and implement those rights, begins to earn back the trust of our youth and gives them once again a reason to believe in their future.

We urge you to pass this resolution.

Nina Beth Cardin, Director  
Maryland Campaign for Environmental Human Rights

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<sup>i</sup> ["Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey," Caroline Hickman et al. 2021](#)

<sup>ii</sup> Hickman, et al. p.e870

<sup>iii</sup> Hickman, et al. p. e871

<sup>iv</sup> *Overview of Washington State Environmental Policy Act (SEPA)*, DEP. OF ECOLOGY, <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Basic-overview> (last visited Feb. 26, 2023).

<sup>v</sup> [https://msa.maryland.gov/msa/mdmanual/01glance/html/symbols/insect.html#:~:text=The%20Baltimore%20Checkerspot%20Butterfly%20\(Euphydryas,7%2D308\)](https://msa.maryland.gov/msa/mdmanual/01glance/html/symbols/insect.html#:~:text=The%20Baltimore%20Checkerspot%20Butterfly%20(Euphydryas,7%2D308)).

<sup>vi</sup> <https://health.baltimorecity.gov/node/454>

<sup>vii</sup> <https://www.theguardian.com/environment/2023/feb/23/climate-friendly-us-program-plastics-fuel-cancer>