

HJ0001: Environmental Human Rights: FAVORABLE

March 1, 2023



Dear Madame Chair Anne Healey, Vice Chair Marvin E Holmes, Jr, and Honorable Members of the Committee,

RE: House Joint Resolution 0001 - Environmental Human Rights

We are writing on behalf of the University of Baltimore School of Law’s Environmental Law Society (ELS) **in support** of House Joint Resolution 0001 concerning Environmental Human Rights in the State of Maryland. HJ0001 will reinvigorate Maryland’s Environmental Policy Act (MEPA)¹ towards its original legislative intent and further environmental justice in Maryland.

The University of Baltimore School of Law’s ELS is student-led organization dedicated to facilitating awareness for environmental-problem solving through the legal system. We strive to achieve this mission by centering on sustainability, or “meeting the needs of the present without compromising the ability of future generations to meet their own needs,”² as one of our core values. We recognize that our mission, guided by sustainability, requires a legal system that permits the redress of past environmental harms and the prevention of future inequities. Accordingly, we urgently **support** this resolution that will permit the full implementation of MEPA, a largely underutilized statute originally enacted to bridge this divide between the legal system and the policy goal of sustainability.

The General Assembly passed MEPA in 1973 to advance the “protection, preservation, and enhancement of State’s diverse environment,”³ a goal which the legislature has recognized is “necessary for the maintenance of the public health and welfare.”⁴ MEPA may have actually achieved this goal if the statutory definition of “proposed State Action,” the trigger mandating a review of environmental impacts, had not been severely limited.⁵ Fifty years after MEPA’s enactment, a resolution of this caliber could reinvigorate the executive and legislative branches of Maryland to finally utilize MEPA for its intended purpose.

Utilizing MEPA for its intended purpose could provide State agencies with the foresight to prevent violations of environmental statutes that have cost Maryland significant amounts of money.⁶ MEPA could also help to prevent substantial harms to Maryland’s environment that may otherwise go unaddressed due to the nearly fifty-year-old interpretation of the statute’s jurisdiction.⁷ MEPA would promote environmental justice by protecting Maryland’s low-income and minority communities from environmental harms before they occur, as opposed to mitigating

¹ MD. CODE ANN., NAT. RES. § 1-302 et seq.

² *Sustainability*, United Nations, <https://www.un.org/en/academic-impact/sustainability> (last visited Feb 27, 2023).

³ MD. CODE ANN., NAT. RES. § 1-302(b).

⁴ *Id.*

⁵ See Russell B. Stetson, *The Maryland Environmental Policy Act: Resurrecting a Tool for Environmental Protection*, 45 ENVTL. L. REP. 10074, 10074 (2014).

⁶ See e.g. Civil Enforcement Case Report, Case No. 03-2012-0038, EPA, https://echo.epa.gov/enforcement-case-report?activity_id=3000031316 (last visited Feb. 27, 2023).

⁷ See *Pittman v. Washington Suburban Sanitary Comm’n*, 279 Md. 313, 319–20 (1977).

the harms after they are suffered.⁸ MEPA could allow regulations specific to Maryland’s diverse environments by allowing state agencies to expand on the federal regulations that are already enforced.⁹

As Maryland seeks to address the environmental challenges that will determine its citizens’ health, welfare, and economic well-being, we respectfully ask that this legislature vote **in favor** of HJ0001 so that all State agencies “conduct their affairs with an awareness that they are stewards of the air, land, water, living and historic resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.”¹⁰

Respectfully,

The University of Baltimore School of Law Environmental Law Society, by its undersigned members:

Shane Ardinger

Spencer Baldacci

Anne Clevenger

James Duffy

Adam Fetian

Brandon Hsu

Hannah Krehely

Cameron Luzarraga

⁸ See Jon A. Mueller & Taylor Lilley, *Forty Years of Environmental Justice: Where is the Justice?*, 25 RICH. PUB. INT. L. REV. 75, 122–25 (2022); See also Ngan Ho & Christine Condon, *E. coli Contamination: Baltimore Fully Lifts Boil Water Advisory*, BALT. SUN (Sep. 9, 2022), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-baltimore-boil-water-advisory-boundaries-20220909-cgnjxhcawff5bdr3itl5sqtan4-story.html>.

⁹ Md. Small MS4 Coal. v. Md. Dep’t of the Env’t, 250 Md. App. 388, 250 A.3d 346 (2021).

¹⁰ MD. CODE ANN., NAT. RES. § 1-302(c).