



Environmental Human Rights  
Rules and Executive Nominations Committee  
HJ0001  
Favorable  
March 3, 2023

Madam Chair Healey, Vice Chair Holmes and Honorable Members of the Rules and Executive Nominations Committee,

The Maryland Environmental Policy Act of 1973 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 the State's environmental decision-making should rest: that "each person has the fundamental and inalienable right to a healthful environment."

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 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 tree'd areas; better respond to the urgency to promote environmental justice and prevent cumulative harm; more successfully notify and involve the public in decisions 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."

Such acts in other states have likewise been responsible for substantial environmental protection and benefits while advancing the state's economic health. "Since its passage," writes Rep. George Darrow, Republican, 1971 Montana Environmental Policy Act Sponsor, 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." State environmental policy acts encourage and enhance sustainable economic development, as happened under the environmental policy act of Washington State.<sup>1</sup>

The Maryland Environmental Policy Act can do the same here.

- MEPA could have helped prevent “a net statewide forest loss of more than 19,000 acres from 2013 through 2018” (as reported The Hughes Center), despite our current laws.
- 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>ii</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>iii</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>iv</sup>
- It could help prevent coal ash from poisoning the ground and water of Baltimore City and Brandywine.
- 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 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 give proper consideration to the environment by providing for coherent, coordinated, and consistent environmental policies that the public, businesses and local governments can rely on.

Time is short and we need to act with urgency. The temperature was 78 degrees Thursday, February 23. It snowed two days later. The cherry blossoms in Washington DC were already in bloom. Trees in Baltimore are beginning to leaf out much earlier than before. The seasons are out of kilter. Microplastics are in the bodies of newborns. Toxins are leaching into our soil, air, land, us. The climate is threatening.

HJ0001 reaffirms the General Assembly’s resolve to reaffirm, promote and pursue environmental health and human rights as articulated in MEPA, and urge the Administration to direct its agencies to craft methods and procedures that will protect the environment and implement those rights.

We urge you to pass this resolution and work to make MEPA’s implementation and goals a reality.

Nina Beth Cardin, Director  
Maryland Campaign for Environmental Human Rights

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<sup>i</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>ii</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>iii</sup> <https://health.baltimorecity.gov/node/454>

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