

HB0596: Constitutional Amendment - Environmental Rights

Sponsored by Delegates W. Fisher, Stewart, Acevero, Boyce, Cardin, Carr, Charkoudian, Charles, Ebersole, Feldmark, Foley, Guyton, Henson, Howell, Kelly, Lehman, J. Lewis, Lopez, Moon, Palakovich Carr, Ruth, Sample-Hughes, Shetty, Smith, Solomon, Terrasa, Toles, Wilkins, and Williams

Written Testimony by Elisabeth Herschbach, Maryland resident, District 22

I am writing to convey my strong support of House bill HB596, which proposes an amendment to the Constitution of Maryland establishing that every person has the fundamental and inalienable right to a healthful and sustainable environment.

Climate change and environmental degradation pose an ever-worsening threat to the health of Marylanders across the state, especially in low-income communities and communities of color, where higher levels of pollution and greater concentrations of toxic industrial sites inflict a disproportionate burden.

While the Maryland General Assembly recognized a “fundamental and inalienable right to a healthful environment” in the Maryland Environmental Policy Act of 1973, this policy has been inadequately enforced. And while Maryland has a patchwork of environmental laws already in place, we need stronger protections to tackle the serious environmental problems facing our state. These problems include, among others, worsening heat island effects in our cities, contaminated drinking water, microplastic pollution, fossil fuel–spewing power plants and trash incinerators, pollution from landfills, and poor air quality due to high levels of ground-level ozone and particle pollution. In Baltimore city and Prince George’s County, where rates of asthma and respiratory problems are among the highest in the nation, poor air quality imposes a particularly severe burden on citizens.

Enshrining the fundamental right to a healthy environment in the state constitution will allow us to better protect all Marylanders against environmental harms and to ensure that future generations have access to clean air, water, land and a stable climate. Safeguarding the environment and the health of citizens should be the highest obligation of the government—and not merely an aspirational goal. After all, without a livable environment, no other basic rights are secure. As the United Nations Human Rights Office of the High Commissioner has asserted, “All human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation.”

Several US states have already recognized the right to a healthy environment as a fundamental human right, including Pennsylvania, Montana, Illinois, Hawaii, Massachusetts, Rhode Island, and New York. Environmental rights amendments are also being advanced in New Jersey, New Mexico, Maine, and West Virginia, among other states.

It is time for Maryland to step up for its citizens too. Indeed, a large majority of Marylanders support the idea of an environmental human rights amendment. In a recent poll, 76% of Maryland registered voters were in favor of establishing a constitutional right to a healthful environment. More than half (52%) said that having this amendment on the ballot would encourage them to turn out to vote in the November general election.

Please help to protect the health and environment of all Marylanders by supporting an environmental human rights amendment to the state constitution. Marylanders are counting on you.