



# Environmental Human Rights Amendment to the Maryland Constitution

Senate Bill TBD - House Bill TBD

***Help guarantee sustainable stewardship of our environment for all Marylanders***

## Did You Know?

- Communities of color bear a disproportionate burden of the ill effects of pollution due to proximity to toxic facilities.
- Over 85% of Marylanders live in counties that do not meet EPA healthy air standards for smog pollution.
- Baltimore, for example, has one of the highest rates of childhood asthma in the country (20 percent) – more than double the national average.
- While the Maryland Constitution declares the rights to vote and to education, mention of the environment is nowhere to be found.

## Why We Strongly Endorse the Amendment

Embedding the right to a healthful environment in the Declaration of Rights section of the Maryland Constitution will:

- Make a healthful environment a core responsibility and priority of government
- Require the state to protect these rights for Marylanders today and for future generations
- Over time, it would serve as a foundation for more effective environmental laws, regulations, and administration

## What Does the Amendment Say?

The amendment would provide:

(A) That each person, as a matter of basic human dignity, has a fundamental and inalienable right to a healthful, sustainable environment.



(B) That the State, as trustee, shall protect, conserve, manage and enhance Maryland's natural and cultural resources, including its air, lands, waters, wildlife, and ecosystems, for the benefit and enjoyment of both present and future generations.

## What Will the Amendment Do?

The proposed amendment will help ensure that environmental health and preservation remain top priorities for the state, regardless of changes in political officeholders.

Several states have related language in their constitutions (HI, IL, MA, MT, PA, RI, and now NY). The amendment has changed government behavior in the following ways:

- The amendment has been used by local governments to uphold their right and duty as trustee or guardian to make decisions that protect public natural resources.
- State agencies have invoked the amendment to prevent further harm of public natural resources.
- State agencies have adopted regulations that ensure departmental actions (like permitting) are consistent with the amendment.
- The amendment has not led to significant increases in frivolous lawsuits, as argued by some opponents. Rather, it sets out basic principles that guide government actions and the few lawsuits have been meaningful in driving legal precedent.



## Who Supports the Amendment?

A large coalition of environmental, civil rights, faith communities, public health organizations including broad-based civic entities as the NAACP, the League of Women Voters, the Maryland Public Health Association, the Episcopal Diocese of Maryland, and other advocates of healthful communities and environmental justice.

## How Will We Enact This Amendment?

Enactment in Maryland requires a three-fifths supermajority in both the House of Delegates and the State Senate. The amendment would then go to the voters for approval in November. Voters in New York overwhelmingly approved a similar state constitutional amendment in November 2021, with nearly 69 percent of voters approving.

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