



Maryland Environmental Human Rights Amendment Toolkit

Addressing Environmental Human Rights in Maryland:
Proposing a Constitutional Amendment Ensuring the
Fundamental and Inalienable Right to
a Healthful and Stable Environment

The Environmental Justice Coalition and Maryland Campaign for Environmental Human Rights

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Background On Environmental Human Rights

With pollution and climate change drastically changing our environment more and more each day, current and future generations no longer can assume they live in a safe, healthy, sustainable environment that previous generations have taken for granted. Yet each person, in every generation, has the fundamental and inalienable right to a healthful environment with access to clean air, water, land and a stable climate.

This idea has become more mainstream in the last decade. [The United Nations Human Rights Office of the High Commissioner has asserted that:](#) “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. Without a healthy environment, we are unable to fulfil our aspirations. We may not have access to even the minimum standards of human dignity.”

In the State of Maryland, a fundamental constitutional right to a healthful environment would offer the strongest environmental and public health protection provided by a state. Indeed, Maryland already asserted that we have such an environmental right. In 1973, Maryland’s General Assembly passed the Maryland Environmental Policy Act (MEPA), establishing and recognizing that every Marylander has the “fundamental and inalienable right to a healthful environment.” However, that right has yet to be enforced. Without enforcement, that right is a mere aspiration.

And while we all suffer from environmental degradation, communities of color and low income suffer disproportionately, experiencing greater concentrations of pollution and environmental harm and experiencing the medical, social and economic consequences that flow from such exposure. In a state still needing protective laws and lagging in enforcement, a constitutional right would motivate the passage and implementation of improved laws and regulations, and act as a true guardrail to prevent the most egregious forms of harmful actions now and for future generations. A constitutional right, as opposed to a regular law, would ensure that environmental protection is the highest obligation of the government, and not merely an aspirational goal.

The environmental human rights amendment would allow Maryland to be a healthier place to live through the reduction of environmental harms. As a constitutional guardian of our natural resources, Maryland officials would be: (a) constitutionally obligated to protect the right of all Marylanders to a healthful environment and thus its impact on the health of Marylanders, and (b) legally prevented from permitting egregious harm to natural resources that would violate this constitutional right.

The state would be obligated to address heavily degraded, overburdened, or polluted areas across the state. The state would likewise be obligated to remedy pressing public health disparities caused by environmental degradation and protect marginalized and BIPOC communities in the state of Maryland. An Environmental Human Rights amendment would empower all Marylanders, local communities and the state to protect and defend these fundamental rights.

The amendment would also provide a smarter way forward and serve as a backstop for better decision-making. This right would require state decision-makers to (a) consider the full extent of harm resulting from any given proposal and (b) consider whether a proposed project increases existing degradation - considering both individual and cumulative impacts of harm.

This toolkit will help explain and contextualize the amendment and provide resources for you to join the fight for the security of the environment's health for future generations.

Summary of the Maryland Constitutional Amendment - Environmental Human Rights

The proposed constitutional amendment will add two new protections in the Declaration of Rights section of the Maryland State Constitution.

Filed Amendment Language 2022: [HB596/SB783](#)

Preamble

WHEREAS, all living things are dependent upon the gifts of a healthful environment; and

WHEREAS, the full expression of human dignity is incompatible with a degraded environment; and

WHEREAS, a sustainable, regenerative ecosystem and stable climate are essential to support a vibrant society and economy; and

WHEREAS, access to a healthy and healthful environment is a birthright of all; now, therefore, let it be enacted:

- (A) That each person has the fundamental and inalienable right to a healthful and sustainable environment, and that right may not be infringed.
- (B) That the State, as trustee, shall protect, conserve, and enhance Maryland's natural resources, including its air, lands, waters, wildlife, and ecosystems, for the benefit of both present and future generations.

What would a constitutional right do?

Our state constitution is a contract between the people of Maryland and our state government. It defines expectations and responsibilities of both parties.

Ensure each person's enforceable right to a healthful environment

- Placing the right to a healthful environment in the Declaration of Rights section of our state constitution puts this right on par with other civil rights. It is self-executing and enables individuals to be heard in court if this right is violated.

Close the gaps in environmental laws, and act as a true guardrail to prevent the most egregious forms of harm

- The Maryland General Assembly reviews 2,000-3,000 bills during its 90-day sessions. The scale of the harm is outpacing our ability to address these injustices one law at a time.
- This measure would prevent the State or any political subdivision from causing unreasonable environmental damage as it would be an infringement on the rights of residents of the state of Maryland.

Strengthen state and local governments' ability to protect the environment

- Environmental rights amendments in other states have had the most impact in upholding state and municipal governments' right to protect public natural resources and make land use decisions in their jurisdictions.

Support stronger environmental laws and regulations to better protect the health of the environment and Marylanders

- Having a constitutional right to a healthful and stable environment provides the impetus to create new and stronger environmental laws and regulations to fulfill this right.

Preserve a healthful environment for future generations

- Decisions being made today by state and local governments will have an impact on the air, water, land, wildlife and ecosystems we leave for future generations. The Amendment would require the state to take the longview and protect Maryland's natural resources for the use and benefit of future generations.

How do Maryland registered voters feel about the Environmental Human Rights Amendment?

In a recent poll, 76% of Maryland registered voters favor protecting each person's right to a healthful environment in the Maryland state constitution, and the majority (69%) would vote to approve this amendment if the election were held today. More than half (52%) of Maryland registered voters said that having this amendment on the ballot would encourage them to turn out to vote in the November general election. Read more about the poll results [here](#).

Templates to Contact Legislators about Supporting the Maryland Constitutional Amendment - Environmental Human Rights

How to Find Your Representatives:

To locate your Maryland legislator's website and contact information, click on the link [here](#). Enter your address in the column on the left hand side. Once you hit the magnifying glass icon, a list of your elected officials should pop up. On the bottom left you will find a list of your state senator and delegate(s). If you click on their name, you will be able to find their phone number, email and what committees they sit on.

House and Senate Committees for the 2022 Amendment

Senate: [Judicial Proceedings](#)

Senate: [Education, Health, and Environmental Affairs](#)

House: [Environment and Transportation](#)

Information for Crafting your Letter:

The Environmental Human Rights amendment will protect the rights of all Marylanders to live in a healthful and stable environment, including its air, water, land, wildlife and ecosystems. It will recognize the state as trustee of Maryland's natural resources. Protecting everyone's right to live in a healthy environment in our state constitution and requiring the state to protect those rights resets the priority of the government to prioritize the health of the environment and the public - for all other rights and enjoyments of life depend on that.

It is important to show your support for the amendment for the following reasons.

- This amendment would legally protect the rights of all Marylanders to live in a healthful environment now and for future generations.
- It would require the state to protect these rights.
- It would provide a legal impetus for passing environmental legislation and enacting environmental regulations that will protect public and environmental health
- Communities of color and low-income neighborhoods currently unfairly bear the disproportionate burden of environmental pollution and degradation and the resulting health disparities.
- It is a moral issue that our state is choosing to put the interests of industry over the health of its citizens, especially of the frontline communities.

What will it do for the state and for communities? It would help us fight:

- Heat island effect and decreased life expectancies in our cities
- Nitrate pollution from CAFOs on the Eastern Shore
- Coal fired power plants in Anne Arundel, Allegany Counties
- Cumulative pollution in Baltimore City, Charles County, and Prince George's County
- Trash incinerators in Baltimore City and Montgomery County
- PFAS chemicals in drinking water, fish and oysters
- Microplastic pollution in our waterways, our human bodies, and our wildlife
- Air, land and water pollution from landfills
- The expansion of fossil fuel infrastructure

The amendment will not guarantee that we will win every battle. It is not a silver bullet against every environmental degradation. It cannot be used indiscriminately. But it will establish a principle and a legal expectation of compliance with the amendment.

[Examples of how environmental rights amendments have been used in other states.](#)

What does it take to pass a constitutional amendment?

The amendment (which is introduced as a bill in the General Assembly) must get $\frac{3}{5}$ or more votes in both the House and the Senate. Should it pass, it then goes on the ballot at the next general election. That is, if the amendment bill passes in the 2022 Session, it will be on the ballot in the November 2022 election. (The governor does not need to sign off on the amendment. Rather the amendment goes from the bill directly to the ballot.)

Actions for Groups:

- Write an advocacy letter to the chairs, vice-chairs, and members of the [above](#) committees. (see information above to help you craft your letter. [view our advocacy template letter for groups here.](#)) Please share a copy of your letter to organizer@mdehr.org
- [Add your organization to our organizational sign-on letter for 2022](#)
- Invite us to speak with you! Contact Nina Beth Cardin at nina@mdehr.org

Actions for Dignitaries/Maryland Civic Leaders

- [Sign the Dignitary sign-on letter](#)

Actions for Individuals:

- [Write an email letter to your state legislators](#)
- [Read and sign our petition](#)

- [Sign up for email campaign updates](#) so we can alert you to future actions as we rally support for the amendment.
- Follow us on Twitter [@mdehr4all](#), Instagram [@mdehr_](#), and Facebook [@mdehr4all](#)
- Invite us to speak with groups you are affiliated with. Email Nina Beth Cardin at nina@mdehr.org
- Share these educational resources: [Amendment Two Page Flyer](#), [Amendment One Page Flyer](#), [½ Page Flyer with QR Code](#), <https://www.mdehr.org>
- Volunteer as an “Ambassador” for the Environmental Human Rights Amendment, helping others understand the need for this amendment and helping them reach out to legislators to support this bill. Training provided. Email Deb Harris, MDEHR Volunteer Coordinator, at debharris13@gmail.com to learn more.

Frequently Asked Questions (FAQ)

[Click here for the complete FAQ document](#)

1. Maryland has a robust system of environmental laws, why do we need something more?

Despite Maryland's existing environmental protection laws, we face significant environmental problems, including, but not limited to, contaminated drinking water, communities living next to highly contaminated sites that are harming human health and reducing property values, and air pollution causing asthma attacks in children and harming the health of Maryland communities. Not only do our state laws allow significant harms on a case by case basis, but they are allowing cumulative impacts to go unconsidered and unaddressed. Communities of color and low income communities continue to be unfairly targeted as locations for heavy polluting industries. Most Maryland environmental laws adopt the review, permitting and management approach rather than a focus on prevention first. Enforcement is often lagging or weak. Gaps in the law are allowing harmful pollution and environmental degradation to advance unaddressed. As we see in other areas of law, such as civil rights, these deficiencies can best be addressed by the overarching protections provided by the state constitution's Declaration of Rights.

2. How is a constitutional amendment better than legislation?

Constitutional rights cannot be waived or displaced by acts of the legislature. Constitutions provide the overarching legal structure, principles and obligations to which all branches of government must conform. Therefore a constitutional amendment will ensure environmental protection is considered throughout the decision-making process when harm can best be addressed and prevented. It will ensure environmental rights are given the same protection as other rights. This amendment provides the foundation for communities to seek environmental protections when their rights have been infringed upon by the government.

3. How will a constitutional environmental human rights amendment help communities meet standing requirements when seeking environmental redress?

Before anyone can have access to a court to fight for their rights, they must have "standing." That is, the court must find that they have sufficient interest and injury (or threat of injury) to be heard by the court. Currently, Maryland has a patchwork of environmental standing laws that only provide standing in limited situations. For

instance, the Maryland Court of Appeals has found that the Maryland Environmental Standing Act does not “expressly include judicial review of an administrative proceeding,” so the public has no judicial recourse for a state or local permitting decision that could have significant impacts on their water, air, or environment. Creating a constitutional right to healthful environments will support standing when there is a claim that the government has acted in a way that will infringe on constitutional environmental rights – e.g. have contaminated the water or air in dangerous ways that harm human health for surrounding communities -- even if there is no specific regulation or law that would otherwise allow impacted individuals or communities to bring a legal challenge to the specific government action taken. And notably, standing rights enumerated through legislation or regulation, unlike fundamental constitutional rights, can be altered or taken away by the legislature at any time.

4. What other states currently have environmental rights amendments?

Pennsylvania and Montana have had environmental rights provisions in their Declaration of Rights segments of their constitutions since the 1970s. Illinois, Hawaii, and Massachusetts put substantive environmental rights elsewhere in their state constitutions also in the 1970s. Rhode Island passed theirs in the 1980s. The New York legislature passed the environmental rights amendment in February of 2021 and the New York State voters ratified their environmental rights amendment in November 2021, the first in over 30 years. In addition, environmental rights amendments are being advanced in New Jersey, New Mexico, Maine, West Virginia along with ten other states.

Get Involved with the Environmental Justice Coalition

The Environmental Justice Coalition is the first grassroots, youth-led movement mobilizing the next generation of activists in the fight for intersectional environmental justice and uplifting BIPOC, low-income, and marginalized communities most impacted by environmental racism and injustices through political advocacy, policy development, community organizing, educational initiatives, and content creation. We are working towards a future in which there is fair and equal treatment, equitable distribution of resources, and meaningful involvement of all people regardless of race, ethnicity, gender identity, sexuality, or income level in the development, implementation, and enforcement of sustainable environmental laws, regulations, and policies on the local, state, and federal level.

For position descriptions, eligibility requirements, sample projects, and application forms, please visit our [Job Board](#) to learn more about joining our executive team, enrolling in our fellowship program, or becoming a staff writer and reach out to team@environmentaljusticecoalition.org with any questions!

Follow the Movement

Website: www.environmentaljusticecoalition.org

Instagram: [@environmentaljusticecoalition](https://www.instagram.com/environmentaljusticecoalition)

Facebook: [Environmental Justice Coalition](https://www.facebook.com/EnvironmentalJusticeCoalition)

Linkedin: [Environmental Justice Coalition](https://www.linkedin.com/company/environmental-justice-coalition)

Medium: medium.com/environmental-justice-coalition

Twitter: [@envjustco](https://twitter.com/envjustco)

Linktree: linktr.ee/environmentaljusticecoalition

Get Involved with the Maryland Campaign for Environmental Human Rights

The mission of the Maryland Campaign for Environmental Human Rights is to advocate for passing a state constitutional amendment to protect each person's right to a healthful and stable environment in Maryland. We are a community of individuals and organizations who value a healthful environment which supports healthy communities in Maryland. We believe that constitutionally protecting each person's right to a healthful and stable environment is part of the solution to prevent egregious harm to our fellow humans, air, land, waters, wildlife, and ecosystems. Focusing on the word human is intentional. Each person has a fundamental right to a healthful environment, it just isn't protected and enforced. The time is now to take this step and do what is needed to ensure a healthful environment for current and future generations.

Join us in our campaign to amend our constitution and protect this right.

- Follow MDEHR on [Twitter](#), [Instagram](#), [Facebook](#), and [YouTube](#)
- Sign up for [email updates](#) about the latest news, actions and events
- Sign [our petition](#) to ask the leadership of the Maryland General Assembly to support the Amendment and bring it to a vote on the floor of both chambers.
- Write your state legislators about your support of the Environmental Human Rights Amendment. [Use our email letter template here.](#)
- Volunteer with our campaign. Email Deb Harris, MDEHR Volunteer Coordinator, at debharris13@gmail.com to learn more.