Constitutional Amendment: Environmental Rights

What the amendment says:
- Everyone has a fundamental and inalienable right to a healthful environment, including clean air, water, land, and a stable climate.
- The state is a trustee of Maryland's natural resources.
- Trustees are responsible for protecting those resources for both current and future generations.

Where would the amendment be placed:
- In the Declaration of Rights (the MD state constitution's Bill of Rights) putting it on par with all other civil rights.
- It would be self-executing, enforceable without needing further legislative actions.

What would an amendment do:
- Protect these rights regardless of the political landscape.
- Take a holistic approach to protect the environment and the public. Fill in gaps of existing law.
- Provide legal protection against environmental degradation that causes health disparities.
- Help local governments encourage smart growth and development which can reduce costs.
- Change expectations and the way government operates, making environmental and public health a priority.

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Background

Maryland Environmental Policy Act (MEPA)

In 1973, the General Assembly passed the Maryland Environmental Policy Act (MEPA) which explicitly recognized that “each person has the fundamental and inalienable right to live in a healthful environment”.

State agencies were charged with creating “methods and procedures” to pursue and protect this right. Most have not. There is no legal remedy to force them to do so.

Environmental Pollution and Health Disparities

Unfortunately, as a result, too often the interests of private industry are prioritized over the health of Maryland’s residents.

According to research conducted by students at the Johns Hopkins Bloomberg School of Public Health, two hundred pollution-emitting facilities are concentrated in a 2.5-mile radius in South Baltimore, and Maryland public health data reports increased health disparities in Baltimore.

Excess air pollution in South Baltimore leads to health disparities

Protect Environmental Rights

The Constitutional Amendment - Environmental Rights would provide residents of South Baltimore – and others around the state who are burdened with environmental harms or threatened with new ones - with a legal foundation to fight for their rights.

For further information, contact nina@mdehr.org