



February 8, 2026

Dear Members of the Committee on Agriculture and Environment,

My name is Maya K. van Rossum. I am an environmental advocate and attorney. I am the Founder of Green Amendments For The Generations. I have published numerous books & articles, and presented as an expert nationwide, on the value and importance of constitutional recognition of environmental rights.

With the passage of SB2478, Hawai'i has the opportunity to:

- ✓ be the 4th state in the nation to provide a Green Amendment that gives highest protection to environmental rights, and
- ✓ to leave a powerful legacy of environmental protection that will withstand the vagaries of political change.

Three states currently have constitutional environmental rights protections similar to what is being proposed in SB2478 – Pennsylvania, Montana and New York. In these three states, giving environmental rights the same highest legal standing given to other cherished freedoms such as speech and religion is working well. Green Amendments similar to SB2478:

- are not displacing existing laws, but instead are strengthening their interpretation and application;
- are providing legal protections in those instances when there is a gap or loop hole in the law (e.g. PFAS; data centers); and
- are proving beneficial for advancing environmental justice and to help address the serious issue of climate change.

In the 3 states with similar amendments, there have been zero frivolous lawsuits, and to the extent legal action has been pursued, it has been to address serious issues of community concern.

SB2478 does not usurp the police powers of government and the fundamental ability of the legislature to enact laws and take measures to advance the common good of its citizenry. Instead, it offers the guidance and the vision for environmental protection the people of Hawai'i want to see from their government.

SB2478 will provide communities, as well as government, a constitutional pathway to avoid environmental harm and secure needed protections when the laws as written fail to do so.

- ⇒ To the extent existing laws are providing the environmental protections needed, the constitutional environmental rights amendment will serve as silent support.
- ⇒ But in those times when existing laws are not ensuring environmental rights are honored, the amendment can provide a backstop and foundation for good government officials and impacted communities to secure needed protections.

While Hawai'i has a well-developed system of environmental protection laws there will always be unique situations the law could not or did not fully address; and over time there will always be new and impactful technologies and contaminants that the law has yet to address (e.g. PFAS, data centers). For these situations, the constitutional right will empower government and impacted communities to advance and secure needed protections.

By ensuring that every level and arm of government –state, county and city level, and legislative, executive and judicial branches -- are embracing environmental rights protection as part of their day to day work, passage of the proposed environmental rights amendment put forth by SB2478 will help identify environmental concerns earlier in the decisionmaking process, when the opportunities to remedy and avoid harmful environmental impacts can be more accessible, cost effective and impactful.

While avoiding legal action is a goal of the amendment, if the courts do become involved, it will not be to displace the legislative or executive branches of government. As with other constitutional rights, the role of the courts will be to determine if the government action at issue meets constitutional muster, and leave it to the other branches of government to remedy any constitutional deficiencies identified. And notably, because the amendment is focused on government action, it will not support legal action between private parties.

With the proposal of SB2478, and its companion HB1932, Hawai'i is helping to lead the way in recognizing the importance and value of giving constitutional recognition and protection for the inalienable, human right, of all people to a clean, safe, and healthy environment. Constitutional Green Amendments are being advanced by communities nationwide – with proposals put forth in over 20 states. Many are looking to the proposal here in Hawai'i for both guidance and inspiration.

Thank you for the opportunity to comment.

With respect and regards,



Maya K. van Rossum
Founder/Leader