



February 22, 2021

Dear Members of the Senate Judiciary Committee and the Senate Ways and Means Committee

*Re: SB502 SD1 – The Right to a Clean and Healthy Environment*

We are writing in support of SB502 SD1, the proposal to add environmental rights to the Bill of Rights of the Hawaii Constitution.

While Hawaii's constitution Article XI Section 9 speaks to the importance of having environmental rights protection for the people of Hawaii, it fails to put those rights on par with the other fundamental rights we hold dear and instead leaves them to a lower level of protection. In addition, the Article XI Section 9 placement and language leaves environmental rights to be defined by our legislators and therefore subject to the politics of the day.

In contrast to our current constitutional environmental rights language, the proposed Bill of Rights Environmental Rights Amendment will raise up our environmental rights so they become part of the guiding obligations and principles for all government action and legislation and, as with other Article I rights, are protected from government overreach and infringement. Article 1 placement also ensures that all state government, including branches, agencies and subdivisions, are constitutionally bound to protect the environmental rights of Hawaiians.

Adding environmental rights to our Hawaii Bill of Rights will ensure that environmental protection and environmental justice are given high priority and that there is a focus on preventing environmental pollution and degradation throughout government decisionmaking when there is the best opportunity for preventing harm.

It is important and noteworthy that the cultural environmental values of Hawaii's Native communities receive explicit protection in the proposed amendment; as do the human health benefits of a quality environment. In addition, recognizing the natural and scenic values of the environment will require that the natural beauty, ecosystem support, recreational and quality-of-life values so important to Hawaii are also given priority in thoughtful decision-making.

Bill of Rights protection will also ensure that when there are competing interests, environmental protection and rights will be part of the balancing of rights to be protected, rather than becoming subservient to other asserted rights, goals and needs.

Securing Bill of Rights protection for our environmental rights is not intended to, nor would it be expected to, prevent industry, development or economic growth in our state. But it will ensure that business, industry and economic development advance sustainably and in ways that protect environmental interests, justice and rights. Environmental protection and economic development are not mutually exclusive, in fact they are inextricably connected – a healthy economy depends on a healthy environment, healthy communities and healthy people. The proposed environmental rights amendment will ensure that as we grow jobs and our economy, we also protect the environment for the health and safety of present and future generations.

In addition to helping protect our communities from damaging actions and decisions, the amendment will provide a powerful foundation on which our Hawaii government officials can conceive and advance protection laws, policies, programs and decisions.

We all need clean water and air, a stable climate and healthy environment to live healthy, long and good quality lives. And so it is just and right that we should ensure our environmental rights are protected as firmly and powerfully as the other fundamental rights we hold dear.

With Respect and Appreciation,

Signed:

*Lauren Blickley, Hawaii Regional Manager, Surfrider Foundation*

*Dyson Chee, Hawai'i Youth Climate Coalition*

*Ted Bohlen, Climate Protectors Coalition*

*Ted Bohlen, Hawaii Reef and Ocean Coalition*

*Maya K. van Rossum, Founder, Green Amendments For The Generations*