

Introduced by: Councilmember Burnett

DM Bulak, Henry
SWEED, Scott, Middleton,
Date: February 7, 2020

Prepared by: Department of Legislative Reference

Referred to: RESOLUTION Committee

*McCray /
Clarke
Risinger*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 20-0198R

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Request for State Action – Establish a Maryland Constitutional Right for Environmental Justice and Equity

FOR the purpose of calling on the General Assembly to pass and the Governor to support House Bill 517, which would enable an amendment to the Maryland Constitution guaranteeing clean air, clean water, a stable climate, and a healthy and more equitable environment for all Marylanders to be placed on the ballot for referendum by Maryland voters.

[Handwritten signatures: R. Mansley, J. Sweeney, Shannon M. Sweeney, Edw. Risinger, and others]

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other: _____
Other: _____	Other: _____
Other: _____	Other: _____
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other: _____	Other: _____
Other: _____	Other: _____
Other: _____	Other: _____

Boards and Commissions

Board of Estimates	Board of Ethics
Board of Municipal and Zoning Appeals	Board of Municipal and Zoning Appeals
Comm. for Historical and Architectural Preservation	Comm. for Historical and Architectural Preservation
Commission on Sustainability	Commission on Sustainability
Employees' Retirement System	Employees' Retirement System
Other: _____	Other: _____
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**CITY OF BALTIMORE
COUNCIL BILL 20-0198R
(Resolution)**

Introduced by: Councilmember Burnett, President Scott, Councilmembers Dorsey, Bullock,
Henry, Cohen, Pinkett, Sneed, Middleton, McCray, Clarke, Reisinger
Introduced and adopted: February 10, 2020

A COUNCIL RESOLUTION CONCERNING

**Request for State Action – Establish a Maryland Constitutional Right for
Environmental Justice and Equity**

FOR the purpose of calling on the General Assembly to pass and the Governor to support House
Bill 517, which would enable an amendment to the Maryland Constitution guaranteeing clean
air, clean water, a stable climate, and a healthy and more equitable environment for all
Marylanders to be placed on the ballot for referendum by Maryland voters.

Recitals

The right of all Marylanders to clean water, clean air, stable environment, and a healthy and
more equitable environment is not assured or protected in either the State or the United States
Constitution.

The federal government has failed to adequately address these issues and is instead
overseeing an unprecedented rollback of critically important laws and policies. Indeed, recently,
the Baltimore Sun has reported that federal Environmental Protection Agency (EPA) has begun
to back away from its statutory requirements to protect our Chesapeake Bay.

Maryland is nationally recognized as an environmental leader in terms of policies that protect
against the worst impacts of environmental degradation, but state agencies no longer have the
resources to enforce our laws designed to protect public health and the environment.

Notwithstanding the progress the State has made, 88% of Marylanders live in counties that do
not meet clean air standards set by the EPA. In Baltimore, in 2015, the Wheelabrator Baltimore
incinerator emitted roughly double the amount of greenhouses gases per unit of energy produced,
on average, by each of the 7 coal plants located in Maryland. Fine particle air pollution from the
Wheelabrator Baltimore incinerator causes over \$20 million in adverse health effects annually in
the State of Maryland with many of the adverse health effects being experienced by poorer
communities. This information led the City Council to pass the Baltimore Clean Air Act in 2019
to require that the emissions from our solid waste incinerators are better regulated.

Much of the State is at risk from rising sea levels, and Marylanders have lost hundreds of
millions of dollars in property-value appreciation because of increased tidal flooding. Climate
change is already disproportionately impacting the most vulnerable, including the elderly, the
very young, the poor, and those in neighborhoods, many here in Baltimore, already over-
burdened with our pollution and waste.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

Council Bill 20-0198R

1 State and federal regulations contain loopholes that legally allow excessive polluting to
2 occur, ignoring the cumulative impact of hundreds of discrete pollution sources – thereby
3 harming the health of our families, friends, and communities.

4 A clean and healthy environment is an essential component to a person’s health and
5 longevity. 71% of Marylanders said in 2019 that they were concerned about the personal impacts
6 of extreme weather and climate threats – with 33% stating that they were “very” concerned.
7 Moreover, 77% of Marylanders reported being concerned about the limited, negative, or lack of
8 action from the federal government.

9 House Bill 517, the proposed Green Amendment for Environmental Health and Justice,
10 would elevate the public’s awareness of their right to a healthy environment, bolster a standard of
11 health of all laws and regulations, and increase the public’s access to justice.

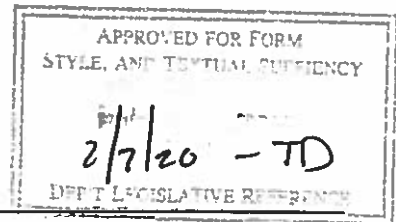
12 House Bill 517 would amend the State Constitution to specify that the State’s natural
13 resources are the common property of every person and that the State serves as a trustee of those
14 resources for the benefit of each and every Marylander, now and in the future. In regard to that
15 right and their role as trustees, the State and its subdivisions should prohibit the unreasonable
16 diminution of our natural resources.

17 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
18 Council believes that it is time for us to amend our State Constitution to enshrine each citizen’s
19 inalienable right, regardless of socio-economic status, to clean water, clean air, a stable climate,
20 and a healthy environment.

21 **AND BE IT FURTHER RESOLVED,** That the Council calls on the General Assembly to pass and
22 the Governor to support House Bill 517, which would enable an amendment to the Maryland
23 Constitution guaranteeing clean air, clean water, a stable climate, and a healthy and more
24 equitable environment for all Marylanders to be placed on the ballot for referendum by Maryland
25 voters.

26 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to Honorable
27 Chairs and Members of the Baltimore City House and Senate Delegations to the Maryland,
28 General Assembly and the Mayor’s Legislative Liaison to the City Council.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____ R
(Resolution)



Introduced by: Councilmember Burnett

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

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Maryland is nationally recognized as an environmental leader in terms of policies that protect against the worst impacts of environmental degradation, but state agencies no longer have the resources to enforce our laws designed to protect public health and the environment.

Notwithstanding the progress the State has made, 88% of Marylanders live in counties that do not meet clean air standards set by the EPA. In Baltimore, in 2015, the Wheelabrator Baltimore incinerator emitted roughly double the amount of greenhouses gases per unit of energy produced, on average, by each of the 7 coal plants located in Maryland. Fine particle air pollution from the Wheelabrator Baltimore incinerator causes over \$20 million in adverse health effects annually in the State of Maryland with many of the adverse health effects being experienced by poorer communities. This information led the City Council to pass the Baltimore Clean Air Act in 2019 to require that the emissions from our solid waste incinerators are better regulated.

Much of the State is at risk from rising sea levels, and Marylanders have lost hundreds of millions of dollars in property-value appreciation because of increased tidal flooding. Climate change is already disproportionately impacting the most vulnerable, including the elderly, the very young, the poor, and those in neighborhoods, many here in Baltimore, already over-

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

burdened with our pollution and waste.

State and federal regulations contain loopholes that legally allow excessive polluting to occur, ignoring the cumulative impact of hundreds of discrete pollution sources – thereby harming the health of our families, friends, and communities.

A clean and healthy environment is an essential component to a person's health and longevity. 71% of Marylanders said in 2019 that they were concerned about the personal impacts of extreme weather and climate threats – with 33% stating that they were “very” concerned. Moreover, 77% of Marylanders reported being concerned about the limited, negative, or lack of action from the federal government.

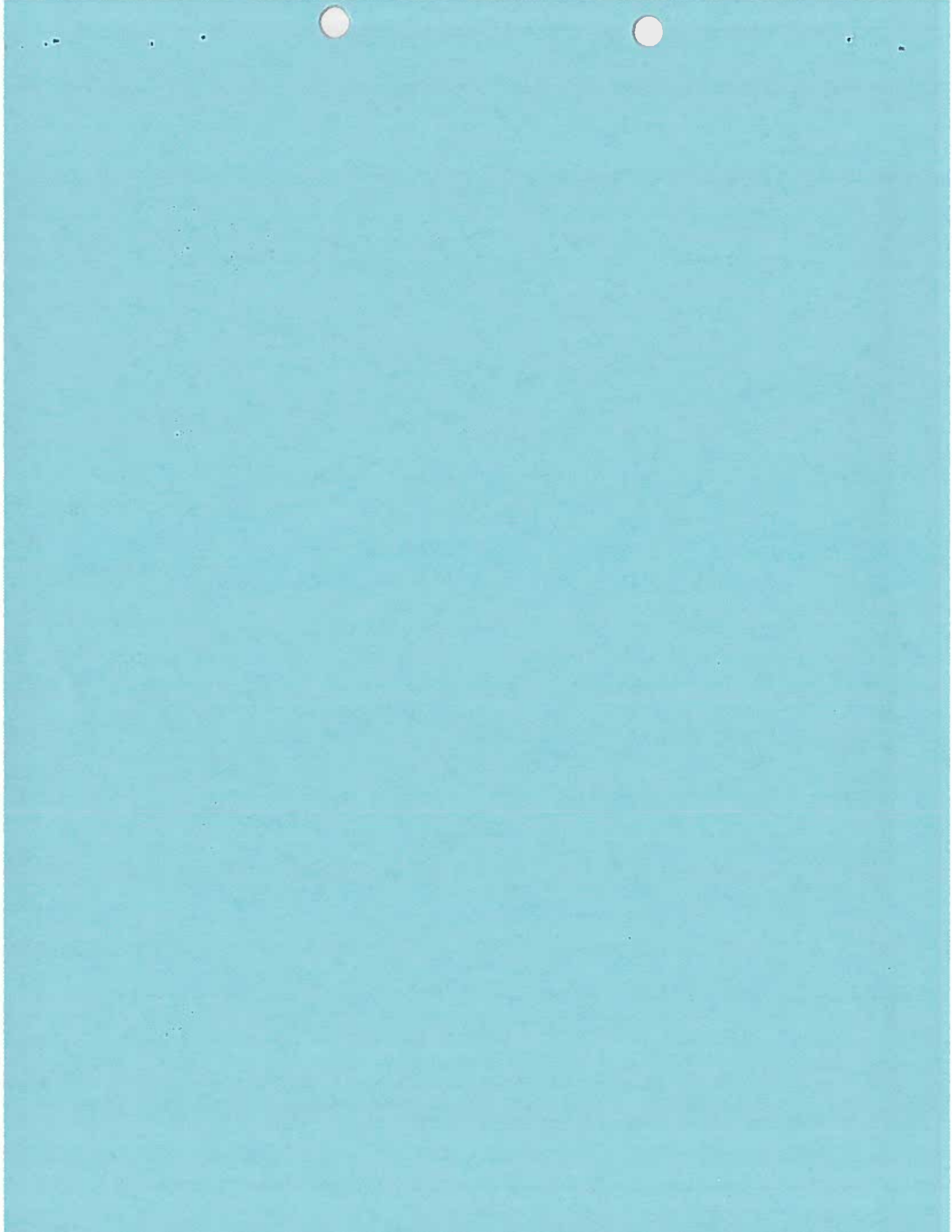
House Bill 517, the proposed Green Amendment for Environmental Health and Justice, would elevate the public's awareness of their right to a healthy environment, bolster a standard of health of all laws and regulations, and increase the public's access to justice.

House Bill 517 would amend the State Constitution to specify that the State's natural resources are the common property of every person and that the State serves as a trustee of those resources for the benefit of each and every Marylander, now and in the future. In regard to that right and their role as trustees, the State and its subdivisions should prohibit the unreasonable diminution of our natural resources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council believes that it is time for us to amend our State Constitution to enshrine each citizen's inalienable right, regardless of socio-economic status, to clean water, clean air, a stable climate, and a healthy environment.

AND BE IT FURTHER RESOLVED, That the Council calls on the General Assembly to pass and the Governor to support House Bill 517, which would enable an amendment to the Maryland Constitution guaranteeing clean air, clean water, a stable climate, and a healthy and more equitable environment for all Marylanders to be placed on the ballot for referendum by Maryland voters.

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ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____ Feb 10 20 20

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk