



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 502, S.D. 1, PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY ENVIRONMENT.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Tuesday, February 23, 2021 **TIME:** 10:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Robyn Chun,
Deputy Attorney General, at 808-586-0618)

Chairs Rhoads and Dela Cruz and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill proposes an amendment to article I of the Constitution of the State of Hawaii to add a new section that provides in part that “[e]ach person has a right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.”

The amendment proposed by this bill appears to be unnecessary as the Constitution of the State of Hawaii already recognizes the importance of a clean and healthy environment. See article XI, section 9 (“Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality”). See *also* article XI, section 1 (“[a]ll public natural resources are held in trust by the State for the benefit of the people.”).

While access to a clean and healthy environment, pure water, clean air and healthy ecosystems are indisputably important goals that the State should aspire to, unlike article XI, section 9, the amendment proposed by this bill provides that it is “self executing,” which means it does not require implementing legislation. Without any additional legislation that sets standards or requirements for a clean and healthy

environment, the amendment proposed by this bill is too general and ambiguous to be implemented and enforced.

Further, the elevation of these goals to the level of inalienable rights under the State Constitution may have unintended consequences that will lead to increased litigation against the State to enforce these constitutional rights.

The amendment made by Senate Draft 1 deleted the wording that would have provided that the reserved environmental rights "may not be diminished through the interpretation or implementation of Article XI, Section 9." This change did not address the foregoing comments.

Thank you for the opportunity to testify on this bill.

SB-502-SD-1

Submitted on: 2/21/2021 8:30:00 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii Reef and Ocean Coalition	Testifying for Hawaii Reef and Ocean Coalition	Support	No

Comments:

To: The Honorable Karl Rhoads, Chair, the Honorable Jarrett Keohokalole, Vice Chair, and members of the Senate Committee on Judiciary, and

The Honorable Donovan Dela Cruz, Chair, The Honorable Gilbert Keith-Agaran, Vice Chair, and members of the Senate Committee on Ways and Means

From: Hawaii Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing SB 502 SD1–PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY ENVIRONMENT.

Decision Making Hearing Tuesday, February 23, 2021 10:30 am, Room 211 and videoconference

Aloha Chair Rhoads, Vice Chair Keohokalole and members of the Committee on Judiciary, and Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

Position: **The Hawaii Reef and Ocean Coalition STRONGLY SUPPORTS SB502 SD1!**

The HAWAII REEF AND OCEAN COALITION – HIROC – was formed in 2017 by coral reef scientists, educators, local Hawaii environmental organizations, elected officials, and others to address the crisis facing Hawaii’s coral reefs and other marine life.

This Bill proposes a constitutional amendment to Article I, the Hawaii Bill of Rights, which, if approved by voters, would guarantee individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. The inclusion of this self-executing fundamental right in Article I would complement, not be redundant with, the existing recognized role of government as public trustee in Article IX.

HIROC particularly applauds the inclusion of **healthy ecosystems and a stable climate** in the rights that would be guaranteed in this amendment, if adopted, as they would directly affect the public interest in the health of coral reefs and other aquatic life. HIROC was formed out of concern for this overlooked (and typically degraded) public interest.

Environmental threats are growing worse and we are facing an existential climate crisis and rapid declines in aquatic life. Because a stable climate and healthy environments are not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic needs can become an afterthought in government decision making, and sometimes is not considered at all. This bill could begin to rectify that deficiency. The sooner the rights to a clean and healthy environment, pure water, clean air, stable climate, and healthy ecosystems are recognized as fundamental rights, the better the future will be for our children, oceans, coral reefs and other marine life.

Mahalo for the opportunity to testify! Please pass this very important legislation!

HAWAI'I REEF AND OCEAN COALITION (by Ted Bohlen).



February 21, 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

I would like to offer this comment regarding SB502 SD1, the proposal to add environmental rights to the Bill of Rights of the Hawaii Constitution.

My name is Maya van Rossum, I am an attorney, leader of the organization Green Amendments For The Generations, and author of the book titled *The Green Amendment, Securing Our Right to a Healthy Environment*, focused on the power and importance of Bill of Rights constitutional recognition and protection of environmental rights.

Adding Environmental Rights to the Hawaii Constitution's Bill of Rights will provide important and valuable additional protections for the natural resources and the people of Hawaii.

The Environmental Rights Amendment proposed by SB502 SD1 is an important addition to the Hawaii Constitution, providing a new and important tool for protecting the natural resources of the state and the ensuring the environmental rights of Hawaii's people are given the same high level protect that is given to other fundamental rights like speech, religion, property, and civil rights.

While Hawaii has in place important environmental protections in its constitution as recognized and applied by the courts, SB502 SD1 will help fill a significant gap that will strengthen the goal of recognizing enforceable environmental rights that belong to all the people of Hawaii.

Article XI, Section 1 establishes the state of Hawaii as trustee of the natural resources of the state to be protected for present and future generations. The courts have effectively interpreted this trustee obligation as providing important substantive and procedural protections.

Article XI, Section 9 is significantly different. While the provision promises that "Each person has the right to a clean and healthful environment" that right is defined by the laws passed by state government. That dependence on legislation, and the failure to be self-executing by its terms provides significant limitations on the asserted right, can subject environmental rights to the politics of the day, and can deny critical protections in those areas where the law is not strong enough or there is a gap in legislative protection. By contrast, SB502 SD1 will put in place a self-executing right to a healthy environmental that belongs to all the people of Hawaii and will ensure that environmental rights are given the same strength and constitutional standing as other fundamental rights such as private property rights; and the additional substantive and procedural protections discussed below will provide a more assured and robust set of protections that apply when and where the people need them.

In addition to ensuring the right to pure water, clean air, healthy ecosystems and a stable climate, the proposed language gives specific voice to other important environmental values. Notably, the cultural environmental values of Hawaii's indigenous communities receive explicit protection. This

will be a powerful complement to other constitutional language and state efforts focused on preserving and protecting customary and traditional Native Hawaiian rights. The human health values of the environment are also highlighted as critical for protection. And recognizing the natural and scenic values ensures that the natural beauty, the ecosystem support, the recreational and the quality-of-life values so important are also given a priority place in thoughtful decision-making.

Article I protection of environmental rights will require and strengthen important procedural and substantive environmental rights protections.

Article 1 placement requires each branch of state government to consider the environmental effects of any proposed action on the constitutionally protected rights in advance of proceeding. Informed decision-making is a constitutional pre-requisite to taking action that could infringe upon environmental rights— as explained by the Pennsylvania supreme court when assessing a similar Bill of Rights environmental rights provision: “The failure to obtain information regarding environmental effects does not excuse the constitutional obligation because the obligation exists *a priori*¹ to any statute purporting to create a cause of action.”

In addition, as happens with other fundamental rights, placement of this language in Article I and as self-executing will ensure that government prioritize environmental protection and work to avoid environmental pollution and degradation as part of the decision-making process; when there is the best opportunity for preventing harm including (but not limited to) when crafting and implementing legislation and regulations, when issuing permits, approving development, and considering how to address ongoing environmental concerns.

Placement in Article I ensures environmental rights are protected on par with other fundamental rights (e.g., speech, due process, property rights) and ensures fair balancing of rights when needed. For example, if both property and environmental rights might be affected by government action then both must be considered, balanced and protected by the final outcome. This on par balancing is not constitutionally assured by the current Article XI Section 9 language as it is not in the Bill of Rights.

Article I placement will help ensure that in those instances when government does knowingly infringe on environmental rights there is a compelling state interest and there has been a conscious effort to minimize the impacts on the right, i.e., minimize environmental harm.

The recognition of individual environmental rights will strengthen environmental justice protections, ensuring all government officials at every level of government are constitutionally required to protect the environmental rights of all people and communities equitably, regardless of race, ethnicity, wealth and geography, and ensure that government may not consistently/repeatedly sacrifice the rights of one person or community for the benefit of others.

¹ “Latin, is concluded from what has happened previously and that certain affects must by necessity will follow.” A PRIORI

The self-executing nature of the proposed amendment is part of its tremendous value.

Allowing the right to a clean and healthy environment to only be defined by the laws on the books as is the case with Article XI, Section 9, seriously undermines, and can even deprive people of their environmental rights.

Environmental laws are often not strong, inclusive or comprehensive enough as evidenced by ongoing environmental harms in the state; are defined by the politics of the day; and are more focused on managing and permitting pollution at the end of the decisionmaking process rather than preventing environmental degradation, pollution and harm throughout the decisionmaking process. By raising up environmental rights to the Bill of Rights level – i.e rights the people reserve unto themselves to be protected from government infringement -- HB502 SD1 ensures that while environmental rights are to be informed by legislation the constitutional right is different than simply complying with the laws on the books.

Article 1, self-executing protection ensures that if science, cumulative impacts, existing conditions, or environmental justice concerns demonstrate that stronger environmental protections are needed, the constitution can ensure they are provided.

In addition, a self-executing provision will fill the gaps where there is not yet a law to address a serious environmental condition or threat, until legislative protections can catch up. This ability to rely upon the constitution for needed protections in the absence of existing law is irreplaceably important. For example, had there been a constitutional self-executing environmental right years ago, there could have been the tool in place necessary to avoid the harms of PFAS contamination or to ensure stronger and earlier action to address the threat and harm it was inflicting on the environment and human health in the state.

A self-executing provision will also ensure environmental rights are included in the fair balancing of fundamental rights when they will be impacted by government decisionmaking. For example, if both property and environmental rights might be affected by government action then both must be considered, balanced and protected in the final outcome. The requirement for protection and priority consideration in balancing cannot be simply legislated out of existence.

And a self-executing provision will ensure government prioritizes prevention of environmental harm as part of the decision-making process; when there is the best opportunity for avoiding harm.

The language in the proposed amendment is appropriately broad.

As expressed by Senator Franklin Kury, the lead legislative sponsor for Pennsylvania's environmental rights amendment: "... amendments like those in the U.S. Bill of Rights should be broadly drafted so their vitality would carry well into the future."

Broad language is characteristic of protected Article I rights. The terms 'pure water', 'clean air', 'healthy ecosystems', 'stable climate' are no less clear than the language in other Hawaii Bill of Rights provisions, e.g., the right to "peaceably to assemble", the "right of the people to privacy", the right to be free from "excessive bail"; these terms are all open to interpretation.

As with other language in the Bill of Rights, there is a well exercised and understood process for defining key terms as these:

- ⇒ definition will begin with the legislative and executive arms of government through passage of legislation, regulations, policies, and decision-making that respects and protects the rights.
- ⇒ It is then incumbent on the people and the courts to challenge and/or support such decisions through the judicial system, which will provide further refinement, guidance and understanding as to how these terms are to be applied and fulfilled.

Hawaii's government officials, courts and justices are well-equipped to define, interpret and apply constitutional environmental rights language using standard principles of legislative interpretation and constitutional law – they have done so successfully with other Article 1 amendments; they are well equipped to do so for environmental rights as well.

Article I recognition of environmental rights is a powerful tool for good government actors including legislators, municipal officials, the Attorney General's Office, and others.

While the amendment will be a tool to prevent environmental harm, it will also provide legislators, regulators, the attorney general's office and others in government the constitutional grounding upon which to advance positive and strengthened environmental protections.

In Pennsylvania that is one of only 2 states that currently recognize self-executing environmental rights in their state constitution Bill of Rights, the obligation to protect the rights of the people to a clean and healthy environment has been used by legislators as a foundation for advancing environmentally protection legislation; by the governor to veto legislation that would undermine the ability of local communities to put in place stronger environmental protections they deem necessary; by the Attorney General to support important environmental enforcement actions; and local municipalities to support protective environmental decisions.

Given the Hawaii Attorney General's testimony on this matter, I include at the end of my comments a number of examples of how the PA Attorney General has benefitted from the existence of a Bill of Rights environmental right in that state.

Article I protection of environmental rights will ensure environmentally sustainable and protective economic development.

While it has been suggested that the proposed environmental rights amendment will stymie economic development in Hawaii, this is not the intent, and in practice this has not been the result of these important amendments in the two states where they currently exist, Pennsylvania and Montana.

First and foremost, advancing Bill of Rights recognition for environmental rights is about protecting the people and the natural resources they depend upon. Constitutional environmental rights are not intended to prevent development or economic growth; but instead to ensure that industry and business advance sustainably, using standards and practices that best protect the environment and other constitutional rights, like the property rights of those that would be harmed by migrating pollution for example.

In addition, constitutional environmental rights protection will enhance economic development by encouraging sustainable, environmentally protective, and innovative development, industry, and businesses that support jobs and economic growth but at the same time avoid the economic, health and safety harms that result from environmental pollution and degradation. The environmental rights amendment will provide a powerful incentive and mandate for government officials to render decisions and advance businesses in ways that accomplish economic and business objectives, while at the same time protecting water, air, soils, food, forests, wetlands, climate and other natural resources critical to sustaining healthy, safe and successful lives and economies.

In Pennsylvania and Montana, the two states with Bill of Rights protection for environmental rights, the legal actions filed have not been to stymie economic development but rather to address serious issues of public concern – protecting drinking water, supporting government action to secure responsible party clean-up of toxic contamination, and protecting local zoning authority intended to protect local environments. In PA and MT, legislators, regulators, the state attorney general, the governor, town councils and the courts have successfully used the constitutional language to protect the environment while balancing multiple community interests including property rights and economic development.

In Hawaii, where environmental protection is so deeply honored and valued as part of the culture, beliefs, way of life and economy, SB502 SD1 becomes a powerful value-added tool for advancing economic development that also ensures environmental protection.

I hope you find this information helpful in understanding how SB502 SD1 is an important, meaningful and powerful step forward for advancing environmental protection and environmental justice in Hawaii.

With respect, regards and appreciation,



Maya K. van Rossum
Founder/Leader/Attorney
Green Amendments For The Generations

Addendum: Attorney General Uses in Pennsylvania of Bill of Rights Environmental Rights

March 30, 2017: [Attorney General Shapiro Announces \\$30.4 Million Settlement with Volkswagen for Environmental Damages](#)

“I’m fighting to ensure a healthy environment for Pennsylvanians and protect their right to clean air and pure water,” Attorney General Shapiro said in announcing the settlement. “In this settlement, our prosecutors have addressed the serious harms caused by Volkswagen’s emissions device and its conscious cheating that resulted in excessive, illegal amounts of pollutants fouling the air across our Commonwealth.”

June 5, 2017: [Attorney General Josh Shapiro joins with 19 Attorneys General in Coalition with Governors, Mayors, Business and Community Leaders Vowing to Support Principles of the Paris Climate Agreement](#)

“President Trump’s decision to pull out of the Paris Climate Agreement does not change Pennsylvanians’ constitutional right to clear air and pure water,” said Attorney General Shapiro. “I’m proud to stand with my colleagues in a national coalition opposing the administration’s decision to withdraw from the agreement and I vow to continue to protect this right for the people of our Commonwealth.”

June 14, 2017: [Attorney General Josh Shapiro and 10 Attorneys General Sue U.S. Energy Department over Stalled Energy-Efficiency Rules](#)

“I’m suing to make the Trump Administration follow the law and protect our environment,” said Attorney General Shapiro. “Pennsylvanians have a constitutional right to clean air and pure water, and I’m taking legal action to protect that right.”

August 1, 2017: [Pennsylvania Takes Legal Action against Trump Administration to Protect Pennsylvanians’ Health from Ozone and Smog](#)

“Pennsylvanians have a constitutional right to clean air and pure water, and I’ll stand up to defend those rights and protect Pennsylvania’s environment from anyone that threatens them,” Attorney General Shapiro said. “If the EPA and Administrator Pruitt won’t act to protect Pennsylvanians from the dangers of ozone and smog, I will.”

December 11, 2017: [Environmental Firm Executive Charged with Illegally Storing and Disposing Hazardous Waste](#)

“This defendant illegally stored and disposed of hazardous wastes for many years,” Attorney General Shapiro said. “Wastes were illegally poured down the drain on the company’s property. I won’t allow anyone to deliberately harm Pennsylvanians’ rights to clean air and pure water. Our Environmental Protection Section works every day to safeguard the environment in our Commonwealth.”

October 26, 2018: [PROTECTING CLEAN AIR: Attorney General Shapiro Demands Trump Administration’s EPA Withdraw Plan to Roll Back Rules on Clean Cars](#)

“The Trump Administration is reversing course on standards that are working economically and environmentally and I strongly oppose this rollback,” Attorney General Josh Shapiro said at a news conference yesterday in Pittsburgh, surrounded by Mayor Bill Peduto, Allegheny County Executive Rich Fitzgerald and Pittsburgh City Councilwoman Erika Strassburger. “Pennsylvanians have a constitutional right to clean air and pure water, and I’ll stand up to defend those rights and protect Pennsylvania’s environment from anyone who threatens them.”

Nov 1 2018: [Attorney General Shapiro Takes Action Against EPA’s Unlawful Proposed Replacement for Clean Power Plan](#)

“The EPA’s proposed rule change is in clear violation of the Clean Air Act, and I’m fighting to uphold the law and protect Pennsylvanians’ constitutional right to clean air and pure water,” said Attorney General Shapiro. “In Pennsylvania alone, more than 1.7 million adults and 235,000 children have asthma symptoms, and this will exacerbate the problem. The EPA’s rule is bad for public health and our environment.”

February 1, 2019: [Attorney General Josh Shapiro Files 161 Criminal Charges Against Pittsburgh Water & Sewer Authority](#)

“Pennsylvanians have a constitutional right to clean air and pure water – I’m here to defend that,” Attorney General Shapiro said, at a news conference at a recreation center in Pittsburgh’s Lawrenceville neighborhood – an area impacted by the Authority’s violations. “The Water & Sewer Authority knew it was required to notify residents of its plans to replace service lines, and it knew it was required to sample the lines for lead content – yet it failed to do so. That makes PWSA criminally liable under the Safe Drinking Water Act.”

March 26, 2019: [CASE UPDATE: Former Owner of Lackawanna County Business Sentenced to 11 ½ to 23 Months in Prison on Environmental Crimes Charges](#)

“Pennsylvanians have a right to clean air and water, and my Office will not tolerate anyone who acts with such disregard for the laws protecting our environment,” Attorney General Josh Shapiro said. “Illegally storing and disposing of hazardous waste creates serious danger for communities. Thank you to the local fire departments in Jessup for their fast response to the fire caused by this man’s reckless actions—their response prevented damage to nearby homes of families who were forced to evacuate.”

August 15, 2019: [AG Shapiro Urges Congressional Leadership to End Use of Harmful PFAS Chemicals](#)

“Pennsylvanians have a constitutional right to clean air and pure water, and as Attorney General, I am committed to defending that right,” said Attorney General Josh Shapiro. “PFAS chemicals are harming Pennsylvanians’ health and environment, yet the federal government has failed to act in a timely and appropriate manner to address this threat.

August 20, 2019: [CASE UPDATE: Berks County Construction Company Owner Pleads Guilty to Falsifying Drinking Water Reports](#)

“Pennsylvanians have a constitutional right to clean air and pure water and, as Attorney General, I am committed to defending that right against anyone who tries to impede on it,” said Attorney General Josh Shapiro. “The defendant put the health and wellbeing of the people of Berks and Lancaster Counties at risk by falsely reporting the absence of harmful bacteria in their drinking water. Thanks to the hard work of our Environmental Crimes Section, we put an end to his dangerous behavior.”

October 22, 2019: [AG Shapiro Opposes EPA’s Proposed Rule to Limit States’ Clean Water Act Oversight](#)

“The Clean Water Act unequivocally grants states the right to protect our waters, and the Environmental Protection Agency has recognized that right for three decades under both Republican and Democratic administrations,” said Attorney General Josh Shapiro. “Now, the EPA is attempting to undermine this authority. I’m proud to stand with my colleague Attorneys General in opposition to this attack on states’ rights and our environment. As Attorney General, I will do everything in my power to protect Pennsylvanians’ state constitutional right to clean air and pure water.”

April 16, 2020: [AG Shapiro to EPA: Enforce Environmental Protections, Defend Vulnerable Communities During COVID-19 Emergency](#)

Right now, government agencies and businesses need to band together to keep Pennsylvanians safe,” said Attorney General Shapiro. “This is not the time for cynical attempts to slash public health protections, whose removal only benefits corporate interests. My office takes seriously our job to

defend Pennsylvanians' constitutional right to clean air and pure water. I'm calling on the EPA to do the right thing and keep holding companies accountable that violate environmental standards."

May 1, 2020: [AG Shapiro: Inflection Energy to Pay \\$40K to Conservation Groups for Polluting Lycoming County Water](#)

Attorney General Josh Shapiro today announced that Inflection Energy, a natural gas company, has entered a plea for its role in the 2017 wastewater spill in Loyalsock Creek located in Lycoming County, and will pay \$40,000 to conservation groups in the area. "Pennsylvanians have a constitutional right to clean air and pure water," said Attorney General Shapiro. "Any company that endangers those rights will be thoroughly investigated, without fear or favor. This is just another example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation."

May 19, 2020: [AG Shapiro Files Criminal Charges Against Carbon County Recycling Facility](#)

"Pennsylvanians have a right to clean air and pure water. Today, we charged Plastic World Recycling for dumping an outrageous amount of cleaning agents into a Carbon County creek that people rely on for trout fishing," said Attorney General Shapiro. "Any company, big or small, that endangers our environmental rights will be thoroughly investigated. This is just one example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation."



SB 502, SD 1, PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY ENVIRONMENT

FEBRUARY 23, 2021 · SENATE JUDICIARY AND
WAYS AND MEANS COMMITTEES · CHAIRS SEN.
KARL RHOADS AND SEN. DONOVAN DELA CRUZ

POSITION: Support.

RATIONALE: Imua Alliance supports SB 502, SD 1, which proposes a constitutional amendment which guarantees individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment.

According to a report produced by the Hawai'i Climate Change Mitigation and Adaptation Commission, global sea levels could rise more than three feet by 2100, with more recent projections showing this occurring as early as 2060. In turn, over the next 30 to 70 years, approximately 6,500 structures and 19,800 people statewide will be exposed to chronic flooding.

Additionally, an estimated \$19 billion in economic loss would result from chronic flooding of land and structures located in exposure areas. Finally, approximately 38 miles of coastal roads and 550 cultural sites would be chronically flooded, on top of the 13 miles of beaches that have already been lost on Kaua'i, O'ahu, and Maui to erosion fronting shoreline armoring, like seawalls.

Furthermore, according to research conducted by Michael B. Gerrard from Columbia Law School, modern-day slavery tends to increase after natural disasters or conflicts where large numbers of people are displaced from their homes. In the decades to come, says Gerrard, **climate change will very likely lead to a significant increase in the number of people who are displaced and, thus vulnerable, to human trafficking.** While the Paris Climate Agreement of 2015 established objectives to limit global temperature increases and several international agreements are aimed at combating modern-day slavery, it is highly uncertain whether they will be adequate to cope with the scale of the problem that is likely to occur as a result of climate change.

As we work to reduce carbon emissions and stave off the worst consequences of climate change, we must begin preparing for the adverse impact of sea level rise on our shores. We are now quantifying the speed at which we must act. We cannot continue to develop the 25,800-acre statewide sea level rise exposure area—one-third of which is designated for urban use—without risking massive structural damage and, potentially, great loss of life. In turn, we must take steps to ensure access to a clean and healthy environment as the worst effects of climate change approach our shores.

Rights of nature laws, including so-called “Green Amendments,” have been enacted in the United States and throughout the world as a means of protecting important ecological and cultural resources. In 2006 and 2007, the town of Tamaqua Borough in Pennsylvania established the first environmental personhood ordinances in the nation, which were intended to combat toxic waste. Since then, other locations have enacted or proposed rights of nature measures, including in 2010 Pittsburgh, Pennsylvania, and in 2020 Orange County, Florida.

Perhaps the most well-known international example of rights of nature legislation is the Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 enacted by the New Zealand parliament, which was the first piece of legislation to declare a river to be a legal person. The Te Awa Tupua Act bestowed upon the Whanganui River the rights, duties, and powers of a legal person, including the ability to sue those who harm it. Moreover, the Te Awa Tupua Act was aimed at improving the relationship between the government of New Zealand and its indigenous people through the enshrinement of the rights of nature associated with the culturally significant Whanganui River into law.

Our state should likewise take steps to preserve access to a clean and healthy environment. From the military's fuel tanks beneath Red Hill to the pesticides unleashed by agrochemical companies on local farmland, our 'āina has been subjected to degradation by those who put corporate profits before public health. Yet, public health should be treated as a sacrosanct fundamental right of Hawai'i's people, who should have the power to take legal action when the precious environment upon which we depend is endangered, thereby undermining the sustainability of our island home. For the sake of our keiki, we cannot afford to wait to solidify strategies to preserve our environmental resources for generations to come.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



2/21/2021

JDC and WAM Committees
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chairs Rhoads and Dela Cruz, and Members of the Judiciary and Ways and Means Committees,

The Surfrider Foundation would like to offer this testimony in support of SB502.

The Surfrider Foundation is a national nonprofit organization dedicated to the protection and enjoyment of our ocean, waves, and beaches. Surfrider maintains a network of over 150 chapters and academic clubs nationwide, including 4 chapters in the Hawaiian Islands. The Surfrider Foundation focuses on many aspects of the environment such as coastal protection, plastic pollution, and water quality.

The purpose of this bill- to add an amendment to the Hawai'i State Constitution that ensures the right of all people to a clean environment- aligns with our core principles. Currently, two states have a green amendment adapted into their constitutions, Pennsylvania and Montana, and fifteen other states including Hawai'i are actively trying to adopt one. This legislation includes language that will strengthen the environmental protections that are already recognized in Article X I , Section 1 of the Hawai'i Constitution that mandates that the State hold public natural resources in trust for the benefit of all people.

Hawai'i is already a leader in environmental work, after passing one of the Nation's biggest plastic bans and working towards the 30 x 30 marine protection goal, the state is clearly on the forefront of sound environmental legislation; necessary to keep our areas pristine and welcoming to our large tourist base that funds a lot of our economy. Adding this amendment to the State Constitution would make keeping our environment clean an enforceable law, and eliminate loopholes that allow violators to simply move operations or cite a county law.

This bill would be a huge step forward in Hawai'i's conservation efforts, and would allow the Surfrider Foundation to continue in our goal of clean water, a stable climate, and the preservation of our natural areas. We are really excited that it is moving forward, and think this is something our entire state and community can rally behind!

Thank you for your consideration of this testimony in support of SB502, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawai'i and all of our members who live in the state and visit to enjoy the many coastal recreational opportunities offered by all of the islands' coastlines.

Sincerely,

Kaitlyn Jacobs
Volunteer Policy Coordinator
Surfrider Foundation, O'ahu Chapter

SB-502-SD-1

Submitted on: 2/21/2021 2:07:04 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
laurel brier	Testifying for Kauai Climate Action Coalition	Support	No

Comments:

Protecting people's rights to a healthy ecosystem and stable climate need to be a guiding principle. Without that, economic and other interests will quickly falter. Let's get it on the ballot and let the people speak.



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert Keith-Agaran, Vice Chair

Date: Tuesday, February 23, 2021 Time 10:30 a.m. Place: Via Videoconference

Testimony of Kūpuna for the Mo'opuna

SB 502, SD 1- PROPOSING AN AMENDMENT TO ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY ENVIRONMENT.

STRONG SUPPORT

Aloha Senators,

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in strong support of SB 502, SD 1.**

SB 502, SD 1 seeks a constitutional amendment that will guarantee all individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, along with the preservation of the natural, cultural, scenic and healthful qualities of the environment. This measure embodies the spirit of our state motto, *ua mau ke ea o ka 'āina i ka pono*, ensuring a pono Hawai'i for us now and for the next generations to come.

We urge these Committees to PASS SB 502, SD 1. Mahalo.

Ua mau ke ea o ka 'āina i ka pono!



To: The Senate Committee on Judiciary
and
The Senate Committee on Ways and Means
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Tuesday, February 23, 2021, 10:30 am

In strong support of SB502 SD1

Aloha Chairs Rhoads and Dela Cruz, Vice Chairs Keokokalole and Keith-Agaran, and members of the JDC and WAM committees;

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii's 6,000 members **strongly support SB502 SD1**.

This Bill proposes a constitutional amendment which guarantees individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. 350Hawaii welcomes the inclusion of healthy ecosystems and a stable climate to existing enforceable Hawaii constitutional rights.

Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all.

The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. 350Hawaii believes strongly that our constitution should recognize and protect the rights of all people, including future generations, to a stable climate, and a healthy environment. **We therefore suggest an amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present *and* future generations.**

The sooner the rights to a stable climate and a healthy environment are recognized, the better off the future will be for our children.

Mahalo for the opportunity to testify in **strong support** of this very important legislation.

Sherry Pollack
Co-Founder, 350Hawaii.org



February 22, 2021

The Honorable Senator Karl Rhoads
The Honorable Senator Clarence Nishihara
Members of the Senate Committee on
Judiciary

The Honorable Senator Donovan Dela Cruz
The Honorable Senator Gilbert Keith-Agaran
Members of the Senate Committee on
Ways and Means

RE: **SB 502- Proposing Amendment to Article I of the Constitution to Guarantee All Individuals the Right to Have a Clean and Healthy Environment**
Hearing date: Tuesday, February 23, 2021 at 10:30AM

Aloha Chair Rhoads, and members of the committees,

Mahalo for the opportunity to submit testimony on behalf of NAIOP Hawaii to provide **COMMENTS** on SB 502. NAIOP Hawaii is the local chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

SB 502 proposes a constitutional amendment to guarantee all individuals the right to have a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. The measure was amended to remove language that provided that the reserved right may not be diminished through the interpretation or implementation of Article XI, Section 9.

NAIOP respects and encourages the efforts of the legislature to assure a clean and healthy environment for all. However, the language in SB 502 bestowing this individual right is so broad and ambiguous and could have very dire unintended consequences like shutting down tourism and all other parts of Hawaii's economy. Therefore, we encourage the legislature to carefully study the benefits and pitfalls of expanding the constitution in this manner before passing such as measure. The study should include a detailed and date driven cost-benefit analysis prepared by a financial auditor to determine the impacts of such a broad amendment.

The Honorable Senator Karl Rhoads
The Honorable Senator Clarence Nishihara
Members of the Senate Committee on
Judiciary
February 22, 2021
Page 2

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Catherine Camp", written over a horizontal line.

Catherine Camp, President
NAIOP Hawaii

SB-502-SD-1

Submitted on: 2/22/2021 10:13:49 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Ray Mulinix	Testifying for Our Revolution Hawaii	Support	No

Comments:

On behalf of Our Revolution Hawaii's 7,000 members and supporters statewide, we are in STRONG SUPPORT of passage of SB502 SD1 The Green Amendment.

We are already seeing the effects of Climate Change, and we must act more quickly if we are to avoid unending Climate Chaos. This bill is a good step in the right direction.

Mahalo for your kind attention,

Dave Mulinix

Hawaii State Community Organizer

Our Revolution Hawaii



Environmental Caucus of The Democratic Party of Hawai'i

February 22, 2021

To: Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair, and
Members of the Committee on Judiciary

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Members of the Committee on Ways and Means

Re: SB 502, SD1 – PROPOSING AN AMENDMENT TO ARTICLE I OF THE
CONSTITUTION OF THE STATE OF HAWAII TO GUARANTEE ALL
INDIVIDUALS THE RIGHT TO HAVE A CLEAN AND HEALTHY
ENVIRONMENT.

Meeting: Tuesday, February 23, 2021, 10:30 a.m., Room 211 via videoconference

Position: **STRONG SUPPORT**

Aloha, Chairs Rhoads and Dela Cruz, Vice Chairs Keohokalole and Keith-Agaran, and Members of the Committee on Judiciary and Ways and Means:

The Environmental Caucus of the Democratic Party of Hawai'i and its Natural Resources Committee are in **strong support** of SB502, SD1, as it proposes an amendment to Article I of the Constitution of the State of Hawaii to guarantee all individuals the right to have a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment.

Although the Constitution already mandates a trust obligation of the State to protect Hawaii's natural beauty and all natural resources, an amendment to the State's Bill of Rights guaranteeing an individual's right to a clean and healthy environment would provide a heightened personal protection to the people of the Hawai'i and the environment which is consistent with the Democratic Party Platform.

The Democratic Party of Hawai'i (Party) has adopted at its 2018 State Convention, clear safeguards to promote and protect our clean and healthy environment. At page 17 of the Party Platform, it specifically provides, to wit:

ENVIRONMENT

The Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment is essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling and waste reduction.

The conservation, preservation and restoration of Hawai'i's natural resources are connected to the health and welfare of our people; therefore, we support the conservation and protection of our natural environment, which includes reducing our carbon footprint for the benefit of current and future generations.

We support the protection of our *'āina* against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our fresh water resources.

We support democratic participation of citizens and residents to protect (i) valuable coastal ecosystems and reefs from misuse and (ii) beaches for public use and recreation. The Hawai'i Coastal Zone Management (CZM) law, HRS Chapter 205A, currently provides for public participation in management of coastal resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources.

We know that climate change is a real threat to our islands and the world. We strongly urge our candidates and elected officials to take immediate action to mitigate and adapt to the consequences of climate change. This includes funding adaptation measures including coastal retreat, effective participation of indigenous peoples in climate change governance, and recognition that indigenous, local, and traditional ecological knowledge is key in climate change adaptation solutions.

Senator Karl Rhoads, Chair
Senator Donovan Dela Cruz, Chair
SB 502, SD1
February 23, 2021
Page 3

We strongly urge you to pass SB502, SD1, as it proposes an amendment to Article I of the Constitution of the State of Hawaii to guarantee all individuals the right to have a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic, and healthful qualities of the environment. Although the Constitution already mandates a trust obligation of the State to protect Hawaii's natural beauty and all natural resources, an amendment to the State's Bill of Rights guaranteeing an individual's right to a clean and healthy environment would provide a heightened personal protection to the people of the Hawai`i and the environment which is consistent with the Democratic Party Platform.

Thank you very much for the opportunity to testify on this key issue.

Respectfully yours,

Alan B. Burdick
Co-Chair, Environmental Caucus
Co-Chair, Natural Resources Committee
Democratic Party of Hawai`i
Email: burdick808@gmail.com

Melodie R. Aduja
Co-Chair, Environmental Caucus
Democratic Party of Hawai`i
Email: legislativepriorities@gmail.com



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

SB-502-SD-1

Submitted on: 2/19/2021 4:02:57 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

This is just part of the Climat control BULLSHIT that has bin going on for Decades that has bin Fake, Fonie, and False.

Stik to real problems.

The People are watching!

SB-502-SD-1

Submitted on: 2/19/2021 4:49:28 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

SUPPORT

Understanding that this means ALL people and that the State will work to ensure that ALL people have these rights. This means that the State will follow up on the US military, large corporations and require them to adhere to these rights for ALL as well. It includes those with housing and those without. This is a tall order with this bill.

SB-502-SD-1

Submitted on: 2/20/2021 8:24:05 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, Committee on Judiciary, Chair Dela Cruz, Vice Chair Keith-Agaran, and Committee on Ways and Means,

Please support SB502 SD1.

I support an amendment to the State's Bill of Rights that guarantees an individual's right to a clean and healthy environment, including pure water, clean air, healthy ecosystems and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.

Mahalo,

Caroline Kunitake

SB-502-SD-1

Submitted on: 2/20/2021 11:39:30 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Support	No

Comments:

If passed in the future SB502 SD1 would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems and a stable climate**. This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore be added.

SB-502-SD-1

Submitted on: 2/21/2021 7:21:20 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tawn Keeney	Individual	Support	No

Comments:

We are now approaching 50 years since science has demonstrated with force the likelihood that fossil fuel emissions are heating the planet with expected dire consequences. We have known this with near certainty for 20+ years. An yet our emissions are still going up. We need a legal foundation to block this trajectory if our leaders are unable to accomplish this. This amendment would be that foundation. Please help us win this fight with the corporations and people who put economy and profit above environment and life.

Tawn Keeney MD

SB-502-SD-1

Submitted on: 2/21/2021 9:06:49 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harvey Arkin	Individual	Support	No

Comments:

Aloha,

Our current laws and protections aren't working. Corporate for-profit institutions with their heavy influence in government have continually blocked efforts to protect our community from environmental degradation and climate breakdown. This bill would firmly enshrine in the Hawaii Constitution the right to a clean and healthy environment, thereby helping to strengthen laws on the books, and help fill the gaps that are left.

Thank you,

SB-502-SD-1

Submitted on: 2/21/2021 9:44:24 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
TOM DIGRAZIA	Individual	Support	No

Comments:

Strongly support this declaration as an inherent constitutional right.

SB-502-SD-1

Submitted on: 2/21/2021 10:02:49 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm writing in STRONG SUPPORT of SB502 SD1.

Our current laws and protections aren't working. Corporate for-profit institutions with their heavy influence in government have continually blocked efforts to protect our community from environmental degradation and climate breakdown. This bill would firmly enshrine in the Hawai'i Constitution the right to a clean and healthy environment, thereby helping to strengthen laws on the books, and help fill the gaps that are left.

Please support this bill.

me ke aloha 'Ä• ina,

Nanea Lo

SB-502-SD-1

Submitted on: 2/21/2021 10:29:22 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

Testimony in STRONG Support of SB 502 SD1. Adding an amendment to the Hawai'i State Constitution is a great first step that ensures the right of all people, all inhabitants, to not only a clean environment, but also preserves the cultural qualities that are unique to the islands. Giving constituents of Hawai'i the option of a future ballot referendum would give the currently overused saying, "we're all in this together" great significance.

Passage of this bill demonstrates that Hawai'i not only acknowledges the climate crisis, but that we are aligned with fifteen other states actively trying to adopt similar legislation, and joining Montana and Pennsylvania, who have already adapted green amendment into their constitutions.

Hawai'i is oftentimes the leader in enacting legislation that guarantees the protection of island ecosystems for future generations, therefore, giving constitutional recognition to these core values, by passaging SB 502 SD1, is a commonsense achievement.

Mahalo for advocating for your constituents.

SB-502-SD-1

Submitted on: 2/21/2021 12:43:09 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Dinner	Individual	Support	No

Comments:

Seems to be self evident. However, putting this into law ensures that our legislators are on the bandwagon for cleaner air and water. That is a good thing. It means we are taking a stand to reduce Climate Change and that we must do.

SB-502-SD-1

Submitted on: 2/21/2021 2:21:53 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joan Gannon	Individual	Support	No

Comments:

Hi Joan from West Hawaii supporting SB502 SD1. Current laws are not working- hence the need for these fundamental rights in our Bill of Rights

thanks for your attention

joan Gannon

SB-502-SD-1

Submitted on: 2/21/2021 3:59:19 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Reilly	Individual	Support	No

Comments:

Dear Senate Chairs and Committee Members,

I strognly support SB502 SD1.

Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore be added.

Thank you for hearing this important legislation,

Sincerely Ron Reilly, Volcano Village Hawaii Island

SB-502-SD-1

Submitted on: 2/21/2021 4:40:29 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
anne zellinger	Individual	Support	No

Comments:

-SB502 SD1 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would guarantee each person, as fundamental rights in our Bill of Rights, a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and the preservation of the natural, cultural, scenic and healthful qualities of the environment. This amendment would crucially add to the **rights to healthy ecosystems and a stable climate**. This is needed now more than ever in these times where ecosystems and our climate are facing destruction.

-Environmental threats are growing worse and we are facing a climate crisis. Because a stable climate and healthy environments are currently not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, and sometimes is not considered at all. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating. Our constitution should recognize and protect the rights of all people, **including future generations**, to a stable climate, and a healthy environment. An amendment to add verbiage to this legislation that specifically mandates protecting the environment for both present and future generations should therefore be added.

thank you,

Anne Zellinger

SB-502-SD-1

Submitted on: 2/22/2021 12:14:54 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Pappas	Individual	Support	No

Comments:

Dear JDC and WAM Committee Members,

I strongly support Bill SB502 SD1. As the bill states,

“Each person has a right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate; and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.”

Without this statement being specifically written into our Hawaii Constitution, these essential qualities for life become mere afterthoughts when considering legislation. Their presence in the Constitution obliges our lawmakers to consider them as top priorities during all decision-making.

Consider how different Texas’ recent weather fiasco might have turned out had this statement been included in their constitution. Legislators and power companies might have done more to protect the people of Texas.

Reflect on what it might be like if Hawaii suffers a similar fate due to a hurricane or other climate or weather-related event. Might not those in charge make better choices if the people required it? Again, the above statement should be a cornerstone in our Constitution—not a mere second thought—because these natural elements (pure water, clean air, healthy ecosystems, and a stable climate) are inherent (fundamental) and inalienable (indisputable) rights for all.

Please allow the people of Hawaii to vote on this essential addition to our constitution by passing this bill.

Thank you for the opportunity to testify.

Sincerely,

Jan Pappas

Aiea, Hawaii

SB-502-SD-1

Submitted on: 2/22/2021 5:10:41 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Ware	Individual	Support	No

Comments:

Dear chair and committee members,

This should be a given. I am dismayed at the continuous pollution of our waters and industrial polluters of our land with hazardous toxics deemed " permissible " or circumventing by the state of Chapter 343 environmental impact evaluation.

mahalo,

Diane Ware Kapoha place Volcano 96785

SB-502-SD-1

Submitted on: 2/22/2021 6:19:07 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Culbertson	Individual	Support	No

Comments:

Aloha Senators!

I, along with my many cohorts of Forest Stewards and Reef Keepers on Hawaii Island, look forward to the day when such legal rights are fully accorded in common law and no longer seem a novelty to a world engulfed by existential crises!

Thank you for taking this necessary and meaningful step!

SB-502-SD-1

Submitted on: 2/22/2021 7:58:47 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Nandoskar	Individual	Support	No

Comments:

I strongly support this bill! The sooner the rights to a stable climate and healthy ecosystems are recognized, the brighter the future will be for our children, grandchildren, oceans, coral reefs and other marine life. It is vital to do all we can to preserve the natural, cultural, scenic and healthful qualities of our beautiful Hawaii nei.

Mahalo for your consideration!

SB-502-SD-1

Submitted on: 2/22/2021 8:22:30 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

Comments:

Mahalo for considering this important measure affecting all peoples of Hawai'i.

SB-502-SD-1

Submitted on: 2/22/2021 9:02:10 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Camile Cleveland	Individual	Support	No

Comments:

I fully support this bill. Thank you.

SB-502-SD-1

Submitted on: 2/22/2021 9:28:10 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Liz M	Individual	Comments	No

Comments:

I support this bill.

SB502

Mrs. Elizabethanne Masaoka

SB-502-SD-1

Submitted on: 2/22/2021 10:02:16 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Perrine	Individual	Support	No

Comments:

I support SB502

LATE

SB-502-SD-1

Submitted on: 2/22/2021 11:24:40 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maxx Phillips	Testifying for Center for Biological Diversity	Support	No

Comments:

Please accept this testimony in strong support of SB502.

LATE

SB-502-SD-1

Submitted on: 2/22/2021 11:13:04 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Benyshek	Individual	Support	No

Comments:

Aloha,

I am writing to express my SUPPORT for SB502, which would amend the Hawai'i State Constitution to have a green amendment ensuring safe water and healthy environment for all people. This is incredibly important in our heavily tourist-based state to maintain equality and provide basic human rights for all people across the state.

Thank you for your time and consideration.

Elizabeth Benyshek

Vice Chair, Surfrider Foundation O'ahu Chapter

LATE

SB-502-SD-1

Submitted on: 2/22/2021 12:03:32 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Amato	Individual	Support	No

Comments:

I am writing in support of Bill **SB502**. As a scientist, surfer, and resident of Oahu, I feel that a clean environment is a right for all people and animals. Please vote for legislation that prioritizes human and animal health instead of the interests of corporations and their lobbyists. The people of Hawaii have spoken out many times- clean air and water are required for us to thrive. Chemical industry waste and their discarded products are not. Thank you. -Daniel Amato

LATE

SB-502-SD-1

Submitted on: 2/22/2021 1:16:18 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anna	Individual	Support	No

Comments:

We need to protect, regenerate, and live in harmony with the environment for our sake and for the wellbeing of future generations. We all deserve the right to healthy ecosystems and a stable climate.

LATE

SB-502-SD-1

Submitted on: 2/22/2021 1:45:28 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Wohner	Individual	Support	No

Comments:

Dear members of the JDC and WAM committees, my name is Natalie Wohner, resident of Manoa and I am in **strong support of SB 502** to have a green amendment in the Hawai'i State Constitution ensuring safe water and healthy environment for all people. Mahalo for giving me the chance to testify!

LATE

SB-502-SD-1

Submitted on: 2/22/2021 2:00:08 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Gray	Individual	Support	No

Comments:

This bill SB 502 is important to me because we obviously need more help to clean up our islands. Existing laws are not enough. There is no accountability. No fines, no enforcement and no incentive to clean up. The proof is everywhere for all of us to see. Mahalo, Laura Gray R.N.

LATE

SB-502-SD-1

Submitted on: 2/22/2021 2:15:04 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vivien Lee and Charlie Reppun	Individual	Support	No

Comments:

This ammendment is many years overdue, and every government department, and every action of the government should take it into account.

LATE

SB-502-SD-1

Submitted on: 2/22/2021 2:18:11 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Matson	Individual	Support	No

Comments:

Hawai'i's quality of life free from mechanical noise and air pollution is paramount, particularly within and above residential neighborhoods, native habitats and forest reserves, and along beaches and shorelines.

LATE

SB-502-SD-1

Submitted on: 2/22/2021 2:37:11 PM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maui OFR	Individual	Support	No

Comments:

Everyone in Hawaii should have access to a clean environment and water. Hawai'i has the word wai (water) in it for a reason. We need to protect the natural beauty and resources!

LATE

SB-502-SD-1

Submitted on: 2/23/2021 1:47:28 AM

Testimony for JDC on 2/23/2021 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
B.A. McClintock	Individual	Support	No

Comments:

Please support this important bill. Our health and environment is at stake.