

HB-551

Submitted on: 2/3/2021 6:35:46 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

I am Joan Gannon of West Hawaii and am asking you to vote for HB 551.

Thank you

HB-551

Submitted on: 2/3/2021 11:09:31 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kawamoto	Individual	Support	No

Comments:

I support HB 551, which proposes to amend the State Constitution, building on existing environmental protections by creating an individual right to a clean and healthy environment.

In 1978, Hawaii took the visionary step of amending the State Constitution to entrust to the Legislature the obligation to pass enforceable environmental laws, thereby affirming the legislative approach to environmental protection.

Since then, climate change has been accelerating, and environmental concerns have grown. The burning of fossil fuel, which puts greenhouse gases in the atmosphere, has been slowed only because of Covid-19. As the global economy begins to improve, fossil fuel use will increase unless we do much more to reduce its consumption.

HB 551 proposes to build upon Hawaii's existing Constitutional environmental protections in Article XI Section 9. This bill recognizes the individual right to pure water, clean air, healthy ecosystems, a stable climate, and the natural, cultural, scenic, and healthful qualities of the environment. Government action must ensure that this right is honored.

The fossil fuel industry and other polluters are running roughshod over the environment and human beings, because we rely on a clean environment. Those polluters are paying very little of the true costs of pollution. People are paying for their profits in the form of having to live in a dirtier environment, for the illnesses and diseases caused by pollution, and for natural disasters such as hurricanes and forest fires, that are more severe due to climate change.

This bill proposes to amend Hawaii's Constitution to create an enforceable right, on par with other individual rights such as the right to free speech or due process. The Constitutional amendment would allow individuals to bring legal action against polluters that infringe upon the right to a clean and healthy environment.

We need to protect the environment not just for ourselves, but for our children, their children, and their children. For their sake, it is worth striving for a clean and healthy environment.

For the foregoing reasons, I support HB 551.

HB-551

Submitted on: 2/4/2021 9:21:34 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Jim Shon	Individual	Oppose	No

Comments:

Members of the Committee. The Constitution already contains similar language in Article XI:

Section 9. Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. **Any person may enforce this right against any party**, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law. [Add Const Con 1978 and election Nov 7, 1978]

If this language is considered inadequate, perhaps this bill should amend this section.

Chair(s) Nicole Lowen & David Tarnas
Vice Chair(s) Lisa Marten & Patrick Branco

House Committee on Energy & Environmental Protection
House Committee on Water & Land

Thursday, February 11, 2021
9:00AM

**TESTIMONY IN SUPPORT OF HB551 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**

Aloha Chair(s) Lowen & Tarnas, Vice Chair(s) Marten & Branco, Members of the House
Committee on Energy & Environmental Protection and House Committee on Water & Land,

My name is Jun Shin, I am a Junior at the University of Hawai‘i at Mānoa and currently serve as
an at-large board member for the Young Progressives Demanding Action. I am testifying today
as an individual in **SUPPORT** of **HB551**, which proposes an amendment to Article I of the
Hawai‘i State Constitution, guaranteeing a right to a clean and healthy environment.

Given how crucial water, air, and the rest of our ecosystem is to our basic survival, I think it's
really worth elevating a right to a clean and healthy environment into our Bill of Rights, joining
other critical rights that we have enshrined in our Constitution. This will ensure that
environmental concerns have an elevated place in our policy discussions around issues that deal
with energy, land use, water rights, development, etc. It will also give marginalized communities
an important constitutional tool to challenge harmful laws and other environmental injustices
happening in their backyards. I am in **SUPPORT** of **HB551** and ask that you pass this bill out of
your committee.

Mahalo for the opportunity to testify,

Jun Shin,
1561 Kanunu Street
Honolulu, HI 96814
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

HB-551

Submitted on: 2/5/2021 4:12:08 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Yagodich	Individual	Support	No

Comments:

Aloha,

I support HB551 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.

HB-551

Submitted on: 2/5/2021 5:05:23 PM

Testimony for EEP on 2/11/2021 10:45:00 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 HB551. HB551 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.

Please support this bill.

me ke aloha 'Ä• ina,

Nanea Lo

HB-551

Submitted on: 2/5/2021 5:05:56 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ava Fedorov	Individual	Support	No

Comments:

I am writing to express my STRONG SUPPOERT of HB551.

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,

Ava Fedorov

HB-551

Submitted on: 2/5/2021 5:25:23 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

HB 551 will more firmly support the principle that clean air, water and a healthy environment is an inherent right of all citizens--especially children and the unborn--embedded in our rights as citizens of Hawaii and relationship with those who govern us in a democracy.

HB-551

Submitted on: 2/5/2021 6:39:18 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John NAYLOR	Individual	Support	No

Comments:

Aloha,

Amend the Constitution to guarantee "We the People" to a clean and healthy environment!

HB-551

Submitted on: 2/5/2021 7:26:56 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brandt	Individual	Support	No

Comments:

Strong support

HB-551

Submitted on: 2/6/2021 7:21:54 AM

Testimony for EEP on 2/11/2021 10:45:00 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.

HB-551

Submitted on: 2/6/2021 8:27:10 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
donald erway	Individual	Support	No

Comments:

Everyone needs a clean and healthy environment!

Mahalo,

Don

HB-551

Submitted on: 2/6/2021 10:07:17 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith A Mick	Individual	Support	No

Comments:

Nothing could be more important for Hawaii than standing up for her beautiful environment. An actual law that would protect the community from environmental degradation and climate breakdown is the way to give all people that future they deserve- especially our younger generation who will inherit what we do now. Thank you for your consideration. Judith Mick, Kailua

HB-551

Submitted on: 2/6/2021 10:28:05 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Francine Roby	Individual	Support	No

Comments:

I WRITE IN **STRONG SUPPORT OF HB551**, which proposes a constitutional amendment to 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.

I thought this was already part of our State Constitution, but our current laws and protections aren't working. This bill would firmly and clearly 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. HB551 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.

The viability present and future of our environment must be considered first, at the start of and be foundational to all decision making and planning. It is the corrective lens through which our survival must now be viewed. 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. We see what happens when we ignore the future for present profit: catastrophe.

Please pass HB551. Mahalo.

HB-551

Submitted on: 2/6/2021 10:40:19 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

HB551 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.

Mahalo for your consideration

Tlaloc Tokuda

Kailua Kona, 96740

HB-551

Submitted on: 2/6/2021 11:56:00 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert B Huber	Environmental Caucus of The Democratic Party of Hawaii	Support	No

Comments:

Our Aina is our legacy as Hawaiian culture.... water , air , and land . Our spirit as a people is tied to that , if we dont protect our temple (our body) and guarentee protection in our state constitutuion for our aina and the people with a clean and healthy enviornment , then we will need to revisit this in the future when it might be to late . I am in full support of this bill .

HB-551

Submitted on: 2/6/2021 4:47:40 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ruta Jordans	Individual	Support	No

Comments:

I hope it can be achieved! Good for residents and tourists alike. Please support!

HB-551

Submitted on: 2/7/2021 9:51:53 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
laurel brier	Kauai climate action coalition	Support	No

Comments:

A clean and healthy environment is the most basic of human rights that we have lost sight of in our bliind allegiance to 'development'. Let's commit Hawaii to a different set of ethos and have a green amendment lead the way.

HB-551

Submitted on: 2/7/2021 11:39:28 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Hawai'i Youth Climate Coalition	Support	No

Comments:

On behalf of the Hawai'i Youth Climate Coalition, thank you for the opportunity to testify in support of HB551.

HB-551

Submitted on: 2/7/2021 1:01:57 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	No

Comments:

I write in strong support of HB 551. At this critical time in which ecosystems and the climate are facing destruction, we need to enshrine, as fundamental in our Bill of Rights, the rights to healthy ecosystems and a stable climate.

Please pass HB551.

Thank you,

Victoria Anderson

HB-551

Submitted on: 2/7/2021 1:19:37 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherri Thal	Individual	Support	No

Comments:

The time is now or never to invest in the sanctity of life on our planet, and specifically in our state of Hawaii by passing HB551. We must insure our rights to clean air, water, soil, healthy food, as well as clean agricultural practices and preservation of our cultural and environmental sites that make Hawaii a unique and beautiful place. These practices lead to the preservation of ecosystems that are fragile and with which we cannot exist. Please make these amendments to our Constitution and help to guarantee life for many generations to come.

Mahalo,

Sherri Thal, Kea'au, HI 96749

HB-551

Submitted on: 2/7/2021 2:14:16 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Harriet Burkholder	Individual	Support	No

Comments:

This amendment to our State constitution will assist both citizens and lawmakers in keeping our attention front and center on combatting climate change in order to guarantee each of us has a clean and healthy environment including land, in the ocean and our aquifers, and our air.

HB-551

Submitted on: 2/7/2021 4:33:30 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

I support HB 551, because this bill will help us finally move away from fossil fuels and on to a more Pono path. Most people have divested from fossil fuels and do not want to be doing the wrong thing by investing in something so destructive. Making our state retirement plan and other funds fossil free is the right thing to do. We have to make serious changes this year. We can no longer kick the can. No more green washing. Mahalo, Laura Gray R.N.

HB-551

Submitted on: 2/8/2021 7:43:58 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Mcknight	Individual	Support	No

Comments:

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.

HB-551

Submitted on: 2/8/2021 10:09:08 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Severine Busquet	Individual	Support	No

Comments:

Aloha,

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.

For these reasons I strongly support HB551.

Thanks for your attention

Severine Busquet

Hawaii Kai

HB-551

Submitted on: 2/8/2021 12:04:49 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Hixon	Individual	Support	No

Comments:

Aloha-- While our Constitution currently mandates a trust obligation of the State to protect Hawaii's natural beauty and all natural resources, I support an amendment to the State's Bill of Rights that goes further and 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.

HB-551

Submitted on: 2/8/2021 6:25:48 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniela Escontrela	Individual	Support	No

Comments:

I strongly support this bill. Individual citizens should have the right to a clean and healthy environment and stable climate.

HB-551

Submitted on: 2/9/2021 3:48:36 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christian Palmer	Individual	Support	No

Comments:

Aloha Kakou,

I am writing to strongly support HB551. We need to enshrine in the Hawaii constitution the right to 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. As we are facing an anthropogenic climate disaster, microplastics contaminating the ocean, and wave of species extinctions we need to have laws that clearly and unequivocally establish our right to a plane that can sustain life well into the future.

Mahalo,

Christian



February 10, 2021

Dear Members of the House Energy and Environmental Protection Committee and the Water and Land Committee

Re: HB551 – The Right to a Clean and Healthy Environment

I would like to offer testimony regarding HB551, 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. I and my organization were instrumental in helping to interpret and apply Pennsylvania's Green Amendment.

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 HB551 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, HB551 will help fill an important gap that will strengthen the goal of enforceable environmental rights that belongs 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, HB551 will put in place a self-executing right to a healthy environment 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

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

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 compliment of individual rights with the existing recognized role of government as trustee will strengthen environmental justice protections, ensuring all government officials at every level of government are constitutionally required to treat 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.

While the amendment will be a tool to prevent environmental harm, it will also provide legislators & regulators constitutional grounding upon which to advance positive and strengthened environmental protections.

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, constitutional law and trust law – they have done so successfully with other Article 1 amendments; they are well equipped to do it for environmental rights as well.

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 that have already enshrined environmental rights in their state constitution Bill of Rights, 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, HB551/SB502 becomes a powerful value-added tool for advancing economic development that also ensures environmental protection.

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.

Modifying HB551 to Mirror SB502

SB502, the compliment to HB551, has removed the language intending to ensure that there is no confusion of interpretation and application by making clear that Article XI, Section 9 and its language limiting environmental rights to only the environmental protections articulated in legislation, cannot be used to transform the overarching and self-executing nature of the new Article 1 constitutional environmental rights language. While I think maintaining this language is of value, I do not think that your removing it in order to align with the revised SB502 raises significant legal concerns – the clarity on the self-executing nature of the rights, its placement in the Bill of Rights, and the fact that you are advancing this new Bill of Rights amendment in order to clearly raise up environmental rights constitutionally I think will ensure the proper interpretation by Hawaii government and the courts.

I hope you find this information helpful in understanding how HB551 is an important, meaningful and powerful step forward for advancing environmental protection and environmental justice in Hawaii.

With respect, regards and appreciation,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal flourish.

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



2/9/2021

EEP/WAL Committee
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Chairs Lowen and Tarnas, and Members of the Energy and Environmental Protection and Water and Land Committees,

The Surfrider Foundation would like to offer this testimony in support of HB551.

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 a self executing 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 prioritize environmental health and justice, and 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.

Thank you for your consideration of this testimony in support of HB551, 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

HB-551

Submitted on: 2/9/2021 8:23:14 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

"A constitutional Green Amendment added to the Hawaii constitution will help strengthen environmental protection, environmental justice, and strengthen protection for the cultural and human health benefits of a clean and healthy environment in Hawaii."

Mahalo for supporting this measure.

Jennifer Milholen

HB-551

Submitted on: 2/9/2021 8:26:18 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Jensen	Individual	Support	No

Comments:

Dear Committee Chair and House Members:

HB533 should be passed. It is hard to conceive that any Hawaii resident would not be in favor of a clean and healthy environment, 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. Why would anyone want to live in a polluted environment that endangers our health or well-being. How can a successful society endure without regard to the environment in which it exists. A clean, healthful environmental should be a guaranteed right to our state citizens and decisions by regulatory authorities and state lawmakers should be guided by this mandate. Please pass HB533.

Sincerely,

Dale Jensen, Kailua, HI

HB-551

Submitted on: 2/9/2021 10:34:11 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

Dear Chair Lowen, Vice Chair Marten, Chair Tarnas, Vice Chair Branco and the Committees on Energy & Environmental Protection and Water & Land,

Please support HB551.

HB551 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.

I am submitting supporting testimony on behalf of all the people who cannot participate in this hearing due to their lack of internet connection, the unborn future generations who have the most to loose and all the animals, plants and microorganisms around the world who have no voice in our current legislative processes.

Thank you so much for your time and attention to this bill. I am grateful for the opportunity to testify in spport of this bill.

Mahalo,

Caroline Kunitake



COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair
Rep. Lisa Marten, Vice Chair

COMMITTEE ON WATER & LAND

Rep. David A. Tarnas, Chair
Rep. Patrick Pihana Branco, Vice Chair

Date: Thursday, February 11, 2021 Time: 10:45 am Place: Room 325

Testimony of Kūpuna for the Mo'opuna

HB 551 - 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,

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 HB 551.**

HB 551 seeks a constitutional amendment that will guarantee all individuals the right to have a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate. It also guarantees the preservation of the natural, cultural, scenic, and healthful qualities of Hawai'i's special and limited environment. HB 551 embodies the spirit of our state motto, *ua mau ke ea o ka 'āina i ka pono*, and ensures a safe, clean, and pono Hawai'i for us now and for the next generations to come.

We urge these Committees to PASS HB 551. Mahalo.

Ua mau ke ea o ka 'āina i ka pono!

HB-551

Submitted on: 2/9/2021 12:05:19 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Taurie Kinoshita	Individual	Support	No

Comments:

I strongly support HB551; this bill is crucial for the safeguarding of our entire future. 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 safely 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 for your consideration.

HB-551

Submitted on: 2/9/2021 2:45:37 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Oba	Individual	Support	No

Comments:

This benefits all of us. I'm in strong support!

HB-551

Submitted on: 2/9/2021 3:54:52 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Cox	Kauai Climate Action Coalition	Support	No

Comments:

Aloha Kakou,

HB551 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.

Mahalo for reading our testimony.

HB-551

Submitted on: 2/9/2021 6:24:50 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Bishop	Friends of Hanauma Bay	Support	No

Comments:

To: Representative Nicole Lowen, Chair,

Representative Lisa Marten, Vice Chair, and Members of the

House Committee on Energy and Environmental Protection; and

Representative David A. Tarnas, Chair

Representative Patrick Pihana Branco, Vice Chair, and Members of the House Committee on Water and Land

From: Friends of Hanauma Bay

Re: HB551–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.

Hearing: Thursday, February 11, 2021, 10:45 a.m. via videoconference

Position: STRONG SUPPORT of HB551, but suggest an amendment of one portion.

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members; and Chair Tarnas, Vice Chair Branco, and Members of the Water and Land Committee:

Coral reefs are being harmed in Hawaii by sediment and nutrient runoff from the land, by overfishing, especially of herbivores, and sunscreen petrochemicals. Coral reefs worldwide are being severely harmed by ocean waters that are warming and becoming more acidic as a result of greenhouse gas emissions.

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. Friends of Hanauma Bay applauds the inclusion of healthy ecosystems and pure water in particular 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. The sooner the rights to healthy ecosystems and pure water are recognized, the better off the future will be for our children, oceans, coral reefs and other marine life.

Friends of Hanauma Bay suggests one amendment to the bill as drafted. At the end of Section 2 it says: “The reserved rights stated herein are on par with other protected inherent and inalienable rights and may not be diminished through the interpretation or implementation of Article XI, Section 9.” The bolded language should be deleted; it is unnecessary and could be a distraction from what, even without the language, would still be a very significant amendment for the environment and the people of Hawaii. This bolded language was deleted recently in SB502 SD1 by the Senate Committee on Agriculture and the Environment, and we ask the Committees to make the same deletion.

Please pass this very important legislation!

Mahalo for the opportunity to testify.

Lisa Bishop

President

Friends of Hanauma Bay

HB-551

Submitted on: 2/9/2021 7:54:06 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorraine Garnier	Individual	Support	No

Comments:

I am in full support of HB551 that guarantees individuals the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems and a stable climate.

sincerely,

Lorraine Garnier

HB-551

Submitted on: 2/9/2021 8:48:43 PM

Testimony for EEP on 2/11/2021 10:45:00 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 better off the future will be for our children, oceans, coral reefs and other marine life.

Mahalo for your consideration!

HB-551

Submitted on: 2/9/2021 9:23:17 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ho	Individual	Support	No

Comments:

Dear Chairperson and Members of the Environmental Protection Committee:

It would seem unnecessary to revise the State Constitution to state what should be a "given" understanding and value in this island community. However, the current state of our atmosphere, water, and land show that Hawai'i's citizens and those who conduct business here have failed to acknowledge a Bill of Rights to a Clean and Healthy Environment and a Stable Climate. We need, therefore, to explicitly state these rights, as part of the Hawai'i State Constitution.



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

ON THE FOLLOWING MEASURE:

H.B. NO. 551, 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:

HOUSE COMMITTEES ON ENERGY AND ENVIRONMENTAL PROTECTION
AND ON WATER AND LAND

DATE: Thursday, February 11, 2021 **TIME:** 10:45 a.m.

LOCATION: State Capitol, Room 325, Via Videoconference

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

Chairs Lowen and Tarnas 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 a right to 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.

Thank you for the opportunity to testify on this bill.



HB 551, 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 11, 2021 · HOUSE ENERGY AND ENVIRONMENTAL PROTECTION AND WATER AND LAND COMMITTEES · CHAIRS REP. NICOLE E. LOWEN AND REP. DAVID A. TARNAS

POSITION: Support.

RATIONALE: Imua Alliance supports HB 551, which proposes a constitutional amendment that 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, and clarifies that the rights guaranteed may not be diminished by Article XI, Section 9, of the Constitution.

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

HB-551

Submitted on: 2/9/2021 11:33:33 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

To: The Honorable Nicole Lowen, Chair,

The Honorable Lisa Marten, Vice Chair, and Members of the

House Committee on Energy and Environmental Protection, and

Honorable Representative David A. Tarnas, Chair

Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the

House Committee on Water and Land.

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

Re: Hearing HB551–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.

Hearing: Thursday, February 11, 2021, 10:45 a.m. via videoconference

Position: **STRONG SUPPORT of HB551**, but suggest an amendment of one portion.

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members and Chair Tarnas, Vice Chair Branco, and Members of the Water and Land Committee:

The HAWAI'I 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. Coral reefs are already being severely harmed by ocean waters that are warming and becoming more acidic as a result of greenhouse gas emissions worldwide. Coral reefs are also being harmed in Hawaii by sediment and nutrient runoff from the land, by overfishing, especially of herbivores, and sunscreen petrochemicals.

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. HIROC applauds the inclusion of healthy ecosystems and a stable climate in particular 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 becomes 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 stable climate and healthy ecosystems are recognized, the better off the future will be for our children, oceans, coral reefs and other marine life.

HIROC does suggest one amendment to the bill as drafted. At the end of Section 2 it says: "The reserved rights stated herein are on par with other protected inherent and inalienable rights **and may not be diminished through the interpretation or implementation of Article XI, Section 9.**" The bolded language should be deleted; it is unnecessary and could be a distraction from what, even without the language, would still be a very significant amendment for the environment and the people of Hawaii. This bolded language was deleted recently in SB502 SD1 by the Senate Committee on Agriculture and the Environment, and we ask the Committees to make the same deletion.

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

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



To: The House Committee on Energy and Environmental Protection (EEP)
and
The House Committee on Water & Land (WAL)
From: Sherry Pollack, 350Hawaii.org
Date: Thursday, February 11, 2021, 10:45am

In strong support of HB551

Aloha Chairs Lowen and Tarnas, Vice Chairs Marten and Branco, and members of the EEP and WAL 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 HB551**.

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

HB-551

Submitted on: 2/10/2021 7:59:16 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lana Brodziak	Individual	Support	No

Comments:

I strongly support this amendment to our State Constitution. It is the responsibility of all levels of government, (Federal, State and County) to ensure all citizens have a safe and secure community to live in together. This Amendment is an important step in ensuring future State and County policies and regulations are focused on the big picture of ensuring a healthy community for all. Health is wealth!



February 10, 2021

Dear Members of the House Energy and Environmental Protection Committee and the Water and Land Committee

We are writing in support of HB551/SB502, 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

Alexandra Kahn, Founder, Kahana Foundation

Rafael Bergstrom, Executive Director, Sustainable Coastlines Hawai'i

Nicole Chatterton, Director, Zero Waste Oahu

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

HB-551

Submitted on: 2/10/2021 9:31:50 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

HB551

To: The Honorable Nicole Lowen, Chair,

The Honorable Lisa Marten, Vice Chair, and Members of the

House Committee on Energy and Environmental Protection, and

Honorable Representative David A. Tarnas, Chair

Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the

House Committee on Water and Land.

From: Elizabeth Madin (marine scientist)

Re: Hearing HB551–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.

Hearing: Thursday, February 11, 2021, 10:45 a.m. via videoconference

Position: **STRONG SUPPORT of HB551**, but suggest an amendment of one portion.

Aloha Chair Lowen, Vice Chair Marten, and Energy and Environmental Protection Committee members and Chair Tarnas, Vice Chair Branco, and Members of the Water and Land Committee:

Coral reefs are already being severely harmed by ocean waters that are warming and becoming more acidic as a result of greenhouse gas emissions worldwide. Coral reefs are also being harmed in Hawaii by sediment and nutrient runoff from the land, by overfishing, especially of herbivores, and sunscreen petrochemicals.

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. I applaud the inclusion of healthy ecosystems and a stable

climate in particular 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.

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 becomes 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 stable climate and healthy ecosystems are recognized, the better off the future will be for our children, oceans, coral reefs and other marine life.

Thank you for your consideration.

Sincerely,

Elizabeth Madin

HB-551

Submitted on: 2/10/2021 9:56:12 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Haily Burnett	Individual	Support	No

Comments:

To: The Honorable Nicole Lowen, Chair,
The Honorable Lisa Marten, Vice Chair, and Members of the House Committee on Energy and Environmental Protection, and Honorable Representative David A. Tarnas, Chair
Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the House Committee on Water and Land. 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 becomes 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 stable climate and healthy ecosystems are recognized, the better off 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.

HB-551

Submitted on: 2/10/2021 10:06:45 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Innes-Gold	Individual	Support	No

Comments:

To: The Honorable Nicole Lowen, Chair,
The Honorable Lisa Marten, Vice Chair, and Members of the
House Committee on Energy and Environmental Protection, and
Honorable Representative David A. Tarnas, Chair
Honorable Representative Patrick Pihana Branco, Vice Chair, and Members of the
House Committee on Water and Land.

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 becomes 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 stable climate and healthy ecosystems are recognized, the better off 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.

HB-551

Submitted on: 2/10/2021 12:43:36 PM

Testimony for EEP on 2/11/2021 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
P Noel Bobilin	Individual	Support	No

Comments:

I highly support Bill HB 551. Our current laws are not working. Corporate for-profit institutions have an influence on government and continually block efforts to protect our community from environmental degradation and climate breakdown. Basic human needs and rights become afterthoughts in the government decision-making because of that corporate influence, sometimes it's not considered at all. The health of the environment and environmental impacts on people 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. Thank you.

Dear EEP/WAL Committees,

I apologize for missing the testimony deadline for this bill (wrong email), but I wanted to give you my thoughts anyway...Thank you for listening.

Is having pure water, fresh air and a healthy environment too much to ask? It used to be a given, but now we have to request it. Bill HB551 assures us that our politicians will support Hawaii's citizens and the planet's health when development has gone too far or health care has become too expensive or another rare animal becomes extinct.

In the past 100 years humans have ravaged the earth, leaving us where we are today--in a climate crisis. This cannot continue unabated or we will leave nothing for our grandchildren.

Please assure us that action will be taken to heal our planet, restoring the green and blue hues we need for survival.

Bill HB551 is a token of that commitment.

Sincerely,
Jan Pappas
Aiea, Hawaii

HB-551

Submitted on: 2/11/2021 9:00:46 AM

Testimony for EEP on 2/11/2021 10:45:00 AM

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

Comments:

Aloha,

I am writing to express my STRONG OPPOSITION to bill SB1334, which would remove the development ban from Kakaako Makai. This area is the last remaining public ocean front land in urban Honolulu, and big developments will destroy the Hawaiian history and threaten our beloved ocean waves. The preservation of this land is vital to the balance between nature and development in Kakaako. Please take responsibility for preserving history and environmental balance by opposing this bill.

Thank you for your time and consideration.

Elizabeth Benyshek, Vice Chair at Surfrider Foundation Oahu Chapter