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GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

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CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
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DEPUTY DIRECTOR - WATER

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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N.S. CHANG  
Chairperson

Before the House Committees on  
ENERGY & ENVIRONMENTAL PROTECTION  
and  
WATER & LAND

Thursday, February 2, 2023  
8:30 AM

State Capitol, Conference Room 325, Via Videoconference

In Consideration of  
House Bill 444

PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE  
OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE  
RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT  
AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES

House Bill 444 proposes an amendment to Article 1 of the State of Hawai'i Constitution to ensure that the people of Hawai'i have a right to a clean and healthful environment, including clean air, clean water, clean ecosystems and clean beaches. The Department of Land and Natural Resource (Department) lauds the intent of this bill as it matches our mission. The department is concerned that putting this language in the Constitution opens the State to potentially unlimited liability for alleged breaches of the proposed constitutional obligations. **The Department offers the following comments.**

First, the constitutional right "to a clean and healthful environment, as defined by laws relating to environmental quality," is provided for in article XI, section 9, of the State Constitution, which is presently not self-executing. *In re Application of Maui Elec. Co.*, 141 Hawai'i 249, 264, 408 P.3d 1, 16 (2017) (holding that article XI, section 9 does not create a right for citizens to enforce a "freestanding interest in general aesthetic and environmental values").

In addition, we believe that regulatory processes meant to ensure that the people of Hawai'i have clean air, clean water, clean ecosystems and clean beaches already exist. Foremost among these regulations is Hawai'i Revised Statutes (HRS) § 343 Environmental Impact Statements, which are meant to address

the impact of overall projects on the health of the people and ecosystems of Hawai‘i. The Department notes that this bill is often a target of developers, especially those planning affordable or low-income housing units for all or part of their developments. Strengthening HRS § 343 and its applicability to various projects might have more of an impact with less legal exposure for the State.

Other laws that protect the environment, climate and natural and cultural resources include, various clean water bills under the Department of Health, and many of the regulations enforced by the Department. Better ability to enforce these bills, increased annual funding for stewardship of Hawai‘i’s lands and waters, and increased acquisition of buffer lands, including forests, coastlines and wetlands would go a long way to protecting the environment and meeting the goals of this bill.

The Department notes that these issues are critically important. A group of youth have recently sued the Department of Transportation for violating their constitutional rights by not doing enough to stem emissions that are contributing to climate change. The Department will continue to address climate change and its impacts through the Climate Change Commission, protection of our conservation and coastal lands, watershed management and where possible, expanding our forest reserves, and protected coastlines and wetlands.

Mahalo for the opportunity to comment on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 444, PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES.

**BEFORE THE:**

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

**DATE:** Thursday, February 2, 2023      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 325, Via Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Blair A. Goto, Deputy Attorney General

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Chairs Lowen and Ichiyama and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to propose an amendment to article I of the Constitution of the State of Hawaii to add a new section that would provide: "The inherent and inalienable rights of the people, including present and future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems and beaches, shall be protected and shall not be infringed." (Page 2, lines 7-11).

Although the bill indicates that the proposed amendment would complement existing constitutional provisions and reinforce protections of human health, natural and cultural values, and the environment, we believe that the amendment broadens already existing rights. See article XI, section 1 ("[T]he State . . . shall conserve and protect Hawaii's natural beauty and all natural resources" and "[a]ll public natural resources are held in trust by the State for the benefit of the people.") and article XI, section 9 ("Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including . . . conservation, protection and enhancement of natural resources.") of the Hawaii Constitution.

Our concerns are that the proposed amendment could be construed to limit the Legislature's future ability to regulate the environment in unprecedented ways and to raise questions concerning the constitutionality of existing environmental laws and regulations, or the implementation of such laws and regulations. All of this would complicate environmental enforcement.

Thank you for the opportunity to testify.

**HB-444**

Submitted on: 1/31/2023 10:43:06 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Helen Cox	Kauai Climate Action Coalition	Support	Written Testimony Only

Comments:

I am testifying in support of HB444 on behalf of the Kauai Climate Action Coalition, a group of more than 140 Kauai residents who recognize the existential crisis posed by climate change and are committed to action.

Environmental threats are growing worse and we are facing a climate crisis. Because healthy environments, including climate, 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**.

We all need clean water and air, a healthy environment and climate 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.

When we look into the eyes of our keiki and mo`opuni, we want to know we have done all we can to give them an environment in which they can be healthy and happy. This amendment will take us an important step closer to ensuring that. Mahalo for your support of this important bill.



2/2/2023

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

Dear Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy & Environmental Protection and Water & Land,

**Position: Support HB444**

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 Surfrider Foundation, Hawai'i region, is testifying in **strong support of HB444**, relating to a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches.

This bill would add a crucial self-executing amendment to the Hawai'i State Constitution that ensures the right of all people to a clean environment, which aligns with our core principles. Currently, three states have a green amendment adapted into their constitutions, Pennsylvania, Montana, and New York, and many 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 XI, 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 clearly already on the forefront of sound environmental legislation – it's necessary to keep our natural environment pristine for our keiki and the future generations of residents and visitors. 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 working towards 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 HB444, 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,

Camile Cleveland  
Volunteer Policy Coordinator  
Surfrider Foundation, O'ahu Chapter

**HB-444**

Submitted on: 1/31/2023 1:57:28 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Zero Waste Kauai	Support	Written Testimony Only

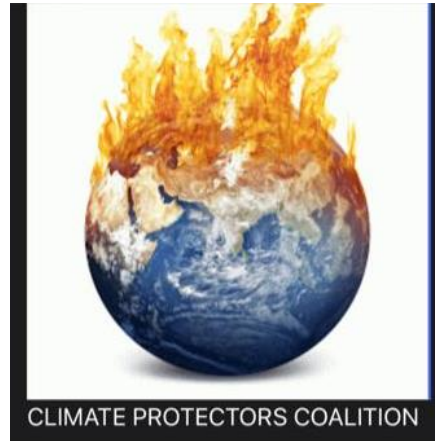
Comments:

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. If we want a **right to a clean and healthy environment** we have to put it in the bill of rights. This is what the Green Amendment would do.

HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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**.

-We all need clean water and air, a healthy environment and climate 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.



To: The Honorable Chairs Nicole Lowen and Linda Ichiyama, the Honorable Vice Chairs Elle Cochran and Mahina Poepoe, and Members of the Committees on Energy and Environmental Protection and Water and Land.

From: Hawaii Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing HB444 PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES.**

Hearing: Thursday February 2, 2023, 8:30 a.m., room 325

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Members of the Committees on Energy and Environmental Protection and Water and Land:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. The Climate Protectors Hawai'i seek to educate and engage the local community in climate change action, to help Hawai'i show the world the way back to a safe and stable climate.

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## **The Hawai'i Reef and Ocean Coalition and the Climate Protectors Hawai'i STRONGLY SUPPORT HB444!**

Hawai'i has very fragile ecosystems, from coral reefs that are suffering from warming oceans, to drinking water polluted with petroleum spilled from underground storage tanks. These fragile ecosystems need protection now more than ever, as environmental threats are growing worse and we are facing an existential climate crisis and rapid declines in aquatic life. Recently, the need for this amendment has been underscored by the harm to our drinking water from spills at the permitted facility at Red Hill.

This bill proposes a constitutional amendment to Article I, the Hawai'i Bill of Rights, to provide more protection of environmental rights. If approved by voters, the Green Constitutional Amendment as drafted in this bill would recognize and protect the right to clean water and air, healthful environment and climate, healthy native ecosystems, and beaches.

In Hawai'i, environmental protection and this amendment are rooted in the traditions and collective conscience of the people. Environmental protection is deeply honored and valued as part of the culture, beliefs, way of life, and economy. Native Hawaiians have had a traditional and on-going special relationship to the environment and 'aina.

Because "a healthful environment and climate," and "healthy ecosystems" are currently not recognized and protected as inherent, inalienable rights in the Hawaii's Constitution's Bill of Rights, protecting these basic human needs sometimes becomes an afterthought in government laws and decision making, and sometimes is not considered at all. The inclusion of this fundamental right in Article I would not be redundant or unnecessary. It would complement, not supplant, the existing recognized role of government as public trustee of all public natural resources in Article XI, Section 1.

We all need clean water and air, and a healthful environment and climate, 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. We need environmental protection rights raised up to be on par with other fundamental rights such as speech, assembly and religious freedoms.

This Constitutional amendment would provide a new and important tool for protecting the State's environment. This new amendment may fill a significant gap where there is not yet a law to address a serious environmental condition or threat, until legislative protections can catch up, and strengthen enforceable environmental rights that belong to all the people of Hawai'i.

The Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition particularly applaud the inclusion of healthful climate and healthy ecosystems in the rights that would be recognized and protected in this amendment, if adopted. The Climate Protectors Hawai'i and Hawai'i Reef and Ocean Coalition were both formed out of concern for these overlooked (and typically degraded) public interests. The Hawai'i Reef and Ocean Coalition shares this interest in a healthful climate, which is also critical for corals and other marine life that are dying primarily from warming, more acidic oceans, as well as in "healthy ecosystems."

New York recently became the third state to adopt a Green Constitutional Amendment. In addition to Hawai'i, at least five other states are considering similar amendments at this time.

The amendment would now read: **"The fundamental right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed."**

**The Climate Protectors Hawai'i and the Hawai'i Reef and Ocean Coalition ask the Committee to advance this bill to continue discussion of this important right for the people of Hawai'i!**

Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)



# Environmental Caucus of The Democratic Party of Hawai'i

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**TO: THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION**

**Rep. Nicole E. Lowen, Chair**

**Rep. Elle Cochran, Vice Chair**

**TO: THE HOUSE COMMITTEE ON WATER & LAND**

**Rep. Linda Ichiyama, Chair**

**Rep. Mahina Poepoe, Vice Chair**

**RE: Testimony in Support of HB444, aka “The Green Amendment”**

“An amendment to article 1 of the constitution of the state of Hawaii to recognize and protect the inherent and inalienable right of all people to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches. “

**Aloha Chairs Lowen and Ichiyama and Vice Chairs Cochran and Poepoe  
and all the members of both committees**

The Environmental Caucus of the Democratic Party of Hawaii fully supports placing this amendment on the ballot so that the people of Hawaii may choose to add it to the State Constitution.

This amendment not only states what should be a national commitment to all citizens in the USA but especially to all residents in our unique State of Hawaii. Our state is one of the most vulnerable to climate change related environmental damages. There are businesses and agencies poisoning our precious fresh waters, and in many cases Ocean waters as well. The carbon pollution in the air, the plastic waste products deposited into the oceans, the misuse of the limited agricultural lands in a state which is still dependent on imported food products, add up to potential disasters separate from the extreme weather events produced by climate change, which are themselves productive of disastrous consequences.

If this amendment becomes State Constitutional Law then the people will have legal recourse to challenge State and County government policies and actions which threaten our environment. Further we recommend the Committee consider redrafting the current amendment language to include corporate and private environmental threats as well. If this or a revised amendment is passed by the people, it will be easier to prevent abuses and faster to force current abusers to cease and desist environmentally hazardous activities.

**In addition, this Amendment is consistent with the Democratic National Committee Party Platform and legislative agendas as stated in the section: “COMBATING THE CLIMATE CRISIS AND PURSUING ENVIRONMENTAL JUSTICE”**

It should be incumbent on all Democratic Party legislators to support any and all bills which will support the Party Platform on the environment. Please allow the voters in Hawaii to make their will, known.

Most Sincerely  
Martha E Randolph  
DPH SCC representative for the Environmental Caucus



**HB 444, PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES**

FEBRUARY 2, 2023 · HOUSE ENERGY AND ENVIRONMENTAL PROTECTION AND WATER AND LAND COMMITTEES · CHAIRS REP. NICOLE E. LOWEN AND REP. LINDA ICHIYAMA

**POSITION:** Support.

**RATIONALE:** Imua Alliance **supports** HB 444, which proposes a constitutional amendment to recognize and protect the inherent and inalienable right of all people to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches.

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](mailto:kris@imuaalliance.org)**



AMERICANS FOR DEMOCRATIC ACTION

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	Stephanie Fitzpatrick	Stephen O'Harrow		

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January 31, 2023

TO: Chairs Lowen & Ichiyama and Members of the EEP/WAL Committees

RE: HB 444 PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES.

Support for a hearing on Feb. 2

Americans for Democratic Action is an organization founded in the 1950s by leading supporters of the New Deal and led by Patsy Mink in the 1970s. We are devoted to the promotion of progressive public policies.

We support HB 444 as it would propose a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. Our environment is too precious to be left to the whims of statutory law. Putting this in the Constitution is the best safeguard.

Thank you for your consideration.

Sincerely,

John Bickel, President



**HB-444**

Submitted on: 2/1/2023 7:24:11 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole Mahealani Lum	?Ahahui o na Kauka (Association of Native Hawaiian Physicians)	Support	Written Testimony Only

Comments:

Aloha kākou. ‘Ahahui o nā Kauka, the Association of Native Hawaiian Physicians, stands in solidarity in the fight against climate change, and writes in strong support of HB444.

Climate change is a public health crisis. Health outcomes due to climate change include: heat related illnesses, lung and heart conditions, food/water/vector-borne diseases, mental health illnesses, preterm births, and a shorter lifespan, to name a few. Native Hawaiians and other Indigenous peoples are especially affected by climate change and its impact on the environment, due to these communities’ close relationship with and dependence on the earth and its natural resources. The health of the land is the health of the people, is the health of our nation. ‘Ahahui o nā Kauka is therefore committed to supporting policies and programs that preserve and protect the health and well-being of our environment, and to working collectively against policies that allow environmental destruction and unrestrained industrial pollution that is destructive to earth and leading to climate change.

The problem is that healthy environments, including climate, are not currently recognized and protected as inalienable rights, and are not given constitutional recognition and protection. Subsequently, protecting these basic human needs becomes an afterthought in governmental decision-making, and sometimes not considered at all. The health of the environment and environmental impacts should be considered first, at the start of governmental planning, decision-making, and regulating. Our constitution should recognize and protect these rights of all people, including future generations.

HB444 would help to secure for all people and future generations the Constitutional recognition and protection of their inalienable rights to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches. This bill would firmly set in stone the right to a clean and healthy environment in the Hawaii Constitution, thereby strengthening protections against infringement of these rights by corporate for-profit institutions and other bodies which contribute to environmental destruction and climate change without restraint under the ineffective laws and protections that presently exist.

We are facing a climate crisis. Climate change is harming the health of our people. We all need clean water and air, and a healthy environment and climate to live healthy, long, and good quality lives. We need to ensure our environmental rights are protected just as firmly and

powerfully as the other fundamental rights that we hold dear. It is for these reasons that ‘Ahahui o nā Kauka urges the passing of HB444. Mahalo for your consideration.



### In support of HB444

February 2, 2023

Members of the Committee on Energy and Environmental Protection, and the Committee on Water & Land,

We, the undersigned 16 organizations, are writing in support of HB444, 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. At the same time, it leaves environmental rights protection to the political process, to be defined by laws that can be subject to the politics of the day, easily undermined by a legislature that fails to fully appreciate the importance of protecting the environmental rights of all our people, and a legislative system that by its nature can be subject to gaps in protection or result in disproportionate harms for environmental justice communities that can be left without a remedy. The Green Constitutional Amendment being proposed will provide a mechanism to fill the gaps, address inequities in implementation, and strengthen environmental protection by raising environmental rights up so they are given highest constitutional recognition and protection.

In contrast to our current constitutional environmental rights language, the proposed Bill of 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, the obligation is not limited to the state legislature.

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.

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. This means that when there is a tension between property rights and protecting the environmental rights of the people around, the two will have to be balanced and both protected. By ensuring environmental rights protection will also, by its nature, strengthen property rights protection because too often the property of others is invaded by the pollution of another, the compliment of property rights with environmental rights will allow us to better protect the sanctity of our property, family and homes.

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 environments 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:

Sherry Pollack, Co-Founder, 350Hawaii

Melodie Aduja & Alan Burdick, Co-Chairs, Environmental Caucus of the Democratic Party

Cara Oba, Climate Protectors Hawaii

Laurie Quarton, Community Coalition Kauai

Maya van Rossum, Founder, Green Amendments for the Generation

Anne Frederick, Executive Director, Hawaii Alliance for Progressive Action

Ted Bohlen, Co-Founder, Hawaii Reef and Ocean Coalition

Dyson Chee, Hawaii Youth Climate Coalition, Executive Director

Desta Rudolph, President, Independent Energy

Helen Cox, Chair, Kauai Climate Action Coalition

Sandra Herndon & Laurel Brier, Kauai Women's Caucus

Dave Mulinix, Co-Founder, Our Revolution Hawaii

Lauren Blickley, Hawaii Regional Manager, Surfrider Foundation

Susan Gorman-Chang, Environmental Advocate, Trinity United Methodist Church

Jennifer Navarra, Coordinator, Zero Waste Hawai'i Island

Ruta Jordans, Zero Waste Kauai



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 2, 2023, 8:30am

### **In strong support of HB444**

Aloha Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, 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.org is in **strong support of HB444** which proposes a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed.

The Green Amendment will serve to strengthen the environmental protections currently recognized in our Hawaii Constitution. This is needed now more than ever in these times where ecosystems and our climate are facing destruction. 350Hawaii welcomes the inclusion of a Green Amendment in which environmental rights are given highest constitutional recognition and protection, on par with other fundamental rights such as speech.

The amendment would be a tool to help put a focus on the prevention of environmental harm, as well as provide legislators and regulators constitutional grounding upon which to advance positive and strengthened environmental protections. Environmental threats are growing worse and we are facing a climate crisis. Because healthy environments, including climate, 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**.

We all need clean water and air, a healthy environment and climate 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.

Opponents of this measure have cited a concern that it will create increased litigation and that “administrative agencies are already swamped by contested cases.” Green Amendments do not support frivolous litigation. In Pennsylvania, New York, and Montana, where Green Amendments now exist, there has not been an onslaught of frivolous litigation relying on constitutional environmental rights. Rather, the lawsuits brought have been reasonable and helped to shape the understanding of the constitutional requirement. And we have to ask, why are government agencies swamped now with contested cases? There may be room for improvement in the decision-making processes of some of these agencies.

With a Green Amendment, government agencies would need to consider our environmental rights when executing their duties, it would not be an afterthought as it is now. **We all need clean water, clean air, a healthful environment and climate.** Having the Green Amendment would support and secure better government decision-making that avoids environmental pollution and degradation.

The sooner these rights 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-444**

Submitted on: 2/1/2023 8:16:01 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dave Mulinix	Our Revolution Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Chair Lowen & Chair Ichiyama & Committee Members,

On behalf of Our Revolution Hawaii's 5,000 members and supporters statewide, we stand in STRONG SUPPORT of HB444, aka the Green Amendment, that proposes a constitutional amendment that ensures that the fundamental right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed.

Passage of HB444 is important because environmental rights as proposed in this bill are not addressed by other existing constitutional provisions in the Hawaii constitution: Ensuring the rights to clean, safe and healthy environments are given the same constitutional standing and protection as other human, civil and political rights in the Hawaii constitution is of importance and value; and it is a goal that is not achieved with other existing constitutional language.

While Article XI, Section 1 speaks to the obligation of the state to protect natural resources, it does not speak to the rights of the people to clean and healthy environments.

Article XI, Section 9 is framed to acknowledge the rights and duties of state government to protect the environment, and the ability of people to enforce existing environmental protection laws, but it does not in fact recognize the inalienable rights of people to a clean and healthy environment ensuring that recognition of rights guides government action. As a result, the proposed Green Constitutional Amendment will fill a gap that exists in Hawaii's constitution.

Also, placement in Article I ensures environmental rights are protected on par with other fundamental rights and ensures fair balancing of rights when needed. For example, when there is a tension between property rights and protecting the environmental rights of the people, the two will have to be balanced and both protected.

Ensuring environmental rights protection will also, by its nature, strengthen property rights protection because too often pollution migrates onto the property of others. The complement of property rights with environmental rights will allow us to better protect the sanctity of families and homes.

Please pass HB444 and protect and ensure our rights to a clean healthy environment.



Mahalo for your kind attention.

David Mulinix, Cofounder & Statewide Organizer

Our Revolution Hawaii.

**HB-444**

Submitted on: 2/1/2023 8:34:59 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Steve Parsons	Small Biz Owner	Support	Written Testimony Only

Comments:

Aloha Trusted Hawaii Leaders!

PLEASE lead on this issue! Climate pollution is KILLING the People of Hawaii and accelerating the Sixth mass extinction of species we depend on for life. Vote yes on this Green amendment for the sake of next Gen. Babies born today will NEVER know a stable climate thanks to our inaction over the years! They will see massive storms and sea level rise the likes of which were unfathomable merely a decade ago. PLEASE ACT BOLDLY, IMUA>>>

Mahalo,

Steve Parsons, Kauai Climate Action Coalition, Tesla Owners Club Kauai Director, Kauai EV Member ,Hanapepe Kauai



**HB 444 THE GREEN AMENDMENT**

**Written Testimony: SUPPORT**

**Trinity United Methodist Church**

This testimony is in support of The Green Amendment, HB 444. The United Methodist Church's 2016 Book of Resolutions, #1033 Caring for Creation: A Call to Stewardship and Justice elucidates our principles, beliefs and responsibilities in regards to safeguarding and defending the Earth. This Resolution #1033 starts by clearly stating, "Our covenant with God calls us to steward, protect, and defend God's creation." It cites, "We are to delight in and praise God for the abundance and diversity of creation (Psalm 148) and honor God's covenant established with all living creatures (Genesis 9:9)." Resolution #1033 illuminates, further, "We call on governments to support careful management of agricultural lands, protection of forests, and preservation of biodiversity among both plants and animals."

HB 444 aligns with these stated values of the United Methodist Church. HB 444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. This is very much needed now in these times where ecosystems and our climate are facing ultimate destruction by our own hands.

HB 444 recognizes that a healthy environment, including climate, need to be granted constitutional recognition and protection, thus protecting basic human needs. 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.

We all need clean water and air, a healthy environment and climate 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.

Susan Gorman-Chang  
Environmental Advocate  
Representing Trinity United Methodist Church  
1716 Komo Mai Dr  
Pearl City, HI 96782

**HB-444**

Submitted on: 2/2/2023 6:21:37 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gary Hooser	Pono Hawaii Initiative	Support	Written Testimony Only

Comments:

Committee Chair and Members,

HB444 is a legacy bill.

There are relatively few times in a legislator's career when they have a genuine opportunity to positively impact future generations. This is one of those opportunities and I strongly encourage you to embrace it.

Sincerely,

Gary Hooser

**HB-444**

Submitted on: 1/31/2023 8:14:03 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Strongly support!

**HB-444**

Submitted on: 1/31/2023 11:24:25 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl B.	Individual	Support	Written Testimony Only

Comments:

**SUPPORT**

As a citizen of the islands of Hawai`i, I fully support this proposalb for AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES.

Proposes a constitutional amendment to ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed.

We are seeing a complete disregard and inability for the State of Hawai`i to protect its` citizens and this place , the `āina, wai and resources. It is important for us to take a stand. THIS being said what enforcement powers will this give to the State especially in regards to what is currently happening on O`ahu with Red Hill and on other islands with issues.

Fully in SUPPORT of this amendment. Give it the teeth to help us take care of our island home.

**HB-444**

Submitted on: 1/31/2023 12:08:21 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gladys C Baisa	Individual	Support	Written Testimony Only

Comments:

Support.



**HB-444**

Submitted on: 1/31/2023 1:43:26 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carol Hemington	Individual	Support	Written Testimony Only

Comments:

I have recently moved to Hawaii from New Jersey. I want to be sure that Hawaii keeps its wonderful environment and does not suffer the fate of so many states, including New Jersey, that have seen so much of their environment defiled by decisions that did not take the health of the environment and the people into consideration. Therefore, I am in strong support of the Green Amendment. We all need clean water, clean air, and a livable climate. To ensure this, we need these rights to environmental protection raised to be on par with other fundamental rights such as speech and religious freedoms. Existing environmental laws primarily deal with providing a "right to pollute" - they only set limits to how much pollution is allowed. Also, existing laws can be changed by subsequent elected officials. A constitutional amendment will insure that impacts on the environment are considered in advance of actions being taken, and also will not be able to be undone by a change in legislators. Thank you.

**HB-444**

Submitted on: 1/31/2023 1:56:18 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kate Thompson	Individual	Support	Written Testimony Only

Comments:

We need to do everything we can to prevent global warming.

We need the Green Amendment.

**HB-444**

Submitted on: 1/31/2023 2:58:55 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

Thank you for this bl. It has my full support.

**HB-444**

Submitted on: 1/31/2023 4:08:44 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

HB444 proposes a Hawaii constitutional amendment to ensure current and future generations' inalienable right to clean air and water, a stable climate, and healthy endemic ecosystems. This legislation is urgently needed in our era of mass extinctions and climate catastrophe. I urge you to pass this bill, which will help to legally mandate climate change mitigation and the protection of Hawaii's fragile environment.

**HB-444**

Submitted on: 1/31/2023 5:54:10 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bruce L Hultgren	Individual	Support	Written Testimony Only

Comments:

This bill should be supported, the big players financially have been allowed to desecrated our State.

**HB-444**

Submitted on: 1/31/2023 6:26:14 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

I believe it is my children's right to have a liveable world. We have no right to trash it by our greed and ignorance. This bill helps protect this right. I'm 100% for it.

**HB-444**

Submitted on: 1/31/2023 7:09:24 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

If we believe that people have a 'right to life', then we should affirm HB444 in the constitution. We all need clean water and air, a healthy environment and climate 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.

Mahalo,

Lorna Holmes, Honolulu 96817

**HB-444**

Submitted on: 1/31/2023 7:59:30 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

We need a law strong enough to withstand the relentless influence of corporate money and power, which has brought us climate change and environmental devastation. Future generations deserve better.

mahalo, Cory Harden



**HB-444**

Submitted on: 1/31/2023 8:26:39 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Matthew Geyer	Individual	Support	In Person

Comments:

I am testifying in support of HB444

Thank you for hearing this important measure.

The right to a healthy environment, clean water and air, is something that should have always been a right.

Please support and pass this important legislation.

Mahalo

Matthew Geyer

Hawaii Environmental Change Agents

**HB-444**

Submitted on: 1/31/2023 8:31:24 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in support of HB444.

me ke aloha 'āina,

Nanea Lo

**HB-444**

Submitted on: 1/31/2023 8:39:53 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tanya Gamby	Individual	Support	Written Testimony Only

Comments:

Our constitution should recognize and protect the rights of all people, **including future generations, against climate change**. I strongly support this bill.

**HB-444**

Submitted on: 1/31/2023 8:44:39 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

All people—including future generations—have the inalienable human right to clean water, air and land, a healthful environment, a stable climate and a healthy ecosystem. But right now, this right is being infringed upon and violated by profit-seeking enterprises, the military and development interests. We need a new way of providing a living for our people that is sustainable, that does no harm to the planet, and that does not violate these human rights. To fight for that better system, we need every tool available. Adding a Green Constitutional Amendment to enshrine our right to a sustainable future creates an important legal tool to achieve the clean and healthy future our keiki deserve. Please support HB444.

**HB-444**

Submitted on: 1/31/2023 8:58:36 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

Dear Chairpersons and Members of the Committee on Energy and Environment Protection, and Water and Land:

My name is Cheryl Ho. I live in Nu‘uanu. I have 8 grandchildren, living in ‘Ewa Beach, ‘Alewa Hts., and Mānoa. I have a strong interest in asserting the inalienable rights of all people, to live their lives with clean water, clean air, healthful environment and climate and healthy native ecosystems, and beaches. An amendment to our Hawai‘i State Constitution asserting this right is needed now more than ever. It will be the foundation on which all other measures for protecting the environment can be predicated. I strongly urge you to vote in favor of HB444!!

Sincerely,

Cheryl O. Ho, Nuuanu

**HB-444**

Submitted on: 1/31/2023 9:01:56 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dyson Chee	Individual	Support	Written Testimony Only

Comments:

Thank you for the opportunity to testify in strong support of HB444.

**HB-444**

Submitted on: 1/31/2023 9:07:30 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Support	Written Testimony Only

Comments:

Aloha,

-HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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**.

-We all need clean water and air, a healthy environment and climate 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.

Mahalo

**HB-444**

Submitted on: 1/31/2023 9:25:58 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaia Dunford	Individual	Support	Written Testimony Only

Comments:

The amendment to the state constitution proposed by HB444 to ensure the inherent and inalienable rights of the people to clean air and water, healthful environment and climate, and healthy native ecosystems, and beaches, is a necessary step to protect the human needs and rights of current and future generations. As threats of pollution, deforestation, and global warming increase, the natural resources that we depend on for survival and wellbeing are at risk. To ensure that we maintain a healthy, liveable world for ourselves and future generations, we must take this step now to legally establish the rights to clean air, water, and healthy environment, climate, and ecosystems as the fundamental human rights that they are. The people of Hawaii deserve the opportunity to vote on this bill to secure recognition and protection of our, and the future of our families and communities', right to clean and healthy resources and environment.



**HB-444**

Submitted on: 1/31/2023 9:50:00 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support HB444.

Theresa Thompson

**HB-444**

Submitted on: 1/31/2023 11:41:50 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laura Sasaki	Individual	Support	Written Testimony Only

Comments:

-HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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**.

-We all need clean water and air, a healthy environment and climate 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.

Dear Chairs Lowen and Ichiyama, Vice Chairs Cochran and Poepoe, and Committee Members,

My name is Sabrina Cohan. I am a seventeen year old high school senior from Honolulu, and I am writing to you today to express my strong support of HB444.

I firmly believe that every resident of Hawaii has an inalienable right to a healthy environment. However, threats to our environment are growing worse every day. Because a healthy environment, including a healthy climate, are not currently recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an afterthought in government decision making, if considered at all. The health of the environment and environmental impacts should be a top priority, and our constitution should recognize and protect the rights of all people, including future generations, to a healthy environment.

HB444 proposes an amendment, the Green Amendment, to the Hawaii State Constitution. The green amendment would amend the foundational document of our state to guarantee every person one of the most fundamental of all rights—the right to a clean and healthy environment. I support this bill because adding these rights to our Constitution would strengthen existing environmental laws with a Constitutional basis, as well as add authority and weight to future legislation. Additionally, this bill would make Hawaii's stance on the environment clear—it would announce to the world that we believe that a clean environment and livable climate are inalienable human rights. We should seize this opportunity to lead by example and inspire others to take a stand for their rights.

I have been born and raised on Oahu, and as I have grown up, I have seen Hawaii fall further and further into a climate emergency. I have read about disadvantaged communities being forced to live in polluted areas. I have heard my friends talk about how their favorite beaches are washing away. I have witnessed the negative impacts of tourism, and I have fought against the Red Hill water crisis. My greatest wish is that at least *some* of our beautiful islands be preserved for generations to come, for at least *some* of the wonder and nature I have grown up around to still be here a few decades from now. However, it is looking increasingly unlikely that our environment will avoid destruction unless we bring everyone in Hawaii, from corporations to governments to private citizens, together under a common goal, a common belief: that we all have a right to clean water, clean air, and healthy ecosystems. The Green Amendment would enshrine in Hawaii's Constitution these rights, so that they can never be doubted.

Thank you for your consideration of HB444, the passage of which is a vitally important step towards ensuring a sustainable future for all.

Sincerely,  
Sabrina Cohan

**HB-444**

Submitted on: 2/1/2023 6:32:13 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Maurer	Individual	Support	Written Testimony Only

Comments:

Environmental threats are growing worse and we are facing a climate crisis. Because healthy environments, including climate, 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**.

**HB-444**

Submitted on: 2/1/2023 7:35:13 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Dylan Ramos, I was born and raised in Honolulu, and I have worked with environmental, political, and social advocacy groups for the past 10 years. I am proud to testify in **STRONG SUPPORT** of HB444 and the Green Amendment. Every person should have the right and legal standing to defend the health of our shared island home.

Mahalo,  
Dylan Ramos  
96816

**HB-444**

Submitted on: 2/1/2023 7:54:36 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
R A Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Representatives!

The goal of the Green Amendment movement is to secure for all people and future generations the Constitutional recognition and protection of their inalienable rights to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches. If a Green Amendment bill passed in our legislature, the proposed Constitutional amendment would then be voted on by the people.

Let the people vote!

**HB-444**

Submitted on: 2/1/2023 8:07:44 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Latkiewicz	Individual	Support	Written Testimony Only

Comments:

Please support legislation promoting a green amendment for Hawaii. If anything, we are discovering what happens when we don't have a green amendment. The climate continues to degrade. A green amendment moves us back in the direction of a sustainable climate.

Thanks for your attention.

**HB-444**

Submitted on: 2/1/2023 8:12:28 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Madolin Wells	Individual	Support	Written Testimony Only

Comments:

The inalienable right of all people to clean air and water and healthy ecosystems is so fundamental it shouldn't need to be enshrined in the state Constitution, as it already is implicit in the US Constitution's stated right to "life, liberty, and the pursuit of happiness." But it does need to be. Building new developments on wetlands is but one example of how this basic right has been denied, again and again, leading to the current situation where needed rainfall immediately floods all low-lying areas, causing multiple crises including loss of life. Many mahalos to the legislators introducing this bill.



**HB-444**

Submitted on: 2/1/2023 9:07:44 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Committee Members,

YES! Mahalo for hearing this legislation. This is exactly the kind of legislation I am grateful and excited to share and explain to my keiki. And they say, oh, well shouldn't we already have all that? Shouldn't all people and plants and animals have that protection? These are the questions from a 4 year old and an 8 year old, who were shocked and saddened to find out that, no, we don't yet have those rights guaranteed. This is elementary. Basic. Rights and protections that we all deserve and we all need to protect at all costs. Please support this so we can explain to our keiki and grandkids that we did all we could to make sure we were working towards creating a healthy world they could live in and raise their own families in someday.

Mahalo,

Shannon Matson

Hawai'i Island Resident

**HB-444**

Submitted on: 2/1/2023 10:07:13 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
P Noel Bobilin	Individual	Support	Written Testimony Only

Comments:

I support this bill so strongly it hurts!

HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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**.

-We all need clean water and air, a healthy environment and climate 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.

Thank you!

**HB-444**

Submitted on: 2/1/2023 10:30:53 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ron Reilly	Individual	Support	Written Testimony Only

Comments:

Thank you Committee Chairs for agreeing to hear HB444.

I am in strong support of this measure.

We are in a climate crisis. The health of the environment and environmental impacts should be considered first, at the start of planning, decision making, and regulating.

Respectfully, Ron Reilly

Volcano Village, HI 96785

**HB-444**

Submitted on: 2/1/2023 10:59:03 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roberta Baker	Individual	Support	Written Testimony Only

Comments:

Strongly support HB444. We all need clean water, clean air, healthy environemnt. Let's get this started..It's not too late.

**Chair Nicole Lowen**  
**Vice Chair Elle Cochran**

**House Committee on Energy & Environmental Protection**

**Chair Linda Ichiyama**  
**Vice Chair Mahina Poepoe**

**House Committee on Water & Land**

**Thursday, February 2, 2023**  
**8:30AM**

**TESTIMONY IN SUPPORT OF HB444 PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII TO RECOGNIZE AND PROTECT THE INHERENT AND INALIENABLE RIGHT OF ALL PEOPLE TO CLEAN WATER AND AIR, A HEALTHFUL ENVIRONMENT AND CLIMATE, HEALTHY NATIVE ECOSYSTEMS, AND BEACHES.**

Aloha Chair(s) Lowen & Ichiyama, Vice Chair(s) Cochran & Poepoe, Members of the House Committee(s) on Energy & Environmental Protection and Water & Land,

My name is Jun Shin. I am a graduate of the University of Hawai‘i at Mānoa and a current member of the Hawai‘i State Youth Commission, testifying as an individual in **SUPPORT** of **HB444**, Proposing an Amendment to Article 1 of the Constitution of the State of Hawaii to Recognize and Protect the Inherent and Inalienable Right of All People to Clean Water and Air, a Healthful Environment and Climate, Healthy Native Ecosystems, and Beaches.

This constitutional amendment, if passed as is and approved by the people of Hawai‘i would provide important protections and while I’m not a lawyer, it would also offer enforcement abilities during the time of the global climate crisis. As a 23 year old, I will have to live with the consequences of inaction and unwillingness to make systematic changes that could actually take on climate change. This is one of many steps the legislature needs to take in order to reorder society. 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.

Please **PASS HB444** out of your committee. Everything listed in this constitutional amendment is a basic need that we need in order to survive.

Mahalo for the opportunity to testify,

Jun Shin,  
State House District 23 | State Senate District 12

Cell: 808-255-6663

Email: [junshinbusiness729@gmail.com](mailto:junshinbusiness729@gmail.com)

**HB-444**

Submitted on: 2/1/2023 12:39:07 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Vivien Lee and Charlie Reppun	Individual	Support	Written Testimony Only

Comments:

If you want a **right to a clean and healthy environment** you have to put it in the bill of rights. This is what the Green Amendment would do. We support HB444.

mahalo,

Vivien Lee and Charlie Reppun

**HB-444**

Submitted on: 2/1/2023 12:51:28 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Linda Kay Ross	Individual	Support	Written Testimony Only

Comments:

If you want your children and grandchildren, or anyone else's on this island and entire earth, to have any kind of a healthy life\* beyond the next 10 to 20 years, then you must be a model, a testament to the rest of mankind, and vote in favor of HB444

\*Are you aware that if we don't turn this all around, we are heading for the 6th mass extinction of life on this planet?

Whatever the power elite has promised you, trust me and thousands and thousands of activists, scientists, etc, they are lieing. **IF YOU NEED AIR AND WATER AND AN ATMOSPHERE THAT SUPPORTS CURRENT LIFE NEEDS ON THIS PLANET, YOU MUST DO THE JOB WE ALL VOTED YOU IN TO REPRESENT US, TO PROTECT US, TO PRESERVE LIFE ON PLANET EARTH... VOTE TO SUPPORT HB444..**

MAHALO, ALL LIFE THANKS YOU.



**HB-444**

Submitted on: 2/1/2023 1:29:23 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Severine Busquet	Individual	Support	Written Testimony Only

Comments:

Aloha,

HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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.

We all need clean water and air, a healthy environment and climate 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.

For all these reasons, I strongly support HB444.

Thanks for your attention

Severine Busquet

Honolulu, 96825

**HB-444**

Submitted on: 2/1/2023 1:50:12 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion McHenry	Individual	Support	Written Testimony Only

Comments:

I strongly support this amendment. It is imperative that we make bold moves to ensure that our government is moving as swiftly as possible to protect our states future in the current climate crisis.

Mahalo,

Marion McHenry

Kauai

**HB-444**

Submitted on: 2/1/2023 2:33:47 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jesse Palmer	Individual	Support	Written Testimony Only

Comments:

HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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**.

**HB-444**

Submitted on: 2/1/2023 2:45:10 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
James Trujillo	Individual	Support	Written Testimony Only

Comments:

Aloha from the Garden Isle,  
Please consider passing HB444 to protect the aina and the people.Hawaii's environment deserves maximum protection from over development, industrial contamination and other harmful human impacts.  
Mahalo for considering this testimony in favor of HB 444

With respect and aloha,

James G Trujillo

**HB-444**

Submitted on: 2/1/2023 3:55:48 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
pamela burrell	Individual	Support	Written Testimony Only

Comments:

Aloha House members,

I strongly support this amendment.

WHY IS THIS IMPORTANT? 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.

BOTTOMLINE: If you want a right to a clean and healthy environment you have to put it in the bill of rights. This is what the Green Amendment would do.

please secure Hawaii's future.

thank you.

pamela burrell, Kalihiwai, kua'i

**HB-444**

Submitted on: 2/1/2023 4:30:11 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary True	Individual	Support	Written Testimony Only

Comments:

I strongly support HB444. At this point in time, it's the only sane thing to do.

Mahalo, Mary True, Pepeekeo

**HB-444**

Submitted on: 2/1/2023 6:38:28 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

This is a common sense bill. Please support it.

**HB-444**

Submitted on: 2/1/2023 7:06:55 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diane Ware	Individual	Support	Written Testimony Only

Comments:

Dear Chairs and Committee Members,

HB444 proposes a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure that the inherent and inalienable right of the people, including future generations, to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches, shall be protected and shall not be infringed. 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 healthy environments, including climate, 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.

Mahalo nui for the protection of earth and future generations,

99-7815 Kapoha Place, Volcano 96785



**HB-444**

Submitted on: 2/1/2023 7:13:57 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sam Peralta	Individual	Support	Written Testimony Only

Comments:

Hawaii is a unique location, with many of its islands close together and a large resident population as well as an ever-increasing number of tourists. All these places mean that our environmental resources are becoming more limited due to greater demand, and global warming could make the situation much worse. We need to protect our environment and put in place laws and policy that contribute to the state motto, "ua mau ke ea o ka aina i ka pono."

**HB-444**

Submitted on: 2/1/2023 8:30:18 PM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joan Gannon	Individual	Support	Written Testimony Only

Comments:

Please support HB444. Our lives and the planet depend on it.

your friend from South Kona

Joan Gannon

Eileen Cain  
720 Mahi'ai St., Apt. E  
Honolulu, Hawai'i 96826-5635  
February 1, 2023

Chair Representative Nicole Lowen and Committee Members  
Energy and Environmental Protection Committee  
Hawai'i State House of Representatives  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Lowen and Committee Members,

**I urge you to vote for HB444.** The promise embedded in this proposed constitutional amendment is very much needed for current and future generations living on this 'āina.

Human life and well-being depend on clean air and water. No reasonable person can deny this. They should be acknowledged as inherent rights of all human beings. They should not be reserved for those of privilege -- people with higher incomes. They should be available equitably for all of us, without distinction or discrimination. We need environmental justice.

Clean air, water, and healthy ecosystems are necessities that many of us have struggled to achieve for years. They shouldn't be a far-off dream. We need to make them a reality.

Furthermore, clean air, water, and ecosystems cannot be left to the whims of corporations who may pollute at will and try to help themselves to water whenever they want it.

The need to safeguard these human rights is great. These rights should be guaranteed in perpetuity for all in our State Constitution. Our lives depend on it.

Let Hawai'i become a model, setting an admirable example for people in other lands to follow by guaranteeing these rights with this constitutional amendment.

Mahalo nui loa,

Eileen Cain  
Honolulu

**HB-444**

Submitted on: 2/2/2023 8:54:57 AM

Testimony for EEP on 2/2/2023 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stuart Coleman	Individual	Support	In Person

Comments:

I've been working with Rep Lowen's office and Rep Cochran's office Requesting video testimony access. Thanks.