

JOSH GREEN, M.D.
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

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
LAURA H.E. KAAKUA
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT

Wednesday, February 1, 2023
1:00 PM

State Capitol Conference Room 224 and Videoconference

In Consideration of
SENATE Bill 635

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

Senate Bill 635 proposes an amendment to Article 1 of the State of Hawaii Constitution to ensure that the people of Hawaii 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 Hawaii have clean air, clean water, clean ecosystems and clean beaches already exist. Foremost among these regulations is Hawaii 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 Hawaii. 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 and increased acquisition of buffer lands, including forests 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 wetlands.

Thank you for the opportunity to comment on this bill.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 635, 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:

SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

DATE: Wednesday, February 1, 2023 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 224

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

Chair Gabbard and Members of the Committee:

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.

SB-635

Submitted on: 1/31/2023 2:07:44 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruta Jordans	Testifying for 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.

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

This amendment 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.

SB-635

Submitted on: 1/30/2023 11:59:21 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Our Revolution Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Chair Gabbard, Vice Chair Richards & Members of the Agriculture & Environment Committee,

On behalf of Our Revolution Hawaii's 5,000 members and supporters statewide, we stand in STRONG SUPPORT of SB635, 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 SB635 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 SB635 and protect and ensure our rights to a clean healthy environment.

Mahalo for your kind attention.

David Mulinix, Cofounder & Statewide Organizer

Our Revolution Hawaii.

SB-635

Submitted on: 1/30/2023 10:48:00 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
laurel brier	Testifying for Kauai women's caucus	Support	Written Testimony Only

Comments:

Put it on the ballot and let the people decide. Hawai'i wants to protect the 'aina. It is why the Public Trust Doctrine was put in place over 4 decades ago, but given the climate crisis, loss of species and all the other environmental degradation we are facing we need more and stronger defenses. The Green Amendment will give greater guidance, and more tools, by placing the right to a healthy environment in our Bill of Rights. It will make legislators job more clear and effective, rather than continuous piecemeal legislation. Enshrine the right to a healthy environment to future generations.

January 30, 2023

Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair
Committee on Agriculture and Environment
Wednesday, February 1
1:00pm
via Video Conference



RE: **SB635** GREEN AMENDMENT (**STRONG SUPPORT**)

Dear Chair Gabbard, Vice Chair Richards & Committee Members,

Chamber of Sustainable Commerce testifies in **STRONG SUPPORT** of SB635. As business owners who believe we can strengthen our economy without hurting employees, consumers, communities or the environment, we urge this committee to vote in favor of passing SB635, 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 language in this bill is clear and unambiguous and will have no adverse affects on the profitability of businesses that do not contaminate our clean water and air, or harm the health of our environment which their workers and consumers rely on. Why would a business want to harm its consumers or its workforce? That would be an unsustainable business model and result in reduced profitability. *(See The Lorax; but contrast companies that pursue secondary profitability by selling the cure or prophylactic to the original harm they caused.)*

The threat of tourism industry "annihilation", that was cited in testimony in opposition to the 2022 version of this bill, is ironic hyperbole. Contaminating our fresh water aquifer with jet fuel, having high fecal bacteria counts in the near shore waters of some of our most beautiful beaches, and soil contamination and reef-killing runoff caused by agri-chemical corporations would do more to annihilate tourism than constitutionally protecting our environment.

**Hawaii
Legislative
Council**

Maile Meyer
Na Mea Hawaii
Honolulu

Russel Rudderman
Island Naturals
Hilo / Kona

Tina Wildberger
Kihei Ice
Maui

Joell Edwards
Wainiha Country Market
Kauai

Kim Coco Iwamoto
AQuA Rentals, LLC
Honolulu

SB-635

Submitted on: 1/29/2023 3:48:02 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Helen Cox	Testifying for Kauai Climate Action Coalition	Support	Written Testimony Only

Comments:

I am testifying in support of SB635 on behalf of the Kauai Climate Action Coalition, a group of more than 100 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.

Helen A. Cox, PhD

Chair, Kauai Climate Action Coalition

SB-635

Submitted on: 1/30/2023 8:29:10 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Parsons	Testifying for Small Biz Tesla Owners CLub, Kauai Chapter and Kauai EV	Support	Written Testimony Only

Comments:

Aloha Trusted Leaders,

Aloha Trusted Leaders,

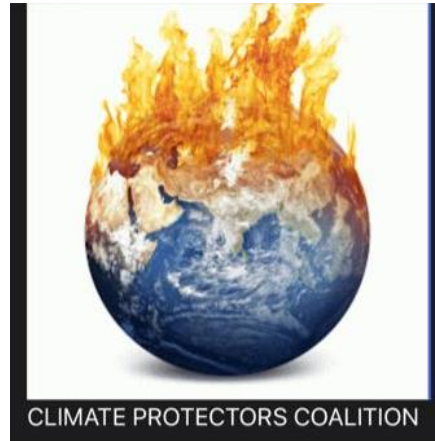
Climate Pollution is killing us and causing the Sixth mass extinction that is Quickly Killing MANY of the species that we share this planet with! We depend on us and we depend on them for our very survival and we are losing the fight. Please ACT Boldly to try and protect what's left. VOTE Yes on the Green Amendment!

Mahalo & IMUA>>>,

Steve Parsons, Kauai Climate Action Coalition!

Hanapepe Kauai Mahalo,

Steve Parsons, Kauai Climate Action Coalition!



To: The Honorable Senator Mike Gabbard, Chair, the Honorable Tim Richards, III, Vice Chair, and Members of the Committee on Agriculture and Environment.

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

Re: **Hearing SB635 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: Wednesday February 1, 2023, 1:00 p.m., room 224

Aloha Chair Gabbard, Vice Chair Richards, and Agriculture and Environment Committee Members:

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.

The Hawai'i Reef and Ocean Coalition and the Climate Protectors Hawai'i STRONGLY SUPPORT SB635!

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

TO: The Senate Committee on Agriculture and the Environment

Chair Senator Mike Gabbard

Vice Chair Senator Herbert M, "Tim" Richards, III

RE: Testimony in Support of SB 635 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 Chair Gabbard, Vice Chair Richards and Committee Members

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.

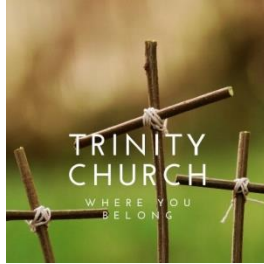
In addition, this Amendment is consistent with the Democratic National Committee Party Platform and legislative agendas as stated in the section: "COMBATING THE CLIMATE CRISIS AND PURSUING ENVIRONMENTAL JUSTICE"

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.

Sincerely

Martha E Randolph

DPH SCC representative for the Environmental Caucus



SB 635 THE GREEN AMENDMENT

Written Testimony: SUPPORT

Trinity United Methodist Church

This testimony is in support of The Green Amendment, SB 635. 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."

SB635 aligns with these stated values of the United Methodist Church. SB635 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.

SB635 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



In support of SB635

February 1, 2023

Members of the Committee on Agriculture and Environment,

We, the undersigned 16 organizations, are writing in support of SB635, 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 Senate Committee on Agriculture and Environment (AEN)
From: Sherry Pollack, Co-Founder, 350Hawaii.org
Date: Wednesday, February 1, 2023, 1:00 pm

In strong support of SB635

Aloha Chair Gabbard, Vice Chair Richards, III, and AEN Committee members;

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 SB635** 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



2/1/2023

AEN Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Gabbard, Vice Chair Richards, and Members of the Committee on Agriculture and the Environment,

Position: Support SB635

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, Hawaii region, is testifying in **strong support of SB635**, 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 Hawaii 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 Hawaii 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 Hawaii Constitution that mandates that the State hold public natural resources in trust for the benefit of all people.

Hawaii 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 Hawaii'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 SB635, submitted on the behalf of the Surfrider Foundation's 4 Chapters in Hawaii 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

SB-635

Submitted on: 1/29/2023 12:28:13 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Racquel Segato-Figueroa	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a resident of Anahola, Kaua'i and I am writing to express my **strong support of SB2962**. Our natural resources are our greatest gift and true source of wealth. They need to be protected above all else. No amount of short term capitalistic gain is worth jepordizing our right to clean water and air, a healthful environment and climate, healthy native ecosystems, and beaches. Passing this ammendment would create a strong legal defense to be able to truly enforce the protection of these resources. I urge you to **please pass this bill** so we can protect our right, and the right of our future generations, to a healthy, long and good quality life.

Mahalo,

Racquel Jaclyn Segato-Figueroa

SB-635

Submitted on: 1/29/2023 2:29:44 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Metzler	Individual	Support	Written Testimony Only

Comments:

We are in a climate crisis and are losing a healthy environment to live in. The right to a healthy environment is not currently not recognized and protected as an inalienable right. To fix it we need constitutional recognition and protection that protect these basic human conditions. The health of the environment 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.

SB-635

Submitted on: 1/29/2023 3:59:43 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John NAYLOR	Individual	Support	Written Testimony Only

Comments:

Aloha,

Strong Support !

JN Makawao

SB-635

Submitted on: 1/29/2023 4:24:23 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melissa Barker	Individual	Support	Written Testimony Only

Comments:

Honorable Members,

I respectfully ask that you support SB 635 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.

Thank you for your attention and consideration.

Melissa Barker

Kapaa, HI

SB-635

Submitted on: 1/29/2023 4:36:41 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Dinner	Individual	Support	Written Testimony Only

Comments:

This may be the most important bill of the session because it demonstrates that the will of the Leg is consistent with the will of the people. We must stand up strong now for our aina and give our government workers a clear mandate. Mahalo for voting YES.

SB-635

Submitted on: 1/29/2023 5:57:36 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Crozer	Individual	Support	Written Testimony Only

Comments:

We are stealing from our children! They have a right to live in a healthy environment. Leave something for them!!

SB-635

Submitted on: 1/29/2023 11:33:36 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Please support SB635, the Green Amendment.

If this was in place decades ago, we might have been spared from rising seas, more powerful storms, droughts, and mass extinctions.

mahalo,

Cory Harden

SB-635

Submitted on: 1/30/2023 5:37:28 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniela Escontrela	Individual	Support	Written Testimony Only

Comments:

I am In VERY STRONG SUPPORT of this bill. 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.**

SB-635

Submitted on: 1/30/2023 10:41:02 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
gordon b peterson	Individual	Support	Written Testimony Only

Comments:

Aloha elected House and Senate members,

Hawai'i Needs a Green Fee. Now!

More investment in Hawai'i's natural resources is required to build, improve and maintain environmental and economic resilience for our local communities and our visitor industry. A visitor green fee will close the state's \$360 million a year conservation funding gap and help protect Hawai'i's ecosystems and natural and cultural resources that provide billions of dollars in value to our economy each year. This investment will ensure that residents and visitors are able to enjoy our incomparable natural environment and island lifestyle for generations to come.

Please support legislation to enact a visitor green fee, now. Through this program, Hawai'i could make transformational progress in protecting our native forests that provide fresh water for the islands and habitat for endangered species, conserving our coral reefs that protect our shoreline and provide food and recreation, supporting green jobs to diversify our economy and manage our precious natural resources, and investing in many other community priorities. One single fee is far more cost effective to collect and will generate more than a myriad of individual site fees.

It's the right thing to do. Please don't let our island home continue to be USED as a playground for tourism.

Mahalo for your support of Hawai'i's natural and cultural resources.

Gordon

SB-635

Submitted on: 1/30/2023 11:07:33 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaitlyn P Jacobs	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill, as a citizen of Hawai'i and a lover of the earth and environment. Having this amendment be a foundation for the protection of the environment first and foremost against corporations with money and power, would be a monumental step forward. It would also make Hawai'i a leader in the country as we all strive to make the 30x30 challenge.

Please consider supporting this bill!

Thank you for the opportunity to testify.

SB-635

Submitted on: 1/30/2023 11:14:32 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TOM DIGRAZIA	Individual	Support	Written Testimony Only

Comments:

SB 635 is must pass legislation. Among other existential climate change reasons, it will prevent and/or settle current and future climate change litigation against the state. It will also better ensure our youth that we are looking out for their future.

SB-635

Submitted on: 1/30/2023 11:55:40 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Support	Written Testimony Only

Comments:

I support SB635

SB-635

Submitted on: 1/30/2023 12:33:53 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Support	Written Testimony Only

Comments:

-SB635 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.

SB-635

Submitted on: 1/30/2023 12:39:58 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
L. Osterer	Individual	Support	Written Testimony Only

Comments:

I endorse a Hawaii constitutional amendment which, if passed in a future ballot referendum, would ensure our residents the inalienable right to clean water and air, a healthful environment and climate, healthy native ecosystems and beaches. This right would then be protected and not be infringed upon, including for future generations. Protection is needed now more than ever in these times where ecosystems and our climate are facing destruction.

Environmental threats and climate changes are currently out of control, often due to short term gain, and because healthy environments, including climate, are currently not recognized and protected as inalienable rights. The purpose of constitutional change, is to promote better planning and decision making for protection, instead of costly fixes after the damage is done. When government sets the general standard of protection first, "do no harm", violators will be less likely to circumvent limited local regulations and enforcement.

Recent litigation using our tax money show that the current Department of Health (DOH) and Department of Land and Natural Resources (DLNR) have failed to protect the public interest in even the most basic rights to clean water. These cases show that citizens are not sufficiently protected by those government organizations that are supposed to do it. Instead, we the people, are asking to rely on the legal protection of a higher authority, the constitution itself.

Thank you for your consideration.

SB-635

Submitted on: 1/30/2023 3:04:04 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Support	Written Testimony Only

Comments:

Support

SB-635

Submitted on: 1/30/2023 3:50:42 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

SB-635

Submitted on: 1/30/2023 4:01:02 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carl J. Berg	Individual	Support	Written Testimony Only

Comments:

The Hawaii Department of Health has spectacularly failed to uphold its mandate to protect both public and environmental health for future generations. The Green Amendment will make it a constitutional duty to do so.

SB-635

Submitted on: 1/30/2023 8:54:08 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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 SB635.

SB-635

Submitted on: 1/30/2023 11:18:04 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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 SB635 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

SB-635

Submitted on: 1/31/2023 8:14:42 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Strongly support!

SB-635

Submitted on: 1/31/2023 9:07:05 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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.

SB-635

Submitted on: 1/31/2023 9:26:38 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
donn viviani	Individual	Support	Written Testimony Only

Comments:

I support SB635 I live Kailua. I am a retired USEPA scientist who now lives in Kailua. I was Director of EPA's Climate Policy Division, Chairman of the Great Lakes Water Quality Board's Toxics Committee and president of the Climate Protection and Restoration Initiative . Living in healthy, stable conditions is a human right. The constirution should recognize that. Mahalo Donn Viviani

SB-635

Submitted on: 1/31/2023 10:05:28 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dale Jensen	Individual	Support	Written Testimony Only

Comments:

AEN Committee Members:

I am a retired engineer who worked over my entire 35 year career in Hawaii to promote Sea Water Air Conditioning (SWAC) and Ocean Thermal Energy Conversion (OTEC) as an employee at Makai Ocean Engineering, Inc.. As anyone who has followed the progress of these technologies in Hawaii knows, no commercial SWAC or OTEC systems exist in Hawaii despite the unique suitability of our island archipelago for such technologies to reduce our fossil fuel dependence and lower our greenhouse gas production. The reason no such systems exist is at least in part due to a failure in our priorities. The cost effectiveness and ease of use of fossil fueled solutions to our vital energy systems always trumps "green", low carbon or no carbon technologies.

The proposed Green Amendment in SB635 is therefore an absolutely essential step to change this dynamic. Anyone following the latest report from UN Intergovernmental Panel on Climate Change will recognize that we need to act now. We can no longer defer to the future or there will be no future for our children and grandchildren.

I urge you to pass SB635 and move forward to secure Hawaii as an example within the US and the world of a state that understands what is at stake and which is willing to make the required changes to secure the environment for future generations.

Sincerely,

Dale Jensen

Professional Engineer (ret'd)

SB-635

Submitted on: 1/31/2023 11:27:25 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Trujillo	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please pass SB635 out of committee and support the aina and her people.

Mahalo for considering this testimony if favor of SB635.

With respect and aloha,

James G Trujillo

SB-635

Submitted on: 1/31/2023 12:36:46 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lana Brodziak	Individual	Support	Written Testimony Only

Comments:

Please add this very important amendment to our Hawaii State Consitution. Every citizen has a right to clean air & water, a healthy environment. This Amendment will help prioritize actions that are needed to protect our citizen's right to clean air & water and a healthy envioronment.

Senate Committee on Agriculture and Environment
Feb. 1, 2023 at 1:00 pm

SUPPORTING SB 635

My name is John Kawamoto, and I support SB 635, which proposes a constitutional amendment that creates a right to clean and healthy environment.

The people of Hawaii have a great love for the land, the sea, the entire natural environment. This love has its roots in the native Hawaiian culture, which considered humans to be a part of the natural world and not separate from it.

If we harm the natural world, we ultimately harm ourselves. When we support the environment, the environment supports us. This bill institutionalizes this healthy attitude toward the environment.

Government is the only organization the has broad authority needed to ensure a clean, healthy environment. In fact, our democratic form of government, which Lincoln described as “of the people, by the people, and **for the people**,” has an obligation to protect the environment because a clean, healthy environment benefits everyone. This bill takes a big step toward ensuring that our State government fulfills that obligation.

SB-635

Submitted on: 1/31/2023 2:36:22 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Absolutely essential to pass this bill for now and our future. Thank you.

LATE

SB-635

Submitted on: 1/31/2023 6:16:33 PM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Travis Idol	Individual	Support	Written Testimony Only

Comments:

I am in strong support of this amendment to our state constitution. By declaring and establishing a right to a healthy, livable environment, we will recognize the absolute dependence we have upon our environment for not just a good quality of life but our ability to function as a society and even live here in Hawai‘i. We need to raise this acknowledgment to the highest level of importance so we eliminate the piecemeal approach to environmental protection promoting a healthy environment for all.

LATE



SB 635, 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 1, 2023 · SENATE AGRICULTURE AND ENVIRONMENT COMMITTEE · CHAIR SEN. MIKE GABBARD

POSITION: Support.

RATIONALE: Imua Alliance **supports** SB 635, 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

LATE

SB-635

Submitted on: 2/1/2023 8:16:54 AM

Testimony for AEN on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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.