

TESTIMONY OF ZACHARY L. HEIDEN, ESQ.

Ought To Pass – LD 928

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Establish a Right to a Clean and Healthy Environment**

JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES

March 22, 2023

Senator Brenner, Representative Gramlich, and distinguished members of the Joint Standing Committee on Environment and Natural Resources, greetings. My name is Zachary Heiden, and I am the Chief Counsel at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to vote that this bill *ought to pass*.

We offer this support after careful consideration and reflection, and we do not do so lightly. Amending the Constitution—the basic framework for the operation of our state, which defines the relationship between the government and the public it serves—is a serious undertaking. But, threats to a healthy environment deserve a serious response. In 2017, the Lancet Commission on Pollution and Health found that pollution is the largest environmental cause of disease and premature death in the world, killing 15 times as many people in 2015 as all global wars and conflicts combined.¹ In 2016, the World Health Organization found that 92% of the world’s population breathes substandard air.² Here in Maine, a healthy natural environment is one of the things that distinguishes us, but it is out of reach for many of our residents. In one of our most densely-populated cities, South Portland, residents have raised alarms about emissions from the industrial tank farms that exist next to schools and residential neighborhoods.³

¹ See Phillip J. Landrigan et al., *The Lancet Commission on pollution and health*, *Lancet* 2018, 391:462-512.

² Merritt Kennedy, *92 Percent Of The World's Population Breathes Substandard Air*, WHO Says, Sept. 27, 2016, NPR, <https://www.npr.org/sections/thetwo-way/2016/09/27/495654086/who-says-92-percent-of-the-worlds-population-breathes-sub-standard-air>.

³ Sabrina Shankman, *They Built a Life in the Shadow of Industrial Tank Farms. Now, They're Fighting for Answers.*, Dec. 7, 2019, Inside Climate News, <https://insideclimatenews.org/news/07122019/south-portland-oil-tank-farm-air-pollution-health-hazard-asthma-testing/>.

Penobscot Nation residents have raised serious concerns about the Juniper Ridge landfill.⁴ A healthy natural environment sustains our lives, our families, our businesses, and our communities. And once it is gone, it is almost impossible to get back.

We are moved to offer our support to this proposal because we regard the Constitution as the bedrock protection for the most fundamental rights, and because enshrining protection for the right to a healthy environment in the Constitution is the strongest way of safeguarding against political fickleness. It has been well documented that individuals and communities who lack power in the political scum are most at risk of being denied access to a healthy environment, which has long term consequences for their health and economic well-being. These include racial and ethnic minority communities, Indigenous communities, and low-income communities.⁵ The first step towards addressing this injustice is acknowledging the importance of a healthy environment.

Because there is no stronger place in which to lodge that acknowledgement, we urge you to vote *ought to pass*.

⁴ Lisa Pohlmann, *Maine has become a dumping ground for New England. That must stop.*, Dec. 6, 2020, Bangor Daily News, <https://bangordailynews.com/2020/12/06/opinion/contributors/maine-has-become-a-dumping-groundfor-new-england-that-must-stop/>

⁵ See Leona F. Davis and Mónica D. Ramírez-Andreotta, *Participatory Research for Environmental Justice: A Critical Interpretive Synthesis*, Environmental Health Perspectives Vol. 129, No. 2 (February 16, 2021).