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New Jersey Senate Committee Holds Hearing on Proposed Constitutional Green Amendment Protecting Environmental Rights

Attorneys, legislators, Environmental Justice advocates, youth leaders, & faith leaders testify in support of New Jersey environmental rights.

Trenton, NJ: After 6 years of no legislative advancement – the New Jersey Green Amendment received a hearing today - March 7, 2024 - before the Senate Environment & Energy Committee. In a packed room, committee members heard overwhelming support for the proposal to amend the state’s constitution to include a right of the people to “a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats” and creating an obligation on all government officials in the state to protect New Jersey’s natural resources for present and future generations. While the amendment was up for committee discussion and public testimony, it was not the subject of a vote by the committee – though advocates present at the hearing remain hopeful that a vote, which they expect will advance the bill, is imminent.

The NJ Green Amendment was first proposed in December 2017 during the lame duck session. While the amendment was the subject of a hearing before the Senate Environment and Energy Committee on October 15, 2018, and passed out of committee by a bi-partisan super-majority vote, the amendment has been allowed to languish unconsidered ever since.

The NJ Green Amendment was re-proposed for 2024 legislative consideration by Senator Linda Greenstein and Senator Andrew Zwicker. The proposed New Jersey amendment would add constitutional environmental rights, and environmental justice obligations, to the State constitution’s bill of rights.

Kim Gaddy, Executive Director of the South Ward Environmental Alliance, stated that “we here in Newark know the environment and public health is not a partisan issue. It is neither conservative nor liberal, but it's certainly right, to limit government's infringement on people's

rights, including the right to breathe clean air and drink clean water, and that's what this constitutional amendment does, let's get it done!"

According to **Maya K. van Rossum, the founder and leader of the national Green Amendment For The Generations movement, who also serves as the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**, an advocacy and litigation organization active in New Jersey, "the people of New Jersey have been eager for a chance to share their thoughts on how a constitutional right to a clean, safe and healthy environment could lift up their lives, providing environmental protections and justice they value but that have not received the protections needed under existing law. This amendment could also put New Jersey at the forefront of the climate movement. If the amendment receives the 3/5 vote needed from each legislative house, New Jersey would not only be on track to be the 4th state nationwide to secure Green Amendment protections, but it could be the 1st to explicitly require their government to ensure protections for the climate; that would be a powerful inspiration for other communities and states pursuing their own Green Amendment protections."

"Finally, the New Jersey State's Legislature has made some advancement by granting the people of NJ a hearing on the Green Amendment. As an Environmental Justice Leader, I both reside in an overburdened community and advocate on behalf of EJ communities throughout the state and nation. Each community, while unique, are all at a disadvantage when it comes to the right to clean water and clean air. Unfortunately the advancement of the Green Amendment in New Jersey has been moving at the pace of a snail. My hope in 2024, is that New Jersey will not continue to be left behind. This year, we acknowledge the 151st anniversary of the 15th amendment and the 58th anniversary of the 1965 Voting Right Act. The historical disregard and the trampling over of both - has exemplified and reminded us, that our rights can never be taken for granted. I agree with Assemblyman McKeon of Essex County - that New Jersey has done well by advancing the strongest environmental justice bill nationwide and putting forth some of the strongest PFAS protections in the nation. Nevertheless, New Jersey residents residing in overburdened communities, are still facing deadly environmental hazards; as well as equity issues throughout our state. Now is the time for New Jersey's Legislature to raise the bar higher, and protect the rights of present and future generations. Join me in advocating for a stable climate and healthy environment - that is inclusive of our basic fundamentals - clean water and clean air," states **Terrance L. Bankston, a member of the New Jersey Environmental Justice Advisory Council (EJAC) and the Senior Ports and Freight Campaigner for Friends of the Earth (FoE)**

Erica Beverett, Outreach & Community Engagement Coordinator for 'Parents Engaging Parents, Inc.' (PEPNJ), a statewide parent advocacy group & for 'Social Responsibility Through Me' of Camden, NJ explains, "New Jersey water is tainted with toxins like PFAS running through our bodies. It is causing countless health issues for myself and my children. Thyroid issues, diabetes, and cancer are plaguing our families. Skin disorders, hyper-sensitive bodies, and allergic reactions that come from our environment are killing us. From the water we bathe in and the air we breathe to the snowball effect of economic hardship for countless families. Polluters are killing us. To contextualize these facts with numbers, we have spent 5 Billion dollars on treatment which burdens our communities and our families. We have 9.6 Million children suffering from eczema being raised in overburdened communities. 50% of our

children will develop asthma from the onset of eczema. The lack of regard for clean air and water for all is killing us! We are here to push back on the government and private sectors. We are here to fight for clean communities. We are here to fight and advance Environmental Justice by advocating for clean air and clean water for all. Let's catch up to New York and adopt the New Jersey Green Amendment into our state's constitution. We need all hands on deck, our Environmental Justice communities are counting on our legislators to push New Jersey forward and adopt the Green Amendment in New Jersey."

"In Montana, we've already seen young people use a Green Amendment to defend our collective futures. Growing up under the shadow of climate change, I can't begin to explain the kind of hope that brings us students. But as my dad likes to remind me, as his child, I'm not responsible for his health. The climate crisis is already hurting people today, other kinds of pollution hurt people today, and those of us you refer to as "future generations" can't solve that. These abstract concepts of a "stable climate", "pure air" and "clean water" have real meaning to real people's abilities to live and work in New Jersey, and it's the responsibility of those with power to take action now, and give voters the opportunity to choose a Green Amendment: a tool to protect the rights they deserve," said **Svanfridur Mura, High School Co-Chair of the NJ Student Sustainability Coalition.**

New Jersey has a real opportunity to become a leader in the Delaware River Watershed and for the over 17 million people across it and beyond it by adding a Green Amendment. Both their neighbors upstream, New York and Pennsylvania, have Green Amendments, and downstream Delaware is considering a Green Amendment. New Jersey would become a keystone leader in this movement by empowering all New Jerseyans with their environmental rights now having constitutional backing. New Jersey will not be giving the people new rights, but giving the power behind these rights to clean air, pure water, healthy environments, and a stable climate we were all born with on this earth, the constitutional backing it should have always had," says **Anneke van Rossum, Advocacy and Policy Coordinator at the Delaware Riverkeeper Network.**

"Let us remember that our duty to protect and preserve the waters of life is not just a legal or policy imperative, but a spiritual obligation that connects us to the very essence of existence. In recognizing the inherent rights of all beings to clean water, fresh air, and a healthy environment, we affirm our interconnectedness with the web of life and acknowledge our responsibility to protect and uphold these rights for present and future generations. May our discussion and actions today in the state of New Jersey reflect our commitment to be stewards of the Earth, guardians of the waters, and champions of equity and justice for all beings," said **Rachel Dawn Davis, Public Policy & Justice Organizer for Waterspirit.**

According to the Green Amendments For The Generations organization, there are active efforts to secure constitutional Green Amendments spanning the nation. Active Green Amendment proposals currently exist in 15 states, with proposals in more expected soon. Green Amendments already passed in Pennsylvania, Montana, and most recently New York, are demonstrating the

powerful protection constitutional environmental rights of this kind can provide, with the *Held v. Montana* legal victory being the most recent, but certainly not the only one.

van Rossum coined the term “Green Amendment” and founded the national Green Amendment movement in 2014 in order to secure constitutional environmental rights protection in every state nationwide, and ultimately at the federal level.

“Constitutional Green Amendments are a special type of constitutional environmental rights amendment. By placing environmental rights in a state constitution’s Bill of Rights, using carefully crafted language that creates an enforceable right of the people that is self-executing and generational, Green Amendments ensure the highest constitutional protection for the environment, placing environmental rights on par with other fundamental freedoms such as speech and religion,” **explains van Rossum.**

The proposed New Jersey Green Amendment would read in full:

Amend Article I of the New Jersey State Constitution by adding a new paragraph 24 to read as follows:

(a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State’s public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

HEARING QUOTES:

An **industry representative** testifying in opposition to the amendment remarked that, “Since 1977, because of the NJ Pollution Control Act, industry has had the right to pollute, if you pass this right to clean water, industry is out of business...” adding later that this Green Amendment is just “Anarchy disguised as an Amendment.”

Senator Andrew Zwicker, sponsor of the Green Amendment, bluntly asked the room to “Ask the people of New Jersey if they want clean water and clean air.”

Franklin Kury, former Pennsylvania Senator who proposed and passed the PA Green Amendment for the state in 1971, who testified remotely, remarked that “In my 14 years in the legislature nothing has given me more pride or sense of satisfaction than this Amendment, so I’m very proud of it.”



Maya K. van Rossum, Founder of national Green Amendments For The Generations movement & organization.



Janine Bauer, one of the top environmental attorneys in the state of New Jersey.



David Pringle, speaking for Empower NJ.



Svanfridur Mura, New Jersey Student Sustainability Coalition.



Ivonne Norman, New York Attorney and Environmental Justice Advocate.



Anjuli Ramos, representing NJ Sierra Club.

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