



California leads – here in the U.S. and across the globe. Still, the 40 million people who call our state home may be surprised to realize that we are one of the remaining states that does not have clear environmental rights articulated in our constitution. Without clear and enshrined constitutional rights, all of the hard-won progress we have made remains vulnerable to potential rollbacks. It also leaves California increasingly subject to worrisome changes in federal policy. If our state is to continue making equitable environmental progress, it is imperative that we join the growing list of states who have moved to enshrine environmental rights in their constitutions.

- 2) **Background.** Some states have begun to incorporate environmental rights amendments into their state constitutions. Known as “green amendments,” these proposals attempt to protect the right to clean air, clean water, and a healthy environment the way more traditional rights like religious freedom and free speech are protected. Pennsylvania, Montana, and New York have each adopted green amendments in their bills of rights. Several other states have introduced green amendments this year.

In a landmark decision in 2023, a Montana judge ruled that a state law prohibiting state agencies from considering potential climate impacts and greenhouse gas emissions when granting permits for new oil and gas projects violates its citizens’ constitutional right to a “clean and healthful environment.” According to the Pace University School of Law, plaintiffs have filed several green amendment lawsuits in New York, include one that claims that odors, fugitive emissions, and climate change impacts from the operation of the High Acres Landfill violates the environmental rights of nearby property owners and residents.

- 3) **Support and Opposition.** Writing in support, a large coalition of organizations contends:

ACA 16 recognizes the importance of a healthy environment, clean air and water for all California's. The constitutional amendment unequivocally uplifts the health and environmental rights to those living in environmental justice communities who are disproportionately people of color and low-income Californians. Additionally, this constitutional right ensures transformative environmental legislation passed does not suffer from institutional rollbacks.

The California Chamber of Commerce writes in opposition to this bill:

[ACA 16] lays the legal foundation to challenge virtually any state or local government infrastructure, energy, procurement proposal or housing project on the basis that any one of them threatens their new, and as yet undefined, general right...New affordable housing development projects could be delayed or stopped if air emissions associated with grading activities release air emissions or any wastewater discharge. The same is true for key transportation projects, such as High-Speed Rail, and for necessary clean energy development projects like solar farms, where any amount of project impact could be grounds to enjoin...Implementation of this measure will be

challenging at best. There is no widely accepted definition of “healthy environment”. The poorly defined definition will make enforcement of ACA 16 subjective and be left open to interpretation.

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