



The California Green Amendment

Key Points: Raising Up Environmental Rights in California

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of California residents to clean air, plentiful and healthy water, a safe climate, and healthy environments to be violated. Despite state environmental laws, regulations and agencies, California water, air, soils, landscapes, and special natural spaces have been allowed to degrade in ways that are harming every aspect of people's lives, with people of color, indigenous people, and low income communities being disproportionately harmed. An effective constitutional environmental rights amendment in the form of a California Green Amendment could help change that.

The proposed California Green Amendment would constitutionally mandate that all government officials in our state protect the environmental rights of all Californians equitably, including future generations. The self-executing amendment will allow legal redress when these rights are violated by government action.

Establishing an enforceable environmental right will drive better government decisionmaking at all levels of government and will prevent situations or conditions in which land becomes too contaminated, water becomes too polluted, and air too dirty to support healthy lives, including a healthy economy.

In order to obtain this highest level of protection in California, a proposed amendment must either pass by citizen initiative or be approved by a two-thirds vote of each of our state's legislative houses (Assembly and Senate), after which the people of California will be given the opportunity to vote on whether or not their *right to a clean and healthy environment* will be equitably and meaningfully protected by the state constitution.

A California Green Amendment will:

- ✓ ...Place rights to a clean and healthy environment legally on par with our most treasured freedoms such as free speech, freedom of religion and the right to due process;
- ✓ ... Ensure that all government officials will work to advance environmental protection at every level of the decisionmaking process, rather than waiting until the end of the process when the focus is on permitting rather than prevention. All government action, including the passage of laws, regulations, policies and programs is done in service to advancing the state constitution – government officials cannot change or violate the constitution, they must honor and implement it.

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- ✓ ... Ensure government decisions and action prioritize environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Strengthen environmental justice by ensuring all Californians have the same rights to clean water and air and healthy environments, and thereby creating a constitutional duty on all government officials to protect our environment for all communities equitably;
- ✓ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection
- ✓ ... Provide a legal basis for securing water, air and environmental protection when the laws as written, interpreted, applied or enforced results in pollution or degradation at unconstitutional levels;
- ✓ ... Ensure consideration of cumulative impacts as part of decisionmaking so the additive impact of pollution/degradation is considered;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, contaminated soils, an unsafe climate exacerbated by state action, devastated ecosystems or environments, by providing constitutional grounding for advocacy and access to courts for redress;
- ✓ ... Strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, drought & declining property values by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact;
- ✓ ... Strengthen environmental protections beyond existing California state law by recognizing an independent, enforceable, right of the people to clean water and air, and a healthy environment; reorienting government action to focus on preventing environmental pollution and degradation rather than a focus on control of harm; raising up environmental rights to the constitution's declaration of rights which brings additional legal strength for environmental protection and environmental justice; and ensuring informed government decisionmaking is a constitutional pre-requisite to taking action that could infringe upon environmental rights.

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