

CT Environmental Rights Amendment (aka the CT Green Amendment)

Key Points: Raising Up Environmental Rights in Connecticut

Proposed Amendment Language:

Article I of the Connecticut Constitution is amended by adding section 21 as follows:

Sec. 21. Each person of the state of Connecticut shall have an individual right to clean and healthy air, water, soil and environment; a stable climate; and self-sustaining ecosystems; for the benefit of public health, safety and the general welfare. The state shall not infringe upon these rights. The state shall protect these rights equitably for all people regardless of race, ethnicity, tribal membership status, gender, socioeconomics or geography. The state, municipalities, and any political subdivision thereof, shall serve as trustee of the natural resources of Connecticut, among them being its waters, air, flora, fauna, soils, and climate; and shall conserve, protect, and maintain these resources for the benefit of all people, including present and future generations. The rights stated in this section are inherent, inalienable, and indefeasible, are among those rights reserved to the people, and are equivalent with all other inalienable rights. The provisions of this amendment are self-executing.

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Connecticut residents to clean air, healthy water, thriving ecosystems, a safe climate, and healthy environments to be violated. Despite state environmental laws, regulations and agencies, Connecticut 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 historically marginalized communities continuing to be disproportionately harmed. An effective Constitutional Environmental Rights Amendment – the Connecticut Green Amendment -- could help change that.

The Connecticut Green Amendment would constitutionally mandate that state government officials protect the environmental rights of all residents equitably regardless of their race, ethnicity, tribal membership status, income, gender or where in the state they live. The amendment will also ensure all government officials are protecting the state's natural resources for both present and future generations. The self-executing amendment will allow legal redress when these rights and/or obligations are unconstitutionally 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/or air too dirty to support healthy lives, including a healthy economy.

In order to obtain this highest level of protection in Connecticut, the proposed amendment must pass by majority vote of both the Connecticut assembly and senate in two consecutive legislatures, or be approved by $\frac{3}{4}$ vote of both houses once, after which the people of Connecticut will be given the opportunity to vote on whether or not their *right to a clean, safe and healthy environment* will be equitably and meaningfully protected by the state constitution.

The Connecticut 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 free and open elections;
- ✓ ... Ensure that every government official in the state 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.
- ✓ ... Ensure government decisions and action prioritize environmental justice, environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity, tribal membership status, socioeconomic status, gender or geography – have the same rights to clean water and air and healthy environments, and creating a clear 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;
- ✓ ... Ensure consideration of cumulative impacts as part of decisionmaking so the additive impact of new pollution/degradation is considered;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, contaminated soils or devastated ecosystems, by providing constitutional grounding for advocacy and access to courts for redress;
- ✓ ... Ensure that if a constitutional infringement will result, the government action is in support of a demonstrated compelling state interest and that all efforts have been made to reduce the level of the infringement;
- ✓ ... 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;
- ✓ ... Create a trustee/beneficiary relationship between Connecticut government and its people that ensures a constitutional obligation to “conserve, protect and maintain” the state’s natural resources for the benefit of both present and future generations.