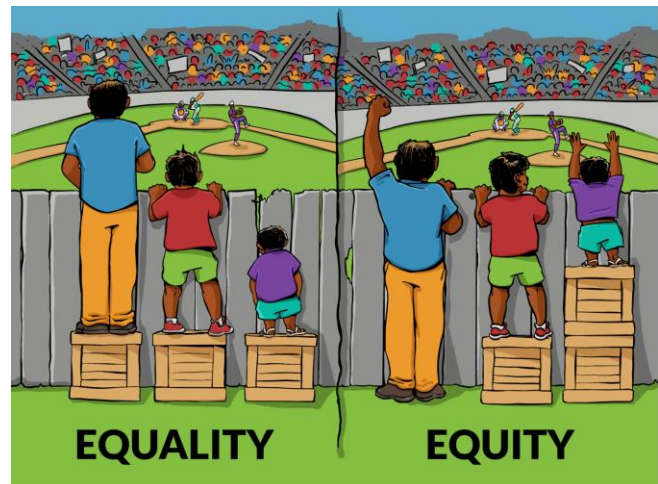




How Will Green Amendments Make Lives Better

by Enhancing Environmental Protection and Environmental Justice?

- ✓ While states across the country have many laws, they still have many environmental problems with people drinking polluted water, breathing contaminated air, being forced to live next to dangerously contaminated sites. And we are facing a climate crisis. Environments important to our health, indigenous cultural values, businesses and quality lives are being unacceptably damaged. Green Amendments will ensure that when our environmental laws fall short and fail to protect our environment equitably for all people, that the constitution can be used by people and government to address the problem and protect people's lives.
- ✓ State governments across the country are created by the people through their state constitution. The constitution puts in place the rules which government must follow and the fundamental rights they must ensure are protected.
- ✓ State constitution Bill of Rights and Declaration of Rights identify the basic human, civil and political rights the state may not violate and must protect, such as the right to free speech and to be free from unreasonable searches of our homes. Green Amendments will add our rights to a healthy environment to the basic rights and essential freedoms to which we are all entitled.
- ✓ Green Amendments create an obligation on all of government to recognize and equitably protect the right of all people to the clean water and air, stable climate and healthy environment that is essential to safe and healthy communities and lives. Green Amendments ensure government officials do not take actions that will infringe on these basic human rights.
- ✓ The equitable protection of environmental rights and natural resources that Green Amendments provide recognizes that different communities experience and/or live in different circumstances, that some have suffered from greater pollution and environmental harms, and as a result these communities need and deserve greater efforts to ensure they can enjoy their rights to healthy water, air, soil and environments.
- ✓ With Green Amendments, Government officials **must** protect the environmental rights of the people because, very simply, they cannot violate the constitution. So if the constitution says the people have a constitutional right to a clean, safe and healthy environment, then the government is legally obligated to protect those rights.



- ✓ Green Amendments strengthen environmental justice by requiring that government must protect the environmental rights of all people, regardless of their race, ethnicity, tribal membership status, income level, gender, or where they live in a state. Through their Bill of Rights/Declaration of Rights placement and choice of language, Green Amendments ensure environmental rights and natural resources are protected equitably by government for all people.
- ✓ If a community of color, indigenous community, rural or low-income community is repeatedly impacted by dangerous levels of pollution at much higher levels threatening their health and lives, whether or not the operations are legal, Green Amendments will require protection of the environmental rights of **all** people, so historically marginalized communities are no longer targeted for greater pollution and environmental harms.
- ✓ Through the use of generational language, Green Amendments can ensure government officials protect a state's natural resources for the benefit of both present and future generations.
- ✓ Because the people are the beneficiaries (meaning the ones legally entitled to get the benefits) of a Green Amendment and the trustee obligation to protect a state's healthy natural resources that many Green Amendments create, government cannot help industry harm the environment to make more profits if it means destroying the environmental rights of the people or unconstitutionally devastating the natural resources of the state.
- ✓ Green Amendments cannot support a lawsuit brought directly against a private individual or company because a constitution's Bill of Rights/Declaration of Rights are in place to guide government actions, including making sure they do not allow private companies or industries to harm the rights of the people. For example, if a company or industry is causing so much pollution or environmental harm that a community's constitutional rights to clean water and air, or healthy environments are being undermined, Green Amendments can be used to challenge the government action that allowed that harm to take place - for example a permit that grants government permission to pollute at unconstitutional levels.
- ✓ Green Amendments can help prevent new environmental harms from new industry or development projects, but they can also be used to secure protection from ongoing pollution by identifying the government action happening today that is allowing unconstitutional harm to continue.
- ✓ Green Amendments are intended to protect the health and safety of people and to ensure that government takes all steps necessary to ensure businesses – from residential development, to mining, to oil and gas – operate in a way protective of the environment and communities, and constitutional environmental rights.
- ✓ With the addition of a Green Amendment, people now have a right to advocate for their environmental rights on constitutional grounds – no longer are we just fighting for the Earth and People we love, but now we are also fighting for a constitutional right that we are legally entitled to.