



Green Amendment Victories

How Green Amendments Are Recognizing & Protecting Environmental Rights



GREEN AMENDMENTS
FOR THE GENERATIONS
Pure Water, Clean Air, Healthy Environment.

Pennsylvania, Montana, New York, are the only three states in the U.S. that currently promise, protect and respect constitutional environmental rights protected on par with other fundamental human, civil and political rights we hold as inviolate, inherent, inalienable and inalienable rights protected from government infringement and transgression. In this series we share the varied ways that constitutional recognition is providing meaningful and transformative protection in the states where they exist, thereby making the case for constitutional Green Amendments in states across our nation and ultimately at the federal level.

STATEIMPACT PENNSYLVANIA Energy, Environment, Economy.

In vetoing plastic bag bill, Wolf cites Environmental Rights Amendment

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AP Photo/Matt Rourke, File

Gov. Tom Wolf, in this Dec., 2015 file photo, said a plastic bag bill would have violated the Environmental Rights Amendment to the Pennsylvania Constitution. File

Excerpted from State Impact article:

Pennsylvania Gov. Tom Wolf on Friday vetoed a bill that would have curbed the right of towns and cities to regulate use of plastic shopping bags, saying it would have violated the Environmental Rights Amendment of the state Constitution.

His use of the Amendment as justification for the veto follows a **landmark ruling** by the state Supreme Court last week saying that the measure must be the guiding principle of state policy on the preservation of natural resources.

The bill would have prevented municipalities from banning or taxing bags in an effort to reduce waste and cut down on fossil fuel use. It was supported by the plastic bag industry and by lawmakers in both parties but opposed by environmentalists and advocates for local self government.

Wolf previously signaled he would veto the bill, HB 1071, but until Friday did not say why.

In a statement, he said the constitutional amendment applies to all levels of government.

“The prohibition under this bill, therefore, is not consistent with the rights vested by the Environmental Rights Amendment of the Pennsylvania Constitution, and the duties upon all government actors, including towns and cities,” Wolf said.

Echoing the wording of the Supreme Court’s June 20 ruling, he said the amendment means that government at all levels is required to prevent unreasonable “degradation, diminution, or depletion” of water, air or land.

Wolf also backed cities such as Philadelphia, which opposed the bill on the grounds that it would have limited their ability to set policy on matters of legitimate municipal concern. No Pennsylvania city currently has a tax or a ban on bag sales, but advocates for such measures say that about 160 U.S. cities outside the state have enacted bag-curbing measures of some kind.

The bill would have significantly pre-empted cities’ ability to make their own policy on bags, Wolf said.

“This policy supporting this preemption is misguided and should not become the law of this Commonwealth,” Wolf said.