

How Can Green Amendments Help Communities Threatened by Hyperscale Data Centers?



Green Amendments create a constitutional obligation on government officials to undertake a full and fair review of the environmental consequences of actions and decisions in order to ensure they are not infringing on environmental rights and that they are fulfilling their trustee obligation to protect the state's natural resources for the benefit of the people of the state. This analysis must be taken prior to taking action.

The constitutional obligation to conduct informed decision-making is not just a paper exercise. To the contrary, it is a substantive review that has real implications for proposed action and must be used to ensure the final action taken does not infringe upon protected environmental rights and successfully carries out constitutional natural resource trustee obligations.

If the government fails to conduct a constitutionally adequate review, the proposed action can be constitutionally challenged and even defeated. Likewise, this review can support a government's decision to reject a proposed action or project.



With regards to data centers,

- ✓ Applications put forth often lack the critical information needed by government officials to make an informed decision on the impact these data centers will have on the environment, community, and environmental rights. Consistently, we missing information on the volume and source of water the data center will be using, the air pollution emissions that will come from proposed operations and backup energy generators, the volume of noise and light they will cause, the size of their development footprint, the source of the energy they will use to fuel the system (as well as the environmental consequences of that energy source), and so much more. In addition to deficient information, we frequently see conflicting information and demonstrably false information. The failure to have full and accurate information undermines the ability of government to fulfill its constitutional review obligations.
- ✓ The constitutional obligation to consider the impacts to environmental rights from a proposed data center will help protect local government and regulatory agencies from being backed into a corner and pressured to say yes to a project they do not understand, and for which there is deficient or insufficient information in terms of impacts.
- ✓ The inability to undertake the mandatory constitutional review will require rejection of a project until such a review can advance.

- ✓ The obligation to perform informed decision-making should be advanced by responsible government officials being asked to approve a project. If not provided, the entitlement to informed decision-making can be enforced by impacted community members who will be harmed by a proposed project.

Green Amendments also create a substantive right to a clean, safe and healthy environment, and natural resource protection obligations that must be carried out by government acting in their role as trustee.

- ✓ If a project's footprint – standing alone or cumulatively with other impacts from existing or proposed projects – can be demonstrated to infringe upon environmental rights or prevent government from fulfilling their trustee obligations to protect the state's natural resources, the Green Amendment could be used to support rejection of local and state approvals.
- ✓ The constitutional right and trustee duties could be raised defensively by impacted community members and surrounding businesses. They could also be raised proactively by local government to support rejection of a project they determine will infringe on the environmental rights of their community and/or prevent the government entity from fulfilling their trustee duties to protect the state's natural resources in compliance with the constitution.
- ✓ Blanket legislative proposals put forth to advance hyperscale data centers without proper constitutional reviews, considerations, or protections run the risk of violating Green Amendment rights.

From review to final approval, the Green Amendment would have important implications for protecting our environment, communities, and future generations when it comes to AI and the hyperscale data centers the industry seeks to advance.

Because the Green Amendment will apply to government officials at all levels (state, county, municipal, etc.) it will provide a foundation for community members and government officials at the local and state level seeking to secure essential protection from hyperscale data centers.

To learn more about the Green Amendment movement and find out what's going on in your state, visit www.GreenAmendment.org.



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