



Advancing a Hawaii Green Amendment Ensuring an Enforceable Right to a Clean & Healthy Environment

Green Amendments are self executing provisions added to the bill of rights section of a constitution that recognize and protect the rights of all people, including future generations, to pure water, clean air, a stable climate, and a healthy environment.

A constitutional Green Amendment added to the Hawaii constitution will help strengthen environmental protection, environmental justice, and strengthen protection for the cultural and human health benefits of a clean and healthy environment in Hawaii.

While Article XI, Section 1 of the Hawaii Constitution recognizes that the State holds public natural resources—including land, water, air, minerals and energy sources—in trust for the benefit of all people;¹ the individual right in to a clean and healthy environment found in Article XI, Section 9² is limited to those protections provided by legislation, rather than being a true right of, by and for the people.

Adding a self-executing Bill of Rights amendment – a Green Amendment - that recognizes and protects the rights of all Hawaiians to a clean and healthy environment will strengthen environmental protection, environmental justice, protection of the cultural values of a healthy environment important to indigenous communities, and will ensure a focus on prevention of environmental harm before simply reverting to management through permitting.

Article 1 recognition and protection of environmental rights will:

- √ ...Place the rights to pure water, clean air, a stable climate, healthy ecosystems, and the

Proposed Hawaii Green Amendment Language:

Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

ENVIRONMENTAL RIGHTS

Section . Each person has a right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment. This provision and the rights stated herein are self-executing. The reserved rights stated herein are on par with other protected inherent and inalienable rights.

¹ Hawaii Constitution, Article XI, Section 1: For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.

² Hawaii Constitution, Article XI, Section 9: Each person has the right to a clean and healthful environment, as defined by laws relating to environmental quality, including control of pollution and conservation, protection and enhancement of natural resources. Any person may enforce this right against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

natural, cultural, scenic and human health benefits of a clean and healthy environment legally on par with other fundamental rights, including property rights.

- √ ... Ensure government decisions and action prioritize environmental protection and pollution prevention in order to ensure environmental rights protection and advance environmental justice;
- √ ... 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 necessarily on permitting rather than prevention.
- √ ... 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;
- √ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity or income – have the same rights to a clean and healthy environment, thereby ensuring government officials protect all communities equitably;
- √ ... Prioritize the cultural values of indigenous communities to a healthy environment, protect sacred lands from environmental desecration, and honor traditional cultural connection to healthy natural resources;
- √ ... Ensure consideration of existing environmental conditions and 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, by providing constitutional grounding for their advocacy and access to the 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 laws, regulations, decisions, permits and actions avoid environmental degradation rather than responding to it after-the-fact;
- √ ... Ensure that in those instances when government does knowingly infringe on environmental rights there is a compelling state interest and there has been a conscious effort to minimize the impacts on the right, i.e., minimize environmental harm;
- √ ... Ensure government and business seek to advance environmentally sustainable and protective business, development and industry operations.

While the amendment will be a tool to prevent environmental harm, it will also provide legislators & regulators constitutional grounding upon which to advance positive and strengthened environmental protections;

A Hawaii Green Amendment is currently proposed as SB502 & HB551

Green Amendment Sponsors:

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More info & Resources at: www.HIGreenAmendment.org