

Model Green Amendment Language Options & Guidance Based on Experience

Every state is unique. It is important the Green Amendment language advanced serves the unique characteristics, environmental needs, and leading voices of your state. Below can serve as a guide and starting place for your state's proposal. But it can help to talk through your state's goals and needs, and to learn from the experiences in other states regarding the various options and proposals. To discuss the best option for your state and to address your questions and concerns feel free to contact Green Amendment Author & Founder Maya van Rossum at maya@forthe generations.org

Approach 1: Article x (whatever article is the bill of rights/declaration of rights section)¹, Section y to the abc state Constitution

All people have² a right to a clean and healthy environment, including pure³ water, clean air, healthy soils⁴, balanced ecosystems⁵, a stable⁶ climate, diverse and abundant native flora and fauna, freedom from excessive and unnecessary noise, and to the preservation of the natural, cultural,⁷ scenic, recreational, and healthful⁸ qualities⁹ of the environment.¹⁰ The state shall take no action that would infringe upon these rights.¹¹ The state shall protect these rights equitably for all people regardless of race, ethnicity, tribal membership status, socioeconomics,¹² gender or geography.¹³

¹ Bill of Rights/Declaration of Rights placement is non-negotiable.

² Other options include: Each person has; Every person has; All persons have. Note: this language, whichever the specific selection, ensures that the rights enumerated in this amendment explicitly include and apply to, but are not limited to, Native people, tribal members, people of all races, religions, ethnicities and gender identities.

³ Other options include: clean

⁴ Other options: good soil. Including reference to "soil" is beneficial for addressing soil contamination but also the preservation of soils for agriculture and from erosion.

⁵ Other options include: balanced ecosystems, unimpaired ecosystems, intact ecosystems, diverse ecosystems, functioning ecosystems, stable ecosystems, resilient ecosystems, healthy ecosystems, ecologically healthy ecosystems; healthy habitats; ecologically healthy habitats.

⁶ Other option: livable

⁷ Goal with this term is to ensure recognition and protection of the values of clean and healthy environments for indigenous communities and cultures. Consider qualifying by saying Indigenous cultural values for extra clarity.

⁸ This term can be interpreted as specifically valuing the human health (physical and mental) benefits of clean water, clean air, stable ecosystems, and healthy environments.

⁹ Other option: values

¹⁰ Alternative to framing out this whole paragraph that has been used is: The people of the state have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil, native flora, native fauna, ecosystems and climate, and to the protection of the natural, cultural, scenic and healthful qualities of the environment.

¹¹ The state shall take no action that would cause the unreasonable degradation, diminution, or depletion of the environment, through direct state action, or inaction, or through the action of others. Note, some do not like the qualifier of "unreasonable".

¹² Another option is: wealth

¹³ Another more detailed EJ option: The state, including each political subdivision, shall equitably protect these rights for all people regardless of their race, ethnicity, gender, geography, or wealth, and shall act with prudence, loyalty, impartiality, and equitable treatment of all beneficiaries in fulfilling its trustee obligations.

The state's¹⁴ public natural resources¹⁵ are the common property of all the people, including both present and future generations. The state, including each branch, agency, and political subdivision, shall serve as trustee of these resources. The state shall conserve, protect, and maintain these resources for the benefit of all the people.

The rights stated in this section are inherent, inalienable, and inalienable and are among those rights reserved to the people and are on par with other protected inalienable rights. This provision and the rights stated herein are self-executing.^{16 17}

Approach 2: Article x (whatever article is the bill of rights/declaration of rights section) 18, Section y to the abc state Constitution

All people have¹⁹ a self-executing²⁰ right to a clean and healthy environment, including pure²¹ water, clean air, healthy soils²², balanced ecosystems²³, and a stable climate, and to the preservation of the natural, cultural,²⁴ scenic, recreational, and healthful²⁵ qualities²⁶ of the environment. ²⁷

The state²⁸ may not infringe upon these rights and shall protect these rights equitably for all people regardless of race, ethnicity, tribal membership status, socioeconomics,²⁹ gender or geography.

¹⁴ Could mention the specific state name - e.g. "Vermont's" rather than the general term of "the state's"

¹⁵ Some states say "public natural resources", if do this it is important to offer the definition language that makes clear the term is intended to include all natural resources, not just those on publicly owned lands; in addition if you wanted to offer more detail could add "among them its waters, air, native flora, native fauna, and climate"; putting in this list to include climate is another way to explicitly acknowledge climate if do not include it in the first clause listing individual rights (i.e. rights to pure water, clean air, stable climate, and healthy ecosystems")

¹⁶ Another approach is to take this language and place it in the first paragraph in this way: All people have an inherent, inalienable, inalienable, inalienable and self-executing 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, scenic and healthful qualities of the environment.

¹⁷ Self-executing whether explicitly stated or because of the bill of rights/declaration of rights placement is non-negotiable.

¹⁸ Bill of Rights/Declaration of Rights placement is non-negotiable.

¹⁹ Other options include: Each person has; Every person has; All persons have. Note: this language, whichever the specific selection, ensures that the rights enumerated in this amendment explicitly include and apply to, but are not limited to, Native people, tribal members, people of all races, religions, ethnicities and gender identities.

²⁰ Self-executing whether explicitly stated or because of the bill of rights/declaration of rights placement is non-negotiable.

²¹ Other options include: clean

²² Other options: good soil. Including reference to "soil" is beneficial for addressing soil contamination but also the preservation of soils for agriculture and from erosion.

²³ Other options include: healthy ecosystems, unimpaired ecosystems, intact ecosystems, diverse ecosystems, functioning ecosystems, stable ecosystems, resilient ecosystems, ecologically healthy ecosystems; healthy habitats; ecologically healthy habitats.

²⁴ Goal with this term is to ensure recognition and protection of the values of clean and healthy environments for indigenous communities and cultures.

²⁵ This term can be interpreted as specifically valuing the human health (physical and mental) benefits of clean water, clean air, stable ecosystems, and healthy environments.

²⁶ Other option: values

²⁷ Alternative to framing out this whole paragraph that has been used is: The people of the state have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil, native flora, native fauna, ecosystems and climate, and to the protection of the natural, cultural, scenic and healthful qualities of the environment.

²⁸ To ensure clarity that the obligation applies to all levels of government, could write to say "the state, including each branch, agency, and political subdivision"

²⁹ Another option is: wealth

The state³⁰ shall serve as trustee of the natural resources of the state, among them³¹ its waters, air, native flora, native fauna³², soils,³³ and climate. The state³⁴ shall conserve, protect, and maintain these resources for the benefit of all the people, including generations yet to come.

The rights stated in this section are inherent, inalienable, and infeasible and are among those rights reserved to the people and are on par with other protected inalienable rights.

Approach 3: Article x (whatever article is the bill of rights/declaration of rights section) ³⁵, Section y to the abc state Constitution

The people of the state³⁶ have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil³⁷, native flora, native fauna, ecosystems,³⁸ and climate, and to the protection of the natural, cultural³⁹, scenic, recreational, and healthful⁴⁰ qualities⁴¹ of the environment. The state shall take no action that would infringe upon these rights. The state shall protect these rights equitably for all people regardless of race, ethnicity, tribal membership status, socioeconomics,⁴² gender or geography.

The state, including each branch, agency, and political subdivision, shall serve as trustee of the state's public natural resources. The state shall conserve, protect, and maintain these resources for the benefit of all the people, including generations yet to come.

The rights stated in this section are inherent, inalienable, and infeasible and are among those rights reserved to the people and are on par with other protected inalienable rights. This provision and the rights stated herein are self-executing.^{43 44}

³⁰ To ensure clarity that the obligation applies to all levels of government, could write to say "the state, including each branch, agency, and political subdivision"

³¹ In legislative history will want to be clear this is not the complete list; or could add text "but not limited to".

³² Other option could be to say "wildlife, aquatic life, plant life"

³³ Including reference to "soil" is beneficial for addressing soil contamination but also the preservation of soils for agriculture and from erosion.

³⁴ To ensure clarity that the obligation applies to all levels of government, could write to say "the state, including each branch, agency, and political subdivision"

³⁵ Bill of Rights/Declaration of Rights placement is non-negotiable.

³⁶ Other options include: Each person has; Every person has; All persons have. Note: this language, whichever the specific selection, ensures that the rights enumerated in this amendment explicitly include and apply to, but are not limited to, Native people, tribal members, people of all races, religions, ethnicities and gender identities.

³⁷ Other options: good soil. Including reference to "soil" is beneficial for addressing soil contamination but also the preservation of soils for agriculture and from erosion.

³⁸ Other option: habitats.

³⁹ Goal with this term is to ensure recognition and protection of the values of clean and healthy environments for indigenous communities and cultures.

⁴⁰ This term can be interpreted as specifically valuing the human health (physical and mental) benefits of clean water, clean air, stable ecosystems, and healthy environments.

⁴¹ Other option: values

⁴² Another option is: wealth

⁴³ Another approach is to take this language and place it in the first paragraph in this way: All people have an inherent, inalienable, infeasible and self-executing 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, scenic and healthful qualities of the environment.

⁴⁴ Self-executing whether explicitly stated or because of the bill of rights/declaration of rights placement is non-negotiable.