



The Texas Stewardship Amendment

Key Points: Raising Up Environmental Rights in Texas

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Texas residents to clean air, plentiful and healthy water, a safe climate, and healthy environments to be violated. Despite state environmental laws, regulations and agencies, Texas water, air, soils, landscapes, and special natural spaces have been allowed to degrade in ways that are harming every aspect of people's lives, with Indigenous communities, People of Color, and low income communities being disproportionately harmed.

The Texas Stewardship Amendment meets the definition of what is known as a constitutional Green Amendment. As a result, the Texas Stewardship Amendment will ensure our rights to clean water and air, healthy soils, abundant native flora and fauna, and to the many benefits a healthy environment provides for our health, safety, economy and quality lives will be protected as effectively as our inalienable rights to free speech and freedom of religion.

The Texas Stewardship Amendment will constitutionally mandate that state and local government protect the environmental rights of all Texans, including future generations, as part of their essential governing function. The self-executing amendment will allow legal redress when these rights are violated by government action.

By establishing an enforceable environmental right, the Texas Stewardship Amendment will drive better government decisionmaking at all levels of government, and will prevent situations or conditions in which land becomes too contaminated, water becomes too polluted, and air too dirty to support healthy lives, including a healthy economy.

In order to obtain this highest level of protection in Texas, the Stewardship Amendment must pass by a two-thirds vote through both houses of the Texas Legislature after which the people of Texas will be given the opportunity to vote on whether or not our *right to a clean and healthy environment* will be equitably and meaningfully protected by the state constitution.

The Texas Stewardship Amendment will:

- ✓ ...Place our rights to a clean and healthy environment legally on par with our most treasured freedoms such as free speech, freedom of religion, due process rights and the right to free and the right to be free from unreasonable searches and seizures by government officials;

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- ✓ ... Ensure that all government officials 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 on permitting rather than prevention. All government action, including the passage of laws, regulations, policies and programs is done in service to advancing the state constitution – government officials cannot change or violate the constitution, they must honor and implement it – and as a result, the Stewardship Amendment will ensure government officials include environmental protection as a consideration and priority whenever they undertaken official action.
- ✓ ... Ensure government decisions and action prioritize environmental justice, environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity, tribal affiliation or socioeconomic status – have the same rights to clean water and air and healthy environments, and creating a clear constitutional duty on all government officials to protect our environment for all communities equitably;
- ✓ ... 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;
- ✓ ... Ensure consideration of 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, contaminated soils or devastated ecosystems, by providing constitutional grounding for advocacy and access to 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 actions avoid environmental degradation rather than responding to it after-the-fact;
- ✓ ... Strengthen environmental protections beyond existing constitutional language by explicitly recognizing an independent enforceable, right of the people to a clean, safe and healthy environment, including the human health values of the environment; mandating a focus on preventing environmental pollution and degradation rather than a focus on control of harm; raising up environmental rights to the constitution's bill of rights which brings additional legal strength for environmental protection and environmental justice; mandating consideration and protection of the rights of future generations; and ensuring informed government decisionmaking is a constitutional pre-requisite to taking action that could infringe upon environmental rights.

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