



The Wisconsin Green Amendment: Strengthening Environmental Justice, Environmental Protection, Climate Justice & Healthy Communities

Passage of a Wisconsin Green Amendment will help the people of Wisconsin to proactively protect the state's environment, communities and state economy. The state constitution provides the overarching legal structure, principles and obligations to which all state government action must conform. The Wisconsin Green Amendment will ensure that all government officials – including at both the local and state level -- will work to advance proactive environmental protection at every level of the decisionmaking process. The Wisconsin Green Amendment will help ensure that existing environmental laws and regulations are implemented to their full potential; will provide a basis for advancing new needed protections (e.g. through legislation, regulation or government action); and will provide a basis to secure protective government action when a gap in the law is identified.

Indigenous communities and people of color in Wisconsin continue to be disproportionately impacted by environmental pollution and degradation. Creating an overarching constitutional right to be equitably protected is an essential tool for supporting enforceable environmental justice. The Wisconsin Green Amendment will ensure all communities – regardless of race, ethnicity, geography or wealth – have the same rights to clean water and air, healthy soils, a healthful environment, safe climate, and self-sustaining ecosystems, and thereby will create a constitutional duty on government officials to protect essential natural resources and environmental rights equitably.

By recognizing the cultural values of a clean, safe and healthy environment, the Wisconsin Green Amendment can highlight and strengthen legal protections for the cultural connection between indigenous communities and their environment. The Wisconsin Green Amendment will help ensure government prioritizes the cultural values of indigenous communities to a healthy environment, including the protection of sacred lands from environmental desecration, and honoring traditional cultural connection to healthy natural resources.

Recognizing the right to a safe climate as being among the fundamental environmental rights to be protected, will strengthen the obligation of government officials in Wisconsin to consider and address the climate changing ramifications of their actions.

Throughout the legislative, regulatory, permitting and decisionmaking process at all levels of government, the Wisconsin Green Amendment will ensure government officials take steps to protect the state's natural resources for present and future generations. Generational protection obligations ensure a more informed, forward thinking, and holistic approach to environmental action because government officials must now be thinking long term, including considering cumulative impacts over time and generations.

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The Wisconsin Green Amendment will recognize environmental rights as a fundamental right entitled to higher constitutional recognition and protection. By lifting up environmental rights, we can ensure they are not ignored in service to profit or political objectives.

The Wisconsin Green Amendment will strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, toxic tort lawsuits, drought and declining property values, by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact.

The Wisconsin Green Amendment will strengthen existing laws as a tool for environmental protection as well as provide a foundation for passage and implementation of strengthened protections. By recognizing constitutional protection of environmental rights, the Green Amendment will strengthen the interpretation, application and enforcement of existing laws while also providing a strong platform for needed, but missing, community and environmental protection legislation.

The Wisconsin Green Amendment will strengthen environmental protections beyond existing state protections by explicitly recognizing an independent enforceable right of the people to a clean and healthy environment; mandating a focus on preventing environmental pollution and degradation rather than a focus on control of harm; elevating environmental rights to the constitution's Declaration of Rights which brings additional legal strength for environmental protection and environmental justice; ensuring environmental rights must be protected generationally; and ensuring informed government decisionmaking is a constitutional pre-requisite to taking action that could infringe upon environmental rights.

When there are critical issues of environmental concern not addressed by existing law, the Wisconsin Green Amendment could help to fill these gaps in protection until such time as the law catches up and addresses the areas of concern. PFAS was allowed to contaminate drinking water and environments for decades because while government was permitting pollution discharges to air, water and land, there were no laws or regulations that empowered government to provide needed protections from PFAS. A Green Amendment can help fill environmental protection gaps like this.

The Wisconsin Green Amendment, with its Declaration of Rights placement, provides for equitable remedies, ensuring the focus is on remedying government action causing an unconstitutional environmental rights violation. The Green Amendment will not seek money payouts for environmental harms but instead will focus judicial decisionmaking on remedies that secure protection for all communities potentially impacted by unconstitutional government action.

It is the right of the people of Wisconsin to determine if they want their inalienable human right to a clean and healthy environment added to the state constitution. The constitution is the People's document. It should be left to the people of Wisconsin to determine whether or not to amend it. A vote of the legislature will not in and of itself amend the constitution, it will mean the people can vote on whether to amend their constitution.

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