



## The Wisconsin Green Amendment

### Key Points: Raising Up Environmental Rights in Wisconsin

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Wisconsin residents to clean air, plentiful and healthy water, a safe climate, and healthy environments to be violated. Despite state environmental laws, regulations and agencies, Wisconsin water, air, soils, landscapes, and special natural spaces have been allowed to degrade in ways that are harming people's lives, with people of color, indigenous people, and low income communities being disproportionately harmed. An effective constitutional environmental rights amendment in the form of a Wisconsin Green Amendment could help change that.

A Wisconsin Green Amendment would constitutionally mandate that all government officials in the state protect the environmental rights of all the people of Wisconsin equitably, including future generations. The self-executing amendment will allow legal redress when these rights are infringed upon by government action.

Establishing an enforceable environmental right will drive better government decisionmaking at all levels of government and can help prevent or address 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 Wisconsin, a proposed amendment must either be approved by majority vote in two consecutive state legislatures, after which the people of Wisconsin will be given the opportunity to vote on whether to add a right to a clean and healthy environment, including a safe climate, to the state constitution; or, an amendment can be added as part of a constitutional convention during which all elements of the constitution could be revisited.

#### **A Wisconsin Green Amendment will:**

- ✓ ... 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;
- ✓ ... Strengthen environmental justice by recognizing the environmental rights as belonging to all the people of Wisconsin; thereby ensuring that each person and all communities have the same rights to pure water, clean air, healthy soils, self-sustaining ecosystems, a safe and stable climate, and to the natural, cultural, scenic and human health values of the environment. The result is to create a constitutional duty on all government officials to protect the environment for all communities equitably;

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- ✓ ... Create a limitation on government authority, recognizing that constitutionally protected fundamental rights are to be protected from government infringement, whether that infringement is direct or through third parties enabled by government action;
- ✓ ... Ensure government decisions and actions prioritize environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Provide a legal basis for securing water, air and environmental protection when the laws as written, interpreted, applied or enforced results in pollution or degradation at unconstitutional levels;
- ✓ ... Ensure the human health ramifications of environmental pollution and degradation are given high priority in government decisionmaking;
- ✓ ... 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;
- ✓ ... Prioritize consideration of the climate changing impacts of government action and secure a focus on ensuring a safe climate for present and future generations;
- ✓ ... 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 specific state law or regulation to provide protection when infringement on the protected rights has resulted from government action or empowering the harmful actions of others;
- ✓ ... Ensure consideration of cumulative impacts as part of decisionmaking so the additive and generational impact of pollution/degradation is considered;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights 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;
- ✓ ... Bring additional legal strength for environmental protection and environmental justice through Declaration of Rights recognition;
- ✓ ... Provide constitutional grounding for ensuring government officials and agencies in Wisconsin are considering, respecting and protecting the entitlements of future generations to pure water, clean air, healthy soils, self-sustaining ecosystems, a safe and stable climate, and to the natural, cultural, scenic and human health values of Wisconsin's environment.
- ✓ ... Encourages government and business to advance environmentally sustainable and protective business, development and industry operations.

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