



Key Points: Raising Up Environmental Rights in Oregon

Through the Constitutional Right to a Clean, Safe & Healthy Environment

(Oregon's version of a Green Amendment)

Industrial externalities, damaging development, and, at times, misplaced government action have allowed the inalienable rights of Oregon residents to clean air, plentiful and healthy water, a safe climate, and healthy environments to be violated. Despite state environmental laws, regulations and agencies, water, air, soils, landscapes, and special natural spaces in the state of Oregon 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 proposed Oregon Constitutional Amendment securing the right of all the people of the state to a clean, safe and healthy environment meets the definition of what is known as a constitutional Green Amendment. The amendment will ensure the rights of all Oregonians to clean water and air, thriving ecosystems, a safe climate, and to the many benefits a healthy environment provides to our family, friends and communities – including our future generations – is given paramount consideration and weight whenever government acts, including when the courts are evaluating the importance of good government acts for protecting our environment and climate. As written, the amendment will ensure our environmental rights are protected in the same powerful way as other inalienable rights such as free speech and freedom of religion.

The Oregon constitutional amendment securing the right of all the people of Oregon to a clean, safe & healthy environment will constitutionally mandate that state and local government protect the environmental rights of all the people of the state, including future generations, as part of their essential governing function. The self-executing nature of the amendment – i.e. that it is enforceable upon enactment, without implementing legislation – will allow legal redress when these rights are violated by government action or inaction.

By establishing an enforceable environmental right, the Oregon environmental rights amendment will drive better government decisionmaking at all levels of government, and will help people to prevent and 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. And it will ensure the ability and obligation of Oregon government officials to meaningfully address the climate crisis in the actions they take and the decisions they make. As written, protecting the climate and environment should be given “paramount” consideration and weight whenever government acts.

In order to obtain this highest level of protection in Oregon, the Oregon environmental rights amendment – *aka Oregon's version of a Green Amendment* – must pass by majority vote through both houses of the Oregon Legislature after which the people of Oregon will be given the opportunity to vote on whether to add the “*right to a clean, safe and healthy environment*” to the state constitution's Bill of Rights.

All government action, including the passage of laws, regulations, policies and programs, are done in service to advancing the state constitution – government officials cannot change or violate the constitution, they must honor and implement it.

As proposed, the Oregon environmental rights 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.
- ✓ ... Ensure priority support for government action that advances sustainable measures to protect and secure clean water and air, to ensure thriving ecosystems, and to secure a more stable climate, including when there are other fundamental rights or government goals at issue;
- ✓ ... Ensure government decisions and action prioritize environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- ✓ ... Strengthen environmental justice by making clear that all the people of the state – regardless of race, ethnicity, or wealth – have the same rights to a clean, safe and healthy environment; and by creating a clear constitutional duty on all government officials to ensure the environmental rights of all the people in the state are equitably protected, and when necessary, restored,.
- ✓ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air, ecosystem 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, and the environmental rights of future generations are both considered and secured;
- ✓ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, contaminated soils, devastated ecosystems, or an increasingly destabilized climate by providing constitutional grounding for advocacy and access to courts for redress when needed;
- ✓ ... Ensure informed government decision-making is a constitutional pre-requisite to taking action that could infringe upon environmental rights;
- ✓ ... 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;
- ✓ ... Support access by impacted communities to legal resources needed to help them protect, vindicate and restore their environmental rights when infringed upon by ensuring an ability to secure the costs incurred for pursuing a successful legal claim to defend or restore their constitutionally protected environmental rights.

For More Information: www.ORGreenAmendment.org