



Oregon's Constitutional Right to a Clean, Safe & Healthy Environment (aka Oregon's version of a Green Amendment) Strengthening Environmental Justice, Protection & Healthy Communities

Passage of an Oregon Right to a Clean, Safe & Health Environment (aka the OR Green Amendment) will allow the people of Oregon to proactively protect our environment, communities and supportive positive economic development. The Oregon state constitution provides the overarching legal structure, principles and obligations to which all state government action must conform. The proposed Oregon environmental rights amendment will ensure that all state, county and municipal government officials will work to advance proactive environmental protection at every level of the decision-making process. The proposed Oregon environmental rights 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.

BIPOC communities in Oregon continue to be disproportionately impacted by environmental pollution and degradation (e.g. <https://www.coalitioncommunitiescolor.org/environmental-justice>). **Creating an overarching constitutional right to be equitably protected is essential to establishing true and enforceable environmental justice.** The OR environmental rights amendment will ensure all communities – regardless of race, ethnicity, tribal affiliation, socioeconomics or geography – have the same rights to clean, safe and healthy environments and will create a constitutional duty on all government officials to protect environmental rights equitably.

The Oregon environmental rights amendment (aka the OR Green Amendment) will place the rights to a clean, safe and healthy environment legally on par with other fundamental rights such as private property rights, free speech, and religious freedom. When two rights are implicated by government action – such as property and environment – government must work to balance and protect both sets of rights. But, as written, the Oregon Constitutional Right to a Clean, Safe & Healthy Environment will prioritize environment and climate protection by specifically ensuring that actions to protect the environment – particularly sustainable measures to protect and restore clean water and air, thriving ecosystems, and a more stable climate – are recognized as compelling state interests entitled to paramount weight and consideration when government acts.

When there are critical issues of environmental concern not addressed by existing law, the OR environmental rights amendment (aka the OR Green Amendment) can be utilized to fill these gaps in protection until such time as the law catches up and addresses the areas of concern. For example, PFAS was allowed to contaminate drinking water and environments across Oregon for decades because existing laws did not properly empower government to provide needed protections. The proposed OR Green Amendment can help fill environmental protection gaps like this.

Passage of the proposed Oregon Right to a Clean, Safe & Health Environment (aka the OR Green Amendment) will strengthen existing law as a tool for environmental protection as well as provide a

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foundation for passage and implementation of strengthened protections. Constitutionally recognizing environmental rights and creating an enforceable obligation for equitable protection by all government officials will create a constitutional obligation for protection that will strengthen how existing environmental protections are interpreted, applied and enforced. In addition, the newly recognized constitutional obligation will create a stronger foundation upon which to highlight and advocate for needed environmental protection legislation to address gaps or deficiencies in existing Oregon environmental protection laws.

Throughout the legislative, regulatory, permitting and decision-making process at all levels of government, the OR Green Amendment will ensure OR government officials take steps to protect the state's natural resources for present and future generations. The obligation to protect a clean, safe and healthy environment for children and for future generations ensures a more informed and holistic approach to environmental action, and includes an obligation to consider cumulative impacts in both the near term and the long term.

The Oregon environmental rights amendment (*aka the OR Green Amendment*) specifically provides for equitable remedies, for example voiding unconstitutional permitting, rolling back unconstitutional regulatory provisions, preventing enforcement of an obligation that will cause an environmental rights violation. The goal is not money damage payouts to impacted communities, there are other legal pathways for securing money damages for direct damage to people and properties. Instead, the goal is reforms and remedies that benefit all the people of Oregon, including present and future generations.

The Oregon environmental rights amendment (*aka the OR Green Amendment*) ensures support for those who are championing and protecting environmental rights, thereby strengthening the values and protections provided by the amendment. The proposed amendment ensures that those who are bearing the costs of litigation to secure, protect and defend environmental rights for all the people of Oregon, including children and future generations, are able to be reimbursed for the legal costs they incur. This legal costs provision strengthens the enforcement capabilities of the amendment and ensures those who are defending the environmental rights of all Oregonians can be reimbursed for the out of pocket costs they incur defending the environmental rights of the rest of us.

The Oregon environmental rights amendment (*aka the OR Green Amendment*) will strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, toxic tort lawsuits, drought & declining property values by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact.

The Oregon environmental rights amendment (*aka the OR Green Amendment*) will strengthen environmental protections beyond existing state protections by explicitly recognizing an independent enforceable right of the people to a clean, safe 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 bill of rights which brings additional legal strength for environmental protection and environmental justice; mandating protections for the benefit of future generations; and ensuring informed government decision-making is a constitutional pre-requisite to taking action that could infringe upon environmental rights.

It is the right of the people of Oregon to determine if they want the right to a clean, safe and healthy environment added to the state constitution. The constitution is the People's document – it should be left to them 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 of Oregon can vote in November on they want to amend our constitution.

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