



What Is A Green Amendment & Why Do We Need Them?

Green Amendments are self executing provisions added to the bill of rights section of a constitution that recognize and protect the rights of all people, including future generations, to pure water, clean air, a stable climate, and a healthy environment.

Environmental laws are failing us, leaving an environmental protection void that puts us all at risk. A wave of environmental protection laws have been passed in the U.S. and abroad over the past 50 years, and yet environmental threats are growing worse and we are facing a climate crisis. Because clean water and air, a stable climate and healthy environments are not recognized and protected as inalienable rights and given constitutional recognition and protection, protecting these basic human needs becomes an after thought in government decisionmaking, and sometimes is not considered at all. Our current system of environmental laws accepts pollution and degradation as a foregone conclusion, something to be managed rather than prevented. As a result, communities across the nation are suffering from pollution, degradation and the growing impacts of an unstable climate with communities of color, indigenous communities and low income communities being intentionally disproportionately targeted for highly polluting and environmentally degrading activities.

Over 40% of people in the U.S. live in counties with unhealthy levels of air pollution (American Lung Association, 2019). Communities in 33 states have drinking water contaminated with perfluorinated chemicals (PFCs), a manmade family of chemicals with serious health consequences for those exposed, including developmental delays in children, impacted immune systems, liver, prostate or kidneys, and even cancer. Over 1,300 toxic superfund sites remain unaddressed in this country, with this environmental burden falling disproportionately on communities with a higher percentage of people of color, people living below the poverty line, people who are linguistically isolated, and people who are less likely to have a high school education (U.S. EPA, 2017). A 2018 study considering air pollution exposure at 90,000 public schools across the U.S., found that children who are hispanic, black, asian/pacific islander and/or from low income neighborhoods had a significantly higher rate of exposure to neurotoxicants including lead, mercury and cyanide compounds (Grineski, S. E., & Collins, T. W, 2018).

Here in the U.S. people have rights to free speech and religion, the right to bear arms and to freely assembly, but they do not have the right to clean water and air, a stable climate and healthy environments. Because environmental rights are not recognized across the U.S., government decisionmakers are often free to disregard them in favor of other political or economic priorities. Green Amendments For The Generations is working to transform this legal paradigm by seeking the passage of Green Amendments, i.e. constitutional amendments added to the bill of rights section of every state constitution which recognize and protect the inalienable right of all people to clean water and air, a stable climate and healthy environments.

Green Amendments establish a constitutional mandate, recognizing a healthy environment as above the law, inherent, infeasible, generational, and belonging to all people. Once passed, Green Amendments will require government officials to prioritize environmental protection when advancing energy creation, considering development, advancing industry, even crafting and implementing legislation and regulations. The health of the environment and environmental impacts will be required to be considered first, at the start of planning, decisionmaking, legislating and regulating. Green Amendments will ensure government officials

seek to avoid/prevent environmental harm, not simply manage it after the fact. Green Amendments will ensure consideration of science, facts, and environmental impacts as part of the upfront government process. Green Amendments will require regulators to understand the pollution and industrial burdens a community already bears and to avoid unfair targeting of communities of color, indigenous communities and low income communities, because all people will have the same environmental rights that must be honored and protected. With passage of Green Amendments, communities can hold government accountable when its actions, activities, and decisions cause environmental harm that violates the constitutional right including for both present and future generations.

Only Pennsylvania, Montana and, as of November 2021, New York, have Green Amendments today. Since 2013, in addition to the recently passed NY Green Amendment, we have inspired Green Amendment proposals in dozen other states including New Jersey, New Mexico, Maine, Hawaii, Washington state. In addition we are responding to active interest in a growing number of other states.

Green Amendments For The Generations builds upon a successful legal action in 2013¹ where Pennsylvania's Green Amendment, long ignored as a mere statement of public policy, was used to defeat a devastatingly pro-fracking piece of legislation. While Pennsylvania communities were already being harmed by the highly industrial fossil fuel fracking industry, the Act 13 legislation that had passed was going to give the industry new powers, including eminent domain, automatic waivers from environmental regulations, and a statutory right to frack in all parts of every community including the heart of their residential districts; a new wave of fracking growth and harm was about to crash down on Pennsylvania communities and environments, releasing a new wave of climate changing emissions and environmental devastation. Delaware Riverkeeper Network and Green Amendments founder Maya K. van Rossum, had the wisdom and vision to use Pennsylvania's long-ignored Green Amendment to challenge this law and we were rewarded with an amazing victory that not only defeated the most devastating aspects of Act 13 but breathed legal life into Pennsylvania's long ignore constitutional environmental right. That victory inspired the modern day Green Amendment movement we are seeking to support and advance.

In addition to defeating the devastating elements of Act 13, the Green Amendments in place in Montana and Pennsylvania are being used to defeat harmful gold mining operations;² to prevent the harmful spreading of sewage sludge where it will affect residential communities and exceptional value streams; preventing state legislators from raiding environmental protection funds for other uses;³ forcing consideration of science and impacts before permitting environmentally damaging operations and more. And the Green Amendment movement is giving communities hope for the future of environmental protection, empowering and emboldening impacted communities to rise up more confidently in defense of their environment, and is helping to cross political divides to secure bipartisan support for protection of the natural resources that give us all life.

Learn More at www.ForTheGenerations.org

Or read the book: [The Green Amendment, Securing Our Right to a Healthy Environment.](#)

More information is also available at www.mayavanrossum.green

¹ Robinson Twp., Delaware Riverkeeper Network, et al. v. Commonwealth, 83 A.3d 901 (Pa. 2013).

² Montana Environmental Information Center v. Department of Environmental Quality

Cite: 988 P.2d 1236 (Mont. 1999) &

Park County Environmental Council & Greater Yellowstone Coalition v MT DEQ & Lucky Minerals Inc., 2020 MT 303, (Dec. 8, 2020).

³ Pa. Evtl. Defense Found'n ("PEDF") v. Commonwealth of Pennsylvania, 161 A.3d 911 (Pa. 2017).