



GREEN AMENDMENT CRITERIA

Essential Elements for Effective Constitutional Environmental Rights



**GREEN AMENDMENTS
FOR THE GENERATIONS**
Pure Water. Clean Air. Healthy Environment.

*For More Information or For Help On Your Proposed Green Amendment
visit: www.ForTheGenerations.org
email: GAFTG@ForTheGenerations.org*

Where We Stand With Green Amendments Nationwide



Every state across our nation needs a Green Amendment ... a constitutional provision that recognizes and protects each person's right to pure water, clean air, a stable climate, and a healthy environment as an inalienable right on par with other fundamental rights like the rights to free speech, freedom of religion and private property rights.

When the people are ready, and the time is right, the United States also needs a Green Amendment added to our federal constitution. A 3/4 majority of states are needed to add an amendment to the Federal Constitution. By starting with a Green Amendment in every state Constitution, we create the awareness, foundation and grassroots mobilization necessary to give the federal movement more power when the moment is right to pursue our Federal Green Amendment effort.

Three states currently have Green Amendments as defined by the **Green Amendment For The Generations** movement: Pennsylvania, Montana, and New York. While other states talk about the environment in their constitutions, they do not protect the right to a clean, safe and healthy environment as an inalienable, indefeasible, fundamental right giving it the highest level of legal and constitutional recognition and protection; instead they talk about them as good "policy" or entirely defined by the state legislature. Some state constitutions don't mention environmental protection at all; just as our federal constitution ignores environmental rights and protection.

This checklist of essential Green Amendment Criteria will help you evaluate and better understand the essential elements of the Green Amendment proposal advancing in your state.

Don't yet have a Green Amendment proposal? Check out our Step-By-Step Model Language Guide on the Resources page of our national website at www.ForTheGenerations.org and reach out to us via email at GAFTG@ForTheGenerations.org or phone at 267-428-3425 so we can set up a time to work together on crafting and advancing your State's Green Amendment proposal.

*For More Information on the Beneficial Values of Green Amendments
visit: www.ForTheGenerations.org*

Checklist of the Essential Criteria for a Green Amendment:

✓ The provision must be placed in the Declaration of Rights/Bill of Rights section of the constitution and make clear that the rights enumerated are reserved rights that are inherent and inalienable and belong to the people. This placement and language ensures your environmental rights are entitled to the same highest constitutional and legal protections afforded other fundamental rights.

✓ The provision should clearly be grounded in response to environmental degradation that has occurred in the state. Clear legislative history about the origins of the amendment will help guide future legislative efforts and judicial interpretation.

✓ The provision should mention specific environmental values to be protected such as pure water, clean air, ecologically healthy habitats, stable climate, healthy environment, etc.

✓ The provision should include a broad holistic perspective on the values of protecting a healthy environment.

✓ The provision must be self-executing so it does not require passage of laws in order for it to take effect and for the environmental rights of the people to be vindicated.

✓ The provision should identify environmental rights as being rights of every individual, not just collective rights of the state as a whole. This helps to ensure that all people, regardless of race, ethnicity or income, have the same rights that must be protected equitably.



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- ✓ The provision should be generational in focus. The language should explicitly acknowledge that the environmental rights enumerated and natural resources of the state belong to both present and future generations.
- ✓ The provision should recognize the government's public trust duties, broadly defining the body of the trust to include natural resources and environmental values and not simply publicly-owned land, navigational waters, and/or tideland resources.
- ✓ The provision should ensure equitable protection of all people regardless of race, ethnicity, socioeconomics or generation. Declaration of Rights/Bill of Rights placement, trustee language, and, ideally, a specific statement of the obligation to equitably protect environmental rights and natural resources help ensure this critical environmental justice value of the provision.
- ✓ The language should specifically use the word "trustee" to solidify the relationship between the government and the citizenry – the government is not the proprietor of the environment, but is the trustee with an obligation to protect the environment and natural resources for the benefit of the people, who are the beneficiaries of the trust. Using trustee language implicates well-understood trustee duties such as loyalty, prudence, impartiality, and providing the necessity for an accounting of the trust. Trust language is also important for ensuring environmental justice and generational protection.
- ✓ The responsibilities to protect the environmental rights, values, and natural resources, including trustee obligations, should clearly apply to all branches and all levels of government (municipal, county, state).



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 The provision should serve as a limitation on government action or inaction that would otherwise infringe on these rights.

 The provision should include both affirmative duties to protect the environment and prohibitory duties (i.e., governmental actors have an obligation to refrain from legislative enactments, executive action, permitting or otherwise encouraging the degradation, diminution, or depletion of public natural resources that would occur through direct government action or indirectly, because of the government's failure to restrain the actions of others or its authorization of damaging activities that rise to a constitutional level).

 The provision should be drafted so that it is on equal footing with other political rights such as property rights and freedom of speech. Placing environmental rights protections in the Declaration of Rights/Bill of Rights section of a Constitution helps achieve this goal.

 The provision should necessitate a pre-action analysis to ensure actions taken and decisions made do not infringe upon environmental rights.

 The provision should be written in such a way that the court can use the plain language of the provision for its interpretation and application – this means clear language that can be easily interpreted and applied without reference to other rules of statutory construction.

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The Green Amendment

The People's Fight
for a Clean, Safe, and
Healthy Environment



DISRUPTION BOOKS

To fully understand why Green Amendments are needed in our nation, where they exist, how to get them and how they work, Order Your Copy of The Green Amendment Book (now in the 2nd Edition) and read the stories that make the case.

bit.ly/GAtheBook

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Green Amendments For The Generations is dedicated to ensuring every person and community across the United States is able to experience the health, quality of life, education, joy, and economic prosperity provided by a clean, safe and healthy environment; to help end environmental racism and embolden environmental justice; and to help ensure that nature itself is able to thrive, by constitutionally empowering all people - through education, grassroots organizing, expert support and diverse leadership engagement – to secure and enforce their inalienable human right to pure water, clean air, a stable climate, healthy ecosystems, and a healthy environment.

Website to Learn More, Connect & Engage:
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