Overview

Green Amendments (often called “environmental rights amendments”) are self-executing provisions added to the bill of rights of a state’s constitution. They aim to put environmental health and safety on par with our other civil liberties.

These amendments would provide general, legally defensible expectations as to what constitutes a healthy environment for citizens. Most notable are individuals’ rights to clean air, water, and a stable climate. The concept of state Green Amendments has been spreading since lawyer and environmentalist Maya van Rossum helped secure a landmark legal victory against fracking around the Delaware River watershed, using Pennsylvania’s long-ignored Green Amendment.

State Options

- Currently, Pennsylvania (1971) and Montana (1971) are the only states with a constitutional Green Amendments. These have been applied in lawsuits regarding: mining, sewage sludge/water quality in residential communities, and accessibility of environmental protection funds.

- Measures have been introduced in: New York, New Jersey, West Virginia, and Maryland.

- At least six states are considering trying to advance a green amendment.

- The Green Amendment also has the support of 90 advocate groups that signed a letter backing the legislation in New York.

KEY POINTS

- Green Amendments establish a constitutional mandate recognizing a healthy environment as an inherent, indefeasible, generational legal right of all citizens.

- Once passed, government officials would be required to prioritize environmental protection when advancing energy policy, considering development, and crafting and implementing legislation and regulations.

- Green Amendments support avoidance of unfair targeting of communities of color, indigenous communities and low income communities - groups often disproportionately affected by poor air and water standards.

- Communities would be able to hold officials accountable when their actions, activities, and decisions cause environmental harm that violates environmental constitutional rights including for both present and future generations.

Other Resources

- What is a Green Amendment? - For The Generations

- Green Amendment Frequently Asked Questions - For The Generations

- Green Amendments to Strengthen Environmental Justice - For The Generations

- Webinar: Pennsylvania’s Environmental Rights Amendment in Practice

- The Montana Constitution and the Right to a Clean Environment