

Green Amendments Research
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Recent News:

United Nations Human Rights Council vote on Oct. 1, 2021:

The United Nations' top human rights body voted Friday to adopt a [resolution](#) recognizing the human right to a safe, clean, healthy and sustainable environment.

The goal of the Green Amendments For The Generations is to advance a [Green Amendment movement](#) that sweeps the nation and secures for all people constitutional recognition and protection of their inalienable rights to **pure water, clean air, a stable climate and healthy environments**. We seek to inspire and support pursuit and passage of self-executing, environmental rights amendments in the Bill of Rights section of every state constitution across the U.S. and ultimately at the federal level. Once accomplished, we will work with communities to ensure their strong and meaningful implementation and enforcement.

NY proposed green amendment: clean air and water and a healthful environment

Pennsylvania's constitution contains the strongest environmental rights amendment in the country. Article 1, Section 27 says "**The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment.**"

My recommendation for rights to be protected:

- Pure water (clean water)

- Clean air

- A stable climate (often not included)

- Healthy environments

 - ("clean & healthy environment", "ecologically healthy habitats"-NJ model;

 - "healthful environment"-NY; "safe, clean, healthy and sustainable environment"-

 - UN Human Rights Council)

- The preservation of the natural, scenic, historic and esthetic values of the environment (based on PA law and NJ model)

Compare IRC SEC. 170(h) re the qualified conservation contribution:

- "Conservation purpose" definition includes

 - The protection of a relatively **natural** habitat of fish, wildlife, or plants, or similar ecosystem

 - The **preservation** of open space ... for the **scenic** enjoyment of the general public

The **preservation** of an **historically important** land area or a certified historic structure

Key language from New Jersey model legislation:

(a) Every person has a right to a **clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment.** The State shall not infringe upon these rights, by action or inaction.

(b) The State's public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

Practical application in PA:

The rights are absolute but clean air and pure water have relative attributes for which standards can be established; the constitutional provision does not require "no impact"; there is a balancing

The protections are often addressed in the context of permitting; citizen suits can challenge permits based on the amendment

Key Facts (from the National Caucus of Environmental Legislators):

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

Passing a Green Amendment in every state across the nation can serve as an invaluable tool for communities facing disproportionate environmental burdens.

Green Amendments provide a backstop that can be used by community, public, government and even business interests to provide a check on government authority that overreaches and fails to protect environmental rights.

Links:

<https://insideclimatenews.org/news/07102021/human-rights-panel-right-to-clean-sustainable-environment/>

<https://forthegenerations.org/wp-content/uploads/2018/05/SD-NJ-20170926-ERA-Eustace-Proposal.pdf>

New Jersey model legislation

Pennsylvania's Green Amendment For the Generations

<https://www.delawariverkeeper.org> › ongoing-issues

<https://forthegenerations.org>

<https://www.ncelenviro.org/issue/green-amendment/>

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Delaware Riverkeeper

Author of Green Amendment

The book:

The Green Amendment

Learn about "The Green Amendment: Securing Our Right to a Healthy Environment"
- a book by Maya K. van Rossum.