

THE PROBLEM

Although Connecticut has made considerable progress in protecting the environment over the last 50 years as a result of enforcement of laws passed in the early 1970s, we still have much to do to adequately protect human health and the environment in our state. Some examples:

- ❖ New Haven ranks #5, Hartford #17, and Bridgeport #29 among 100 U.S. cities in the Asthma and Allergy Foundation's "Most Challenging Places to Live With Asthma." Connecticut has not met Federal air quality standards for ozone for the last 45 years. Although ozone levels are mainly due to pollution blowing in from other states, local sources of pollutants add to the cumulative effects of air pollution on human health, and these sources are predominantly located in communities of color and other low-income communities.
- ❖ 40% of Connecticut rivers do not meet the standard of fully supporting aquatic life.
- ❖ Abandoned industrial sites have been left to deteriorate for decades, contaminating the soil, water, and air. Again, these abandoned sites are often in communities of color and low-income communities.
- ❖ Although Connecticut has set strong statutory goals for reducing greenhouse gas emissions, we are not on track to meet those goals.

Connecticut has relied on the Environmental Protection Agency (EPA) to set standards for clean air and water, but in recent years, the powers of the EPA have been undermined by Executive action and by the Supreme Court. Because there is no recognition of environmental rights in the U.S. Constitution, government decision-makers are often free to disregard them in favor of other political or economic priorities. Similarly, Connecticut is among the states that do not have any mention of environmental rights in our Constitution.



Our rights to the essential life support systems of air, water, soil, a safe climate, and healthy environments are not protected in our state or in our nation at the same level as the rights to free speech, freedom to peaceably assemble, and freedom of religion.

CONSTITUTIONAL PROTECTION OF ENVIRONMENTAL RIGHTS

A resolution to put the Connecticut Environmental Rights Amendment to a vote of the people was proposed in the 2023 session of the General Assembly. With the help of Maya van Rossum, leader of the campaign for "Green Amendments" in constitutions across the U.S., the text of this amendment was modeled after environmental rights provisions in the constitutions of Montana and Pennsylvania that have proven to provide powerful protections of the environment.

Additional current issues were added, such as explicit protection of a safe and stable climate and equitable protection of environmental rights across race, ethnicity, tribal membership status, gender, socioeconomics, and geography.

Some examples of the power of Green Amendment provisions in other states:

- ❖ In *Held v. Montana*, young people secured the legal right to a livable climate based on the environmental rights provision of the Montana constitution and legislation that would have eliminated climate change from being considered in permitting fossil fuel industries was overturned. Similar suits have been filed in other states (including Connecticut) and in Federal Court but did not have constitutional environmental rights to support them.
- ❖ *Pennsylvania*, a case based on the Green Amendment overturned state legislation that would have required municipalities to allow oil and gas wells in every zoning district, including residential districts and near schools and would have prohibited physicians from sharing information about chemicals used in fracking with their patients.
- ❖ The Pennsylvania Green Amendment was also used in advocating with a state agency for PFAS standards for drinking water ahead of the development of standards by the US EPA.
- ❖ These examples show that the Connecticut Environmental Rights Amendment, when adopted into the state constitution, can be used in advocacy and in the courts to overturn harmful legislation, protect local governments from state overreach that would harm the environment and human health, and fill gaps in environmental protection based on the best available science.

MORE INFORMATION

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