

PROBLEM STATEMENT

Neither Connecticut nor the US have recognized in our constitutions the fundamental human rights to a clean and healthy environment and a livable climate. Our rights to the essential life support systems of air, water, soil, a safe climate, and healthy environments are not protected at the same level as the rights to free speech, freedom to peaceably assemble, and freedom of religion.



Although Connecticut has made considerable environmental progress as a result of state and Federal statutes passed since the early 1970s, there is much more we need to do to adequately protect human health and the environment in our state.

IMPACTS

Democracy

- If the Connecticut General Assembly passes the resolution for the CT Environmental Rights Amendment at the required level (either with 75% of the vote in both houses or with majorities in two successive sessions), then the amendment would go on the ballot as a referendum for a vote of the people.
- Bringing this issue to all the voters of the state in a referendum will provide a direct

opportunity for the people to assert the right to a clean and healthy environment and a stable climate for all the people of the state, regardless of race, ethnicity, tribal membership status, gender, socioeconomic status, or geography.

Water

- In Montana, a case based on environmental rights in the state constitution blocked a permit that would have allowed a mining company to contaminate groundwater, surface water, and the aquifer of two rivers with arsenic (a known carcinogen) and zinc.
- Notably, the ruling stressed that the constitutional provisions were preventive and anticipatory. In the words of the ruling, "Our constitution does not require that dead fish float on the surface of our state's rivers and streams before its farsighted environmental protections can be invoked."

Health & Quality of Life

- A Pennsylvania case, based on the Pennsylvania Green Amendment, overturned state legislation that would have mandated municipalities to allow oil and gas wells in every zoning district, including near residential areas, hospitals, and schools. Compressor stations could be 750 feet from a home or school. In addition the law would have limited notification requirements regarding contamination of private drinking water wells; provided a medical gag rule to shield information regarding industry chemicals, including between physicians and their patients; and provided automatic waivers for the shale gas industry from minimal environmental protection standards.

CURRENT POLICY STATUS

- Connecticut has state statutes protecting the environment, particularly the Connecticut Environmental Protection Act and the Connecticut Environmental Policy Act. These statutes and the programs and regulations based on them have led to much of the environmental progress we have made as a state since they were passed in 1971.

LEGISLATIVE SOLUTIONS

- With the help of Maya van Rossum, leader of the campaign for “Green Amendments” across the U.S., a resolution to put the Connecticut Environmental Rights Amendment to a vote of the people was proposed in the 2023 and 2024 sessions of the General Assembly. The text of the proposed amendment has been modeled after provisions for environmental rights in the constitutions of Pennsylvania and Montana that have been used to stop or prevent damage by powerful polluters.

THREATS TO PROGRESS

- Connecticut has relied on the Environmental Protection Agency and Federal statutes such as the Clean Air Act and the Clean Water Act to set standards for environmental protection, but the ability of the Federal government to protect air, water, and wetlands under these statutes have been undermined by the U.S. Supreme Court, and could be further weakened in the coming administration.
- The Connecticut state statutes can be changed by the General Assembly at any time. In contrast, the Connecticut Environmental Rights Amendment would provide stronger protection and, once passed, would be difficult to undermine or remove.

FAST FACTS

- Although Connecticut has set strong statutory goals for reducing greenhouse gas emissions, the state is not on track to meet those goals.
- According to the American Lung Association, **Fairfield County has the worst air quality of any county on the East Coast, and Hartford has the 2nd worst air quality of any city in the Northeast.** Fairfield, Middlesex, New Haven, and New London Counties all received a grade of “F” for their levels of ozone from the American Lung Association. **Connecticut has not met Federal air quality standards for ozone for the last 45 years.** Ozone is a powerful lung irritant that increases susceptibility to respiratory infections and development of asthma, and over the long term affects multiple body systems, increasing the risk of premature death.
- 40% of Connecticut rivers do not meet the standard of fully supporting aquatic life.
- Connecticut currently has 895 sites in its brownfield inventory, with most in communities of color and low-income communities. Many of the sites have been left to deteriorate for decades, contaminating soil, air, and water.
- Young activists in Montana and Hawaii have successfully used constitutional environmental rights to secure impactful climate victories, including overturning fossil fuel industry protections and enforcing decarbonization of Hawaii's transportation by 2045.

MORE INFORMATION

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