



Connecticut's Environmental Rights Amendment (CTERA)

(Connecticut's version of a Green Amendment)

Strengthening Environmental Justice, Protection & Healthy Communities

Passage of the Connecticut ERA will allow the people of Connecticut to proactively protect our environment, communities and state economy. Our state constitution provides the overarching legal structure, principles and obligations to which all state government action must conform. The CTERA will ensure that all government officials – including at both the local and state level -- will work to advance proactive environmental protection at every level of the decisionmaking process. The CTERA will help ensure that existing environmental laws and regulations are implemented to their full potential; will provide a basis for advancing new needed protections (e.g. through legislation, regulation or government action); and will provide a basis to secure protective government action when a gap in the law is identified.

BIPOC communities in Connecticut continue to be disproportionately impacted by environmental pollution and degradation. Creating an overarching constitutional right to be equitably protected is an essential tool for creating and supporting enforceable environmental justice. The CTERA – which is Connecticut's version of a Green Amendment -- will ensure all communities – regardless of race, ethnicity, tribal affiliation, socioeconomics, gender or geography – have the same rights to clean and healthy environments and will create a constitutional duty on all government officials in the state to protect natural resources and environmental rights equitably.

The CTERA will place the rights to a clean and healthy environment legally on par with other fundamental rights such as private property rights, free speech, and religious freedom. When two rights are implicated by government action – such as property and environment – government must work to balance and protect both sets of rights.

When there are critical issues of environmental concern not addressed by existing law, the CTERA can be utilized to fill these gaps in protection until such time as the law catches up and addresses the areas of concern. For example, PFAS was allowed to contaminate drinking water and environments across Connecticut for decades because there were no laws or regulations that empowered government to provide needed protections. The CTERA can help fill environmental protection gaps of this kind.

Throughout the legislative, regulatory, permitting and decisionmaking process at all levels of government, the CTERA will ensure Connecticut government officials take steps to protect the state's natural resources for present and future generations. Generational protection and trustee obligations ensure a more informed and holistic approach to environmental action.

For More Information: www.CTGreenAmendment.org

The CTERA will strengthen existing law as a tool for environmental protection as well as provide a foundation for passage and implementation of strengthened protections. By recognizing constitutional protection of environmental rights and an obligation on government officials to conserve, protect and maintain the state's natural resources as a trustee for the benefit of present and future generations, the CTERA will strengthen the interpretation, application and enforcement of existing laws while also providing a strong platform for needed, but missing, community and environmental protection legislation.

The trustee obligation will provide clear and understandable fiduciary obligations, including for how government officials must fulfill their constitutional obligation. For example, as trustee of the state's natural resources government officials must demonstrate they have acted with prudence and undertaken informed decisionmaking when taking action -- including assessment and consideration of cumulative impacts, existing conditions, relevant science, and environmental justice impacts.

If a violation is found, the CTERA provides for remedies that will restore constitutional environmental rights that may have been infringed upon, for example voiding unconstitutional permitting, rolling back unconstitutional regulatory provisions, preventing enforcement of an obligation that will cause a violation) as opposed to money damage payouts.

The CTERA will strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, toxic tort lawsuits, drought & declining property values by ensuring government actions avoid environmental degradation rather than responding to it after-the-fact.

The CTERA will strengthen environmental protections beyond existing state protections by explicitly recognizing an independent enforceable right of the people to a clean and healthy environment; mandating a focus on preventing environmental pollution and degradation rather than a focus on control of harm; elevating environmental rights to the constitution's declaration of rights which brings additional legal strength for environmental protection and environmental justice; mandating consideration and protection of natural resources for the benefit of future generations; and ensuring informed government decisionmaking is a constitutional pre-requisite to taking action that could infringe upon environmental rights.

It is the right of the people of Connecticut to determine if they want the right to clean and healthy air, water, soil and environment; a stable climate; and self-sustaining ecosystems added to the state constitution. The constitution is the People's document. It should be left to the people of Connecticut to determine whether or not to amend it. A vote of the legislature will not in and of itself amend the constitution, it will mean the people of Connecticut can vote in on whether we want to amend our constitution.