



Green Amendment Victories How Green Amendments Are Recognizing & Protecting Environmental Rights in PA & MT



GREEN AMENDMENTS
FOR THE GENERATIONS
Pure Water. Clean Air. Healthy Environment.

Pennsylvania and Montana are the only two states in the U.S. that currently promise, protect and respect constitutional environmental rights protected on par with other fundamental human, civil and political rights we hold as inviolate inherent, infeasible and inalienable rights protected from government infringement and transgression. In this series we share the varied ways that constitutional recognition is providing meaningful and transformative protection in these two states, thereby making the case for constitutional Green Amendments in states across our nation and ultimately at the federal level.

Pennsylvania's Attorney General Josh Shapiro has been proactively using Pennsylvania's Green Amendment in Article 1 Section 27 to advance environmental protection and justice in the state. Here are examples of the many ways AG Shapiro has relied on the constitutional right.

Attorney General Shapiro Announces \$30.4 Million Settlement with Volkswagen for Environmental Damages

(March 30, 2017 – [Read here](#))

"I'm fighting to ensure a healthy environment for Pennsylvanians and protect their right to clean air and pure water," Attorney General Shapiro said in announcing the settlement. "In this settlement, our prosecutors have addressed the serious harms caused by Volkswagen's emissions device and its conscious cheating that resulted in excessive, illegal amounts of pollutants fouling the air across our Commonwealth."

Attorney General Josh Shapiro joins with 19 Attorneys General in Coalition with Governors, Mayors, Business and Community Leaders Vowing to Support Principles of the Paris Climate Agreement

(June 5, 2017 – [Read here](#))

"President Trump's decision to pull out of the Paris Climate Agreement does not change Pennsylvanians' constitutional right to clear air and pure water," said Attorney General Shapiro. "I'm proud to stand with my colleagues in a national coalition opposing the administration's decision to withdraw from the agreement and I vow to continue to protect this right for the people of our Commonwealth."

Attorney General Josh Shapiro and 10 Attorneys General Sue U.S. Energy Department over Stalled Energy-Efficiency Rules

(June 14, 2017 – [Read here](#))

“I’m suing to make the Trump Administration follow the law and protect our environment,” said Attorney General Shapiro. “Pennsylvanians have a constitutional right to clean air and pure water, and I’m taking legal action to protect that right.”

In Vetoing Plastic Bag Bill, Wolf Cites Environmental Rights Amendment

(June 30, 2017 – [Read here](#))

Governor Tom Wolf vetoed a bill that would have curbed the right of towns and cities to regulate use of plastic shopping bags. When announcing the veto, the Governor said that its passage would result in a prohibition on municipalities that was “not consistent with the rights vested by the Environmental Rights Amendment of the Pennsylvania Constitution, and the duties upon all government actors, including towns and cities,” Wolf said violated the Environmental Rights Amendment of the PA Constitution.

Pennsylvania Takes Legal Action against Trump Administration to Protect Pennsylvanians’ Health from Ozone and Smog

(August 1, 2017 – [Read here](#))

“Pennsylvanians have a constitutional right to clean air and pure water, and I’ll stand up to defend those rights and protect Pennsylvania’s environment from anyone that threatens them,” Attorney General Shapiro said. “If the EPA and Administrator Pruitt won’t act to protect Pennsylvanians from the dangers of ozone and smog, I will.”

Environmental Firm Executive Charged with Illegally Storing and Disposing Hazardous Waste

(December 11, 2017 – [Read here](#))

“This defendant illegally stored and disposed of hazardous wastes for many years,” Attorney General Shapiro said. “Wastes were illegally poured down the drain on the company’s property. I won’t allow anyone to deliberately harm Pennsylvanians’ rights to clean air and pure water. Our Environmental Protection Section works every day to safeguard the environment in our Commonwealth.”

PROTECTING CLEAN AIR: Attorney General Shapiro Demands Trump Administration’s EPA Withdraw Plan to Roll Back Rules on Clean Cars

(October 26, 2018 – [Read here](#))

“The Trump Administration is reversing course on standards that are working economically and environmentally and I strongly oppose this rollback,” Attorney General Josh Shapiro said at a news conference yesterday in Pittsburgh, surrounded by Mayor Bill Peduto, Allegheny County Executive Rich Fitzgerald and Pittsburgh City Councilwoman Erika Strassburger.

“Pennsylvanians have a constitutional right to clean air and pure water, and I’ll stand up to defend those rights and protect Pennsylvania’s environment from anyone who threatens them.”

Attorney General Shapiro Takes Action Against EPA's Unlawful Proposed Replacement for Clean Power Plan

(November 1, 2018 – [Read here](#))

“The EPA’s proposed rule change is in clear violation of the Clean Air Act, and I’m fighting to uphold the law and protect Pennsylvanians’ constitutional right to clean air and pure water,” said Attorney General Shapiro. “In Pennsylvania alone, more than 1.7 million adults and 235,000 children have asthma symptoms, and this will exacerbate the problem. The EPA’s rule is bad for public health and our environment.”

Attorney General Josh Shapiro Files 161 Criminal Charges Against Pittsburgh Water & Sewer Authority

(February 1, 2019 – [Read here](#))

“Pennsylvanians have a constitutional right to clean air and pure water – I’m here to defend that,” Attorney General Shapiro said, at a news conference at a recreation center in Pittsburgh’s Lawrenceville neighborhood – an area impacted by the Authority’s violations. “The Water & Sewer Authority knew it was required to notify residents of its plans to replace service lines, and it knew it was required to sample the lines for lead content – yet it failed to do so. That makes PWSA criminally liable under the Safe Drinking Water Act.”

CASE UPDATE: Former Owner of Lackawanna County Business Sentenced to 11 ½ to 23 Months in Prison on Environmental Crimes Charges

(March 26, 2019 – [Read here](#))

“Pennsylvanians have a right to clean air and water, and my Office will not tolerate anyone who acts with such disregard for the laws protecting our environment,” Attorney General Josh Shapiro said. “Illegally storing and disposing of hazardous waste creates serious danger for communities. Thank you to the local fire departments in Jessup for their fast response to the fire caused by this man’s reckless actions—their response prevented damage to nearby homes of families who were forced to evacuate.”

AG Shapiro Urges Congressional Leadership to End Use of Harmful PFAS Chemicals

(August 15, 2019 – [Read here](#))

“Pennsylvanians have a constitutional right to clean air and pure water, and as Attorney General, I am committed to defending that right,” said Attorney General Josh Shapiro. “PFAS chemicals are harming Pennsylvanians’ health and environment, yet the federal government has failed to act in a timely and appropriate manner to address this threat.

CASE UPDATE: Berks County Construction Company Owner Pleads Guilty to Falsifying Drinking Water Reports

(August 20, 2019 – [Read here](#))

“Pennsylvanians have a constitutional right to clean air and pure water and, as Attorney General, I am committed to defending that right against anyone who tries to impede on it,” said Attorney General Josh Shapiro. “The defendant put the health and wellbeing of the people of Berks and Lancaster Counties at risk by falsely reporting the absence of harmful bacteria in their drinking water. Thanks to the hard work of our Environmental Crimes Section, we put an end to his dangerous behavior.”

AG Shapiro Opposes EPA's Proposed Rule to Limit States' Clean Water Act Oversight

(October 22, 2019 – [Read here](#))

“The Clean Water Act unequivocally grants states the right to protect our waters, and the Environmental Protection Agency has recognized that right for three decades under both Republican and Democratic administrations,” said Attorney General Josh Shapiro. “Now, the EPA is attempting to undermine this authority. I’m proud to stand with my colleague Attorneys General in opposition to this attack on states’ rights and our environment. As Attorney General, I will do everything in my power to protect Pennsylvanians’ state constitutional right to clean air and pure water.”

AG Shapiro to EPA: Enforce Environmental Protections, Defend Vulnerable Communities During COVID-19 Emergency

(April 16, 2020 – [Read here](#))

Right now, government agencies and businesses need to band together to keep Pennsylvanians safe,” said Attorney General Shapiro. “This is not the time for cynical attempts to slash public health protections, whose removal only benefits corporate interests. My office takes seriously our job to defend Pennsylvanians’ constitutional right to clean air and pure water. I’m calling on the EPA to do the right thing and keep holding companies accountable that violate environmental standards.”

AG Shapiro: Inflection Energy to Pay \$40K to Conservation Groups for Polluting Lycoming County Water

(May 1, 2020 – [Read here](#))

Attorney General Josh Shapiro today announced that Inflection Energy, a natural gas company, has entered a plea for its role in the 2017 wastewater spill in Loyalsock Creek located in Lycoming County, and will pay \$40,000 to conservation groups in the area. “Pennsylvanians have a constitutional right to clean air and pure water,” said Attorney General Shapiro. “Any company that endangers those rights will be thoroughly investigated, without fear or favor. This is just another example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation.”

AG Shapiro Files Criminal Charges Against Carbon County Recycling Facility

(May 19, 2020 – [Read here](#))

“Pennsylvanians have a right to clean air and pure water. Today, we charged Plastic World Recycling for dumping an outrageous amount of cleaning agents into a Carbon County creek that people rely on for trout fishing,” said Attorney General Shapiro. “Any company, big or small, that endangers our environmental rights will be thoroughly investigated. This is just one example– there will be more– as we continue our efforts to protect public health and preserve our heritage and natural resources for the next generation.”