



## An Iowa Green Amendment Protecting the Rights to a Clean, Safe & Healthy Environment

The Iowa Green Amendment will amend Article I of the State Constitution to recognize that every person in the state has the “right to a clean and healthy environment, including pure water, clean air, ecologically healthy habitats, and the preservation of the natural, scenic, historic, and aesthetic qualities of the environment.” The amendment shall also ensure the state serves as trustee of the state’s natural resources and shall conserve, maintain and restore these resources for the health and benefit of all the people of the state, including present and future generations.

Establishing an enforceable environmental right will drive better government decisionmaking at all levels of government and will prevent situations or conditions in which land becomes too contaminated, water becomes too polluted, or air too dirty to support healthy lives, including a healthy economy.

While Iowa has a well-developed systems of environmental protection laws, the state also has a significant number of urgent environmental problems: communities with unsafe drinking water or polluted air; communities forced to live next to highly toxic sites that are harming human health and reducing property values; fish so contaminated they are the subject of fish advisories; and ongoing environmental justice issues as communities of color continue to be disproportionately exposed to environmental pollution and degradation. There are gaps in the law and how it is implemented that need to be addressed. As we see in other areas of law, such as political and civil rights, these deficiencies can best be addressed by the overarching protections constitutional protection provides– i.e. an Iowa Green Amendment.



### *The Iowa Green Amendment*

#### ***Right to clean environment.***

*Every person has the right to a clean and healthy environment, including pure water, clean air, ecologically healthy habitats, and the preservation of the natural, scenic, historic, and aesthetic qualities of the environment. The state shall not infringe upon these rights by action or inaction. The state’s public natural resources, including its soils, waters, air, flora, fauna, climate, and public lands, are the common property of the people, including both present and future generations. As trustee of these resources, the state shall conserve, maintain, and restore these resources for the health and benefit of all the people. This section and the rights stated herein are self-executing and shall be in addition to any rights conferred by the public trust doctrine or common law.*

## **An Iowa Green Amendment will:**

- √ ... Ensure every government official in the state will work to advance environmental protection and pollution prevention at every level of the decisionmaking process, rather than waiting until the end of the process when the focus is necessarily on permitting and managing pollution and degradation.
- √ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection – e.g. a Green Amendment could have helped prevent PFAS contamination before it started or secured responsive action sooner;
- √ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity or socioeconomic status – have the same rights to clean water and air, and healthy environments and establishes a duty on all government officials to protect all communities equitably;
- √ ... Prevent a claim of property rights from justifying pollution or environmental degradation that harms the surrounding community; now environmental rights are on par with property rights and must be included in the fair balancing of rights impacted by government action;
- √ ... Ensure consideration of existing environmental conditions and cumulative impacts as part of decisionmaking so the additive impact of new pollution/degradation on an already overburdened environmental justice community is a recognized and addressed part of government action – it will not be enough to just understand the information, government must act upon it;;
- √ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, by providing constitutional grounding for their advocacy and access to the courts for redress;
- √ ... Strengthen healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, drought, declining property values and lost tax revenues;
- √ ... Place the rights to clean water and air, a stable climate and healthy environments legally on par with the rights to “liberty of speech”, be free from “unreasonable seizures and searches”, the right “freely to assemble”, and “just compensation” for private property taken for a public use.



*In order to obtain this highest level of protection in Iowa, a proposed amendment must pass by majority vote through two successive General Assemblies, after which the people of Iowa will be given the opportunity to vote on whether or not their right to pure water, clean air and a healthy environment will be protected by the state constitution.*