

For Immediate Release

November 30, 2017

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Constitutional Amendment to Protect Environmental Rights Announced

Trenton, NJ: Assemblyman Tim Eustace, joined by Maya van Rossum, the Delaware Riverkeeper and David Pringle, Legislative Director for Clean Water Action announced new legislation that, if passed, would provide the people of New Jersey with a constitutional right to a healthy environment. The proposed provision identifies the State as trustee of public natural resources including the water, air, flora, fauna and the climate, and ensures an obligation by government officials to conserve and maintain these resources for the benefit of present and future generations. Including the proposed language in the New Jersey constitution ensures that the right to clean water, clean air and a healthy environment will be protected as firmly as other essential rights are protected, like the right to free speech, freedom of religion and private property rights.

"I have long fought for and believe in the right to clean air and water. If we do not have these two basic necessities, nothing else matter, it is our most basic need. I look forward to making to clean water and air a constitutional right in the Garden State," said **Assemblyman Tim Eustace**.

"Passing this legislation will give the right to drink clean water, breath clean air, to eat healthy foods grown in healthy soils, the highest level of protection that can be given in NJ state law. Passing this legislation ensures that the right to a healthy environment is recognized as a fundamental liberty that will be protected as firmly as other longstanding freedoms like free speech, freedom of religion and property rights," said **Maya van Rossum, the Delaware Riverkeeper** and author of *The Green Amendment*, a new book dedicated to the subject of constitutional protection of environmental rights. "If passed, this would make New Jersey the third state in the nation to protect the people's right to clean water, clean air and a healthy environment as an inalienable right, on part with other political freedoms like the right to free speech, private property rights and religious freedoms."

"The right to clean water and clean air is as fundamental to life as anything else yet those rights are not protected and we all suffer accordingly. This constitutional amendment puts those rights where they belong – right up there with the right to speak, assemble and practice the religion of your choice," said **David Pringle, Legislative Director at Clean Water Action**.

"We can't take for granted the threats we face from environmental degradation, and we need to ensure there are legal protections for our public health and our ecosystems that are codified in the New Jersey Constitution. Our environmental rights are paramount for the quality of life for our state's residents and they deserve to be fully protected under the law. Clean water, clean air and a healthy environment aren't

afterthoughts and they should be part of our state Constitution,” said **Doug O’Malley, director of Environment New Jersey**.

“Citizens throughout the world have the right to clean air and water, and a healthy planet. Here in New Jersey, we can do something about it. We can adopt a constitutional amendment guaranteeing those rights to every man, woman, and child in our state. That is why we’re here to support Assemblyman Eustace’s proposed legislation. For far too long polluters and developers have been getting away with destroying our environment and impacting public health,” said **Jamie Zaccaria, Legislative and Communications Coordinator at the New Jersey Sierra Club**. “Under constitution we have the four freedoms. We need this fifth freedom: the freedom to be healthy in a healthy environment. After all, you can’t have free speech if you can’t breathe the air.”

The language proposed draws from constitutional language passed in Pennsylvania. Pennsylvania’s provision was passed in 1971 but was dismissed as mere policy until a Supreme Court decision that, on December 18, 2013, reinterpreted the provision and recognized its legal importance for environmental protection.

According to van Rossum, New Jersey is one of 15 states that has no constitutional provision dedicated to environmental issues. Of the other 35 states, only Pennsylvania and Montana protect environmental rights as inalienable rights, with the other 33 states providing language that fails to provide meaningful legal rights to a healthy environment.

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As proposed the New Jersey environmental rights amendment would read as follows:

(a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State’s public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.