



The People's Right to a Healthy Environment



www.oceraunited.org

The **Oregon Coalition for an Environmental Rights Amendment (OCERA)** is a grassroots effort to amend the Oregon Constitution with a fundamental, enforceable right to a healthy environment.

Why a constitutional amendment?

As Oregon's highest source of law, its state constitution cannot be overridden, and it cannot be amended without the people's consent. Fundamental rights are housed in constitutions because they are considered so essential to life and liberty that they must be protected from political interference. Because the people's right to a healthy environment with clean air, clean water and a stable climate is essential to life and liberty, it is a fundamental right that requires constitutional protection.

How would the amendment work?

The amendment would give public officials better tools to protect the state's environment. It would compel officials to elevate [substantive environmental concerns](#) (not just process) in state decision making—whether making law, issuing permits or enforcing existing environmental regulations. If officials decline to protect the right when they could have done so, a person could raise the right in civic or environmental advocacy work or enforce the right in a court of law.

Isn't the state already required to protect and conserve the environment?

Unfortunately, existing environmental regulations are [weak](#) and contain many [loopholes](#). For example, even when an environment is already degraded, polluters may obtain permits to pollute in 'controlled' amounts. And even though state actions and projects require environmental impact analyses (often with public comment), those analyses are routinely disregarded in favor of other competing priorities.

How can we add this protection to the Oregon constitution?

An amendment to the Oregon constitution must be approved by a simple majority of Oregon voters. There are two ways to get a proposed amendment on the ballot: (1) A referral process: Legislators must approve a proposed ballot measure by a majority vote; or (2) A signature-gathering initiative process: A required number of voter signatures must be gathered according to a detailed [state-mandated process](#). OCERA plans to pursue both processes. For this reason, OCERA has formed a political action committee (PAC).

Is this a new idea?

No. Several states already have constitutional environmental rights protections including Pennsylvania (1971), Montana (1972), Hawai'i (1978) and New York (2021). [Many other states](#) have pending amendment referrals in their legislatures. For instance, Hawai'i has just negotiated a settlement with Earthjustice and Our Children's Trust to decarbonize their transportation system.

What will the proposed Oregon amendment contain?

In conference and collaboration with attorneys of experience and expertise in the rights-based approach to environmental protection, to include Our Children's Trust, the language will include a fundamental, enforceable right to a healthy environment, which will prioritize the rights of the people and future generations.

We invite you to join us! For more information and resources, go to www.OCERAunited.org.