

Submitter: D Torres  
On Behalf Of:  
Committee: Senate Committee On Rules  
Measure, Appointment or Topic: SJR28

I am in strong opposition to SJR 28.

While I recognize and appreciate the value of protecting the environment and ensuring that our communities live in a safe, healthy environment, I have serious concerns about the potential unintended consequences this amendment could have on the state's legal and economic landscape.

#### Vague and Unclear Legal Language

The proposed language in this amendment is vague and broadly defined. It includes terms such as "clean, safe, and healthy environment" that are subjective and open to interpretation. This ambiguity could lead to extensive litigation, with unclear guidelines on what constitutes a "clean" or "healthy" environment. This could create a flood of lawsuits from individuals, organizations, or other entities claiming that their constitutional right to such an environment has been violated. The increased litigation could overwhelm our judicial system, drain state resources, and cause a backlog of cases, delaying other important matters that need attention.

#### Potential for Overregulation and Economic Impact

The establishment of a constitutional right to a clean environment could lead to overly restrictive regulations on industries, businesses, and property owners. Without clear, specific guidelines, state and local governments might be pressured to implement stringent environmental regulations that could hinder economic growth, reduce job opportunities, and increase the cost of doing business. Small businesses, farmers, and manufacturers may bear the brunt of these costly regulatory burdens, leading to higher prices for consumers and the potential for businesses to relocate outside of Oregon, causing a loss of jobs and tax revenue.

#### Disruption of Existing Environmental Protection Framework

Oregon already has a robust framework for environmental protection, with numerous state and federal laws in place to regulate pollution, protect natural resources, and safeguard public health. Establishing an additional constitutional right to a "healthy" environment could undermine the existing regulatory systems by adding a layer of constitutional complexity. This could create confusion and conflict between existing laws and the newly established constitutional right, potentially creating obstacles for effective enforcement and compliance.

#### Potential to Undermine Local Decision-Making

Local governments and communities in Oregon are best equipped to address

environmental issues in ways that align with their specific needs, priorities, and circumstances. A constitutional amendment establishing a broad environmental right could undermine local decision-making and give individuals or outside groups the ability to challenge local policies or projects that they deem inconsistent with the right to a clean and healthy environment. This could lead to unnecessary delays in local development projects or community initiatives that are designed to balance environmental concerns with economic and social needs.

#### Increased Government Intervention

Finally, the proposed amendment could invite increased government intervention into personal and private property rights. If the government is tasked with ensuring a fundamental right to a clean, safe, and healthy environment, it could expand its regulatory authority into private matters such as land use, water rights, and even the regulation of activities like agriculture, forestry, and energy production. This increased intervention could negatively impact private property owners and result in unforeseen restrictions on how individuals and businesses use their land or resources.

I believe that this proposed amendment is a flawed approach that could have far-reaching negative consequences. The broad language, potential for overregulation, disruption of existing environmental protections, and erosion of local decision-making all present serious concerns that cannot be ignored.

Please vote NO!