



To: Senate Rules Committee
Re: Oregon Right To A Healthy Environment – SJR 28 updated version
Date: March 27, 2025
From: Maya K. van Rossum, Green Amendments Founder

Dear Chair Jama, Vice-Chair Bonhman, and Members of the Senate Rules Committee,

Thank you for the opportunity to testify in person during the hearing on March 26, 2025 regarding SJR 28-1. During the course of the hearing, after I testified, a number of lobbyists and industry representatives provided testimony that included concerning levels of misinformation. I wanted to take this opportunity to set the record straight on a few key points. There is more to address than the points provided below, but I selected a few I felt were particularly egregious and/or important.

The Oregon Right to a Healthy Environment (RTHE) will not result in legal actions between private parties as was suggested. Farmers, private land owners, individual developers, or companies could not be the subject of constitutional challenges once the amendment is added to the state constitution. The constitutional obligations, and therefore the focus of any legal action, would be government actors, entities and actions.

The language in the proposed amendment is appropriate and characteristic of protected Article I rights in Oregon. As with other Bill of Rights provisions, the amendment's key terms will first be defined by the legislative and executive branches, including implementing agencies and local government, and will at times require the courts to assist. When the courts do become involved, it will not be to displace the legislative or executive branches of government, but instead to exercise the appropriate role of the judicial branch of government of judicial review to determine whether the constitutional rights and obligations enumerated in the RTHE have been complied with.

The RTHE does not give undue authority to the judicial branch of government, nor does it displace, undermine or diminish the important role of the legislature or the executive branches of government in Oregon. To the contrary, the RTHE embraces the Oregon and U.S. system of government and law by recognizing the role of all branches of government, including the appropriate role of the judiciary. In Pennsylvania, Montana, and New York, we have seen no instances of judicial overreach, nor would we expect to see any in Oregon.

Constitutional environmental rights protection will enhance economic development by encouraging sustainable, environmentally protective, and innovative development, industry, and businesses that support jobs and economic growth while at the same time avoiding the economic, health and safety harms that result from environmental pollution and degradation.

Ensuring constitutional protection of environmental rights will not support frivolous litigation nor encourage an onslaught of inappropriate legal action. While the RTHE will support important legal claims essential to address environmental pollution and degradation harmful to the lives of the people of Oregon, it is not expected to support a sudden rush of litigation, and will certainly not

support frivolous litigation. In other Green Amendment states we have seen 0 cases dismissed as frivolous, nor have we seen a rush of litigation.

The proposed language in Oregon well tracks the language in the Commonwealth of Pennsylvania – including specific amendment language, as well as key interpretations of the amendment established through judicial precedent. By specifically including language that addresses key elements of the amendment which were subsequently determined through litigation in Pennsylvania, Montana, and New York, Oregon will avoid the kind of litigation that Pennsylvania, Montana, and New York had to undertake in order to answer key issues, such as affirming that the amendment is self-executing, that a right to a safe climate is part of the rights protected by the amendment, that strict scrutiny review applies, and that the amendment is enforced through equitable and declaratory relief. While the attorneys fees provision is unique to Oregon’s proposed language, this is a concept well accepted in state and federal environmental law that will allow impacted communities to successfully secure their environmental rights when legal representation is needed in order to do so.

Amendments comparable to the RTHE in Pennsylvania, Montana and New York have not harmed nor slowed economic development in the state—neither job growth nor GDP—and I am aware of no evidence that would support such a claim. There is no reason to believe that Oregon’s experience would be any different. In fact, it is well demonstrated through history and recent experience that development projects using environmentally-protective construction, siting, and stormwater practices are more marketable, sell more quickly, and sell for a higher price than more traditional development; businesses that demonstrate a strong environmental ethic are attractive to workers and their families; and that environmental protection within a state supports strong economic growth, as opposed to harming it.

As one testifier well said—workers should not have to choose between good paying jobs and a healthy environment within which to live—and this is precisely a key goal that the RTHE will help workers, companies, communities, and the state to achieve.

The RTHE is important to help address and alleviate the uncertainty and adverse impacts many communities experience under existing environmental laws in Oregon. There are many communities that are harmed by water, air, soil, and environmental contamination, and by the impacts of climate change; that experience inequitable exposure to pollution and degradation by virtue of their race, ethnicity, or socioeconomic status; and whose lives are degraded by the inability to access and benefit from healthy nature and ecosystems. The RTHE creates the opportunity to address these situations—across all aspects of environmental impact—when they arise. Business communities are required to operate within a regulatory regime that ensures their practices do not inflict undue harm on the environment or the communities where they operate. Rather than introducing uncertainty, the RTHE amendment introduces the assurance that all communities can and should be environmentally protected.

Thank you for the opportunity to provide this additional information for your consideration.

With respect and appreciation,



Maya K. van Rossum
Founder, Green Amendments For The Generations