

Environmental Rights coming of age in New Mexico

Written by Staff Reports

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SANTA FE — A Joint Resolution to amend the New Mexico Constitution in order to add environmental rights was pre-filed on Jan. 5 by Sen. Antoinette Sedillo Lopez, D-Albuquerque and Rep. Joanne Ferrary, D-Las Cruces, with more than twenty other legislators stating an intent to support the proposal.

Those supporters include Sen. Harold Pope, Jr., D-Albuquerque, Rep. Tara Lujan, D-Santa Fe, Sen. Bill Soules, D-Las Cruces, Sen. Elizabeth “Liz” Stefanics, D-Cerrillos, Sen. Gerald Ortiz y Pino, D-Albuquerque, Sen. Carrie Hamblen, D-Las Cruces, Sen. Shannon Pinto, D-Tohatchi, Rep. Andrea Romero, D-Santa Fe, Rep. Karen Bash, D-Albuquerque, Rep. Debbie Sariñana, D-Albuquerque, Rep. Roger Montoya, D-Velarde, Sen. Linda Lopez, D-Albuquerque, Rep. Patricia Roybal Caballero, D-Albuquerque, Sen. Bill Tallman, D-Albuquerque, Sen. Jeff Steinborn, D-Las Cruces, Rep. Kay Bounkeua, D-Bernalillo, Rep. Christine Trujillo, D-Albuquerque, Rep. Elizabeth “Liz” Thomson, D-Albuquerque, Rep. Gail Chasey, D-Albuquerque, Rep. Miguel Garcia, D-Albuquerque, Rep. Kristina Ortez, D-Taos, and Sen. Roberto “Bobby” J. Gonzales, D-Rancho de Taos.

The pre-filed resolution proposes amending the State Constitution Bill of Rights in order to recognize the rights of present and future generations to clean water and air, a stable climate and healthy environments, as well as recognizing the cultural, natural, and human health values of the environment. The Joint Resolution also creates an enforceable trustee obligation on government officials to protect the state's natural resources and the newly-created environmental rights.

"Since the introduction of this Senate Joint Resolution in the 2021 session, the support for it has grown stronger," Sen Sedillo Lopez said. "The people of the state want to see the government protect our beautiful, fragile environment with the same vigor it protects other constitutional rights.

"Clean air, water, and land are basic and fundamental to all," she continued. "Given our unique heritage, a cultural relationship with the environment is also of fundamental importance to the people of our state, particularly our Native people and tribes.

"This constitutional amendment will go a long way toward ensuring that no part of our state becomes a sacrifice zone and no people within our state bear a disproportionate pollution burden," Sedillo Lopez stated.

"We are at a pivotal moment for environmental protection and justice in New Mexico," Ferrary, who is leading the proposal in the House of Representatives, said. "We are facing challenges to the quality of our water from threats like PFAS [polyfluoroalkyl substances] contamination; the quantity of water available for drinking water, ecosystem support, and business operations of all kinds; wildfires due to a growing climate crisis; air pollution in our urban centers and around fossil fuel industrial operations; and other health, safety, and economic threats to the water, air and natural resources essential to New Mexicans and our communities.

"I believe this resolution will help us provide critical, missing, and needed protections," Ferrary continued. "Of greatest importance, passage of the proposed amendment through our legislature does not result in an automatic change to the constitution, what it means is that we are entrusting this most important decision to the people of our state – the constitution belongs to them and it is just and right that we are giving New Mexicans the opportunity to decide."

“The Green Amendment would allow every New Mexican the opportunity to own the future of our land, earth, air, and water,” Stefanics said.

“Forty percent of Americans live in a county that experienced a catastrophe that was related to climate change in 2021,” Lujan stated. “We are supposed to be carbon neutral by 2030 or we reach a global point of no return toward climate chaos.

“It’s time to make significant progress to meet the goal of climate security,” Lujan said. “This constitutional amendment demonstrates lawmakers are serious about protecting New Mexican families.”

“Passing the New Mexico Green Amendment will help secure environmental justice protections for all communities in our state,” Roybal Caballero said. “We are working hard to prevent the disproportionate burdening of communities of color and indigenous communities with air, water, and soil contamination and to ensure a genuinely just transition in the energy sector.

“Constitutional environmental rights ratified by our communities will provide a strong foundation on which to ensure true environmental justice for all and will also ensure that protections put in place by our current legislature cannot be dismantled by future administrations,” she concluded.

If the Joint Resolution secures a majority vote of support in both the Senate and House of Representatives, it will be placed on the next general election ballot in 2022 for a vote by the people of New Mexico.

Constitutional environmental rights already exist in Pennsylvania, Montana and most recently, voters approved a constitutional amendment for environmental rights in New York in 2021. Legislators in Arizona, Washington, Hawaii, New Jersey, Delaware, Vermont, Iowa, West Virginia, Maine, Maryland, and Kentucky are also advancing similar proposals.

The proposed New Mexico Joint Resolution reads as follows:

SECTION 1. It is proposed to amend Article 2 of the constitution of New Mexico by adding a new section to read:

A. The people of the state have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil, flora, fauna, ecosystems, and climate, and to the protection of the natural, cultural, scenic and healthful qualities of the environment.

B. The protection of the state's environment is hereby declared to be of fundamental importance to health, safety and the public interest.

C. The state, including its political subdivisions, shall serve as trustee of the natural resources of New Mexico, and shall conserve, protect and maintain these resources for the benefit of all New Mexicans, including present and future generations.

D. The provisions of this section are self-executing. Money damages shall not be allowed under this section.

SECTION 2. It is proposed to amend Article 20 of the constitution of New Mexico by repealing Section 21.

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