



**Testimony
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Before the Environment Committee
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The Connecticut Council of Small Towns (COST) **opposes HJ-37, RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROVIDE FOR AN ENVIRONMENTAL RIGHTS AMENDMENT.**

COST supports efforts to protect the state's environment, natural resources, and air and water quality. However, given the state's rigorous and extensive environmental laws and regulations, a separate constitutional amendment is unnecessary.

In addition to being unnecessary, an environmental rights amendment creates tremendous uncertainty on the state and local level. If approved on the ballot, HJ-37 would grant individuals new, unfettered environmental rights with automatic legal standing to pursue litigation against the state, municipalities, and political subdivisions. We are concerned that this will subject municipalities to protracted and costly litigation based on undefined standards which could be used to halt local economic development and infrastructure projects.

To date, three other states have adopted an environmental rights amendment to their constitution. Pennsylvania's Environmental Rights Amendment has recently been the subject of numerous lawsuits challenging state and local laws, permits, and zoning decisions. The lawsuits have raised troubling questions as to whether the amendment imposes substantive environmental standards on the state and municipalities in addition to those already conferred under existing law.

New York's Environmental Rights Amendment, adopted in November 2021, has already triggered litigation, raising questions as to how the courts will interpret the breadth of rights granted to individuals and organizations under the amendment. In a lawsuit brought by Fresh Air for the East Side, a county supreme court judge recently ruled that the state may run afoul of the constitutional amendment even if it is complying with state law.

Allowing environmental protections to be defined by the courts on a case-by-case basis will create turmoil on the local level, leaving municipalities vulnerable to costly litigation that may jeopardize the approval or completion of critical local projects.

Given the uncertainty and potential costs associated with adopting an environmental rights amendment, COST urges lawmakers to reject HJ-37.