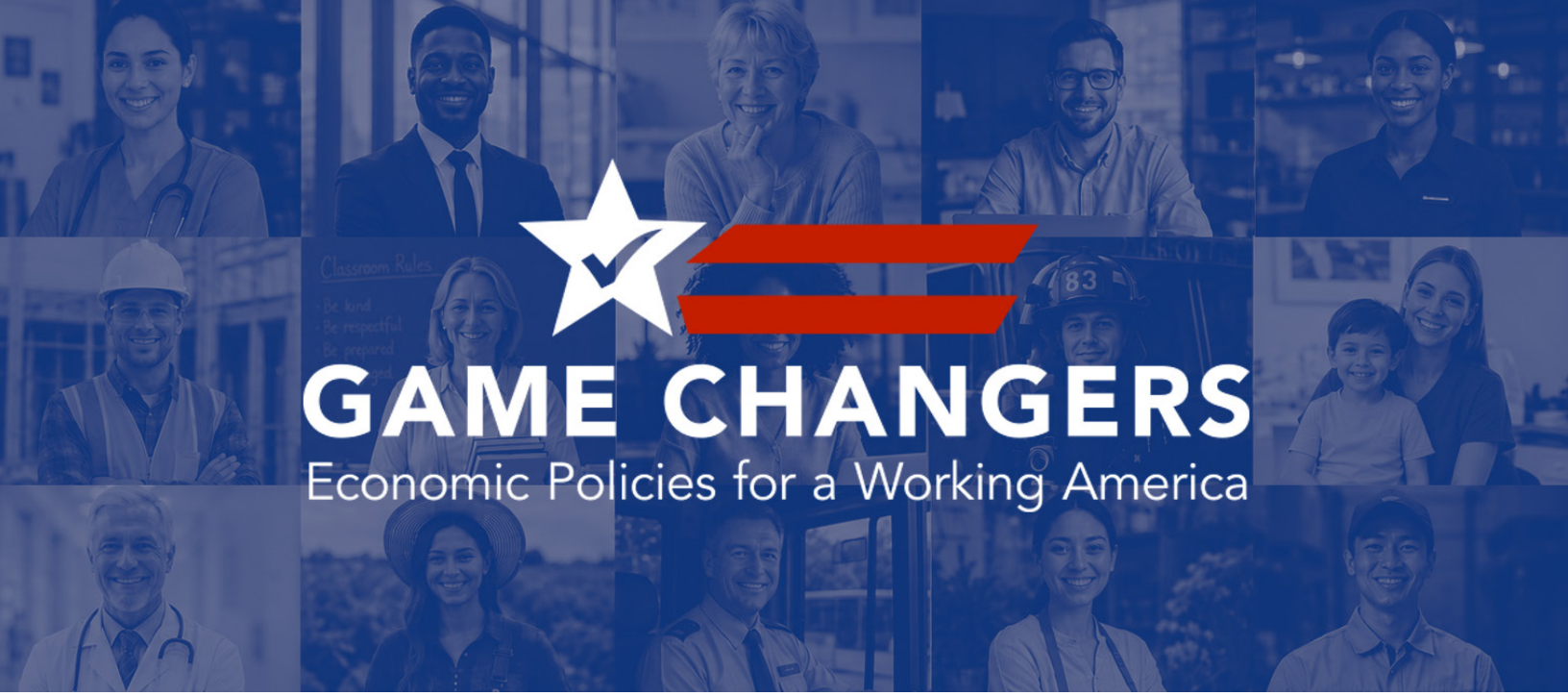

BACKGROUND PAPER / JULY 2026

A Clean and Safe Environment for All

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A Clean and Safe Environment for All

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Executive Summary

A Clean and Safe Environment for All recognizes that environmental protection is a human right. Experience shows that an environmental protection strategy must include universal imperatives and requirements for fairly sharing both the benefits of environmental protection and the costs of pollution. This means guaranteeing that communities overburdened by cumulative environmental harms are accorded top priority in pollution prevention and abatement. Guaranteeing this right requires both access to interpretable information and the capacity to act on it. Access to environmental information and the rights of citizens and of regulators acting on behalf of the public have been dangerously curtailed by the current administration. Reversing that poisonous trend is among the goals of this Game Changer.

The Clean and Safe Environment for All Game Changer has five components:

1. **A Constitutional Amendment Guaranteeing the Right to a Clean and Safe Environment**
   Several states, including Hawaii, Massachusetts, and Montana, have adopted amendments to their state constitutions that guarantee the right to a clean and safe environment for all. A similar amendment should be promoted in the individual states and for the Constitution of the United States. Without waiting for adoption, the following policies should be enacted.

2. **Identifying Overburdened Communities**
   The impacts of pollution are not equally distributed across communities. Instead, some communities bear disproportionate harms that have accumulated across pollutants and over time. In effect, these communities, which have been systematically excluded from representation and power, are treated as “sacrifice zones” where threats to human health and the environment are allowed to pile on top

of each other. The U.S. Environmental Protection Agency will be tasked with developing a robust methodology to identify Overburdened Communities.

3. **Measuring and Monitoring Pollution**
   Equipment for monitoring air and water pollution will be installed in all Overburdened Communities and in any concerned community, and public access to online real-time data will be guaranteed.

4. **Ban on Additional Pollution in Overburdened Communities**
   No new polluting facilities will be permitted in Overburdened Communities – a provision modeled on New Jersey's recent landmark legislation. Existing facilities will be encouraged to convert to less polluting alternative technologies.

5. **Priority for Overburdened Communities in Pollution Abatement**
   The U.S. Environmental Protection Agency will implement measures to reduce annual emissions of pollutants affecting each Overburdened Community at a minimum rate of 8 percent per year, until such time as the community no longer meets the criteria for identification as Overburdened.

A Constitutional Amendment Guaranteeing the Right to a Clean and Safe Environment

In the U.S., seven state constitutions include the right to a clean and safe environment,[1] and other states provide statutory protection of environmental rights. Constitutional protection is not the only pathway to environmental rights. For example, New Jersey and California both provide explicit environmental rights in statutes. In the findings and declarations of the landmark 2020 New Jersey Environmental Justice law, "The Legislature finds and declares that all New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment."[2] But constitutional provisions, in contrast to declarations which frame legislative intent, have a special function in that they establish a self-executing right that enables enforcement by individuals.

The states with constitutional rights to a clean and safe environment are:

- Illinois (1970): Article XI, Section 2, states that "each person has a right to a healthful environment" and allows individuals to enforce this right.
- Rhode Island (1970): Article I, Section 17, guarantees "the right to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values".
- Pennsylvania (1971): Article I, Section 27 states, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment".
- Montana (1972): Article II, Section 3, declares a "clean and healthful environment" as an inalienable right, and Article IX, Section 1, requires the state to protect and improve the environment for future generations.

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[1] Martha F. Davis, The Greening of State Constitutions, *State Court Report* (2023), https://statecourtreport.org/our-work/analysis-opinion/greening-state-constitutions visited February 16, 2026.
[2] P.L. 2020, CHAPTER 92, https://dep.nj.gov/wp-content/uploads/ej/docs/ej-law.pdf.

- Massachusetts (1972): Article 97 (amending Article 49) establishes the right to "clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment".
- Hawaii (1978): Article XI, Section 9, grants each person the right to a clean and healthful environment, as defined by laws.
- New York (2021): Article I, Section 19, added that "Each person shall have a right to clean air and water, and a healthful environment".

In Montana, the constitutional right to a clean and healthful environment was successfully invoked in *Held v. Montana*, 2023. The District Court ruled in favor of sixteen youth plaintiffs, residents of Montana, who argued that the limitations on considering environmental factors when deciding oil and gas permits violated the right to a safe environment. The District Court ruling was upheld by the Montana Supreme Court on December 18, 2024.[3]

A similar amendment should be promoted in the individual states and for the Constitution of the United States.

***Here is potential text for a Constitutional Amendment**:*

Section 1. Each person shall have an inalienable right to a clean, safe, and healthful environment, including clean air and water, a healthful climate, access to the natural, scenic, historic, and esthetic values of the environment, and freedom from excessive and unnecessary noise. The right secured by this Article shall be available to present and future generations.

Section 2. The Government of the United States, and the Governments of the several States, shall conserve, protect, and improve the environment and the Nation's natural resources for the benefit of the people, with due regard for the preservation of their values. They shall prevent significant degradation of environmental quality, restore degraded environments where practicable, and provide for the sustainable use and enjoyment of natural resources.

Section 3. The right guaranteed by this Article shall be self-executing and shall be enforceable by any person, by any public agency, and by the Attorney General of the United States in any court of competent jurisdiction; remedies may include injunctive relief, restoration or remediation, abatement, damages, civil penalties, and costs and fees as provided by law. Congress shall have power to enforce this Article by appropriate legislation.

Section 4. Nothing in this Article shall be construed to deny or impair reasonable measures enacted to protect public health, safety, or national security, nor to limit the authority of the United States or the several States to allocate resources or adopt regulations reasonably calculated to implement the rights and duties established by this Article.

In the meantime, without waiting for adoption of an amendment, the following policies should be enacted.

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[3] https://en.wikipedia.org/wiki/Held_v._Montana

Identifying Overburdened Communities

The release sites and population impacts of pollution are not equally distributed across communities. Instead, some communities bear disproportionate harms that have accumulated across pollutants and over time. In effect, these communities have been treated as "sacrifice zones" where threats to human health and the environment are allowed to pile on top of each other. The U.S. Environmental Protection Agency will be tasked with developing a robust methodology to identify Overburdened Communities.

What the communities that bear the heaviest pollution burdens in the United States[4]— communities such as Cancer Alley in Louisiana, the Gulf Coast of Texas, Kanawha Valley in West Virginia—have in common, in addition to outsized threats to health and wellbeing, is that none of them is home to the top "one percent". All of them have been excluded from representation and power in decisions about pollution, with negative consequences for the health, safety, and well-being of community members. Communities of color all over the U.S. have long been systematically and intensely targeted with pollution damage in the siting of new harms, in exposure to current pollution, and in delayed attention to remediation. This systematic exclusion, or Environmental Injustice, jeopardizes population health, especially the health and safety of children, as well as home values.

The Environmental Justice movement seeks not only to remedy exposures but also to guarantee access and fairness in the deliberation and decision making about how much pollution our society will tolerate and what will be done with it. Environmental justice has its movement origins in the fight against environmental racism. Its imperative and promise of ensuring a clean and safe environment for all extends to every overburdened community.[5] Identifying all overburdened communities and replacing the burdens with access to fair environmental decision making and to the benefits of a clean and safe environment is the core principle of this Game Changer.

A disproportionate impact occurs in one of two circumstances: (1) Where the facility's contribution to public health and environmental stressors would result in an overburdened community becoming subject to adverse cumulative stressors; or (2) Where a facility contributes to an adverse environmental and public health stressor in an overburdened community that is already subject to adverse cumulative stressors.[6]

The U.S. Environmental Protection Agency (EPA) and the States have developed tools for identifying overburdened communities. The U.S. EPA EJScreen, which was discontinued by EPA in February 2025, was a mapping and screening tool that combined environmental and demographic indicators in maps and reports to provide nationally consistent data.

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[4]Erin McCormick. "Revealed: the 10 worst places to live in US for air pollution." *The Guardian*, 2023. https://www.theguardian.com/us-news/2023/mar/08/10-most-air-polluted-places-to-live-us visited June 22, 2026; Al Shaw and Lylla Younes. "The Most Detailed Map of Cancer-Causing Industrial Air Pollution in the U.S." *ProPublica*, 2021. https://projects.propublica.org/toxmap/ visited June 22, 2026.

[5]McGhee, Heather. Chapter 8, "The Same Sky." *The sum of us: What racism costs everyone and how we can prosper together*. One World, 2022.

[6] New Jersey Department of Environmental Protection, Environmental Justice Rules, Frequently Asked Questions N.J.A.C. 7:1C, https://dep.nj.gov/wp-content/uploads/ej/docs/ej-rule-frequently-asked-questions.pdf

Since 2013 CalEnviroScreen, now on version 4.0,[7] integrates spatial analysis of pollution burdens and population characteristics to provide a single relative ranking for communities. Other methods provide a matrix of pollution burdens and population vulnerabilities.[8] These matrix methods are especially effective for identifying cumulative burden, the accumulation of multiple threats and harms to the environment. Historic underinvestment, high percentage people of color, larger shares of less-than-high-school educated and linguistically isolated people, and housing burden are all characteristic markers of cumulative or multiple environmental burdens.[9]

The concept of pollution burden combines exposures and environmental effects. Exposures include emissions, pesticide use, releases, traffic, and estimated or measured concentrations. Environmental effects include a variety of threats, including cleanup, brownfield, and hazardous waste sites, threats to or impairment of groundwater and water bodies, and solid waste facilities.

The population characteristics embedded in matrix analysis comprise sensitive populations by dint of health status and age and also populations with socioeconomic factors such as high percentages of people of color or people with low incomes that expose them to environmental injustice.

Measuring and Monitoring Pollution

Equipment for monitoring air and water pollution shall be installed in all Overburdened Communities and in any concerned community, and public access to real-time data online shall be guaranteed.

Capabilities and technical sophistication of pollution monitoring have increased and the cost has decreased with the advent of automated mobile sensors with communication devices. Fenceline monitoring is feasible, effective, and cheap.[10] Remote sensing also offers possibilities for high-resolution monitoring of local pollution and air quality.[11]

Following a 2008 USA Today investigative project, "The Smokestack Effect: Toxic Air and America's Schools,"[12] which used air modeling to investigate the impact of industrial pollution on students, U.S. EPA responded by introducing fenceline air toxics monitoring at schools indicated by proximity to polluting sources. In 2024 a Biden-era federal rule required fenceline monitoring for benzene at coke oven facilities.[13] The entire estimated cost of the program, including but not limited to the benzene monitoring, was $4 million per year. In the short time that the program was active before its cancellation by the Trump administration, the fenceline monitoring identified excess lifetime cancer risk from benzene in communities near the coke ovens at levels between 0.4 and 26.5 in 10,000 additional lifetime cancer

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[7] Office of Environmental Health and Hazard Assessment (OEHHA) of the California Environmental Protection Agency (CalEPA) https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.
[8] Mohai, Paul. "Matrix Approaches for Cumulative Impact Assessments in Decision-Making." Environmental Justice (2026).
[9] Ibid.
[10] https://insideclimatenews.org/news/11022026/trump-administration-ends-coke-fenceline-monitoring/ U.S. EPA "Finding air pollution leaks with smaller, faster, cheaper measurement technologies". (https://www.epa.gov/sciencematters/fenceline-monitoring).
[11] Marshall, Julian D., Libby H. Koolik, Alper Unal, Rachel Morello-Frosch, and Joshua S. Apte. "Advancing Methods and Models that Promote Equity in Ambient Air Quality." Annual Review of Public Health 47 (2025).
[12] Morrison, Blake and Brad Heath. "Toxic air and America's schools: Health risks stack up for school kids near industrial plants." USA Today, December 8, 2008.
[13] https://www.govinfo.gov/content/pkg/FR-2024-07-05/pdf/2024-13186.pdf

risk,[14] which is roughly 100 times or more than the 1 in 1,000,000 excess risk considered the threshold for action by the California EPA.[15] In some locations, the impact of the coke ovens was highly disparate with increased cancer risks in the mostly Black areas of north Birmingham, Alabama, as high as 1.7 cases in every 10,000 people.[16]

To respond to the asthma crisis in Springfield, Massachusetts, which in the late 2010s was identified as the asthma capital of the United States,[17] the Office of the Attorney General of Massachusetts augmented an already solid statewide system of air quality monitors[18] with a dedicated array in the Connecticut River Valley, which includes Springfield and Holyoke.[19] The array provides real-time indicators of air quality that can inform public and household decision making about day-to-day exposure as well as better planning over the medium run.

Created by the Emergency Planning and Community Right-to-Know Act of 1986, the U.S. EPA Toxics Release Inventory (TRI) pioneered pollutant release and transfer registry, a system of standardized, universal, and mandatory facility level reporting of pollution releases that has now been adopted by many countries around the world. There are many possibilities for updating, improving, and using TRI for more timely and precise information to empower citizens to enforce their right to a clean and healthy environment.[20]

In 2026 the U.S. EPA announced the end of the Greenhouse Gas Reporting Program (GHGRP), a critical tool for assessing decarbonization progress based on mandatory, standardized facility-level reporting.[21] The GHGRP provides essential data on greenhouse gas emissions for a host of public and private purposes.[22] A much-needed restoration of the GHGRP should be fully integrated with toxics reporting so that the combined information on both greenhouse-gas and local co-pollutant emissions can be easily accessed with clear information on final ownership by polluting corporations as well as data on individual chemical releases at polluting facilities.

Modeling pollution, such as in PERI's Air Toxics at School,[23] is valuable as a screening tool, but direct monitoring is feasible, increasingly cost effective, and, most importantly, more timely and more precise than modeling. Pollutant Release and Transfer Registry data and direct monitoring data should be expanded to cover additional chemicals and industries, enhanced with value-added data on toxicity, fate

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[14] https://environmentalintegrity.org/wp-content/uploads/2024/03/High-Benzene-Concentrations-at-Coke-Oven-Plants_20240320.pdf.

[15] The California EPA explanation of excess cancer risk notes that 1 in 10,000 excess risk to be "generally unacceptable." https://oehha.ca.gov/sites/default/files/media/downloads/risk-assessment/fact-sheet-california-human-health-screening-levels-chhsls/riskfactsheet.pdf.

[16] https://insideclimatenews.org/news/11022026/trump-administration-ends-coke-fenceline-monitoring/.

[17] https://community.aafa.org/blog/springfield-massachusetts-why-it-s-the-1-asthma-capital

[18] https://eeaonline.eea.state.ma.us/dep/massair/web/#/pollution/map/max

[19] https://healthyairnetwork.org/

[20] The Political Economy Research Institute maintains a document, "How Accurate Are the RSEI Data on Toxic Air Pollution" which includes many recommendations for improving the accuracy and coverage of Toxics Release Inventory reporting, such as inclusion of additional chemicals, industries, and U.S.-owned facilities operating in other countries. https://peri.umass.edu/research-areas/environmental-and-energy-economics/toxic-100/how-accurate-are-the-rsei-data-on-toxic-air-pollution/

[21] http://greenhouse100.org/

[22] https://eelp.law.harvard.edu/wp-content/uploads/2025/09/GHG-Reporting-Rule-Proposal.pdf

[23] https://peri.umass.edu/research-areas/environmental-and-energy-economics/toxic-100/air-toxics-at-school/

and transport, and exposed populations. These should be published with plain-language interpretations in accessible formats.

Defending the right to know is crucial for protecting a clean and healthful environment. Making the data deeper and broader, better linked and integrated, and more widely used will contribute as well.[24]

Ban on Additional Pollution in Overburdened Communities

Legislation and regulation can halt and reverse pollution in overburdened communities. No new polluting facilities should be permitted in Overburdened Communities – a provision modeled on New Jersey's recent landmark legislation. Existing facilities will be encouraged to convert to less polluting alternative technologies. Cumulative impact assessment will ensure that no community becomes a dumping ground or sacrifice zone.

In 2020 and after decades of advocacy and mobilization, New Jersey enacted an innovative environmental justice law that recognizes cumulative burden and operationalizes the inclusion of cumulative burden in siting and permitting decisions.[25] The New Jersey Department of Environmental Protection defines environmental justice, describes concrete past wrongs, and sets goals for rectifying them.

> *Historically, New Jersey's low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities located in those communities; that, as a result, residents in the State's overburdened communities have suffered from increased adverse health effects including, but not limited to, asthma, cancer, elevated blood lead levels, cardiovascular disease, and developmental disorders; that children are especially vulnerable to the adverse health effects caused by exposure to pollution, and that such health effects may severely limit a child's potential for future success; that the adverse effects caused by pollution impede the growth, stability, and long-term well-being of individuals and families living in overburdened communities; that the legacy of siting sources of pollution in overburdened communities continues to pose a threat to the health, well-being, and economic success of the State's most vulnerable residents; and that it is past time for the State to correct this historical injustice.*[26]

While New Jersey remains the pioneer, New York (2022) and Massachusetts (2024) have followed suit with similarly broad laws, and other states, including California, Minnesota, and Connecticut have increased agency and local government capacity and responsibility to protect environmental-justice populations from accumulating environmental burdens.

Before the new law in New Jersey existed, the only focus of facility placement and permitting was on compliance of the proposed facility or releases with narrow pollution performance standards. Any proposed facility that complied with performance standards for that type of facility was likely to be ap-

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[24] Puchalsky, Richard, Michael Ash, and James K. Boyce. "Building on the right to know: Data interlinkage and information intermediation for environmental and corporate regulation." In *The Routledge Handbook of the Political Economy of the Environment*, Éloi Laurent and Klara Zwickl, editors, pp. 343-358. Routledge, 2021.

[25] Sheats, Nicky, Ana Isabel Baptista, Maria Lopez-Nunez, and Melissa Miles. "They Said It Couldn't Be Done: A Case Study of New Jersey's Landmark Environmental Justice Law (S. 232)." *Environmental Justice* 18, no. 6 (2025): 366-373.

[26] New Jersey Department of Environmental Protection https://dep.nj.gov/ej/ (visited April 8, 2026).

proved regardless of the context. This approach to the placement and permitting of new polluting facilities had several critical gaps. First, regulators responsible for permitting could not take into account comparisons between communities or between facilities. Second, regulators could not take into account existing burdens for communities when considering whether or not to add a new burden.

There are antecedents for this type of place-specific permitting. The Clean Air Act of 1970 established National Ambient Air Quality Standards (NAAQS) for six pollutants recognized for high prevalence and particular serious health effects—carbon monoxide, lead, nitrogen dioxide (NO_x), ozone, sulfur dioxide (SO_2), and particulate matter—which became known as the "criteria air pollutants". Areas—typical counties, clusters of counties, or, in some cases, regional air basins—with criteria pollutant levels exceeding the NAAQS are designated nonattainment counties (for failure to attain the air quality standards). Nonattainment counties have stricter standards for the issuance of new permits for polluting facilities (New Source Review) and for renewal of permits for existing facilities.

The New Jersey law focuses the logic of nonattainment areas to more localized siting and permitting decisions. If an area has a high cumulative burden, then new siting may be denied, even for a plant that meets emission standards. The New Jersey law covers an important range of polluting facilities, including major sources of air pollution, resource recovery facilities, sludge processing, incinerators including most medical waste incinerators, sewage treatment plants, transfer stations, scrap metal facilities, and landfills.

By recognizing disproportionate and cumulative impact, the New Jersey law changes the game on which areas will be subject to new environmental insults. Concentrating and compounding locally undesirable land uses appears to follow from economic logic (q.v., “one big pile be better than two little piles” (Alice’s Restaurant Massacre) of degraded areas and depressed land prices, but it has the pernicious effect of subjecting vulnerable populations to ever-increasing environmental burdens and accelerating the creation of “sacrifice zones.” While the residents of degraded areas, who are often poorer people and people of color, suffer from the disproportionate exposure, the capacity to offload environmental harms makes it easier for those who benefit as producers or consumers from the polluting activities to distance themselves from the environmental and health consequences. This may lead to more total environmental harm. In some cases, even communities that thought they were avoiding pollution may suffer more when the distribution is unequal. That is, the landscape of pollution and environmental protection is not zero sum; a more just distribution of harms and benefits can contribute to a reduction of total harm and increase in total environmental amenities.[27]

A recent interview with Charles Lee, one of the founders of the environmental justice movement frames environmental protection in terms of the universal and the particular:

> *Environmental justice is about protecting everyone. And it’s a recognition that certain groups are not as well protected for a number of reasons, and they’re suffering greater environmental and*

[27] Ash, Michael, James K. Boyce, Grace Chang, and Helen Scharber. "Is environmental justice good for white folks? industrial air toxics exposure in urban America." Social Science Quarterly 94, no. 3 (2013): 616-636.

public health harms. It's not a special program for anybody. It's to make sure everyone gets protected.[28]

In the next section, we propose policies for pollution abatement beginning with the protection of the overburdened and most vulnerable.

Priority for Overburdened Communities in Pollution Abatement

The U.S. Environmental Protection Agency should implement measures to reduce annual emissions of pollutants affecting each Overburdened Community at a minimum rate of 8 percent per year (a nine-year time to halving), until such time as the community no longer meets the criteria for identification as Overburdened.

The 85-mile stretch of the Mississippi River between Baton Rouge and New Orleans is commonly known as Cancer Alley because of the concentration of petrochemical and petroleum processing facilities that substantially raise cancer risk for the disproportionately African American communities in the region.[29] Cancer Alley is practically shorthand for the overburdened vulnerable communities. PERI's Air Toxics at School project identifies schools in this region as among the most exposed to industrial pollution in the U.S. with some schools in the top percentile of exposure across all U.S. schools.[30] An 8 percent per year reduction in the toxic hazard through 2050 would bring schools in the top percentile of Louisiana in line with what is currently average exposure in well-to-do parts of Chicago, which is itself not pristine. Even this rate represents too long a road to clean air.

The Public Health Benefits of Decarbonization

Decarbonization creates enormous opportunities for public health benefits over and above the enormous benefits of climate-change mitigation. Using conventional monetization of lives saved and health harms averted, the co-benefits of the reduction in fossil fuel combustion for the incidence and severity of asthma, COPD, coronary health, and other disorders related to pollution exposure are of similar magnitude to the benefits of climate stabilization.[31] The magnitude of co-benefits implies that decarbonization benefits are about twice as large as typically estimated. Additionally, the benefits of reducing co-pollutant emissions will be enjoyed immediately, unlike the climate-stabilization benefits which will be largest later in the century. Better policy design can realize the potential of this double benefit and ensure that its fruits are enjoyed broadly and equitably.

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[28] Dylan Baddour. New Map Shows $29 Billion in Climate and Environment Grants Canceled or Frozen by Trump. *Inside Climate News*. September 17, 2025 https://insideclimatenews.org/news/17092025/trump-stops-29-billion-in-grants-for-environment-climate-renewable-energy/

[29] Tsai, S. P., K. M. Cardarelli, J. K. Wendt, and A. E. Fraser. "Mortality patterns among residents in Louisiana's industrial corridor, USA, 1970–99." Occupational and environmental medicine 61, no. 4 (2004): 295-304.

[30] Air Toxics at School, Corporate Toxics Information Project, Political Economy Research Institute, https://grcon-nect.com/tox100/schoolry2022/index.php?school_name=&city=&state=&state_sum=LA&search=yes (Visited April 12, 2026).

[31] Dedoussi, Irene C., Florian Allroggen, Robert Flanagan, Tyler Hansen, Brandon Taylor, Steven RH Barrett, and James K. Boyce. "The co-pollutant cost of carbon emissions: an analysis of the US electric power generation sector." Environmental Research Letters 14, no. 9 (2019): 094003.

Decarbonization via renewables, storage, and improved transmission, thus creates opportunities for improvements in local public health. The magnitude and distribution of the improvements will depend on the regulatory instruments used to effect decarbonization.[32] Cutting carbon and its co-pollutants near highly polluted and densely populated areas will yield larger total benefits.

Whether these are designated as Mandated Emission Reductions[33] or the Environmental Justice Guarantee,[34] specific requirements for immediate and continuing reduction in unjust environmental burdens should play a central role in decarbonization efforts. As envisioned, the Environmental Justice Guarantee would require that overburdened communities would see reductions in local co-pollutants, enforced by changes in permitting and refusal of new siting, no slower than the same rate that carbon would be phased down nationally, for example at 8 percent per year. In 24 years (by 2050), this reduction rate would reduce toxic burdens in overburdened communities to a small fraction of their current levels.

Cumulative burden assessment of permit renewals and permit expansions, discussed above, can play a key role in ratcheting up environmental quality and preventing backsliding as conditions improve.

Good neighbor agreements[35] and community benefit agreements[36] are negotiated instruments between neighborhoods, communities, unions, civic organizations, or municipalities and entities—private or public—that alter the local environment.[37] The agreements aim to establish clean, stable, and fair operations and terms of communication, access, and decision-making. In practice, enforcement has varied, and increasing longer-term accountability and enforceability, including penalties or clawbacks in the case of violation, is a high priority for the future development of these types of agreements. The Louisville Charter for Safer Chemicals is a far-seeing example of establishing standards and agreements for improving corporate environmental and environmental-justice performance.[38]

Conclusion

A Clean and Safe Environment for All policy is founded on the universality of the right to environmental protection and recognition that this right is violated by the persistence of environmental injustice; uneven, stratified, and unfair exposure to environmental bads and unfair access to environmental goods; and inclusion deficits in environmental decision making.

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[32] Diana, Bridget, Michael Ash, and James K. Boyce. "Just decarbonization? Environmental inequality, air quality, and the clean energy transition." Industrial and Corporate Change 32, no. 2 (2023): 304-316.
[33] Sheats, Nicky. "Achieving emissions reductions for environmental justice communities through climate change mitigation policy." Wm. & Mary Envtl. L. & Pol'y Rev. 41 (2016): 377.
[34] J. K. Boyce, M. Ash, B. Ranalli, *Environmental Justice and Carbon Pricing: Can They Be Reconciled. Global Challenges* 2023, 7, 2200204. https://doi.org/10.1002/gch2.202200204
[35] Lewis, Sanford, and Diane Henkels. "Good neighbor agreements: A tool for environmental and social justice." *Social Justice* 23, no. 4 (66 (1996): 134-151.
[36] Community Benefits Agreements Database, Sabin Center for Climate Change Law
Columbia Law School (visited April 5, 2026) https://climate.law.columbia.edu/content/community-benefits-agreements-database
[37] Benner, Chris, and Manuel Pastor. *Charging forward: Lithium Valley, electric vehicles, and a just future*. The New Press, 2024.
[38] The 10 planks of the Louisville Charter for Safer Chemicals, https://comingcleaninc.org/louisville-charter (visited May 21, 2026).

Even environmental improvements that will bring widespread shared benefits in the long run, such as decarbonization, need to be carefully planned and monitored in light of past and ongoing practices of environmental exclusion.

The passage of an enforceable Constitutional amendment guaranteeing the right to a clean, healthy, and safe environment is an important step, analogous to the commitments to civil rights, civil liberties, and education that underpinned the great social advances of the second half of the twentieth century. As with those other universal commitments, monitoring and measuring, in this case of environmental quality, and acting on this information, are crucial to making the right to a clean environment into a reality. We are not operating on a level playing field. Communities that have been overburdened with the pollution and waste - from Cancer Alley, Louisiana, to Camden, New Jersey, to East Palestine, Ozhio - should receive immediate protection from further damages and top priority for relief in energy, industrial, transportation, and policy.

*For more information on this topic, including the **Policy Brief**, please visit our policy page.*

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