

JOB KILLER

April 3, 2024

TO: Members, Assembly Natural Resources Committee

**SUBJECT: ACA 16 (BRYAN) ENVIRONMENTAL RIGHTS
HEARING SCHEDULED – APRIL 8, 2024
OPPOSE/JOB KILLER – AS INTRODUCED – JANUARY 25, 2024**

The California Chamber of Commerce respectfully **OPPOSES ACA 16**, as introduced on January 25, 2024 as a **JOB KILLER**. While well intentioned, this measure would have far reaching and unintended negative consequences that would impair government operations, stunt development for new housing, infrastructure, and clean energy projects and destabilize the California economy.

ACA 16 Undermines State and Local Government

Enshrining into the State's Constitution a general right to clean air and clean water is unnecessary. California's environmental laws and regulations designed to ensure clean air and water are the strongest in the nation. From the California Environmental Quality Act (CEQA) to the Porter-Cologne Act, from Proposition 65 to cap and trade and zero emission vehicle mandates, California is aggressively leading on climate, renewable energy, extended producer responsibility and water quality related issues. It is therefore unclear what new substantive protections, if any, this new constitutional right provides Californians that is not already being afforded under existing local, state, and federal environmental laws and regulations.

What is clear, however, are unintended negative consequences resulting from the placement of such rights in the State's Constitution. More than a mere redundancy, it lays the legal foundation to challenge virtually any state or local government infrastructure, energy, procurement proposal or housing project on the basis that any one of them threatens their new, and as yet undefined, general right. Layering a constitutional amendment on top of the extensive matrix of existing laws undermines their applicability and effectiveness in favor of an unworkable framework in which "no growth" would become the only option.

ACA 16 Would Likely Hinder Economic Development and the Development of Key Infrastructure Projects

The broad nature of the proposed language leaves it open to interpretation, which in turn will lead to increased litigation and slower economic development. **ACA 16** essentially ensures that government infrastructure, energy, and housing projects will be slowed down—if not altogether stopped—by litigation among competing interests. Just last year, the Legislature and Governor fashioned a statewide infrastructure permit streamlining initiative to ensure the state can meet its ambitious climate and energy goals. This measure is a complete reversal of that effort. Prioritizing the environmental concerns of the individual, by way of a new general right under the Constitution, over those of the general public whose concerns are protected through laws passed by the Legislature and executed by the executive branch, will have perverse negative outcomes where societal concerns will be left unaddressed. New affordable housing development projects could be delayed or stopped if air emissions associated with grading activities release air emissions or any wastewater discharge. The same is true for key transportation projects, such as High-Speed Rail, and for necessary clean energy development projects like solar farms, where any amount of project impact could be grounds to enjoin. **ACA 16** is without doubt well intentioned – but it still misses the mark.

ACA 16 Will Be Challenging to Implement

Implementation of this measure will be challenging at best. There is no widely accepted definition of "healthy environment". The poorly defined definition will make enforcement of **ACA 16** subjective and be left open to interpretation. This proposal also will undermine local land use decisions as well. Adding layers of restrictions to property owners will limit their ability to responsibly develop their land in a way that aligns

with current local land use guidelines. In many circumstances, local governments may find themselves unable to appropriately balance the needs of the community with the necessary environmental protections that would stem from this proposal. Rather than enshrining vague definitions into the Constitution, the Legislature should focus on policy that appropriately balances the health and safety of the community with economic growth.

ACA 16 Could be Economically Devastating

Given the state's current fiscal climate, the economic impacts of implementing **ACA 16** cannot be overstated. Compliance costs for the business community, for local governments and for the state will skyrocket, leading to higher taxes, decreased investments in California infrastructure and housing, and significant job losses. As the state continues to grapple with economic uncertainties, now is an especially bad time to burden taxpayers with additional costs and more litigation that will only serve to increase household expenses for California families. The Legislature should refrain from the massive and overly broad lever of this constitutional amendment in favor of more focused legislative policy that directly addresses any alleged environmental issues harming California's air or water.

For all of these reasons, we must strongly **OPPOSE ACA 16 (BRYAN)** as a **JOB KILLER**.

Sincerely,



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