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## NYS Senate Passes “Environmental Bill of Rights”

*Bill Amends State Constitution to Guarantee NYers the Right to Clean Air & Water*

Albany – Today, the New York State Senate again passed an amendment to the New York State Constitution that will [give all New Yorkers the right to clean air and water \(S.528\)](#). The amendment will add the following to Article 1 of the State Constitution: *“Each person shall have a right to clean air and water, and a healthful environment.”* It must pass both houses of the Legislature in two consecutive sessions before being voted on by the general public. The measure received first passage from both the Senate and Assembly in 2019 and now only awaits passage by the Assembly before going before voters this November.

Peter M. Iwanowicz, executive director of Environmental Advocates NY said, “Every New Yorker—regardless of the color of their skin, where they live, or how much money they have—has the right to clean air and clean water. That this basic truth does not appear in our Constitution is an omission we correct this year. We applaud the Senate for passing this ground-breaking legislation in the first days of session and look forward to the Assembly’s action and the opportunity for New Yorkers to vote this into the Constitution this November.”

In practice, this amendment will require government to consider the environment and its citizens’ relationship to it in all decision making. It also creates a powerful tool for combating environmental racism and rebalancing the inequities communities of color and low-income communities face from disproportionate exposure to pollution and other environment-harming practices.

Previously, [a number of diverse advocate groups](#), including the state AFL-CIO and NYS League of Women Voters have voiced their support for the Environmental Bill of Rights, saying that the amendment, “will prevent situations or conditions in which water becomes too polluted, air too dirty, land too contaminated, and natural landscapes too decimated to support healthy lives, including a healthy economy.”

Forty-three states have some form of expression of environmental values in their Constitutions; but only Montana and Pennsylvania have recognized protecting environmental rights as an inalienable right, putting environmental rights on par with other political and civil liberties. New York would be the third.

Senator Robert Jackson, Lead Sponsor said, “Today, by starting the process to add 15 words to the Constitution of our state, we have helped shape the future of New York: ‘Each person shall have a right to clean air and water and a healthful environment.’ This language will finally put in place safeguards that require the government to consider the environment and our relationship to the Earth in decision making. If the government fails in that responsibility, New Yorkers will finally have the right to take legal action for a clean environment because it will be in the State Constitution. I look forward to all of us continuing to work together to make environmental justice a reality for every person in our state.”

Senator Todd Kaminsky, Chair of the Senate Environmental Conservation Committee said, “Each and every resident of our State – no matter their income or zip code – deserves clean air and water. This bill will enshrine this self-evident truth in our State Constitution, and I look forward to seeing New Yorkers overwhelmingly approve it on the ballot this fall.

Senator Rachel May, Chair of Committee on Aging, Chair of Legislative Commission on Rural Resources, 53rd District (D-Onondaga, Madison, Oneida) said, “For too long we have treated clean air and clean water as privileges that have been denied to many, including those in poverty and in communities of color. My district lies in the ancestral lands of the Haudenosaunee Confederacy which, as a governmental system, holds a worldview whose underpinning is the very concept we voted on today - that clean air and water are fundamental rights and we therefore bear the duty of caring for our natural resources not just for ourselves but for future generations. I am very proud to see our laws in New York move closer to that world view with the passage of the Green Amendment bill today.”

Senator José Serrano, Chair of Majority Conference and Chair of Committee on Cultural Affairs, Tourism, Parks & Recreation said, “Every community deserves the right to clean water, land, and air, and I am heartened that today we voted to correct the omission of this most basic right in our State Constitution. As the current pandemic has shown, high environmental risk factors, like those in the communities I represent, can lead to devastating and wide-reaching health disparities. I look forward to New Yorkers voting on this issue in November, and to a cleaner, healthier New York.”

Assembly Member Steve Englebright, Chair of the Environmental Conservation Committee said, “I think it’s something that should be a part of being a citizen of this great state to know that you can grow up, raise a family, and pass on to the next generation a clean and healthful environment - it’s elementary. This legislation would amend the New York State Constitution to make clean air, water, and a healthful environment the right of every New York State citizen.”

Assembly Health Committee Chair and co-sponsor Richard Gottfried said, “New York has one of the most progressive State constitutions in the country, including explicit protections for public health and social welfare. This bill builds on it with strong environmental protections, particularly clean air and water requirements that are long overdue.”

“New York is on the forefront of the national movement to recognize environmental rights as fundamental inalienable rights deserving the same highest protection that is currently given to speech, religious, civil and property rights,” said Maya van Rossum, the Delaware Riverkeeper and founder of the organization [Green Amendments For The Generations](#), which is seeking to advance constitutional environmental rights nationally. van Rossum was also a lead plaintiff in the Pennsylvania case that secured constitutional environmental rights for the people of that state. “Constitutional Green Amendments ensure government officials are making informed decisions focused on protecting environmental rights from the beginning of the decision-making process when protection is best accomplished. Green Amendments are also powerful for advancing environmental justice protections by ensuring government officials are protecting the environmental rights of all people and are constitutionally prohibited from creating environmental sacrifice zones. Today’s vote was an important step towards the future of environmental protection,” added van Rossum.

Michael Barrett, Executive Director of the Adirondack Mountain Club said, “We thank the Senate for taking the lead to protect and respect the right to clean air and water for all people equally. The Green Amendment ensures that environmental impacts will be considered early in the process of government decision-making when prevention of pollution, degradation, and harm is most possible.”

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