



EANY SUPPORTS Environmental Bill of Rights



Memo #1

[A.1368 \(Englebright, et al.\)](#)

[S.528 \(Jackson, et al.\)](#)

Explanation:

This bill amends the Bill of Rights of the New York State Constitution by establishing a right to clean water, clean air and a healthful environment.

It is commonly thought that with all the environmental laws on the books, New Yorkers already have a right to drink clean water, breathe clean air and live in a healthy environment. While federal and state environmental laws are designed to manage pollution, clean up and remediate contamination, and conserve natural resources, these laws do not provide the highest legal protection available under the law. This legislation changes that by making these rights fundamental and inalienable, providing the same legal strength that we protect our rights to free speech, freedom of religion, due process or property.

This legislation is not just symbolic; it provides for an actionable right. Its inclusion in the State Constitution would provide procedural and substantive safeguards by requiring the government to consider the environment and our relationship to it in decision making. It is also a powerful and important tool for combating environmental racism and rebalancing the inequities communities of color and low-income communities have faced and continue to face from disproportionate exposure to highly polluting and environmentally degrading activities.

This amendment complements the provisions of the Conservation Article, Article XIV of the New York State Constitution, which protect the State's natural resources including its forest preserve and calls for the management of those resources to secure clean air and water.

Lastly, enshrining environmental rights sends the message that New York is a true environmental leader. While forty-three states have some expression of environmental values in their Constitutions, only Montana and Pennsylvania have recognized them as fundamental and inalienable.

Summary:

This bill amends Article I the Bill of Rights of the New York State Constitution to add a new section to establish Environmental Rights. The new text would read: "Each person shall have a right to clean air and water, and a healthful environment." Once this bill is passed by the Legislature, the people of New York will have the opportunity to vote for this Constitutional amendment by referendum in November 2021.
