Environmental Rights for all New Yorkers

This fall, New Yorkers have a historic opportunity to vote and add the right to clean air, water and a healthful environment to our State Constitution.

Millions of New Yorkers live in areas where chemicals and contaminants threaten water supplies, air pollution results in 6,000 premature deaths in our state each year and communities and critical wildlife habitats are threatened by development. Toxic chemicals in our water are making people sick, while air pollution triggers asthma and heart attacks, causes lung cancer, and leads to premature deaths. All of these impacts are disproportionately occurring in communities of color.

What is the Environmental Rights amendment?

The amendment is a simple 15-word addition to the Bill of Rights of the New York State Constitution, stating, “Each person shall have a right to clean air and water, and a healthful environment.”

The current New York Bill of Rights contains many of our most sacred civil liberties but nowhere is there a right to a clean and healthful environment. The inclusion of environmental rights would provide the same fundamental protections that are currently provided by our rights to free speech, freedom of religion, due process, and property. Establishing constitutional environmental rights for all New Yorkers ensures a strong legal foundation exists to sustain healthy lives and economies for current and future generations.

What impact would an Environmental Rights amendment have?

The Environmental Rights amendment is a value statement, decision-making framework, and an actionable right. Adding environmental rights to the State Constitution declares every New Yorker — regardless of the color of their skin, zip code, or how much money they have — has the right to clean air, clean water and a healthy environment. This amendment puts these rights in front of every decision government will make. For example, before a legislative body passes a law, a government agency issues a permit, or provides a grant, it will have to consider if doing so would violate a person's right to clean air or water. Decision-makers would be obligated to minimize pollution, degradation, and environmental harms. And if they fail to protect these environmental rights, this amendment could be used by the community, government, and business interests to protect themselves. In states where environmental rights are in place, the public benefits from enhanced legal standing in enforcement of environmental laws and consideration of public trust values.
As constitutionally required, the Environmental Rights amendment legislation passed the New York State Legislature in 2019 (first passage) and again in 2021 (second passage). Now, it is up to the voters to decide on November 2nd whether to add these rights to the State Constitution. The measure will appear as a question on the 2021 general election ballot.

Yes. The bill sending the measure to the voters enjoyed broad bipartisan support in the State Legislature. A recent internal poll of likely 2021 voters found support for this measure as high as 80 percent.

The actual ballot language will be prepared by the NYS Board of Elections in conjunction with the Attorney General and must be available 90-days prior to the election (August 4th). However, since the amendment text is so short, the question on the ballot is likely to be as simple as asking voters to vote yes or no to support adding a right to clean air and water and a healthful environment to the New York State Constitution’s Bill of Rights.

Environmental Advocates NY has created the ‘Vote Yes for Clean Air and Water’ campaign committee. This will be a diverse coalition coming together to secure a majority of voters in support of the Environmental Rights amendment. Please see our organizational commitment letter to join the movement to secure environmental rights in the State Constitution. We welcome all levels of support: forms.gle/AuCSeuL5NkTPmEBJ9

You can also simply add your individual name to our petition in support of Environmental Rights. If you want to volunteer to get involved in this campaign where you live, contact Joshua Cohen, Director of Campaigns, at jcohen@eany.org