S T A T E O F N E W Y O R K

8432--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 20, 2009

Introduced by M. of A. GIANARIS, COOK, DelMONTE, CAHILL, ESPAILLAT, STIRPE, LANCMAN, COLTON, JAFFEE, KOON, REILLY, FIELDS, PERRY, AUBRY, LIFTON, ROSENTHAL -- Multi-Sponsored by -- M. of A. BARRA, BRENNAN, GOTTFRIED, HYER-SPENCER, LUPARDO, MAGEE, McDONOUGH, McENENY, MENG, SALADINO, THIELE -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The opening paragraph of subdivision 1 of section 1-0101 of the environmental conservation law is designated paragraph a and a new paragraph b is added to read as follows:

B. IT IS FURTHER THE POLICY OF THE STATE OF NEW YORK THAT ALL PEOPLE, REGARDLESS OF RACE, CULTURE, NATIONAL ORIGIN, INCOME OR COMMUNITY OF RESIDENCE, SHALL BE TREATED EQUALLY WITH RESPECT TO THE DEVELOPMENT, IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAWS, REGULATIONS AND POLICIES. IT IS A BASIC RIGHT OF ALL NEW YORKERS TO LIVE AND WORK IN SAFE, HEALTHFUL, PRODUCTIVE AND AESTHETICALLY AND CULTURALLY PLEASING SURROUNDINGS. THIS POLICY OF ENVIRONMENTAL JUSTICE IS BASED ON THE CONCEPT OF FUNDAMENTAL FAIRNESS THAT ALL PEOPLE SHOULD BE FREE FROM ANY DISPROPORTIONATE EXPOSURE OR RISK OF EXPOSURE TO POLLUTION, AND FROM THE CUMULATIVE NEGATIVE IMPACTS RESULTING FROM THE DISPARATE CONCENTRATION OF POLLUTED SITES OR ENVIRONMENTAL FACILITIES LICENSED, REGULATED OR APPROVED BY STATE AGENCIES, NOR SHOULD PEOPLE BE DEPRIVED OF LOCALLY ACCESSIBLE OPEN SPACE OR OTHER ENVIRONMENTAL BENEFITS DUE TO LACK OF POLITICAL OR ECONOMIC STRENGTH.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD11368-04-9

S 2. The opening paragraph of subdivision 3 of section 1-0101 of the environmental conservation law is amended to read as follows:

It shall further be the policy of the state to foster, promote, create and maintain conditions under which [man] PEOPLE and nature can thrive in harmony with each other, and achieve social, economic and technological progress for present and future generations by:

S 3. This act shall take effect immediately.