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2011-2012 Regular Sessions

I N   S E N A T E

January 14, 2011
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Introduced by Sen. GIANARIS -- read twice and ordered printed, and when
  printed to be committed to the Committee on Environmental Conservation

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

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

 1   Section 1. The opening paragraph of subdivision 1 of section 1-0101 of
 2 the environmental conservation law is designated paragraph a and a new
 3 paragraph b is added to read as follows:
 4   B. IT IS FURTHER THE POLICY OF THE STATE OF NEW YORK THAT ALL PEOPLE,
 5 REGARDLESS OF RACE, CULTURE, NATIONAL ORIGIN, INCOME OR COMMUNITY OF
 6 RESIDENCE, SHALL BE TREATED EQUALLY WITH RESPECT   TO   THE   DEVELOPMENT,
 7 IMPLEMENTATION AND ENFORCEMENT OF ENVIRONMENTAL LAWS, REGULATIONS AND
 8 POLICIES. IT IS A BASIC RIGHT OF ALL NEW YORKERS TO LIVE   AND   WORK   IN
 9 SAFE, HEALTHFUL, PRODUCTIVE AND AESTHETICALLY AND CULTURALLY PLEASING
10 SURROUNDINGS. THIS POLICY OF ENVIRONMENTAL JUSTICE   IS   BASED   ON   THE
11 CONCEPT OF FUNDAMENTAL FAIRNESS THAT ALL PEOPLE SHOULD BE FREE FROM ANY
12 DISPROPORTIONATE EXPOSURE OR RISK OF EXPOSURE TO POLLUTION, AND FROM THE
13 CUMULATIVE NEGATIVE IMPACTS RESULTING FROM THE DISPARATE CONCENTRATION
14 OF POLLUTED SITES OR ENVIRONMENTAL FACILITIES LICENSED, REGULATED OR
15 APPROVED BY STATE AGENCIES, NOR SHOULD PEOPLE BE DEPRIVED OF LOCALLY
16 ACCESSIBLE OPEN SPACE OR OTHER ENVIRONMENTAL BENEFITS DUE TO LACK OF
17 POLITICAL OR ECONOMIC STRENGTH.
18   S 2. The opening paragraph of subdivision 3 of section 1-0101 of the
19 environmental conservation law is amended to read as follows:
20   It shall further be the policy of the state to foster, promote, create
21 and maintain conditions under which [man] PEOPLE and nature can thrive
22 in harmony with each other, and achieve social, economic and technolog-
23 ical progress for present and future generations by:
24   S 3. This act shall take effect immediately.

       EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                        [ ] is old law to be omitted.
                                                        LBD04809-01-1