

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KAVANAGH, AUBRY, CAHILL, COLTON, COOK, JAFFEE, LIFTON, PERRY, ROSENTHAL -- Multi-Sponsored by -- M. of A. BRENNAN, GOTTFRIED, LUPARDO, MAGEE, McDONOUGH, ORTIZ, THIELE, WEISENBERG -- read once and referred 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 enforcement of environmental laws, regulations and policies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.