



2017 Memorandum in Support

Bill: A1811 by Assembly member Kavanagh
S3269 by Senator Parker

Title: An act to amend the environmental conservation law, in relation to granting private citizens the right to initiate civil enforcement actions for violations of such law.

The Adirondack Mountain Club (ADK) Strongly Supports this Legislation.

This bill creates the Private Environmental Law Enforcement Act, providing citizens with the right to bring civil action against those individuals and entities who have violated certain provisions of the state's Environmental Conservation Law (ECL). Injunctive and declaratory relief would be made available to citizens who have endured damage or are faced with potential harm by violations of a variety of ECL-regulated activities, including air pollution, inactive hazardous waste, drinking water pollution, solid waste facilities, mining site issues, and pesticide storage and application. The bill preserves the state's ability to bring action and ensures other enforcement powers are not weakened by this measure. This bill also guards against frivolous lawsuits and prohibits citizen recourse if legal action has been or is initiated by either the Department of Environmental Conservation (DEC) or the state's Attorney General.

With New York State environmental agency's seeing flat budgets for multiple years under the current administration's fiscal policy, it becomes increasingly difficult for state agencies to monitor environmental impacts, enforce laws and regulations, and to protect clean air, water, and ecosystems on which we all depend. This legislation will allow citizens to protect their right to clean air and water by creating access to the courts to enforce these laws when the state either fails to enforce these laws or is unable to do so because of a lack of resources. A1811 facilitates the ability of New Yorkers to protect their families and communities by ensuring that laws and regulations that protect New York's environment are followed. Passage of this law is particularly important in 2017 because changes in environmental policy at the federal Environmental Protection Agency may result in the cutting or elimination of federal grants to the states to enforce clean air and water laws.

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