

2018 Memorandum in Support

Bill: A2064 by Assembly member Englebright, S2072 by Senator Carlucci

Title: CONCURRENT RESOLUTIONS OF THE SENATE AND ASSEMBLY proposing an amendment to article 1 of the constitution, in relation to the right to clean air and water and a healthful environment.

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

This proposal would amend the State Constitution's Bill of Rights to include a right to clean air and water and a healthful environment. This proposal establishes for New Yorkers the constitutional right to clean air, clean water and a healthy environmental equivalent to other basic rights guaranteed in New York State's Constitution Article 1 Bill of Rights, such as, the right of freedom of worship and religious liberty, freedom of speech and the press, compensation for taking private property, equal protection of law, and security against unreasonable searches and seizures, among others. The basic human right to clean air and water and a healthful environment has been starkly absent from this list of constitutional protections, but recent threats to our water and air have reminded us that we cannot take for granted that these life sustaining elements will be protected. It is critical that we recognize the basic human rights to clean air and water and a healthful environment and detail these in the Article 1 Bill of Rights.

The great strength of this Constitutional Amendment is that it will provide greater assurance of sound decision making and improve actions that would otherwise harm New York Citizens and negatively impact air, water, and our environment. We believe this amendment would support citizen suits to enforce existing state and federal laws enacted to protect our environment.

Recent water contamination in New York State at Hoosick Falls and ongoing concerns about air quality have highlighted the importance of clean drinking water and air as well as the need for additional protections. Thirty- five states or commonwealths, including Pennsylvania, Hawaii, Massachusetts and Montana, have some form of "environmental rights" or expression of environmental values in their Constitutions, to ensure access to clean air and water. This proposed constitutional amendment would follow those models and ensure that clean air and water are treated as a fundamental right for New Yorkers.

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