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NYS Assembly Passes a Green Amendment

The Right to Clean Air & Water Now Up to NY Voters in November

Albany – Today, the New York State Assembly joined their Senate colleagues in passing A.1368/S.528, a bill to add environmental rights to Article 1 of the State Constitution: “Each person shall have a right to clean air and water, and a healthful environment.” The measure has now passed both houses of the Legislature during two consecutive sessions, (the bill previously passed both the Senate and Assembly in 2019) and will be placed on this year’s general election ballot in November.

The bill is sponsored by Assembly Environmental Conservation Committee Chair Steve Englebright and Senator Robert Jackson. If approved by voters, New York will be the third state to align environmental rights with political and civil liberties, such as freedom of speech and worship (the other two states are Pennsylvania and Montana).

More than 70 organizations recently [sent a letter](#) to the Legislature voicing support for the measure.

Peter M. Iwanowicz, Executive Director of Environmental Advocates NY said, “Does every New Yorker have a right to clean air and clean water? The State Legislature has again answered this question with an emphatic—YES. With the final passage of the Environmental Bill of Rights by the Assembly, New Yorkers will be able to answer this question for themselves in November. Until then, we look forward to working with all likeminded New Yorkers to ensure the right to clean air and water is finally included in our Constitution.”

Assembly Member Steve Englebright, Chair of the Environmental Conservation Committee and lead sponsor said, “The Assembly has made protecting the environment a top priority. All New Yorkers should have clean air to breathe, clean water to drink, and a healthy environment to live and work in. As the pandemic has vividly shown, our economy and our health are strongly linked. Today’s passage of the Environmental Bill of Rights means that this fall New York’s voters will decide if we will recognize clean air and clean water as a fundamental right in the state Constitution. I

thank my colleagues for supporting this important Constitutional amendment and look forward to New Yorkers voting YES in November.”

Assembly Health Committee Chair and co-sponsor Richard Gottfried said, “New York has one of the most progressive State constitutions in the country, including explicit protections for public health and social welfare. This bill builds on it with strong environmental protections, particularly clean air and water requirements that are long overdue.”

Mario Cilento, President of the New York State AFL-CIO said, “All New Yorkers deserve access to clean drinking water, clean air, and a healthy environment. If enacted, this constitutional amendment will enshrine those rights and in turn promote investment in water infrastructure and new energy technologies that will not only protect our environment but will create solid middle-class jobs in the process.”

“The second passage of the Green Amendment truly shows New York’s leadership in this national movement to constitutionally and equitably protect the environmental rights of all people,” **said Maya van Rossum, the Delaware Riverkeeper and founder of the organization Green Amendments For The Generations,** which seeks to advance constitutional environmental rights nationally. “Now it is up to the people. A Green Amendment is a powerful tool for both environmental protection and environmental justice, and the people have the power to codify their right to breathe clean air and drink clean water as an inalienable right on par with speech, religious, civil and property rights.”

Michael Barrett, Executive Director of the Adirondack Mountain Club said, “New York has furthered its commitment to protecting the right of all New Yorkers to clean air and water, and a healthful environment. Citizens will now have the opportunity to decide for themselves this November if they will add the right to clean air and water to New York’s Bill of Rights.”

Eddie Bautista, Executive Director of the New York City Environmental Justice Alliance said, “Every year, more than 6,000 New Yorkers, many of them in environmental justice communities, die prematurely because of the polluted air they breathe. Enshrining a right to clean air and clean water into our state Constitution will help empower those who suffer the effects of pollution and be another tool in the toolbox for those seeking justice.”

Senator Robert Jackson said, “By continuing the process to add 15 words to the Constitution of our state, we are helping shape the future of New York: ‘Each person shall have a right to clean air and water, and a healthful environment.’ If the voters approve it in November, this language will finally put in place safeguards that require the government to consider the environment and our relationship to the Earth in decision making. If the government fails in that responsibility, New Yorkers will finally have the right to take legal action for a clean environment because it will be in the State Constitution. I am confident the voters of New York will agree to adopt this environmental mandate into our Constitution in November.”

Senate Environmental Conservation Committee Chair Todd Kaminsky said, “All New Yorkers deserve clean air and water—and it is long past time we enshrine those rights in our State Constitution. I applaud Chairman Englebright for shepherding this crucial measure through the Assembly and look forward to seeing its overwhelming approval on the ballot this fall.”

Senator Rachel May said, "The 53rd Senate District sits on the ancestral lands of the Haudenosaunee Confederacy, whose government is based on care for the land and water and all life that depends on them. With this amendment, New York's laws will come closer to asserting that essential duty to care for each other and our collective future. I thank the Assembly for passing this bill today and I hope that all New Yorkers will support the amendment on the ballot this fall."

Senator Michelle Hinchey said, "Every one of us deserves to breathe clean air and drink clean water, and today, we are one step closer to enshrining these fundamental rights into our State Constitution. The resounding passage of the Green Amendment in the State Legislature is a critical part of our path toward a cleaner, healthier New York, and I have every confidence that voters will approve it on the ballot this fall."

Senator Jose Serrano said, "I am proud that my colleagues in the Assembly have taken steps today to enshrine a basic right to a healthful environment in our state Constitution. No one should be confined to a life of asthma, hypertension or other health maladies simply because of the block they were born on. This resolution, going to the voters in November, will help ensure that environmental protocols are protective of the public health and that overburdened communities receive equal protection."

Liam Smith, Director of Government Affairs at the New York Youth Climate Leaders said, "Climate change and environmental degradation are generational justice issues. Today's adults pollute our environment and their children shoulder the costs. All New Yorkers deserve a healthy environment, and this constitutional amendment will guarantee environmental equity for generations to come. New York Youth Climate Leaders praises the passage of the Environmental Bill of Rights and looks forward to the upcoming referendum."

Melissa Iachán, Senior Supervising Counsel, Environmental Justice Program of the New York Lawyers for the Public Interest said, "The second passage of this historic bill which sets up a critical amendment to our state constitution should be celebrated and commemorated by communities, advocates, and attorneys who have been working for environmental justice for decades. The passage of this bill sets up the amendment to be approved by the people of our state, imbuing each citizen with the explicit right to a healthful environment. Importantly, this gives lawyers fighting environmental racism an important new tool in our toolbox in supporting disadvantaged communities as they fight for justice. Our hope is that, by arming the people of New York state with this explicit right, all levels of government and other decisionmakers in the state will proactively take a more holistic and preventative approach when making decisions that impact overburdened communities of color."

To learn more about the New York Green Amendment movement, visit www.NYGreenAmendment.org.

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