



New York Farm Bureau  
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## MEMORANDUM OF OPPOSITION

**Senate Bill 5287 (Senator Carlucci) / Assembly Bill 6279 (Assemblyman Englebright)**

**RELATES TO THE RIGHT TO CLEAN AIR AND WATER AND A HEALTHFUL ENVIRONMENT**

**Date: 1/8/2018**

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New York Farm Bureau, the state's largest general farm advocacy organization, urges you to oppose the above referenced legislation. This legislation would establish a "self-executing right" for each person to have clean air, clean water, and a healthful environment.

There already exists many environmental protections under the state and federal law. Adding this "self-executing right" without any corresponding legislation will only bring uncertainty and will not increase environmental protections. In the case of a self-executed right, a court would have to determine if a party had breached an individuals' right to a healthful environment and what constitutes a healthful environment. Currently, there are laws that impose criminal penalties on parties that harm the environment. The self-executing rights do not contain criminal penalties.

The New York State Constitution includes a Conservation Article that endeavors to protect the environment and other states have adopted an environmental bill of rights although only a few have incorporated self-executing. States that have these self-executing rights must define what is healthful and how to apply the rights when it came to court decisions. This legislation would only add unclear, ambiguous regulation and ultimately have a negative impact on a process that already enforces environmental protections.

For these reasons, New York Farm Bureau respectfully requests your opposition to this legislation.