

ACT 195 - 2023

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a communication from the County Executive urging the adoption of the attached “Act declaring a policy of equitable treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.” This Act may be referred to as the “Equity in Environmental Legislation Act.”

Your Committee is advised that this Act provides additional protections to residents of the County of Westchester by affirming that all County residents must be treated equitably regarding the development and enforcement of environmental laws, regulations and policies. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equitable treatment of all residents of Westchester County under environmental law is a necessary step towards environmental justice.

Your Committee is further advised that in the County, New York State and across the nation, marginalized communities have been subjected to environmental harms through siting and development decisions that have generational impacts. Power plants, traffic corridors, waste sites and depots are all more likely to be sited in low income, immigrant communities and communities of color. In New York and Westchester County, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in both the County and State. This is a trend that can be reversed if equitable treatment is applied to all communities, in combination with a focus on mitigating past environmental harms in marginalized communities.

Your Committee is informed that by explicitly stating in this Act that the policy of Westchester County is to treat all residents equitably under environmental laws and policies, this policy can be used to guide decision-making in environmental issues. Laws, regulations and policies will need to take into account the mandate of equitable treatment with respect to such environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm.

Your Committee is further informed that this Act will ensure that the environmental philosophy and policy which guides the County of Westchester provides much needed environmental justice for all County residents. This legislation will also assert that all County residents, regardless of any identity, status or orientation will be treated equitably regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

Your Committee acknowledges that this legislation is patterned after proposed New York State legislation (S.1232, A.9057 of 2021-2022).¹ The State bill was endorsed for passage by Environmental Advocates NY, a nonprofit corporation dedicated to protecting the air, land, water and health of all New Yorkers. *See* attached memo.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning,

¹ The Senate passed the bill; the Assembly bill did not advance out of committee.

dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Based on the foregoing, your Committee recommends the passage of this Act.

Dated: 9/27/2023
White Plains, New York

David Bill Jones
Nancy Barr
Caleb Park
Vedat Janki

EEC

SDK/SCM-9-21-23

David Bill Jones
Nancy Barr
Caleb Park
Vedat Janki

HSHRE

COMMITTEE ON

Dated: September 27th, 2023
White Plains, New York

The following members attended the meeting remotely, pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

**HUMAN SERVICES, HUMAN RIGHTS
AND EQUITY**

David Duman
Walter R. Maher

**ENVIRONMENT, ENERGY &
CLIMATE**

David Duman

FISCAL IMPACT STATEMENT

SUBJECT: Equity in Environmental Leg

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Michael Dunn

Title: Senior Budget Analyst

Department: Budget

Date: September 27, 2023

Reviewed By: 

Budget Director

Date: 9/27/23

ACT NO. 195 - 2023

An Act declaring a policy of equitable treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. It is the policy of the County of Westchester that all people, regardless of group identity, including race, culture, national origin, income, gender identity or expression, disability, or community of residence, shall be treated equitably with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

§ 2. The County of Westchester shall foster, promote, create and maintain conditions under which people and nature can thrive in harmony with each other, and achieve climate resilience, social, economic and technological progress, including clean and renewable energy, for present and future generations.

§ 3. It is a basic right of all Westchester County residents to live and work in safe, healthful, productive and aesthetically and culturally pleasing surroundings.

§4. This policy of environmental justice is based on the concept of fundamental fairness that all people in the County of Westchester, should be free from:

- a. any disproportionate exposure or risk of exposure to pollution;

- b. any disproportionate burden from pollution; and
- c. the cumulative negative impacts resulting from the disparate concentration of polluted sites or environmental facilities licensed, regulated or approved by County agencies.

§5. No County resident should be deprived of locally accessible open space or other environmental benefits, including clean and renewable energy and climate resilience, due to lack of political or economic strength or lack of opportunity for participation and engagement in public processes.

§6. This Act shall take effect immediately.

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 195 - 2023, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on October 2, 2023, and approved by the County Executive on October 12, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 12th day of October, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

