

Environment, Energy & Climate

Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, September 27, 2023

2:30 PM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

Joint w/ HSHRE

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2023-189](#) **ACT-Equity in Environmental Legislation Act**

AN ACT declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester.

COMMITTEE REFERRAL: COMMITTEE ON ENVIRONMENT, ENERGY & CLIMATE AND HUMAN SERVICES, HUMAN RIGHTS & EQUITY

Guests:

Chief Deputy County Attorney Stacey Dolgin-Kmetz, County Attorney's Office
Senior Assistant County Attorney Shawna MacLeod, County Attorney's Office


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

May 1, 2023

TO: Hon. Nancy Barr, Acting Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **Act – Equity in Environmental Legislation Act.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 1, 2023 Agenda.

Transmitted herewith for your consideration and approval is an Act declaring a policy of equal treatment in the development and enforcement of environmental laws, regulations and policies in the County of Westchester, which may be referred to as the “Equity in Environmental Legislation Act.”

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 1, 2023 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 21, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Act declaring a policy of equal 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.”

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

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, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the poorest in the County and the State. This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating in this Act that the policy of Westchester County is to treat all residents equally under environmental laws and policies, this policy can be used to guide decision-making regarding environmental issues. Laws, regulations and policies will need to take into account the mandate of equal 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.

By requiring equal treatment under environmental laws and policies, this policy can be used to guide decision-making in the County. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which

will provide protection to disadvantaged communities that have been the targets of environmental harm.

In addition, 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 equally regarding the development, implementation and enforcement of environmental policies and regulations of the County of Westchester.

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.

This 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, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators.

In light of the aforementioned, I respectfully urge that your Honorable Board adopt the Equity in Environmental Legislation Act.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure

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



EANY SUPPORTS



Memo #7

Equity in Environmental Conservation Law

[A.9057 \(Galef, et al.\)](#)

[S.1232 \(Gianaris, et al.\)](#)

Explanation:

This bill provides additional protections to New Yorkers under the Environmental Conservation Law by affirming that all people must be treated equally regarding the development and enforcement of policies and regulations of environmental laws. Given the disproportionate burden of environmental harm that marginalized communities have historically faced, codifying equal treatment of all people under environmental law is a necessary step towards environmental justice.

In 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, the communities that suffer from the most air pollution have high populations of Black and Latino residents and are among the [poorest in the state](#). This is a trend that can be reversed if equal treatment is applied to all communities.

By explicitly stating that all people must be treated equally under environmental laws, the intent of the State is made clear and can be used to guide decision-making. Policies and regulations will need to take into account the mandate of equal treatment with respect to environmental regulations and policies at all levels which will provide protection to disadvantaged communities that have been the targets of environmental harm. This bill will ensure that the environmental philosophy and policy which guides the State of New York provides much needed environmental justice for all people.

Summary:

This legislation amends the Environmental Conservation Law, subdivision 1 of section 1-0101 by adding paragraph b to declare that all people regardless of any identity, status or orientation are treated equally regarding the development, implementation and enforcement of environmental policies and regulations of the state of New York.

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 equal 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 equally 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 equal 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 equal treatment is applied to all communities.

Your Committee is informed that by explicitly stating in this Act that the policy of Westchester County is to treat all residents equally 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 equal 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 equally 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: _____, 2023
White Plains, New York

ACT NO.

-2023

An Act declaring a policy of equal 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 equally 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 social, economic and technological progress 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; and

- b. 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 due to lack of political or economic strength.

§6. This Act shall take effect immediately.