

# NY state approves constitutional right to clean environment

November 4 2021

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Visitors enjoy Central Park in New York in May 2016.

The New York state constitution will be amended to say people have the right to clean air and water and a healthy environment, after voters said yes to the measure in a referendum that was part of local elections on Tuesday.

A total of 60.8 percent of voters approved the referendum question, compared to 27 percent against and 11.7 casting blank ballots, with 99 percent of state districts reporting. Supporters of the "yes" option are claiming victory.

Even though turnout was low—3.1 million people voted out of 12.3 million who were registered—[environmental activists](#) said the constitutional amendment is an important step. It came as the COP26 climate summit was underway in Glasgow, Scotland.

"We cannot take [clean water](#) and air for granted. For too long, our most vulnerable communities have been harmed by [high levels of air pollution](#) and [water contamination](#)," said Julie Tighe, president of the New York League of Conservation Voters.

Questions remain on whether this environmental right will be truly binding and opponents are already warning that it would create a legal quagmire that could slow down [economic development](#).

"The courts are going to have a big job ahead of them to sort out what exactly this means," said Peter Bauer, the director of environmental advocacy group Protect the Adirondacks, whose name refers to a vast mountain and lake area in upstate New York, although he did say the vote is a success for people who care about the environment.

Including rights linked to the environment in the constitution has become an issue in many countries.

In France, for instance, the government abandoned in July a bill that sought to guarantee protection of the environment and biodiversity and to fight [climate change](#) in a clause in the constitution, after it failed to win support in parliament.

The website Ballotpedia lists Pennsylvania as the first US state to include the environment in its constitution, in 1971. Five others followed—Hawaii, Illinois, Massachusetts, Montana and Rhode Island.

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