

# EJ COMMITTEE NEWSLETTER

NEW YORK STATE BAR ASSOCIATION  
May 2023

## EVENTS & MEETINGS

- **May 15, 2023 | 2:00 PM – 3:00 PM EST**  
Energy Insecurity & Energy Transitions:  
Obstacles & Opportunities – Webinar  
Institute for Policy Integrity at NYU  
[Register here](#)
- **May 19, 2023 | 8:30 AM - 5:00 PM EST**  
Key Environmental Issues in  
US EPA Region 2 – In person  
Columbia Law School  
[Register here](#)
- **June 29, 2023 | 12:30 PM EST**  
NYSBA - EJ Committee Meeting – Virtual  
[Link to follow](#)

## LITIGATION & LEGISLATION

Litigation asserting causes of action under New York State's Green Amendment (N.Y. Const., Art. 1, Sec. 19) has continued. Though we are yet to see clarity on its interpretation supporting constitutional challenges to governmental decisions impacting EJ communities.

- [Seneca Lake v. DEC](#) (Index # EF2022-0533, Tompkins County). PFAS-related petition dismissed for lack of standing.
- [Marte v. The City of New York](#) (Index # 159068/2022, New York County). SEQRA-related action dismissed as time-barred / Green Amendment is not retroactive.
- [People of the State of NY v. Norlite](#) (Index # 907689-22, Albany County). DJ action related to the operation of a hazardous waste incinerator. Motion to dismiss remains undecided.



Green Lakes State Park, Onondaga County – New York

## DID YOU KNOW?

- The [New York State FY 2024 Budget](#) was finally passed into law as of May 3, 2023. Among the climate-related provisions, of note are a \$400 Million Environmental Protection Fund, \$500 Million for Clean Water Infrastructure, and \$200 Million for State Parks. In addition, the budget includes 265 additional staff for state agencies to support the implementation of the \$4.2 billion Bond Act which directs investment of at least 35% of total funding towards disadvantaged communities.
- There was an [octopus in the parking garage](#). A vivid, albeit sad, example of climate change disruptions and infrastructure issues that left the octopus stranded in a Miami Beach Condo in 2016. Inspired by the true event, Rob Verchick, takes a forward-looking approach to climate change resiliency. The book emphasizes disadvantaged communities and provides powerful adaptation stories from across the country, arguing that building climate resiliency is a necessary step toward justice.
- The Occupational Safety and Health Administration (OSHA) on April 17, 2023 [denied](#) the February 9, 2023 [petition by seven Attorneys General](#) (including New York State) urging the agency to issue an emergency temporary heat standard by May 1, 2023 to protect workers from extreme heat hazards. OSHA stated that it is focused on developing a permanent federal standard although no timeline was given and instead, noted the states' discretion to issue their own emergency standards.
- Indigenous communities are the [unsung heroes of conservation](#). Indigenous groups own or manage 1/4 of the world's land and protect 80% of our planet's biodiversity. However, large-scale deforestation, industrial farming and mining happens on their lands, often without their informed consent putting these critical ecosystems at risk. In this article, the United Nations Environment Programme (UNEP) explores various global policies and advocacy initiatives seeking to secure the rights of Indigenous communities and protect their lands.

“We can't save the planet  
without uplifting the voices  
of its people, especially  
those most often unheard.”

- Leah Thomas