Senator Morahan Room 848 Legislative Office Building Albany, NY 12247

Senator Marcellino, Chair, Senate Environmental Conservation Committee Room 509, Legislative Office Building Albany, NY 12247

DATE

Dear Senators Morahan and Marcellino -

I am writing to voice my strong support for the Environmental Access to Justice Act (S.5182). The bill will restore the legislative intent of the State Environmental Quality Review Act (SEQRA) by allowing all New Yorkers to bring a claim when they allege an injury based on SEQRA. Its companion bill, A.1435, has passed in the Assembly.

In 1975, SEQRA was heralded as a visionary piece of legislation crafted to protect New York's water, land and air. The law provides fair and sensible rules to regulate environmental analysis when government entities undertake, approve, or fund projects that may have a significant impact on the environment.

Since the law's enactment, however, various court interpretations have severely limited concerned citizens' ability to challenge SEQRA decisions. The courts have effectively ruled that in order for a case to be considered, a plaintiff must a "special harm" test for standing. This special harm test requires that the plaintiff assert that he or she will suffer an injury that is different in kind or degree from the injury that will be suffered by the public at large – a difficult, if not impossible, standard to meet.

I urge you to turn your full attention to the Environmental Access to Justice Act and ensure its passage in the 2008 legislative session. Without your help, citizens throughout the state will be locked out of the courthouses and unable to challenge projects that could harm our environment.

Sincerely,

[NAME} {ADDRESS}