



New York Farm Bureau  
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# MEMORANDUM OF OPPOSITION

**Senate Bill 3269 (Senator Parker) / Assembly Bill 1811 (Assemblyman Kavanagh)**

**AN ACT TO AMEND THE ENVIRONMENTAL CONSERVATION LAW, IN RELATION TO GRANTING PRIVATE CITIZENS THE RIGHT TO INITIATE CIVIL ENFORCEMENT ACTION FOR VIOLATIONS OF SUCH LAW**

**Date: 6/5/2017**

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New York Farm Bureau, the State's largest general agricultural advocacy organization, urges you to oppose this legislation.

The proposed legislation would amend the environmental conservation law, granting private citizens the right to initiate civil enforcement actions for violations of the environmental conservation law. New York Farm Bureau is concerned that this type of proposal may go far beyond its intended initiative and provide the foundation for unnecessary legal involvement in issues and activities that are misinterpreted or misunderstood by an average citizen.

Under current law, alleged violations are referred to the Department of Environmental Conservation. If the complaint is legitimate, the Department proceeds with remedial actions and administers penalties, if warranted. Thus, the current system provides for a reasonable means to examine a complaint on its merits, in advance of soliciting remedy through the court system. The current mechanism avoids unnecessary legal harassment by incorporating environmental enforcement experts into the process.

Citizen suit legislation can be the foundation for a negative relationship between the farm community and the non-farm public. If enacted into law, this legislation could effectively become a legal hammer, precariously perched over agriculture's head, by individuals or groups of individuals who misinterpret, willfully or otherwise, established practices undertaken on farms. In addition, providing right of action to all state residents creates an unnecessary obstacle to reasonable settlement of disputes or clarification of practices, due to the inherent tension created by this legal mechanism.

It must be pointed out that citizens have other avenues within our state court system to address those issues which impact them, such as Article 78 actions to compel DEC to enforce environmental law.

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Private actions for nuisance, trespass, or negligence could be undertaken for injunctive and declaratory relief to stop harmful practices. Section 1300-C of the Public Health Law also provides for county involvement to stop agricultural activities that are a threat to the public health. The DEC has also established a hotline for citizens to report alleged environmental illegalities.

In conclusion, Farm Bureau identifies no benefit to environmental enforcement, or the development of consistent regulation, by enacting state citizen-suit legislation. We believe that it will particularly place farmers in grave jeopardy. We respectfully urge your opposition to this legislation.