



NEW YORK
CITY BAR

March 28, 2022

The Honorable Brenda Mallory
Chair
Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

Re: Support for a United Nations General Assembly Resolution Recognizing the Right to a Healthy Environment

Dear Chair Mallory:

On behalf of the New York City Bar Association (the “City Bar”), we write to request that the Biden Administration support a United Nations General Assembly resolution recognizing the right to a healthy environment. The City Bar, founded in 1870, is an independent, non-governmental organization with approximately 24,000 members including lawyers, judges, law professors, law students and government officials from the United States and over 50 countries. We have a long history of dedication to promoting the rule of law, reform of the law and access to justice in support of a fair society.

In September 2020, the City Bar issued a report supporting the formal recognition by the United Nations of the human right to a healthy environment.¹ As set forth in the report, the recognition of this right is imperative in an era where the harrowing effects of human activities on the natural world are increasingly palpable as a result of climate change, loss of biological diversity, air, water, and land pollution. As the report acknowledges, the current coronavirus pandemic is greatly exacerbated by environmental conditions. Vulnerable groups, who frequently bear the brunt of environmental injustices and suffer their consequences, are affected most by the pandemic. Further, the right to a healthy environment has been developing at international, regional and national levels, as treaty bodies, regional tribunals, special rapporteurs, and other international human rights bodies have elaborated on the fundamental importance of a healthy

¹ “Support for the Formal Recognition by the United Nations of the Human Right to a Healthy Environment,” Sept. 14, 2020, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/human-right-to-a-healthy-environment-un-formal-recognition>.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

environment for the full enjoyment of other human rights, such as the rights to life, health, food, water, and sanitation.

On October 8th, 2021, the United Nations Human Rights Council adopted Resolution 48/13, which recognizes the right to a healthy environment as a human right.² Additionally, in November 2021, in New York State, a statewide voter referendum passed an amendment to the New York State Constitution guaranteeing that “each person shall have the right to clean air and water, and a healthful environment.”³ As the City Bar report states, the time has come for the United Nations to acknowledge and amplify existing global efforts, and to explicitly advance the right to a healthy environment. A United Nations General Assembly resolution would advance this important notion that each and every human being has the right to live in an environment that supports a dignified and fulfilling life.

For all these reasons, we urge the United States to vote in favor of a resolution recognizing the right to a healthy environment when it is considered at the United Nations General Assembly.

We appreciate your consideration of this request.

Sincerely,

Bret Parker, Executive Director
New York City Bar Association

Susan Kath, Director
Environment Program, Cyrus R. Vance Center
for International Justice

Scott Caplan, Co-Chair
Doris Toyou, Co-Chair
African Affairs Committee

Michael A. Fernandez, Chair
Inter-American Affairs Committee

Viren Michael Mascarenhas, Co-Chair
Irit Tamir, Co-Chair
Business & Human Rights Working Group

Kenneth Rivlin, Chair
International Environmental Law Committee

Margaret Barry, Co-Chair
Bethany Davis Noll, Co-Chair
Environmental Law Committee

Ramya Jawahar Kudekallu, Chair
International Human Rights Committee

Clayton T. Cheney, Co-Chair
Catherine E. Van Kampen, Co-Chair
United Nations Committee

² See <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf?OpenElement>.

³ NYS Const. Art. 1, Sect. 19, <https://dos.ny.gov/system/files/documents/2022/01/Constitution-January-1-2022.pdf>.

Cc:

Hon. Antony Blinken, Secretary of State

Hon. Debra Anne Haaland, Secretary, Department of Interior

Hon. Thomas J. Vilsack, Secretary, Department of Agriculture

Hon. Michael S. Regan, Administrator, Environmental Protection Agency

Hon. Richard W. Spinrad, Administrator, National Oceanic and Atmospheric Administration

Hon. Richard Moore, Co-Chair, White House Environmental Justice Advisory Council

Hon. Peggy Shepard, Co-Chair, White House Environmental Justice Advisory Council

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