



SEQRA Standing Reform FAQ

1. What the SEQRA standing reform can accomplish:

This bill (A3510/S2798) would increase access to justice for individuals and communities challenging proposed projects or actions that threaten the environment and public health by removing overly restrictive judicial barriers.

Specifically, the bill would remove the "special harm" standing requirement created by the NY Court of Appeals in the 1991 decision *Society of Plastics Industry v. County of Suffolk*. This bill would remove these judicially created overly restrictive standing requirements and restore SEQRA standing to the traditional rule in which plaintiffs have standing if they can show they suffer a reasonable environmental injury caused by a proposed action.

2. Won't this flood the courts with frivolous court cases hindering more development?

No. There are 15 other states¹ with similar environmental quality review statutes that have not seen frivolous litigation. None of the courts in these other 15 states have created a similar standing requirement to decrease litigation; instead litigants must meet their normal state standing requirements. **If passed this bill would mirror how standing is granted at the federal level for challenges to the National Environmental Policy Act (NEPA).**

3. What will the cost be to local governments? No additional costs or unfunded mandates.

4. The *Save the Pine Bush* decision did not overrule the *Society of Plastics* decision.

Instead *Save the Pine Bush* stated the *Society of Plastics* decision: "does not hold, or suggest, that residence close to a challenged project is an indispensable element of standing in every environmental case." Therefore, the decision removed distance from a challenged action as an indispensable element in meeting the special harm standing requirement. But cases occurring after the *Save the Pine Bush* decision have continued to use the special harm standing requirement reiterating that a plaintiff must suffer "**a direct injury different from that suffered by the public at large**" in order to reach standing.

¹California, Connecticut, Georgia, Hawaii, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, North Carolina, South Dakota, Virginia, Washington, and Wisconsin