



February 2, 2024

WRITTEN TESTIMONY

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**Re: Joint Legislative Public Hearing on 2024 Executive Budget
Proposal: Topic Environmental Conservation**

Over the past 35 years, WE ACT has been combating environmental racism through community organizing in Northern Manhattan, and policy advocacy at the City, State and National Levels. We are a prominent leader in the national environmental justice movement as the co-chair of the White House Environmental Justice Advisory Council. As a member of the Climate Leadership Community and Protection Act's (CLCPA) Climate Justice Working Group (CJWG), we are deeply invested in ensuring spending and benefits go to the communities that have been hit hardest by climate and environmental injustice and environmental racism. WE ACT is focused on implementing the goals of the CLCPA scoping plan to ensure frontline communities are protected and receive their fair share of investments. I am testifying to point out some important points for funding:

Increasing Energy Affordability

We applaud the Governor for including the elimination of the 100-foot rule in her budget, which was one of the requirements in the New York Home Energy Affordable Transition (NY HEAT) Act S.2016A (Krueger) / A.4592A (Fahy), a bill with more than 70 sponsors. The long-outdated 100-foot rule, based on the obligation to serve, gave utilities an excuse to build unnecessary gas infrastructure and force New Yorkers to pay them more than \$200 million every year for it. But the Governor did not include the other part of NY HEAT, which would cap household energy bills at 6 percent for all families. This is important because New Yorkers with a low or moderate income and New Yorkers of color pay on average a disproportionately higher percentage of their household income on energy, and often live in older, less energy-efficient homes that require more energy to heat and cool. Failing to include this provision is really a disservice to the more than 1.2 million New Yorkers struggling with their energy bills this winter.



We need to expand funding by \$450 million to the Low Income Home Energy Assistance Program (LIHEAP), requiring the Office of Temporary and Disability Assistance (OTDA) to allocate the expanded funding to the Cooling Assistance Program to subsidize summer utility bill costs for low-income customers. Households of color pay more for their energy due to decades of racist environmental and housing policies. Extreme heat - especially when combined with high humidity - is the deadliest impact of climate change. But it does not impact everyone equally. For example, in New York City, Black residents are twice as likely to die from heat-stroke as white New Yorkers.

Healthy Affordable Housing

To improve the living conditions of residents, we need to prioritize healthy housing in the New York City Housing Authority (NYCHA). We're calling for \$10 billion for emergency capital improvements and operating expenses at NYCHA developments. The focus must be on fixing mold and pest issues while improving energy efficiency and reducing indoor air pollution through heat pumps and induction stove installations.

With the IRA, we urge the legislature to include a \$2 billion Green Affordable Pre-Electrification (GAP) Fund, which would address barriers to electrification that are not covered by other programs, such as hazard remediation, electrical upgrades, weatherization, energy efficiency, and an all-electric replacement for fossil fuel appliances at the end of their useful life. There is \$4.5 billion for state energy agencies to do building energy efficiency work in middle and low-income homes, and \$4.3 billion in a rebate program for the same objective. The beneficiaries of this fund will be low and moderate income households, building owners, and society at large.

Good Cause Eviction S305 (Salazar) / A4454 (Hunter) gives every tenant in New York State the right to a renewal lease and protections against unreasonable rent increases. This legislation will give unregulated tenants across the state much needed stability and prevent unjust real estate speculation in low-income neighborhoods. We urge you to prioritize this



key legislation to help low-income New Yorkers of color battle skyrocketing inflation and gentrification.

Preventing Childhood Lead Poisoning

The NYS Department of Health is in the process of adopting regulations to implement the Proactive Registry and Inspection Program that was adopted as Part T, now codified at NY Public Health Law section 1377. These regulations will better develop, administer, coordinate, and enforce the New York State Rental Registry and Proactive Inspection Program to Identify Lead Hazards. As part of this program, the State allocated \$10M to the Division of Housing and Community Renewal (DHCR) to fund lead abatement support for struggling landlords in the designated Communities of Concern. This funding should be renewed, and the Legislature should ensure that these funds are only available to landlords that have financial need and are engaging in abatement activities, which will eliminate lead as a long-term concern, and not just for efforts like maintaining painted surfaces. The State also allocated \$325,000,000 to facilitate testing for lead hazards, and to administer the program. These funds must also be present in the FY 2024-25 budget.

New York has no statewide system of mandatory proactive inspections of old housing likely to contain lead hazards. Instead, the state inspects homes for lead after children have already tested positive for lead poisoning, and relies on landlords to repair lead-poisoned housing – an often underfunded and inadequately enforced method. Childhood lead poisoning rates for communities across New York State are five to six times higher than those in Flint, MI at the peak of its water crisis. We need to support NY's Lead-Exposed Kids with \$50M for Local County Health Departments.

We believe a 10-year phase out of lead pipes across the whole state would be enough time to plan and execute the removal of all lead pipes around the state. In order to do this, there would need to be an additional \$4.5B or \$450M over 10 years in the budget through a combination of existing state funding streams (i.e., 2022 Clean Water, Clean Air, and Green Jobs Environmental Bond Act, Clean Water Infrastructure Act, Water Infrastructure Improvement Act, Drinking Water State Revolving Fund) as well as federal funding streams (i.e., American Rescue Plan Act (ARPA), Water Infrastructure Finance & Innovation Act, Water Infrastructure Improvements for the Nation). The funding sources are there; what we need is the political will to make this happen.



Unfortunately, New York leads the nation in cases of children with elevated blood levels. Twelve percent of the children born in the state in 2019 – 28,820 children – have been diagnosed with blood lead levels greater than 2 micrograms per deciliter. We urge the budget to include the Lead Paint Right to Know Act (S.88/A.1687), which ensures that testing homes for lead during the buying and selling stage happens and closes the loophole that allows property owners to avoid knowing their homes' lead status.

Getting Toxins Out of Our State

Exposure to the toxic chemicals in cosmetics and other personal care products have been linked to cancer, infertility, miscarriage, poor infant and maternal health outcomes, obesity, asthma, and many other serious health concerns. And rates of exposure and these impacts are disproportionately higher among people of color. That is why we support legislation that bans the worst toxic ingredients in personal care and cosmetic products, focused on those that are disproportionately harmful to women and people of color. We need to pass the Beauty Justice Bill this session S4265 (Webb) / A6969 (Glick) and increase funding to the New York State Children's Environmental Health Centers (NYSCHECK) by \$1M to \$5Million in funding.

Environmental Justice Protections

Appoint the 3-year late New York State Environmental Justice Advisory Group as mandated by law S.2385 (Parker) / A.1564 (Peoples-Stokes), which is an interagency council that will gauge and assess compliance with environmental justice policies.

Environmental justice communities are continuously burdened by the cumulative impacts of multiple hazardous environmental facilities being placed in their communities, and are given no power in determining the siting for facilities. For too long, the public have been shut out of the process for projects being placed in their neighborhoods. The Enhanced Public Participation Act S2510A (Ramos) / A.6584A (Gallagher) requires project applicants to provide a comprehensive plan to the DEC for public feedback on proposed facilities intended to be sited in disadvantaged communities.

Staffing the Department of Environmental Conservation



There is a significant need to increase staffing in the Department of Environmental Conservation (DEC). In particular, the Pollution Prevention Institute (NYSP2I) within the Division of Materials Management is vitally important because this unit is responsible for setting all regulations and managing enforcement for toxic chemicals. A few years ago, the State passed the Child Safe Products Act to take many toxic chemicals out of children’s products and toys. There is also legislation to regulate toxic chemicals in menstrual products, to ban toxins in personal care products, PFAS in apparel, to ban flame retardants in household items, and to regulate mercury in cosmetics. All this work is important to protecting people from cancer-causing and endocrine- disrupting toxic chemicals. Currently, Governor Hochul allocated \$4.6M for 2024 for the NYSP2I. The Just Green Partnership asks for \$7.5M for the NYS Pollution Prevention Institute (NYSP2I) each year. The budget proposal also outlines 231 new positions across the agency, but no commitment for NYSP2I specifically. There used to be 35 positions in the unit, but now there are only 7. We urge the legislature to specifically increase staff at the Department of Environmental Conservation to support six (6) new staff in the Pollution Prevention Unit (P2 Unit) to implement existing laws.

Furthermore, we urge \$5 million annually to DEC’s Air Pollution Control Program to provide for staffing, monitoring and work related to cumulative impacts with priority given to identified environmental justice communities in New York.

Increasing State Revenue for Environmental Justice Investments

In order to meaningfully invest in priority communities, we must ensure adequate resources are available not just in this budget but in future budgets as well. Stop-gap budgeting, which we’ve seen year after year in New York, might balance the 2025 fiscal year budget, but it also creates uncertainty in the near and long-term future. That’s why WE ACT for Environmental Justice supports the Invest in Our NY Act, which will generate tens of billions of public dollars annually, ensuring lawmakers can budget long-term and make deep, sustainable investments in our state’s essential programs and services. East Harlem faces many challenges – including heat vulnerabilities and flooding, social inequities such as homelessness and addictive disorders, and gentrification pressures in housing – and the extension of the 2nd Avenue subway should serve as a



catalyst to address these issues. We would like the state to take the lead on an East Harlem masterplan to revitalize this community and ensure its long-term, environmental, economic, and cultural health. We need long term solutions, like the Invest in Our NY Act, to ensure our budgets are stable and investing in our communities.

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